

Minutes
Essex County Planning Commission
Regular Meeting
November 8, 2023
7:00 P.M.

A regular meeting of the Essex County Planning Commission was held on November 8, 2023, at the Essex County School Board Office, Tappahannock, Virginia.

Present:

David Jones – Chairman
Angelo Stevens – Vice Chairman
Stephen Walters
Jean Segar
Trent Taliaferro
Benjamin Scott Mundie

Absent:

Wright Andrews

Also present:

Brian Barnes – Zoning Administrator
Kelly McKnight – Planning and Zoning Office Manager

CALL TO ORDER

David Jones, Chairman, called the regular meeting of the Planning Commission to order at 7:00 pm.

ROLL CALL

Chairman Jones asked Ms. McKnight to call the roll. A quorum was met.

MEETING AGENDA

Chairman Jones asked if any changes needed to be made to the agenda.

APPROVAL OF MINUTES

Chairman Jones asked if there were any corrections or additions needed for the October 3, 2023, minutes? Commissioner Taliaferro made a motion to approve the minutes as presented. Commissioner Mundie seconded the motion. AYES: 6 NAYES: 0 ABSENT: 1

PUBLIC COMMENTS

None

PUBLIC HEARING

None

OLD BUSINESS

Discuss issues with Agricultural and Forestry language in the Essex County Zoning Ordinance

Presentation from Brian Barnes. Last month we decided how to proceed, and you directed county staff to come up with sample ideas from comparable counties not geographical but comparable in agricultural and scope. Isle of Wight and Surry Counties were used. Attached are the Isle of Wight and Surry County Agricultural Zoning language.

SURRY COUNTY VIRGINIA
AGRICULTURAL ZONING LANGUAGE

All Cities (/) / Virginia (/city/Virginia.html), Virginia smaller cities (/city/Virginia2.html), Virginia smallest towns (/city/Virginia3.html) / Surry County, VA

Surry County, Virginia (VA)

County population in 2021: 6,608 (all rural); it was 6,829 in 2000
County owner-occupied with a mortgage or a loan houses and condos in 2010: 1,401
County owner-occupied free and clear houses and condos in 2010: 792
County owner-occupied houses and condos in 2000: 2,017
Renter-occupied apartments: 633 (it was 602 in 2000)
% of renters here: 23%
State: 33%
Land area: 279 sq. mi.

Water area: 31.2 sq. mi.

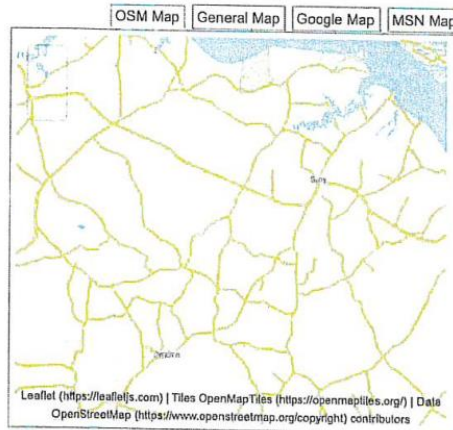
Population density: 24 people per square mile (low).

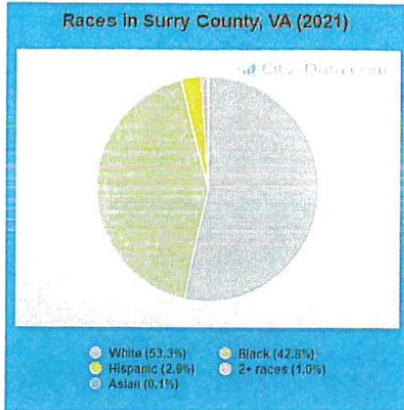
March 2019 cost of living index in Surry County: 86.0 (less than average, U.S. average is 100)
Industries providing employment: Educational, health and social services (24.7%), Manufacturing (13.1%).

Type of workers:

- Private wage or salary: 65%
- Government: 29%
- Self-employed, not incorporated: 6%
- Unpaid family work: 1%

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White Non-Hispanic Alone	53.3%	3,438
Black Non-Hispanic Alone	42.8%	2,760
Hispanic or Latino	2.9%	187
Two or more races	1.0%	62
Asian alone	0.1%	7
American Indian and Alaska Native alone	0.02%	1

Median resident age: 50.8 years
 Virginia median age: 38.8 years

Males: 3,258 (49.3%)
 Females: 3,350 (50.7%)



Recent posts about Surry County, Virginia on our local forum ([forum/virginia/](https://www.city-data.com/forum/virginia/)) with over 2,400,000 registered users. Surry County is mentioned 33 times on our forum:

- [Wash DC needs to annex Arlington and Alexandria back](https://www.city-data.com/forum/virginia/3208705-wash-dc-needs-annex-arlington-alexandria-back-3.html#post59474714) ([/www.city-data.com/forum/virginia/3208705-wash-dc-needs-annex-arlington-alexandria-back-3.html#post59474714](https://www.city-data.com/forum/virginia/3208705-wash-dc-needs-annex-arlington-alexandria-back-3.html#post59474714)) (95 replies)
- [VA Nuclear Plants](https://www.city-data.com/forum/northern-virginia/3375577-va-nuclear-plants.html#post63959166) ([/www.city-data.com/forum/northern-virginia/3375577-va-nuclear-plants.html#post63959166](https://www.city-data.com/forum/northern-virginia/3375577-va-nuclear-plants.html#post63959166)) (12 replies)
- [Richmond vs. DC](https://www.city-data.com/forum/richmond/2901546-richmond-vs-dc.html#post51433843) ([/www.city-data.com/forum/richmond/2901546-richmond-vs-dc.html#post51433843](https://www.city-data.com/forum/richmond/2901546-richmond-vs-dc.html#post51433843)) (14 replies)
- [What Virginia city is Most Southern?](https://www.city-data.com/forum/virginia/574575-what-virginia-city-most-southern-6.html#post41374490) ([/www.city-data.com/forum/virginia/574575-what-virginia-city-most-southern-6.html#post41374490](https://www.city-data.com/forum/virginia/574575-what-virginia-city-most-southern-6.html#post41374490)) (76 replies)
- [VA Pics](https://www.city-data.com/forum/virginia/260682-va-pics-20.html#post28838331) ([/www.city-data.com/forum/virginia/260682-va-pics-20.html#post28838331](https://www.city-data.com/forum/virginia/260682-va-pics-20.html#post28838331)) (254 replies)
- [Things you might need to know moving to Virginia?](https://www.city-data.com/forum/virginia/2475574-things-you-might-need-know-moving-virginia.html#post41816122) ([/www.city-data.com/forum/virginia/2475574-things-you-might-need-know-moving-virginia.html#post41816122](https://www.city-data.com/forum/virginia/2475574-things-you-might-need-know-moving-virginia.html#post41816122)) (6 replies)

Average household size:
 Surry County: 2.0 people
 Virginia: 3 people

Estimated median household income in 2021: \$61,368 (\$37,558 in 1999)
 This county: \$61,368
 Virginia: \$80,963

Median contract rent in 2021 for apartments: \$652 (lower quartile is \$421, upper quartile is \$958)
 This county: \$652
 State: \$1169

Sec. 3-101. - Establishment of districts.

A. In order to accomplish the purposes of this ordinance the following base zoning districts are established:

A-L	Limited Agricultural District
A-R	Agricultural-Rural Residence District
RVC	Rural Village Center
R-1	Urban Residence District
R-2	Vacation Residence District
B-1	Local Business District
B-2	General Business District
M-1	Light Industrial District
M-2	General Industrial District
PD	Planned Development District

B. The following districts are created as special overlay districts to be superimposed on the base districts established in [subsection] A. above. Special overlay zoning districts are designed to provide an additional layer of zoning regulations beyond those restrictions provided for in the base zoning district. Such regulations are intended to address a particular and unique aspect of land use as stated in the purpose of the district and serve to supplement the base zoning standards.

The permitted uses, density, lot requirements, height, bulk and yard requirements and other requirements maximum height, and accessory uses and accessory signs shall be determined by those base districts except as may be modified by the regulations of these special overlay districts.

HP	Historic Preservation District
CB	Chesapeake Bay Preservation District

3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure".
5. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.
6. The terms "main" and "principal" as used herein are synonymous.
7. Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she", and "she" shall mean "he".
8. The word "person" includes a "firm, association, organization, partnership, trust, company," as well as an "individual."
9. The word "county" shall mean Surry County, Virginia.

Sec. [2-102]. - Definitions.

For the purpose of this ordinance, the following terms and words are hereby defined:

Accessory building or structure. A building or structure detached from a main building on the same lot (except as otherwise provided in this ordinance) and customarily incidental and subordinate to the main building or use. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered a part of the principal building.

Accessory use. A use customarily incidental and subordinate to, and (except as otherwise provided in this ordinance) on the same lot as a principal use. When the term "accessory" is used in this ordinance, it shall have the same meaning as "accessory use".

Act. The Chesapeake Bay Preservation Act (CBPA) found in [Chapter 21](#) (§ 10.1-2100 et seq.) of Title 10.1 of the Code of Virginia. The word Act does not refer solely to the Chesapeake Bay Preservation Act, and the acronym CPBA is also utilized to represent the Chesapeake Bay Preservation Area.

Administrator. The Zoning Administrator of Surry County, or their duly authorized designee. The director of planning shall serve as the administrator unless an alternate position or individual is specifically appointed by the board of supervisors.

Alley. A public or private way less than 30 feet in width and affording secondary means of access to abutting property.

Alteration. (See Structural alteration).

Animal unit. A unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in an animal feeding operation. An animal unit equals 1,000 pounds of live weight. Combinations of animal types that exceed 300 units are classified as a confined animal feeding operation (CAFO) as described in [section 2-202](#) of this ordinance.

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

Base flood elevation (BFE). The Federal Emergency Management Agency designated 100-year water surface elevation.

Basement. That portion of a building that is partly or completely below grade. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls. For purposes of the Floodplain District only, a basement shall be any area of the building having its floor subgrade (below ground level) on all sides.

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

Block. That property fronting on one side of a street or road and lying between two intersecting streets or roads or otherwise limited by a railroad right-of-way, a live stream, or un-subdivided tract, or other physical barrier of such nature as to interrupt the continuity of development.

Board. The term board shall refer to the Board of Supervisors of Surry County, Virginia, unless otherwise specifically indicated.

district boundaries over water areas shall be assumed to continue as straight lines until they intersect with each other or with the county boundary.

Sec. 3-105. - New or existing undesignated lands.

If, because of error or omission in the zoning district map or any adjustments in boundary lines or areas designated as unincorporated, any property in the jurisdiction of this ordinance is not shown as being in a zoning district, such property shall be classified A-R, Agricultural-Rural Residence District until changed by the board of supervisors in accordance with this ordinance.

3-200. - A-L. Agricultural Limited District

Sec. 3-201. - Purpose of the district.

The purpose of this district is to establish an exclusive district for agriculture and forestry where few other unrelated uses are permitted or encouraged, including residential uses. This district, unlike traditional agriculture districts, is intended primarily for agriculture and forestry uses recognizing that modern agriculture and forestry practices are heavily mechanized with usage of a variety of chemicals during production and harvesting and are therefore not desirable places for residential uses, just as an industrial park is undesirable for a residence. As such, agriculture and forestry in this district is "king" and the "right to farm" is clearly established as public policy. However, certain standards are established to protect and buffer other property owners in this district and owners in adjoining districts from particularly intensive farm operations.

While preserving the more valuable, productive and intensive operations, it is important to allow a landowner to make some reasonable economic return from the use and sale of their land. However, land divisions for residential use are substantially limited and buffers with adjoining farm and forestry properties are further emphasized. In addition, basic community objectives such as preserving prime agricultural lands and discouraging strip residential development along the primary and secondary roads in the county continue to be important objectives.

Finally, it is the purpose of this district to be applied to areas in the county where the board of supervisors has established other programs that are supportive of agriculture and forestry. This might include adoption of agricultural and forestal districts, use value taxation, designation by the state of Century Farms and similar programs that are a benefit to the farm community.

Sec. 3-202. - Permitted uses.

- A. The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

AGRICULTURAL USES

Agriculture*

Confined Animal Feeding Operation (CAFO)*

Farm Employee Housing*

Greenhouse, Private

Roadside Stand*

Sawmill*

Silvicultural activities*

Stable, Commercial*

Stable, Private*

RESIDENTIAL USES

Accessory Apartment*

Dwelling, Single-Family, Detached

Dwelling, Single-Family, Farm

Family Day Care Home

Group Home

Guest House

Home Occupation, Community*

Home Occupation, Rural*

Kennel, Private

Temporary Emergency Housing*

CIVIC USE TYPES

Cemetery*

Public Park and Recreational Area

Religious Assembly*

Utility Service/Minor

COMMERCIAL USE TYPES

Agricultural Service*

Studio, Fine Arts

Taxidermy*

MISCELLANEOUS USE TYPES

Amateur Radio Tower*

Hunt Club

Hunting Preserve

Outdoor Gathering*

Turkey Shoot*

Windmill*

- B. The following uses are allowed only by special exception from the board of zoning appeals pursuant to section 1-304. An asterisk (*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

RESIDENTIAL USES

(Ord. No. 2013-01, Att., 9-5-2013)

Sec. 3-205. - Height, bulk, and yard requirements.

The following standards shall apply to the building of any structure on lots within this district:

- A. *Maximum building height:*
 - 1. All principle buildings: 2½ stories but not to exceed 35 feet.
 - 2. Buildings accessory to a single family residence: No more than the height of the principle building.
- B. *Minimum front yard setbacks:*
 - 1. On existing public roads: 100 feet.
 - 2. On new subdivision roads: 50 feet.
 - 3. Accessory structures shall only be allowed in the side or rear yard (behind the front face of the principle building) or on lots greater than two acres, 150 feet from a public road.
- C. *Minimum side yard setback:*
 - 1. On existing public roads: 25 feet.
 - 2. On new subdivision roads: 20 feet.
 - 3. Accessory structures: 20 feet.
- D. *Minimum rear yard setback:*
 - 1. Principle structures: 50 feet.
 - 2. Accessory structures: 20 feet.
- E. *Maximum size of accessory building:* Accessory structures shall not exceed four percent of the lot area not to exceed 5,000 square feet unless a special use permit is approved by the BZA.

(Ord. No. 2013-01, Att., 9-5-2013)

3-300. - A-R Agricultural-Rural District

Sec. 3-301. - Purpose of the district.

The purpose of this district is to protect and conserve agricultural and forest lands in large enough tracts that will have the greatest probability of preserving the rural character and heritage of the community and serve as a working-and-living landscape in perpetuity. These agricultural and forest lands, and in particular the family farms, have framed the way of life and local economy for generations and should continue to play an important role in the county.

While preserving the rural heritage is critical, it is also important to enable each landowner with the ability to make a reasonable economic return from the use and future use and sale of their land. This should be accommodated without compromising basic community objectives such as preserving prime agricultural lands and discouraging strip residential development along the primary and secondary roads in the county. And while some uses might best be located in a rural area due to their characteristics, not all uses are necessarily appropriate throughout the community or this district. Therefore, many uses require additional approvals from the county before they can be established. In addition, large residential developments are prohibited. Ultimately, however, those areas devoted to residential and other non-rural uses should meet the needs and desires of those who choose to live and work in a rural area.

Sec. 3-302. - Permitted uses.

- A. The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

AGRICULTURAL USES

Agriculture*

Farm Employee Housing*

Greenhouse, Private

Roadside Stand*

Sawmill*

Silvicultural activities*

Stable, Commercial*

Stable, Private*

RESIDENTIAL USES

Accessory Apartment*

Dwelling, Single-Family, Detached

Dwelling, Single-Family, Farm

Family Day Care Home

Group Home

Guest House*

Home Occupation, Community*

Home Occupation, Rural*

Kennel, Private*

Manufactured Home, Class A

Manufactured Home, Class B

Temporary Emergency Housing*

CIVIC USE TYPES

Camp*

Cemetery

Club

Community Center

Community Recreation

Cultural Service

Day Care Center

Park and Ride Facility

- ii. Single ownership by the original owner or subsequent owner with a conservation easement conveyed to a political entity or non-profit organization approved by the county.
 - iii. Fee simple dedication with a conservation easement to a political entity or recognized nonprofit land conservation organization.
 - c. The conservation easement shall prohibit further division of the open space, shall be in a form acceptable to the administrator and the county attorney and shall be for perpetuity.
 - d. When ownership of open space is to be retained by a homeowners association, the association shall conform to the following requirements:
 - i. The property owner or developer must establish the organization prior to the sale of any lots within the subdivision.
 - ii. Membership in the organization shall be mandatory for all residential property owners, present or future, within the subdivision.
 - iii. The organization shall manage all common and open spaces, and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and improvements and any other land within the development and shall secure adequate liability insurance on the land.
 - iv. The organization shall conform to the Property Owners Association Act, Code of Virginia, effective July 1, 2004, as amended, and/or to any other laws and regulations of the Commonwealth of Virginia as may be applicable.
- C. *Density bonus for workforce housing.*
1. A density bonus of one lot for every three lots allowed by the maximum density can be added, not to exceed 20 percent of the maximum density, provided that those additional units meet the county's criteria for workforce housing, as adopted by the board of supervisors.
 2. The additional lots provided under this density bonus may reduce the required percentage of open space provided the reduction is the minimum necessary to accomplish the public objective of this section.

3-400. - Rural Village Center (RVC) District

Sec. 3-401. - Purpose of the district.

The purpose of this district is to provide for residential, civic and commercial development in those crossroad communities around the county that are unincorporated and have historically served the surrounding rural areas or will serve the rural areas in the future.

These areas may not currently have public water and sewer and other public facilities available or planned for in the immediate future. Therefore providing a configuration of new development into reasonable and effective service areas for the proper and efficient provision of water, sewerage, fire and police protection, and other public services becomes particularly critical in considering and approving new development in these areas.

The village centers are as follows and are more specifically shown on the zoning maps:

Bacon's Castle	Poolesville
Cabin Point	Runnymede
California Crossroads	Spring Grove
Elberon	Scotland

Sec. 3-402. - Permitted uses.

A. The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

AGRICULTURAL USES

Greenhouse, Private

Roadside Stand*

Stable, Private*

RESIDENTIAL USES

Accessory Apartment*

Dwelling, Single Family, Detached

Family Day Care Home

Group Home

Guest House

Home Occupation, Community*

Temporary Emergency Housing*

CIVIC USE TYPES

Cemetery*

Club

Community Center

Community Recreation

Cultural Service

Day Care Center

Post Office

Public Facilities

Public Park and Recreational Area

Religious Assembly

Rehabilitation Service

Utility Service/Minor

COMMERCIAL USE TYPES

Bank

Warehousing not permitted. No commercial warehousing, wholesaling, of jobbing or killing of animals or poultry shall be carried on and no merchandise shall be stored other than to be sold at retail on the premises, and provided further, that no more than 50 percent of the floor area of any building shall be used for the storage of merchandise.

3. *Landscaping.* Any part of the lot or project area not used for buildings or other structures, parking, loading and accessways, shall be landscaped with grass, trees, shrubs, or pedestrian walks.
4. *Buffer.* Unless otherwise specified in this ordinance or through conditions established by the board of zoning appeals or the board of supervisors, a Type B landscaped buffer shall be established and maintained adjacent to any other property, other than parcels used or zoned for commercial or industrial use, as more fully described in section 5-400 of this ordinance.
5. *Drainage.* Provision shall be made for proper storm water drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement.

3-500. - R-1 Medium Density Residence District

Sec. 3-501. - Purpose of the district.

The purpose of this district is to provide for residential development at a density appropriate for areas adjacent to the incorporated towns, around the rural villages, and in other areas where public sewer and water, and other public services are present or planned in the future. While the predominate use is intended to be detached single family residences, certain civic and commercial uses supportive of residential areas can also be anticipated. In addition, other types of residences may be permitted in order to provide for a wide spectrum of housing needs, provided that these new units are of generally compatible architectural character and are located on tracts of sufficient size so that necessary amenities can be provided and harmonious relationships between residences of different types assured by means of careful planning and the process of site plan review and approval.

Sec. 3-502. - Permitted uses.

- A. The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

AGRICULTURAL USES

Greenhouse, Private

Roadside Stand*

Stable, Private*

RESIDENTIAL USES

Accessory Apartment*

Dwelling, Single-Family, Detached

Dwelling, Single-Family, Farm

Family Day Care Home

Group Home

Home Occupation, Community*

Kennel, Private

- 1. On existing public roads: 100 feet.
 - 2. On new subdivision roads: 40 feet.
 - 3. Accessory structures shall only be allowed in the side rear yard (behind the front face of the principle building)
- C. *Minimum side yard setback:*
- 1. On existing public roads: 25 feet.
 - 2. On new subdivision roads: 15 feet.
 - 3. Accessory structures: Five feet.
- D. *Minimum rear yard setback:*
- 1. Principle structures: 40 feet.
 - 2. Accessory structures: Five feet.
- E. *Accessory structure size:* Accessory structures shall not exceed four percent of the lot area not to exceed 2,000 square feet unless a special use permit is approved by the BZA.

3-600: - R-2 Vacation Residence District

Sec. 3-601. - Purpose of the district.

The purpose of this district is to provide for vacation home development at an appropriate density and in appropriate locations. These areas are generally near the James River and its tributaries where such development exists or is planned. Since occupancy would be primarily seasonal or intermittent, a somewhat more intense use of land can be tolerated and a variety of dwelling types permitted, including mobile homes, either on a separate lot or as an accessory use.

Sec. 3-602. - Permitted uses.

- A. The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

AGRICULTURAL USES

Greenhouse, Private

Roadside Stand*

Stable, Private*

RESIDENTIAL USES

Accessory Apartment*

Dwelling, Single-Family, Detached

Family Day Care Home

Group Home

Home Occupation, Community*

Kennel, Private*

Temporary Emergency Housing*

CIVIC USE TYPES

C. *Minimum side yard setback:*

1. None, but a buffer yard is required on lots adjacent to residential and agricultural zoning districts (see section 5-400).
2. Accessory structures shall only be allowed in the side or rear yard (behind the front face of the principle building).

D. *Minimum rear yard setback:*

1. All structures: 25 feet, but a buffer yard is required on lots adjacent to residential and agricultural zoning districts (see section 5-400).

3-900. - M-1 General Industrial District

Sec. 3-901. - Purpose of the district.

This district is intended to provide an environment suitable for industrial activities that do not create appreciable nuisances, hazards or threats to the natural environment or surrounding development. Uses that would typically be found in this district include a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access to highways and providing a controlled environment within which uses are to be conducted in completely enclosed buildings. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

Sec. 3-902. - Permitted uses.

- A. The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

AGRICULTURAL USES

Agriculture

Silvicultural activities

CIVIC USE TYPES

Park and Ride Facility

Parks and Recreation

Post Office

Public Maintenance Facility

Utility Service/Minor

COMMERCIAL USE TYPES

Auction Establishment

Bank

Business Support Service

Business or Trade School

Construction Office, Temporary

Equipment Sales and Rental

1. None, but a buffer yard is required on lots adjacent to residential and agricultural zoning districts (see section 5-400).
 2. Accessory structures shall only be allowed in the side or rear yard (behind the front face of the principle building).
- D. *Minimum rear yard setback:*
1. All structures: 25 feet, but a buffer yard is required on lots adjacent to residential and agricultural zoning districts (See section 5-400).

3-1000. - M-2 General Industrial District

Sec. 3-1001. - Purpose of the district.

The purpose of this district is to provide for a wide variety of industrial operations, but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district. Certain potentially hazardous industries are permitted only after public hearings and review to assure protection of the public interest and surrounding property and persons. It is the intention of the district to preserve the land in the district for industrial use and to exclude new residential or commercial development except for certain uses determined to be supportive of industrial operations.

Sec. 3-1002. - Permitted uses.

- A. The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

AGRICULTURAL USES

Agriculture

Silvicultural activities

RESIDENTIAL USES

Accessory Apartment

CIVIC USE TYPES

Day Care Center

Park and Ride Facility

Post Office

Public Maintenance Facility

Public Facility

Public Park and Recreational Area

Utility Service/Minor

COMMERCIAL USE TYPES

Adult Entertainment Establishment

Agricultural Service

Auction Establishment

c. See section 4-102 for exceptions to height limits.

B. *Minimum front yard setbacks:*

1. On primary highway: 75 feet.
2. On secondary highway or other street: 50 feet.
3. Accessory structures shall only be allowed in the side or rear yard (behind the front face of the principle building).

C. *Minimum side yard setback:*

1. None, but a buffer yard is required on lots adjacent to residential and agricultural zoning districts (see [section 5-400](#)).
2. Accessory structures shall only be allowed in the side or rear yard (behind the front face of the principle building)

D. *Minimum rear yard setback:*

1. All structures: 25 feet, but a buffer yard is required on lots adjacent to residential and agricultural zoning districts (see [section 5-400](#)).

3-1200. - Planned Development District

Sec. 3-1201. - Purpose of the district.

The purpose of this district is to provide for the development of planned communities that incorporate a variety of housing options as well as certain limited commercial and office uses designed to serve the inhabitants of the district and surrounding areas. This district is intended to allow greater flexibility than is generally possible under conventional zoning district regulations by encouraging ingenuity, imagination and high quality design to create a superior living environment for the residents of the planned community. Incorporation of significant areas of open space is a primary component of these provisions as a means to maintain critical natural and cultural resources. This is balanced with development at densities which compensate, or in certain situations reward with bonuses, for the maintenance of these re-sources. The PD district is particularly appropriate for parcels which contain a number of constraints to conventional development. In addition to an improved quality of design, the PD district creates an opportunity to reflect changes in the technology of land development, provide opportunities for new approaches to home ownership, and provide for an efficient use of land which can result in reduced development costs.

This district is intended to supplement and enhance the options and opportunities for creative land development in areas where more intensive development and public utilities and services exist or are anticipated. This district is not intended as a means of establishing a more intensive development in areas characterized by agricultural and forested lands and rural development where public services and utilities are neither anticipated, cost effective, or desirable.

Sec. 3-1202. - Uses generally permitted.

- A. The following uses are generally permitted in the planned development district, subject to approval of the board of supervisors as described in [section 3-1205](#). Uses allowed by right or through a conditional use permit or special use permit shall also be subject to all other applicable requirements contained in this ordinance including additional, modified or more stringent standards listed in article IV, Use and design standards, for those specific uses unless otherwise approved as part of the PD district.

AGRICULTURAL USES

Agriculture

Greenhouse, Private

Roadside Stand*

Silvicultural activities

Where a specific zoning district is indicated, the standards listed below shall apply to that zoning district, in addition to any general standards listed for that use.

4-400. - Supplementary Regulations for Agricultural Uses

Sec. 4-401. - Agriculture.

- A. In addition to those activities generally described in the description in section 2-202, included with this use are a wide range of accessory activities including, the operation of heavy cultivating machinery, spray planes, irrigating machinery, wheelwright or blacksmith, storage of fertilizer, the storage of petroleum, the repair of personal farming equipment, and including structures for processing and sale of products raised on the premises.
- B. Excluded from this use is the commercial slaughtering and processing of large animals such as horses, cows, pigs, sheep, or goats.
- C. Residential uses associated with a farm property are permitted only as specifically allowed under the residential uses.
- D. Farm wineries, including wine production, wine-tasting facilities, and the on-site sale of wines and incidental related products shall be allowed as a general agricultural activity.
- E. Any grain or peanut dryer and storage operation as accessory to a farm operation shall be:
 - 1. At least 400 feet from any residence not located on the same farm or from any lot in a R-1 or R-2 Residence District,
 - 2. At least 200 feet from any property line and at least 100 feet from any street, road or highway.

Sec. 4-402. - Confined animal feeding operation (CAFO).

- A. Prior to establishing or enlarging a confined animal feeding operation including feedlots, confinement areas, waste storage areas and land for waste disposal, the following setback requirements shall be met:
 - 1. At least 2,500 feet from residences not located on the same property in the A-R Agricultural Rural Residence District or from any lot in a R-1 or R-2 Residence District;
 - 2. At least 1,000 feet from any primary street, road or highway, as defined by the Virginia Department of Transportation;
 - 3. At least 500 feet from any secondary street, road or highway as defined by the Virginia Department of Transportation; and,
 - 4. At least 500 feet from any property line.
- B. In addition to meeting the above setbacks, the applicant shall submit the following information to the administrator:
 - 1. The distance of the confinement site from property lines and residence not on the premises within 2,500 feet radius of the site.
 - 2. The type of operation.
 - 3. The proposed intensity of use, size of operation, number of animals or poultry, structures, machinery, anticipated noise during the construction phase and during full operation; controls for flies, rats, mosquitoes, odor; anticipated daily traffic volume by type; parking and loading areas, areas to be paved and areas to be kept in grass.
 - 4. The type of waste and the waste disposal plan including (1) a detailed analysis of the soils submitted by an independent certified soil engineering firm approved by the administrator; and (2) nutrient management plan to include means of land application based on agronomic rates as established by the Virginia Cooperative Extension Service or other appropriate agencies.
 - 5. Location with respect to streams or bodies of water, drainage and underground aquifers supported by hydrologic studies.
 - 6. Storm water drainage and management plan for controls during the construction phase and during full operation.
 - 7. Surrounding land uses, number and location of existing dwellings, businesses, public uses and other concentrated agricultural uses on adjacent properties.

5. The nutrient management plan shall be reviewed and updated every five years by an agent of the Virginia Cooperative Extension Service or other appropriate agency and by the administrator, and more frequently if deemed necessary or advisable by the county or its agent.
- D. The applicant shall submit simultaneous applications for appropriate permits from local, state and regional agencies at the time of filing the above information with Surry County.

Sec. 4-403. - Farm employee housing.

A. *General standards:*

1. A Class B manufactured home shall be permitted as an accessory use to an agricultural use exclusively for a farm employee, and his/her family in accordance with the requirements contained in [section 4-508](#).
2. No more than one farm employee dwelling for each 50 acres in the total acreage of the farm, whether that acreage is contiguous or separated by other parcels, shall be permitted.
3. Multi-family housing may be constructed for orchards and other agricultural uses which rely on temporary seasonal employees. Such housing shall only be used for accommodating temporary seasonal employees during periods of their employment as a farm employee of the orchard or other agricultural use.
4. All farm employee housing shall be located as part of a group of farm buildings and comply with the setback requirements for a principal structure.

Sec. 4-404. - Greenhouse, private.

- A. A private greenhouse shall meet all of the setbacks and criteria of an accessory structure in the districts in which it is permitted.

Sec. 4-405. - Roadside stand.

A. *General standards:*

1. Front yard setback: 25 feet from any public right-of-way.
2. Entrances and exits to roads shall be clearly delineated and shall be so located as to provide safe ingress and egress from roads.
- B. In the R-1 district, a roadside stands not exceeding 200 square feet in area for seasonal sales of products raised on the premises shall be permitted, but shall not including the raising for sale of birds, bees, fish, rabbits, or other small animals on a lot of less than two acres or to such extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors, and provided no retail or wholesale business office or store is permanently maintained on the premises.

Sec. 4-406. - Sawmill.

- A. The following restrictions shall apply to the establishment and operation of a temporary sawmill:
 1. A temporary sawmill shall only be established to process timber cut from the parcel on which the temporary sawmill is located or on immediately adjacent parcels.
 2. A special exception permit shall be required from the board of zoning appeals, in accordance with [section 1-304](#), for periods in excess of 12 months.
 3. A temporary sawmill shall be located at least 400 feet from any residence located on an adjoining property or from any lot in an R-1 or R-2 Residence District, at least 200 feet from any boundary of the tract, and at least 100 feet from any street, road or highway.
 4. No processing, milling, finishing or artificial means of drying green lumber shall be associated with a temporary sawmill.
 5. Green lumber and all other products and by-products from the temporary sawmill shall be removed from the site at least every 60 days.

All reference to maximum occupancy shall mean the maximum occupancy as determined pursuant to the Virginia Uniform Statewide Building Code.

- E. Where a fractional space results during calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.
- F. The parking requirements below are in addition to space for storage of trucks, campers, recreation vehicles, or other similar vehicles used in connection with any use.
- G. Excluded in determining the number of parking spaces required shall be parking spaces located in a garage or other structures on the premises.
- H. The parking requirements in this article do not limit special requirements that may be imposed in connection with uses permitted by approval of a conditional use or special exception.
- I. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this article for an increase in parking spaces of ten percent or more, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten percent of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten percent or more.

Sec. 5-302. - Specific requirements by use.

- A. Except as otherwise provided in this ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter erected is converted, accessory off-street parking spaces shall be provided as follows:

USE	PARKING REQUIREMENT
AGRICULTURAL USES	
Agriculture	No Requirement
Confined Animal Feeding Operation (CAFO)	1 space per employee on major shift
Farm Employee Housing	1.5 spaces per dwelling unit
Silvicultural activities	No Requirement
Greenhouse, Private	No Requirement
Roadside Stand	1 space per 100 sq. ft., 3 spaces minimum
Sawmill	No Requirement
Stable, Commercial	1 space per employee on major shift, plus 1 space for every four animals stabled
Stable, Private	No Requirement

No lighting fixture pole shall exceed a height of 15 feet in an R-1 or R-2 Residence District or 30 feet in a B-1 or B-2 Local Business District.

APPENDIX A

PERMITTED USE TABLE											
USE TYPES	A-L	A-R	RVC	R-1	R-2	B-1	B-2	M-1	M-2	P-D	Notes:
AGRICULTURAL USES											
Agriculture	P	P						P	P	P	See Sec. 4-401
Confined Animal Feeding Operation (CAFO)	P										See Sec. 4-402
Farm Employee Housing	P	P									See Sec. 4-403
Greenhouse, Private	P	P	P	P	P					P	See Sec. 4-404
Roadside Stand	P	P	P	P	P					P	See Sec. 4-405
Sawmill	P	P									See Sec. 4-406
Silvicultural activities	P	P						P	P	P	
Stable, Commercial	P	P								P	See Sec. 4-407
Stable, Private	P	P	P	P	P					P	See Sec. 4-408
RESIDENTIAL USES											
Accessory Apartment	P	P	P	P	P	P	P	S	P	P	See Sec. 4-501
Boarding House			C								
Condominium			C	C	C					P	
Dwelling, Multifamily Conversion		C	C	S	S					P	See Sec. 4-502
Dwelling, Single Family, Attached			C	C	C					P	
Dwelling, Single Family, Detached	P	P	P	P	P					P	

- 1. On existing public roads: 100 feet.
- 2. On new subdivision roads: 40 feet.
- 3. Accessory structures shall only be allowed in the side rear yard (behind the front face of the principle building)

C. *Minimum side yard setback:*

- 1. On existing public roads: 25 feet.
- 2. On new subdivision roads: 15 feet.
- 3. Accessory structures: Five feet.

D. *Minimum rear yard setback:*

- 1. Principle structures: 40 feet.
- 2. Accessory structures: Five feet.

E. *Accessory structure size:* Accessory structures shall not exceed four percent of the lot area not to exceed 2,000 square feet unless a special use permit is approved by the BZA.

3-600. - R-2 Vacation Residence District

Sec. 3-601. - Purpose of the district.

The purpose of this district is to provide for vacation home development at an appropriate density and in appropriate locations. These areas are generally near the James River and its tributaries where such development exists or is planned. Since occupancy would be primarily seasonal or intermittent, a somewhat more intense use of land can be tolerated and a variety of dwelling types permitted, including mobile homes, either on a separate lot or as an accessory use.

Sec. 3-602. - Permitted uses.

A. The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

AGRICULTURAL USES

Greenhouse, Private

Roadside Stand*

Stable, Private*

RESIDENTIAL USES

Accessory Apartment*

Dwelling, Single-Family, Detached

Family Day Care Home

Group Home

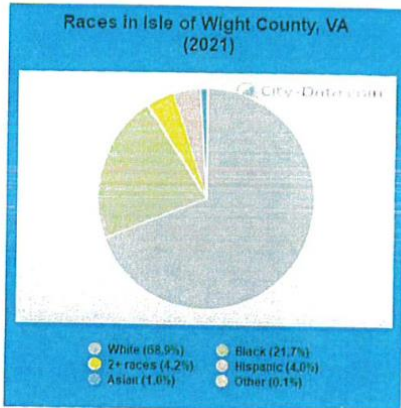
Home Occupation, Community*

Kennel, Private*

Temporary Emergency Housing*

CIVIC USE TYPES

ISLE OF WIGHT COUNTY VIRGINIA
AGRICULTURAL ZONING LANGUAGE



White Non-Hispanic Alone	68.9%	26,314
Black Non-Hispanic Alone	21.7%	8,283
Two or more races	4.2%	1,611
Hispanic or Latino	4.0%	1,519
Asian alone	1.0%	364
Some other race alone	0.1%	43
American Indian and Alaska Native alone	0.06%	24
Native Hawaiian and Other Pacific Islander alone	0.05%	19

Median resident age: 44.7 years
 Virginia median age: 38.8 years

Males: 19,171 (49.7%)
 Females: 19,396 (50.3%)



Recent posts about Isle of Wight County, Virginia on our local forum (/forum/virginia/) with over 2,400,000 registered users. Isle of Wight County is mentioned 63 times on our forum:

- Virginia, which direction do you want to go? (/www.city-data.com/forum/virginia/3286590-virginia-direction-do-you-want-go-7.html#post61584171) (113 replies)
- Official Reckless Driving Thread (/www.city-data.com/forum/northern-virginia/231017-official-reckless-driving-thread-216.html#post49581972) (2249 replies)
- Military Move to Langley need help with home search. (/www.city-data.com/forum/hampton-roads-area/2825965-military-move-langley-need-help-home-search.html#post49612700) (7 replies)
- Personal property tax on a new car.... (/www.city-data.com/forum/northern-virginia/2696120-personal-property-tax-new-car.html#post46635727) (7 replies)
- small town within an hour from Virginia Beach (/www.city-data.com/forum/virginia/2618287-small-town-within-hour-virginia-beach.html#post44878236) (6 replies)
- Things To Do in Hampton Roads & Nearby Communities (/www.city-data.com/forum/hampton-roads-area/1559614-things-do-hampton-roads-amp-nearby-communities-15.html#post25791439) (174 replies)

Average household size:
 Isle of Wight County: 2.0 people
 Virginia: 3 people

Estimated median household income in 2021: \$85,038 (\$45,387 in 1999)
 This county: \$85,038
 Virginia: \$80,963

https://www.city-data.com/county/Isle_of_Wight_County-VA.html

APPENDIX B. - ZONING.*

Editor's note.—This appendix consists of the county zoning ordinance adopted July 7, 2005. It is set out here as passed with the following exceptions: Catchlines have been added to sections where needed; a frontal analysis has been added for the convenience of the user; a uniform system of punctuation and capitalization has been employed.

For state law as to planning, subdivision of land and zoning generally, see Code of Va., Ch. 15.2-22.

As to erosion and sedimentation control, see ch. 6 of this Code. As to wetlands zoning, see ch. 17

*Prior ordinance history: Ords. dated 7-1-97, 6-18-98, 9-17-98, 5-20-99, 2-17-00, 6-15-00, 2-15-01, 2-21-01, 3-15-01, 9-20-01, 5-16-02 and 8-15-02.

Article I. - General Provisions.

Sec. 1-1000. - Title.

This ordinance shall be known and may be cited as the Isle of Wight County Zoning Ordinance as adopted by the Isle of Wight County Board of Supervisors on July 7, 2005, effective August 30, 2005. (7-7-05; 7-19-18.)

Sec. 1-1001. - Authority.

- A. This ordinance is adopted pursuant to the provisions of Title 15.2, Chapter 22, Article 7, of the Code of Virginia, as amended.
- B. Whenever any provision of the ordinance refers to or cites a subsection of Title 15.2, Chapter 22, Article 7, of the Code of Virginia and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section. (7-7-05; 7-19-18.)

Sec. 1-1002. - Purpose.

The purpose of this ordinance is to implement the Isle of Wight County Comprehensive Plan and promote and protect the health, safety, and general welfare of the present and future residents and businesses of the county by:

- A. Giving effect to policies and proposals of the Isle of Wight County Comprehensive Plan;
- B. Dividing the unincorporated area of the county into districts of distinct community character according to the use of land and buildings, the intensity of such use (including bulk and height), and surrounding open space;
- C. Preserving and enhancing the county's rural and agricultural character and resources;
- D. Preserving and protecting the county's natural resources and protecting the waters of the Chesapeake Bay and Blackwater River and their tributaries;
- E. Regulating the location and use of buildings, structures, and land for trade, industry, residences, and other uses;
- F. Lessening the danger and congestion of traffic on the road and highways; limiting excessive numbers of intersections, driveways, and other friction points; minimizing other hazards; and insuring the continued usefulness of all elements of the existing highway system for their planned function;
- G. Providing nonvehicular, multipurpose pathways in order to promote the health and safety of our citizens;
- H. Securing safety from fire, panic, flood, and other dangers;
- I. Providing adequate light and air, and protecting against the overcrowding of land and undue density of population in relation to the community facilities existing or available;
- J. Protecting the tax base by facilitating cost-effective development within the county;
- K. Promoting economy in local government expenditures;
- L. Protecting the values of property throughout the county;

specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The administrator may also determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this ordinance.

- B. The zoning administrator shall make such determinations of appropriate use types in writing, which shall include an explanation of the reasons for the determination.
- C. A determination of the zoning administrator may be appealed to the board of zoning appeals pursuant to the procedures for administrative appeals outlined in section 1-1019, provisions for appeals, variances and interpretations. (7-7-05; 7-19-18; 11-15-18.)

Sec. 3-2000. - Agricultural use types.

Agricultural crop service tower and antenna.\ A structure on which an antenna or dish is installed as part of an agricultural operation.

Agricultural farm equipment sales and service.\ The sale or rental of new and/or used farm, forestry, and construction equipment, displayed and sold on the premises. This definition also includes repair and service of such equipment.

Agricultural farm product processing, warehousing and distribution service.\ Facility where farm products are brought in from other farms not owned by the facility owner or operator where the products are kept for storage, processing and/or distribution, including refrigerated warehousing. This definition shall include cotton gins, peanut buying stations, granaries, and soybean buying stations, but shall not include the storage and/or processing or distribution of livestock.

Agricultural feed seed and farm supply service.\ An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

Agricultural service/agent.\ An establishment primarily engaged in providing services specifically to the agricultural community which is not directly associated with a farm operation. Included in this use type would be servicing of agricultural equipment, independent equipment operators, and other related agricultural services.

Agriculture.\ The use of land for the production of food and fiber, including horticulture, hydroponics, truck gardens, cultivation of field crops, nurseries, orchards, viticulture, livestock operations, dairy farms, and the use of heavy cultivating machinery, and irrigation machinery. This definition shall also include the following uses as accessory uses: grain dryers and related structures, the storage of fertilizer, the storage of petroleum, agricultural service towers and antennas, and the repair of personal farming equipment.

Agritourism.\ Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, breweries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. (See article IV, (zoning district and boundaries), part 2A, (agritourism), section 2A003, (agritourism activities) for a list of permitted activities.)

Aquaculture.\ Land or activities devoted to the hatching, raising, harvesting and breeding of fish, shellfish and aquatic plants for sale.

Aquaculture, waterfront business.\ Commercial waterfront activities devoted to the hatching, raising, harvesting and breeding of fish, shellfish and aquatic plants for sale. This use shall also include a commercial fishing pier open to the general public.

Commercial feedlot.\ A lot, yard, structure, corral or other area subject to any applicable regulations administered and enforced by the Virginia Department of Environmental Quality in which livestock is confined, primarily for the purpose of feeding, growing, raising, holding, and birthing, prior to slaughter or sale. Included in this description are commercial feedlots, commercial poultry houses, and other similar intensive livestock operations.

Fair, agricultural.\ Public event usually outside where agricultural goods, exhibits, and farm animals are shown and sold, and where there is often food and entertainment.

Family Burial Plot.\ A private burial ground limited to persons related by blood or marriage.

Farm employee housing.\ A manufactured home, Class A or B, as defined under residential use types, located on a farm for the purpose of housing an employee of that farm operation and his/her family. Also included in this use type would be multifamily dwelling(s) for seasonal employees in connection with an agricultural use, which relies on seasonal employees who must be housed.

Farmer's market.\ A market held in a structure or open area for the sale of seasonal produce such as meat, fish, fruits, vegetables, flowers and plants.

Forestry operation, silvicultural and/or timbering.\ The development or maintenance of a forest or woodland area under a forest management plan. Included are establishments in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or other silvicultural activities, as defined in Article 10.1, Section 1181.1 of the Code of Virginia.

Greenhouse, commercial.\ See "garden center" listed under commercial use types.

Greenhouse, private.\ The growing and storage of garden plants, shrubs, trees, flowers, vegetables, and other horticultural and floricultural products within a building whose roof and sides are made of glass or other transparent or translucent material. Items grown are used and/or consumed by the occupants of the premises.

Livestock auction market.\ A commercial establishment wherein livestock is collected for sale and auction.

Reptile breeding.\ Activities devoted to breeding a wide variety of reptiles, including turtles, snakes and lizards to pet or commercial markets.

Roadside stand.\ See "wayside stand."

Sawmill, private.\ A facility used on a temporary or permanent basis where logs or partially processed cants produced from the property are sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products exclusively for the personal use of the owner or occupant of the property.

Stable, commercial.\ The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies. A stable/tack shop is also included in this use type as an accessory use.

Stable, private.\ The keeping, breeding or raising of horses or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.

Viticulture.\ The cultivation and study of grapes and grapevines.

Wayside stand.\ A structure erected on the occupant's property used for the sale of agricultural or horticultural produce, livestock or merchandise produced on the farm by the owner or his family. (7-7-05; Ord. No. 2011-11-C, 7-7-11; 9-17-15; 7-19-18; 11-15-18.)

Sec. 3-3000. - Residential use types.

Accessory apartment.\ An accessory dwelling unit on the same lot as a single-family detached dwelling or a commercial use that is clearly incidental and subordinate to the main use or a separate, complete dwelling unit that is substantially contained within the structure of, and clearly secondary to, a single-family dwelling.

Apartment house.\ See "multifamily dwelling."

Boathouse.\ An accessory structure which is constructed either wholly or partially over a body of water, which is designed primarily to provide shelter for water craft or for marine related equipment, for the personal enjoyment of the occupants of the property.

Community recreation.\ A recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are proposed or planned in association with development and are usually located within or adjacent to such development. Such uses may include clubhouses, swimming pools, workout facilities, and tennis courts.

Turkey shoot.\A temporary event consisting of a shooting gallery to test individual marksmanship where the best marksman wins a prize, usually a turkey, hence the turkey shoot. (7-7-05; Ord. No. 2013-1-C, 4-18-13; 7-17-14; 7-19-18; 11-15-18.)

Article IV. - Zoning Districts and Boundaries.

Part 1. - Zoning Districts and Boundaries.

Sec. 4-1000. - Districts established.

The unincorporated areas of Isle of Wight County, Virginia, are hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district. Zoning districts serve to implement the goals and objectives of the Isle of Wight County Comprehensive Plan including related official plans and the other purposes of this ordinance, which are detailed in article I. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-1001. - Purpose and intent.

Isle of Wight County shall be divided into base zoning districts; special overlay districts, and planned development classifications. The districts shall be established to regulate the location of trades, industries, and buildings erected or altered for specific uses; to regulate the height and bulk of buildings hereafter erected or structurally altered; to regulate population density and the intensity of the use of lot areas; and, to regulate the areas of yards, courts, and other open spaces within and surrounding such buildings.

For the purpose of this ordinance, all land and water areas in the county are hereby divided into zoning districts, which shall be designated as follows:

RURAL DISTRICTS

- RAC Rural Agricultural Conservation District
- RR Rural Residential District
- VC Village Center District
- NC Neighborhood Conservation District

RESIDENTIAL DISTRICTS

- SE Suburban Estate District
- SR Suburban Residential District
- UR Urban Residential District

COMMERCIAL DISTRICTS

- LC Limited Commercial District

GC General Commercial District

INDUSTRIAL DISTRICTS

L1 Limited Industrial District

GI General Industrial District

GIC General Industrial Conservation District

PLANNED DEVELOPMENT ZONING DISTRICTS

PD-R Planned Development Residential District

PD-MH Planned Development Manufactured Home Park District

PD-CP Planned Development Commercial Park District

PD-MX Planned Development Mixed-Use District

PD-IP Planned Development Industrial Park District

SPECIAL OVERLAY DISTRICTS

HCO Highway Corridor Overlay District

NDSO Newport Development Service Overlay District

HO Historic Overlay District

FPMO Floodplain Management Overlay District

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-1002. - Official zoning map.

The location and boundaries of this ordinance are as indicated on a map entitled "Official Zoning Map of Isle of Wight County, Virginia", a copy of which shall be on file in the office of the zoning administrator. The official zoning map, with all explanatory materials thereon, is a part of this ordinance and the same shall be deemed as much part of this ordinance as if the same were fully set forth herein. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-1003. - Interpretation of zoning district boundaries.

- A. A district is represented by name in this ordinance and by letter or letter number combination or name-and-number combinations on the official zoning map. Where an area on the map is designated as a certain district, the zoning regulations pertaining to that district shall prevail.
- B. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply:
 - 1. Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
 - 2. Boundaries shown as following or approximately following streets shall be construed to follow the centerlines of such streets.
 - 3. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way. Distances shown as a measure from a railroad track shall be measured from the center of the designated track.
 - 4. Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerline of such watercourse taken at mean low water, and in the event of natural change in the location of such streams, rivers, or other watercourses, the zone boundary shall be construed as moving with the channel centerline.
 - 5. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in subsections 1. through 4. of this [sub]section B., shall be construed to be parallel to such features and at such distances there from as are shown on the map.
 - 6. Any abandoned public street shall have the adjoining zoning extended to the centerline of the road.
 - 7. If the actual location of any street, alley, or stream varies slightly from the location as shown on the zoning map, then the actual locations shall control.
 - 8. In unsubdivided property, unless otherwise indicated, the district boundary line on the map shall be determined by the use of the scale contained on such map. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-1004. - Amendments to the official zoning map.

- A. Amendments to the official zoning map are accomplished using the same procedures that apply to other amendments to this ordinance, as set forth in article I, general provisions.
- B. The zoning administrator shall update the official zoning map as soon as possible after amendments to it are adopted by the board of supervisors. Upon entering any such amendment on the map, the administrator shall change the date of the map to indicate the latest revision.
- C. No unauthorized person may alter or modify the official zoning map.
- D. The zoning administrator shall keep copies of superseded prints of the zoning map for historical reference. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-1005. - Table of permissible uses.

Table 1
Table of Permissible Uses

P = Permitted, C = Conditional Use, (*) = Supplementary Use Regulations																	
Use Descriptions	RAC	RR	VC	NC	SE	SR	UR	LC	GC	LI	GI	GIC	PDR	PDMH	PDCP	PDMX	PDIP
AGRICULTURAL USE TYPES																	

Agricultural Crop Service Tower and Antenna (*)	P	C	P	C														
Agricultural Farm Equipment Sales and Service	C		C				P	P	P	P	P			P	C	P		
Agricultural Farm Product Processing, Warehousing and Distribution Service	P		P				C		P	P	P			P		P		
Agricultural Feed Seed and Farm Supply Service	C		P				P	P	P	P	P			P	C	P		
Agricultural Service/Agent	P	P	P				P	P	P	P	P			P		P		
Agriculture	P	P	P	C					C	C	C							C
Agritourism (See Part 2A)	P	P	P															
Aquaculture	P	P	P	C				C	C	C	C							C
Aquaculture, Waterfront Business	C	C	P					C	C	C	C							C
Commercial Feedlot (*)	P		C						C	P	C							C
Fair, Agricultural	P		C															
Family Burial Plot	P																	
Farm Employee Housing (*)	C	C	C															
Farmer's Market	P		P				P	P				P				P		

Forestry Operation, Silvicultural and/or Timbering (*)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Greenhouse, Commercial and/or Nursery																	
• In conjunction with residence	P	C	P	C	C												
• Not in conjunction with residence	P		P					P	P	P	P	P			P	C	P
Greenhouse, Private	P	P	P	P	P	C	C	C	C				C			C	
Livestock Auction Market (*)	P		C							C	P	C			C		P
Reptile Breeding (*)	C									C	C						
Sawmill, Private (*)	P																
Stable, Commercial (*)																	
• In conjunction with residence	P	C	C	C	C								C			C	
• Not in conjunction with residence	P		C					C	C								
Stable, Private (*)	P	P	C	C	C								C				
Viticulture	P	P	P	C						C	C	C					C
Wayside Stand (*)	P	P	P	C													
RESIDENTIAL USE TYPES																	
Accessory Apartment (*)																	
• Residential Accessory Apartment	P	P	P*	C	P*	C	C							P*		P*	

Composting System, Confined Vegetative Waste or Yard (*)	C																
Hunt Club	P		C														
Parking Facility, Surface/Structure								C	C	C	C	C			C	C	P
Reconstructed Wetland (*)	P	C	C	C	C	C	C	C	C	C	C	C	P	C	C	P	C
Shooting Range, Outdoor (*)	C										C	C					C
Turkey Shoot (*)	P										C	C					C

(11-17-16; 7-19-18; 11-15-18; 1-21-21; 7-15-21.)

Part 2. - Rural Agricultural Conservation (RAC) District.

Sec. 4-2001. - General description.

This district is intended to preserve and protect areas of Isle of Wight County that are presently, predominantly in agricultural use and maintain the land base necessary to support agricultural activity. This district is designed to protect the agricultural industry from sprawling residential development that displaces substantial areas of agricultural land for a small number of dwelling units. Nonfarm residents should recognize that they are located in a rural agricultural environment where the right to farm has been established as county policy. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-2002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

- Agricultural crop service towers and antennas
- Agricultural farm product processing, warehousing and distribution service
- Agricultural service/agent
- Agriculture
- Agritourism (See Part 2A, Agritourism)
- Aquaculture (See Part A, Agritourism)
- Aquaculture, waterfront business

- * Commercial feedlot
- Fair, agricultural
- * Family Burial Plot
- Farmer's market
- * Forestry operation, silvicultural and/or timbering
- * Greenhouse, commercial and/or nursery
- Greenhouse, private
- * Livestock auction market
- * Sawmill, private
- * Stable, commercial
 - In conjunction with residence
 - Not in conjunction with a residence
- * Stable, private
- Viticulture
- * Wayside stand

B. Residential uses:

- * Accessory apartment
 - Residential accessory apartment
- * Boathouse
- Dwelling, single-family
- Dwelling, single-family, farm
- * Family day care home
- Group home
- * Guest house
- * Home occupation, Type I
- * Home occupation, Type II
- * Kennel, private
- * Manufactured home, Class A
- * Manufactured home, Class B
- * Manufactured home, family member residence
- * Manufactured home, temporary residence
- * Temporary emergency housing

C. Civic uses:

Administrative service

Modular classroom

* Park and ride facility

Post office

Public park and recreational area

Public safety service

* Utility service/minor

D. Commercial uses:

* Commercial equipment repair, accessory to dwelling

* Construction office, temporary

Lawn and garden services

Real estate office, temporary

* Taxidermy

Veterinary hospital/clinic

E. Miscellaneous uses:

* Amateur radio tower

Hunt club

* Reconstructed wetland

* Turkey shoot

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-2003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to [section 1-1017](#), conditional uses. An asterisk (*) indicating additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

Agricultural farm equipment sales and service

Agricultural feed seed and farm supply service

Aquaculture waterfront business

* Farm employee housing

* Reptile breeding

B. Residential uses:

* Dwelling, multifamily conversion

Sec. 4-3001. - General description.

This district is intended to provide for limited and low-density residential development within the rural agricultural conservation (RAC) as designated in the comprehensive plan, while being protective of the county's rural character and preserving open space and productive farm and timberlands. In accordance with the comprehensive plan, residential development in the RR district will utilize either of two (2) options in designing residential subdivisions: density bonus for cluster development or sliding scale development. In addition, residential development that occurs in these areas is encouraged to locate in the woodland areas and the least productive agricultural land where the conflicts between the residential uses and the farm uses can be minimized. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-3002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

Agricultural service/agent

* Agriculture

Agritourism (See part 2A)

Aquaculture

* Forestry operation, silvicultural and or timbering

Greenhouse, private

* Stable, private

Viticulture

* Wayside stand

B. Residential uses:

* Accessory apartment

• Residential accessory apartment

Boathouse

Dwelling, single-family

* Family day care home

Group home

* Guest house

* Home occupation, Type I

* Home occupation, Type II

* Kennel, private

* Manufactured home, Class A

- * Temporary emergency residence

C. Civic uses:

- Modular classroom

- Public park and recreational area

- * Utility service/minor

D. Commercial uses:

- * Construction office, temporary

- Real estate office temporary

E. Miscellaneous uses:

- * Amateur radio tower

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-3003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to [section 1-1017](#). An asterisk (*) indicating additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

- * Agricultural crop service tower and antenna

- Aquaculture, waterfront business

- * Farm employee housing

- Greenhouse, commercial and/or nursery

- In conjunction with residence

- *Stable, commercial

- In conjunction with residence

B. Residential uses:

- * Community recreation

- * Dwelling, two-family duplex

C. Civic uses:

- * Cemetery

- Animal

- Church

- Private

- Public

- * Child care center

- * Child care institution

No lot shall be designed, approved or employed for use in which an area more than thirty percent (30%) of the required minimum lot area is comprised of one or more of the environmentally sensitive areas cited in subsections 5-4000.C.1.a through f. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-3007. - Bulk regulations.

- A. Maximum building height:
 - 1. All buildings: Thirty-five (35) feet or three (3) stories, whichever is lesser.
- B. Minimum front yard setback:
 - 1. Where right-of-way is > fifty (50) feet, the minimum front yard setback is sixty (60) feet from property line.
 - 2. Where right-of-way is < fifty (50) feet, the minimum front yard setback is eighty-five (85) feet from center line of road.
- C. Minimum side yard setback:
 - 1. Principle structures: Fifteen (15) feet (one (1) side)/thirty-five (35) feet (both sides).
 - 2. Accessory structures: Fifteen (15) feet (see supplementary density and dimensional requirements, #1, accessory building requirements).
- D. Minimum rear yard setback:
 - 1. Principle structures: Thirty-five (35) feet.
 - 2. Accessory structures: Five (5) feet. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-3008. - Additional regulations.

- A. Refer to section 5-2000, for supplementary density and dimensional requirements, section 5-3000, for restrictions adjacent to airports, and section 5-4000 for standards for net developable requirements.
- B. Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.
- C. Refer to article VII for general design guidelines and development review procedures.
- D. Refer to article VIII for landscaping and open space standards.
- E. Refer to article IX for sign standards.
- F. Refer to article X for vehicle parking facilities requirements.
- G. Refer to article XI for outdoor lighting requirements and restrictions. (11-17-16; 7-19-18; 11-15-18.)

Part 4. - Village Center (VC) District.

Sec. 4-4001. - General description.

- A. The intent of this district is to provide for low to medium density residential development in those areas of the county which are identified as "village centers" in the Isle of Wight County Comprehensive Plan where the pattern of development has previously been established. These areas may not currently have public water and sewer and other public facilities available or planned for in the immediate future.
- B. The village center district has been established herein to assist in the fulfillment of the housing, public services and land use provisions of the comprehensive plan. It is the intent of this district, consistent with the plan, to provide for and preserve the character of these existing unincorporated population centers in the county, and to promote the configuration of new development into reasonable and effective service areas for the proper and efficient provision of water, sewerage, fire and police protection, and other public services.
- C.

In general, it is intended that the VC district shall be used to preserve the character of these existing unincorporated rural population centers which have basically a single-family residential character but which also contain certain types of commercial or light industrial activities to serve primarily a local rural population. In addition, however, it is the intent that such zones may be used for lands where the creation of a new population center or centers would be appropriate and where such new center or centers would be consistent with the provisions of the comprehensive plan.

D. The village centers identified in the comprehensive plan are as follows:

- Battery Park
- Carrsville
- Central Hill
- Isle of Wight Courthouse
- Orbit Rescue
- Rushmere
- Walters Wills Corner
- Zuni

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-4002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, use and design standards, for those specific uses.

A. Agricultural uses:

- Agricultural crop service tower and antenna
- Agricultural farm product processing, warehousing and distribution service
- Agricultural feed seed and farm supply service
- Agricultural service agent
- Agriculture
- Agritourism (see part 2A)
- Aquaculture
- Aquaculture, waterfront business
- Farmer's market
- * Forestry operation, silvicultural and/or timbering
- Greenhouse, commercial and/or nursery
 - In conjunction with residence
 - Not in conjunction with residence
- Greenhouse, private

Viticulture

* Wayside stand

B. Residential uses:

* Accessory apartment

• Residential accessory apartment

* Boathouse

Dwelling, single-family

* Family day care home

Group home

* Home occupation, Type I

* Temporary emergency housing

C. Civic uses:

Administrative service

* Community center

Cultural service

* Modular classroom

Post office

* Public park and recreational area

Public safety service

* Utility service/minor

D. Commercial uses:

* Bed and breakfast

* Commercial equipment repair, accessory to dwelling

* Construction office, temporary

Event center

General store, country

Real estate office, temporary

E. Miscellaneous uses:

* Amateur radio tower

(11-17-16; 7-19-18; 2-21-19.)

Sec. 4-4003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to section 1-1017. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

about:blank

- 2. With public sewer or water: One hundred twenty-five (125) feet.
- 3. With public sewer and water: One hundred (100) feet.
- C. Minimum lot frontage:
 - 1. With private sewer and water: One hundred (100) feet.
 - 2. With public sewer or water: One hundred (100) feet.
 - 3. With public sewer and water: Eighty (80) feet.
 - 4. Minimum frontage on a cul-de-sac: No less than fifty percent (50%) of minimum lot width of district. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-4005. - Bulk regulations.

- A. Maximum building height:
 - 1. All buildings: Thirty-five (35) feet or three (3) stories, whichever is lesser.
 - 2. Public or semipublic buildings such as schools, churches, libraries, or government buildings may be allowed up to sixty (60) feet, provided that the scale, massing, and building design are shown to be compatible with the existing neighborhood and general intent of the district.
- B. Maximum density:
 - 1. Conventional single-family subdivision: Two (2) dwelling units per acre.
 - 2. Floor area ratio for nonresidential: One-fourth (.25) square foot per foot of net developable area.
- C. Minimum front yard setback:
 - 1. Where rights-of-way is > fifty (50) feet, the minimum front yard setback is thirty (30) feet from property line.
 - 2. Where rights-of-way is < fifty (50) feet, the minimum front yard setback is fifty-five (55) feet from centerline of road.
- D. Minimum side yard setback:
 - 1. One (1) side: Fifteen (15) feet.
 - 2. Both sides: Thirty (30) feet.
- E. Minimum rear yard setback:Thirty (30) feet. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-4006. - Additional regulations.

- A. Refer to section 5-2000, for supplementary density and dimensional requirements, section 5-3000, for restrictions adjacent to airports, and section 5-4000 for standards for net developable requirements.
- B. Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.
- C. Refer to article VII for general design guidelines and development review procedures.
- D. Refer to article VIII for landscaping and open space standards.
- E. Refer to article IX for sign standards.
- F. Refer to article X for vehicle parking requirements.
- G. Refer to article XI for outdoor lighting requirements and restrictions. (7-19-18; 11-15-18.)

Part 5. - Neighborhood Conservation (NC) District.

Sec. 4-5001. - General description.

This district is intended to preserve the character of existing neighborhoods and developments in existence at the time of adoption of this ordinance. It is designed to prevent these neighborhoods and subdivisions, consisting of different lot sizes, from becoming nonconforming under the terms of this ordinance. Such neighborhoods are relatively uniform in character and stable. These regulations permit future development consistent with existing character. Areas, identified as having a stable and fixed character, will be allowed to continue to exist and develop under the general regulations governing their design and construction or under the actual plat previously approved.

This district is not intended for nor shall be used to establish new lots that are not already platted or approved through conditional zoning. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-5002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

* Forestry operation, silviculture and/or timbering

Greenhouse, private

B. Residential uses:

* Boathouse

Dwelling, single-family

* Family day care home

Group home

* Home occupation, Type I

* Temporary emergency housing

C. Civic uses:

* Modular classroom

* Public park and recreational area

* Utility service/minor

D. Commercial uses:

* Construction office, temporary

Real estate office, temporary

E. Miscellaneous uses:

* Amateur radio tower

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-5003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to section 1-1017. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

- * Agricultural crop service tower and antenna

Agriculture

Aquaculture

Greenhouse, commercial and/or nursery

- In conjunction with residence

- * Stable, commercial

- In conjunction with residence

- * Stable, private

Viticulture

- * Wayside stand

B. Residential uses:

- * Accessory apartment

- Residential accessory apartment

- * Community recreation

- * Condominium

- * Dwelling, multifamily conversion

- * Dwelling, two-family duplex

- * Guest house

- * Home occupation, Type II

- * Townhouse

C. Civic uses:

- * Cemetery

- Animal

- Church

- Private

- Public

- * Child care center

Club

Cultural service

- * Educational facility primary/secondary

Halfway house

Where rights-of-way is fifty (50) feet or greater, the minimum front yard setback is thirty-five (35) feet from property line.

- b. Where rights-of-way is less than fifty (50) feet, the minimum front yard setback is sixty (60) feet from centerline of road.
- 2. Lots one hundred fifty (150) feet or greater of width:
 - a. Where rights-of-way is fifty (50) feet or greater, the minimum front yard setback is sixty (60) feet from property line.
 - b. Where rights-of-way is less than fifty (50) feet, the minimum front yard setback is eighty-five (85) feet from centerline of road.
- 3. In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots shall be required.
- D. Minimum side yard setback:
 - 1. One (1) side: Ten (10) feet.
 - 2. Both sides: Twenty (20) feet.
- E. Minimum rear yard setback:
 - 1. Twenty-five (25) feet.

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-5006. - Additional regulations.

- A. Refer to section 5-2000, for supplementary density and dimensional requirements, section 5-3000, for restrictions adjacent to airports, and section 5-4000 for standards for net developable requirements.
- B. Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.
- C. Refer to article VII for general design guidelines and development review procedures.
- D. Refer to article VIII for landscaping and open space standards.
- E. Refer to article IX for sign standards.
- F. Refer to article X for vehicle parking facilities requirements.
- G. Refer to article XI for outdoor lighting requirements and restrictions. (11-17-16; 7-19-18; 11-15-18.)

Part 6. - Suburban Estate (SE) District.

Sec. 4-6001. - General description.

This district is intended to provide for a form of suburban living in a superior living environment within the development service district(s) as designated by the Isle of Wight County Comprehensive Plan. Open space is extensive and is designed to create a more rural image than is normally the case, resulting in an "estate" form of character even though lot sizes are well below those found in typical large lot residential areas. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-6002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

- * Forestry operation, silvicultural and/or timbering
- Greenhouse, private

- B. Residential uses:
 - * Accessory apartment
 - Residential accessory apartment
 - * Boathouse
 - Dwelling, single-family
 - * Family day care home
 - Group home
 - * Home occupation, Type I
 - * Temporary emergency housing
- C. Civic uses:
 - * Modular classroom
 - * Public park and recreational area
 - * Utility service/minor
- D. Commercial uses:
 - * Construction office, temporary
 - Real estate office, temporary
- E. Miscellaneous uses:
 - * Amateur radio tower

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-6003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to [section 1-1017](#). An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

- A. Agricultural uses:
 - Greenhouse, commercial and/or nursery
 - In conjunction with residence
 - * Stable, commercial
 - In conjunction with a residence
 - * Stable, private

- B. Residential uses:
 - * Community recreation
 - * Dwelling, multifamily conversion
 - * Guest house
- C. Civic uses:

C. Minimum lot frontage:

1. With private sewer and water: One hundred (100) feet.
2. With public sewer or water: Ninety-six (96) feet.
3. With public sewer and water: Ninety-six (96) feet.
4. Minimum frontage on a cul-de-sac: No less than fifty percent (50%) of minimum lot width of district. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-6005. - Bulk regulations.

A. Maximum building height:

1. All buildings: Thirty-five (35) feet or three (3) stories, whichever is lesser.

B. Maximum density:

1. Conventional single-family subdivision: Two (2) dwelling units per acre.
2. Floor area ratio for nonresidential: One-fourth (.25) square foot per foot of net developable area.

C. Minimum front yard setback:

1. Where rights-of-way is > fifty (50) feet, the minimum front yard setback is fifty (50) feet from property line.
2. Where rights-of-way is < fifty (50) feet, the minimum front yard setback is seventy-five (75) feet from centerline of road.

D. Minimum side yard setback:

1. One (1) side: Twenty (20) feet.
2. Both sides: Forty (40) feet.

E. Minimum rear yard setback: Thirty-five (35) feet. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-6006. - Additional regulations.

- A. Refer to [section 5-2000](#), for supplementary density and dimensional requirements, [section 5-3000](#), for restrictions adjacent to airports, and [section 5-4000](#) for standards for net developable requirements.
- B. Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.
- C. Refer to article VII for general design guidelines and development review procedures.
- D. Refer to article VIII for landscaping and open space standards.
- E. Refer to article IX for sign standards.
- G. Refer to article XI for outdoor lighting requirements and restrictions. (11-17-16; 7-19-18; 11-15-18.)

Part 7. - Suburban Residential (SR) District.

Sec. 4-7001. - General description.

This district is intended for application in the development service district(s) as designated by the Isle of Wight County Comprehensive Plan and to provide for the majority of residential development for future population growth in areas served by public utilities. This district permits moderate density development in a manner that is consistent with the provision of a high-quality "suburban" character. Significant areas of open space should be provided in this district in order to maintain this character. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-7002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

* Forestry operation, silvicultural and/or timbering

B. Residential uses:

* Boathouse

Dwelling, single-family

Dwelling, two-family duplex

* Family day care home

Group home

* Home occupation, Type I

* Temporary emergency housing

C. Civic uses:

* Modular classroom

* Public park and recreational area

* Utility service/minor

D. Commercial uses:

* Construction office, temporary

Real estate office, temporary

E. Miscellaneous uses:

* Amateur radio tower

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-7003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to section 1-1017. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

Greenhouse, private

B. Residential uses:

* Accessory apartment

• Residential accessory apartment

* Community recreation

* Congregate housing

- B. Minimum lot width:
 1. With private sewer and water: One hundred twenty-five (125) feet.
 2. With public sewer or water: One hundred twenty-five (125) feet.
 3. With public sewer and water: Eighty (80) feet.
- C. Minimum lot frontage:
 1. With private sewer and water: One hundred (100) feet.
 2. With public sewer or water: One hundred (100) feet.
 3. With public sewer and water: Sixty-four (64) feet.
 4. Minimum frontage on a cul-de-sac: No less than fifty percent (50%) of minimum lot width. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-7005. - Bulk regulations.

- A. Maximum building height:
 1. All buildings: Thirty-five (35) feet or three (3) stories, whichever is lesser.
- B. Maximum density:
 1. Conventional single-family subdivision: Three (3) dwelling units per acre.
 2. Floor area ratio for nonresidential: One-fourth (.25) square foot per foot of net developable area.
- C. Minimum front yard setback:
 1. Where rights-of-way is > fifty (50) feet, the minimum front yard setback is thirty-five (35) feet from property line.
 2. Where rights-of-way is < fifty (50) feet, the minimum front yard setback is sixty (60) feet from centerline of road.
- D. Minimum side yard setback:
 1. One (1) side: Ten (10) feet.
 2. Both sides: Twenty-four (24) feet.
- E. Minimum rear yard setback:Twenty-five (25) feet. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-7006. - Additional regulations.

- A. Refer to section 5-2000, for supplementary density and dimensional requirements, section 5-3000, for restrictions adjacent to airports, and section 5-4000 for standards for net developable requirements.
- B. Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.
- C. Refer to article VII for general design guidelines and development review procedures.
- D. Refer to article VIII for landscaping and open space standards.
- E. Refer to article IX for sign standards.
- F. Refer to article X for vehicle parking facilities requirements.
- G. Refer to article XI for outdoor lighting requirements and restrictions. (11-17-16; 7-19-18; 11-15-18.)

Part 8. - Urban Residential (UR) District.

Sec. 4-8001. - General description.

This district is intended to permit residential development at high densities with an urban character in selected areas within the development service district(s) and mixed use centers as designated by the Isle of Wight County Comprehensive Plan. It is intended to provide for more intensive development in a limited number of areas and to provide affordable housing for the county's residents that

are finding it difficult to locate such housing. A wide range of housing types may be built in a planned development type of environment within this district. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-8002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

- * Forestry operation, silvicultural and/or timbering

B. Residential uses:

- * Condominium
- * Congregate housing
- * Dwelling, multifamily conversion
- Dwelling, single-family
- * Dwelling, two-family duplex
- * Family day care home
- Group home
- * Home occupation, Type I
- * Multifamily dwelling
- * Temporary emergency housing
- * Townhouse

C. Civic uses:

- * Educational facility primary/secondary
- Life care facility
- * Modular classroom
- * Public park and recreational area
- * Utility service/minor

D. Commercial uses:

- * Construction office, temporary
- Real estate office, temporary
- Veterinary hospital/clinic

E. Miscellaneous uses:

- * Amateur radio tower

(11-17-16; 7-19-18; 11-15-18.)

Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.

- C. Refer to article VII for general design guidelines and development review procedures.
- D. Refer to article VIII for landscaping and open space standards.
- E. Refer to article IX for sign standards.
- F. Refer to article X for vehicle parking facilities requirements.
- G. Refer to article XI for outdoor lighting requirements and restrictions. (11-17-16; 7-19-18; 11-15-18.)

Part 9. - Limited Commercial (LC) District.

Sec. 4-9001. - General description.

This district is primarily intended to provide for low intensity commercial use including those types of commercial services which may satisfy those basic needs which occur daily or frequently and so require commercial facilities in close proximity to residences or which may generally be compatible with a rural or residential area. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-9002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

Agricultural farm equipment sales and service

Agricultural feed, seed, and farm supply service

Agricultural service/agent

Farmer's market

*** Forestry operation, silvicultural and/or timbering**

Greenhouse, commercial and/or nursery

• Not in conjunction with residence

B. Residential uses:

* Accessory apartment

• Commercial accessory apartment

C. Civic uses:

Administrative service

* Child care center

Club

* Community center

Crisis center

Cultural service

- * Education facility, primary/secondary
- Halfway house
- Life care facility
- * Modular classroom
- * Nursing home
- Park and ride facility
- Post office
- Public park and recreational area
- Public safety service
- Rehabilitation service
- * Utility service/minor
- D. Office uses:
 - Financial institution
 - General office
 - Laboratory
 - Medical office
- E. Commercial uses:
 - Business support service
 - Car wash
 - * Commercial indoor sports and recreation
 - * Construction office, temporary
 - Event center
 - * Funeral home
 - * Garden center
 - * Golf course
 - * Golf driving range
 - Itinerant merchant
 - Lawn and garden services
 - * Motor vehicle parts/supply, retail
 - Peddler
 - Personal improvement service
 - Personal service

Retail sales

Studio, fine arts

Veterinary hospital/clinic

Wholesale sales

F. Miscellaneous uses:

* Amateur radio tower

(11-17-16; 7-19-18; 1-21-21.)

Sec. 4-9003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to section 1-1017. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

Agricultural farm product processing, warehousing and distribution service

Greenhouse, private

* Sawmill

* Stable, commercial

• Not in conjunction with residence

B. Residential uses:

Group home

C. Civic uses:

* Adult care center

Assisted living facility

*Cemetery

• Church

• Private

• Public

* Child care institution

Educational facility college/university

Public sports/event facility

* Public maintenance and service facility

* Religious assembly

Transit station

* Utility service/major

D. Commercial uses:

Sec. 4-9006. - Additional regulations.

- A. Refer to section 5-2000, for supplementary density and dimensional requirements, section 5-3000, for restrictions adjacent to airports, and section 5-4000 for standards for net developable requirements.
- B. Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.
- C. Refer to article VII for general design guidelines and development review procedures.
- D. Refer to article VIII for landscaping and open space standards.
- E. Refer to article IX for sign standards.
- F. Refer to article X for vehicle parking facilities requirements.
- G. Refer to article XI for outdoor lighting requirements and restrictions. (11-17-16; 7-19-18; 11-15-18.)

Part 10. - General Commercial (GC) District.

Sec. 4-10001. - General description.

This district is intended to provide the full range of commercial activities and establishments which are not primarily related to residential developments and which require accessibility from higher order roadways than the LC district.

This district is also intended to accommodate high auto-oriented uses such as auto sales and service, convenience stores, motor vehicle fuel stations as well as planned shopping centers. Performance standards are included to ensure that access points are controlled, landscape surface ratios are adequate and street buffering complement the standards set in the highway corridor overlay district (HCO). (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-10002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

- A. Agricultural uses:
 - Agricultural farm equipment sales and service
 - Agricultural feed, seed, and farm supply service
 - Agricultural service/agent
 - Farmer's market
 - * Forestry operation, silvicultural and/or timbering
 - Greenhouse, commercial and/or nursery
 - Not in conjunction with residence
- B. Residential uses:
 - * Accessory apartment
 - Commercial accessory apartment
- C. Civic uses:
 - Administrative service

Veterinary hospital/clinic

Wholesale sales

F. Industrial uses:

Custom manufacturing

G. Miscellaneous uses:

* Amateur radio tower

(11-17-16; 7-19-18; 11-15-18; 2-19-19; 1-21-21.)

Sec. 4-10003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to [section 1-1017](#). An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, use and design standards, for those specific uses.

A. Agricultural uses:

Aquaculture

Aquaculture, waterfront business

Greenhouse, private

* Sawmill

* Stable, commercial

• Not in conjunction with residence

B. Civic uses:

* Cemetery

• Church

• Private

• Public

* Child care institution

Educational facility, college/university

* Public maintenance and service facility

* Religious assembly

* Utility service/major

C. Commercial uses:

* Bed and breakfast

Boating and fishing facilities

* Commercial outdoor entertainment/sports and recreation

* Commercial outdoor swimming pool and tennis facility

* Convenience store

The height limit for principal structures may be increased to fifty (50) feet or up to five (5) stories, whichever is lesser; provided, that each required yard is increased one (1) foot for each additional foot of principal structure height over thirty-five (35) feet.

- b. Where structures exceed the thirty-five-foot height requirement a building separation of thirty (30) feet shall be required.
- B. Maximum density:
 - 1. Floor area ratio for nonresidential: One-half (0.50) square foot per foot of net developable area.
- C. Minimum setback requirements:
 - 1. Front yard: Thirty-five (35) feet.
 - 2. Side yard: Five (5) feet. The side yard requirement may be reduced or waived by the zoning administrator when a principal structure is a part of a shopping center.
 - 3. Rear yard: Five (5) feet. The rear yard requirements may be reduced or waived by the zoning administrator when a principal structure is a part of a shopping center.
- D. Maximum lot coverage:Sixty percent (60%).
- E. Minimum open space ratio (OSR):Twenty-five percent (25%). (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-10006. - Additional regulations.

- A. Refer to section 5-2000, for supplementary density and dimensional requirements, section 5-3000, for restrictions adjacent to airports, and section 5-4000 for standards for net developable requirements.
- B. Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.
- C. Refer to article VII for general design guidelines and development review procedures.
- D. Refer to article VIII for landscaping and open space standards.
- E. Refer to article IX for sign standards.
- F. Refer to article X for vehicle parking facilities requirements.
- G. Refer to article XI for outdoor lighting requirements and restrictions. (11-17-16; 7-19-18; 11-15-18.)

Part 11. - Limited Industrial (LI) District.

Sec. 4-11001. - General descriptions.

This district is intended to provide an environment suitable for industrial activities that do not create appreciable nuisances, hazards or threats to the natural environment or surrounding development. This district is intended to provide for a variety of industrial operations which are capable of meeting modern performance and environmental standards appropriate to a business/industrial park setting and location. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-11002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

Agricultural farm equipment sales and service

Agricultural farm product processing, warehousing and distribution service

Agricultural feed, seed, and farm supply service

Agricultural service/agent

* Forestry operation, silvicultural and/or timbering

Greenhouse, commercial and/or nursery

• Not in conjunction with residence

* Sawmill

B. Civic uses:

Administrative service

* Adult care center

* Child care center

Park and ride facility

Public sport/events facility

* Public maintenance and service facility

Public safety service

Transit station

* Utility service/minor

C. Office uses:

General office

Laboratory

D. Commercial uses:

Auction establishment

Business or trade school

Car wash

Commercial indoor amusement

Commercial indoor entertainment

* Commercial indoor sports and recreation

* Construction office, temporary

Construction sales and service

* Contractor office and storage facility

* Convenience store

Equipment sales and rental

* Garden center

- * Golf driving range
- Laundry
- Lawn and garden services
- * Micro-brewery, distillery, cidery
- * Mini-warehouse
- Motor vehicle/outdoor storage
- *Motor vehicle parts/supply, retail
- * Motor vehicle/rental
- * Motor vehicle repair service/major
- * Motor vehicle repair service/minor
- Pawn shop
- Retail sales
- Studio, fine arts
- Tattoo parlor
- * Taxidermy
- Truck stop
- Wholesale sales
- E. Industrial uses:
 - Brewery, distillery, cidery
 - * Construction yard
 - Custom manufacturing
 - Industry, Type I
 - * Recycling center
 - Refuse and recycling center
 - * Shipping container
 - Transfer station
 - Warehousing and distribution
- F. Miscellaneous uses:
 - * Amateur radio tower

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-11003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to section 1-1017. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

Agriculture

Aquaculture

Aquaculture, waterfront business

* Commercial feedlot

* Livestock auction market

* Reptile breeding

Viticulture

B. Civic uses:

* Cemetery

• Private

• Public

* Utility service/major

C. Commercial uses:

Boating and fishing facilities

Business support service

* Commercial outdoor entertainment/sports and recreation

* Crematorium

Dance hall

* Flea market

* Funeral home

* Gasoline station

* Hotel/motel/motor lodge/inn

* Kennel, commercial

Manufactured home sales

* Marina

Personal improvement service

Personal service

* Restaurant, drive-in fast food

Restaurant, general

- E. Minimum open space ratio (OSR):Twenty-five percent (25%) (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-11006. - Additional regulations.

- A. Refer to section 5-2000, for supplementary density and dimensional requirements, section 5-3000, for restrictions adjacent to airports, and section 5-4000 for standards for net developable requirements.
- B. Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.
- C. Refer to article VII for general design guidelines and development review procedures.
- D. Refer to article VIII for landscaping and open space standards.
- E. Refer to article IX for sign standards.
- F. Refer to article X for vehicle parking facilities requirements.
- G. Refer to article XI for outdoor lighting requirements and restrictions. (11-17-16; 7-19-18; 11-15-18.)

Part 12. - General Industrial (GI) District.

Sec. 4-12001. - General description.

The general industrial district is reserved to accommodate those industrial activities which may produce moderate nuisances or hazards in areas that are relatively remote from residential and business development. The performance standards established for this district are not intended to be as strict as for the LI district. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-12002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

- A. Agricultural uses:
 - Agricultural farm equipment sales and service
 - Agricultural farm product processing, warehousing and distribution service
 - Agricultural feed, seed, and farm supply service
 - Agricultural service/agent
 - * Commercial feedlot
 - * Forestry operation, silvicultural and/or timbering
 - Greenhouse, commercial and/or nursery
 - Not in conjunction with residence
 - * Livestock auction market
 - * Sawmill
- B. Civic uses:
 - Administrative service
 - * Adult care center

- Park and ride facility
- * Public maintenance and service facility
- Public safety service
- Transit station
- * Utility service/minor
- C. Office uses:
 - Laboratory
- D. Commercial uses:
 - Auction establishment
 - Boating and fishing facilities
 - Business or trade school
 - Car wash
 - * Construction office, temporary
 - Construction sales and service
 - * Contractor office and storage facility
 - * Convenience store
 - Equipment sales and rental
 - Garden center
 - Laundry
 - Lawn and garden services
 - * Micro-brewery, distillery, cidery
 - * Mini-warehouse
 - Motor vehicle/outdoor storage
 - * Motor vehicle parts/supply, retail
 - * Motor vehicle/ rental
 - * Motor vehicle repair service/major
 - * Motor vehicle repair service/minor
 - Tattoo parlor
 - * Taxidermy
 - Truck stop
 - Wholesale sales
- E. Industrial uses:

Brewery, distillery, cidery

* Construction yard

Custom manufacturing

Industry, Type I

Industry, Type II

Meat packing

* Recycling center

Refuse and recycling center

* Sawmill, commercial

* Shipping container

Transfer station

Warehousing and distribution

F. Miscellaneous uses:

* Amateur radio tower

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-12003 - Conditional uses.

The following uses are allowed only by conditional permit pursuant to section 1-1017. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

Agriculture

Aquaculture

Aquaculture, waterfront business

* Reptile breeding

Viticulture

B. Civic uses:

Correctional facility

* Utility service/major

C. Commercial uses:

* Adult entertainment establishment

* Commercial outdoor entertainment/sports and recreation

* Flea market

* Gasoline station

* Kennel, commercial

C. Minimum setback requirements:

1. Front yard: Thirty-five (35) feet.

a. Industrial uses shall meet a setback of one hundred (100) feet, except that office buildings associated with the industrial use may meet the minimum setback of thirty-five (35) feet.

b. For lots within designated industrial park of twenty (20) acres or more, office buildings associated with the industrial use shall meet a setback of thirty-five (35) feet.

2. Side yard: Twenty (20) feet.

3. Rear yard: Twenty (20) feet.

D. Maximum lot coverage:Sixty percent (60%).

E. Minimum open space ratio (OSR):Twenty-five percent (25%). (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-12006. - Additional regulations.

A. Refer to section 5-2000, for supplementary density and dimensional requirements, section 5-3000, for restrictions adjacent to airports, and section 5-4000 for standards for net developable requirements.

B. Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.

C. Refer to article VII for general design guidelines and development review procedures.

D. Refer to article VIII for landscaping and open space standards.

E. Refer to article IX for sign standards.

F. Refer to article X for vehicle parking facilities requirements.

G. Refer to article XI for outdoor lighting requirements and restrictions. (11-17-16; 7-19-18; 11-15-18.)

Part 13. - General Industrial Conservation (GIC) District.

Sec. 4-13001. - General description.

The general industrial conservation district is intended to protect and promote heavy industrial operations in existence or under construction at the time of adoption of this ordinance and to prevent such operations from becoming nonconforming under the terms of this ordinance. The GIC district is further intended to permit the efficient development and redevelopment of land for uses related to such existing heavy industrial operations. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-13002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

Agricultural farm equipment sales and service

Agricultural farm product processing, warehousing and distribution service

Agricultural feed, seed, and farm supply service

Agricultural service/agent

* Forestry operation, silvicultural and/or timbering

Greenhouse, commercial and/or nursery

• Not in conjunction with residence

* Sawmill

B. Civic uses:

Administrative service

* Adult care center

Park and ride facility

* Public maintenance and service facility

Public safety service

Transit station

* Utility service/minor

C. Office uses:

General office

D. Commercial uses:

Auction establishment

Boating and fishing facilities

Business or trade school

* Construction office, temporary

Construction sales and service

* Contractor office and storage facility

Equipment sales and rental

Garden center

* Micro-brewery, distillery, cidery

* Mini-warehouse

Motor vehicle/outdoor storage

Wholesale sales

E. Industrial uses:

* Abattoir or livestock processing

Brewery, distillery, cidery

* Construction yard

Industry, Type I

Industry, Type II

- Meat packing
- * Recycling center
- Refuse and recycling center
- * Sawmill, commercial
- * Shipping container
- Transfer station
- Warehousing and distribution

- F. Miscellaneous uses:
 - * Amateur radio tower

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-13003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to [section 1-1017](#). An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

Agriculture.

- Aquaculture
- Aquaculture, waterfront business
- * Commercial feedlot
- * Livestock auction market
- Viticulture

B. Civic uses:

- Correctional facility
- * Utility service/major

C. Industrial uses:

- * Asphalt/concrete plant
- Industry, Type III
- * Landfill, industrial
- * Landfill, rubble
- * Resource extraction
- * Scrap and salvage service
- * Towing service storage yard

D. Miscellaneous uses:

- * Aviation facility, commercial

- A. Refer to section 5-2000, for supplementary density and dimensional requirements, section 5-3000, for restrictions adjacent to airports, and section 5-4000 for standards for net developable requirements.
- B. Refer to article VI for regulations with the historic overlay (HO) district, highway corridor overlay (HCO) district, floodplain management overlay (FPMO) district, and the Newport development service overlay (NDSO) district.
- C. Refer to article VII for general design guidelines and development review procedures.
- D. Refer to article VIII for landscaping and open space standards.
- E. Refer to article IX for sign standards.
- F. Refer to article X for vehicle parking facilities requirements.
- G. Refer to article XI for outdoor lighting requirements and restrictions.
- H. Refer to article V for traditional neighborhood design development standards in the Isle of Wight County subdivision ordinance for development within UDAs. (11-17-16; 7-19-18; 11-15-18.)

Part 19. - Planned Development Industrial Park (PD-IP) District.

Sec. 4-19001. - General description.

It is the intent of this district to provide for planned development of business parks or employment centers in campus-like settings. PD-IP districts are further intended to provide for areas devoted to industrial uses that present an attractive appearance and complement surrounding land use character by means of appropriate siting of buildings and service areas and landscape treatment. It is intended that PD-IP districts be located in areas having all of the following: water and sewer facilities that meet applicable standards and are acceptable to the board of supervisors, one (1) or more major highways, and clearly demonstrated suitability for intended uses in the context of the proposed site's physical characteristics and relationship to surrounding development. (11-17-16; 7-19-18; 11-15-18.)

Sec. 4-19002. - Permitted uses.

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

A. Agricultural uses:

- Agricultural farm equipment sales and service
- Agricultural farm product processing, warehousing and distribution service
- Agricultural feed, seed, and farm supply service
- Agricultural service/agent
- * Forestry operation, silvicultural and/or timbering
- Greenhouse, commercial and/or nursery
- Not in conjunction with residence
- * Livestock auction market

B. Civic uses:

- Administrative service
- * Adult care center

- Personal service
- * Restaurant, drive-in fast food
- Restaurant, general
- Tattoo parlor
- Truck stop
- Wholesale sales
- E. Industrial uses:
 - Brewery, distillery, cidery
 - * Construction yard
 - Custom manufacturing
 - Industry, Type I
 - Industry, Type II
 - Meat packing
 - * Recycling center
 - Refuse and recycling center
 - * Shipping container
 - Transfer station
 - Warehousing and distribution
- F. Miscellaneous uses:
 - * Amateur radio tower
 - Parking facility, surface/structure

(11-17-16; 7-19-18; 11-15-18.)

Sec. 4-19003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to [section 1-1017](#). An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

- A. Agricultural uses:
 - Agriculture
 - Aquaculture
 - Aquaculture, waterfront business
 - * Commercial feedlot
 - * Sawmill
 - Viticulture

Building & Zoning
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Established 1692

MEMORANDUM

Date: November 1, 2023
To: Essex County Planning Commission
From: Brian Barnes, Zoning Administrator 
Subject: Board of Supervisors Directive Regarding Agriculture/Forestry Zoning
Meeting: November 8, 2023

Issue: For the November scheduled meeting, further discussion is planned regarding Agriculture and Forestry uses across zoning districts classified as something other than "Agriculture". The adopted zoning ordinance, effective November 10, 2022, permits agriculture by right only in the A-1 and A-2 districts.

Discussion: Last month, staff presented the subject issue in a memorandum. This document also gave a few simple examples of parcels located within the county currently being farmed that are not zoned Agriculture. Planning Commission members discussed the issue and requested more information be submitted by staff showing what similar county areas do to address these issues. To that end, county staff have investigated the zoning ordinance of Surry and Isle of Wight Counties, respectively. While Isle of Wight County and Surry are similar in area, rural nature, and proximity to large tidal waters; they have different approaches to this issue.

In addition to these ordinance excerpts, and included as an attachment to this memo, are two Office of the Attorney General Opinions regarding zoning classification and agriculture. One is from October 8, 1998, regarding Right to Farm and restrictions on Agriculture by localities. The other is from June 21, 2013, regarding a question as to whether the allowance of agriculture activities by-right in districts zoned something other than agriculture confers upon that property an agriculture zoning classification.

Conclusion: It appears that restricting agriculture by right to a select suite of zoning classifications is not unusual, even in heavily agricultural counties. However, it may be prudent

to expand the by-right agriculture uses in districts that are zoned for uses more "offensive" (example: industrial zoning).

The Right to Farm Act clearly restricts a locality's ability to regulate agriculture within a bona fide agriculture district (Code of Virginia §3.2-300, et seq. and § 15.2-2288, et seq.). This act prevents a locality from requiring a Special Use Permit for an agriculture activity in an agricultural district. If the Essex County Zoning Ordinance requires a Conditional Use Permit for an agricultural activity meeting the definition of *Agricultural Operation* on agriculture zoned land, that section may not be in compliance with state code. Commission members should discuss this in detail and investigate the issue further.

It is clear from the previous Attorney General opinion (June 21, 2013), that if by-right agriculture uses are conferred upon a district through zoning text amendment that this still does not confer upon that district an agriculture zoning classification for other purposes (I.E. Right to Farm Act). In other words, by right agriculture could be expanded to other select districts without losing the ability to regulate other aspects of an agriculture district. For example: an R-1 district with a by-right agriculture use may be required to secure a conditional use permit if an Intensive Agricultural use is desired.

All Cities (/) / Virginia (/city/Virginia.html), Virginia smaller cities (/city/Virginia2.html), Virginia smallest towns (/city/Virginia3.html) / Isle of Wight County, VA

Isle of Wight County, Virginia (VA)

County population in 2021: 38,567 (43% urban, 57% rural); it was 29,728 in 2000
 County owner-occupied with a mortgage or a loan houses and condos in 2010: 7,820
 County owner-occupied free and clear houses and condos in 2010: 3,156
 County owner-occupied houses and condos in 2000: 9,153
 Renter-occupied apartments: 2,742 (it was 2,166 in 2000)
 % of renters here: 19%
 State: 33%

Land area: 316 sq. mi.

Water area: 46.9 sq. mi.

Population density: 122 people per square mile (average).

March 2019 cost of living index in Isle of Wight County: 86.8 (less than average, U.S. average is 100)
 Industries providing employment: Educational, health and social services (20.4%), Manufacturing (15.9%), Professional, scientific, management, administrative, and waste management services (13.6%).

Type of workers:

- Private wage or salary: 74%
- Government: 21%
- Self-employed, not incorporated: 5%
- Unpaid family work: 0%

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Brian Barnes stated that silviculture is permitted in almost every district. Once thing that Mr. Barnes wanted to point out is most of the intensive districts do allow a lot of agricultural

districts by right. Talking with Tim Smith we were contemplating that. If you allow it in an industrial district, then it's a whole lot intrusive then what else could go on in that industrial district. The dust, the noise of a combine coming through. Surry county has limited agricultural. I summarized everything in the memo. I included the attorney generals' memos in the packet.

Commissioner Walters stated that 1, 2, 3 down there are three basic requirements for regulating agricultural operations. Can't have a special use permit, can't prohibit farming practices conducting in accordance with best practices. And the laws and regulations. That is a clause that you can insert in there. You can require that they do best management practice.

Chairman Jones stated that one of the catalysts that Mr. Bates came in because he put his corn in that someone approached him that it is residential, and our new zoning ordinance didn't allow for agricultural because it was residential and then that flipped over to the right to farm act and then that became a little confusing.

Brian Barnes agreed that it was confusing as well.

Chairman Jones said we are talking about two different things. Number one, a county can regulate agricultural farming in a residential zone and the right to farm act does not pertain to that because you can legally do that. But we can't do that in anything zoned agricultural. Number one Essex County can regulate farming, not that we want to, can legally regulate anything that is not in an agricultural zone, and I think that question has been answered. I think Mr. Bates thought that we could not.

Brian Barnes said that we have established that if it has and I believe it is ok to talk about it because that was a public issue and we talked about it publicly. In that example it was zoned R1 or R2.

Chairman Jones said that you can't regulate that int the AG district. Anybody can do it in a district that is not predominately agricultural.

Commissioner Taliferro said don't forget the zoning ordinance said that any non-conforming use can continue as it is. The grandfather clause.

Brian Barnes said he comes to the county in the county office with 50 acres of timberland that I just had cut over that is zones R1, and I want to clear and grub it, do I need a conditional use permit? The way the zoning ordinance is written now you do.

Commissioner Walters said not only that it's a conditional use permit you have to change the zoning.

Chairman Jones said lets clearing up and let's clean up some of the stuff that we messed up or we didn't finish properly when we did the zoning ordinance. Let's make sure our language covers Mr. Bates or Mr. Mundie.

Commissioner Taliaferro one comment he would make on clearing a piece of land if you long on page 144 paragraph 3 a non-conforming use may be changed to the same or more restricted classification.

Mr. Barnes said that covers it.

Commissioner Mundie said so you can clear that timber and go from silviculture to agricultural.

Mr. Barnes writes a letter to whoever complains about the zoning administrator's determination.

Chairman Jones said does the right to farm act pertain to all of them the answer to that is no. Number two if grandfathered in are they allowed to continue are they allowed to continue. The answer is yes but it is a little ambiguous with agricultural so I would like if we all think agricultural is where it should be then let's add a sentence or add that says including agricultural, so we know that it is grandfathered.

Commissioner Taliaferro said if he remembers being there then it is grandfathered.

Commissioner Walters said current use doesn't imply a building, it is just what you are using it for.

Mr. Barnes said that people are really using this and reading it.

Commissioner Walters said maybe if we break it out into two, one is land use and the other building.

Chairman Jones said you can just add when ever a non-conforming use of land comma including agricultural, or buildings have been changed.

Commissioner Walters I would say "for example" an agricultural or business.

Commissioner Taliaferro said you might want to be careful when trying to get very specific then you potentially leave out something.

Chairman Jones just wants to make sure whoever is reading and interpreting the book for the county understands that when the Planning Commissioner re wrote it wanted agricultural included in the non-conforming use.

Commissioner Walters asked Mr. Taliaferro how they came up with the definition for agricultural intensive.

Commissioner Taliaferro said that the animal issue, intensive and confinement issue needs to be cleared up.

Commissioner Mundie said that Mr. Bates made a good point. He was talking about interest in building a shed for his animals to shelter during inclement weather. Under the current definition you can interpret that to be intensive because of the confinement piece even though

20 animals having a loafing shed to get out of the weather would not necessarily satisfy the definition of a CAFO as defined by the people that he was going to go through to get the permits to build it.

Mr. Barnes said that Essex County needs to be careful how they would allow CAFO's if they are ever proposed.

Mr. Walters asked if we still have support from Berkley.

Mr. Barnes said yes, we do.

Mr. Barnes said that when you take it to hearing you try to be thorough.

Commissioner Mundie asked if Mr. Barnes had any engagement from the AG and Forestry Committee.

Mr. Barnes said that he went to their last meeting, and he gave an update on what the Planning Commission is working on. Mr. Barnes said he would like suggestions on having a joint meeting with the AG and Forestry Committee or they could write down some recommendations on what they would like to see.

Chairman Jones said that there are three issues that we have been going over and battling that we don't have straight right one. Number 1 is what other district to we want to add agricultural use too, animal confinement issue want to clean it up and then the agricultural intensive definition. Do we want to start with Brian on what he thinks is a way to clean it up? We will then have some recommendations.

Commissioner Walters said do we want to task him with the wording of the non-conforming use.

Chairman Jones said yes. Zoning should be written so if the County wants to happen it gives them an avenue for it to happen or if there is something they don't want to happen it won't happen.

Chairman Jones went over what needs to be done. Number 1 added language in the non-conforming section, what other district do we want to add agricultural uses, animal confinement, and agricultural intensive definition.

Commissioner Mundie said with these specific issues would this not be the time to go through the AG and forestry first.

Chairman Jones said no because e doesn't want it to come across as them writing the ordinance for us.

Mr. Barnes said he can be the staff person seeking input from them. You don't want to be seen as telling them what to do.

Chairman Jones said we gave Brian a directive and he can ask to advise on what they are thinking,

Mr. Barnes said that he have had two meetings with Charles Davis and they are trying to come up with one lot which would be a one lot subdivision. They have to have a primary reserve septic site for that. They are waiting on the soil work. They will bring to you as a one lot. There are a few other projects out there that people are thinking about it.

Chairman Jones we are working how to proceed money wise and who with.

Mr. Barnes said that he has some ideas that he can put in the comp plan that are not there now.

Chairman Jones said that he and Brian went over each part of the comp plan. He is going to look over what the recommendations are. We will have a meeting on each chapter and then send each to a public hearing. One chapter a month and the public will be able to comment each month.

Mr. Barnes said one other issue is that solar is not mentioned in the comp plan. The way the law is written now any kind of utility scale project they have to come to the planning commission has to hold a hearing called 2232 review which is review of substantial conformance with the comprehensive plan.

Mr. Walters brought his certificates from the Planning Commission and BZA classes.

NEW BUSINESS

None

ADJOURN

Having no further discussion, a motion to adjourn was made and seconded. AYES: 6, NAYES: 0, ABSENT:1

David Jones, Chairman