

# **Exmore Zoning Ordinance**

## **Town of Exmore, Virginia**

Prepared by:

### **Exmore Planning Committee**

David Scanlan, Chair  
Al Egan, Vice-Chair  
James Bailey  
Eileen Kirkwood  
Ruth Wise

For the:

### **Exmore Town Council**

Honorable Guy Lawson, Mayor  
Honorable David Scanlan, Vice-Mayor  
Honorable J. Grayson Duer  
Honorable Douglas W. Greer, Sr.  
Honorable Donald P. Kellam, Sr.  
Honorable Charles Massey, Sr.  
Honorable Charles G. Ward, Sr.

Exmore Town Zoning Ordinance as duly adopted by the Exmore Town Council in regular session and with amendments through *ADOPTION DATE*.

Certification: \_\_\_\_\_  
J. Guy Lawson, Mayor      ADOPTION DATE

Teste: \_\_\_\_\_  
Roberta King, Town Clerk      ADOPTION DATE

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shall be from and after its adoption by the Exmore Town Council, and its provisions shall be enforced thereafter until repealed or amended.

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**Article I - General Provisions**

I-1 Purpose and Authority to Zone. Whereas, by act of the General Assembly of Virginia as provided in Title 15.2, Chapter 22, Section 15.2-2280 through 15.2-2326, Code of Virginia (1950), as amended, the governing body of any county or municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape, and area as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

- A. The use of land, buildings, structures, and other premises for agricultural, commercial, industrial, residential, and other specific uses; and
- B. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures; and
- C. The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and
- D. The excavation or mining of soil or other natural resources.

Therefore, be it ordained by the governing body of the Town of Exmore, Virginia, for the purpose of promoting the health, safety, and/or general welfare of the public and of further accomplishing the objectives of Title 15.2, Chapter 22, Section 15.2-2200 of the Code of Virginia, that the following be adopted as the zoning ordinance of the Town of Exmore, Virginia, together with the accompanying map. This ordinance has been designed: (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive, and harmonious community; (4) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of

population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health, or property from fire, flood, panic, or other dangers; (7) to encourage economic development activities that provide desirable employment and enlarge the tax base; (8) to promote affordable housing; (9) to protect surface water and ground water; and (10) to be in accord with and to implement the goals, objectives and policies set forth in the Exmore Town Plan, as adopted by the Exmore Town Council.

I-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.

I-3 Ordinance Sets Minimum Standards. Whenever the standards set forth in this ordinance 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.

I-4 Town 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 Exmore of the suitability of such land or structure for developing or use.

I-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 the part so declared to be unconstitutional or invalid.

I-6 Non-exclusionary Intent. It is not the intent of this ordinance to exclude any economic, racial, religious or ethnic group from enjoyment of 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 of economic, racial, religious, ethnic groups nor 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 Exmore based upon family status, except as may be the incidental result of meeting the purpose outlined in Section I-1, herein.

I-7 Provisions for Official Zoning Map. The boundaries of the zoning districts are shown on the official zoning map of the Town of Exmore, 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 of the Town, whose signature shall be witnessed, and shall remain on file in the office of the Zoning Administrator and/or Town Hall 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.

1-7.1 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 maintained in the office of the Zoning Administrator and/or Town Hall.

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 or matter shown thereon except in conformity with the procedure 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 VII.

I-7.2 Replacement. In the event that any or all of the official zoning map 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.

I-7.3 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. Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.
- B. Boundaries indicated as parallel to or extensions of features indicated in subsection A above 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 VIII.

- 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 VIII.
- F. In case any territory has not been specifically included within a district or where territory becomes a part of the unincorporated area of the Town of Exmore by accretion or by detachment from any municipality or the dissolution thereof, such territory shall automatically be classified in the most restrictive contiguous district until otherwise classified.

I-8 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 or smaller rear yards, front yards, side yards, or other open spaces than herein required.
- 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. 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**

For the purpose of this ordinance, certain words and terms are defined as follows. Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.

II-1 Accessory Use or Structure: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building. This definition of accessory structure shall include satellite dishes.

II-2 Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

II-3 Administrator, The: The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

II-4 Adult Cabaret: A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specifies anatomical areas for observation by patrons therein.

II-5 Adult Media: Magazines, books, videotapes, movies, slides, cd-roms, dvds or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

II-6 Adult Media Store: An establishment that rents and / or sells media and that meets any of the following three tests:

1. Forty (40) percent or more of the gross public floor area is devoted to adult media.
2. Forty (40) percent or more of the stock-in-trade consists of adult media.
3. It advertises or holds itself out in any forum as “XXX”, “adult”, “sex”, or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater, or adult cabaret.

II-7 Adult Motion Picture Theater: Any establishment emphasizing or predominantly showing sexually oriented movies.

II-8 Agriculture: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping of animals and fowl, and including any agricultural industry or business such as fruit packing plants, dairies, or similar uses.



II-9 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.

II-10 Alteration: Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

II-11 Apartment House: A building used or intended to be used as the residence of three (3) or more families living independently of each other, with a total occupancy of no more than two persons per bedroom unit.

II-12 Automobile Graveyard: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found.

II-13 Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for purposes of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

II-14 Bed and Breakfast House: A dwelling where lodging and breakfast is 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.

II-15 Bedroom Unit Bedroom Unit is defined as one or more rooms within a dwelling unit designed, configured, and used solely as a bedroom for sleeping.

II-16 Best Management Practices (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.

II-17 Boarding House: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons, with a total occupancy of no more than two persons per bedroom unit.

II-18 Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.

II-19 Building, Accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

II-20 Building, Height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof, or to the mean height level between the eaves and

ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

II-21 Building, Main: The principal structure or one (1) of the principal buildings on a lot, or the building or one (1) of the principal buildings housing the principal use on the lot.

II-22 Cellar: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

II-23 Chesapeake Bay Preservation Area (CBPA): any land designated by the Town Council of the Town of Exmore pursuant to Part III (9 VAC 10-20-70, et seq.) of the Chesapeake Bay Preservation Act Regulations and Va. Code § 10.1-2107 and that are shown as such on the Town of Exmore's official Chesapeake Bay Preservation Area Map. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

II-24 Child Care Center: A licensed private establishment enrolling six or more children for a least six hours of the 24-hour day for a prearranged compensation, but not including nursery schools, kindergartens, or other facilities of which the purpose is primarily educational, recreational, or medical treatment.

II-25 Commission, The: The Joint Local Planning Commission of Northampton County, Virginia.

II-26 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.

II-27 Dairy: A commercial establishment for the manufacture and sale of dairy products.

II-28 Development: The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

II-29 Diameter at Breast Height (DBH): The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

II-30 Display Publicly: The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily be seen and its content or character distinguished by normal unaided vision viewing it from the street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

II-31 District: Districts as referred to in the Code of Virginia, Title 15.2, Chapter 22, Section 15.2-2280.

II-32 Drainfield, Mass: A Type II Sewage Disposal System, as determined by the Virginia Department of Health, which will discharge effluent to a single absorption area or multiple absorption areas with or without combined flows such that:

- 1) The loading rate exceeds 1,200 gallons per day for any acre, or;
- 2) The disposal system contains more than 2,000 linear feet of percolation piping.

Detached single family residences with individual sewage disposal systems are exempt from this definition.

II-33 Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

II-34 Drive-thru Service: Offered by some eating establishments by serving food to customers that are in automobiles through a service window to an outside drive-through port.

II-35 Dump Heap (Trash Pile): Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a state highway, a residence, dairy barn, or food handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

II-36 Dwelling: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, travel trailers, manufactured homes, and mobile homes, with a total occupancy of no more than two persons per bedroom unit.

II-37 Dwelling, Multiple-Family: A structure arranged or designed to be occupied by more than one (1) family, with a total occupancy of no more than two persons per bedroom unit.

II-38 Dwelling, Single-Family: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit, with a total occupancy of no more than two persons per bedroom unit.

II-39 Dwelling, Two-Family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units with a total occupancy of no more than two persons per bedroom unit.

II-40 Dwelling Unit: One (1) or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen, with a total occupancy of no more than two persons per bedroom unit.

II-41 Establishment: Any business regulated by this ordinance.

II-42 Explicit Sexual Material: Any hard-core material.

II-43 Family:

1. An individual, or;
2. Two (2) or more persons related by blood, marriage, adoption, or guardianship, plus not more than two (2) unrelated persons living together as a single housekeeping unit in a dwelling or dwelling unit, or;
3. A group of not more than four (4) persons not related by blood, marriage, adoption, or guardianship, plus not more than two (2) unrelated persons living together as a single housekeeping unit in a dwelling or dwelling unit.
4. The limitations implicit in this definition shall be applicable to dwelling units in all zoning districts.

II-44 Frontage: The minimum width of a lot measured from one (1) side line to the other along a straight building setback line as defined as required herein.

II-45 Garage, Private: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.

II-46 Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.

II-47 Golf Course: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

II-48 Golf Driving Range: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

II-49 Governing Body: The Town Council of Exmore, Virginia.

II-50 Gross Public Floor Area: The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether of not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

II-51 Guest Room: A room which is intended, arranged, or designed to be occupied, or which is occupied, by one (1) or more guests paying direct or indirect compensation thereof, but in which no provision is made for cooking. Dormitories are excluded.

II-52 Hard-Core Material: Media characterized by sexual activity that includes one or more of

the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of a male ejaculation.

II-53 Highly Permeable Soils: Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid: and "very rapid") as found in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soils Conservation Service.

II-54 Historical Area: An area indicated on the zoning map to which the provisions of the ordinance apply for protection of a historical heritage.

II-55 Home Garden: A garden in a residential district for the production of vegetables, fruits, and flowers generally for use and/or consumption by the occupants of the premises.

II-56 Home Occupation: Any occupation or profession carried on in a dwelling unit or on the premises thereof, provided that:

- A. No more than one other 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 (25) percent of the floor area of the dwelling unit or twenty-five (25) 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 (4) square foot in area, non-illuminated.
- D. There shall be no sales, other than items handcrafted on 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 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, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In the case of the

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 line voltage off the premises. Bed and breakfast houses, boarding and rooming houses, tourist homes and private education institutions, the conducting of a beauty or barber shop with more than two (2) operators, tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, real estate office, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.

II-57 Hospital: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanatoriums; but in all cases excluding institutions primarily for mental patients, epileptics, alcoholics, or drug addicts (certain nursing homes and homes for the aged may be "home occupations" if they comply with the definition herein).

II-58 Hospital, Special Care: A special care hospital shall mean an institution rendering care primarily for mental patients, epileptics, alcoholics, or drug addicts.

II-59 Hotel: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

II-60 Hydric Soils: Soils that are wet frequently enough to periodically produce anaerobic conditions thereby influencing the species composition or growth or both of plants in those soils.

II-61 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.

II-62 Institutional Use: For the purpose of this ordinance institutional uses shall be defined as those uses that pertain to government or education.

II-63 Junk Yard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

II-64 Kennel: Any place in which more than three (3) dogs, more than six (6) months of age are kept, or any number of dogs are kept for the purpose of sale or rental or in connection with boarding, care, or breeding, for which any fee is charged.

II-65 Lingerie Modeling Studio: An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

II-66 Livestock Market: A commercial establishment wherein livestock is collected for sale and

auctioned off.

II-67 Lot: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

II-68 Lot Coverage: The impervious area of any lot or parcel including but not limited to buildings, roads, drives, parking areas, sidewalks, patios, decks, etc.

II-69 Lot, Corner: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.

II-70 Lot, Depth of: The average horizontal distance between the front and rear lot lines.

II-71 Lot, Double Frontage: An interior lot having frontage on two (2) streets.

II-72 Lot, Interior: Any lot other than a corner lot.

II-73 Lot, Width: The width of any lot at the setback line, calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or angles, then the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the said curve or angle setback line.

II-74 Lot of Record: A lot which has been recorded in the Clerk's Office of the Circuit Court Northampton Virginia.

II-75 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.

II-76 Manufactured Home: Manufactured home means a structure subject to federal regulation, 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 utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

II-77 Manufactured Home Park or Subdivision: Any area designed to accommodate two (2) or more manufactured homes intended for residential use where residence is in manufactured homes exclusively.

II-78 Mass Drainfield: Sewage Disposal Systems which meet the following definition, are considered mass drainfields:

A sewage disposal system which will discharge effluent to a single absorption area or multiple absorption areas with or without combined flows such that:

- 1) The loading rate exceeds 1,200 gallons per day for any acre, or
- 2) The disposal system contains more than 2,000 linear feet of percolation piping.

Detached single family residences with individual sewage disposal systems are exempt from this definition.

II-79 Massage Studio: An establishment offering massage therapy and / or body work by a certified massage therapist licensed under Code of Virginia Section 54.1-302 or under direct supervision of a licensed physician.

II-80 Media: Anything printed or written, or any picture, drawing, photograph, motion picture, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, dvds, other magnetic media and undeveloped pictures.

II-81 Media Shop: A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop shall be treated as a media outlet. See special conditions in Section III-8.3-C for media shops in which adult media constitute more than 10 percent but less than 40 percent of the stock in trade or occupy more than 10 percent but less than 40 percent of the floor area.

II-82 Modular Home: A home constructed at the manufacturers facility and towed on a highway in section for assembly at a site; not a manufactured home.

II-83 Motor Home: Every private motor vehicle with a normal seating capacity of not more than ten persons, including the driver, designed primarily for use as living quarters for human beings.

II-84 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.

II-85 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.



II-86 Nonconforming Structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, or other area regulations of this ordinance, or is designed or intended for a use 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.

II-87 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.

II-88 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.

II-89 Noxious Weeds: Weeds that are difficult to control effectively, such as Johnson grass, Kudzu, and multiflora rose.

II-90 Office: For the purpose of this ordinance offices are defined as a building, room or suite in which services, clerical work, professional duties or the like are carried out.

II-91 Parapet Wall: A low wall extending above the front roofline of a building.

II-92 Parking Space: A permanently paved area with an all weather surface, enclosed or unenclosed, sufficient in size to store one (1) standard size automobile, together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

II-93 Parking Area, Off-Street: Parking space (as defined in II-91) provided for vehicles outside the dedicated street right-of-way.

II-94 Plan of Development: The process for site plan or subdivision plat review to ensure compliance with Title 10.1, Chapter 21, Section 10.1-2109 of the Code of Virginia, and, from this Zoning Ordinance, Section III-9.13, and Article XII, prior to any clearing or grading of a site or the issuance of a building permit.

II-95 Primary Live Entertainment: On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

II-96 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 (Title 10.1, Chapter 5, Section 10.1-560 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (Section Title 10.1, Chapter 6,

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.

II-97A. Public Utilities, Class A: Poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.

II-97B. Public Utilities, Class B: Transmission lines, transmission towers, and electrical substations.

II-97C. Public Utilities, Class C: Facilities for the generation of electrical power for sale to the public or to electrical cooperative customers.

II-98 Public Water and Sewer Systems: A water or sewer system owned and operated by the Town of Exmore or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

II-99 Recreational Vehicle: Vehicular-type structure designed as temporary living accommodations for recreation, camping, and travel use. There are four (4) basic types of recreational vehicles travel trailers, motor homes, truck campers, and camping trailers.

II-100 Redevelopment: The process of developing land that is or has been previously developed.

II-101 Required Open Space: Any space required in any front, side, or rear yard.

II-102A. Resource Management Area (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 degradation to a Resource Protection Area and the quality of state waters and that are shown on the Town of Exmore's official Chesapeake Bay Preservation Area Map.

II-102B. Resource Protection Area (RPA): That component of the Chesapeake Bay Preservation Area that includes lands adjacent to a water body with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or that are sensitive to impacts which may result in significant degradation to the quality of state waters and that are shown on the Town of Exmore's official Chesapeake Bay Preservation Area Map.

II-103 Restaurant: Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises, with or without drive thru service, and including, among other establishments, cafes, tea rooms, confectionery shops, or refreshment stands.

II-104 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 will serve as illustration: drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty shop.

II-105 Roadway: A dedicated strip of land or right-of-way subject to vehicular and/or pedestrian traffic providing means of access to a property, and further classified as follows:

1. Class I, Main Roads: U.S. Route 13 (Lankford Highway);
2. Class II, North/South Secondary Roads: State Rt. 600 (Seaside Road);
3. Class III, Neck Roads: Bayside Neck roads, including U. S. Route 183;
4. Class IV, Town Roads: All roads which are within the Town limits and all secondary roads within one-half (1/2) mile of the Town boundary;
5. Class V, Subdivision Roads: All roads within recorded subdivisions;
6. Class VI, Other Roads: All other named roads.

II-106: Sadomasochistic Practices: Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

II-107 Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based units. This definition includes, but is not limited to, satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

II-108 Sawmill: A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

II-109 Shopping Center: A group of retail commercial establishments, planned, developed and 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. A Neighborhood Shopping Center is designed to serve principally a residential neighborhood. A Regional Shopping Center is generally located on a major transportation corridor and designed to draw customers from a large geographic area.

II-110 Setback: The minimum distance by which any building or structure must be separated from the front lot line.

II-111 Sex Shop: An establishment offering goods for sale or rent and that meets any of the following tests:

1. The establishment offers for sale items from any two of the following categories: (a) adult media, (b) lingerie, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area.
2. More than 5 percent of its stock in trade consists of sexually oriented toys or novelties.
3. More than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

II-112 Sexually Oriented Business: An inclusive term used to describe collectively: adult cabaret; adult motion picture theater; video arcade; bathhouse; massage shop; and / or sex shop.

II-113 Sexually Oriented Toys or Novelties: Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

II-114 Sign: Any display of any letters, words, numerals, figures, device, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, where such display be made on, attached to, or as a part of a structure, surface, or any other thing including, but not limited to, the ground, any 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 one (1) square foot in area is excluded from this definition.

II-114.1 Business. A sign which directs attention to a product, commodity, or service available on the premises.

II-114.2 Home Occupation. A sign not exceeding four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.

II-114.3 General Advertising. A sign which directs attention to a product, commodity, or service not necessarily available on the premises.

II-114.4 Location. A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.

II-114.5 Directional. A directional sign which indicates the direction to which attention is called four (4) square feet or less in area, giving the name only of the farm or business responsible for the erection of same, one end of which may be pointed, or on which an arrow may be painted.

II-114.6 Identification. A sign, not exceeding sixteen (16) square feet in area, for the purpose of showing the name and use of a convent, monastery, seminary, church, country club, sanitarium, cemetery, children's home, orphanage, fraternal organization, hospital, or other similar establishment, when such use is permitted in a residence zone as specified in this article and such sign is erected or displayed on the property as identified.

II-115 Sign Structure: Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.

II-116 Sign, Temporary: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land. Temporary signs shall conform in size and type to directional signs.

II-117 Silviculture: Any forest management activity, including but not limited to the harvesting of timber, the construction of roads and trails for the forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silviculture best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

II-118 Specified Anatomical Areas: (1) less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

II-119 Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

II-120 Store: See Retail Stores and Shops, above.

II-121 Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, the space between the floor and the ceiling next above it.

II-122 Story, Half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

II-123 Street: A dedicated strip of land or right-of-way subject to vehicular and/or pedestrian traffic providing means of access to a property. See road (above).

II-124 Street Line: The dividing line between a street or road right-of-way and the contiguous property.

II-125 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.

II-126 Tourist Court, Motel, Cabins, or Motor Lodge: One (1) 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.

II-127 Tourist Home: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients.

II-128 Travel Trailer: Vehicular structure mounted on wheels which is designed as temporary living accommodations for recreation, camping, and travel use and can be easily towed by automobile or small truck and does not require special highway movement permits.

II-129 Truck Camper: Portable structure designed to be loaded onto or affixed to the bed or chassis of a truck. Designed to be used as temporary living accommodations for recreation, camping, and travel use.

II-130 Use, Accessory: A subordinate use customarily incidental to and located upon the same lot occupied by the main use.

II-131 Variance: A variance is a reasonable deviation, granted by the Board of Zoning Appeals, from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk, or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.

II-132 Video-Viewing Booth or Arcade Booth: Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to video or magnetic tape, laser disc, cd-rom, dvd, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

II-133 Water Body with Perennial Flow: A well defined water body with a channel and flow of water 365 days per year under normal conditions and flow, or a water body that is ponded 365 days per year under normal conditions; provided however, that farm ponds used for agricultural purposes shall not be deemed to be water bodies with perennial flow.

II-134 Wayside Stand, Roadside Stand, Wayside Market: Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or

his family on their farm.

II-135 Wetlands: Nontidal wetlands as defined in Title 28.2, Chapter 13, Section 28.2-1302 of the Code of Virginia (1950), as amended.

II-136 Wireless Communications Facility (WCF): Any un-staffed facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, transmission cables, equipment facilities, and a Support Structure.

II-137 Yard: An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

II-137.1 Front. An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

II-137.2 Rear. An open, space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

II-137.3 Side. An open, space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

## Article III - Districts

### III-1 Enumeration of Districts.

For the purpose of this ordinance, the incorporated area of the Town of Exmore, Virginia, is hereby divided into the following districts:

Residential	R-40	page 24
Residential	R-20	page 27
Residential	R-11	page 30
Residential, Mixed	R-M	page 33
Business, Downtown	B-D	page 36
Business, General	B-G	page 40
Commercial, Highway	C-H	page 44
Industrial, Limited	I-L	page 65
Agricultural	A-1	page 69
Chesapeake Bay Preservation Area Overlay District	CBPA	page 73



**Figure 1, Illustration of Lot and Yard Requirements**

### ***III-2 Residential District, R-40***

**III-2.1 Statement of Intent:** The R-40 District is intended to provide for low-density residential development where such development presently exists or where the Town wishes to encourage such development. This area is represented as R-40 on page 19 of the Town of Exmore, Virginia Zoning Ordinance and as Residential. The area is represented on the Town of Exmore Future Land Use Map.

**III-2.2 Permitted Principal Uses and Structures:** The following uses and structures shall be permitted as a matter of right in the "R-40" District, subject to the other requirements of this ordinance:

- A. Single-family dwellings, including summer homes, and modular and sectional dwellings, provided that residence therein shall be limited to two persons per bedroom.
- 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 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. Signs, subject to the provisions of Article IV hereof.
- F. Drainage, erosion, and flood control structures and devices.
- G. Public Utilities, Class A: Poles, lines, transformers, pipes, meters, and similar facilities; water and sewer distribution lines.
- H. Churches.
- I. Country Clubs, golf courses, boat landings, swim and tennis clubs.
- J. Mass Drainfields with Health Department approval.

**III-2.3 Special Exceptions:** The following principal uses and structures may be permitted as a special use in the R-40 District, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Day Care Centers.
- B. Rehabilitation and Group Homes or Centers.

- C. Public services, facilities such as firehouses, rescue stations, government offices, schools, parks, and postal facilities.
- D. Public Utilities, Class B: Public water and sewer transmission mains, trunk lines and treatment facilities, including pumping stations, 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 homes.
- F. Rooming and Boarding Houses.
- G. Inns, General, and Bed and Breakfast.
- H. Condominiums, subject to Article XIII hereof.
- I. Home occupations, as defined.

III-2.4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage: Lot coverage in the R-40 district shall not exceed thirty (30) percent of the area of the lot.
- B. Minimum Area - None required.
- C. Lot, Minimum Lot Size - Minimum lot size for permitted residential subdivision and dwellings shall be forty thousand (40,000) square feet.
- D. Lot Width - The minimum lot width shall be one hundred and fifty feet at the building site.
- E. Yard Requirements, Minimum Setbacks:
 

	<u>Primary</u>	<u>Accessory</u>
(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	35ft.	6 ft.
- F. Height, Maximum - The maximum height for dwellings shall be 35 feet.
- G. Corner Lots - Of the two sides of a corner lot, the front shall be deemed to be the shorter 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.

III-2.5 Off-Street Parking and Loading: Off-street parking shall be provided for the uses permitted in keeping with Article V hereof.

### ***III-3 Residential District, R-20***

**III-3.1 Statement of 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. This area is represented as R-20 on the Town of Exmore Zoning Map and is marked as Residential on the Town Of Exmore Future Land Use Map.

**III-3.2 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, and modular dwellings, provided that residence therein shall be limited to two persons per bedroom.
- 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 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. Signs, subject to the provisions of Article IV hereof.
- F. Drainage, erosion and flood control structures and devices.
- G. Public Utilities, Class A: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- H. Churches.
- I. Country Clubs, golf courses, boat landings, swim and tennis clubs.
- J. Mass Drainfields with Health Department approval.

**III-3.3 Special Exceptions:** The following principal uses and structures may be permitted as a special use in the R-20 District, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- 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. Public Utilities, Class B: Public water and sewer transmission mains, trunk lines and treatment facilities, including pumping stations, 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 homes.
- F. Rooming and Boarding Houses.
- G. Inns, General, and Bed and Breakfast.
- H. Condominiums, subject to Article XIII.
- I. Home occupations, as defined in Article II.

III-3.4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage: Lot coverage in the R-20 district shall not exceed forty (40) percent of the area of the lot.
- B. Minimum Area - None required.
- C. Lot, Minimum Lot Size - Minimum lot size for permitted residential subdivision and dwellings shall be twenty thousand (20,000) square feet.
- D. Lot Width - The minimum lot width shall be eighty feet at the building site.
- E. Yard Requirements, Minimum Setbacks:

	<u>Primary</u>	<u>Accessory</u>
(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.

- F. Height, Maximum - The maximum height for dwellings shall be 35 feet.
- G. Corner Lots - Of the two sides of a corner lot, the front shall be deemed to be the shorter 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.

- H. In cases where a home is to be 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.

III-3.5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article V hereof.

### ***III-4 Residential District, R-11***

**III-4.1 Statement of 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 is to be served with public or central water and sewer systems. This district is represented as R-20 on the Town of Exmore Zoning Map and as Residential on the Town of Exmore Future Land Use Map.

**III-4.2 Principal Permitted Uses and Structures:** The following uses and structures shall be permitted as a matter of right in the R-11 District, subject to the other requirements of this ordinance:

- A. Single-family and modular dwellings provided that residence therein shall be limited to two persons per bedroom.
- B. Public Utilities, Class A: Poles, lines, transformers, pipes, meters, and similar facilities; water and sewer distribution lines. (See Public Utilities in Article II hereof).
- C. Churches, as defined.
- D. Signs as permitted under Article IV hereof.
- E. Accessory uses and structures.
- F. Drainage, erosion, and flood control structures.
- G. Mass Drainfields with Health Department approval.

**III-4.3 Special Exceptions:** The following uses shall be permitted in R-11 District, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Day Care Centers and Nurseries.
- B. Public and private schools.
- C. Public Utilities, Class B: 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, provided that residence therein shall be limited to two persons per bedroom.
- F. Fire and Rescue stations.
- G. Funeral homes.
- H. Cluster development, subject to Article XIII hereof.
- I. Condominiums, subject to Article XIII hereof.
- J. Home occupations, as defined in Article II hereof.

III-4.4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage - Lot coverage in the R-11 District shall not exceed forty (40) percent of the area of the lot.
- B. Minimum Area - None required.
- C. 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 twelve thousand (12,000) square feet with either a public or central water or sewer system, but not both.
- D. Lot Width - The minimum lot width shall be eighty (80) feet at the building site, except corner lots which shall have a width of eighty-five feet.
- E. Yard Requirements, Minimum Setbacks

	<u>Primary</u>	<u>Accessory</u>
(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.
- F. Height, Maximum - The maximum height for dwellings shall be thirty-five feet.
- G. Corner Lots - Of the two sides of a corner lot, the front shall be deemed to be the shorter 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.
- H. 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.

III-4.5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article V, hereof.

### ***III-5 Mixed Residential District, R-M***

**III-5.1 Statement of Intent.** It is the purpose of this district to provide for the housing needs and tastes of a variety of people. Single-family, detached dwellings will be allowed, as will multi-family dwellings and townhouses in areas where residential development is recommended to occur by the Town of Exmore Town Plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote economical and efficient land use, appropriate and harmonious variety in physical development, creative design and a better environment. This area is represented as R-M on the Town of Exmore Zoning Map and as Residential on the Town of Exmore Future Land Use Map.

**III-5.2 Principal Permitted Uses and Structures.** The following uses shall be permitted subject to all the other requirements of this ordinance as a matter of right in Mixed Residential District (R-M).

- A. Single-Family Dwellings, provided that residence therein shall be limited to two persons per bedroom.
- B. Two-Family Dwellings, provided that residence therein shall be limited to two persons per bedroom.
- C. Multi-Family Dwellings, provided that residence therein shall be limited to two persons per bedroom, and not permitted with individual water and sewerage systems.
- D. Accessory Buildings, including satellite dishes.
- E. Schools.
- F. Churches.
- G. Parks and Playgrounds.
- H. Home Occupations.
- I. Public Utilities, Class A: poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section.
- J. Signs as permitted in Article IV.
- K. Mass Drainfields with Health Department approval.

**III-5.3 Special Exceptions.** The following uses shall be permitted in Mixed Residential District (R-M), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Child Care Centers.
- B. Public service facilities such as firehouses, rescue stations, and government offices.
- C. Funeral Homes.
- D. Bed and Breakfast Houses.

### III-5.4 - Area and Lot Regulations.

	Minimum Lot Area (Sq. Ft.)	Front Setback (Feet)	Side Setback (Feet)	Rear Setback (Feet)	Height Limit (Feet)	Minimum Lot Width (Feet)
Main Structures	12,000 <sup>8</sup>	50	8	35	35 <sup>4,5,6</sup>	75
Accessory Structures		50	5	5	15	75
Duplex Structures	9,000 <sup>1,8</sup>	50	12	35	40 <sup>4,5,6</sup>	
	20,000 <sup>2,8</sup>	50	12	35	40 <sup>4,5,6</sup>	110
	25,000 <sup>3,8</sup>	50	12	35	40 <sup>4,5,6</sup>	110
Multi-Family Structures	3,600 <sup>1,7,8</sup>	50	12	35	40 <sup>4,5,6</sup>	140
	5,500 <sup>2,7,8</sup>	50	12	35	40 <sup>4,5,6</sup>	140
	Not allowed <sup>3,8</sup>	--	--	--	--	--
Other Structures	25,000 <sup>8</sup>	75	20	35	40 <sup>4,5,6</sup>	110

<sup>1</sup> With public water and public sewage.

<sup>2</sup> With public water or public sewage but not both.

<sup>3</sup> With individual water and sewage facilities.

<sup>4</sup> The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

<sup>5</sup> A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

<sup>6</sup> Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennas, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

<sup>7</sup> Square feet per dwelling unit.

<sup>8</sup> Lot coverage for all types of R-M development shall not exceed 50% of the area of the lot.

### ***III-6 Business, Downtown District, B-D***

III-6.1 Statement of Intent. This district is intended to provide pedestrian oriented access to stores and services located in Downtown Exmore by encouraging the preservation and restoration of existing buildings to their original character of the early 1900's. Sidewalks, street lights, park benches, building facades, and parking lots are to be maintained to provide a friendly, welcoming atmosphere. This area is represented by B-D on the Town of Exmore Zoning Map and as Business on the Town of Exmore Future Land Use Map.

III-6.2 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. Public facilities such as firehouses, rescue stations, government offices, schools, parks, and postal facilities.
- E. Parking Garages and Lots.
- F. Libraries.
- G. Clothes Pressing and Cleaning Shops.
- H. Restaurants, enclosed.
- I. Signs as Permitted under Article IV 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, and blue print, photostat and similar reproduction and printing establishments.
- K. Stores for the retail sale or repair (or both) of household appliances, furniture, musical instruments, and sporting goods.
- L. Retail Sales Stores such as 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 furnishing and decorating 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; newsstand and similar retail establishments.

- M. Public Utilities, Class A: Poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities (Class A utilities, see Article II of this ordinance). Transmission lines, transmission towers, and electrical substations (Class B utilities, see Article II of this ordinance) are not deemed necessary facilities under this section.
- N. Radio Broadcasting and Television Stations and Studios.
- O. Theaters (indoor).
- P. Taxicab Stands.
- Q. Virginia ABC Stores.
- R. Health Spa Centers.
- S. Educational Institutions.
- T. Schools of Special Instruction.
- U. Child Care Centers.
- V. Community Centers.
- W. Drainage, Erosion and Flood Control Devices.
- X. Residential Apartments above stores.
- Y. Hotels and Motels.
- Z. Mass drainfields, with Health Department approval.

III-6.3 Special Exceptions. The following uses shall be permitted in Business, General District (B-G), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Welding and metal fabrication including the repair of farm, truck, automobile, fishing and household equipment conducted entirely within an enclosed structure, but excluding punch presses exceeding forty (40) tons.
- B. Fabrication; assembly or treatment of wood and plastic, including the manufacturing of furniture not to exceed 12,000 square feet in gross area.
- C. Gas or Service Stations and Car Wash Facilities, with or without convenience store.

- D. Bowling Alleys, Roller Skating and Ice Skating Rinks, Billiard Parlors and Pool Rooms, Dance Halls and similar forms of public amusement.
- E. Public Utilities, Class B: Public water and sewer transmission main trunk lines and treatment facilities, pumping stations; 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 Parlors, Homes.
- G. Craft Industry.
- H. Home Occupation, as defined in Article II.

III-6.4 Area Regulations. The minimum lot area for any permitted use shall be unrestricted.

III-6.5 Front Setback Regulations. The Front Setback shall be a minimum of fifteen feet. In cases where a business is to be built in an established business area, the minimum setback of fifteen feet may be waived and the setback line may be the average setback of business structures on either side of the proposed business site.

III-6.6 Yard Regulations. The following are the yard regulations for B-D districts:

- A. B-D uses that are adjacent to a residential district must have a minimum side yard of 10 feet and a minimum rear yard of 20 feet.

III-6.7 Height Regulations. Buildings may be erected to a height of 35 feet and two and one-half (2 1/2) stories, except that:

- A. Public utility structures, spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height and any accessory building over one (1) story in height shall be at least ten (10) feet from any lot line.
- C. A public or semipublic building such as a school, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

III-6.8 Access. Each main building shall front on a dedicated public street or a thirty-four (34) foot minimum width access easement.

III-6.9 Lot Coverage. Lot coverage in the B-D District shall not exceed eighty (80) percent of the area of the lot.



### **III-7 Business, General District, B-G**

III-6.1 Statement of Intent. This district is intended to provide for the conduct of general business which provides convenience, goods, and services to Town residents and those people living in close proximity to the Town and which is compatible with adjacent residential uses. This area is represented by B-G on the Town of Exmore Zoning Map and as Business on the Town of Exmore Future Land Use Map.

III-6.2 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. Public facilities such as firehouses, rescue stations, government offices, schools, parks, and postal facilities.
- E. Parking Garages and Lots.
- F. Libraries.
- G. Clothes Pressing and Cleaning Shops.
- H. Restaurants, enclosed.
- I. Signs as Permitted under Article IV 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, and blue print, photostat and similar reproduction and printing establishments.
- K. Stores for the retail sale or repair (or both) of household appliances, furniture, musical instruments, and sporting goods.
- L. Retail Sales Stores such as 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 furnishing and decorating 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; newsstand and similar retail establishments.
- M. Public Utilities, Class A: Poles, distribution lines, distribution transformers, pipes, meters,

and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities (Class A utilities, see Article II of this ordinance). Transmission lines, transmission towers, and electrical substations (Class B utilities, see Article II of this ordinance) are not deemed necessary facilities under this section.

- N. Radio Broadcasting and Television Stations and Studios.
- O. Theaters (indoor).
- P. Taxicab Stands.
- Q. Virginia ABC Stores.
- R. Health Spa Centers.
- S. Educational Institutions.
- T. Schools of Special Instruction.
- U. Child Care Centers.
- V. Community Centers.
- W. Drainage, Erosion and Flood Control Devices.
- X. Residential Apartments above stores.
- Y. Hotels and Motels.
- Z. Mass drainfields, with Health Department approval.

III-6.3 Special Exceptions. The following uses shall be permitted in Business, General District (B-G), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Welding and metal fabrication including the repair of farm, truck, automobile, fishing and household equipment conducted entirely within an enclosed structure, but excluding punch presses exceeding forty (40) tons.
- B. Fabrication; assembly or treatment of wood and plastic, including the manufacturing of furniture not to exceed 12,000 square feet in gross area.
- C. Gas or Service Stations and Car Wash Facilities, with or without convenience store.
- D. Bowling Alleys, Roller Skating and Ice Skating Rinks, Billiard Parlors and Pool Rooms,

Dance Halls and similar forms of public amusement.

- E. Public Utilities, Class B: Public water and sewer transmission main trunk lines and treatment facilities, pumping stations; 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 Parlors, Homes.
- G. Craft Industry.
- H. Home Occupation, as defined in Article II.

**III-6.4 Area Regulations.** The minimum lot area for any permitted use shall be unrestricted.

**III-6.5 Front Setback Regulations.** The Front Setback shall be a minimum of one hundred (100) feet on U.S. Route 13 (Lankford Highway) and *twenty (20) feet* on other roads. In cases where a business is to be built in an established business area, the minimum setback may be waived and the setback line may be the average setback of business structures on either side of the proposed business site.

**III-6.6 Yard Regulations.** The following are the yard regulations for B-G districts:

- A. B-G uses which use a side yard must have a minimum side yard of 10 feet.
- B. B-G uses that are adjacent to a residential district must have a minimum side yard of 10 feet and a minimum rear yard of 35 feet.

**III-6.7 Height Regulations.** Buildings may be erected to a height of 35 feet and two and one-half (2 1/2) stories, except that:

- A. Public utility structures, spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height and any accessory building over one (1) story in height shall be at least ten (10) feet from any lot line.
- C. A public or semipublic building such as a school or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

**III-6.8 Access.** Each main building shall front on a dedicated public street or a thirty-four (34) foot minimum width access easement.

**III-6.9 Lot Coverage.** Lot coverage in the B-G District shall not exceed eighty (80) percent of the area of the lot.

### ***III-7 Commercial Highway District, C-H***

**III-7.1 Statement of Intent.** The Commercial Highway District, C-H is intended to provide for a broad range of highway-oriented business and service uses while preserving and enhancing the safety, function, and capacity of the U.S. Route 13 corridor in the Town of Exmore. Sales or services may be on or off the premises, and may be characterized by relatively heavy vehicle and truck traffic and occasionally by other nuisance factors. As the Eastern Shore of Virginia's primary route for local and through traffic, U.S. 13 Route represents a significant community investment and contributes to the public health, safety, and welfare of the Town of Exmore. U.S. Route 13 provides access to jobs and schools, facilitates delivery of emergency services, and supports movement of goods and services. Furthermore, the U.S. Route 13 corridor serves as a first impression of the community for tourists and the traveling public and, as a safe and accessible highway facility, serves a vital economic development function. The C-H District is also intended to minimize the potential impact of highway-oriented development on existing and future residential areas. The C-H District is represented by Commercial Highway on the Town of Exmore Future Land Use Map and as Commercial Highway (C-H) on the Town of Exmore Zoning Map.

**III-7.2 Statement of Applicability.** The C-H District shall apply to all developments on land zoned C-H that abut U.S. Route 13 or other roads and that require site plan or subdivision review. These regulations shall also apply to redevelopment projects, as defined herein, which require site plan review. The C-H District shall complement the requirements of other regulations, which shall remain in effect. Wherever the requirements of the C-H District conflict with other regulations, the greater or more stringent standard shall apply. For the purposes of this ordinance, U.S. Route 13 shall mean the mainline highway and bypass sections, and shall not mean sections of Business Route 13.

For the purposes of this ordinance, large development projects such as shopping centers shall be considered individual development projects. Logical extensions of completed projects shall be subject to these regulations, regardless of whether they abut U.S. Route 13. For development or redevelopment subject to these regulations, all required plans may be submitted as a single plan, provided that all information is clearly shown to meet the requirements outlined herein.

To ensure adequate coordination with the Virginia Department of Transportation (VDOT) traffic improvements, no site plan or subdivision plat shall be approved without a written finding from the VDOT Resident Engineer that the proposed roadway, driveway, and circulation systems are consistent with VDOT state standards.

**III-7.3 Principal Permitted Uses and Structures.** The following uses shall be permitted by right within this district.

- A. Aerobic Studios.
- B. Animal Shelter, non-profit operation.
- C. Antique Shops, Enclosed.
- D. Appliance Repair.
- E. Archery Range, indoor.
- F. Auction Markets, Enclosed.
- G. Auto Body / Auto Painting Shops.
- H. Auto Repair Garage.
- I. Auto Service Stations with or without Convenience Stores.
- J. Banks / Financial Institutions.
- K. Barber / Beauty Shops (not as a Home Occupation).
- L. Baseball Hitting.
- M. Bed and Breakfast Inns.
- N. Boat Sales / Service / Rental.
- O. Bowling Alley.
- P. Broadcasting Studio, Radio and Television.
- Q. Building Material Sales, with Outside Storage.
- R. Bus or Rail Passenger Terminals.
- S. Carpet and Rug Cleaning.
- T. Car Wash.
- U. Convenience Stores.
- V. Country Clubs, not including Golf Courses.
- W. Dry Cleaning / Laundry.

- X. Electrical Repair Shop.
- Y. Farm Equipment Sales and Service.
- Z. Firing Range, Indoor.
- AA. Forestry (see Silviculture in Article II Definitions).
- BB. Funeral Homes.
- CC. Furniture Repair / Cabinet Making / Carpentry Shop.
- DD. Game Center, Coin Operated.
- EE. Garden Center or nursery.
- FF. Gas Station with or without Convenience Store
- GG. Golf Course, Public, Private, or Commercial.
- HH. Golf Driving Range and/or Miniature Golf.
- II. Greenhouse Sales, Retail with outdoor storage.
- JJ. Health Club / Spa.
- KK. Heavy Equipment Sales and Service.
- LL. Home Improvement Store, with or without outdoor storage.
- MM. Hunt club / lodges, Private or Commercial.
- NN. Laundromat.
- OO. Library.
- PP. Lumber Company, with or without outdoor storage.
- QQ. Mass Drainfields, with Northampton County Health Department approval.
- RR. Medical Clinics.
- SS. Meeting Facilities for Social, Fraternal, Civic, and similar organizations.
- TT. Miniature Golf.

- UU. Mobile & Modular Home Sales and Service
- VV. Motels and Hotels, 10 or more rooms.
- WW. Museums, public or private.
- XX. Newsstand, outdoors
- YY. Nursery / Daycare of Preschool children, 6 or less.
- ZZ. Nursery / Daycare of Preschool children, 7 or more.
- AAA. Nursing Homes / Retirement Facility.
- BBB. Office, Business.
- CCC. Office, Professional.
- DDD. Orchard / Vineyard.
- EEE. Ornamental Plant Nursery with Greenhouses.
- FFF. Photographic Studio.
- GGG. Playgrounds for Children.
- HHH. Plumbing Repair Shop.
- III. Pool / Billiard Room.
- JJJ. Post Offices.
- KKK. Printing, Lithography, or Publishing Establishments.
- LLL. Private Club with no outdoor facilities.
- MMM. Produce Stand.
- NNN. Public Safety Facilities –Police, Fire, Rescue Stations.
- OOO. Public Utility, Class A.
- PPP. Railroad Passenger Stations.
- QQQ. Recycling Collection Site.



- RRR. Refuse Collection Site, on-premise.
- SSS. Rental Tools & Equipment.
- TTT. Residential Care Facilities (for Medical / Mental Health patients).
- UUU. Resort Hotels with recreational amenities.
- VVV. Restaurant, with or without drive-thru service.
- WWW. Retail Establishments.
- XXX. Schools of Special Instruction.
- YYY. Shopping Centers and Outlet Centers.
- ZZZ. Skating Rink, Ice / Roller.
- AAAA. Social Club, private.
- BBBB. Swimming Pools.
- CCCC. Taxidermy Shop.
- DDDD. Temporary Recreational Event (10 days or less); e.g. carnival, ballooning, bungee jumping, tractor pulls, etc., with a permit from the Town of Exmore.
- EEEE. Tennis Courts.
- FFFF. Theater, indoor.
- GGGG. Vegetable Production.
- HHHH. Vehicle / Equipment Dealership with Sales, Service, and Rentals.
- IIII. Vehicle Rental Agency.
- JJJJ. Veterinary Clinics.
- KKKK. Vocational, Technical, and Industrial Trade Schools.
- LLLL. Wholesale Establishments with sales.
- MMMM. Wildlife Impoundment Ponds.
- NNNN. Wildlife Preservation Areas.

OOOO. Winery.

PPPP. Yard / Garage Sales, temporary 3 days or less.

III-7.4 Special Exceptions. The following uses shall be permitted in the Commercial Highway District (C-H), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Any commercial water use which exceeds 50,000 gallons in any one day or 300,000 in any consecutive thirty-day period
- B. Any commercial use that, in the opinion of the Zoning Administrator might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other means.
- C. Apartments, new construction.
- D. Churches or houses of worship, without on-site cemetery.
- E. Colleges / Universities.
- F. Condominium-type Ownership (see VA code).
- G. Dance Halls.
- H. Go-Kart Tracks.
- I. Home Occupations, as defined in Article II.
- J. Hospitals.
- K. Hunting Blinds.
- L. Mainstream Media Outlets with less than 10 percent sexually oriented material.
- M. Metal Fabrication and Welding Operations.
- N. Prefabrication of Wooden Buildings.
- O. Public Utility, Class B.
- P. Reclamation of Soil or Water, temporary, on-site.
- Q. Recreational or Social Events by a non-profit organization, temporary.

- R. Residential Care Facilities (for Medical / Mental Health patients).
- S. Restaurant, any with outdoors seating.
- T. Telecommunications Facilities –Radio, TV, Microwave, Cellular Telephone Antennas and Towers.
- U. Telephone Exchange, unmanned.
- V. Veterinary clinic, with kennels and boarding of animals.
- W. Yard / Garage Sales, more than 3 days or recurring. Permit from the Town of Exmore is required.

III-7.5 Area Regulations. The minimum lot area for any permitted use shall be unrestricted, except for Setback, Access, Lot Coverage, Open Space, Landscaping, and Parking requirements.

III-7.6 Setbacks and Yard Regulations. In order to preserve and enhance highway safety and efficiency, setbacks shall be provided for front, side, and rear yards on all developments subject to the C-H District. Setbacks shall remain free from all building facilities. Signs shall be permitted in setbacks, consistent with the regulations outlined herein.

Access driveways, drive aisles, parking areas, gas pumps, canopies, detention ponds, and similar structures and facilities are permitted within setbacks. For large developments such as shopping centers, setbacks shall apply to the full perimeter of the project, not to internal property lines. Specific setbacks, which shall be shown on site plans, shall be as follows:

A. Front Yard Setback:

U.S. Route 13: 100 feet from the right-of-way.

Other Roads: 40 feet from the right-of-way.

Side Yard Setback: 15 feet from the property line, except as noted in III-7.6 D, below.

Rear Yard Setback: 35 feet from the property line, except as noted in III-7.6 D, below.

1. Side Yard and Rear Yard Setbacks for Shopping Centers Over 50,000 square feet: There shall be no side yard or rear yard setbacks required between adjoining properties within approved shopping centers over 50,000 square feet, including out parcels.
2. Adjacent to Residential District: For C-H uses that are adjacent to a residential district, a vegetative buffer of Type D shall be established (see Article III-7.14 of this

ordinance). Such buffer can be left natural or random growth or established at the developer's choice. Any established unnatural buffer must be replenished during the next planting season, either spring or fall, whichever comes sooner, if trees die. A C-H use adjacent to a residential property owned and occupied by the owner and proprietor of the C-H use shall be exempt from this requirement.

III-7.7 Height Regulations. Buildings may be erected to a height of 45 feet, except as modified in III-7.7A.

- A. Modifications to Height Regulations. The height regulations shall be adjusted in applicable cases in conformity with the modifications set forth as follows:
- A. Public / Quasi-Public Building Height: Public, quasi-public, or public service buildings such as hospitals, institutions, schools, and similar uses, when permitted in the C-H District, may be erected to any height provided the building is set back from each yard line at least one foot for each two feet of additional building height above the height limit otherwise provided in the C-H District.
  - B. Chimneys, Towers, Etc.: Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, grain elevators or necessary mechanical appurtenances may be erected to a height not exceeding one hundred feet.

III-7.8 Lot Coverage. Impervious lot coverage in the C-H District shall not exceed eighty (80) percent of the area of the lot.

III-7.9 Commercial Highway Development Standards:

- C. Purpose and Intent: The purpose of this section is to further the Exmore Town Plan goals to achieve a balanced pattern of future land use which meets the Town's physical and economic needs while preserving and enhancing the safety, function, and capacity of the U.S. Route 13 corridor. These goals may best be pursued through the promotion of development that is compatible with the design and capacity of the Town's roadways. These standards will:
1. Encourage orderly economic development compatible with the Town of Exmore.
  2. Ensure a free flow of traffic and prevent congestion on U.S. Route 13 and adjacent roads.
  3. Minimize adverse economic impacts on the Town of Exmore.

4. Create a generally convenient, attractive, and harmonious community.

D. Roadways Classified: Accordingly, the roadways of the Town are classified into the following categories:

5. Class I, Federal Highways: U.S. Route 13 (mainline and bypass sections);

6. Class II, Primary Roads: State Routes 178, 183, and Business Route 13;

7. Class III, Secondary Roads: All State Secondary Roads, including Routes 600 and 652.

8. Class IV, Town Roads: All other public roads that are within the Town limits;

(a) Class V, Subdivision Roads: All roads within recorded subdivisions;

(b) Class VI, Other Roads: All other named roads.

B. Projects Affected Require Unified Plan of Development: All proposed commercial projects shall address the following issues when any portion of the project, whether principal structure, parking area, accessory structure, or other element necessary to the performance of the principal use is within 500 feet of a Class I, II, or III road, or within 200 feet of a Class IV road. The issues shall be addressed through a unified plan of development which includes a sketch plan to illustrate the project and written proposals that indicate how the final site plan would deal with these elements:

1. Access to Class I roads shall be limited to one for ingress and egress for each lot recorded prior to the ordinance plus one for ingress and egress to each Class II, III, IV road.

2. Services including water supply, sewage disposal, and storm water management shall be designed to serve the whole project and in such a manner that water and sewer lines can easily be tied to public central services when such central services are available, or become available in the future.

3. Utility Lines including electric, telephone, cable television and other similar lines shall be located underground unless required by the utility company to be otherwise located. Junction and access boxes shall be screened with vegetation.

4. Outside Storage of salvage and unlicensed or inoperable vehicles or equipment shall be prohibited. If outside storage is required for a business other than a salvage yard it shall be stored in an orderly manner. It shall be screened from the view of any public road or adjoining property by perimeter screening placed

according to Article III-7.14 of this Ordinance.

5. Retailers such as car dealers, home improvement stores, garden centers, nursery sales, or goods which are offered for sale outside are exempt from the screening requirement as long as all storage is in an orderly manner.
6. Driveways and Parking Areas are regulated by Article V of this Ordinance. All commercial development within the Chesapeake Bay Preservation Area Overlay District as designated on the CBPA map adopted by the Town of Exmore is required by regulations to minimize impervious surfaces whenever possible in order to promote infiltration of storm water into the ground; therefore, grid and modular pavements may be used for any required driveway or parking area, and curb and gutters may be minimized through the use of grass strips and swales.
7. Loading Areas shall be designed so as to minimize visibility from any Class of road or from any project perimeter, which, at the time of construction, adjoins a residential zoning district.
8. Exterior Lighting shall be arranged so that light is directed in such a manner that it does not affect traffic adversely on any Class of road and is directed away from adjoining properties. All exterior lighting shall not exceed 0.5 foot-candles above background when measured at the lot line of any adjoining property.
9. Signage is regulated in Article IV of this Ordinance.

- C. Site Plan Review: Site Plan Review to ensure compliance with this standard shall be described in Article XII of this Ordinance.

III-7.10 Access. The purpose of this section is to manage vehicular and non-vehicular access. To achieve this goal, all site plans shall include an access plan drawn to the same scale as the site plan and showing the location and dimensions of all streets, driveways, crossovers, parking areas, access aisles, sidewalks, and any other relevant information. Access to roads shall be provided by direct or indirect means, consistent with the following:

- A. Frontage: Each main building shall front on a dedicated public street or a fifty (50) foot minimum public right-of-way or a fifty (50) foot access easement.
- D. Number of Access Points: Each tract of land recorded prior to effective date is entitled to one access point per lot recorded prior to this ordinance to State Route 13 and one to each public highway with VDOT approval provided that its location and design fulfill, as a minimum, the minimum corner clearance and minimum sight distance requirements of this ordinance. Where the roadway frontage of a tract of land is greater than 500 feet, an additional access point may be allowed, if it is determined that the access point will

not adversely affect the capacity of the roadway. Any additional access point must be in compliance with all applicable sections of this ordinance. Where multiple tracts of land are developed as a single large entity, as in the case of a shopping center, office park, or similar development, they shall be treated as one tract of land for the purposes of determining the permitted number of access points.

- E. Corner Clearance: The minimum corner clearance of driveways from intersecting streets shall be 100 feet approaching the intersection. Downstream corner clearance shall be 100 feet minimum. For side street approaches to U.S. Route 13, the minimum corner clearance shall be 80 feet. At signalized intersections, corner clearances in excess of these minimum dimensions may be required, in consultation with VDOT. Where a traffic study is submitted that shows 20-year peak period 95-percentile queue lengths will not extend past the driveway location, corner clearances may be reduced, in consultation with VDOT.
- F. Minimum Sight Distance: Minimum sight distances along the highway shall be provided to allow vehicles to safely turn left or right onto the highway. Sight distances provided along U.S. Route 13 shall be a minimum of 550 feet or state VDOT standards, whichever are more stringent.
- G. Outparcels: All access to outparcels must be internalized utilizing the main access drive of the principal retail center. Access to the outparcel shall be as direct as possible, avoiding excessive movement across the parking aisles and queuing across surrounding parking and driving aisles. In no instance shall the circulation and access of the principal commercial facility and its parking and service be impaired.
- H. Residential Subdivisions: New residential subdivisions shall include an internal street layout, which shall continuously connect to the streets of surrounding developments to accommodate travel demand between adjacent neighborhoods without the necessity of using the highway.
- A. Median Crossovers: Where a proposed development fronts an existing or planned median crossover, access from the development to adjacent sites may be provided, so as to promote shared access and minimize demand for additional crossovers.
- B. Shared Access and Reverse Frontage: Inter-parcel connections may be provided to facilitate the local movement of traffic and minimize demand for local trips on the highway. Based on consultation with the VDOT Resident Engineer, inter-parcel access may take the form of direct driveway connections or reverse frontage roads.

### III-7.11 Traffic Impact Analysis.

All developments generating more than 2,000 average daily trips shall prepare and submit a traffic impact analysis. The projected number of average daily trips shall be based on trip generation rates as defined by the most recent publication of the Institute of Transportation

Engineers “Trip Generation.” In addition, a traffic impact analysis may be required for developments generating 2,000 or fewer average daily trips when it is determined, in consultation with the VDOT Resident Engineer, that safety considerations warrant such analysis. The traffic impact analysis shall identify level of service impacts of the proposed development, based on a twenty-year demand projection, and shall be used to determine necessary improvements to support the development. At a minimum, the impact analysis shall address the following:

- C. Turn lane and access improvements
- D. Internal site circulation
- E. Shared access/access to adjacent sites
- A. Impacts to intersections and median crossovers
- B. Potential need for signalization

III-7.12 Required Improvements.

Required improvements, the need for which is generated by the proposed development, will be determined in consultation with the VDOT Resident Engineer, based on the following:

- A. Applicable traffic impact analyses
- B. Highway safety and capacity

The developer shall be responsible for provision of the improvements, which shall be shown on site plans.

III-7.13 Minimum Required Off-Street Parking. See Article V of this Ordinance.

III-7.14 Landscape Plan Requirements and Standards:

- C. Authority and Intent: Pursuant to Sections 15.2-2283 and 15.2-2284 of the Code of Virginia and in order to further the goals of the Exmore Comprehensive Plan to protect natural resources while pursuing economic self-sufficiency for all citizens, it is the intent of this section to provide for the installation of new vegetation at newly developed sites specifically in order to:
  - 1. Facilitate the creation of a convenient, attractive, and harmonious community;
  - 2. Protect the natural environment, including forestal land;



3. Protect against flooding; and
  4. Encourage economic development; and
  5. Protect surface water quality in the Chesapeake Bay Preservation Area Overlay District of Exmore; and
  6. Protect groundwater quality in a State Groundwater Management Area with highly pervious soils where groundwater is very sensitive to contamination.
- c. Conflict: If the provisions of this Section conflict with other lawfully adopted ordinances or regulations, then the most restrictive shall govern or prevail to the extent of the conflict.
- d. Jurisdiction and Exemptions: In addition to the requirements of the Chesapeake Bay Preservation Area Overlay District (Article III-11, herein), this performance standard shall apply to all development and redevelopment, if possible, within the Town of Exmore, and no department (or board) shall issue any permit, zoning clearance, special use permit, rezoning approval, variance approval, waiver approval, exception approval, subdivision approval or site plan review approval unless compliance with the installation requirements of this section is ensured. However, nothing in this section is intended to prohibit agriculture, silviculture, horticulture or nursery operations in the Town, and in the case of hurricanes or other natural disasters this section may be waived by the Mayor or Town Council to the extent necessary to ensure the safety of life and property. The regulations set forth herein shall apply to all real property within the C-H District, subject to the following exceptions:
7. Forestry: All bona fide silviculture activities (as defined in Article II) shall be exempt from installation performance standards.
  8. Wetlands: Wetlands mitigation plans shall be exempt from installation performance standards provided that such plan has been approved by the Northampton County Wetlands Board.
  9. Nurseries: Commercial nursery operations shall not be exempt from the installation performance standards and other requirements of this ordinance as it applies to land use for offices, buildings and marketing operations.
  10. Agriculture: All bona fide agricultural operations (as defined in Article II) shall be exempt from installation performance standards.
  11. Utilities: Individual and public utilities and Utility Companies shall be exempt from vegetation protection and installation performance standards for the purpose of maintaining or creating easements to provide safe clearance for the utility provided that a Memorandum of Understanding (MOU) with the Town of Exmore has been executed. Such MOUs shall at a minimum:

- a. Recognize the need to minimize the cutting or pruning of vegetation which does not frustrate or substantially interfere with the intended purpose of construction or maintenance;
  - b. Specify a consultation process with the Town prior to the commencement of major construction or maintenance or the removal of trees greater than 6 inches DBH;
  - c. Provide that a breach of such MOU constitutes a violation of this ordinance and a loss of exemption from the requirements of this ordinance.
  - d. State Agencies: Shall be exempt from the vegetation protection and installation performance standards but shall be encouraged to follow guidance set forth herein.
  - e. Federal Agencies: Shall be exempt from vegetation protection and installation performance standards but shall be encouraged to follow guidance set forth herein.
  - f. Town and County Agencies: Shall be exempt from the vegetation protection and installation performance standards to the extent necessary to provide services to citizens and provide for their health, safety, and welfare.
6. A shopping center, retail establishment, motel, or restaurant shall be exempt from the vegetation protection and installation standards to the extent necessary for visibility from all public roads and parking lots.
- D. Vegetation Installation Requirements: No new site development, redevelopment, building, structure or vehicular use area (parking lot, internal/external access ways, driveways, etc.) shall hereafter occur, be erected, constructed or used, nor shall any existing building, structure or vehicular use area be expanded, unless the minimum vegetation installation is provided as required in the provisions below:
- 1. Existing vegetation can be used to satisfy vegetation installation requirements;
  - 2. Replacement vegetation can be used to satisfy vegetation installation requirements;
  - 3. Vegetation installations can be placed within building setbacks and the CBPA 100 foot buffers.
  - 4. Except as required below, the need for vegetation installation will be evaluated

within the context of site plan review consistent with Article XII herein and the Chesapeake Bay Preservation Area Overlay District requirements found in Article III-11 of this Ordinance.

E. Situations Requiring Vegetation Installation: In order to accomplish the purpose of this Section, there shall be requirements for vegetation installation in the following situations:

1. Parking lots - peripheral/interior;
2. Perimeter screening;
3. Refuse collection facilities;
4. Chesapeake Bay Preservation Area: RPA 100 foot buffer area if vegetation is removed.

a. Parking Lot Peripheral/Interior Installation Requirements: Peripheral planting shall be provided along any side of an off-street parking, loading or other vehicular use area that abuts adjoining property and not a right-of-way of a public street, road or highway. Such planting shall be provided as follows:

1. Peripheral Parking Lot Installation Requirements: A planting area at least five (5) feet in depth shall be located along the abutting property lines, including out lots, and the parking, loading or other vehicular use area, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the planting area shall be located between the parking, loading or other vehicular use area and the utility or drainage easements.
2. Interior Parking Lot Planting Requirements: Planting islands shall be provided such that no more than fifteen (15) spaces shall be permitted without being interrupted by a planting island for parking lots with more than 100 parking spaces. Planting islands may consist of grass, shrubs, canopy trees, and/or understory trees at the developer's option. Islands will not be required for parking lots with less than one hundred parking spaces.

b. Perimeter Screening: Perimeter screening shall be required to separate a proposed use from different land uses or zoning districts.

No perimeter screening is required between HC and BG commercial property.

1. Perimeter Screening, generally:

- a. Perimeter screening shall vary in depth and in planting requirements according to the existing use or zoning district of the adjoining property.
- b. Perimeter screening shall be located along the perimeter of a lot or parcel and shall extend to the boundary line of the lot or parcel. Perimeter screening shall not be located on any portion of an existing public or private street right-of-way. Where utility or drainage easements exist along property lines, the perimeter screening shall be located adjacent to the utility or drainage easement.
- c. Required perimeter screening shall be designated on an approved site plan. The following notation shall be lettered on the face of site plans:

PERIMETER SCREENING: The use and maintenance of the perimeter screening area and the building of structures thereon is restricted pursuant to Article III-7.14 of the Town of Exmore Zoning Ordinance.

2. Perimeter Screening Defined: Perimeter screening may be one of two kinds, opaque or semi-opaque.
  - a. Opaque perimeter screening is intended to create a strong impression of spatial separation and to preclude visual contact.
  - b. Semi-opaque perimeter screening is intended to maintain a sense of spatial separation and to partially block visual contact.
3. Compliance of planted perimeter screening will be evaluated on the basis of average height and density of plant material upon maturity. Suitability of existing vegetation to fulfill the requirements of planted perimeter screening shall be judged on the basis of field observation.
4. Perimeter Screening Types Established: The following Perimeter Screening Types are established combining different depths and degrees of density:
  - a. Type A: Perimeter Screening A shall maintain a depth of fifteen (15) feet and shall be semi-opaque. Upon maturity, Type A screening shall not contain any completely unobstructed opening more than ten (10) feet in width.

- b. Type B: Perimeter Screening B shall maintain a depth of twenty-five (25) feet and shall be semi-opaque in all seasons of the year. Upon maturity Type B screening shall not contain any unobstructed openings more than ten (10) feet in width.
- c. Type C: Perimeter Screening C shall maintain a depth of fifty (50) feet and shall be semi-opaque in all seasons of the year. Upon maturity, the buffer shall not contain any unobstructed openings more than ten (10) feet in width. A 50 foot natural buffer of random growth is allowed or a planted buffer at the developer's option.
- d. Type D: Perimeter Screening D shall maintain a depth of fifty (50) feet and shall be opaque in all seasons of the year. A fifty (50) natural buffer of random growth is allowed or a planted buffer at the developer's option.

A. Refuse Collection Site Screening: Refuse collection facilities shall be screened from view by an opaque enclosure composed of evergreen vegetation, an approved fence or wall, or a combination of the same, except as follows:

- 1. Where screened from view by an intervening building or structure; and
- 2. Excluding views from adjacent properties zoned or used for industrial purposes.

B. RPA 100 Foot Buffer of Chesapeake Bay Preservation Area Overlay District: See Article III-11 of this ordinance.

F. Safety: Pedestrian and vehicular safety in and around parking lots shall be considered when reviewing the installation plan for compliance with the requirements of this section.

G. Location, Species, Quality and Size of Required Plant Material: (This section is Reserved.)

H. Inspection and Maintenance: (This section is Reserved.)

I. Submission of Installation Plan (Landscape Plan):

1. Application for Site Plan and Subdivision approval:
  - a. Applications for site plan approval and building permits under Article VII of this ordinance. The site drawing shall also show the proposed construction footprint.
  - b. Applications for the subdivision of land as defined under the *Town of Exmore Land Development and Subdivision Ordinance*. The subdivision drawing shall show the location of all proposed roads, property lines of proposed lots.
2. Review Standards: The construction footprint will be reviewed based upon the following criteria:
  - a. Requirements of Article IV of this ordinance.
  - b. Requirements of Article III-11 of this ordinance.
  - c. Requirements of Article XII of this ordinance.

### III-7.15 Redevelopment

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

- C. Access: Reconstruction or relocation, may be required under any of the following circumstances. In such cases, necessary improvements shall be identified in consultation with the VDOT Resident Engineer, and shall be designed to bring the site as close to compliance as possible with VDOT State standards.
  1. The redevelopment will cause an increase of 10 average daily trips (ADT) or 20% or more.
  2. The redevelopment will cause any turning movement to increase by 5 ADT or 20% or more.
  3. The redevelopment will cause an increase in use by vehicles exceeding 30,000 pounds gross vehicle weight of 10 vehicles per day or 20% or more.
  4. Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20%

of current building value.

5. As required to address identified safety deficiencies, based on consultation with the VDOT Resident Engineer.
- B. Traffic Impact Analysis: A traffic impact analysis shall be submitted for all redevelopment projects in which the proposed use will generate more than 2,000 ADT and increase existing ADT by 50% or more.
- C. Required Improvements: Improvements required to support the redevelopment shall be based on consultation with the VDOT Resident Engineer, VDOT State standards, required traffic impact analyses, and highway safety and capacity.
- D. Signage: Reconstruction, relocation, or elimination of freestanding signs shall be required under the following circumstances. Required improvements shall bring on-site signage as close to compliance as possible.
1. Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current building value.
  2. Any freestanding sign is refaced, remodeled, or otherwise altered.
  3. Existing signs interfere with required site distances.
- E. Lighting: Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current building value, all lighting shall be brought into compliance with this ordinance.
- F. Landscaping: Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current building value, landscaping shall be brought as close to compliance as possible. This shall include appropriate landscaping of existing green space, as well as provision of additional green space to the extent that it does not interfere with traffic flow or required parking. Where additional green space is required, priority shall be given to establishing front yard green space.

### *III-8 Limited Industrial District, I-L*

III-8.1 Statement of Intent. The primary purpose of this district is to permit certain industries which do not in any way detract from residential desirability to locate in any area adjacent to residential uses. The limitations on (or provisions relating to) height of buildings, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors, and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply. This area is represented by I-L on the Town of Exmore Zoning Map and as Industrial on the Town of Exmore Future Land Use Map.

III-8.2 Principal Permitted Uses and Structures. The following uses and structures shall be permitted by right subject to other provisions herein:

- A. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also the manufacture of small parts such as coils, condensers, transformers, and crystal holders.
- B. Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire re-treading or recapping, battery or automotive parts manufacture.
- C. Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers.
- D. Laboratories - pharmaceutical and/or medical.
- E. Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet water, toiletries and food products, and ice manufacture.
- F. Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint.
- G. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- H. Mass Drainfields, with Northampton County Health Department approval.
- I. Building material sales yards, plumbing supplies storage, lumber mills.
- J. Coal and wood yards, lumber yards, feed and seed stores.
- K. Contractors' equipment storage yards or plants, or rental of equipment commonly used by



contractors.

- L. Cabinets, furniture, and upholstery shops.
- M. Boat building.
- N. Monumental stone works.
- O. Veterinary or dog or cat hospitals, kennels.
- P. Wholesale businesses, storage warehouses.
- Q. Junk storage.
- R. Off-street parking as required by this ordinance.
- S. Public utility generating, booster, or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and associated facilities, and water and sewerage installations.
- T. General advertising signs.
- U. Location signs.

III-8.3 Special Exceptions. The following uses shall be permitted in Limited Industrial District (I-L), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the Exmore Town Council.

- A. Gasohol or alcohol manufacturing and other chemicals that may be hazardous.
  - 1. Mainstream Media Outlets with less than 10 percent sexually oriented material.
  - 2. Mainstream Media Outlets with less than 40 percent sexually oriented material and complying with the conditions outlined below:

Adult media in a shop to which this section is applicable shall be kept in a separate room or section of the shop, which room or section shall:

- a) not be open to any person under the age of 18;
- b) be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight feet high or to the ceiling, whichever is less;
- c) be located so the entrance to it is as far as reasonably practicable from media or

other inventory in the store likely to be of particular interest to children;

- d) have access controlled by electronic or other means to provide assurance that persons under the age of 18 will not easily gain admission and that the general public will not accidentally enter such room or section, and provide continuous video or window surveillance of the room by store personnel.
- e) provide signage at the entrance stipulating that persons under the age of 18 are not permitted inside.

#### III-8.4 Area Regulations.

- A. There shall be no minimum lot size required, except that which is necessary to satisfy the minimum setback, yard, parking, and individual sewage disposal area requirements in this Ordinance.
- B. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The Planning Commission may recommend, and the Administrator may require, a greater area if considered necessary for the protection of water quality.

III-8.5 Setback Regulations. The following setback regulation shall apply to all I-L districts: all buildings shall be located 100 feet or more from any street right-of-way.

III-8.6 Yard Regulations. The following yard regulations shall apply in all I-L districts:

- A. Side - Each main building and accessory building shall have side yards of 15 feet or more. Any permitted use adjacent to residential uses shall have a side yard of 50 feet or more. The side yard of corner lots in the I-L district shall be a minimum of 20 feet.
- B. Rear - The rear yard requirements for I-L uses shall be 35 feet, except where permitted uses are adjacent to residential uses when the rear yard must be a minimum of 50 feet.

III-8.7 Height Regulations. Buildings may be erected to a height of thirty-five (35) feet. For buildings over thirty-five (35) feet in height, approval shall be obtained from the Administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the height of the buildings on which the walls rest.

III-8.8 Off-Street Parking and Loading Areas. Off-street parking and loading areas shall be provided for in keeping with Article V herein.

III-8.9 Supplemental Regulations. For permitted uses located adjacent to residential uses, a Type D Perimeter Screening, maintained at a depth of fifty (50) feet, and which shall be opaque in all seasons of the year, and sufficient for screening and noise reduction, shall be required. Such buffer shall be neatly trimmed and maintained.

III-8.10 Lot Coverage. Lot coverage in the I-L District shall not exceed seventy (70) percent of the area of the lot.

### *III-9 Agricultural District, A-1*

III-9.1 Statement of Intent. It is the intent of this district to provide appropriate locations for open farm land or wooded land. The regulations for this district are designed to keep the farmland for farming purposes as open land with a minimum of other development. The intent of the district is to restrict general farming activity only as far as it would cause health hazards or excessive annoyance to neighboring residential areas. This area is represented as A-1 on the Town of Exmore Zoning Map and as Agricultural on the Town of Exmore Future Land Use Map.

III-9.2 Principal Permitted Uses and Structures. The following uses and structures shall be permitted by right subject to other provisions herein:

- A. General farming.
- B. Forestry.
- C. Single-family Dwellings.
- D. Public Utilities, Class A.
- E. Specialized Animal Raising.
- F. Nurseries and Greenhouses.
- G. Open Space Recreation, Playgrounds, Parks.
- H. Mass Drainfields, with Health Department approval.

III-9.3 Special Exceptions. The following uses shall be permitted in the Agricultural District, A-1, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Manufactured Housing less than nineteen feet in width, with a minimum 7/12 roof pitch on a single story unit.
- B. Migrant Farmworker Housing.
- C. Radio and Television Towers.
- D. Churches.

- E. Schools, Kindergartens, Nurseries.
- F. Animal Hospitals and Veterinary Offices.
- G. Mass Drainfields, with Northampton County Health Department approval.

III-9.4 Area Regulations. The minimum lot area for any permitted use shall be one (1) acre.

III-9.5 Setback Regulations. All structures shall be located seventy-five (75) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or one-hundred (100) feet or more from the center of any street right-of-way less than fifty (50) feet in width; however, no building need be set back more than the average of the setbacks of the two adjacent structures on either side. A vacant lot fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum setback. This shall be known as the "setback line." On corner lots, the structures shall be set back seventy-five feet from the primary street and thirty-five (35) feet from the secondary streets.

III-9.6 Frontage Regulations. For permitted uses, the minimum lot width at the setback line shall be seventy-five (75) feet.

III-9.7 Yard Regulations. For permitted uses the minimum side yard shall be twenty-five (25) feet and thirty-five (35) feet for the rear yard.

III-9.8 Height Regulations. Buildings may be erected to a height of 35 feet and two and one-half (2 1/2) stories, except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height and any accessory building over one (1) story in height shall be at least ten (10) feet from any lot line.

III-9.9 Access. Each building shall front on a dedicated public street or a thirty-four (34) foot minimum width access easement.

### **III-10 Height, Setback, Density, and Intensity Regulations**

Except as otherwise specifically provided in this ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance as specified herein; and no structure shall be erected or maintained which exceeds the height limit as specified herein; and no development, use or structure shall exceed the density and intensity limits as specified herein. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Minimum lot width shall be measured at the front setback line.

### III-10.1 Schedule of Height, Placement, Land Use Density and Intensity Regulations

<u>Zone</u>	<u>Minimum Lot Area (Sq. Ft.)</u>	<u>Front Setback (Feet)</u>	<u>Side Setback (Feet)</u>	<u>Rear Setback (Feet)</u>	<u>Height Limit (Feet)</u>	<u>Minimum Lot width (Feet)</u>
R-M						
Main Structures	12,000	50	8	35	35 <sup>4,5,6</sup>	75
Accessory Structures		50	5	5	15	75
Duplex Structures	9,000 <sup>1</sup>	50	12	35	40 <sup>4,5,6</sup>	
	20,000 <sup>2</sup>	50	12	35	40 <sup>4,5,6</sup>	110
	25,000 <sup>3</sup>	50	12	35	40 <sup>4,5,6</sup>	110
Multi-Family Structures	3,600 <sup>1,9</sup>	60	12	35	40 <sup>4,5,6</sup>	140
	5,500 <sup>2,9</sup>	60	12	35	40 <sup>4,5,6</sup>	140
	Not allowed <sup>3</sup>	--	--	--	--	--
Other Structures	25,000	75	20	35	40 <sup>4,5,6</sup>	110
B-G	None	20	10	35	35 <sup>4,5,6</sup>	100
B-D	None	15	10	None	35 <sup>4,5,6</sup>	100
C-H	None	100	15	35 <sup>10</sup>	45 <sup>4, 5, 6, 11</sup>	
I-L	None	100	15 <sup>8</sup>	35 <sup>10</sup>	35 <sup>6,7</sup>	
A-1	43,560	75	25	35	35	

<sup>1</sup> With public water and public sewage.

<sup>2</sup> With public water or public sewage but not both.

<sup>3</sup> With individual water and sewage facilities.

<sup>4</sup> The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

<sup>5</sup> A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

<sup>6</sup> Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennas, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

<sup>7</sup> In the I-L District approval may be obtained from the Zoning Administrator for buildings over 35 feet in height.

<sup>8</sup> For any permitted use adjacent to residential uses the side yard shall be 50 feet or more. The side yard of corner lots in I-L District shall be a minimum of 20 feet.

<sup>9</sup> Square feet per dwelling unit.

<sup>10</sup> For any permitted use adjacent to residential uses the rear yard shall be a minimum of 50 feet.

<sup>11</sup> Except as modified in Article III-7.6 A.

### ***III-11 Chesapeake Bay Preservation Area Overlay District, CBPA***

**III-11.1 Title.** This district shall be known and referenced as the "Chesapeake Bay Preservation Area Overlay District" of the Town of Exmore, Virginia.

**III-11.2 Findings of Fact.** The Chesapeake Bay and its tributaries constitute one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the Town of Exmore and the Commonwealth of Virginia. The health of the Bay is vital to maintaining the Town of Exmore's economy and the welfare of its 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 Exmore Town Council as Chesapeake Bay (hereinafter "CBPAs"), which include Resource Protection Areas (hereinafter "RPAs") and Resource Management Areas (hereinafter "RMAs"), 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 Exmore and the Commonwealth of Virginia.

**III-11.3 Authority.** This Article is enacted under the authority of Title 10.1, Chapter 21, Section 10.1-2100 *et seq.* (The Chesapeake Bay Preservation Act) and Title 15.2, Chapter 22, Section 15.2-2283, of the Code of Virginia. Title 15.2, Chapter 22, Section 15.2-2283 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 Title 62.1, Chapter 25, Section 62.1-255."

**III-11.4 Conflict with Other Regulations.** In any case where the requirements of this Article conflict with any other provision of the Town of Exmore Code or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

**III-11.5 Definitions.** The words and terms used in the Overlay District have the meanings which are defined in Article II, Definitions, of the Town of Exmore Zoning Ordinance, unless the context clearly indicates otherwise.

#### **III-11.6 Purpose and Intent.**

- A. This ordinance is enacted to implement the requirements of Title 10.1, Chapter 21, Section 10.1-2100 *et seq.* of the Code of Virginia (The Chesapeake Bay Preservation Act) as part of the Town of Exmore Zoning Ordinance. The intent of the Exmore 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 Exmore.

- 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 the Town of Exmore Zoning Ordinance Article XII, Site Plan Requirements, the Northampton County Erosion and Sediment Control Ordinance, and the Northampton County Building Code, including all grading permits and building permits, shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.

#### III-11.7 Application of CBPA District.

- A. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the Exmore Town Council and as shown on the Town of Exmore Chesapeake Bay Preservation Area Map as the Chesapeake Bay Preservation Area Overlay District. The Chesapeake Bay Preservation Area Overlay District is composed of a Resource Protection Area and a Resource Management Area.
  - (1) Resource Protection Areas include nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow.
  - (2) A 100-foot vegetated buffer area located adjacent to and landward of components listed in subsection A.1., above, and along both sides of any water bodies with perennial flow.
  - (3) Resource Management Areas are generally composed of the following land categories: highly permeable soils, nontidal wetlands, and hydric soils.
  - (4) A Resource Management Area shall be provided contiguous to the entire inland boundary of the RPA to the extent reasonably necessary to protect the functional value of the RPA.
- B. The Town of Exmore Chesapeake Bay Preservation Area Map shows the general location of CBPAs and should be consulted by persons contemplating activities within the Town of Exmore prior to engaging in a regulated activity.

III-11.8 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.

III-11.9 Lot Size. Lot size shall be subject to the requirements of the underlying zoning district(s).

III-11.10 Required Conditions.

- A. A water quality impact assessment shall be required for any proposed development or redevelopment within RPAs or for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of Section III-10.13, Water Quality Impact Assessment, of this Article.
- B. All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development process, in accordance with Section III-10.14, Plan of Development Process, of this Article.
- C. Development in RPAs may be allowed only if it: (1) is water dependent; (2) constitutes redevelopment; or (3) is permitted in an RPA pursuant to CBLAD Regulations, as amended in 2002 and described in 9 VAC 10-20-130.1.d. and .e; in 9 VAC 10-20-130.2; in 9 VAC 10-20-130.4; and 9 VAC 10-20-130.5. A new or expanded water-dependent facility may be allowed provided that:
  - 3. It does not conflict with the Exmore Comprehensive Plan;
  - 4. It complies with the performance criteria set forth in Section III-11.12 of this Article;
  - C. Any non-water-dependent component is located outside of the RPAs;
    - 1. Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.

III-11.11 Interpretation of Resource Protection Area Boundaries.

- A. Delineation by the Applicant. The site-specific boundaries of the RPA shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Zoning Administrator and in accordance with Section III-11.14, Plan of Development or through the submission of a Water Quality Impact Assessment as required under Section III-11.13 of this Article.
- B. Delineation by the Zoning Administrator. The Zoning Administrator, when requested by an applicant wishing to construct a single-family residence, may waive the requirement for an environmental site assessment and perform the RPA site-specific boundary delineation. The Zoning Administrator may use remote sensing, hydrology, soils, plant species, and other data, and consult other appropriate resources as needed to

perform the delineation.

- C. Where Conflict Arises Over Delineation. Where the applicant has provided a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may render adjustments to the applicant's boundary delineation, in accordance with Section III-11.14, Plan of Development. In the event the applicant contests the adjusted boundary delineation, the applicant may seek relief, in accordance with the provisions of Section III-11.14, Plan of Development, and Section III-11.9 Lot Size, of this ordinance.

### III-11.12 Performance Standards.

- A. Purpose and Intent.

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, 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, 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 20% 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. 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.

- b. 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. Impervious cover shall not exceed eighty (80) percent of the site
  - (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 the Virginia Erosion and Sediment Control Law.
  - (5) All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (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. The Zoning Administrator is authorized to administer the on-site sewage disposal system criteria established in 9 VAC 10-20-120.7 of the 2002 CBLAD Regulations.
  - (7) For any development or redevelopment, stormwater management criteria consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations at 4 VAC 3-20-71 must be satisfied and can be achieved through the incorporation on the site of best management practices that meet said water quality protection provisions. The use of best management practices shall be deemed to have satisfied the said water quality protection provisions if they 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 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 loadings 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 III-11.13, Plan of Development Process, of this Article.

(9) Land upon which agricultural activities are being conducted shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and , where necessary results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with this Article.

2. Buffer Area Requirements. To minimize the adverse effects of human activities on the other components of RPAs, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA, in accordance with Section 15-4, Areas of Applicability, and Article 17, Site Development Plan.

The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.

The buffer area shall be maintained to meet the following additional performance standards:

1. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed as approved by the Zoning Administrator only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:
  - a. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
  - b. Any path shall be constructed and surfaced so as to effectively control erosion.
  - c. Dead, diseased, or dying trees or shrubbery may be removed and thinning of trees may be allowed, as permitted by the Zoning Administrator.
  - d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.
2. When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may, through an administrative process, permit encroachments into the buffer area in accordance with Article 17, Site Development Plan, and the following criteria:

- a. Encroachments into ~~to~~ the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  - b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment and shall be established elsewhere on the lot or parcel; and
  - c. The encroachment may not extend into the seaward 50 feet of the buffer area.
3. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:
- a. Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice, which, in the opinion of the [local soil and water conservation district board], addresses the more predominant water quality issue on the adjacent land – erosion control or nutrient management – is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the “Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq. administered by the Virginia Department of Conservation and Recreation;
  - b. Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as “T”, as defined in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U. S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the “Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq. administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area
  - c. The buffer area is not required to be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has in place at least one best management practices as considered by the local Soil and Water Conservation District to address the more predominant water quality issue

on the adjacent land-either erosion control or nutrient management.

### III-11.13 Water Quality Impact Assessment.

#### A. Purpose and Intent.

A. Purpose and Intent. The purpose of the water quality impact assessment is to identify the impacts of proposed development or redevelopment on water quality and lands within RPAs and other environmentally sensitive lands; ensure that, where development or redevelopment does take place within RPAs 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 RPAs and other sensitive lands; to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; 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, is required for:

- 1 Any proposed development or redevelopment within an RPA, including any buffer area modification or encroachment as provided for in Section III-12.C, Performance Standards.
1. Any proposed development or redevelopment within an RMA unless waived by the Zoning Administrator when it is apparent that the unique characteristics of the site (such as topography, soils, groundcover, and location of wetlands) 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 Zoning 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 the components of the RPA, including the 100-foot RPA buffer.
- (2) Location and nature of any proposed encroachments into the RPA buffer area, including the type of paving material; areas of clearing or grading; and the location of any structures, driveways and other impervious cover.
- (3) Type and location of proposed stormwater management facilities and best



management practices necessary to comply with performance standards for stormwater management contained in Section III-11.12.B(7).

- (4) Calculation of pre- and post-development pollutant loading in accordance with Section III-11.12.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 the Virginia Erosion and Sediment Control Law.
- (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.
- (8) Location and type of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer area to accommodate the proposed encroachment or modification.
- (9) Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal and erosion and runoff control.

D. Evaluation Procedure.

- (1) Upon the completed review of a water quality impact assessment, the Zoning 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 Zoning Administrator will make a finding based on the following criteria in conjunction with Section III-11.14:
  - a. The development, as proposed, meets the purpose and intent of this Article;
  - b. The necessity of the proposed encroachment into the buffer area and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
  - c. Within any RPA, the proposed development is water-dependent;
  - d. The disturbance of wetlands will be minimized;
  - e. Impervious surface is minimized;
  - f. Proposed erosion and sediment control devices are adequate to achieve

the reductions in runoff and prevent off-site sedimentation;

- g. Proposed stormwater management facilities and practices are adequate to control the stormwater runoff to achieve the required standard for pollutant control;
- h. The development will not result in unnecessary destruction of plant materials on site;
- i. 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 Zoning 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.

III-11.14 Plan of Development Process. Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished by a plan of development process prior to any clearing or grading of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this Article. There shall be two levels of plan of development process: a Level I Plan of Development process and a Level II Plan of Development process.

A. Level I Plan of Development Process.

- (1) Required Information.

A minor plan of development process pertains to individual single-family dwellings or accessory structures for single-family residences within CBPAs.

A Level I Plan of Development Process shall include a plot plan for primary structures, additions to such structures, and accessory structures which shall be submitted to the Zoning Administrator. At a minimum, the plot plan shall be drawn to scale and contain the following:

- a. A boundary survey of the site (if available) or site drawing showing the north arrow and property line measurements.
- 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 right of ways.
- e. Dimensions and location of all driveways, parking areas or any other impervious surfaces.
- f. Location of all existing and proposed septic tanks and drainfield areas including reserve areas 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 the limits of Resource Management Area (RMA) boundary.
- j. Location of all erosion and sediment control devices.
- k. Amount of impervious surface proposed for the site. (If post-development impervious surface will cover less than 16% of the site, the Zoning Administrator may waive the requirements for a stormwater management plan).

(2) Level I Plan of Development Process Administration.

The Zoning Administrator shall review and approve or disapprove plot plans in accordance with Article XII, Site Plan Requirements, of this Ordinance.

B. Level II Plan of Development Process.

(1) Required Information.

In addition to the requirements of Article XII, Site Plan Requirements, of this Zoning Ordinance the Level II Plan of Development Process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Zoning Administrator. The Zoning Administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted, unless otherwise provided for:

- (a) A site plan in accordance with the provisions of Article XII, Site Plan Requirements, of this Zoning Ordinance;

- (b) A stormwater management plan;
- (c) An erosion and sediment control plan in accordance with the provisions of Northampton County's Erosion and Sediment Control Ordinance.

(2) Stormwater Management Plan.

A stormwater management plan shall be submitted as part of the plan of development process required by this Article and in conjunction with site plan or subdivision plan approval.

(a) Contents of the Plan.

The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Article. At a minimum, the stormwater management plan must contain 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, such as those in the Local Assistance Manual;
4. For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification;

(a) Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.

(b) All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Local Assistance Manual, Virginia Erosion and Sediment Control Handbook, Virginia Department of Transportation Drainage Manual, or any other good engineering methods deemed appropriate by the Zoning Administrator.

(c) The plan shall establish a long-term schedule for

inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the Town of Exmore, then a maintenance agreement shall be executed between the responsible party and the Town of Exmore.

(3) Erosion and Sediment Control Plan.

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article and in accordance with the Virginia Erosion and Sediment Control Law, in conjunction with site plan or subdivision plan approval.

(4) Final Plan.

Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in Article XII, Site Plan Requirements, of this Zoning Ordinance.

(a) Final plans for all lands within CBPAs shall include the following additional information:

1. All wetlands permits required by law;
2. A maintenance agreement to ensure proper maintenance of best management practices in order to continue their functions.

(b) Installation and Bonding Requirements.

1. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.
2. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the Town of Exmore a form of surety satisfactory to the Zoning Administrator in amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or other specifications and/or maintenance costs for any required stormwater management facilities.

3. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the Town of Exmore.
4. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement, unless a six (six) month extension has been granted by the Administrator. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the Town of Exmore. The Town of Exmore may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
5. After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Zoning Administrator such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The Zoning Administrator may require a certificate of substantial completion from a Professional Engineer or Class III B Surveyor before making a final inspection.

(5) Administrative Responsibility.

Administration of the plan of development process shall be in accordance with Article XII, Site Plan Requirements, of this Zoning Ordinance.

(6) Denial of Plan, Appeal of Conditions or Modifications.

In the event the final plan or any component of the plan of development process is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Planning Commission. In granting or denying an appeal, the Planning Commission must find such plan to be 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 the performance standards in this Article. If the Planning Commission finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

### III-11.15 Exemptions.

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

1. Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic and telephone transmission lines, railroads, and public roads and their appurtenant structures 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 adverse effects on water quality;
  - b. Public roads as defined in Section II of this article are exempt from Overlay District requirements.

#### B. Construction, installation, and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned, permitted or both by the Town of Exmore shall be exempt from the Overlay District provided that:

1. No more land shall be disturbed than is necessary to provide for the desired utility installation;
2. 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
3. Any land disturbance exceeding an area of 2,500 square feet complies with all Virginia Erosion and Sediment Control Law requirements.
4. 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 the January 1997 edition of Forestry Best Management Practices for Water Quality in Virginia [Technical Guide].

### III-11.16 Exceptions.

- A. A request for an exception/variance to the requirements of Sections III-11.10.C and III-11.12.C 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 and on lands within the RMA through the performance of a water quality impact assessment which complies with the provisions of Section III-11.13.
- 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 is not of substantial detriment to water quality, and
  - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a significant degradation of the function of the RPA.
- 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 his or her written findings and rationale for the decision to the applicant with a copy to the Board of Zoning Appeals. The applicant may then appeal the decision of the Zoning Administrator to the Board of Zoning Appeals as provided in Article IX.
- D. The Town of Exmore shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with § 15.2-2204 of the Code of Virginia, except that only one hearing shall be required.
- E. The Board of Zoning Appeals shall consider the water quality impact assessment and the findings and rationale of the Zoning Administrator in determining consistency with the purpose and intent of this Article.



## **ARTICLE IV. SIGNS**

2. **General Provisions:** The purpose of this Article is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values, to protect the character of Exmore, to facilitate the creation of a convenient, attractive and harmonious community, to protect against danger in travel and transportation, to improve and protect the public health, safety, convenience and general welfare, and to further the stated purpose and intent of this Ordinance.

1. **Signs As An Accessory Use:** Any sign erected on a lot or building for the purpose of identification or for advertising a use conducted therein or thereon shall be an accessory use to the principal use.

2. **Permit Required:**

3. For the purpose of this Ordinance, all signs, to include those set forth in Section 4 below, are deemed to be accessory uses as defined in Section A.4, below, and, unless specifically qualified, shall be located on the same lot with the principal use.
4. In keeping with the purpose and intent of this Article, all signs shall be regulated in accordance with the provisions that follow and in accordance with the provisions of the zoning district in which the sign is to be located.
  1. No sign, except for those signs listed in Article IV-1.3, *Permit Not Required*, below, shall be constructed, erected, relocated, or expanded until a sign permit for such sign has been obtained in accordance with the provisions of this Article.
  2. No permit for any sign shall be issued unless the sign complies with the regulations contained herein.

IV-1.3. **Permit Not Required:**

(1) **Replaceable Copy and Maintenance Requiring No Permit:** The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:

(1) The changing of the advertised copy or message on an approved painted or printed sign or billboard or a theater marquee and similar approved signs that are specifically designed for the use of replaceable copy.

(2) Painting, repainting, cleaning and other normal maintenance and repair of an approved sign or sign structure, unless a structural alteration is made.

(2) **Permanent Signs Requiring No Permit:** No Exmore sign permit shall be required

for any of the following signs; however, all other applicable regulations of the Exmore Zoning Ordinance and the Uniform Statewide Building Code shall apply to such signs.

(3) Signs of a constituted governmental body, including traffic signs and signals or similar regulatory devices or warnings at railroad crossings. Such signs may be located off-site.

(4) Memorial tablets or signs, and historic markers erected by duly constituted and authorized public or Town of Exmore authorities. Such signs may be located off-site.

(5) Signs required to be maintained by law or governmental order, rule or regulation, with a total area of all such signs not to exceed twelve (12) square feet on any lot or parcel.

(6) Signs erected by a public agency, which identify or give direction to public uses. Such signs may be freestanding or building-mounted and may be located off-site. If freestanding, no such sign shall exceed six (6) feet in height.

(7) Flags of the United States, the Commonwealth of Virginia, Northampton County, the Town of Exmore, other countries and states, the United Nations Organization or similar organizations of which this nation is a member, the President or Vice-President of the United States, religious groups, civic organizations, service clubs and designer or seasonal.

(8) Small signs that post or display address numbers as may be required by the County or Town. In addition, small signs which identify the name and/or address of the occupant of a single-family dwelling unit. Such additional signs shall be limited to one (1) per dwelling unit, shall not exceed two (2) square feet in area, may be either building-mounted or freestanding, and if freestanding shall not exceed four (4) feet in height or be located closer than three (3) feet to any lot line.

(9) Small signs displayed on site for the direction or convenience of the public, such as signs which direct traffic or identify the location of restrooms, public telephones, freight entrances, or parking areas. No such sign shall exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.

(10) Small signs placed by a public utility showing the location of underground facilities. No such sign shall exceed two (2) square feet in area.

(11) Seasonal display and decorations, for events such as religious holidays and national holidays, not advertising a product, service, or entertainment.

(12) Signs warning the public against hunting, fishing, trespassing, dangerous animals, swimming, or the like. Such signs may be freestanding or attached to a fence or tree, and such shall not exceed two (2) square feet in area. Such signs shall be posted at approximate eye level, and shall not be located closer than five (5) feet to any street line.

(13) Signs accessory to an agricultural use located on a parcel of not less than twenty (20) acres for the purpose of identifying such agricultural uses. No such sign shall exceed sixteen (16) square feet in area, six (6) feet in height or be located closer than ten (10) feet to any public right of way. One such sign may be placed at each entrance, not to exceed two such signs per farm.

(14) Signs erected by a public agency for the purpose of identifying a geographical area or giving directions and distances to commercial districts, provided that no such sign shall give the distance to any specific business establishment. Such signs may be located off-site.

(15) Small signs, above grade, which identify parking for the handicapped as required by the provisions of the Virginia Uniform Statewide Building Code. No such sign shall exceed one and one-half (1 1/2) square feet in area.

(16) Signs posted by a service station identifying the hours of operation of the establishment and gasoline prices. Such signs shall be limited to a maximum of two (2) per establishment and no such sign shall exceed sixteen (16) square feet in area.

3. Signs that denote religious, charitable, fraternal, military or service organizations located within the Town. Such signs may be freestanding and may be located off-site, provided, however, that no one (1) individually chartered organization may have more than two (2) such signs. A sign denoting a single chartered organization shall not exceed eight (8) square feet in area or six (6) feet in height. A number of such signs may be placed on one structure, provided, however, that the total area of such sign shall not exceed thirty-two (32) square feet in area or eight (8) feet in height.

(1) Signs posted by a service station for the purpose of identifying such station as being authorized to perform State safety and/or emission control inspections. Such signs shall not exceed ten (10) square feet in area and may be either building-mounted or attached to an existing authorized freestanding sign structure. If attached to an authorized freestanding sign structure, such signs shall not exceed the height of the existing sign.

(2) **Temporary Signs Requiring No Permit:** No permit shall be required for any of the

following temporary and/or seasonal signs; however, a zoning clearance and compliance with all other applicable regulations of the Zoning Ordinance and those set forth in the Virginia Uniform Statewide Building Code and Chapter 7 of Title 33.1 of the Code of Virginia shall be required for all such signs except official public notices.

(3) Official notices or advertisements posted by or under the direction of any public or court officer in the performance of his official duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments; provided, however, that all such signs shall be removed not later than ten (10) days after the last day of the period for which the same are required to be displayed in order to accomplish their purpose.

(4) Political campaign signs erected on Election Day at officially designated polling places for a period not to exceed twenty-four (24) hours.

a. Real estate signs advertising the sale, rental or lease of a premises or part of the premises on which the signs are displayed. Such signs shall not exceed a total area of four (4) square feet off U.S. Route 13, thirty-two (32) square feet on U.S. Route 13, or sixty-four (64) square feet on each face of a double-face sign on U.S. Route 13 in the Commercial Highway zoning district. Such signs shall not exceed one (1) in number per property. Such signs shall be removed within seven (7) days of the settlement, rental, or lease.

b. Freestanding, off-site directional sign(s) providing information as to the location of private garage or yard sales or real estate that is for sale or for rent. Such signs shall be subject to the following conditions:

c. No such sign shall exceed three (3) square feet in area or four (4) feet in height.

d. Such signs shall not exceed three (3) in number per property or yard sale being advertised, provided that no two (2) signs advertising the same property and located beside the right-of-way of any one street shall be located closer than five hundred (500) yards from each other.

e. No more than five (5) signs giving direction to a private garage or yard sale, which shall not be posted more than two (2) weekends or legal holidays in any one calendar year, and must be taken down the day the sale is over.

f. All such signs shall be permitted only if, and in only those locations, approved by the Virginia Department of Transportation.

a. Nothing in this provision shall be construed to authorize the posting of such signs upon utility poles, traffic control signs, lights or devices or in any place or manner prohibited by the provisions of this Article.

b. Such signs shall be removed within seven (7) days of placement.

(5) Temporary signs advertising a residential subdivision development. Such sign shall be limited to one (1) in number, may be freestanding or building-mounted and shall be limited to a maximum area of sixty (60) square feet, and if freestanding, a maximum height of ten (10) feet.

(6) Temporary construction signs which identify the name of the proposed development, the character of the building(s), enterprise(s), or the purpose for which the building(s) is intended. Such signs may, as a secondary use which is clearly subordinate to the identification of the proposed development, identify the architects, engineers, contractors, realtors and other individuals or firms involved with the construction but shall not include any advertisement of any product. Such sign(s), not to exceed one (1) per street frontage, may be freestanding or building-mounted and shall be limited to a maximum area of thirty-two (32) square feet, and if freestanding, a maximum height of eight (8) feet. No such sign shall be located closer than five (5) feet to any lot line.

(7) The sign(s) shall be located on the site of the construction or residential subdivision development and shall be removed within fourteen (14) days following completion of construction. No such sign(s) shall be displayed for a period in excess of two (2) years, except if construction has not been completed, a sign permit may be obtained for an additional period as may be approved by the Zoning Administrator.

(8) Temporary signs announcing such happenings as "Grand Opening", "Under New Management," or "Going Out of Business." In addition, bunting, banners, pennants, and other decorative material shall be securely attached to the building; and shall not exceed twice the allowable building-mounted sign area for the use that it identifies. Such signs may be either freestanding or building-mounted and shall be subject to the following conditions:

c. A maximum of twenty (20) square feet in area;

d. If freestanding, not to exceed eight (8) feet in height or located closer than five (5) feet to any lot line;

4. For a period not to exceed thirty (30) days;

5. On a given property, such temporary sign may be displayed only one (1) time by the same proprietor in a twelve (12) month period.

(9) Temporary signs identifying a temporary farmer's market or wayside stand as

may be approved under the provisions of this Ordinance. Such a sign may be freestanding or building-mounted, shall not exceed thirty-two (32) square feet in area, and shall not exceed eight (8) feet in height. More than one sign may be placed on a property, but the sum of areas for all such signs shall not exceed thirty-two (32) square feet. Such signs shall not be located closer than five (5) feet to any lot line.

(10) Temporary signs identifying an open-air produce stand as may be approved under the provisions of this Ordinance. Such a sign may be freestanding or building-mounted, shall not exceed thirty-two (32) square feet in area, and shall not exceed eight (8) feet in height. More than one sign may be placed on a property, but the sum of areas for all such signs shall not exceed thirty-two (32) square feet. Such signs shall not be located closer than five (5) feet to any lot line.

(11) Temporary signs advertising the sale of seasonal products such as Christmas trees, pumpkins, and fireworks as may be approved under the provisions of this Ordinance. Such signs may be freestanding or building-mounted, shall not exceed thirty-two (32) square feet in area, and shall not exceed eight (8) feet in height.

(12) More than one sign may be placed on a property, but the sum of areas for all such signs shall not exceed thirty-two (32) square feet. Such signs shall not be located closer than five (5) feet to any lot line. Such signs shall not be posted for a period that exceeds twenty-one (21) days.

(13) Temporary political campaign signs may be permitted off-site in any district, provided that all signs shall be removed within fifteen (15) days after the nomination, election, or referendum, according to state law.

6. **Prohibited Signs:** The following signs are prohibited in all zoning districts and in all areas of the Town of Exmore.

1. Any portable sign except such signs that are permitted by the provisions of Article IV-1.3.3.(3)., *Temporary Signs Requiring No Permit*, above.
2. Any sign that violates any provision of any law or regulation of the Commonwealth of Virginia or the United States relative to outdoor advertising.
3. Any sign that violates any provision of the Virginia Uniform Statewide Building Code.
4. 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.

5. Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color or moving copy when the sign is determined by the Zoning Administrator to constitute a public safety or traffic hazard.
6. Any sign so placed that it obstructs any window, door, fire escape, stairway, ladder, opening, or access intended for light, air, ingress to, or egress from any building.
7. Any sign that is attached to a tree, whether on public or private property, except official notices or announcements as provided in Article IV-1.3.3, *Temporary Signs Requiring No Permit*, above.
8. Any sign that is attached to a utility pole, rock, curbstone, sidewalk, hydrant, bridge, highway marker or other sign on public property, except official notices or announcements as provided in Article IV-1.3.3, *Temporary Signs Requiring No Permit*, above, and warning signs as provided in Article IV-1.3.2, *Permanent Signs Requiring No Permit*, above.
9. Any sign which by reason of its location, position, size, shape or color may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device erected by a public authority or where it may interfere with, mislead or confuse traffic. To those ends, no sign shall use the words "Stop", "Slow", "Caution", "Yield", "Danger", "Warning", or "Go" when such sign may be confused with a traffic control sign used or displayed by a public authority.
10. Any sign that would obstruct sight lines for drivers.
11. Any sign that projects beyond a lot line.
12. Any sign that overhangs and has a minimum clearance less than ten (10) feet above a walkway or fifteen (15) feet above a driveway, alley or travel lane, unless a lower clearance is specifically approved by the Zoning Administrator.

**7. Structural Requirements and Performance Standards:** No sign shall be erected unless it complies with the structural requirements as specified in the Virginia Uniform Statewide Building Code.

**2. Maintenance and Removal:**

1. All signs and components thereof shall be maintained in good repair and in a safe, neat, and clean condition.
2. The Zoning Administrator may cause to have removed or repaired immediately

without written notice any sign that, in his opinion, has become insecure, is in danger of falling, or is otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee.

3. Any sign located on property that becomes vacant and is unoccupied for a period of two (2) years or more shall be deemed abandoned. The owner of the sign or the owner or lessee of the property shall remove an abandoned sign. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator may initiate such action as may be necessary to gain compliance with the provisions of this Article.

**3. Outdoor Advertising Signs Constitute Separate Uses:** Outdoor advertising signs, commonly referred to as billboards or poster panels, which advertise products or businesses not connected with the site or building on which they are located, are deemed by this Ordinance to constitute a separate use. The widespread display of outdoor advertising is inconsistent with the character of and sound development of the Town of Exmore. Such signs shall be allowed only as follows:

1. Outdoor advertising signs shall be located only in the **Commercial, Highway (C-H), Business, General (B-G), Industrial, Limited (I-L), or Agricultural (A-1)** Districts and in addition:
  - (1) No such sign shall be located within one-hundred (100) feet of any Residential district.
  - (2) No such sign shall be located within ten (10) feet of the nearest right-of-way of any public highway.
  - (3) No two (2) such signs shall be located closer than fifteen hundred (1,500) feet from each other on the same side of a public right-of-way.
  - (4) Outdoor advertising signs shall not be permitted for Mainstream Media Outlets with less than 10 percent sexually oriented material, Mainstream Media Outlets with less than 40 percent sexually oriented material, Sexually Oriented Media Outlets, Sex Shops, Sexually Oriented Motion Picture Theaters, Sexually Oriented Cabarets, or Sexually Oriented Touching Businesses.
4. Outdoor advertising signs shall be located so as to be primarily visible from the public right-of-way.
5. The maximum height of an outdoor advertising sign shall be twenty-five (25) feet or twenty-five (25) feet above the center line elevation of the street to which it is



adjacent at the nearest point, whichever is greater, except that within the Commercial, Highway (C-H) District, the maximum height of an outdoor advertising sign shall be thirty-five (35) feet or thirty-five (35) feet above the center line elevation of the street to which it is adjacent at the nearest point.

8. Outdoor advertising signs may be single-face or double-face, but no structure may contain more than two (2) faces. No face shall exceed a total area of three-hundred ninety-two (392) square feet.
4. Outdoor advertising signs shall comply with Article IV-2, *Types of Signs Permitted by Zoning District*.

**5. Nonconforming Signs:**

1. Signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to the provisions of this Ordinance, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. Such signs shall not be enlarged, extended or structurally reconstructed or altered in any manner; except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
2. Nothing in this Section shall be deemed to prevent keeping in good repair a nonconforming sign; provided, however, that no nonconforming sign which has been declared by the Zoning Administrator to be unsafe because of its physical condition, as provided for in Article IV-1.6.2, of *Maintenance and Removal*, above, shall be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable provisions of this Article.
3. No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform to the provisions of this Article.
4. If a nonconforming sign is removed, the subsequent erection of a sign shall be in accordance with the provisions of this Article.
5. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) per cent of its appraised value may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed except to render the sign such that it would be in accordance with the provisions of this Article.

6. A nonconforming sign that is changed to or replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be deemed to be in accordance with the provisions of this Article.
7. A nonconforming sign shall be subject to the removal provisions of Article IV-1.6, *Maintenance and Removal*, above. In addition, a nonconforming sign shall be removed if the structure to which it is accessory is demolished or destroyed to an extent exceeding fifty (50) percent of its appraised value.
8. The ownership of the sign or the property on which the sign is located shall not, in and of itself, affect the status of a nonconforming sign.

### **Types of Signs Permitted by Zoning District**

IV-2.1. Only the following signs shall be permitted in **Agricultural (A-1)** and **Residential (R-11, R-20, R-40, and R-M)** zoning districts, subject to general regulations found in Article IV-1, *General Provisions*, of this Ordinance.

1. **Farm or Farm Business Signs:** No more than two (2) such signs on any one premise aggregate area not to exceed thirty (30) square feet, except that in the Agricultural, A-1, District, the following signs may be allowed:
  - (1) Farm or Farm Business Sign: No more than one (1) free-standing sign and no more than three (3) projecting signs on any one lot or premises, with an aggregate area not to exceed thirty (30) square feet. For wall signs, the aggregate area is not to exceed fifty (50) square feet, and no portion of any such sign shall be greater in height than thirty (30) feet from ground level or the eave line of the roof of the main building located on the premises upon which such sign is erected.
  - (2) Farm Directional Sign: No more than four (4) such signs shall have on them the same name. The maximum size of each sign is four (4) square feet.
  - (3) Farm Identification Sign: No more than two (2) on any lot or premises. The maximum size of each sign is four (4) square feet.
2. **Residential, Single Family Uses:** The following regulations shall apply to all signs which are accessory to single family residential uses, including single family detached, single family attached, and other uses as permitted by special use permit.
  - (1) Unless otherwise qualified, permitted signs may be located anywhere on the lot of the use to which the sign is accessory.

(2) Building-mounted signs may be permitted provided that such signs shall be flush against the building and shall not exceed a height of ten (10) feet above grade.

(3) Freestanding signs which identify the name of a single-family residential subdivision or development shall be permitted at each major entrance thereto. Such signs shall not exceed sixty (60) square feet in area or eight (8) feet in height. More than one (1) sign may be placed at each major entrance; however, the aggregate area of all such signs shall not exceed sixty (60) square feet at each entrance.

3. **Residential, Multiple Family Uses:** The following regulations shall apply to all signs which are accessory to multiple family residential uses:

(1) Unless otherwise qualified, permitted signs may be located anywhere on the lot of the use to which the sign is accessory.

(2) Building-mounted signs identifying the name of the building and the address shall be permitted. Such signs shall be flush against the building and shall not exceed three (3) square feet in area per building nor be located at a height exceeding eight (8) feet above grade.

(3) Illumination, if used, shall shine only on the sign or upon the property within the premises and shall not spill over the property line in any direction except by indirect reflection.

(4) Freestanding signs that identify the name of a multiple family development shall be permitted at each major entrance thereto. Such signs shall not exceed sixty (60) square feet in area or eight (8) feet in height. More than one (1) sign may be placed at each major entrance; however, the aggregate area of all such signs at each entrance shall not exceed sixty (60) square feet.

(5) In addition to the signs permitted above, each multiple family development shall be permitted one (1) sign identifying a rental office. Such sign shall not exceed four (4) square feet in area, may be either building-mounted or freestanding, and if freestanding shall not exceed four (4) feet in height or be located closer than *five (5) feet* to any lot line.

6. **Home Occupation Signs:** One sign not exceeding two (2) square feet in area, not illuminated for the purpose of indicating a home occupation that is permitted under this Ordinance.

7. **Identification Signs:** One sign on site not exceeding twenty (20) square feet in area, for the purpose of showing the name and use of a country club, fraternal organization, hospital, church (or other similar establishments, when such use is

permitted).

8. **Subdivision Signs:** No more than two signs at any one entrance to a subdivision from a road, provided that the aggregate area of such signs at each entrance shall not exceed fifty (50) square feet.
  9. **Temporary Event Signs:** Such signs shall be in keeping with Article IV-1, *General Provisions*, of this Ordinance.
  10. **Public, Political and Posting Signs:** Such signs shall be in keeping Article IV-1, *General Provisions*, of this Ordinance.
  11. **Outdoor Advertising Signs:** Such signs shall not be permitted in any Residential zoning districts. Such signs are allowed in the Agricultural, A-1, District and such signs shall be in keeping with Article IV-1, *General Provisions*, and Article IV-1.7, *Outdoor Advertising Signs Constitute Separate Uses*, of this Ordinance.
  12. **Directional Signs:** In keeping with Article IV-1, *General Provisions*, of this Ordinance.
2. **Sale or Rental Signs:** Such signs shall be in keeping with Article IV-1, *General Provisions*, of this Ordinance.
  1. **Contractor's Signs:** One contractor's sign not exceeding eight (8) square feet, provided that such sign shall be removed upon completion of work. Height limitation is ten (10) feet above the ground.
2. Only the following signs shall be permitted in ***Business, Downtown (B-D)***, ***Business, General (B-G)*** and ***Industrial, Limited (I-L)*** zoning districts, and where such uses are allowed by Special Use Permit, in other zoning districts, subject to the general regulations found in Article IV-1, *General Provisions*, of this Ordinance.
  3. **Business Signs – Generally:** The following regulations shall apply to all signs that are accessory to by-right and special permit commercial uses within the ***Business, Downtown (B-D)***, ***Business, General (B-G)*** and ***Industrial, Limited (I-L)*** Districts:
    - (1) Building-mounted signs may be located anywhere on the surface of the walls or roof of the building, but no part of any sign shall extend above or beyond the perimeter of the building's wall, parapet wall, or roof, except as permitted in Article IV-2.2.1.(2), below.
    - (2) A building-mounted sign may extend beyond the wall of a building when such sign is erected at a right angle to the wall, does not extend into the minimum required yard, and is not located closer than two (2) feet to any street

line.

(3) Signs may be located on the vertical face of a marquee, but no part of the sign shall extend above or below the vertical face. The bottom of a marquee sign shall be no less than ten (10) feet above a walkway or grade, at any point.

(4) Unless further restricted by the provisions that follow, no freestanding sign shall exceed a height of thirty (30) feet.

(5) Freestanding signs, where permitted, shall in no instance project beyond any property line or be within five (5) feet of the curb line of a service drive, travel lane or adjoining street. When located on a corner lot, a freestanding sign shall be subject to approval by the Virginia Department of Transportation.

(6) Signs shall be limited to identifying or advertising the property, the individual enterprises, the products, services, or the entertainment available on the same property where the sign is located, except that temporary political signs are permitted as per Article IV-1.3.3 (12).

(7) Building-mounted signs on buildings housing only one (1) tenant or multiple tenants that access the building via a common outside entrance(s) shall conform to the standards of Article IV-2.2.14, below.

(8) Building-mounted signs on buildings housing more than one (1) tenant where each tenant has its own outside entrance(s) shall conform to the standards of Article IV-2.2.14, below.

(9) Service stations may be allowed one (1) additional square foot of sign area on each gasoline pump for the sole purpose of identifying the specific product dispensed from that pump.

(10) Notwithstanding the provisions of this Ordinance, motor vehicle fuel price signs shall be permitted, and the sign area of such sign(s) shall not be computed in the maximum sign area permitted by this Ordinance.

4. **Business Signs- Free Standing:** One such sign on the premises of the business, with an area not to exceed thirty-two (32) square feet. The maximum height allowed is twenty (20) feet and the minimum setback from a public right of way is ten (10) feet

5. **Business Signs - Wall:** One (1) such sign on the premises of the business with an area not to exceed thirty-two (32) square feet, or two such signs, each with an area not to exceed sixteen (16) square feet, except that a sign may be enlarged to a maximum of 50% of the usable space (not including windows and doorways) of walls with frontage on a public right-of-way provided that Zoning Clearance (zoning approval) from the Zoning Administrator is obtained for sign size and

design. Such signs shall not extend more than two feet above the lowest part of the roof of the building.

6. **Business Signs for Mainstream Media Outlets with less than 10 percent and less than 40 percent sexually oriented material:** Such signs shall state the name of the business and shall not include sexually oriented text or graphics.
7. **Sale or Rental Signs:** Such signs shall be governed by standards found in Article IV-1.3.3 (4), of *Temporary Signs Requiring No Permit*, above.
8. **Contractor's Signs:** One contractor's sign, not exceeding eight (8) square feet, provided that such sign shall be removed upon completion of work. Height limitation is ten (10) feet above the ground.
9. **Outdoor Advertising Signs:** Such signs shall be governed by the standards of Article IV-1, *General Provisions*, and Article IV-1.7, *Outdoor Advertising Signs Constitute Separate Uses*, of this Ordinance.
10. **Public, Political and Posting Signs:** Such signs shall be governed by standards found in Article IV-1, *General Provisions*, of this Ordinance.
11. **Temporary Event Signs:** Such signs shall be governed by standards found in Article IV-1, *General Provisions*, of this Ordinance.
12. **Directional Signs:** Such signs shall be governed by standards found in Article IV-1, *General Provisions*, of this Ordinance.
13. **Identification Signs:** One sign on site, not exceeding twenty (20) square feet in area, for the purpose of showing the name and uses of a country club, cemetery, convent, monastery, seminar, children's home, orphanage, fraternal organization, hospital, church (or other similar establishment when such use is permitted).
14. **Theater Signs:** Signs advertising the acts or features to be given in any theater, movie or otherwise, may be displayed on permanent frames erected on the theater buildings; provided that the bottom of such frames are erected flat against a wall and the area of all such frames does not exceed thirty-two (32) square feet. Marquees shall not be less than ten (10) feet above the sidewalk, alley, or parking areas.
3. **Entrance Signs:** Within the **Industrial, Limited (I-L) District**, a sign that identifies an industry may be placed at an entrance onto a public road, provided such sign is no greater in area than thirty-two (32) square feet and that it does not exceed twenty feet in height. Such signs shall be erected in a landscaped setting.
1. **Business, Multiple Tenant Signs:**

(1) Building-mounted signs on buildings housing only one (1) tenant or multiple tenants that access the building via a common outside entrance(s) shall not exceed one-third (0.33) square feet of sign area for each of the first one hundred (100) linear feet of building frontage plus one-quarter (0.25) square foot of sign area for each linear foot over one hundred (100) linear feet of building frontage. No one sign shall have a sign area in excess of thirty-two (32) square feet and the maximum allowable sign area for any one tenant shall not exceed a total of thirty-two (32) square feet, except that a sign may be enlarged to 50% of usable wall space (not including windows and doors) on the road frontage side provided that Zoning Clearance (zoning approval) from the Zoning Administrator is obtained for sign size and design.

(2) Building-mounted signs on buildings housing more than one (1) tenant where each tenant has its own outside entrance(s) shall not exceed one and one-half (1 1/2) square feet of sign area for each linear foot of building footage occupied by each tenant, except as provided for in Article IV-2.2.11(1), above. The maximum allowable sign area for any one tenant, however, shall not exceed a total of thirty-two (32) square feet, except that a sign may be enlarged to 50% of usable wall space (not including windows and doors) on the road frontage side provided that Zoning Clearance (zoning approval) from the Zoning Administrator is obtained for sign size and design.

(3) The following signs are permitted as accessory to an industrial park in the Industrial, Limited (I-L) District:

a. One (1) freestanding sign may be erected at each major entrance to an industrial park. Such sign(s) shall identify the name of the industrial park. No such sign shall exceed thirty-two (32) square feet in area or twenty (20) feet in height or be located closer than five (5) feet to any street line.

b. One (1) freestanding building identification sign may be permitted for each detached building which houses a principal use within an industrial park. Such sign(s) shall be limited to identifying the name of the building and/or the individual enterprises located therein, the address, trademark or identifying symbol or any combination thereof. No such sign shall exceed thirty-two (32) square feet in area or eight (8) feet in height or be located closer than five (5) feet to any lot line.

c. One (1) freestanding on-site directory sign may be permitted in close proximity to each major entrance of an industrial park. Such sign(s) shall be limited to identifying and providing directional information to the individual enterprises located within the industrial park. No such sign

shall exceed twenty (20) square feet in area or eight (8) feet in height or be located closer than ten (10) feet to any street line.

2. Only the following signs shall be permitted in the **Commercial, Highway (C-H)** District, and where such uses are allowed by Special Use Permit, in other zoning districts, subject to the general regulations found in Article IV-1, *General Provisions*, of this Ordinance.

3. **Commercial Signs - Generally:** The following regulations shall apply to all signs that are accessory to by-right and special permit commercial uses within the Commercial, Highway (C-H) District:

(1) Building-mounted signs may be located anywhere on the surface of the walls or roof of the building, but no part of any sign shall extend above or beyond the perimeter of the building's wall, parapet wall, or roof, except as permitted in Article IV-2.3.1.(2), below.

(2) A building-mounted sign may extend beyond the wall of a building when such sign is erected at a right angle to the wall, does not extend into the minimum required yard, and is not located closer than two (2) feet to any street line.

(3) Signs may be located on the vertical face of a marquee, but no part of the sign shall extend above or below the vertical face. The bottom of a marquee sign shall be no less than ten (10) feet above a walkway or grade, at any point.

(4) Unless further restricted by the provisions that follow, no freestanding sign shall exceed a height of thirty-five (35) feet.

(5) Freestanding signs, where permitted, shall in no instance project beyond any property line or be within five (5) feet of the curb line of a service drive, travel lane or adjoining street. When located on a corner lot, a freestanding sign shall be subject to approval by the Virginia Department of Transportation.

(6) Signs shall be limited to identifying or advertising the property, the individual enterprises, the products, services, or the entertainment available on the same property where the sign is located, except that temporary political signs are permitted as per Article IV-1.3.3 (12).

(7) Building-mounted signs on buildings housing only one (1) tenant or multiple tenants that access the building via a common outside entrance(s) shall conform to the standards of Article IV-2.3.12, *Commercial, Multiple Tenant Signs*, below.

(8) Building-mounted signs on buildings housing more than one (1) tenant where each tenant has its own outside entrance(s) shall conform to the standards of Article IV-2.3.12, *Commercial, Multiple Tenant Signs*, below.



(9) Service stations may be allowed one (1) additional square foot of sign area on each gasoline pump for the sole purpose of identifying the specific product dispensed from that pump.

(10) Notwithstanding the provisions of this Ordinance, motor vehicle fuel price signs shall be permitted, and the sign area of such sign(s) shall not be computed in the maximum sign area permitted by this Ordinance.

4. **Commercial Signs - Free Standing:** One such double-sided sign on the premises of the commercial entity, with an area not to exceed one-hundred (100) square feet per side. The maximum height allowed is thirty-five (35) feet and the minimum setback from a public right of way is five (5) feet. For a business located on a corner lot, two (2) such signs are permitted, one on each road frontage. However, a sign may be enlarged to 50% of usable wall space (not including windows and doors) on the road frontage side provided that Zoning Clearance (zoning approval) from the Zoning Administrator is obtained for sign size and design.
5. **Commercial Signs - Wall:** One such sign on the premises of the commercial entity with an area not to exceed two-hundred sixty (260) square feet, nor cover more than 90 percent of the facia.
6. **Commercial Signs for Mainstream Media Outlets with less than 10 percent sexually oriented material:** Such signs shall state the name of the business and shall not include sexually oriented text or graphics.
7. **Sale or Rental Signs:** Such signs shall be governed by standards found in Article IV-1.3.3 (4), of *Temporary Signs Requiring No Permit*, above.
8. **Contractor's Signs:** One contractor's sign, not exceeding twelve (12) square feet, provided that such sign shall be removed upon completion of work. Height limitation is ten (10) feet above the ground.
9. **Outdoor Advertising Signs:** Such signs shall be governed by the standards of Article IV-1, *General Provisions*, and Article IV-1.7, *Outdoor Advertising Signs Constitute Separate Uses*, of this Ordinance.
10. **Public, Political and Posting Signs:** Such signs shall be governed by standards found in Article IV-1, *General Provisions*, of this Ordinance.
11. **Temporary Event Signs:** Such signs shall be governed by standards found in Article IV-1, *General Provisions*, of this Ordinance.
12. **Directional Signs:** Such signs shall be governed by standards found in Article IV-1, *General Provisions*, of this Ordinance.

13. **Identification Signs:** One (1) sign on site, not exceeding twenty (20) square feet in area, for the purpose of showing the name and uses of a country club, cemetery, convent, monastery, seminar, children's home, orphanage, fraternal organization, hospital, church (or other similar establishment when such use is permitted).

K. **Theater Signs:** Signs advertising the acts or features to be given in any theater, movie or otherwise, may be displayed on permanent frames erected on the theater buildings; provided that the bottom of such frames are erected flat against a wall and the area of all such frames does not exceed forty-eight (48) square feet. Marquees shall not be less than ten (10) feet above the sidewalk, alley, or parking areas.

L. **Commercial, Multiple Tenant Signs:**

(1) Building-mounted signs on buildings housing only one (1) tenant or multiple tenants that access the building via a common outside entrance(s) shall not exceed one and one-half (1 1/2) square feet of sign area for each of the first one hundred (100) linear feet of building frontage plus one (1) square foot of sign area for each linear foot over one hundred (100) linear feet of building frontage. No one sign, however, shall have a sign area in excess of one hundred and fifty (150) square feet.

(2) Building-mounted signs on buildings housing more than one (1) tenant where each tenant has its own outside entrance(s) shall not exceed one and one-half (1 1/2) square feet of sign area for each linear foot of building footage occupied by each tenant, except as provided for in Article IV-2.3.12 (3), below. The maximum allowable sign area for any one tenant, however, shall not exceed a total of one hundred and fifty (150) square feet.

(3) A shopping center shall be permitted one (1) freestanding shopping center identification sign; provided, however, that a shopping center with frontage on two (2) or more major thoroughfares may have one (1) freestanding shopping center identification sign for each frontage on a major thoroughfare with a maximum of two (2) such signs. No freestanding sign shall be permitted for individual enterprises located within or on the same lot with a shopping center; however, identification signs for each individual store within the shopping center may be located on the shopping center identification sign. Any such sign identifying an individual store within the shopping center shall not exceed twenty-four (24) square feet. The maximum sign size is two hundred (200) square feet.

(4) An individual enterprise that is not located within or on the same lot with a shopping center shall be permitted one (1) freestanding sign. Such sign shall be limited to a maximum sign area as specified in Article IV-2.3.2, above.

(5) Office parks within the Commercial, Highway (C-H) District are permitted the following signs as accessory to:

- a. One (1) freestanding sign may be erected at each major entrance to an office park. Such sign(s) shall identify the name of the office park. No such sign shall exceed forty (40) square feet in area or twenty (20) feet in height or be located closer than ten (10) feet to any street line.
- b. One (1) freestanding building identification sign may be permitted for each detached building which houses a principal use within an office park. Such sign(s) shall be limited to identifying the name of the building and/or the individual enterprises located therein, the address, trademark or identifying symbol or any combination thereof. No such sign shall exceed thirty (30) square feet in area or eight (8) feet in height or be located closer than five (5) feet to any lot line.
- c. One (1) freestanding on-site directory sign may be permitted in close proximity to each major entrance of an office park. Such sign(s) shall be limited to identifying and providing directional information to the individual enterprises located within the office park. No such sign shall exceed forty (40) square feet in area or eight (8) feet in height or be located closer than ten (10) feet to any street line.

## **Administration**

### **IV-4.1. Permit Requirements:**

1. Except as otherwise provided herein, no sign shall be constructed, erected, relocated, or expanded unless a sign permit has been approved by the Zoning Administrator.
2. Any sign erected under permit shall indicate in the lower right hand corner of the sign the number of the permit. The permit number shall be so affixed that it is legible from the ground.

**IV-4.2. Permit Application:** The application for a sign permit shall be filed with the Zoning Administrator on forms furnished by the County of Northampton or Town of Exmore. The application shall contain the identification and address of the property on which the sign is to be erected; the name and address of the sign owner and of the sign erector; drawings showing the design, dimensions and location on the building/site of the sign; and such other pertinent information as the Zoning Administrator may require to ensure compliance with the provisions of this Ordinance and other applicable ordinances of

the Town of Exmore. The application for a sign permit shall be accompanied by the required filing fee made payable to the County Treasurer. All sign layouts must be professionally done and the finished sign must be essentially like the approved layout as approved by the Zoning Administrator.

**IV-4.3. Expiration of a Sign Permit:**

1. A sign permit shall expire and become null and void if the sign is not erected within a period of twelve (12) months from the date of the permit.
2. In the event the sign is not erected within the twelve (12) month period, an application for extension of an additional six (6) month period may be made to the Zoning Administrator. Such an extension may be granted if the proposed sign is in accordance with current applicable regulations. If the proposed sign is not in accordance, the application for an extension shall be denied.

## **Article V - Off-Street Parking and Loading**

V-1 Statement of 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 exits by standard-size automobiles, as follows in this Article. The schedule below shall control the provision of parking spaces in the various Town zoning districts. The purpose of off-street parking and loading provisions is to insure adequate access to any part of the Town by fire and emergency medical services, to promote the economic well-being of the Town by creating a pleasant shopping climate, and to provide safe and convenient access.

V-2. Space on Same Lot and Adjacent Lots: 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.

V-2.1. Approval of Alternate Location: 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.

V-3. Cooperative Parking:

V-3.1. Approval by Zoning Administrator: 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 Zoning Administrator.

V-3.2. Reductions for Certain Combined Uses: 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.

V-4. 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 engineer and Virginia Department of Transportation and shall be approved by the County's Planning Director.

V-5. Parking Area Design:

V-5.1. Type of Construction: All off-street parking space, loading space, aisles and driveways, except those provided for single-family dwellings, shall be constructed and maintained with a dustless surface and of such type of construction that the same will be available for safe and convenient use at all times. It shall have appropriate safety barriers where needed as determined by the administrator and all off-street parking spaces shall be delineated on the site.

V-5.2. Illumination: 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.

V-5.3. Design: 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.

V-5.4. Landscaping: All parking lots, bays or areas shall be landscaped with low vegetation so as not to create a safety hazard. Where adjacent to residential districts, all lots shall be screened.

V-6. General Requirements: Off-street parking spaces and lots shall meet the following general requirements:

V-6.1. Same Lot: Parking spaces for all residential uses shall be provided on the same lot with the use or structure to be served except as provided for in Section B. 1. of this Article.

V-6.2. Off-site Parking: 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, alternative locations may be authorized by the zoning administrator subject to the following conditions:

- A. 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.
- B. 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 the structure, not to be reduced or encroached upon in any manner.

C. The required number of off-street parking spaces for any number of uses may be combined in one lot provided that each space is permanently available to the assigned use. The amount of space required may be reduced 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.

V-6.3. Large Vehicles: 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.

V-6.4. Reduction of Parking Space: 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.

V-6.5. Reduction of Existing Parking: 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.

V-7. 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:

V-7.1. Surfacing of Parking Lots: 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.

V-7.2. Drainage: Parking areas shall be adequately drained.

V-7.3. Guard Devices: Parking lots shall have appropriate safety barriers where needed as determined by the zoning administrator.

V-7.4. Markings: All off-street parking spaces with hard surfaces and in excess of ten shall be delineated on the site.

V-7.5 Lighting: 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.

V-7.6. Design: 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.

V-7.7. Landscaping: All off-street parking lots and areas shall be landscaped according

to the provisions of the Zoning District in which they are located when constructed.

V-7.8. General Standards: Any off-street parking space shall have minimum dimensions of nine by twenty feet, provided that 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:

A. Minimum aisle widths required for parking areas shall be according to the following table:

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

B. 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."

V-8. Requirements and Specifications for Off-street Loading Spaces:

V-8.1. 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 twenty 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 and one additional space shall be provided for each additional 20,000 square feet of land area or remaining fraction thereof exceeding 10,000 square feet.

V-8.2. 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.

- A. 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.
- B. No required loading space shall be in a required setback area when adjacent to a public street.
- C. All loading spaces shall be marked as a “loading space.”

V-9. Minimum Parking Spaces Required for Permitted Uses: The following spaces shall be required:

V-9.1. Animal hospitals and commercial kennels: One space per four hundred square feet of gross floor area plus one per each employee.

V-9.2. 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.

V-9.3. Banks: One parking space for each one hundred fifty square feet of gross floor area.

V-9.4. Barber shops, beauty shops, health spas and centers: One space per two hundred square feet of gross floor area plus one space per employee.

V-9.5. Bowling alleys: Six spaces per alley.

V-9.6. Car washes: Parking to accommodate employees plus a reservoir of three times the maximum capacity of the car wash.

V-9.7. Carryout/Fast Food restaurants: Thirteen spaces per each one thousand square feet of gross floor area.

V-9.8. Cartage and express facilities: One space per each three employees plus one space per each vehicle maintained.

V-9.9. Churches, high schools, stadiums, auditoriums and similar places of assembly: One space for each four seats.

V-9.10. Commercial skating rink: One space for each one hundred twenty-five square feet or fraction thereof of skating rink area.

V-9.11. Contractors or construction shops, offices and yards: One space per each one thousand square feet of operational area.

V-9.12. Dance halls: One space per each one hundred square feet of gross floor area.

V-9.13. Drive-in restaurants: Eighteen spaces per each one thousand square feet of gross floor area.

V-9.14. Food or chain stores: Five spaces per each one thousand square feet of gross floor area.

V-9.15. Funeral homes: One space per each fifty square feet area in assembly rooms or chapels.

V-9.16. 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.

V-9.17. Greenhouses and nurseries: Enclosed retail area, one 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 of retail area.

V-9.18. Hospitals, nursing, convalescent homes: One space for each two beds including cradles, children's beds.

V-9.19. Industrial uses: Those uses permitted in the Industrial Districts shall have at least one off-street parking space for each two employees on the maximum work shift.

V-9.20. Laundromats: One parking space for each two washing machines.

V-9.21. Medical and dental clinics: One space for each one hundred square feet of floor area.

V-9.22. Mobile homes: Two spaces per unit.

V-9.23. Office buildings: One space for each two hundred square feet of net office floor area.

V-9.24. Printing and publishing facilities: One space per each two employees with a minimum of two customer parking spaces.

V-9.25. Production or processing of materials, goods or products: One space per each

two employees with a minimum of two customer parking spaces.

V-9.26. 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.

V-9.27. Single-family dwellings: Two spaces per unit.

V-9.28. Sit-down restaurants: Thirteen spaces per each thousand square feet of gross floor area.

V-9.29. Testing, repairing, cleaning, servicing of materials, goods and products: One space per each two employees with a minimum of two customer parking spaces.

V-9.30. Theater, drive-in: To be determined by Northampton County planning staff after review of site plans.

V-9.31. Theater, indoors; theater, outdoors: One space per each four seats.

V-9.32. Tourist homes, motels, hotels and boarding houses: One space for each accommodation.

V-9.33. Town houses, patio houses, duplexes and other multi-family residential: Two spaces per unit.

V-9.34. Trailer sales and rental, boat showrooms and model home sales: One space per each three thousand square feet of business area.

V-9.35. Warehousing and wholesaling operations: One space per each three employees with a minimum of two customer parking spaces.

V-9.36. 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 Director of Planning and Zoning.

V-9.37. Other retail establishments not listed in this Article: Three spaces per each one thousand square feet of retail sales area.

## **V-10 ON-STREET PARKING**

Statement of Intent.

The purpose of on-street parking is to provide parking for those business, community centers, etc. who do not have adequate off-street parking available. It is encouraged in pedestrian zones. On-street parking is a valuable public resource that benefits the small businesses and centers.

On-street parking.

Off-street parking shall be required behind the front building line at the discretion of the planning commission or the zoning administrator after considering the amount of on-street and other public parking available within 300 feet of the new development or redevelopment.

## Article VI - Nonconforming Uses

### VI-1 Continuation.

VI-1.1. If at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure is 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.

VI-1.2. If any change in title of possession or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

VI-1.3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

VI-1.4. Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded from the provisions of this Article.

VI-1.5. Uses, structures, or activities which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment, may be continued. Any such future use, structure, or activity shall conform to the requirements of this ordinance or future amendment.

### VI-2 Procedure.

VI-2.1. 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 of applicant 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 for any lot or parcel located within a Chesapeake Bay Preservation Area;
- D. Location and description of any existing private water supply or sewage system.

VI-2.2. A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

VI-3 Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the structure provided that the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

VI-4 Expansion or Enlargement.

VI-4.1. An application for the expansion of a nonconforming structure within a Resource Protection Area may be approved by the Zoning Administrator provided that the following findings are made:

- A. The request for the waiver is the minimum necessary to afford relief;
- B. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;
- C. The waiver is in harmony with the purpose and intent of this Article and does not result in water quality degradation;
- D. The waiver is not based on conditions or circumstances that are self-created or self-imposed;

VI-4.2 A nonconforming structure, not within a CBPA, to be extended or enlarged shall conform with the provisions of this ordinance.

VI-4.3. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

VI-4.4. The Zoning Administrator may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels in Chesapeake Bay Preservation Areas to provide for remodeling and alterations or additions to such nonconforming structures provided that:

- A. There will be no increase in nonpoint source pollution load;
- B. Any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirements in Article III of this

ordinance.

VI-5 Nonconforming Lots. Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used provided a showing of unnecessary and undue hardship would result if a variance is not granted by the Board of Zoning Appeals.

VI-6 Restoration or Replacement.

VI-6.1. If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.

VI-6.2. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.

VI-6.3. When a conforming structure devoted to a nonconforming activity is damaged less than fifty percent (50%) of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five percent (75%) of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

VI-6.4. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

## Article VII - Administration and Enforcement

VII-1 Zoning Permits. No use of any real property within the corporate limits of the Town of Exmore shall take place nor shall any construction or excavation or grading thereof commence prior to the issuance of a zoning permit thereof by the Zoning Administrator. The zoning permit shall state that the proposed construction, use, or other activity is in accord with all provisions of this Zoning Ordinance. The Zoning Administrator may promulgate rules determining what information shall accompany each application for a permit herein.

VII-2 Commission Permits. No street, park or other public area, or public structure, or public utility, public building or public service corporation, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof. In connection with any such determination the Commission may, and at the direction of the Council shall, hold a public hearing, after notice as required by Section 15.1-431 of the Code of Virginia.

VII-3 Zoning Administrator. This ordinance shall be administered by the Zoning Administrator who shall be appointed by the Town Council and shall be 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.

The Zoning Administrator shall have the authority to approve Administrative Variances. This type of variance helps property owners where allowed by Code of Virginia, Section 15.2-2286 by allowing that variances from building setbacks **only** may be granted following notification of all adjoining property owners and under certain prescribed conditions.

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.

VII-4 Violations and Penalties. Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100) or imprisonment in the county jail for not more than thirty (30) days, or both, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se and shall be enjoined to cease.



## **Article VIII - Special Use Permits**

VIII-1 Statement of Intent. It is recognized in this ordinance that certain uses are not necessarily incompatible with the uses traditionally associated with standard zoning districts, if the proper mitigating conditions are enacted along with the proposed use. Therefore, such uses have been designated as special uses, and have been included in Article III. Such uses are allowed in the associated districts upon the issuance of a Special Use Permit by the Exmore Town Council.

VIII-2 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:

- A. The applicant shall submit an application to the Zoning Administrator. Such application shall be accompanied by evidence that the specific criteria set forth in the ordinance for the special use requested will be met. Accompanying maps showing the site of the proposed use may be required.
- B. 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 Planning Commission.
- C. The Zoning Administrator will transmit the collected information and his recommendation to the Planning Commission. The Planning Commission shall hold a public hearing in accordance with Title 15.2, Chapter 22, Section 15.2-2204 of the Code of Virginia, as amended, within thirty days of receipt of the Zoning Administrator's report. The Zoning Administrator's Report, a summary of the Planning Commission public hearing, and a recommendation from the Planning Commission, shall be transmitted to the Town Council by the Town Council's first meeting after the date public hearing is held.
- D. The Town Council shall hold a public hearing in accordance with Title 15.2, Chapter 22, Section 15.2-2204 of the Code of Virginia, in order to receive public comment and to decide upon the Special Use Permit application. Such public hearing shall be scheduled to coincide with the regularly scheduled Town Council meeting that most closely follows the Council's receipt of the Special Use Permit application. If the requirement for proper notice for a public hearing makes such regularly scheduled Town Council meeting impractical, the public hearing shall be scheduled for the Town Council meeting one meeting hence from the meeting most closely following receipt of the application by the Town Council.

VIII-3 Conditions and Bonds. The 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 surrounding properties.
- B. Establishment of setback, side, front, and rear yard requirements necessary for orderly expansion and for preventing traffic congestion.
- C. Provision for adequate parking and ingress and egress to public streets and roads necessary to prevent traffic congestion.
- D. Provision for adjoining property with a buffer or shield from view of the proposed use and/or structure.
- E. Establishment of a time limit for expiration after which the permit shall no longer be valid or shall require renewal.
- F. The Town Council may require a bond, in a reasonable amount determined by the Council, to be payable to the Zoning Administrator to insure compliance with the terms and conditions of any special use permit.
- G. 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.

VIII-4 Review Standards. The Zoning Administrator, Planning Commission, and 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 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.

VIII-5 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 Town Council.

## **Article IX - Provisions for Appeal**

### IX-1 Board of Zoning Appeals.

IX-1.1. A Board of Zoning Appeals, which shall consist of either five or seven residents of the locality (Town of Exmore), appointed by the circuit court of the locality (Circuit Court of Northampton County) according to the provisions of the Code of Virginia, Title 15.2, Chapter 22, Section 15.2-2308. Members of the Board may receive such compensation as may be authorized by the governing body. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

IX-1.2. The term of office shall be for five (5) years, except that original appointments shall be made for such terms that the term of one member shall expire each year. Members of the board shall hold no other public office in the County or Town except that one may be a member of the local planning commission.

IX-1.3. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has a legal interest.

IX-1.4. The board shall choose annually its own chairman, vice-chairman, and secretary. The vice-chairman shall act in the absence of the chairman.

### IX-2 Powers of the Board of Zoning Appeals. The Board of Zoning Appeals shall have the following powers and duties:

IX-2.1. To hear and decide appeals from any order, requirements, decision or determination made by an administrative officer or Zoning Administrator in the administration or enforcement of this ordinance or of any ordinance adopted pursuant thereto.

IX-2.2. To authorize upon appeal in specific cases such variances from the terms of the 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 the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of specific piece of property at the time of the effective date of the ordinance or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or

unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

1. That the strict application of the ordinance would produce undue hardship; and
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use 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 the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

IX-2.3 Interpretation. The Board of Zoning Appeals shall have the authority to hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Title 15.2, Chapter 22, Section 15.2-2204 of the Code of Virginia, the board may interpret the map in such a way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The Board shall not have the power to change substantially the location of district boundaries as established by ordinance.

IX-3 Applications for Variances. Applications for variances may be made by any property owner, tenant, governmental official, department, board or bureau. Such applications shall be made to the Zoning Administrator in accordance with rules and regulations adopted by the Board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the Board who shall place the matter on the docket to be acted upon by the Board. No such variances shall be authorized except after notice and hearing as required by Title 15.2, Chapter 22, Section 15.2-2204 of the Code of Virginia. The Zoning Administrator shall also transmit a copy of the application to the Planning Commission

which may send a recommendation to the Board or appear as a party at the hearing.

IX-4 Appeal to the Board of Zoning Appeals. An appeal to the board may be taken by any person aggrieved or by any office, department, board or bureau of the county or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order granted by the board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown. No such appeal shall be heard until after notice and hearing as required by Title 15.2, Chapter 22, Section 15.2-2204 of the Code of Virginia.

IX-4.1. Appeals shall be mailed to the Board of Zoning Appeals c/o the Zoning Administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual official, department or agency concerned, if any.

#### IX-5 Rules and Regulations.

IX-5.1. The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

IX-5.2. The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.

IX-5.3. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

IX-5.4. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examination and other official actions, all of which shall be immediately filed in the Town Hall and shall be a public record.

IX-5.5. All meetings of the board shall be open to the public.

IX-5.6. A favorable vote of the majority of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

IX-6 Public Hearing. The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within ninety (90) days. In exercising its powers, the Board may reverse or affirm, wholly

or partly, or may modify the order, requirement, decision, or determination of an administrative officer, or may decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or may effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the Town Hall and shall be public record. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

#### IX-7 Decision of the Board of Zoning Appeals.

IX-7.1. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the county or municipality, may present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the Town Hall.

IX-7.2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and 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 to the Board and on due cause shown, grant a restraining order.

IX-7.3. The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

IX-7.4. If, upon the 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 constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

IX-7.5. Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision from which appealed.

## **Article X - Amendments**

X-1 General Provisions. The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by the governing body, provided:

X-1.1. The Planning Commission shall hold at least one (1) public hearing on such proposed amendment after notice as required by law, and may make appropriate changes in the proposed amendment to the governing body together with its recommendations and appropriate explanatory materials. Such public hearing may be held jointly with the governing body at its public hearing.

X-1.2. Before approving and adopting any amendment, the governing body shall hold at least one (1) public hearing thereon, pursuant to public notice as required by law after which the governing body may make appropriate changes or corrections in the proposed amendments; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by law. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the zoning ordinance.

X-2 Effect of Repeal, Amendments, or Recodification of any Part of this Ordinance on prior Proceedings, Acts or Offenses. The repeal, amendment or recodification of any part of this ordinance shall not affect any act, or offense done or committed, or any penalty incurred, or any right established, accrued or accruing on or before the effective date of such repeal, amendment or recodification, nor enlarge any such right or privilege, except as specifically provided by such repeal, amendment or recodification. Neither shall the repeal, amendment or recodification of any part of this ordinance affect any proceeding, prosecution, suit or action which may be pending, said prior laws being continued in full force and effect for those purposes.



## Article XI - Zoning Guidelines

XI-1 Statement of 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 for 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 the Town of Exmore Comprehensive Plan.

XI-1.1 Supplemental Considerations and Regulations. Rapid development of employment, residential and commercial facilities in the Town of Exmore and the resulting impact on existing public facilities, highways and other necessary public facilities and services and natural resources could exceed the ability of the Town to provide for such facilities. Therefore, under authority of Article VIII of this ordinance and Title 15.2, Chapter 22, Section 15.2-2242 of the Code of Virginia, as amended, the Exmore Town Council may impose conditions, including reasonable employment limitations, to ease the effect of rezoning land on the general public and on the natural resources of the Town.

XI-1.2 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 of the public hearing on said amendment to the zoning map by the applicant for rezoning and provided that said conditions are accepted by the governing body as a condition to said amendment of the zoning map. Such 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 landowners and governing body.

### XI-2 Conditional Zoning Procedure

- A. Upon the receipt by the Zoning Administrator of a rezoning petition, it shall be reviewed

by the Zoning Administrator in accordance with the guidelines found in Section XII-1. The Zoning Administrator shall prepare a report for presentation to the Planning Commission. The report from the Zoning Administrator shall contain a recommendation on the reasonableness of the requested rezoning, with specific reasons provided for the recommendation.

- B. The Planning Commission, within thirty (30) days of receiving the Zoning Administrator's report, shall consider the Zoning Administrator's recommendations and discuss same with the applicant. The applicant shall be advised of the possibility of proffered conditions in a rezoning decision, which conditions are not meant to change the character of a fundamentally unsound rezoning, but are meant to be responsive to Town growth pressures not specifically foreseen in the existing district regulations.
- C. The Planning Commission shall forward the report of the Zoning Administrator, along with a report summarizing the content of the Planning Commission public hearing, to the Town Council.
- D. After the Town Council has received the reports from the Zoning Administrator and the Planning Commission, the applicant for the rezoning under consideration may proffer a set of conditions for consideration along with the rezoning. Such a proffer shall be addressed to the Mayor of the Town of Exmore.
- E. The Town Council shall hold a public hearing on the requested rezoning in accordance with Title 15.2, Chapter 22, Section 15.2-2204 of the Code of Virginia, as amended. The rezoning request and the proffered condition shall be considered at this time.
- F. In the event that a request for rezoning is approved and the proffered conditions accepted, these same conditions shall be recorded in the Clerk of Circuit Court office as a lien on such 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 XII - Site Plan Requirements**

XII-1 Statement of Intent. The purpose of these requirements is to promote the orderly development of certain activities in the Town and to insure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review a project's compatibility with its environment; to review the ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility, and type of a project's required community facilities; and to review the

location and adequacy of a project's provision for drainage and utilities.

XII-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 Subdivision Ordinance of the Town of Exmore.
- 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 Title 15.2, Chapter 22, Section 15.2-2242 of the Code of Virginia, as amended.

XII-3 When Required. The provisions of this Article shall apply to any use as specified in the rules and regulations of each zoning district.

XII-4 Waiver of Requirements. Any requirement of this Article may be waived by the governing body where the waiver is not adverse to the purpose of this Article and the applicant establishes that in his specific case an undue hardship would result from a strict enforcement of this Article, or that the requirement is unreasonable.

XII-5 Site Plan Specifications. Every site plan shall be prepared in accordance with the following specifications:

- A. The scale shall not be less than fifty (50) feet to one (1) inch.
- B. All site plans shall not exceed twenty-four inch (24") by thirty-six inch (36") sheets.
- C. If the site plan is prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
- D. Horizontal dimensions shall be in feet and decimals of feet to the closest one tenth (1/10) of a foot.

XII-6 Site Plan Contents. The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified

persons. Final site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the Commonwealth of Virginia within the limits of their respective licenses. The site plan shall include, but not be limited to, the following:

- A. The proposed title of the project and the names of the engineer, architect, landscape architect, surveyor, and/or developer; the name of the developer; and a signature panel for the Zoning Administrator's approval.
- B. The north point, scale, data, and vicinity map.
- C. Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
- D. The present use of all contiguous or abutting property.
- E. The boundaries of the property involved by bearings and distances.
- F. All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining properties, need only be shown in approximate scale and proportion.
- G. Topography of the project area with contour intervals of two (2) feet or less.
- H. The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures, all overhead utilities and their supporting poles in or affecting the project, including existing and proposed facilities and easements for these facilities.
- I. The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site.
- J. When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of one hundred fifty (150) feet or the length of connections, whichever is the greater distance.
- M. The location of all existing and proposed off-street parking and parking bays, loading spaces, and walkways, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.
- N. The location, height, type, and material of all existing and proposed fences, walls, screening of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- O. The location of and proposed general use for each building; and the number, size, and type of dwelling units where applicable.

- P. Provisions for the adequate disposition of surface water in accordance with design criteria and construction standards of the Town indicating location, sizes, types, and grades of ditches, catch basins, and pipes and connection to existing drainage system.
- Q. Provisions and schedule for the adequate control of erosion and sedimentation, in accordance with the Virginia Erosion and Sediment Control Ordinance.
- R. Proposed finished grading by contour supplemented where necessary by spot evaluation.
- S. One hundred year floodplain limit studies as required by the administrator.
- T. The location, character, size, height, and orientation of proposed signs.
- U. The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.

Any necessary notes required by the administrator to explain the purpose of specific items on the plan.

The administrator may request additional information other than what has previously been stated when deemed necessary to protect the health, safety, and general welfare of the citizens of the county.

#### XII-7 Improvements and Standards.

XII-7-1. The following improvements and minimum standards, as applicable, shall be required and provided for in a site development plan.

XII-7-2. All street and highway construction standards and geometric design standards shall be in accord with those specified by the Virginia Department of Transportation.

XII-7-3. The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to-and-from adjacent property and parking areas shall be not less than twenty (20) feet in width for two-way traffic and ten (10) feet for one-way traffic.

XII-7-4. Cul-de-sacs shall be designed and constructed in accordance with the street standards specified by the Virginia Department of Transportation, and may not be construed or employed in a parking area.

XII-7-5. Minimum utility easement width shall be twenty (20) feet unless specifically reduced as specified by the administrator. Where multiple structures or pipes are installed, the edge of the easement shall be five (5) feet clear of the outside pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five (5) feet from any building.

XII-7-6. Sidewalks and pedestrian walkways shall be designed to enable patrons and tenants to walk safely and conveniently from one (1) building to another within the site and adjacent sites.

XII-7-7. All required screening shall be sufficiently dense or opaque to screen development effectively from the adjacent properties.

## XII-8 Procedures.

XII-8-1. Site plans may be approved administratively by the administrator after first distributing the plan to the various town, county and state departments for written comments.

XII-8-2. All applicants are encouraged to request a preapplication review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs, and other Town ordinance requirements, utilities, and drainage and to consider preliminary features of the proposed development as they relate to this Article.

XII-8-3. Sufficient copies, as required by the administrator, of the final plan shall be submitted to the administrator. The administrator shall have up to thirty (30) days to circulate the plan to the Planning Commission for written comments, and to notify the applicant of the action taken which may be approved, approved subject to conditions, or disapproved.

XII-8-4. An applicant may appeal the decision of the administrator within thirty (30) days in writing to the Board of Zoning Appeals in accordance with Article X.

## XII-9 Site Plan Termination or Extension.

XII-9-1. An approved site plan shall expire and become null and void if no building permit has been obtained for the site in twelve (12) months after the final approval.

XII-9-2. The governing body may grant an extension of one (1) year.

XII-10 Amendments to Approved Site Plan. If it becomes necessary for an approved site plan to be changed, the administrator shall, at the applicant's request, either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this Article.

XII-11 Site Plan Prerequisite to Issuance of Permits. No building permit shall be issued to construct, erect, or alter any building or structure or any permit or authorization granted to improve or develop land subject to the provisions of this Article, unless a site development plan has been submitted and approved.

## XII-12 Compliance with Approved Site Plan.

XII-12.1. Inspections shall be made during the installation of off-site and on-site improvements by the administrator or his designated representative in their areas of responsibility to insure compliance with the approved site plan.

XII-12.2. The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site development plan and shall make one (1) set of approved plans available at the site at all times that work is being performed.



**Article XIII - Supplemental District Regulations**

XIII-1 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 County, (5) assist in reducing cost in residential development, and (6) maintain the agricultural resources in the County.
  
- 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 XIII-C herein.
  
- C. Zoning District Permitting Cluster Alternative Development - Residential minimum lot sizes in the A-1, R-40, R-20, and R-11 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 Water Systems
A-1	5 acres	2 acres	3 acres	5 acres
R-40	40,000 sq.ft.	21,000 sq.ft.	28,000 sq.ft.	40,000 sq.ft.
R-20	20,000 sq.ft.	13,000 sq.ft.	15,000 sq.ft.	20,000 sq.ft.
R-11	11,000 sq.ft.	8,000 sq.ft.	Not Permitted	Not Permitted

- D. Disposition of Land Gained.
  - (1) Except as provided by Subsection XIII-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 County 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 homeowner 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.

### XIII-2. Requirements for Condominiums.

- A. Definitions: For purposes of this section, the meaning of all terms shall be controlled by Title 55, Chapter 4.2, Section 55-79.41 of the Code of Virginia.
- B. 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.
- C. 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.

### XIII-2 Wireless Communications Facilities Standards

A. Purpose and Intent: The purpose of this section is to establish standards for the siting of wireless telecommunication service facilities. The goals are to (1) promote the general safety, welfare, and quality of life for town residents; (2) assure availability of wireless telecommunication service to the public; (3) discourage the location of telecommunication towers in residential areas; (4) discourage the development of new sites for transmission and receiving stations by encouraging co-location on existing facilities; and (5) minimize adverse impacts, including visual impacts, on areas surrounding tower sites.

It shall be the town's policy to have new wireless communications facilities co-locate, to the extent possible, on existing buildings, structures, and towers in order to minimize the need for new towers.

#### B. Definitions:

a. Antenna Array: One or more whips, panels, discs, or similar devices under twenty feet height used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (whip, satellite dish), directional antenna (panel, microwave dish), and parabolic antenna (disc), but not including satellite earth stations. The antenna array does not include the support structure as defined in this Section.

b. Attached Wireless Communications Facility (Attached WCF): An antenna array that

is attached or affixed to an existing building or structure (including but not limited to a utility pole, sign, or water tower), along with any transmission cables and accompanying pole or device that attaches or affixes the antenna array to the existing building or structure.

c. Co-location (sometimes "collocation"): Use of a common WCF or common support structure by two or more wireless communications license holders or by one wireless communications license holder for more than one type of communications technology, or, placement of a WCF on a structure owned or operated by a utility or other public entity, or placement of an Attached WCF.

d. Equipment Facility: Any accessory structure used to contain ancillary equipment for WCF, which may include cabinets, small shelters, pedestals, or other similar structures.

e. Support Structure: Any structure designed and constructed specifically to support an antenna array, and may include a monopole, transmission tower, and other similar structures. Any device used to attach an Attached WCF to an existing building or structure shall be excluded from this definition.

(1) Monopole: A single self-supporting pole structure, tapering from base to top and supporting a fixture designed to hold one or more antennas.

(2) Transmission Tower: A lattice structure, guyed or self-supporting, used to support antennas.

f. Wireless Communications: Any wireless services as defined in the Federal Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and other similar services that currently exist or that may in the future be developed.

g. Wireless Communications Facility (WCF): Any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, transmission cables, equipment facilities, and a Support Structure.

C. Performance Standards: The following performance standards shall be applied to all WCFs.

a. Antenna Arrays: Structure-mounted and roof-mounted antennas and related unmanned equipment may be developed subject to the performance standards below.

(1) An Antenna Array is permitted by right to co-locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower, water tower, or building, provided that the installation of the

new facility does not increase the height of the existing structure by more than twenty (20) feet, to a maximum of one hundred ninety-nine (199) feet, subject to the other standards included herein. Such installations shall not require a special use permit but shall require site plan approval by the county and shall be added to the county inventory of wireless facilities. Any increase in height of an existing structure greater than twenty (20) feet shall require a special use permit; however, under no circumstances shall the total height of a structure exceed 199 feet.

- (2) Satellite and microwave dishes attached to towers and monopoles shall not exceed six (6) feet in diameter.
- (3) Omnidirectional antennas shall be of a material or color which matches the exterior of the building or structure.
- (4) Directional or panel antennas shall be of a material or color which matches the exterior of the building or structure.
- (5) No commercial advertising shall be allowed on any antenna.
- (6) Signals or lights or illumination shall not be permitted on any antenna unless required by the FCC, the Federal Aviation Administration (FAA), or any other state or federal authority.

b. Support Structures (Transmission Towers and Monopoles): All Support Structures will require the approval of a special use permit and shall be subject to the following standards.

- (1) Where technically and reasonably feasible, monopoles will be considered preferable to lattice structures.
- (2) New Support Structures and equipment facilities shall be subject to the site plan review and approval requirements set forth in Article XII herein. Approval of a site plan is required before a building permit is issued.
- (3) Unless otherwise required by the FCC or the FAA, the proposed WCF shall harmonize with development in the vicinity with respect to color, lighting, materials, and architecture. In addition, the facility shall be located within the interior of the property and screened by any existing vegetation to the extent practicable.
- (4) New Support Structures shall be designed to accommodate at least three (3) providers, but not so many as to necessitate a very tall, thick tower.
- (5) The maximum height of a WCF shall be 199 feet.

- (6) Support Structures shall be designed to collapse within the lot lines or lease lines, if leased area does not conform to property lot lines, in case of structural failure.
- (7) No signals, lights, or illumination shall be permitted on a tower or monopole, unless required by the FCC, the FAA, or other state or federal authorities.
- (8) No commercial advertising or signs shall be allowed on a tower, monopole, or associated structures.
- (9) No tower or monopole shall be located within a designated historic district.
- (10) Applicants for a special use permit for any WCF shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding by the FAA that the proposed facility is not a hazard or obstruction to aviation shall be a condition for the issuance of any special use permit.
- (11) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.
- (12) The following setback requirements shall apply to all Support Structures.
  - (a) Transmission Towers and Monopoles must be set back from any off-site residential structure no less than four hundred (400) feet and set back from any property line a minimum of one hundred fifty (150) feet.
  - (b) Guy wires and accessory facilities must be set back a minimum of twenty-five (25) feet from any property line.
- (13) WCFs shall be enclosed by security fencing no less than eight (8) feet in height and equipped with an appropriate anti-climbing device. The fence shall have a 24-hour emergency phone number posted.
- (14) The following requirements shall govern the landscaping surrounding WCFs.
  - (a) WCFs shall be landscaped and maintained with a buffer of plant materials that effectively screen the view of the support buildings from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.

- (b) Existing vegetation may be removed only as authorized during the site plan review process to permit construction of the WCF and installation of vehicular and utility access.
  - (15) Noise generated by the facility shall be limited to 50 dBA above ambient levels except when a back-up generator is needed.
- c. Submission Requirements. Applicants for a special use permit under this section shall submit the following information.
- (1) Documentation in written and graphic form regarding the service area to be provided by the proposed WCF. This shall include propagation maps demonstrating that the facility, with co-location capabilities, is no higher in elevation than necessary.
  - (2) A scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The zoning administrator, the Planning Commission, or the Board of Supervisors may require other information to assess compliance with this ordinance. Additionally, the applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the midground, and the background of the site.
  - (3) An engineering report that includes a statement of justification for the proposed site selection.
  - (4) The applicant shall submit a written commitment to the County that they shall allow other wireless carriers to co-locate antennas and other wireless facilities on the proposed facility unless the applicant is able to certify that:
    - (a) No additional need is anticipated for any other potential user in the vicinity; or
    - (b) There is some valid economic, technological, or physical reason why co-location is not possible on the proposed facility.
  - (5) Each applicant for a WCF shall provide to the Northampton County Department of Planning and Zoning and, upon request, to the Town of Exmore, a comprehensive plan of its existing facilities in the Town of

Exmore, its anticipated facility needs and probable future location sites. The Department shall maintain an inventory of wireless facility sites and may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the locality, provided, however, that the Department shall not, by sharing information, in any way represent or warrant that such sites are available or suitable.

D. Applicants shall demonstrate a good-faith effort to co-locate with other service providers: Such demonstration shall include evidence of contact with all other licensed carriers operating in the county and written justification from said carriers and the applicant if co-location is not feasible. In the event that other carriers refuse to respond to the applicant, submittal of certified mail receipts and copies of correspondence shall be considered demonstration of good-faith effort. One or more of the following factors shall constitute justification:

- (1) No existing towers or structures are located within the geographic areas required to meet applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antennas and related equipment.
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (5) The fees, costs, or contractual provision required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

E. Removal of Abandoned WCFs. A bond shall be required to assure removal of an obsolete WCF. Any antenna or tower that is not operated for a continuous period of twenty-four months shall be considered abandoned, and the owner of each such antenna or tower shall remove same within ninety (90) days of receipt of notice from Northampton County notifying the owner of such removal equipment requirement. Removal is defined as leveling structures to the ground. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The site shall be restored as closely as possible to its original condition after removal is complete.

- F. Required Yearly Report. The owner of each such WCF shall submit a report to the Northampton County Department of Planning and Zoning once a year, no later than July 1. The report shall state the current user status of the tower.
  - G. Special Use Permit Review. Each special use permit for a WCF shall be reviewed every three years. While no additional fees or public hearing shall be required, the applicant shall demonstrate to the satisfaction of the Zoning Administrator that a good-faith effort has been made to cooperate with other providers to establish co-location at the tower site. Such cooperation shall include timely responses to co-location inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing co-location. The owner/operator will also be evaluated for compliance over the three-year period with any other terms and conditions of the special use permit.
7. Provisions for Amateur Radio Antennas. Amateur radio antennas are exempt from the portions of these regulations that pertain to co-location.





**Article XIV - Fee Schedule**

Zoning Ordinance (copy)	\$ 16.00
Zoning Permit	\$ .05/square foot
Special Use Permit	\$150.00
Variance	\$100.00
Rezoning	\$340.00
Water Quality Impact Assessment Review	\$ 30.00

**ALL FEES ARE NON-REFUNDABLE**

# APPENDIX