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Draft Zoning & Subdivision Ordinance Changes

The following list highlights major changes made to the Essex zoning and subdivision ordinance as advised by the Planning Commission and Board of Supervisors since the start of the project in December 2019. The Board of Supervisors and Planning Commission held nine (9) joint worksessions to direct, review, and edit the proposed draft.

This list is not exhaustive; it excludes editorial changes and constitutes the most substantive changes. Items in ***bold italics*** are the most recent changes directed after the Open House review.

General Organization and Updates

- The existing ordinance was structurally reorganized. Articles and sections were analyzed for cohesive flow, clarity, compliance with State Code, best practice, and Board of Supervisor, Planning Commission, and community input. The analysis and input resulted in the rearrangement (portions of existing Articles moving to new Articles), revision (changing of phrase or values for clarity, code compliance, and appropriateness), and addition and/or removal of items (for code compliance and appropriateness for Essex County).

Article I. – In General

- Consolidated and updated existing Article I (Purpose and Authority), Article II (Title, Interpretation and Enactment), and Article XXI (Administrative and Enforcement Provisions).
- Updated with State Code requirements and references.
 - The purposes of zoning are included in the ordinance as explicitly listed in Code of Virginia §15.2-2283.
 - Relationship to other laws is based on Code of Virginia §15.2-2315.

Article II. – Administration

- Consolidated and updated existing Article XX (Changes and Amendments), Article XXI (Administrative and Enforcement Provisions), and Article XVIII (Board of Zoning Appeals) with State Code requirements and references – including the duties and rules for Zoning Administrators, Subdivision Agents, Planning Commission and Board of Zoning Appeals.
- Fees are recommended to be adopted as a schedule in a separate uncodified ordinance rather than listing fees in the zoning ordinance. This allows all fees to reside in one document and provides the Board with direct ability to hold a public hearing and update as needed.
- Penalties for violations updated to include current State Code references and penalty amounts; also added the option of civil fines.

Article III. – Permits and Applications

- Consolidated and updated existing Article XVII (Supplementary Regulations), Article XVIII (Board of Zoning Appeals), Article XIX (Conditional Use), Article XX (Changes and Amendments), and Article XXI (Administrative and Enforcement Provisions) with State Code requirements and references.
- Clarified processes for obtaining zoning permits, rezonings, conditional zoning with proffers, conditional use permits, and variances.

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- Clarified which projects require site plans by explicitly listing those that are exempt from submitting a site plan. Edited text to allow all final site plans to be administratively approved.
- Removed the ability to grant temporary mobile homes as a special exception.

Article IV. – Zoning Districts

- Articles IV-VX of the existing ordinance have been consolidated into one article of zoning districts.
- Removed the R-5, Planned Residential Development District. This district was not utilized and was redundant with the R-4 and PUD districts.
- Removed the S-1, Special District – Restricted. This district had one parcel (proposed to rezone to R-1), and the intent of the district is satisfied through nonconforming regulations.
- Removed the S-2, Special Motor Vehicle Racing Overlay District. This district is related to a particular use. The use is now supplied in the Use Matrix as “Commercial outdoor recreation/amusement” and requires a conditional use permit in the A-2, PUD, and B-2 districts.
- Changed the M-2, Industrial, Limited to I-1, Light Industrial. It is best practice to identify industrial districts with an “I” and to number them in ascending order from lightest to heaviest industry.
- Changed the M-1, Industrial to I-2, Industrial. It is best practice to identify industrial districts with an “I” and to number them in ascending order from lightest to heaviest industry.
- Grouped all district purpose and intent statements together as well as created tables of minimum site area and dimensional requirements.
- A-1, Agriculture and Forestry, Preservation and A-2, Agriculture and Forestry, General
 - Streamlined lot requirements for residential and non-residential uses to reduce repetitive standards and eliminate redundancy with Use Performance Standards (Art. VI).
 - Added maximum lot coverage to minimize impervious areas and preserve open space and the natural environment.
 - Increased minimum frontage for lots to reduce the number of and provide separation between driveway cuts along a road, which ultimately will affect traffic flow. Greater frontage requirements will also minimize strip development along public roads.
 - Revised setbacks to consider different types of lots (corner lots, through lots, etc.). Added new setback requirements for different types of corner lots (back-to-back and back-to-side). These terms have been defined in Article X for clarity.
 - Eliminated variable height standards for non-residential structures.
- R-1, Very Low Density Residential
 - Streamlined lot requirements for residential and non-residential uses and eliminated variable requirements based on water/sewer availability. The proposed minimum lot area is based on the largest currently permitted lot size (1 acre). R-1 properties are unlikely to have public water or public sewer in the foreseeable future and therefore those parameters are unnecessary at this time. In addition, most non-residential uses are also subject to conditional use permit requirements and minimum Use Performance Standards (Art. VI).

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- Added maximum lot coverage to minimize impervious areas and preserve open space and the natural environment.
- Standardized frontage requirements versus allowing variable frontage requirements based on lot width.
- Revised setbacks to consider multiple types of lots (corner lots, through lots, etc.) Added new setback requirements for different types of corner lots (back-to-back and back-to-side). These terms have been defined in Article X for clarity.
- Eliminated variable height standards for non-residential structures.
- R-2, Low Density Residential
 - Streamlined lot requirements for residential and non-residential uses, Health Department may require larger lot size for lots with private well and/or septic.
 - Added maximum lot coverage to minimize impervious areas and preserve open space and the natural environment.
 - Standardized frontage requirement versus allowing variable frontage requirements based on lot width.
 - Added setbacks along Primary Highways. These highways typically have more traffic and higher speed limits. Requiring additional setback from these highways increases safety, allows room for future road expansion, and maintains open space.
 - Eliminated variable height standards for non-residential structures.
- R-3, Medium Density Residential
 - Streamlined lot requirements for residential and non-residential uses. The minimum lot area is the smallest permitted lot because the Health Department will determine the required lot area based on soils analysis if individual wells and/or sewage systems are utilized. In addition, most non-residential uses are also subject to conditional use permit requirements and minimum Use Performance Standards (Art. VI).
 - Added maximum lot coverage to minimize impervious areas and preserve open space and the natural environment.
 - Standardized frontage requirement versus allowing variable frontage requirements based on lot width.
 - Added setback along Primary Highways. These highways typically have more traffic and higher speed limits. Requiring additional setback from these highways increases safety, allows room for future road expansion, and maintains open space.
 - Eliminated variable height standards for non-residential structures.
 - Added site and building design standards for residential townhouse development. New standards developed for this by-right use encourage quality design.
 - Modified and expanded the minimum requirements for multi-family development in the current ordinance.
 - Consolidated development standards into this section instead of referring to other sections.
- R-4, Residential, Restricted
 - Added maximum lot coverage to minimize impervious areas and preserve open space and the natural environment.

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- Added minimum road frontage requirement to ensure adequate distance for drives and on-site parking.
- MH-1, Mobile Home Park
 - Added an overall maximum park density and required number of access points to public roads to address intensity and safety.
 - Added minimum recreation standards to ensure adequate facilities.
 - Reduced interior park street width from 40 feet to 24 feet. The street must still have a 40-foot dedicated right-of-way.
 - Added clarity for pad sites and orderly park layout with standards for location and spacing.
- PUD, Planned Unit Development
 - Edited for clarification and flow of text and to allow additional flexibility in development.
 - Modified standards to align with the R-3 and B-1 districts.
- B-1, Local Business, B-2, General Business, I-1, Light Industrial, & I-2, Industrial
 - Increased setbacks and included variability contingent upon adjacent zoning district (A, R, B, or I).
 - Added architectural standards.
- CBPA-OD, Chesapeake Bay Preservation Area Overlay
 - Updated for State Code compliance.

Article V. – Use Matrix

- Created a matrix of all uses. This matrix provides a list of all permitted uses in the County and identifies whether the use is allowed by-right or by conditional use permit in each zoning district. The matrix also identifies when the use has performance standards and references the pertinent ordinance section.
- Consolidated similar uses and terms. Examples include, but are not limited to:
 - Muffler sales and installation, Tire sales and services, and Automobile service stations combined into the broader term Automobile repair service
 - Public billiard parlors and poolrooms, Bowling alleys and indoor recreational establishments housing game devices combined into the broader term Commercial indoor recreation/amusement.
- Added modern uses, such as but not limited to:
 - Micro-brewery and Micro-distillery
 - Mobile restaurant (e.g., Food Trucks)
 - Short-term rental (e.g., AirBnB)
- Added uses required by State Code, including but not limited to:
 - Agritourism
 - Farm winery
 - Group home
 - Small cell facility
- **Added Assembly, place of as a conditional use in the A-1, Agriculture and Forestry, Preservation district.**
- **Added Aviation facility as a conditional use in the I-1, Light Industrial district**

- ***Removed Stable, private as a conditional use in the R-1, Very Low Density Residential and R-2, Low Density Residential districts***

Article VI. – Use Performance Standards

- Added use performance standards, which provide additional requirements to address potential impacts from uses or alleviate the need for variance requests. Performance standards typically regulate the location, design, and intensity of a use. Some of the uses with performance standards include but are not limited to the following:
 - Agriculture, intensive
 - Campground
 - Automobile repair service
 - Restaurant, mobile
 - Junk yard
 - Solar facilities
 - Accessory building or structure
 - Accessory dwelling unit
- ***Added an exemption for educational projects in the R-1 and R-2 districts from Stable, private and reference permission by separate County Code.***
- ***Added a requirement for campgrounds to provide buffer landscaping if the natural vegetation does not provide a visual screen.***
- ***Increased the allowable square footage of accessory structures in the residential districts to equal that of the principal building.***
- ***Added a requirement for Bed and breakfast to provide acknowledgment of insurance with application and that creation of an event venue requires permitting as Assembly, place of.***
- ***Removed requirement for Short-term rental to be a primary residence and the limit on nights of rental. Added a definition for “Host designee” and requirements to acknowledge insurance and appropriate septic capacity during application. Added that the creation of an event venue requires permitting as Assembly, place of.***

Article VII. – Community Design Standards

- The community design standards in Article XVII (Supplemental Regulations) and other sections disbursed in the existing ordinance are now addressed in the various Divisions of this Article.
- Signs
 - This section has been revised in consideration of *Reed V. Gilbert*. Based on this supreme court case, the treatment of signs must be uniform and not based on content. As a result, signs are now grouped and identified by content-neutral sign types.
 - Updated for readability.
 - Added a new permit section to outline the permit process, requirements, and permit revocation.
 - Clarified the existing requirements, added requirements for safety and aesthetics, and moved the list of signs that may be constructed without a permit into a standalone section.
 - Added a new section to describe the calculation method for sign area.

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- Moved the list of signs that may be constructed without a permit from general requirements, revised to ensure regulations are content neutral, and added new sign types, such as but not limited to, flags, memorial plaques, and menu signs.
- Added a new section to list the prohibited signs, including but not limited to, off-premise signs, abandoned sign structures, inflatable signs, and signs that are a hazard to traffic.
- Added district sign standards as a new section to provide quantity and dimensional restrictions based on the sign type and zoning district.
- Added a new section requiring signs to be kept in good condition structurally and aesthetically.
- Added a new section to address nonconforming signs.
- Added a new section to specifically address sign violations.
- Added a new section to reference the appeal process.
- **Parking and Loading**
 - Added a new section to provide the purpose and intent of the division.
 - Added new sections and text to define off-street parking and when it shall be provided, address joint use of space, reduction of space, and prevention of owners from discontinuing parking.
 - Utilized existing language and added standards for surfacing, separation of walkways, drainage, and maintenance, marking, and screening.
 - Amended the table of minimum spaces required by type of use to include uses as provided in the proposed use matrix and adjusted the required spaces based on current best practices.
 - Amended the off-street loading requirements table to broad use categories and adjusted the spaces required based on best practices.
 - ***Added recreational vehicle and boat parking standards based on the existing ordinance language in section 17-18.1.***
- **Lighting**
 - Added as a new section.
 - Drafted sections on purpose and intent, applicability, standards, and compliance. The standards are designed to aid in dark skies, prevent light trespass, and ensure safety while not creating burden for a rural locality.
- **Landscaping, Walls, and Fences**
 - Added as a new section.
 - Drafted sections on purpose and intent, application of landscape, wall, and fence standards, landscape plan requirements, general standards, buffering, parking lot landscaping, screening and enclosure, tree and plant standards, and walls and fences.

Article VIII. – Nonconformities

- Updated the existing Article XVI (Nonconformities) to match State Code requirements and references.
- Eliminated the requirement to obtain waivers when remodeling or altering a nonconforming structure. Obtaining zoning permits and building permits are still required.

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- Revised provisions as follows: nonconforming uses to be extended throughout conforming buildings; nonconforming buildings to be extended or enlarged if it conforms to the other provisions of the Ordinance; extension of nonconforming uses on land is no longer included.

Article IX. – Subdivisions

- Relocated the Subdivision Ordinance (Appendix A of the County Code) into the Zoning Ordinance.
- Updated with State Code requirements and references.
- Reorganized for readability and enforcement.
- Revised the granting of exceptions process to go to the Board of Zoning Appeals instead of the Board of Supervisors for consistency with the Zoning Ordinance.
- Removed standards for roads that will be accepted into the Virginia Department of Transportation (VDOT) road system. These standards will be dictated by VDOT and may become outdated or inaccurate over time.
- Removed all references to a Plats Officer. This position and process does not currently occur in Essex County. The Subdivision Agent handles all subdivisions responsibilities.

Article X. – Definitions

- Incorporated applicable definitions from the subdivision ordinance and those that were previously disbursed throughout the zoning ordinance.
- Sign definitions have been updated to eliminate content-based language in compliance with the findings of *Reed v. Town of Gilbert*.
- Definitions have been updated for clarity and for consistency with the use matrix. Included new use definitions such as, but not limited to:
 - Short-term rental is included to address home rental businesses, such as Airbnb, Homeaway, and VRBO.
 - Commercial indoor recreation/amusement is included to address pool halls, video arcades and similar uses.
 - Personal services is included to address barber shops, pet grooming, florists, laundromats, and similar uses.
- Updated miscellaneous definitions such as:
 - Family
 - Lot line, Front
- Added definitions based on State Code and community-identified issues such as:
 - Family health care structure, temporary
 - Frontage, river
 - Small cell facility
 - Various definitions related to solar energy



Proposed Zoning Map Changes

Residential and Industrial Districts

- Due to the Zoning Ordinance text deletion of the S-1 district, the parcel with S-1 zoning must be rezoned to reflect the deletion of this district.
 - One parcel is zoned S-1 and it is surrounded on three sides with parcels zoned R-1 and, therefore, will be rezoned R-1 to match the surrounding area.
- Due to the Zoning Ordinance text change from M-2, Industrial, Limited to I-1, Light Industrial and M-1, Industrial to I-2, Industrial, the Official Zoning Map must also be updated to reflect this change.
 - **A portion of parcel 44-36 (24 acres) is proposed to be rezoned from M-2 to I-1 to allow light industrial uses around the aviation facility.**
 - Parcels adjacent to the Town of Tappahannock are proposed to be rezoned from M-1 to I-1, changing this area to allow lighter industrial uses due to the proximity to a school, housing, and the Rappahannock River.
 - Parcels in the front of the Industrial Park are proposed to be rezoned from M-2 to I-1 to allow the less intense/lighter impact uses at the front of the park.
 - Parcels in the rear of the Industrial Park are proposed to be rezoned from M-1 to I-2 to allow the more intense/higher impact uses at the rear of the park.

Below are tables identifying each parcel with a proposed zoning map change. These changes are also identified on the map *Essex Proposed Zoning Map Amendment*.

Changing from S-1 (Special District-Restricted) to R-1 (Very Low Density Residential)	
PARCEL ID	SITE ADDRESS
36A 1 1	1209 DESHA RD

Changing from M-2 (Industrial, Limited) to I-1 (Light Industrial) On Aviation Road	
PARCEL ID	SITE ADDRESS
44 36	1450 AVIATION RD

Changing from M-1 (Industrial) to I-1 (Light Industrial) Next to the Town	
PARCEL ID	SITE ADDRESS
31 53	0 TIDEWATER TRAIL
31 51	1290 MT LANDING RD
31 55	0 OFF MT LANDING
31 57A	2012 MT LANDING RD
31 55A	2100 MT LANDING RD
31 57	0 MT LANDING RD
31 56	2040 MT LANDING RD



PARCEL ID		SITE ADDRESS
Changing from M-2 (Industrial, Limited) to I-1 (Light Industrial) In the Industrial Park		
36	118B	824 RICHMOND HWY
36	118A	842 RICHMOND HWY
36	118	866 RICHMOND HWY
36	117D	894 RICHMOND HWY
36	7 16	0 LAGRANGE INDUSTRIAL DR
36	7 15	0 LAGRANGE INDUSTRIAL DR
36	7 12	0 LAGRANGE INDUSTRIAL DR
36	7 13	0 LAGRANGE INDUSTRIAL DR
36	7 14	403 LAGRANGE INDUSTRIAL DR
36	45C	0 360 W INDUSTRIAL PARK
36	45D	267 LAGRANGE INDUSTRIAL DR
36	45B	139 360 W INDUSTRIAL PARK
36	45H	646 RICHMOND HWY
36	7 5	0 LAGRANGE INDUSTRIAL DR
36	7 3	0 LAGRANGE INDUSTRIAL DR
36	7 1	0 LAGRANGE INDUSTRIAL DR
36	7 2A	378 LAGRANGE INDUSTRIAL DR
36	7 2	0 LAGRANGE INDUSTRIAL DR
36	45E	252 LAGRANGE INDUSTRIAL DR
36	45J	236 LAGRANGE INDUSTRIAL DR
36	45I	230 LAGRANGE INDUSTRIAL DR
36	45G	0 LAGRANGE INDUSTRIAL DR
36	45F	232 LAGRANGE INDUSTRIAL DR
36	45A	0 RICHMOND HWY
36	46A	0 MT CLEMENT RD
36	46B	322 MT CLEMENT RD
36	44	570 RICHMOND HWY
36	46C	321 MT CLEMENT RD
36	44A	211 MT CLEMENT RD



Changing from M-1 (Industrial) to I-2 (Industrial) In the Industrial Park	
PARCEL ID	SITE ADDRESS
36 46	0 RICHMOND HWY (OFF)
36 7 8	0 LAGRANGE INDUSTRIAL DR
36 53	0 RICHMOND HWY RT 360
36 50	0 RICHMOND HWY RT 360
36 52	0 RICHMOND HWY RT 360
36 49	351 LAGRANGE INDUSTRIAL DR
36 7 9	0 LAGRANGE INDUSTRIAL DR
36 7 11	11 0 LAGRANGE INDUSTRIAL DR
36 7 10	10 0 LAGRANGE INDUSTRIAL DR
36 7 7	0 LAGRANGE INDUSTRIAL DR
36 7 6	0 LAGRANGE INDUSTRIAL DR
36 45	0 LAGRANGE INDUSTRIAL DR