

A G E N D A
ISLE OF WIGHT COUNTY PLANNING COMMISSION
September 24, 2024

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

2. ROLL CALL/DETERMINATION OF A QUORUM

BOBBY BOWSER, CHAIRMAN

THOMAS J. DISTEFANO, VICE-CHAIRMAN

BRIAN CARROLL

CYNTHIA TAYLOR

JAMES FORD

JENNIFER S. BOYKIN

GEORGE RAWLS

RICK SIENKIEWICZ

RAYNARD GIBBS

MATTHEW SMITH

3. ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

A. August 27, 2024 Planning Commission Regular Meeting Minutes

6. CITIZENS' COMMENTS

7. PUBLIC HEARINGS

A. CSUP-24-1 Garage Ministry Conditional Use Permit Request

Application (CSUP-24-1) of Anthony Robinette, property owner, for a conditional use permit to establish a religious assembly use on approximately 1.25 acres located at 5293 Old Stage Highway (Rte. 10) on tax parcel 06-01-027 in the Rural Agricultural Conservation zoning district

B. Proposed Accessory Dwelling Unit, Recreational Vehicle and Wayside Stand Zoning Ordinance Changes

An ordinance to amend the following sections of Appendix B. Zoning: Article V (Supplementary Use Regulations), Section 5-5002.L, "Recreational Vehicles (RVs) and Watercraft," to allow the use of RVs for temporary residential use under certain conditions, Section 5-5001.K, "Wayside Stands," to reduce the front yard setback requirements subject to height and sight triangle requirements, and Section 5-5002.A, "Accessory Apartments," to allow stand-alone accessory dwelling units subject to size and height requirements.

C. REZN-4-24 Hewitt Conditional Residential Rezoning Request

Application (REZN-24-4) of Christopher and Jessica Hewitt, owners, for a change in zoning classification from Rural Agricultural Conservation (RAC) to Conditional-Rural Residential (C-RR) of 3.19 acres and to Conditional-Rural Agricultural Conservation (C-RAC) of the remainder of 34.9 acres. The application includes a proffer for no further subdivision of the new lot or remainder.

8. OLD BUSINESS

9. NEW BUSINESS

A. Planning Commission 2024 Annual Retreat

Planning Commission 2024 Annual Retreat Special Meeting

B. EXC-24-5 Highway Corridor Overlay District Exception for Air Station General

Application of Air Station General, LC (EXC-24-5), applicant, for an exception to Section 6-1010.A.2 of the Zoning Ordinance pertaining to the Highway Corridor Overlay District architectural and design guidelines for non-residential uses

C. COUNTY ATTORNEY'S REPORT

D. PLANNING DIRECTOR'S REPORT

1. Proposed Zoning Ordinance Change Discussion

Discussion on Proposed Changes to the Zoning Ordinance

10. CLOSED MEETING

11. ADJOURNMENT

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
August 27, 2024 Planning Commission Regular Meeting Minutes	Minutes	9/16/2024

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-SEVENTH DAY OF
AUGUST IN THE YEAR TWO THOUSAND AND TWENTY-FOUR**

CALL TO ORDER

Bobby Bowser, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on August 27, 2024, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Chairman Bowser delivered the invocation.

PLEDGE OF ALLEGIANCE

Chairman Bowser invited everyone present to join in the Pledge of Allegiance.

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT

Bobby Bowser, Chairman
Thomas Distefano, Vice-Chairman
Cynthia Taylor
James Ford
Jennifer Boykin
George Rawls
Rick Sienkiewicz
Raynard Gibbs
Matthew Smith

ABSENT

Brian Carroll

A quorum was determined.

ALSO IN ATTENDANCE

Amy Ring, Community Development Director
Bobby Jones, County Attorney
Don Robertson, Assistant County Administrator
Trenton Blowe, Planner II
Sandy Robinson, Planner II
Caleb Kitchen, Planner I
Amanda Landrus, Secretary

ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

Chairman Bowser asked if there were any requests to table or withdrawal agenda items. Amy Ring stated there were no requests.

APPROVAL OF AGENDA

Chairman Bowser called for a vote to approve the agenda. Commissioner Taylor made the motion to approve the agenda. Commissioner Smith seconded the motion. Chairman Bowser asked for all in favor to signify by saying aye. The motion passed unanimously.

APPROVAL OF CONSENT AGENDA

Chairman Bowser made a correction to the date on the July 23, 2024, meeting minutes. Commissioner Smith made the motion to approve the consent agenda with the date correction in the July 23, 2024, meeting minutes. Commissioner Boykin seconded the motion. Chairman Bowser asked for all in favor to signify by saying aye. The motion passed unanimously.

CITIZENS' COMMENTS

James J. Villers Jr., 12262 Keaton Avenue, Windsor, wanted to restate the information that Glen Willis has been sharing at previous Planning Commission meetings about the request to change industrial setbacks from residential neighborhoods.

PUBLIC HEARINGS

Chairman Bowser called for the first public hearing on the following item:

Application (AFD-1-24) of Todd and Kristi Bryant, owners, to withdraw 27 acres of land located near Trump Town Road (Rt. 651) on Elmwood Lane on tax map parcel 29-01-029 from the Courthouse Agricultural District. The purpose of the application is to convert 27 acres of existing agricultural land to forested wetlands.

Sandy Robinson, Planner II, gave the following presentation.

Application of Todd and Kristi Bryant to Withdraw Land from the Courthouse AFD



Planning Commission Regular Meeting
August 27, 2024

SITE DESCRIPTION

Tax Map ID#: Part of 29-01-029

Location : Elmwood Lane/Trump Town Road

Current Zoning : RAC

Election District: D3

Request: Withdraw 27 acres from the Courthouse AFD to convert to wetlands bank

BACKGROUND

- Existing uses currently consist of one home site, approximately 10 acres of woods, 43 acres of agricultural land, and approximately one-half acre of swamp.
- Project site is on the west side of Trump Town Road.
- Request is for a wetlands restoration project in order to create a wetlands bank.
- Proposed use is permitted in the Rural Agricultural Conservation (RAC) zoning district, however the use does require removal from the district, because the wetlands restoration area will require a dedicated easement which will prohibit the future use of agricultural and silvicultural uses.
- The A/F Committee voted to recommend approval of the request at its July 3, 2024, meeting.

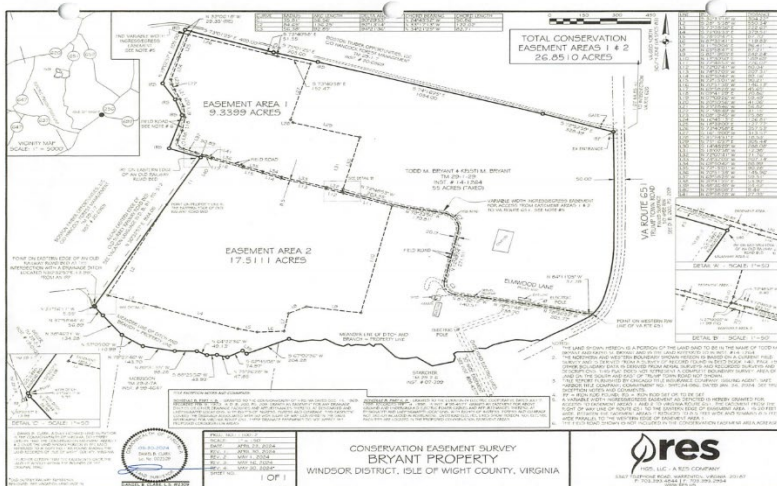
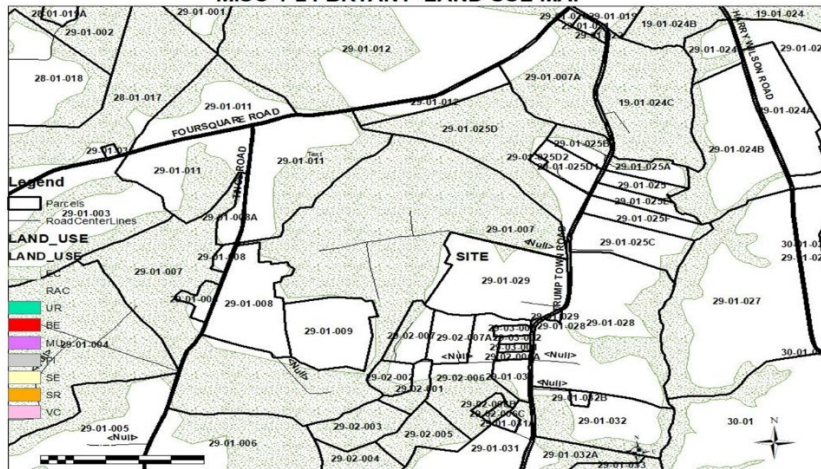
MISC-1-24 BRYANT- A & F DISTRICT MAP



AF-01-24 AGRICULTURAL FORESTAL DISTRICT APPLICATION LOCATION MAP



MISC-1-24 BRYANT- LAND USE MAP





STAFF CONCLUSIONS

Strengths:

- Proposed use is compatible with the existing land uses in the vicinity and within the guidelines of the future Recommended Land Use Plan Designation.

Weaknesses:

- None determined at this time.



STAFF RECOMMENDATION

Staff recommends approval of the request to remove the parcel from the Courthouse AFD.

Chairman Bowser opened the public hearing and invited the applicant to speak.

Anna Stewart Lambert, Project Manager with RES, gave the following presentation.

Who is RES?

- RES is an ecological restoration provider, specializing in stream and wetland mitigation



RES Wetland Restoration



Project Overview

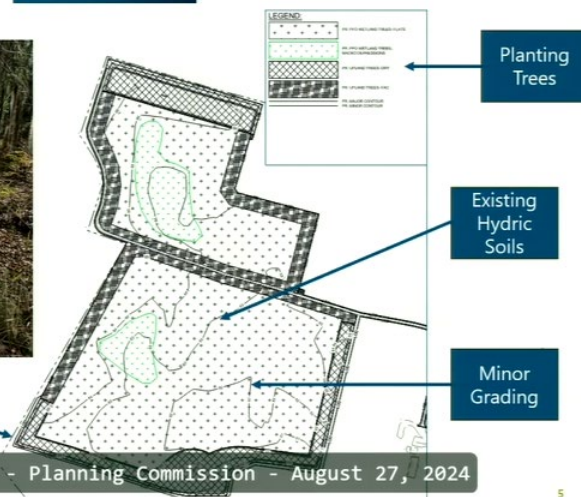
Provide wetland mitigation services by restoring forested wetlands on agricultural land that was previously wetland. Mitigation for permitted wetland impacts for upgrades on an existing utility corridor.

- Location: 11456 Elmwood Lane, Windsor, Virginia 23487
- Size: ~26 acres
- Protective instrument: Protected in perpetuity under a conservation easement
- Soils: Mineral flatwood soils (hydric)
- Zoning: Rural Agricultural Conservation (RAC)



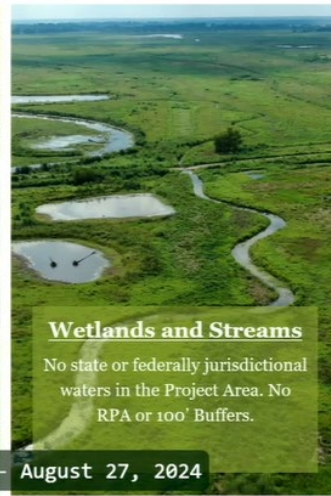
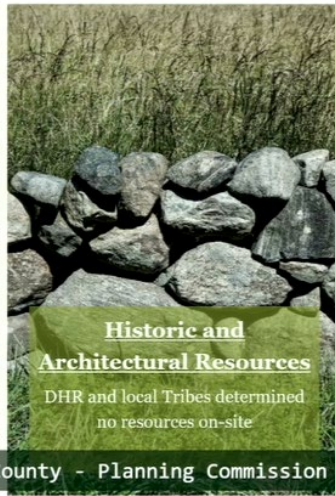
Isle of Wight County - Planning Commission - August 27, 2024

Wetland Restoration Plans



Isle of Wight County - Planning Commission - August 27, 2024

Sensitive Resources



Isle of Wight County - Planning Commission - August 27, 2024

© RES 2024

Community Benefits

- Aligns with goals of the County's Comprehensive Plan
- Maintain rural character and open spaces
- Enhance County's native vegetative cover
- Protected from development in perpetuity
- Improve water quality by reducing runoff, filtering pollutants, and recharging groundwater supplies
- Provide wildlife habitat
- All cut/fill will remain on-site
- No negative impacts to existing road networks, traffic patterns, emergency services, schools, or recreation areas



© RES 2024

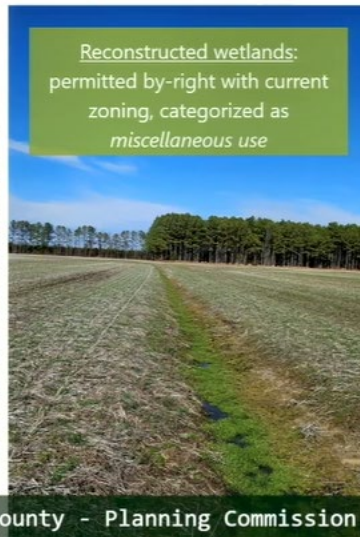
Isle of Wight County - Planning Commission - August 27, 2024

7



Agricultural and Forestal District

Agricultural Forestal Districts 2022



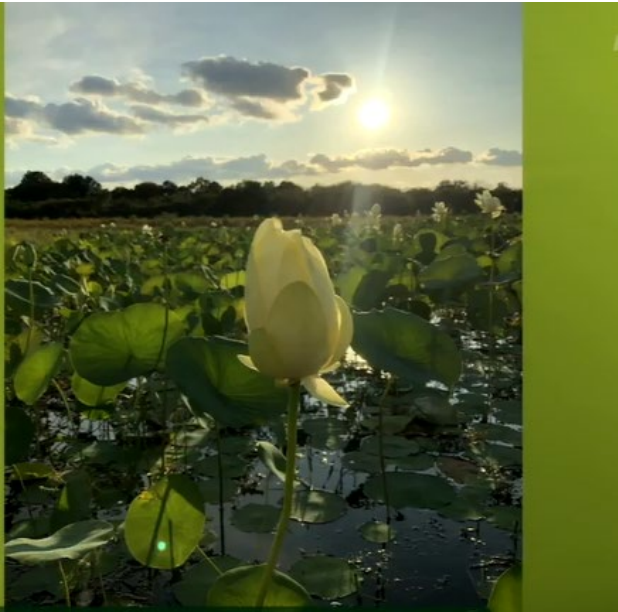
Isle of Wight County - Planning Commission - August 27, 2024

Questions?

Anna Stuart Lambert

Project Manager

alambert@res.us | 804.729.8984



There being no public comment, Chairman Bowser closed the public hearing and call for discussion from the commissioners.

Commissioner Taylor asked if there were wetland credits being sold from this project.

Ms. Lambert stated that this mitigation is to serve an existing linear utility project due to no wetland credits available to purchase.

Commissioner Rawls asked if they would be utilizing all 27 acres.

Ms. Lambert stated that this project is producing more credits than the lease needs and is considered one of the benefits of this project.

Commissioner Boykin asked if the utility project is local.

Ms. Lambert stated this project is in the watershed but not entirely in the County.

Commissioner Smith asked how long it would take to complete the wetland restoration project.

Ms. Lambert stated they are anticipating just a couple of months and hoping to be done by the end of the year.

Chairman Bowser asked if the County has had this type of application before.

Amy Ring stated that this is the first project of this type.

Commissioner Boykin asked if there was a negative impact from this project.

Ms. Ring stated the only disadvantage is that this is removing agriculture land from production.

Commissioner Rawls asked if any of the 27 acres is prime farmland.

Ms. Lambert stated that she didn't believe it was due to the amount of ditching that was needed to make farming viable.

Commissioner Boykin asked if any piece of property could be turned into wetland.

Robin Bedenbaugh, wetland mitigation designer, stated that not just any land can be turned into a wetland. He stated that they look for sites that have hydric soils that were once wetlands, and they restore wetlands that were turned into farm land.

Commissioner Ford asked how long before the project reaches full maturity.

Mr. Bedenbaugh stated between fifteen to twenty years for wetland to grow enough to provide wildlife and between forty to fifty years before the trees are all full maturity.

Commissioner Gibbs asked if there are other projects currently being worked on.

Mr. Bedenbaugh stated not in this County, but they are working on multiple projects in general and are constantly looking for sites to restore wetlands.

Commissioner Gibbs made the motion to send this application to the Board of Supervisors with the recommendation of approval. Commissioner Ford seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Bowser voting in favor and no Commissioners voting against.

The motion passed unanimously, and the item will go to the Board of Supervisor's September 19, 2024, meeting.

Chairman Bowser called for the next public hearing item.

Application (ZA-05-24) of Coastal Investors, owners, to rezone .237 acres located on Bennis Church Blvd. (Rt. 10) tax map parcel 32-01-061 from Planned Development – Mobile Home to Conditional General Commercial to enlarge commercial parcel 32-01-061C

Sandy Robinson, Planner II, gave the following presentation.

Change of Zoning Request of Coastal Investors from PD-MH to C-GC

**Planning Commission Regular Meeting
August 27, 2024**



SITE DESCRIPTION

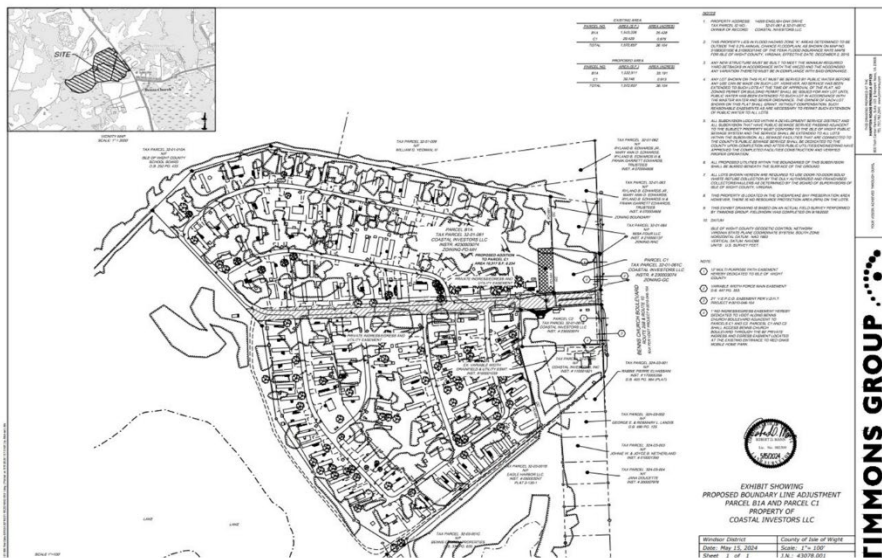
Tax Map ID#:	Part of 32-01-061
Location :	Red Oaks Drive
Current Zoning :	Planned Development Mobile Home Park (PD-MH)
Election District:	D3
Request:	Rezone .237 acre to Conditional – General Commercial (C-GC) to add to an adjoining parcel

BACKGROUND

- Property is located off the west side Bennis Church Blvd. and on the north side of Red Oaks Drive. The property is adjacent to commercial property to the south and north and residential property to the west. The property is bounded by Bennis Church Blvd. on the east. The area has a mixture of residential and commercial properties.
- Mobile home park has developed prior to 1970 and enlarged through subsequent conditional use permits.
- Parcels 32-01-061B and 32-01-61C on Bennis Church Blvd were rezoned to General Commercial in January 1971.
- Request is to specifically add the .237 acre to Benn's 32-01-061C to allow for adequate area for commercial development.
- Owner has conditioned the rezoning of the .237 acres to be added to the adjoining parcel 32-01-061C within 12 months of approval of the rezoning.

ZA-05-24 COASTAL INVESTORS - LOCATION MAP







STAFF CONCLUSIONS

Strengths:

1. The proposal will help bring additional business to the County.
2. The proposal will not negatively impact adjacent properties.

Weaknesses:

1. Not consistent with the UR designation on the future land use map.

STAFF RECOMMENDATION

Based on the strengths of the application, staff recommends approval of the application with the proffered conditions as submitted by the applicant.

Chairman Bowser opened the public hearing and invited the applicant to speak.

William Riddick, legal representative for the applicant, stated that increasing the size of the existing commercial zoned parcel will make it more attractive to potential buyers. He stated this is needed due to the current requirement for setbacks, parking and landscaping.

There being no citizen comment, Chairman Bowser closed the public hearing and called for discussion from the commissioners.

Chairman Bowser asked if the questions received from the citizens were because they didn't understand what this application was about.

William Riddick stated that he was certain of that.

Commissioner Sienkiewicz asked if the side setback from the office building will be okay.

Ms. Robinson stated there will be a setback between the two zoning districts, and it can be met.

Commissioner Distefano asked if there were existing proffers on this parcel.

Ms. Robinson stated it was rezoned in 1971 with no conditions.

Commissioner Distefano asked what will happen if the plat isn't recorded within the twelve-month timeframe.

Bobby Jones stated the zoning would revert to the original zoning district.

Commissioner Gibbs made the motion to send this application to the Board of Supervisors with the recommendation of approval. Commissioner Boykin seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Bowser voting in favor and no Commissioners voting against.

The motion passed unanimously, and the item will go to the Board of Supervisor's September 19, 2024, meeting.

OLD BUISNESS

Amy Ring confirmed there were no old business items.

NEW BUISNESS

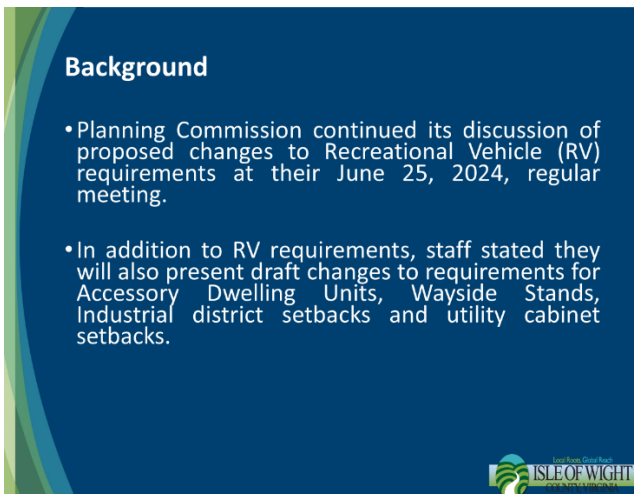
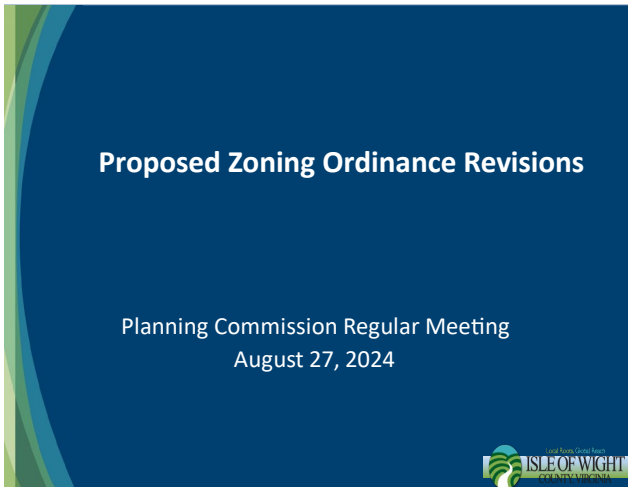
Amy Ring confirmed there were no new business items.

COUNTY ATTORNEY'S REPORT

Bobby Jones confirmed there were no items.

PLANNING DIRECTORS REPORT

Amy Ring gave the following presentation on the Proposed Zoning Ordinance Revisions.



Wayside Stands

Sec. 5-5001. - Supplementary use regulations for agricultural use types.

K. Wayside stand. A structure may be permitted for the display and sale of agricultural and fishery products grown and produced on premises subject to the following standards:

1. A zoning permit is required for first year's operation.
2. A wayside stand structure shall not exceed seven hundred fifty (750) square feet in floor area and ten (10) feet in height and must be in compliance with the applicable standards of the Virginia Uniform Statewide Building Code.
3. All structures shall ~~meet the minimum yard setback requirements of the underlying zoning district~~ be located outside of the required 25 foot sight triangle formed by the intersection of the driveway and the public or street rights-of-way in accordance with Section 5-2000.O. It shall be located so as to provide safe ingress and egress from public or street rights-of-way.
4. All wayside stands and related structures shall be considered seasonal or temporary in nature.



Industrial District Setbacks

Sec. 4-11005. Limited Industrial - Bulk regulations

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 thirty-five (35) feet setback.
 - 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.
4. For parcels directly adjacent to a residential use or district, the minimum setback shall be 250 feet from the property line for all improvements, such as buildings, parking lots, drive aisles, storage yards and similar features.

****Item 4 also proposed for GI & GIC districts**



Utility Cabinet Setbacks

Sec. 5-2000. - Supplementary density and dimensional regulations.

H. Projections and yard setback modifications.

8. Exemption of yard setback requirements for electrical, water or wastewater utility cabinets. Utility cabinets measuring no more than six feet high and eight feet wide shall be allowed to encroach into required yard setbacks and shall be located outside of any required sight line or sight triangle.



Accessory Apartments

Section 5-5002.A

- An accessory apartment may be located either in a primary dwelling unit or as a separate accessory building or as part of an accessory structure on the same lot or parcel as the primary dwelling.
- The maximum floor area of an accessory apartment in a primary dwelling shall not exceed one thousand (1,000) square feet or thirty-five percent (35%) of the living area of the primary dwelling, excluding garages, breezeways, etc., whichever is less. The maximum floor area of an accessory dwelling or an accessory apartment in an accessory building shall not exceed fifty percent (50%) of the floor area of the principal dwelling or one thousand two hundred (1,200) square feet, whichever is less.



A brief discussion was had on the proposed ordinance changes, and it was agreed that the recreational vehicle, wayside stand and accessory apartment ordinance revisions were ready to go to public hearing, and the industrial use setbacks and utility cabinet revisions were not ready, as additional information is needed before going to public hearing.

Commissioner Taylor made the motion to send the recreational vehicle ordinance revisions to public hearing at the next Planning Commission Meeting. Vice-Chair Distefano seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Bowser voting in favor and no Commissioners voting against.

Commissioner Boykin made the motion to send the wayside stand ordinance revisions to public hearing at the next Planning Commission Meeting. Commissioner Smith seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Bowser voting in favor and no Commissioners voting against.

Commissioner Boykin made the motion to send the accessory apartment revisions with the revisions that were discussed to public hearing at the next Planning Commission Meeting. Commissioner Gibbs seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Bowser voting in favor and no Commissioners voting against.

These three items will go to the September 24, 2024, Planning Commission meeting.

Ms. Ring stated that at the August 1, 2024, Board of Supervisors Work Session, the Board made a motion to direct the Planning Commission to take an intensive look at the sign ordinance. Ms. Ring stated that she would send the current sign ordinance out to the commissioners to begin to review, and she would be getting a list together of current sign complaints and violations in the County and a list of staff's concerns.

ADJOURNMENT

There being no further information to discuss, Chairman Bowser adjourned the meeting at 7:26 PM.

Adopted this _____ day of _____, 2024

Bobby Bowser, Chairman, Isle of Wight County Planning Commission

Attest: _____
Amanda Landrus, Secretary

PLANNING REPORT

APPLICATION:

Application (CSUP-24-1) of Anthony Robinette, property owner, for a conditional use permit to establish a religious assembly use on approximately 1.25 acres located at 5293 Old Stage Highway (Rte. 10) on tax parcel 06-01-027 in the Rural Agricultural Conservation zoning district

ELECTION DISTRICT:

D3

LOCATION:

The proposed project is located at 5293 Old Stage Highway (Rte. 10) on tax map number 06-01-027. It is adjacent to agricultural uses, single-family residences, and a religious assembly use. The Rushmere Volunteer Fire Department is located approximately 0.1 miles to the south. Property location maps are attached to this staff report.

BACKGROUND:

The extant structure currently found on the parcel was constructed in 1921 and operated as Cofer's General Store for many years. The structure is listed as "Moses Alexander House/Cofer's General Store" in the *Architectural Survey of Isle of Wight County and the Town of Windsor in Virginia* published by the Virginia Department of Historic Resources in 2007 and has been assigned VDHR No. 046-5040. However, the structure is recommended as not eligible for inclusion in the National Register of Historic Places. A mobile home previously existed on the property but was removed around 2008.

DESCRIPTION:

The Garage Ministry is currently located in the Town of Smithfield and intends to relocate to this site. This project would include construction of a thirty foot by sixty foot building for religious assembly. This use is defined by the Zoning Ordinance as, "a use providing regular organized religious worship and related incidental activities within or out of a structure including accessory uses, such as day care facilities, but not including educational facilities, primary or secondary."

Seating capacity within the new structure would be approximately 40 seats with

meetings typically occurring in the afternoon or evening hours. The concept plan also includes use of the extant Cofer General Store building, but the applicant has not yet identified a specific purpose for the structure.

COMPREHENSIVE LAND USE PLAN:

The future recommended land use designation for this parcel is Suburban Estate (SE). Appropriate uses for the SE land use designation include single family residences, community facilities, and preserved natural features. Non-residential uses may include parks and trails and community facilities such as schools, churches, libraries, and similar uses which are supportive of the residential use and enhance development when in close proximity.

The proposed use is consistent with the future recommended land use map designation as defined in the County's Comprehensive Plan.

ORDINANCE REVIEW:

The zoning district classification for the subject property is Rural Agricultural Conservation (RAC). The RAC zoning district is intended to preserve and protect areas of the County that are predominantly in agricultural and forestall use and to maintain the existing land base to support those activities.

The applicant is proposing a religious assembly use which requires a conditional use permit (CUP) within the RAC zoning district.

This parcel also lies within the Highway Corridor Overlay District (HCOD) and the subsequent site plan will be reviewed in accordance with the Architectural and Development Guidelines for all nonresidential uses as described in Section 6-1010 of the Zoning Ordinance.

Section 1-1017 of the Zoning Ordinance provides standards for review of a conditional use application that the Planning Commission and Board of Supervisors shall consider before granting a conditional use permit. They are as follows:

1. That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, and general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate

proximity;

3. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;
4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;
5. That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
6. That the conditional use shall, in all other aspects, conform to the applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use;
7. That the use(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

In addition to the standards and other guidelines described in the Zoning Ordinance, the Board may impose conditions or limitations on any approval, including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:

1. The number of persons living or working in the immediate area and the proposed hours of operation, as may be applicable;
2. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak period of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
3. The orderly growth of the neighborhood and community and the fiscal impact on the County;
4. The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
5. Facilities for police, fire protection, sewerage, water, trash, and garbage collection and disposal, and the ability of the County or persons to supply such services;
6. The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
7. The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;
8. The purposes set forth in this ordinance, the County's Comprehensive Plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
9. The environmental impact, the effect on sensitive natural features, and

- opportunities for recreation and open space; and
10. The preservation of cultural and historic resources or landmarks.

Should the CUP be approved, the applicant will be required to submit a site plan for review and approval in accordance with Zoning Ordinance requirements and conditions of approval.

AGENCY REVIEW:

The application was forwarded to the following departments for their review:

- Fire Rescue: No concerns submitted;
- Sheriff's Department: No concerns submitted;
- Health Department: No applications filed, perc site will be required;
- Public Utilities: No public utilities are available;
- Virginia Department of Transportation: A moderate volume commercial entrance will be required. An access management exception will need to be obtained for entrance spacing that does not meet Appendix F requirements. See attached comments;
- Isle of Wight County Museum: The site is in close proximity to the Captain John Smith Chesapeake National Historic Trail, Keystone Segment, Historic District; recommends a Phase 1 Cultural Resources Survey of the property. See attached comments.

Please note that should this CUP be approved, it will be subject to review and approval from all associated agencies during site plan review.

STAFF CONCLUSIONS:

Strengths:

1. The application is consistent with the Suburban Estate future recommended land use designation from the Comprehensive Plan.
2. The proposed use will have minimum impact on County facilities and resources.
3. The project will include the use and preservation of an identified historic structure.

Weaknesses:

1. Approval of the project would result in a multiplicity of similar religious

assembly uses in the general neighborhood.

STAFF RECOMMENDATION:

Based on the identified strengths and weaknesses, staff recommends approval of the Conditional Use Permit with the following conditions: 1) The Cofer General Store structure shall be stabilized and secured, and preserved for future use prior to issuance of a certificate of occupancy for the new structure. 2) A Phase 1 Cultural Resources Survey shall be submitted for approval prior to submission of the site plan. 3) All noise between the hours of 12:01 a.m. and 7:00 a.m. that is plainly audible at the property line is prohibited.

ATTACHMENTS:

Description	Type	Upload Date
Application and Concept Plan	Backup Material	8/27/2024
Site Images	Backup Material	8/27/2024
Location Map	Backup Material	8/27/2024
Zoning Map	Backup Material	8/27/2024
Land Use Map	Backup Material	8/27/2024
VDOT Comments	Backup Material	8/27/2024
Isle of Wight County Museum Comments	Backup Material	8/27/2024

CSUP-24-1

Conditional/Special Use
Permit Application

Status: Active
Submitted On: 6/12/2024

Primary Location

5293 OLD STAGE HIGHWAY
SMITHFIELD, VA 23430

Owner

Anthony Robinette
Old Stage Highway 4583
Smithfield, VA 23430

Applicant

 Anthony Robinette
 757-372-3174
 swcharles757@gmail.com
 4583 Old Stage Highway
Smithfield, VA 23430

Application Information

Applicant*

Owner

Application Type*

Conditional Use Permit

Are you proposing conditions?*

No

Proposed Use or Activity*

Religious Assembly

For more information on what is permissible in each zone, please see the Table of Permissible Uses

Is this use listed as a conditional use for this zoning district?*

Yes

Section/Article reference of the Isle of Wight County Zoning Ordinance *

Section 4-2003.C

Isle of Wight County Zoning Ordinance

Project Description

Project Name*	Comprehensive Plan Designation*
The Garage Ministry	Religious Assembly

Water Type*	Sewer Type*
Private Well	Private Septic

Detailed Description of use or activity*

Religious Activity

Tax Parcel Information

Are there additional tax parcels associated with this application?*

No

Acres of Project

Total Number of Acres to be Effected	Total Acres of Property(s)*
1.25	1.25

Disclosure and Signature

Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the appropriate reviewing body.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents, and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete, and correct information available. I understand that any section not completed in its entirety may delay the processing of this application.

No application for a Conditional/Special Use Permit shall be certified as complete unless the following information is provided. Ten (10) full size copies of all application documents must be provided in addition to a digital upload on the next screen and one (1) reduced 11" x 17" copy of concept plan. **The required number of copies may be increased or reduced with permission of the Zoning Administrator, depending on the review needs.** Applicant(s) must have their signature(s) notarized on the disclosure of real estate holdings.

All plans over 11"x17" in size are required to be folded to be processed for review.

I understand my application will not be processed until I deliver paper copies to Central Permitting at 17140 Monument Circle Building B Isle of Wight, VA 23397.*

☒

Signature*

☒

Anthony Robinette
Jun 12, 2024

Internal Use

Agency Referrals

- ☒ Department of Conservation & Recreation

☐ Inspections
- ☐ Economic Development

☒ Sheriff's Office
- ☒ Fire Rescue

☐ Town of Smithfield
- ☐ Town of Windsor

☐ Environmental Planner
- ☒ VDOT

☒ Health Department
- ☐ Schools

☐ Transportation Manager

 Budget & Finance

☐

 Commission of Revenue

☐

 County Attorney

☐

 Stormwater

☐

 Public Utilities

☒

 Other

☒

 If other, describe

County Museum

Number of Reviews

 2nd Review

☐

 3rd Review

☐

 4th Review

☐

 5th Review

☐

First Review Comments

 Status

Approved

 Department

Sheriff's Department

 Comments

No Objections

 Attachments



Sheriff Comments_Garage
Ministry_7.11.24.pdf

 Status

Approved

 Department

County Museum

 Comments

Recommendation that applicant should conduct a Phase 1 Cultural Resources Survey. Museum requesting to be considered as a repository for any discovered artifacts or future finds on the site.

 Attachments

Museum Comments_7.16.24.pdf

 Status

Approved

 Department

Health Department

 Comments

No applications have been filed with HD. AOSE report will need to be submitted to accompany an on-site sewage permit package.

 Attachments

HD Comments_7.30.24.pdf

 Status

Approved

 Department

Fire Rescue

 Comments

No impact anticipated, no objections.

 Attachments

FireRescue Comments_8.3.24.pdf

🔒 Status

Approved

🔒 Department

VDOT

🔒 Comments

1) A moderate volume commercial entrance is required for this proposal in accordance with VDOT Road Design Manual Appendix F.

2) Entrance must meet spacing requirements and sight distance requirements provided in VDOT Road Design Manual Appendix F. An access management exception will have to be obtained for entrance spacing that does not meet what is shown in Appendix F.

3) A site plan shall be provided with details of the entrance including proposed grades and culvert size, entrance radii and pavement section. Provide the VDOT Hampton Roads District Standard Notes on the plan. An electronic copy is available upon request. Required information shall be filled out by the applicant's agent.

🔒 Attachments

VDOT Comments_8.5.24.pdf

f

P&Z Review

🔒 Planner/Project Manager

Caleb Kitchen, at 757-365-3660 or
ckitchen@iwus.net

 Comment Letter Text- Review 1

Planning and Zoning has completed our review of the application. The comments below are advisory and will be considered in formulating the staff report and recommended conditions to accompany the religious assembly use on the property:

- 1) The existing 1921 structure located on the property is in disrepair. While you may not have identified a specific purpose for this structure, it does need to be stabilized and repaired in a way to prevent further deterioration.
- 2) We will be recommending as a condition of approval that the provisions of the County's noise ordinance as found in Section 11.2-3.a should also be applicable to the religious assembly use on this property since it is surrounded by other uses and residences. This would be producing an unnecessary or excessive noise "in such a manner or with such volume or duration that it is plainly audible between 12:01 a.m. and 7:00 a.m."

The following comments were submitted by agencies during the review process:

Fire Rescue: No Objections

Sheriff's Department: No Objections

Health Department: No applications have been filed but all non-residential structures require a waste water characterization completed by an engineer to accompany the on-site sewage permit package at site plan review.

Public Utilities: Site will be served by private sewer and private water.

VDOT: Advised that a moderate volume commercial entrance is required for this proposal in accordance with VDOT Road Design Manual Appendix F. See attachments for full comments.

Isle of Wight County Museum: Applicant should complete a Phase I Cultural Resources Survey of the property and to include nearby architectural and archeological resources. See attachments for full comments.

Please be advised that this application is ready to move forward for public hearing at the September 24, 2024 Planning Commission meeting. A representative needs to be present at that meeting along with the subsequent Board of Supervisors meeting to present the application.

Additionally, a zoning notice sign will need to be placed along the frontage of the property no later than September 17th and will need to remain up until a decision by the Board of Supervisors. You will receive a notice in OPENGov when that sign is ready for pickup at Central Permitting.

 Comment Letter Text- Review 2 **Comment Letter Text- Review 3** **Comment Letter Text- Review 4**

🔒 Final Decision Letter Text

Public Hearing Information

🔒 Total # of Zoning Notice Signs

1

🔒 Planning Commission Hearing Date

09/24/2024

🔒 Planning Commission Recommendation

—

🔒 Board of Supervisors Meeting Date

—

🔒 Board of Supervisors Decision

—

🔒 Legal Ad

Application (CSUP-24-1) of Anthony Robinette, property owner, for a conditional use permit to establish a religious assembly use on approximately 1.25 acres located at 5293 Old Stage Highway (Rte. 10) on tax parcel 06-01-027 in the Rural Agricultural Conservation zoning district.

**COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS**

Applicant Anthony J. Robinson
Address 4583 Old Stage Hwy
Smithfield VA 23430
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
5293 Old Stage Hwy Smithfield	1.25 acres undeveloped

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? ☐ Yes ☒ No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

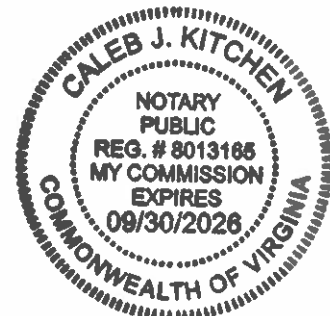
Applicant: Anthony J. Robinson Applicant: Anthony J. Robinson Date: July 8, 2024
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Caleb J. Kitchen
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this 8th day of July, 2024.

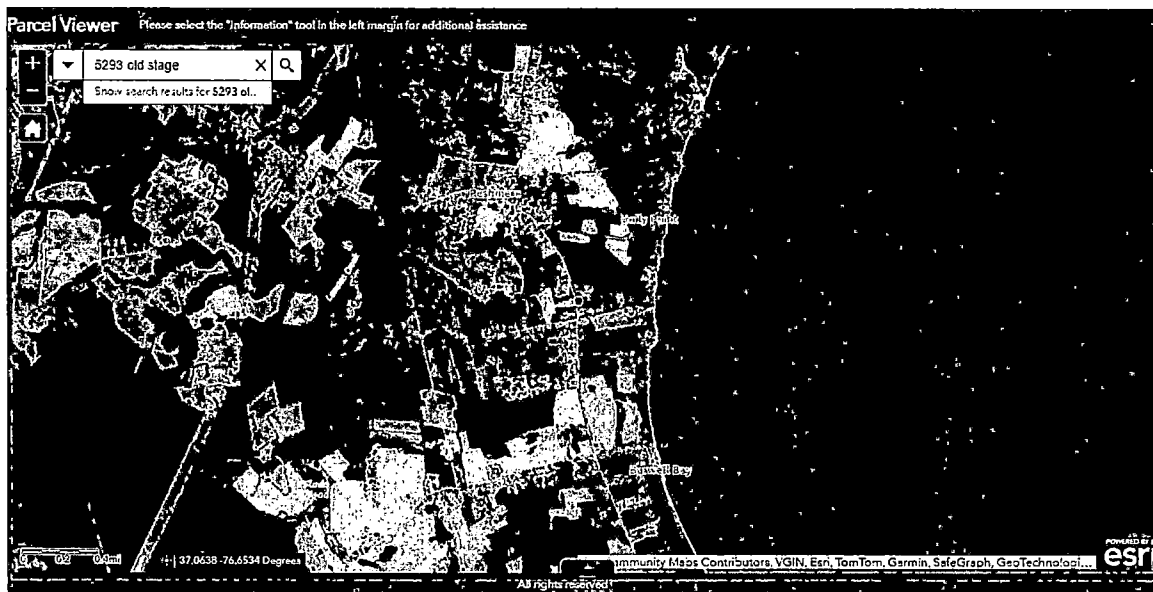
Caleb Kitchen
Notary Public

My Commission Expires 9/30/2026



Narrative:

The purpose of the Conditional Use Permit application is to construct a new religious assembly building for the "Garage Ministry". Parcel 06-01-027 owned by Anthony Robinette (the applicant) consists of approximately 1.25 acres of land zoned Rural Agricultural Conservation (RAC) with approximately 350 feet of frontage on route 10, Old Stage Highway. The proposed building consists of a thirty foot by sixty foot building used for religious assembly and related activities to serve the local community and will be the new home of the Garage Ministry which has been in Smithfield for many years. The expected permanent seating capacity will be approximately 40 seats. The garage ministry typically meets in the late afternoon or early evening, opposite traditional church services. This CUP will allow for the use of a property which has been abandoned and turn it into a positive place for the community. Its location, located on route 10 in Rushmere affords easy access from all over the county while providing for a use which is consistent with the nearby land use. The concept plan reutilizes several large trees already located on the property, instantly adding to the aesthetics of the new construction project.



CONCEPT PLAN FOR GARAGE MINISTRY RUSHMERE

JUNE 2024

06-01-026A
RAC
ELLIS, CHRISTOPHER D

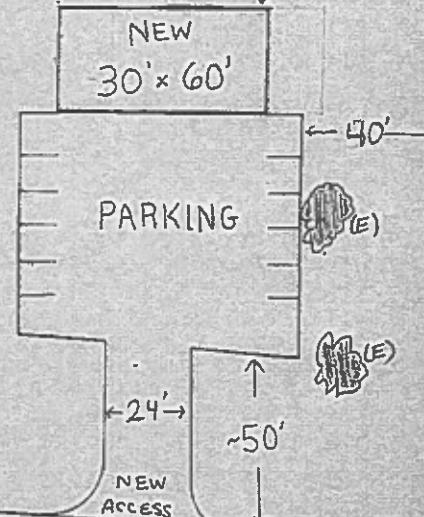
06-01-026B
RAC
ELLIS, MICHAEL C & SUE M

06B-01-006
RAC
CARROLL, SHAYNE WALKER

PARCEL 06-01-027 ZONE RAC
5293 OLD STAGE HIGHWAY
OWNER ANTHONY ROBINETTE

06-01-026C
RAC
ELLIS, ROYCE W

06B-01-007
RAC
APOSTOLIC FAITH
HOLINESS CHURCH



SCALE

1" = 40'

ALL DIMENSIONS
APPROXIMATE

ROUTE 10
OLD STAGE HIGHWAY





Old Stage Highway facing East toward parcel



Old Stage Highway facing Northeast toward parcel



Old Stage Highway facing Southeast towards parcel



Extant Cofer General Store

CSUP-24-1 Garage Ministry CUP Request - Location Map



CSUP-24-1 Garage Ministry CUP Request - Zoning Map



CSUP-24-1 Garage Ministry CUP Request - Land Use Map





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

23116 Meherrin Road
COURTLAND, VIRGINIA 23837

August 5, 2024

Caleb J. Kitchen
Isle of Wight Planning and Zoning
P. O. Box 80
17140 Monument Circle
Isle of Wight, VA 23397

RE: Garage Ministry - Religious Assembly - CSUP-24-1
5293 Old Stage Highway
Tax Map No. 06-01-027
Isle of Wight County

The Residency has completed its review of the subject conditional use application dated June 2024 and received by the VDOT Land Development Office on July 8, 2024. We offer the following comments:

- 1) A moderate volume commercial entrance is required for this proposal in accordance with VDOT Road Design Manual Appendix F.
- 2) Entrance must meet spacing requirements and sight distance requirements provided in VDOT Road Design Manual Appendix F. An access management exception will have to be obtained for entrance spacing that does not meet what is shown in Appendix F.
- 3) A site plan shall be provided with details of the entrance including proposed grades and culvert size, entrance radii and pavement section. Provide the VDOT Hampton Roads District Standard Notes on the plan. An electronic copy is available upon request. Required information shall be filled out by the applicant's agent.

If you have any questions, please contact me at 757-346-3084 or Jason.fowler@vdot.virginia.gov.

Jason Fowler
Land Use Engineer
Virginia Department of Transportation
Franklin Residency



MEMORANDUM

TO: Caleb J. Kitchen, Planner I

FROM: Jennifer England
Director, Isle of Wight County Museum
Historic Resources Manager, Isle of Wight County

RE: Conditional Use Permit (CSUP-24-1), First Submittal
Garage Ministry Religious Assembly
5293 Old Stage Highway, Tax Map No.

DATE: July 15, 2024

After reviewing the Conditional Use Permit for the Garage Ministry Religious Assembly at 5293 Old Stage Highway, the Isle of Wight County Museum/Isle of Wight County Department of Historic Resources believes that the applicant should pursue a **Phase I Cultural Resources Survey** of the property and to include nearby architectural and archaeological resources.

With construction of a structure so close to property associated with the Captain John Smithfield Chesapeake National Historic Trail, Keystone Segment, which was in April 2024 deemed eligible for listing on the National Register of Historic Places at the national level under Criterion A for exploration and settlement, under Criterion B for its association with Captain John Smith, under Criterion C for ethnic heritage/landscape and under Criterion D for its archaeological potential, this site should be evaluated before proceeding.

As the applicant moves forward with this project, the potential discovery of archaeological artifacts and resources at the site is probable. If the landowner is willing, the museum should be considered a repository for discovered artifacts and future finds on this site as they could further the interpretation or discovery of Isle of Wight County history.

PLANNING REPORT

APPLICATION:

An ordinance to amend the following sections of Appendix B. Zoning: Article V (Supplementary Use Regulations), Section 5-5002.L, “Recreational Vehicles (RVs) and Watercraft,” to allow the use of RVs for temporary residential use under certain conditions, Section 5-5001.K, “Wayside Stands,” to reduce the front yard setback requirements subject to height and sight triangle requirements, and Section 5-5002.A, “Accessory Apartments,” to allow stand-alone accessory dwelling units subject to size and height requirements.

ELECTION DISTRICT:

All

LOCATION:

County-wide

BACKGROUND:

The Planning Commission continued its discussion of proposed changes to the recreational vehicle (RV), wayside stand, and accessory apartment requirements in the Zoning Ordinance at their August 17, 2024, regular meeting. Following the discussion, the Commission directed staff to advertise these changes for public hearing at their next regular meeting.

DESCRIPTION:

A redline copy of the changes is attached to this staff report.

AGENCY REVIEW:

A copy of comments received from the local Department of Health on the draft RV ordinance changes is attached to this report.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes.

ATTACHMENTS:

Description	Type	Upload Date
Health Department Comments June 2024	Backup Material	8/8/2024
Proposed Ordinance Changes Redline	Backup Material	9/16/2024
BOS Ordinance	Backup Material	9/16/2024

Amy Ring

From: Duell, Jay (VDH) <Jay.Duell@vdh.virginia.gov>
Sent: Wednesday, June 26, 2024 4:29 PM
To: Amy Ring
Cc: Applewhite, Brandon (VDH); Everett, Joseph (VDH); Butler, Jonette (VDH)
Subject: Re: Temporary private camping use of RVs on private property

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you.

Jay Duell
Environmental Health Manager, Sr.
Western Tidewater Health District
757-514-4755

From: Amy Ring <aring@isleofwightus.net>
Sent: Wednesday, June 26, 2024 4:25 PM
To: Duell, Jay (VDH) <Jay.Duell@vdh.virginia.gov>
Cc: Applewhite, Brandon (VDH) <Brandon.Applewhite@vdh.virginia.gov>; Everett, Joseph (VDH) <Joseph.Everett@vdh.virginia.gov>; Butler, Jonette (VDH) <Jonette.Butler@vdh.virginia.gov>
Subject: RE: Temporary private camping use of RVs on private property

Hi Jay! Thank you so much for clarifying and helping us make it more understandable. I appreciate the help! Amy

From: Duell, Jay (VDH) <Jay.Duell@vdh.virginia.gov>
Sent: Wednesday, June 26, 2024 4:18 PM
To: Amy Ring <aring@isleofwightus.net>
Cc: Applewhite, Brandon (VDH) <Brandon.Applewhite@vdh.virginia.gov>; Everett, Joseph (VDH) <Joseph.Everett@vdh.virginia.gov>; Butler, Jonette (VDH) <Jonette.Butler@vdh.virginia.gov>
Subject: Re: Temporary private camping use of RVs on private property

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Amy,

Thanks for sending. Looks like the headscratcher might be this section:

e. The property owner shall provide for lawful disposal of all solid waste and waste water including both grey and black water. The property owner is responsible for providing documentation of pump out service to include receipts and dates of service by an authorized facility.

I've done a little checking around with other folks too and it seems the Virginia Sewage Handling and Disposal Regulations are silent on pumping out RV's. The regs, however, do mention Dump Stations:

12VAC5-610-1110. General. A dump station is a facility for receiving sewage from a recreational vehicle. The dump station shall be connected to an approved sewerage system or treatment works.

It also describes how to construct a dump station for campgrounds or I suppose theoretically you could get a permit to build your own. (Kind of expensive to do it correctly)

So let's assume that a hose from the RV could be connected to the hose from a pump truck. If so, there would need to be some kind of additional catchment to contain and control backspill, etc. Dump stations have to surround the sewer inlet with a curbed concrete pad at least 60 inches by 36 inches sloped to drain to the inlet and have a water supply for washdown. An argument would be that a similar structure would be needed where a pump truck would connect to an RV wastewater outlet. Can't have the inevitable drips and leaks just lie on the ground for the flies and neighborhood pets to feast on.

Then there is the matter of backflow prevention. Since the regulations are silent on pump and haul directly from an RV they are also silent on backflow prevention. I doubt there is an RV owner alive who would be happy if the pump truck attendant threw the wrong switch and fired its contents back into the RV.

So while the regs are silent (it doesn't say you can't) on pumping out RV's onsite, it doesn't look like a good idea. The best solution is for the individual to drive their RV to an approved dump station when necessary which is specifically approved. (Campground or HRSD (like pump trucks do). It is only for six months at the most.

Receipts may not tell much, but at least it keeps them a little honest if they do go to a dump station.

Jay

Jay Duell
Environmental Health Manager, Sr.
Western Tidewater Health District
757-514-4755

From: Duell, Jay (VDH) <Jay.Duell@vdh.virginia.gov>

Sent: Friday, June 21, 2024 1:37 PM

To: Amy Ring <aring@isleofwightus.net>; Butler, Jonette (VDH) <Jonette.Butler@vdh.virginia.gov>

Subject: RE: Temporary private camping use of RVs on private property

Hi Amy,

Busy this afternoon, but will take a look at it and respond first of the week. Have a good weekend.

Jay

Jay Duell
Environmental Health Manager, Sr.

Western Tidewater Health District
757-514-4755

From: Amy Ring <aring@isleofwightus.net>

Sent: Friday, June 21, 2024 1:07 PM

To: Butler, Jonette (VDH) <Jonette.Butler@vdh.virginia.gov>; Duell, Jay (VDH) <Jay.Duell@vdh.virginia.gov>

Subject: Temporary private camping use of RVs on private property

Hey Jay and Jonette,

I hope you are doing well. The Planning Commission and the Board of Supervisors wish to provide flexibility for temporary camping use of RVs on private property, namely for visiting relatives, hunting, and to use while a primary dwelling is under construction. Following several discussions with the Planning Commission, they had me research other localities from across the US and draft up some ordinance changes. I am attaching them for you to look at as well. Any feedback you can share with me would be appreciate. Take care and have a good weekend, Amy

Amy M. Ring, AICP
Community Development Director
PO BOX 80, Isle of Wight, VA 23397
(757) 365-6210

Proposed Zoning Ordinance Revisions

Revised September 16, 2024

The draft revisions are listed by section below. New, proposed language is in red underlined text. Language proposed to be deleted is shown in red text with ~~strikethrough~~ markings.

Article V, Supplementary Use Regulations

Sec. 5-2000. - Supplementary density and dimensional regulations.

L. Recreational vehicles and watercraft. In all districts it shall be permissible to store out-of-doors recreational vehicles and watercraft as an accessory use only in accordance with the following:

1. Such vehicles or watercraft shall be placed outside of the front yard setback ~~in the rear or side yards only~~ and shall be located at least five (5) feet from all property lines. This provision shall not apply to recreational vehicles or watercraft stored within completely enclosed structures.
2. Recreational vehicles shall not be used as permanent or full-time living quarters and may only be otherwise occupied as approved by the Virginia Department of Health and as specified in this Ordinance. Private camping is permissible in agricultural and residential zoning districts subject to the following criteria:
 - a. Private camping is limited to the use by the property owner of one (1) recreational vehicle per parcel.
 - b. The recreational vehicle may only be used for private camping for a period that does not exceed a total of fourteen (14) days during any consecutive three (3) month period on the same parcel.
 - c. Utilities, to include a connection to a private well, public water line, public wastewater system or septic system, are not permitted to be extended to the recreational vehicle.
 - d. Recreational vehicles may be used as temporary residences in zoning districts allowing residential uses as a primary use, only by the property owner, and only during construction of a primary residence on the same site for a period of up to six months. A zoning permit shall be required. One zoning permit time limit extension may be permitted as approved by the Zoning Administrator.
 - e. The property owner shall provide for lawful disposal of all solid waste and waste water including both grey and black water. The property owner is responsible for providing documentation of disposal at a permitted dump station to include receipts and dates of service by an authorized facility.
 - f. Commercial use of recreational vehicles in any location except for a licensed and permitted commercial campground is prohibited. Recreational vehicles or recreational vehicle parking spaces may not be rented or leased to persons that are not the property owner.

- g. Recreational vehicles shall not be tied down or otherwise permanently affixed to any land outside of a designated and duly approved commercial campground, except during times of severe weather.
- h. Recreational vehicles shall not be utilized as a short-term rental unit.
- i. Habitation of any recreational vehicle on any private property exceeding fourteen (14) calendar days during any three (3) consecutive month period or thirty (30) calendar days within an approved commercial campground, or any habitation by persons not having an approved permanent address elsewhere shall be construed as permanent habitation of a recreational vehicle.
- j. Any unit connected to utilities as defined herein on any portion of any private property or public right-of-way shall be deemed to be inhabited and shall cause the County to investigate such usage.
- k. No recreational vehicle shall be used for temporary residential use when parked on any public right-of-way, or any public property except approved commercial campgrounds.

Sec. 5-5001. - Supplementary use regulations for agricultural use types.

K. Wayside stand. A structure may be permitted for the display and sale of agricultural and fishery products grown and produced on premises subject to the following standards:

1. A zoning permit is required for first year's operation.
2. A wayside stand structure shall not exceed seven hundred fifty (750) square feet in floor area and ten (10) feet in height and must be in compliance with the applicable standards of the Virginia Uniform Statewide Building Code.
3. All structures shall ~~meet the minimum yard setback requirements of the underlying zoning district~~ be located outside of the required 25 foot sight triangle formed by the intersection of the driveway and the public or street rights-of-way in accordance with Section 5-2000.Q. It shall be located so as to provide safe ingress and egress from public or street rights-of-way.
4. All wayside stands and related structures shall be considered seasonal or temporary in nature.

Sec. 5-5002. Supplementary use regulations for residential use types.

- A. Accessory apartment. It is the specific purpose and intent to allow accessory apartments through conversion of existing larger residential structures and in the construction of new structures. Such uses are to provide the opportunity and encouragement to meet the special housing needs of single persons and couples of low- and moderate-income, both young and old, as well as relatives of families residing in the county.

It is furthermore the intent and purpose of accessory apartments to allow the more efficient use of the county's existing housing stock, in a manner consistent with the land use objectives identified in the comprehensive plan and to provide alternative housing opportunities while protecting and preserving property values and community character. To help achieve these goals and purposes, the following standards are set forth as conditions for such accessory uses:

1. Residential accessory apartment. Where allowed as a permitted or a conditional use in the underlying zoning district, the following shall apply:
 - a. [Minimum lot size requirement.] Accessory apartment shall not be permitted on any lot which does not have one hundred percent (100%) of the minimum lot size requirement for the zoning district in which the use is located.
 - i. An accessory apartment may be located either in a primary dwelling unit or as a separate accessory building or as part of an accessory structure on the same lot or parcel as the primary dwelling.
 - ii. The owner of the residential dwelling unit shall occupy at least one (1) of the dwelling units on the premises.
 - [b. Reserved.]
 - c. Apartment size.
 - i. Maximum floor area: The maximum floor area of an accessory apartment in a primary dwelling shall not exceed one thousand (1,000) square feet or thirty-five percent (35%) of the living area of the primary dwelling, excluding garages, breezeways, etc., whichever is less. The maximum floor area of an accessory dwelling or an accessory apartment in an accessory building shall not exceed fifty percent (50%) of the floor area of the principal dwelling or one thousand ~~two hundred~~ (1,000) square feet, whichever is less.
 - ii. The maximum height of a stand-alone accessory apartment not part of the principal dwelling or an accessory structure shall be fifteen (15) feet, or one story in height.
 - d. Maximum number of bedrooms. No more than two (2) bedrooms are permitted in an accessory apartment.
 - e. Maximum number of accessory apartments. No more than one (1) accessory apartment is permitted per parcel.
 - f. Exterior appearance. If an accessory apartment is located in the primary dwelling, the apartment entry shall be located on the side or rear of the unit, and its design shall be such that the appearance of the dwelling will remain as a single-family residential structure. No accessory apartment shall be attached to a primary dwelling by open walkways, breezeways, patios, decks, etc.
 - g. Water and sewer service. Approval of the water supply and sewage disposal shall be obtained from the Isle of Wight County Department of Health or the department of public utilities.
 - h. Parking. One (1) parking space shall be required in addition to the required parking for the primary dwelling.

**AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF
APPENDIX B. ZONING: ARTICLE V (SUPPLEMENTARY USE
REGULATIONS), SECTION 5-5002.L, "RECREATIONAL VEHICLES
(RVS) AND WATERCRAFT," TO ALLOW THE USE OF RVS FOR
TEMPORARY RESIDENTIAL USE UNDER CERTAIN CONDITIONS,
SECTION 5-5001.K, "WAYSIDE STANDS," TO REDUCE THE FRONT
YARD SETBACK REQUIREMENTS SUBJECT TO HEIGHT AND SIGHT
TRIANGLE REQUIREMENTS, AND SECTION 5-5002.A, "ACCESSORY
APARTMENTS," TO ALLOW STAND-ALONE ACCESSORY
DWELLING UNITS SUBJECT TO SIZE AND HEIGHT
REQUIREMENTS**

WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia, has the legislative authority to make reasonable changes to the ordinances that govern the orderly growth and development of Isle of Wight County; and

WHEREAS, the Isle of Wight County Board of Supervisors is also concerned about the compatibility of uses on public and private lands within Isle of Wight County and seeks to allow flexibility in the administration of the ordinance regulations while protecting the health, safety, and general welfare of present and future residents and businesses of the County.

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors that Appendix B. Zoning: Article V (Supplementary Use Regulations), Section 5-5002.L, "Recreational Vehicles (RVs) and Watercraft," Section 5-5001.K, "Wayside Stands," and Section 5-5002.A, "Accessory Apartments," of the Isle of Wight County Code be amended and reenacted as follows:

Sec. 5-2000.L

Recreational vehicles and watercraft. In all districts it shall be permissible to store out-of-doors recreational vehicles and watercraft as an accessory use only in accordance with the following:

1. Such vehicles or watercraft shall be placed outside of the front yard setback in the rear or side yards only and shall be located at least five (5) feet from all property lines. This provision shall not apply to recreational vehicles or watercraft stored within completely enclosed structures.
2. Recreational vehicles shall not be used as permanent or full-time living quarters and may only be otherwise occupied as approved by the Virginia Department of Health and as specified in this Ordinance. Private camping is permissible in agricultural and residential zoning districts subject to the following criteria:
 - a. Private camping is limited to the use by the property owner of one (1) recreational vehicle per parcel.
 - b. The recreational vehicle may only be used for private camping for a period that does not exceed a total of fourteen (14) days during any consecutive three (3) month period on the same parcel.
 - c. Utilities, to include a connection to a private well, public water line, public wastewater system or septic system, are not permitted to be extended to the

recreational vehicle.

- d. Recreational vehicles may be used as temporary residences in zoning districts allowing residential uses as a primary use, only by the property owner, and only during construction of a primary residence on the same site for a period of up to six months. A zoning permit shall be required. One zoning permit time limit extension may be permitted as approved by the Zoning Administrator.
- e. The property owner shall provide for lawful disposal of all solid waste and waste water including both grey and black water. The property owner is responsible for providing documentation of disposal at a permitted dump station to include receipts and dates of service by an authorized facility.
- f. Commercial use of recreational vehicles in any location except for a licensed and permitted commercial campground is prohibited. Recreational vehicles or recreational vehicle parking spaces may not be rented or leased for use on the property to persons that are not the property owner. Recreational vehicles shall not be tied down or otherwise permanently affixed to any land outside of a designated and duly approved commercial campground, except during times of severe weather.
- g. Recreational vehicles shall not be utilized as a short-term rental unit.
- h. Habitation of any recreational vehicle on any private property exceeding fourteen (14) calendar days during any three (3) consecutive month period or thirty (30) calendar days within an approved commercial campground, or any habitation by persons not having an approved permanent address elsewhere shall be construed as permanent habitation of a recreational vehicle.
- i. Any unit connected to utilities as defined herein on any portion of any private property or public right-of-way shall be deemed to be inhabited and shall cause the County to investigate such usage.
- j. No recreational vehicle shall be used for temporary residential use when parked on any public right-of-way, or any public property except approved commercial campgrounds.

Sec. 5-5001.K

Wayside stand. A structure may be permitted for the display and sale of agricultural and fishery products grown and produced on premises subject to the following standards:

1. A zoning permit is required for first year's operation.
2. A wayside stand structure shall not exceed seven hundred fifty (750) square feet in floor area and ten (10) feet in height and must be in compliance with the applicable standards of the Virginia Uniform Statewide Building Code.
3. All structures shall meet the minimum yard setback requirements of the underlying zoning district be located outside of the required 25 foot sight triangle formed by the intersection of the driveway and the public or street rights-of-way in accordance with Section 5-2000.O. It shall be located so as to provide safe ingress and egress from public or street rights-of-way.
4. All wayside stands and related structures shall be considered seasonal or temporary in nature.

Sec. 5-5002.A

Accessory apartment. It is the specific purpose and intent to allow accessory apartments through conversion of existing larger residential structures and in the construction of new structures. Such uses are to provide the opportunity and encouragement to meet the special housing needs of single persons and couples of low- and moderate-income, both young and old, as well as relatives of families residing in the County. It is furthermore the intent and purpose of accessory apartments to allow the more efficient use of the County's existing housing stock, in a manner consistent with the land use objectives identified in the comprehensive plan and to provide alternative housing opportunities while protecting and preserving property values and community character. To help achieve these goals and purposes, the following standards are set forth as conditions for such accessory uses:

1. Residential accessory apartment. Where allowed as a permitted or a conditional use in the underlying zoning district, the following shall apply:
 - a. [Minimum lot size requirement.] Accessory apartment shall not be permitted on any lot which does not have one hundred percent (100%) of the minimum lot size requirement for the zoning district in which the use is located.
 - i. An accessory apartment may be located either in a primary dwelling unit or as a separate accessory building or as part of an accessory structure on the same lot or parcel as the primary dwelling.
 - ii. The owner of the residential dwelling unit shall occupy at least one (1) of the dwelling units on the premises.
 - [b. Reserved.]
 - c. Apartment size.
 - i. Maximum floor area: The maximum floor area of an accessory apartment in a primary dwelling shall not exceed one thousand (1,000) square feet or thirty-five percent (35%) of the living area of the primary dwelling, excluding garages, breezeways, etc., whichever is less. The maximum floor area of an accessory dwelling or an accessory apartment in an accessory building shall not exceed fifty percent (50%) of the floor area of the principal dwelling or one thousand two hundred (1,000) square feet, whichever is less.
 - ii. The maximum height of a stand-alone accessory apartment not part of the principal dwelling or an accessory structure shall be fifteen (15) feet, or one story in height.
 - d. Maximum number of bedrooms. No more than two (2) bedrooms are permitted in an accessory apartment.
 - e. Maximum number of accessory apartments. No more than one (1) accessory apartment is permitted per parcel.
 - f. Exterior appearance. If an accessory apartment is located in the primary dwelling, the apartment entry shall be located on the side or rear of the unit, and its design shall be such that the appearance of the dwelling will remain as a single-family residential structure. No accessory apartment shall be attached to a primary dwelling by open walkways, breezeways, patios, decks, etc.
 - g. Water and sewer service. Approval of the water supply and sewage disposal shall be obtained from the Isle of Wight County Department of Health or the department of public utilities.

- h. Parking. One (1) parking space shall be required in addition to the required parking for the primary dwelling.

DATE: _____

READ AND PASSED: _____
Chairman

TESTE: _____
Clerk

Approved as to Form:

Robert W. Jones, Jr., County Attorney

PLANNING REPORT

APPLICATION:

Application (REZN-24-4) of Christopher and Jessica Hewitt, owners, for a change in zoning classification from Rural Agricultural Conservation (RAC) to Conditional-Rural Residential (C-RR) of 3.19 acres and to Conditional-Rural Agricultural Conservation (C-RAC) of the remainder of 34.9 acres. The application includes a proffer for no further subdivision of the new lot or remainder.

ELECTION DISTRICT:

D3

LOCATION:

The proposed lot is part of tax map number 19-01-024B and is located on the west side of Harry Wilson Road (Rt.652) approximately .8 miles south of Foursquare Road.

BACKGROUND:

The parcel was created in 2023 by Timbervest Partners as and recorded as an agricultural, horticultural, or silvicultural parcel which is defined in Section 3.2.3.B.1.a. of the Subdivision Ordinance as the division of land into parcels greater than ten (10) acres for bona fide agricultural, horticultural, or silvicultural purposes where no street right-of-way dedication is involved and where there is no change in the intensity of use, provided such divisions shall have the following notation prominently set forth on the recorded plat: "Residential development on any lots shown will require Residential Zoning pursuant to Section 3.2.3.C of the Subdivision Ordinance of Isle of Wight County, Virginia, as amended."

The Capital Impacts Model results show there is existing capacity for public facilities in the southern service area.

DESCRIPTION:

The owners wish to create one additional lot and have proffered conditions to prohibit the re-subdivision of the new 3.190 acre lot and the 34.92 acre remainder.

COMPREHENSIVE LAND USE PLAN:

The future recommended land use designation for these properties is Rural Agricultural Conservation (RAC) and Environmental Conservation (EC) under the adopted Comprehensive Plan. Appropriate uses for the RAC land use designation include agriculture, horticulture, forest lands, and scattered low-density residential uses. Appropriate uses for the EC land use designation include wetlands, farms, forest uses, open space, and limited park facilities. The area designated as EC should be preserved due to environmental constraints unless site-specific analysis demonstrates there are no environmental concerns in a specific area.

ORDINANCE REVIEW:

The required lot area in the RR zoning district is a minimum of 40,000 square feet. The minimum lot frontage is 120 feet with 150 feet of lot width at the front setback line. The parcel meets the minimum requirements of the RR zoning district.

The proposed lot does not contain a special flood zone designation.

The proposed lot is in the Chesapeake Bay Preservation Area Overlay District and contains a Resource Protection Area or 100-foot buffer.

Following Board of Supervisor's approval, a plat showing the wetlands delineation and the net developable area calculations will be required. Once the plat is approved and signed, it may be recorded to create the new lot.

AGENCY REVIEW:

The following departments have stated no concerns with the application as presented:

- Fire and Rescue
- Transportation Manager
- General Services
- Environmental Planner
- Virginia Department of Transportation
- Health Department

- County Attorney

STAFF CONCLUSIONS:

Strengths:

1. The proposed use is compatible with the existing land uses in the vicinity and within the guidelines of the future Recommended Land Use Plan Designation.

Weaknesses:

1. The new lot will be taken from a subdivision formerly approved as an agricultural exemption lot that are exempt from subdivision plat requirements, however, the applicant did submit a wetlands delineation and demonstrated sufficient buildable area outside of any environmentally sensitive area.

STAFF RECOMMENDATION:

Based on the information submitted, staff recommends approval of the rezoning application.

ATTACHMENTS:

Description	Type	Upload Date
Application	Cover Memo	9/18/2024
VDEQ Correspondence	Backup Material	9/18/2024
Location Map	Backup Material	9/17/2024
Zoning Map	Backup Material	9/18/2024
Land Use Map	Backup Material	9/18/2024
Exhibit	Exhibit	9/17/2024

Application for Rezoning

Project Name: Hewitt Residence

Narrative description of current condition and use of the property:

Tax parcel number 19-01-024B Parcel A consists of > 30 acres of timber-able pine trees held for investment. The property is used for recreational purposes in its current state.

Application for Rezoning

Project Name: Hewitt Residence

Statement of the reasons for seeking rezoning:

Christopher and Jessica Hewitt are seeking rezoning of 3.190 acres of tax parcel 19-01-024B Parcel A from RAC to CRR to construct a single-family dwelling. The rezoning for the 3.190 acres is conditioned on only one new lot being created, and the remainder remaining CRAC.

X 

Jessica Hewitt
Owner

X 

Christopher Hewitt
Owner



ISLE OF WIGHT COUNTY, VIRGINIA

DEPARTMENT OF PLANNING AND ZONING

APPLICATION FOR REZONING/CONDITIONAL ZONING AMENDMENT

This application should be used to petition for a change to the Official Zoning Map or for an amendment of zoning conditions. The following application requirements are consistent with the procedures set forth in Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended.

A. APPLICATION FOR:

☐ Rezoning

☒ Conditional Rezoning (Are voluntary proffered conditions attached?): ☐ Yes ☐ No

Request to change the subject property(s) from the RAC to the CRR zoning district.

Proposed Use or Activity: One Residential Dwelling with remaining property to be CRAC
with no further subdivision

☐ Amendment to Conditional Zoning

Request to change conditional zoning as follows (Attach current and proposed conditions): _____

B. PROJECT DESCRIPTION:

Project Name: Hewitt Residence

Property Address (if any): _____

Election District: District 3

Comprehensive Plan Designation: RAC

The rezoning will apply to 3.190 acres out of 37.581 total acres

Tax Parcel Identification # 19-01-024B Number of Acres to be Rezoned: 3.19

Requesting Zoning District Change from: RAC to CRR

Tax Parcel Identification # 19-01-024B Number of Acres to be Rezoned: 37.581

Requesting Zoning District Change from: RAC to C-RAC

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Proposed Utilities (check all that apply): Public Water _____ Private Well x

Public Sewer _____ Private Septic x

C. APPLICATION INFORMATION:

Applicant(s) Name(s): Christopher D Hewitt and Jessica E Hewitt

Address: 227 James St

City, State, Zip Code: Smithfield, VA 23430

Phone No.: 757-621-9436 Email: jhewitt@becpas.com Fax No.: N/A

Property Owner(s) Name(s): Christopher D Hewitt and Jessica E Hewitt

Address: 227 James St

City, State, Zip Code: Smithfield, VA 23430

Phone No.: 757-621-9436 Email: jhewitt@becpas.com Fax No.: N/A

Christopher D. Hewitt
Jessica E. Hewitt
Applicant Signature

7/22/2024
7/22/2024
Date

Owner Signature if different

Date

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____
Tax Query: [] Current [] Delinquent Distribution Date: _____
Posted/Date to Post: _____

AGENCIES REFERRALS:

____ Department of Conservation & Recreation
____ Economic Development
☒ Emergency Services
____ General Services
☒ Environmental Planner
☒ Health Department
____ Transportation Manager
____ Commission of Revenue
____ Other _____

____ Inspections
____ Sheriff's Office
____ Town of Smithfield
____ Town of Windsor
☒ VDOT
____ Schools
____ Budget & Finance
☒ County Attorney

Verified By: *[Signature]* Date: _____

**COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS**

Applicant: Christopher D Hewitt and Jessica E Hewitt

Address: 227 James St Smithfield, VA 23430

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
<u>Harry Wilson Rd.</u>	<u>19-61-024B - 37.581 acres</u>

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct, and true.

Applicant: Jessica E Hewitt
Printed or Typed Name

Applicant: Jessica E. Hewitt
Signature

Date: 7/22/2024

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Allison E Wilson
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this 22 day of July, 2024.

[Signature]
Notary Public

My Commission Expires 12/31/2028



REZONING/CONDITIONAL ZONING AMENDMENT APPLICATION CHECKLIST

****Both checklist and application required upon submission to central permitting or application will not be accepted****

In conjunction with Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Rezoning/Conditional Zoning Amendment Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for an exception shall be certified as complete unless the following information is provided. **The required number of copies may be increased or reduced with permission of the Zoning Administrator, depending on the review needs.** Applicant(s) must have their signature(s) notarized on the disclosure of real estate holdings.

☐ **Ten (10) copies of the following:**

- ☐ original, executed application
- ☒ a statement of the reasons for seeking a rezoning, and if applicable, a statement of proffered conditions with owner(s) original, notarized signature.
- ☒ narrative description of current condition and use of the property, which shall include the tax parcel identification number
- ☒ full size concept plan of the site to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the reviewing body that adequate provisions have been made for compliance with all standards for that particular use, the extent of the property to be so used on a given parcel or parcels, and information defining the requested exceptions. The plan shall be prepared by the appropriate authorized design professional licensed to practice in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license. Such document shall be drawn to scale and shall include the following information:
 - A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
 - Title of drawing
 - Date of drawing
 - Existing wood line
 - North arrow
 - Scale bar
 - Current zoning of parcel(s), including tax map number(s) and owner(s)
 - Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
 - Street names including route number and width(s) of the right-of-way(s)
- ☒ any additional information required for the proposed use in accordance with Section 5-5000, *Supplementary Use Regulations*, of the Zoning Ordinance.
- ☒ Community Impact Statement. Required for residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications. Please refer to Section 1-1015.F for detailed requirements of the Community Impact Statement.
- ☒ Water Quality Impact Assessment. For any rezoning in the Chesapeake Bay

Preservation Area prepared in accordance with Appendix B-1 of the County Code for applications containing any of the following:

- will disturb any portion of the 100-foot buffer area of a Resource Protection Area
- (RPA), or any component identified in Section 3000.B.1 of the Chesapeake Bay Preservation Area Ordinance;
- contains ten (10) acres or more for any use, other than a development of single family detached residential lots;
- contains twenty-five (25) acres or more for the development of single family detached residential lots; or,
- any other development that may warrant such assessment due to the unique
- characteristics of the site or intensity of the proposed use or development, as may be required by the Zoning Administrator.

- ☐ Planned Development supplemental information shall be submitted in accordance with Section 4-14005, *Submission Requirements*, of the Zoning Ordinance

- ☒ **One (1) original executed application**
- ☒ **One (1) digital copy of ALL application documents**
- ☒ **One (1) reduced 11"x17" copy of concept plan**
- ☒ **Voluntary Proffer Statement if applicable**
- ☒ **Waiver and Release of Claims if cash proffer is proposed**
- ☒ **Application fee submitted with the application. Checks should be made payable to treasurer, Isle of Wight, County**
- ☒ **Other information may be necessary to demonstrate compliance with all other applicable federal, state and County standards and regulations.**
- ☒ **All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.**

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application and the date of the Planning Commission public hearing and that the submittal of a complete application does not guarantee the application will be placed on the next available Planning Commission agenda.

Christopher D. Hewitt Jessica E. Hewitt
Name

Chap D. Hewitt Jessica E. Hewitt 7/22/2024
Signature Date



SEE NOTE 7

N/F
TPIN. #29-01-019
CROCKER BROTHERS FAMILY LP
DOC #170000780

PARCEL A-1
AREA= 34.392 AC.
CURRENT ZONING: RAC
PROPOSED ZONING: RAC

N/F
TPIN #19-01-024B
PARCEL "A"
CHRISTOPHER D. HEWITT &
JESSICA E. HEWITT
(INST #230002290)

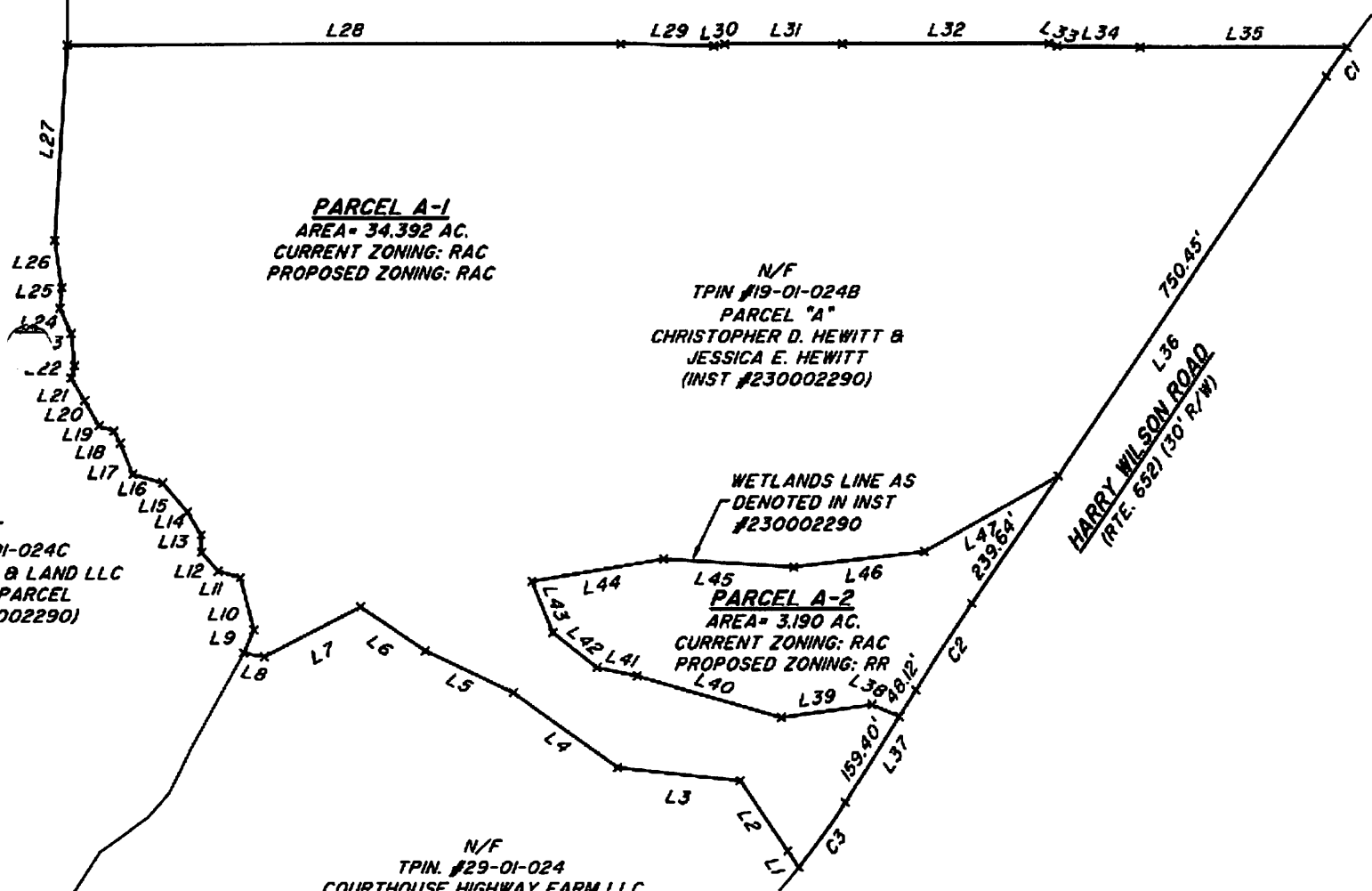
N/F
-01-024C
15 & LAND LLC
L PARCEL
(0002290)

WETLANDS LINE AS
DENOTED IN INST
#230002290

PARCEL A-2
AREA= 3.190 AC.
CURRENT ZONING: RAC
PROPOSED ZONING: RR

N/F
TPIN. #29-01-024
COURTHOUSE HIGHWAY FARM LLC

750.45'
L36
HARRY WILSON ROAD
(RTE. 652) (30' R/W)



APPROVAL BLOCK:

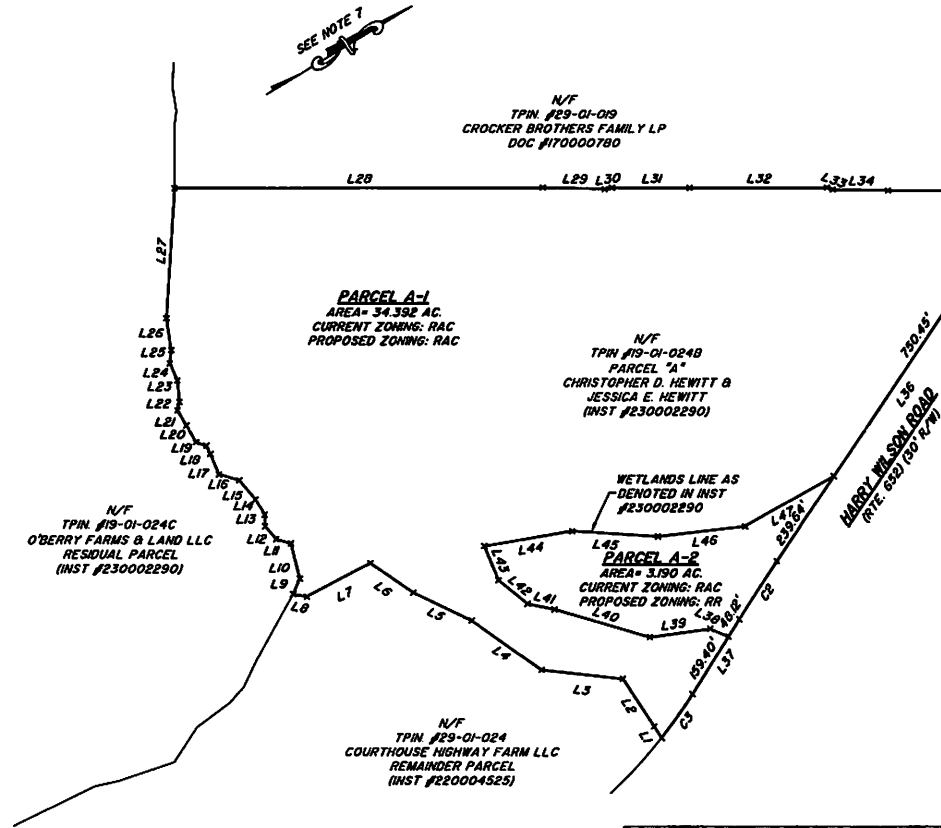
THIS SUBDIVISION PLAT HAS BEEN FOUND TO BE IN CONFORMANCE WITH THE ISLE OF WIGHT COUNTY SUBDIVISION ORDINANCE AND MUST BE RECORDED WITH THE OFFICE OF THE CLERK OF CIRCUIT COURT OF ISLE OF WIGHT COUNTY WITHIN SIX MONTHS OF THE DATE OF APPROVAL. APPROVAL WILL BE DEEMED VOID AFTER SIX MONTHS AND THE PLAT MUST BE RESUBMITTED FOR APPROVAL.

DATE OF APPROVAL: _____ SUBDIVISION AGENT _____

DATE OF APPROVAL: _____ VDOT ENGINEER _____

NOTES

- SMALL FILLED CIRCLES "S" DENOTE IRON PIN SET.
- SMALL EMPTY CIRCLES "O" DENOTE IRON PIN FOUND.
- THE OWNER OF THIS PROPERTY (T.P. 19-01-024B) IS CHRISTOPHER D. HEWITT & JESSICA E. HEWITT
- THIS PROPERTY IS CURRENTLY ZONED RAC RURAL AGRICULTURAL DISTRICT. PROPOSED ZONING IS RR RURAL RESIDENTIAL.
- THE PROPERTY ENCOMPASSED BY THIS SUBDIVISION LIES IN FLOOD ZONE "X" AND FLOOD ZONE "A" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY 5093C PANEL 0275E DATED 12-02-2015
- PLAT REFERENCES:
INST #230002290
INST #220004525
- COORDINATES SHOWN ON THIS REZONING EXHIBIT ARE BASED ON THE ISLE OF WIGHT COUNTY, VIRGINIA 1983 - SOUTH ZONE (1994 HARN ADJUSTMENT), U.S. SURVEY FOOT
- ANY NEW STRUCTURES MUST BE BUILT TO MEET THE MINIMUM REQUIRED YARD SETBACKS IN ACCORDANCE WITH THE IWCZO AND THE NDSO. ANY VARIATION THERETO MUST BE IN COMPLIANCE WITH THE SAID ORDINANCE.
NDSO SETBACKS:
FRONT SETBACK - 60'
SIDE SETBACK - 17.5' (TOTAL OF 35' WITH A 15' MINIMUM)
REAR SETBACK - 35'
- AREA TABLE
FORMER AREA TAX PARCEL 19-01-024B = 37.582 ACRES
NEW AREA TAX PARCEL 19-01-024A1 = 34.392 ACRES
NEW AREA TAX PARCEL 19-01-024A2 = 3.190 ACRES
- WHERE SEPTIC TANKS ARE TO BE INSTALLED ON INDIVIDUAL LOTS, THERE SHALL BE AN APPROVAL OF A PRIMARY DRAINFIELD AND A 100X RESERVE DRAINFIELD BY THE HEALTH DEPARTMENT AT THE TIME APPLICATION IS MADE FOR A SEPTIC TANK PERMIT. APPROVAL OF THIS PLAT DOES NOT INDICATE THAT THE INDIVIDUAL LOT IS SUITABLE FOR APPROVAL OF A PRIMARY AND 100X RESERVE DRAINFIELD. (SECTION 4000.B.8 CBPAO)
- ALL ON-SITE SEWAGE DISPOSAL SYSTEMS NOT REQUIRING A VIRGINIA POLLUTION DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT SHALL BE PUMPED PUT AT LEAST ONCE EVERY FIVE (5) YEARS. (SECTION 4000.B.7 CBPAO)
- NO ZONING PERMIT OR BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT UNTIL A WELL OR WATER SOURCE HAS BEEN APPROVED BY THE COUNTY HEALTH DEPARTMENT.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 67°46'53" W	31.75'
L2	S 67°46'53" W	153.00'
L3	S 57°37'53" W	192.00'
L4	S 65°46'53" W	200.00'
L5	S 56°46'53" W	150.00'
L6	S 65°25'00" W	122.25'
L7	S 03°39'51" W	168.50'
L8	S 47°25'37" W	32.77'
L9	N 33°21'48" W	39.61'
L10	N 73°29'51" W	84.65'
L11	S 48°07'03" W	36.01'
L12	S 75°37'40" W	39.08'
L13	N 59°37'57" W	27.47'
L14	S 69°58'28" W	42.17'
L15	S 60°27'49" W	59.24'
L16	S 47°34'46" W	48.92'
L17	N 67°30'29" W	31.52'
L18	N 64°50'45" W	21.62'
L19	S 0°30'25" W	24.68'
L20	N 68°39'29" W	45.30'
L21	N 68°40'28" W	41.16'
L22	N 44°21'50" W	20.05'
L23	N 64°33'28" W	30.54'
L24	N 62°32'56" W	43.53'
L25	N 53°30'02" W	31.87'
L26	N 65°55'55" W	73.16'
L27	N 58°37'05" W	28.23'
L28	N 36°09'03" E	662.64'
L29	N 32°34'00" E	143.30'
L30	N 22°52'00" E	17.00'
L31	N 36°08'00" E	182.30'
L32	N 36°00'00" E	322.00'
L33	N 56°22'00" E	14.00'
L34	N 36°02'51" E	28.23'
L35	N 36°55'57" E	323.42'
L36	S 24°54'41" E	590.09'
L37	S 26°35'41" E	207.32'
L38	S 53°45'53" W	46.46'
L39	S 23°25'59" W	142.79'
L40	S 47°25'29" W	233.98'
L41	S 43°03'46" W	63.63'
L42	S 70°00'54" W	07.71'
L43	N 60°07'06" W	95.60'
L44	N 67°37'08" E	208.07'
L45	N 34°49'13" E	202.32'
L46	N 24°41'20" E	205.93'
L47	N 0°44'19" E	239.94'

CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH
C1	3°09'52"	105.00'	55.05'	28.04'	56.05'
C2	1°47'00"	3485.00'	161.13'	60.38'	161.14'
C3	6°40'2"	863.10'	255.53'	62.63'	126.47'



TIM FALLON LAND SURVEYING, PLLC
15139 CARROLLTON BLVD, SUITE C
P.O. BOX 189
CARROLLTON, VIRGINIA, 23314



DRAWN BY: MAD
DATE: 07-15-2024
COMP BY: MAD
DATE: 07-15-2024
CHECKED BY: TMF
DATE: 07-15-2024
FINAL BY: TMF
DATE: 07-15-2024
PROJECT # 24124

REZONING EXHIBIT
OF
P.D. 19-01-024
(INST #230002290)
ISLE OF WIGHT COUNTY, VIRGINIA

0' 100' 200' 400'
GRAPHIC SCALE: 1"=200'

SCALE: = 1"=200' DATE: 07-15-2024 SHEET 1 OF 1



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Craig R. Nicol
Regional Director

March 29, 2024

Ms. Jessica Hewitt
102 Robin Lane
Smithfield, Virginia 23430

SENT VIA E-MAIL: jhewitt@becpas.com
RECEIPT CONFIRMATION REQUESTED

Re: Virginia State Surface Waters Determination No. SSWD-000061
Harry Wilson Road, Isle of Wight, Virginia

Dear Ms. Hewitt:

Pursuant to the Virginia Water Protection (VWP) Permit Program Regulations 9VAC25-210-45 and 9VAC25-210-10 of the Virginia Administrative Code, the Virginia Department of Environmental Quality (DEQ or department) has enclosed the above referenced Preliminary Virginia State Surface Waters Determination for Parcel 19-01-024B.

The map entitled *Exhibit 2: Site Map, Harry Wilson Road Wetland Delineation, Smithfield, VA*; dated March 11, 2024 (copy enclosed) provides a preliminary determination of the locations of state surface waters and/or wetlands, as reviewed by DEQ, on the above listed property. The basis for this delineation includes application of the State Water Control Law, VWP Regulation, the Corps' 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain, the positive indicators of wetland hydrology, hydric soils, hydrophytic vegetation, and/or the presence of an ordinary high-water mark.

☒ This approval includes the classification of delineated surface waters according to the Cowardin system (i.e., emergent, scrub-shrub, or forested), stream type, and/or open water type, as indicated on the map referenced herein.

☐ This approval does NOT include the classification of delineated surface waters according to the Cowardin system (i.e., emergent, scrub-shrub, or forested), stream type, and/or open water type, as indicated on the map referenced herein.

Activities that discharge fill to, dredge, drain or otherwise cause significant alteration or degradation of state surface waters, including wetlands, on this site may require a VWP Permit. You may also be

State Surface Waters Determination No. SSWD-000061

March 29, 2024

Page 2 of 2

required to obtain other federal, state, and/or local authorizations from a [United States Army Corps of Engineers](#) (USACE) District Office, the [Virginia Marine Resource Commission](#) (VMRC), and/or a [local wetlands board](#). This state surface waters determination is valid for 5 years from the date of issuance in absence of a permit decision, or when a permit decision applies, the determination is valid for the life of the VWP general permit coverage or individual permit.

Please contact me at gavin.washburn@deq.virginia.gov or (804) 347-6393 if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Gavin Washburn", with a long horizontal flourish extending to the right.

Gavin Washburn
VWP Permit Writer/Inspector

Enclosures: Delineation Map

cc: Rick Harris, COVA Environmental
Taylor Hollingsworth, U.S. Army Corps of Engineers

Wetland/Water	Latitude	Longitude	Cowardin Class	Area (Acres) / Length (feet)	
1	36.945057°N	-76.712441°W	PFO1E	7.02 acres	Non-Tidal
2	36.946349°N	-76.713325°W	PFO4B	23.03 acres	Non-Tidal
3	36.947465°N	-76.712303°W	R4UBCx	0.18 acres / 953 linear feet	Non-Tidal

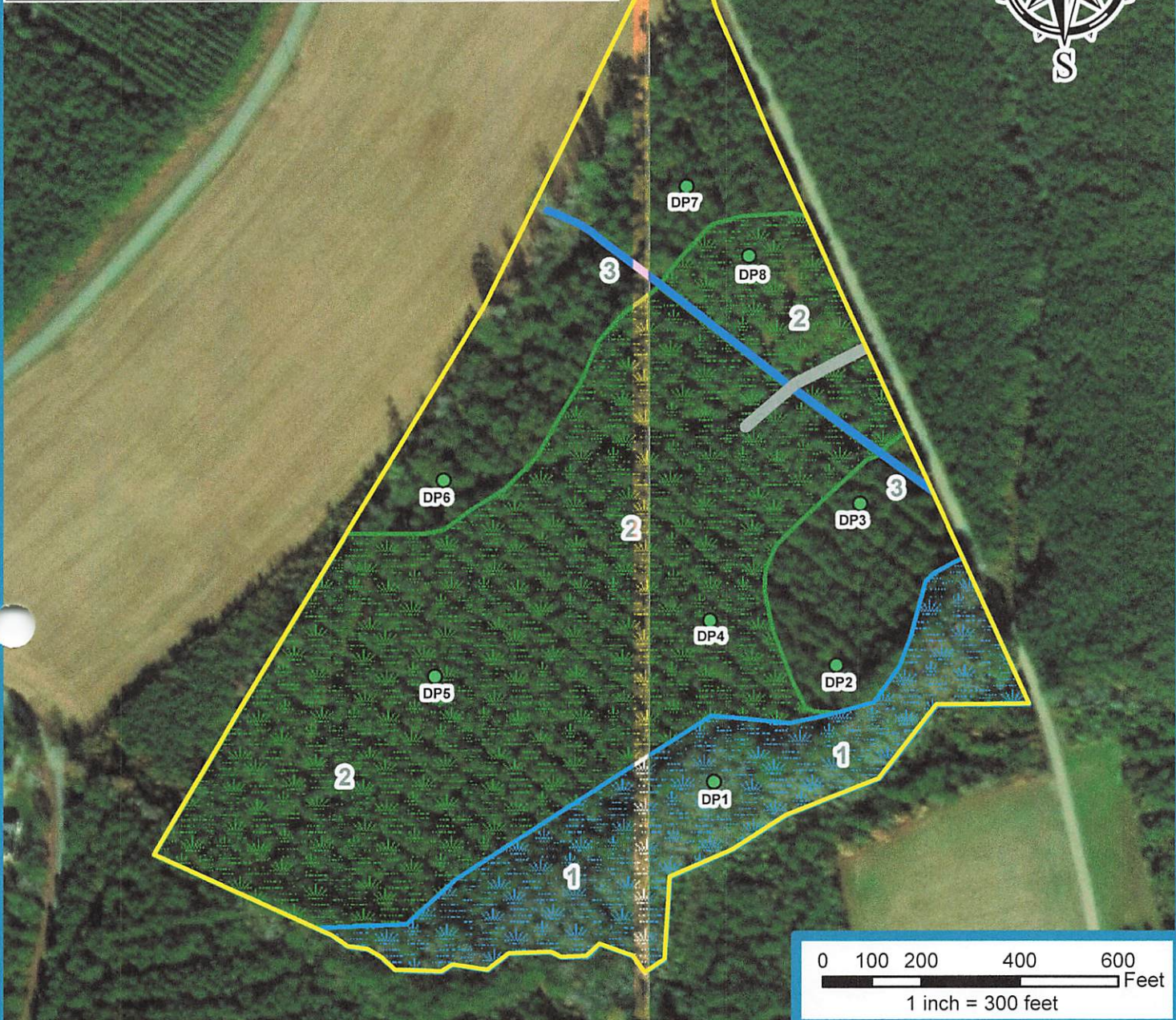


Exhibit 2: Site Map, Harry Wilson Road Wetland Delineation, Smithfield, VA

Source: ESRI GIS User Community Aerial Basemap; Data Collected via Trimble R1 GNSS Sub-Meter Receiver

Legend



Study Area ~ 41.52 acres



PFO1E Wetlands ~ 7.02 acres



PFO4B Wetlands ~ 23.03 acres



Gravel Forest Road in PFO4B Wetlands



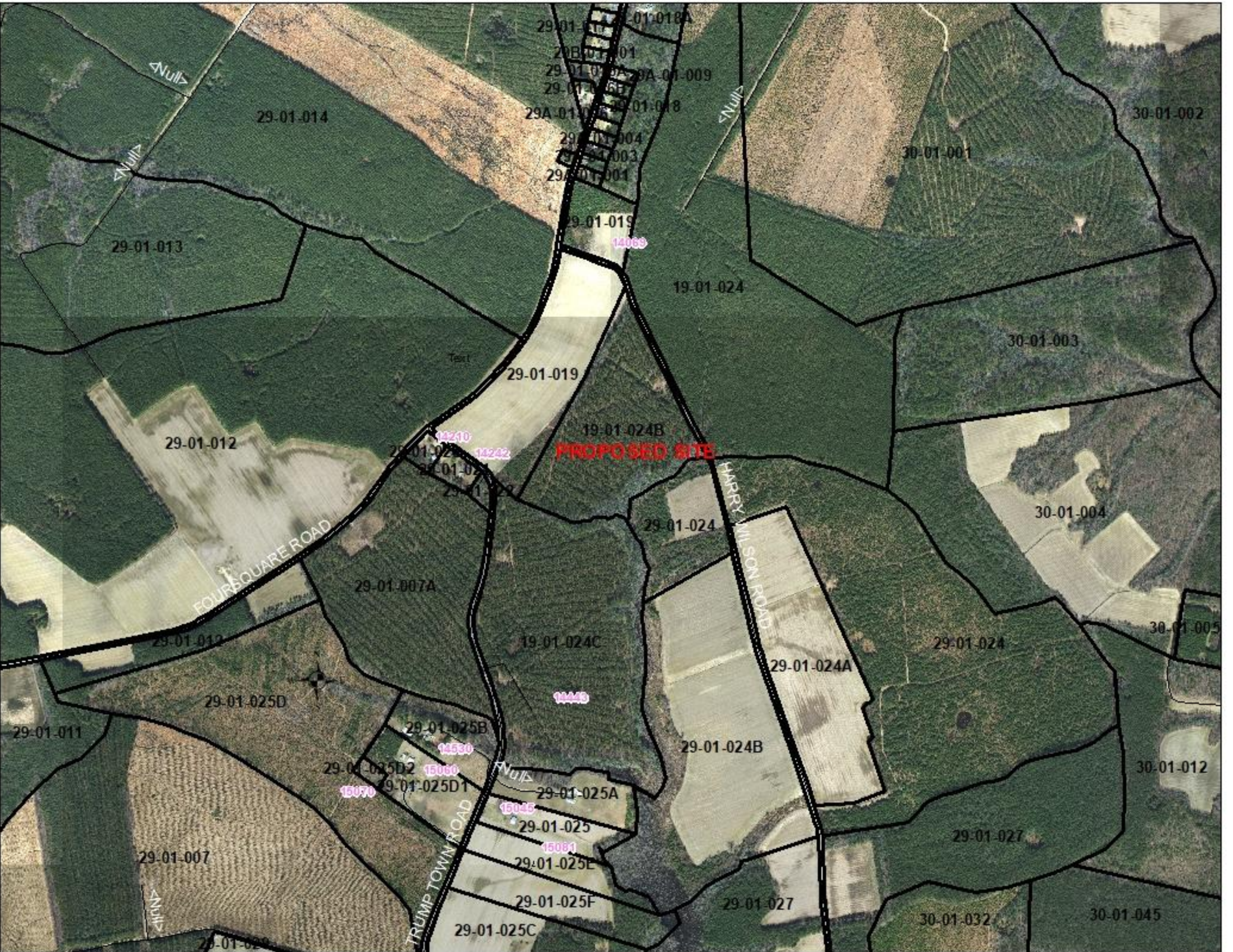
Ditch (R4UBCx Wetlands) ~ 0.18 acres / 953 linear feet



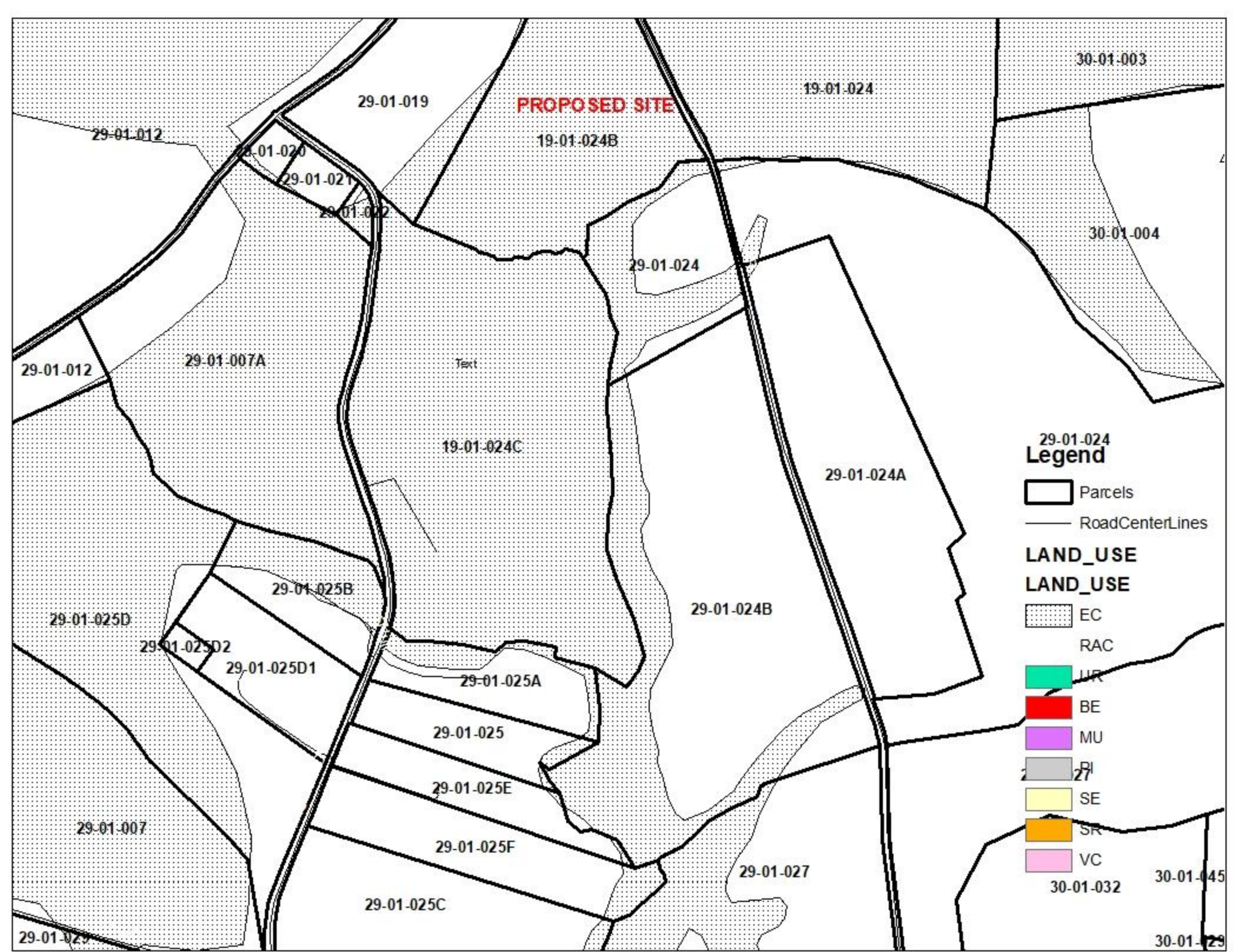
Data Point

COVA Project #: 2024-008
Date: 03/11/2024
Created By: Rick Harris
VA PWD #: 3402000173









APPROVAL BLOCK:

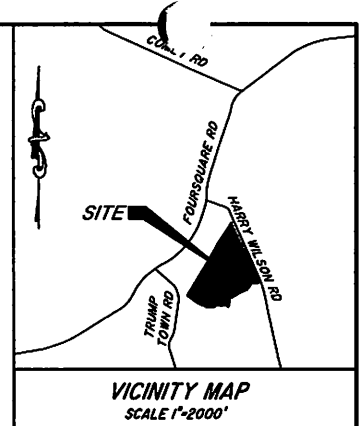
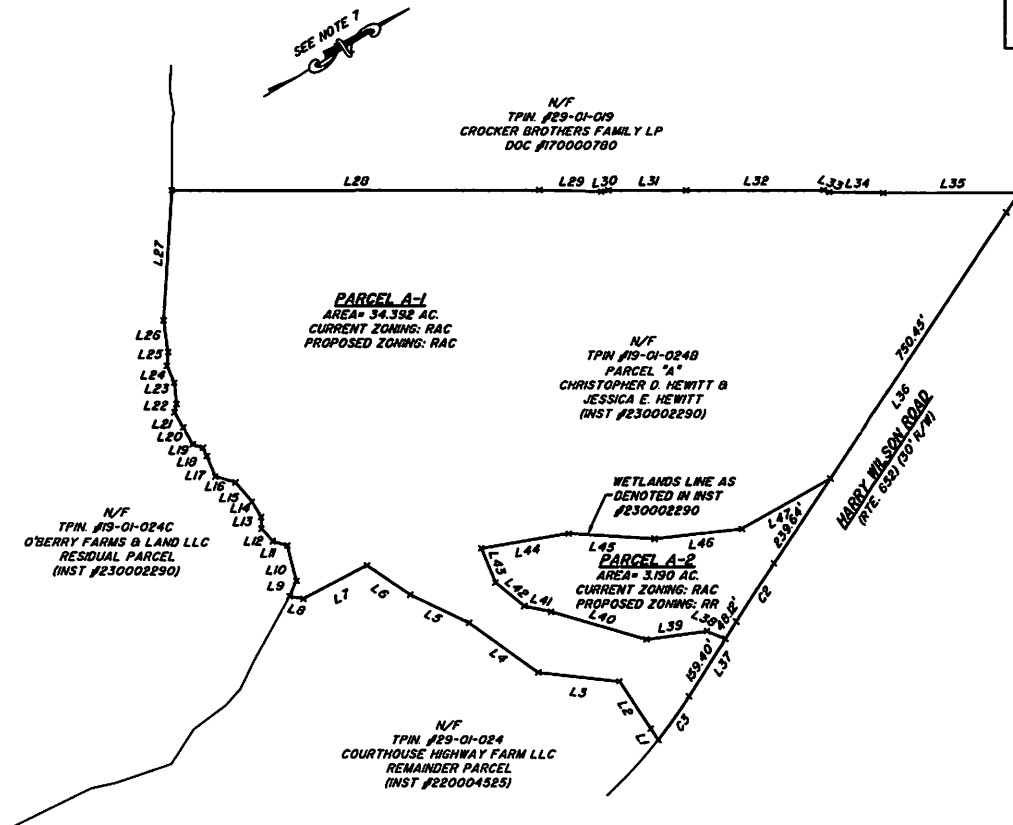
THIS SUBDIVISION PLAT HAS BEEN FOUND TO BE IN CONFORMANCE WITH THE ISLE OF WIGHT COUNTY SUBDIVISION ORDINANCE AND MUST BE RECORDED WITH THE OFFICE OF THE CLERK OF CIRCUIT COURT OF ISLE OF WIGHT COUNTY WITHIN SIX MONTHS OF THE DATE OF APPROVAL. APPROVAL WILL BE DEEMED VOID AFTER SIX MONTHS AND THE PLAT MUST BE RESUBMITTED FOR APPROVAL.

DATE OF APPROVAL: _____ SUBDIVISION AGENT _____

DATE OF APPROVAL: _____ VDOT ENGINEER _____

NOTES

- SMALL FILLED CIRCLES "•" DENOTE IRON PIN SET.
- SMALL EMPTY CIRCLES "○" DENOTE IRON PIN FOUND.
- THE OWNER OF THIS PROPERTY (T.P. 19-01-0248) IS CHRISTOPHER D. HEWITT & JESSICA E. HEWITT
- THIS PROPERTY IS CURRENTLY ZONED RAC RURAL AGRICULTURAL DISTRICT. PROPOSED ZONING IS RR RURAL RESIDENTIAL.
- THE PROPERTY ENCOMPASSED BY THIS SUBDIVISION LIES IN FLOOD ZONE "X" AND FLOOD ZONE "A" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY 5093C PANEL 0275E DATED 12-02-2015
- PLAT REFERENCES:
INST #230002290
INST #220004325
- COORDINATES SHOWN ON THIS REZONING EXHIBIT ARE BASED ON THE ISLE OF WIGHT COUNTY, VIRGINIA 1983 - SOUTH ZONE (1994 HARN ADJUSTMENT), U.S. SURVEY FOOT
- ANY NEW STRUCTURES MUST BE BUILT TO MEET THE MINIMUM REQUIRED YARD SETBACKS IN ACCORDANCE WITH THE IWCZO AND THE NDSO. ANY VARIATION THERETO MUST BE IN COMPLIANCE WITH THE SAID ORDINANCE.
NDSO SETBACKS:
FRONT SETBACK - 60'
SIDE SETBACK - 17.5' (TOTAL OF 35' WITH A 15' MINIMUM)
REAR SETBACK - 35'
- AREA TABLE
FORMER AREA TAX PARCEL 19-01-0248 = 37.502 ACRES
NEW AREA TAX PARCEL 19-01-02441 = 34.392 ACRES
NEW AREA TAX PARCEL 19-01-02442 = 3.190 ACRES
- WHERE SEPTIC TANKS ARE TO BE INSTALLED ON INDIVIDUAL LOTS, THERE SHALL BE AN APPROVAL OF A PRIMARY DRAINFIELD AND A 100% RESERVE DRAINFIELD BY THE HEALTH DEPARTMENT AT THE TIME APPLICATION IS MADE FOR A SEPTIC TANK PERMIT. APPROVAL OF THIS PLAT DOES NOT INDICATE THAT THE INDIVIDUAL LOT IS SUITABLE FOR APPROVAL OF A PRIMARY AND 100% RESERVE DRAINFIELD. (SECTION 4000.B.6 CBPAO)
- ALL ON-SITE SEWAGE DISPOSAL SYSTEMS NOT REQUIRING A VIRGINIA POLLUTION DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT SHALL BE PUMPED PUT AT LEAST ONCE EVERY FIVE (5) YEARS. (SECTION 4000.B.7 CBPAO)
- NO ZONING PERMIT OR BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT UNTIL A WELL OR WATER SOURCE HAS BEEN APPROVED BY THE COUNTY HEALTH DEPARTMENT.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 87°46'53" W	31.75'
L2	S 87°46'53" W	133.00'
L3	S 37°39'53" W	192.00'
L4	S 68°46'53" W	120.00'
L5	S 26°46'53" W	150.00'
L6	S 65°25'00" W	122.26'
L7	S 03°39'54" W	168.58'
L8	S 47°23'37" W	52.77'
L9	N 35°21'48" W	39.61'
L10	N 73°4'31" W	84.65'
L11	S 48°37'03" W	36.01'
L12	S 79°37'00" W	39.02'
L13	N 59°37'37" W	27.47'
L14	S 69°50'28" W	42.17'
L15	S 80°27'49" W	58.24'
L16	S 47°34'46" W	48.97'
L17	N 8°30'29" W	51.52'
L18	N 84°50'42" W	26.61'
L19	S 50°35'23" W	144.66'
L20	N 88°39'28" W	43.30'
L21	N 89°40'28" W	41.12'
L22	N 44°21'50" W	20.03'
L23	N 64°33'28" W	50.34'
L24	N 82°32'36" W	43.83'
L25	N 33°30'02" W	3.87'
L26	N 65°07'48" W	3.01'
L27	N 53°07'48" W	305.09'
L28	N 34°09'03" E	662.64'
L29	N 32°34'00" E	143.30'
L30	N 22°32'00" E	17.00'
L31	N 3°00'00" E	182.80'
L32	N 3°00'00" E	322.00'
L33	N 3°00'00" E	14.00'
L34	N 32°07'57" E	129.29'
L35	N 3°06'37" E	323.42'
L36	S 24°54'41" E	990.09'
L37	S 26°35'41" E	207.58'
L38	S 33°45'53" W	46.46'
L39	S 23°23'39" W	142.79'
L40	S 47°23'37" W	233.90'
L41	S 43°03'56" W	133.69'
L42	S 70°00'54" W	87.71'
L43	N 8°07'06" W	86.60'
L44	N 2°37'00" E	208.07'
L45	N 34°49'13" E	202.32'
L46	N 24°41'20" E	205.93'
L47	N 0°44'19" E	238.94'

CURVE TABLE						
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	3°09'52"	105.00'	35.06'	28.04'	56.08'	S 23°19'46" E
C2	4°47'00"	5485.00'	161.14'	80.58'	161.14'	S 23°45'3" E
C3	6°07'02"	263.10'	125.83'	62.65'	125.47'	S 23°30'10" E



TIM FALLON LAND SURVEYING, PLLC 15139 CARROLLTON BLVD, SUITE C P.O. BOX 189 CARROLLTON, VIRGINIA, 23314		DRAWN BY: MAD	DATE: 07-15-2024	REZONING EXHIBIT OF P.L.D. 19-01-024 (INST #230002290) ISLE OF WIGHT COUNTY, VIRGINIA 0' 100' 200' 400' GRAPHIC SCALE 1"=200' SCALE: 1"=200' DATE: 07-15-2024 SHEET 1 OF 1
		COMP BY: MAD	DATE: 07-15-2024	
		CHECKED BY: TMF	DATE: 07-15-2024	
		FINAL BY: TMF	DATE: 07-15-2024	
		PROJECT #	24124	

PLANNING REPORT

APPLICATION:

Planning Commission 2024 Annual Retreat Special Meeting

DESCRIPTION:

Section IV-2 of the Planning Commission By-Laws allows the Chairman to call a special meeting at any time during a regular meeting. The proposed 2024 Planning Commission Annual Retreat is proposed to be held on Friday, November 1, 2024, at the Isle of Wight County Museum located at 103 Main Street in Smithfield. The meeting will be held from 8:30 AM until 3:30 PM. The annual retreat is a special meeting of the Planning Commission.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission set the date, time and location of the 2024 Planning Commission Annual Retreat.

PLANNING REPORT

APPLICATION:

Application of Air Station General, LC (EXC-24-5), applicant, for an exception to Section 6-1010.A.2 of the Zoning Ordinance pertaining to the Highway Corridor Overlay District architectural and design guidelines for non-residential uses

ELECTION DISTRICT:

D4

LOCATION:

The subject property is located immediately south of the Town of Windsor in the Windsor Development Service District (DSD) on the east side of Walters Highway (Route 258) in Phase III of the Shirley T. Holland Intermodal Park and is further identified as Tax Map Parcels 53-01-080A and 53-01-081. The property is also located in the Route 258 Highway Corridor Overlay (HCO) District, which extends 500 feet on both sides of Route 258/Walters Highway.

BACKGROUND:

The applicant has contracted to purchase the property from the Isle of Wight County Economic Development Authority (EDA) to construct a 240,000 square foot cold storage distribution facility with container storage. The function of the facility for the end cross-dock operator is dependent on the warehouse having substantial dock doors and abundant land area for truck movement and on-site container storage.

The Board previously approved exceptions to the following HCO development criteria on July 13, 2023, for a 130,000 square foot cross-dock warehousing and distribution facility:

1. Section 6-1010.A.5: Not less than sixteen percent (16%) of the total area of any facade visible from a public way (excluding work areas) shall consist of windows and doors;
2. Section 6-1010.A.6.: Large work area doors or open bays shall not open toward or face the highway; and
3. Section 6-1010.B.8.: Loading areas shall be permitted only in the side

or rear yards and shall be visually screened from public rights-of-way, and adjacent property using the screening zone standards found in Article VIII.

The previously approved exceptions would still apply to the new facility. A concept plan of the currently proposed cold storage facility is attached for illustrative purposes.

DESCRIPTION:

The applicant requests an additional exception to Section 6-1010.A.2 of the architectural and design guidelines of the HCO District that prohibits the use of corrugated metal for exterior facades of non-residential uses, due to the specialized material needed to support the use of a cold storage facility. Due to the need to control the interior temperature of the building, the walls must meet specific requirements to include a light colored, metal exterior wall with insulated foam installed adjacent to the interior wall.

In order to mitigate the viewshed impact from Route 258, the applicant will move the loading dock doors to the rear of the building and include light green vertical elements on the facade to break up the monolithic appearance of the building.

The site layout, building elevations, and color palette for proposed facility are attached for reference.

COMPREHENSIVE LAND USE PLAN:

The Comprehensive Plan's Future Land Use Designation for this property is the Windsor Development Service District (DSD) and, more specifically, Planned Industrial (PI) and Environmental Conservation (EC).

DSDs are specific areas in the County identified for development to occur. Outside of the DSD boundaries all land is intended to stay in rural and agricultural uses and environmental protection. Within the boundaries of the DSD, the County has installed or has plans for water and sewer infrastructure and road improvements.

The Planned Industrial (PI) designation is where manufacturing, warehousing, and distribution is planned to occur. It consists of some light industrial and all heavy industrial and manufacturing uses, as well as warehousing, distribution, and uses which may negatively impact surrounding development. Preservation of

environmental features still occurs, and development is connected to residential uses with vehicular and pedestrian access but should be buffered. Example of PI include the Shirley T. Holland Intermodal Park and International Paper.

The Environmental Conservation (EC) designation includes all of the important environmental features of the County that we want to protect. It encompasses familiar wetland types such as marshes, rivers, streams, and their tributaries resource protection areas and buffers, as well as forested wetlands.

ORDINANCE REVIEW:

The subject property is zoned Conditional - Light Industrial (C-LI) and is part of the Shirley T. Holland Intermodal Park, Phase III. The conditional rezoning proffers for Phase III were reviewed, and the proposed warehousing and distribution use is consistent with the uses permitted.

Section 6-1015 of the Zoning Ordinance outlines the procedure for exception requests in the HCO District. A request for an exception must be made in writing to the Zoning Administrator for consideration by the Board of Supervisors following a recommendation by the Planning Commission. In formulating their decision, the Board of Supervisors shall consider the following:

1. Such exception shall be no less beneficial to the residents or occupants of the development as well as neighboring property, that would be obtained under the applicable regulation.

Finding: The current regulation affords greater visual and noise relief than the exception would, because it prohibits truck bays and loading areas along the public road frontage; however, the proposed privacy fencing and landscaping screening should help to mitigate both the visual impact and noise to neighboring property and the highway corridor.

2. That the exception is reasonable because of the high level of design and construction that will be incorporated in the development.

Finding: The applicant has committed to incorporating architectural features to a warehousing and distribution building and site design as proposed to meet the spirit of the Ordinance as much as practicable.

3. That the exception will result in design and construction that is in accordance with accepted engineering and building standards.

Finding: Both a site plan and building plans will be required to be submitted and reviewed for compliance with applicable codes and ordinances by Building Inspections, Utilities, VDOT and Planning and Zoning.

AGENCY REVIEW:

The application did not require other agency review.

STAFF CONCLUSIONS:

Strengths:

1. The proposed use is consistent with the Comprehensive Plan future land use designations and C-PI zoning of the property.
2. The proposed use is consistent with the approved rezoning proffers for the Shirley T. Holland Intermodal Park Phase III pertaining to allowable uses.

Weaknesses:

1. The building materials are not consistent with Section 6-1010.A.2 of the Ordinance, however, the applicant will move the dock doors to the rear of the building which will mitigate noise and building appearance impacts.

STAFF RECOMMENDATION:

Staff recommends approval of this request with the condition the site be developed in substantial conformance with the concept plans proposed by the applicant.

ATTACHMENTS:

Description	Type	Upload Date
Statement of Reason for Exception	Backup Material	9/13/2024
Conceptual Layout	Backup Material	9/13/2024
Color Scheme	Backup Material	9/13/2024
Conceptual Elevations	Backup Material	9/13/2024
Color Palette	Backup Material	9/13/2024
Site Photo1	Backup Material	6/20/2023
Site Photo2	Backup Material	6/20/2023
Site Photo 3	Backup Material	6/20/2023
2023 HCO Exception approval	Backup Material	9/13/2024

**ISLE OF WIGHT COUNTY, VIRGINIA
APPLICATION FOR EXCEPTIONS**

HIGHWAY CORRIDOR OVERLAY DISTRICT EXCEPTIONS

AIR STATION GENERAL, LC

**240,000+/- SF COLD STORAGE DISTRIBUTION FACILITY AND CONTAINER
STAGING OPERATION**

US 258 – WALTERS HIGHWAY

Tax Map Parcel numbers:

Parcel 53-01-080A (0.43 +/- Acres)

Parcel 53-01-080C (3.52 +/- Acres)

Parcel 53-01-081 (131.41 +/- Acres with 34.4 +/- Acres Uplands)

REFRIDGERATED GOODS DISTRIBUTION FACILITY AND CONTAINER STAGING WAREHOUSE is a specialized hub for primary market goods distribution. Summarized briefly, specific

Air Station General, LC, a Hampton Roads based Real Estate Development Partnership, ("Air Station") has contracted to purchase the Subject property from Isle of Wight County Economic Development Authority. The development team includes Kevin Lefcoe, CEO, Lefcoe' Development Company, Steve Paden, W. Keith Woodard and Brian Bolger, Woodard Group General Contractors, Scott Courtney, PE, Resource International Engineers, and Jonathan Covington, Covington Hendrix Architects.

The Subject facility is a state of the art 240,000+/- SF cold storage distribution facility and container staging warehouse facility (See attached elevation and site plan exhibits). The upland area of the irregular shaped Walters Highway site consists of approximately 35 acres. The function of the facility for the end cross dock operator is dependent upon the single building warehouse, with substantial dock door installations, and abundant land area for truck movement and on site container management.

Air Station is requesting a waiver in the "Proposed Use or Activity" section in County Zoning Code Sec. 6-1010 - Architectural and development guidelines for all nonresidential uses"

https://library.municode.com/va/isle_of_wight_county/codes/code_of_ordinances?nodeId=APXBZO_ARTVIOVDI_S6-1010ARDEGUALNOUS

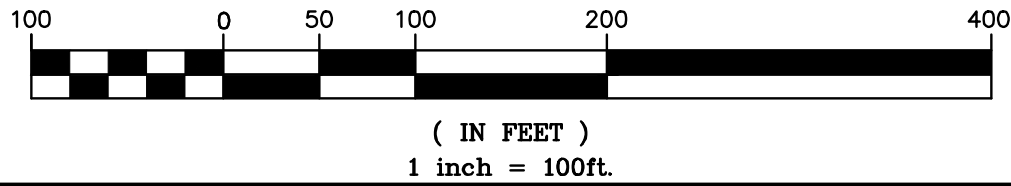
The specific exceptions are due to the nature of the use (cold storage distribution facility and container staging warehouse facility). The facility cannot meet the requirements in the ordinance regarding number of windows and bay doors facing the highway. In order to mitigate the applicable exceptions:

- 1) Privacy fencing and landscaping will be installed along the development property fronting US 258, which is intended to limit the view of vehicular movement and staging facing US 258.
- 2) The exception for modifying the window requirement is - the installation of glass inserts in the active shipping/receiving areas is not practical for physical plant management and safety. The alternative - in addition to windows to be installed for the office entry on one side of the building, architectural detailing of color accented siding attractively applied on the frontage façade at intervals.
- 3) The building and truckways' configuration on the property is dictated by the geography of the site. The Subject development area is surrounded by adjacent wetlands. These environmental constraints hem the development in to the delineated uplands area on which the facility is to be constructed. The cross-dock shipping model makes any other building placement impossible.
- 4) Building elevation 36' positioned approximately 150' from roadway with extensive landscaping
- 5) This submission is modified from an earlier approval with accepted metal panels
- 6) The product is a specific refrigerated use for refrigerated products (produce distribution, medical supplies, feed, etc.)
- 7) This submission no longer has bay door loading fronting US 258. Previous approval included frontage loading.

NOTE: (Architectural concept renderings and lighting cut sheets are attached).

For additional consideration,

1. A Preliminary Site Plan is in third review process for approval.
2. The Virginia Port Authority Port Centric Logistics team endorses the project and is supporting marketing to logistics company operators.
3. The Subject is an economic development project intended to employ 200+
4. Virginia Department of Transportation ("VDOT") has been consulted. The site plan (attached) includes VDOT comments for US 258 improvements to be included in the developer's plan, pursuant to Air Station's Traffic Turn Lane Access Warrant & general impact analysis (copy attached).



PROJECT NO.:
202301602.00
SHEET:

© Resource International, Ltd.
Material included herein is covered by copyright and is the exclusive property of Resource International, Ltd. Use of this work in whole or in part is forbidden without the express written consent of Resource International, Ltd.

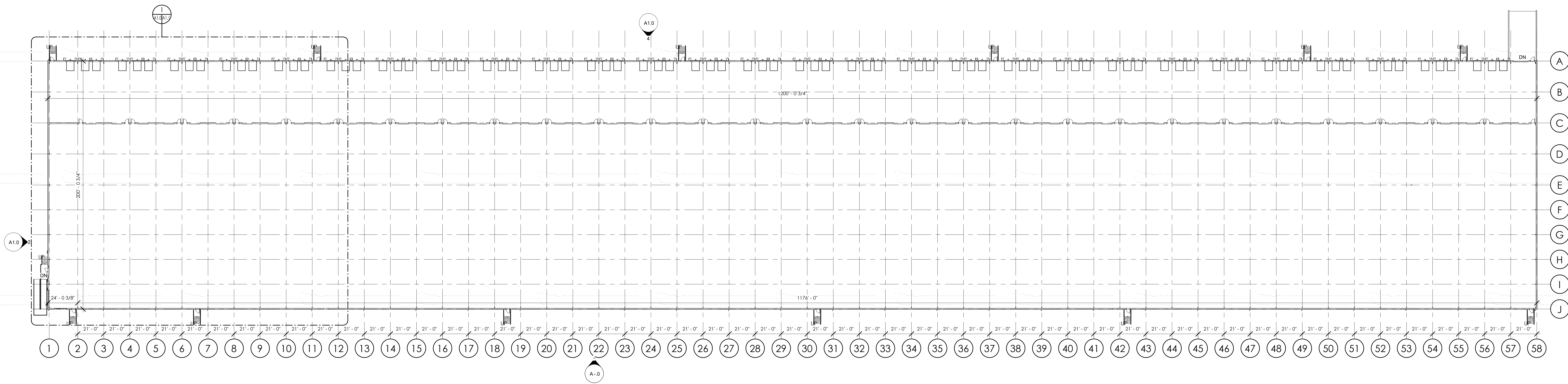


P.O. Box 6160 • 9560 Kings Charter Drive • Ashland, VA 23005
(804) 550-9200 • FAX (804) 550-9259

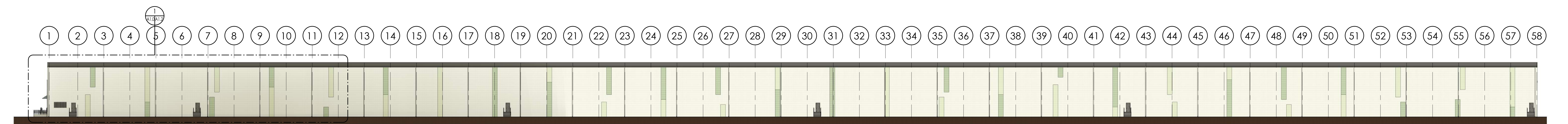




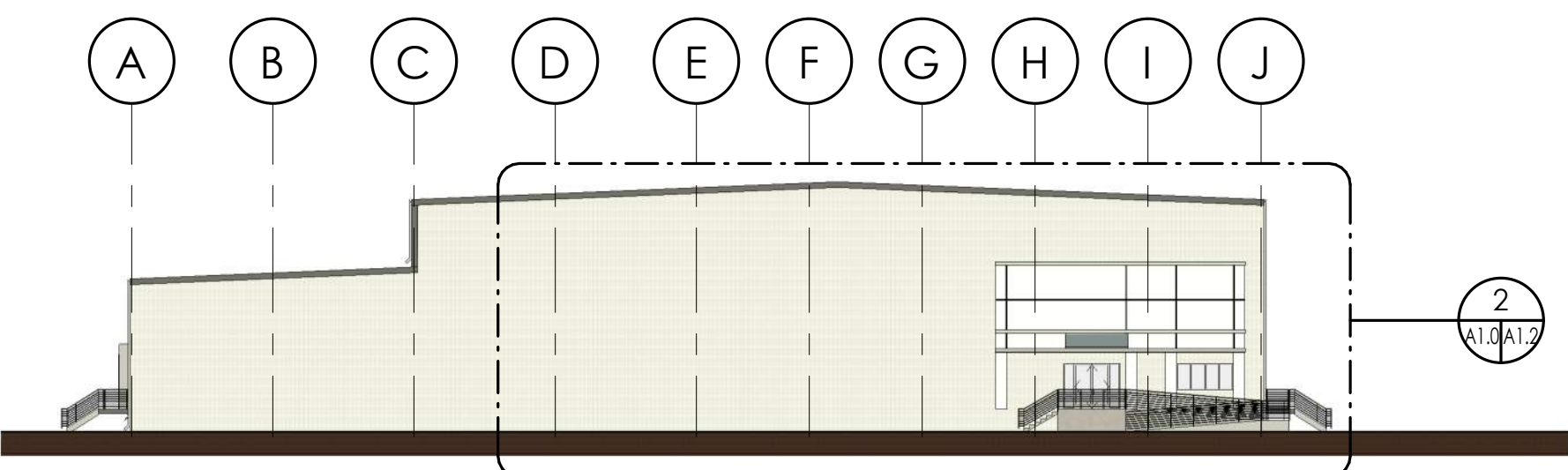




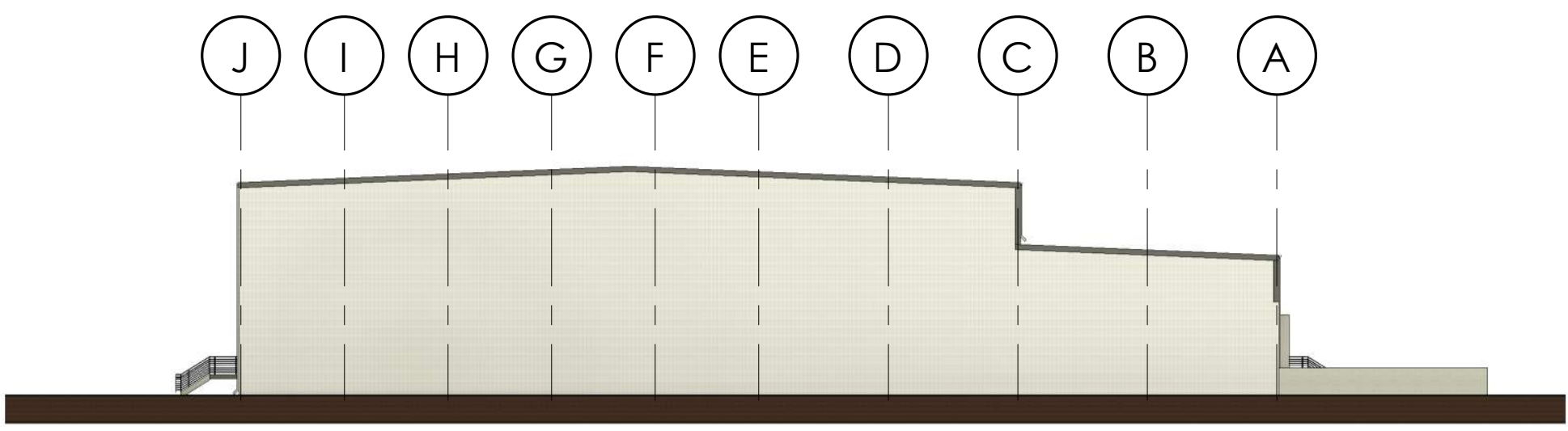
OVERALL FLOOR PLAN
1" = 30'-0"



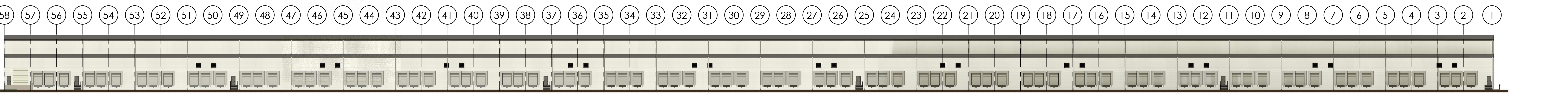
OVERALL FRONT ELEVATION
1" = 30'-0"



OVERALL LEFT SIDE ELEVATION
1" = 30'-0"



OVERALL RIGHT SIDE ELEVATION
1" = 30'-0"



OVERALL REAR ELEVATION
1" = 30'-0"

NEW COLD STORAGE FACILITY FOR
PROJECT AIR STATION
258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA

NOT FOR CONSTRUCTION

COVINGTON
HENDRIX
ANDERSON
ARCHITECTS

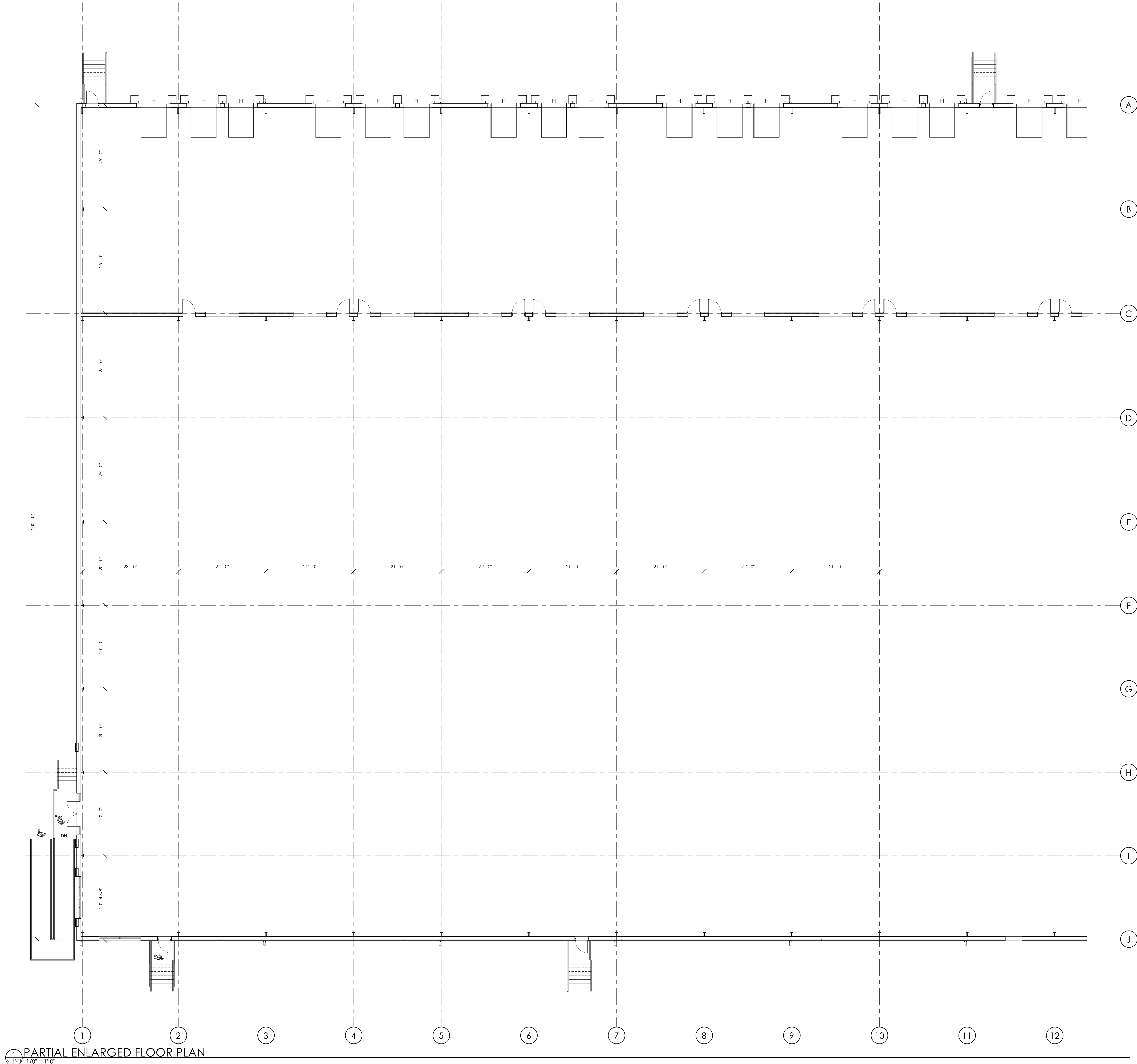
250 Southport Circle
Virginia Beach, VA 23462
757.491.8824 F 757.499.0926



CHA PROJECT 22154
ISSUE DATE 09/03/24
REVISION NO. DATE

OVERALL FLOOR PLAN,
OVERALL EXTERIOR
ELEVATIONS

A1.0



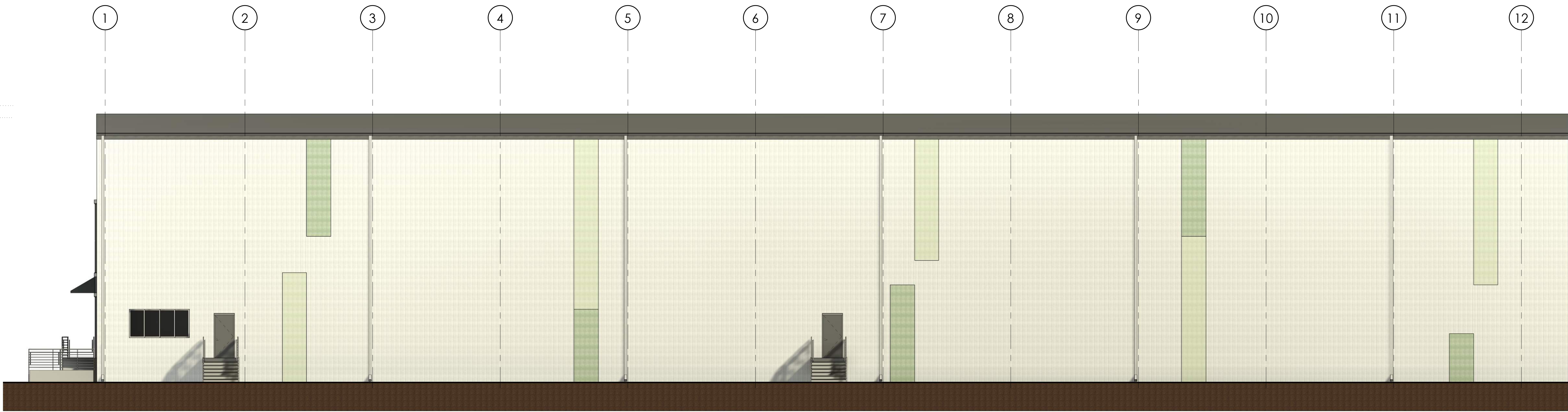
NOT FOR CONSTRUCTION



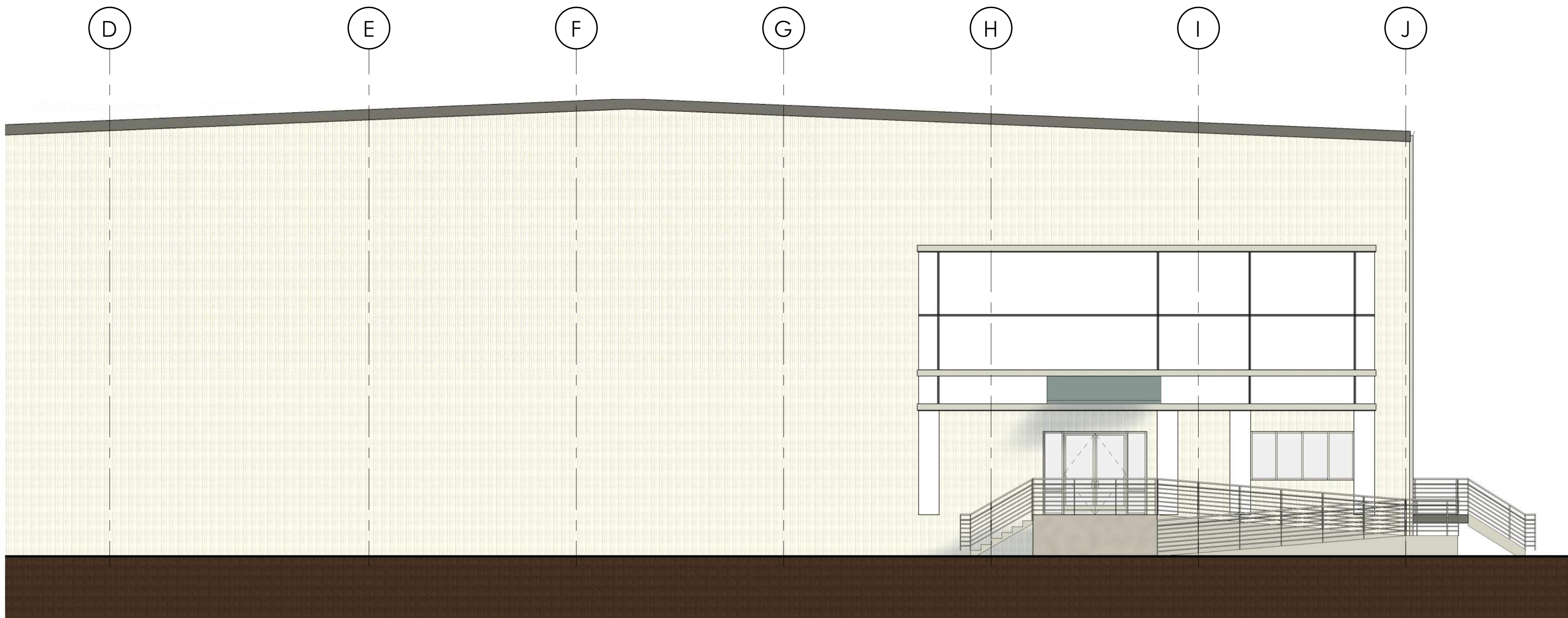
CHA PROJECT 22154
ISSUE DATE 09/03/24
REVISION NO. DATE

ENLARGED PARTIAL FLOOR PLAN

A1.1



1 PARTIAL ENLARGED FRONT ELEVATION
1/8" = 1'-0"



2 ENLARGED LEFT SIDE ELEVATION
1/8" = 1'-0"

NOT FOR CONSTRUCTION



CHA PROJECT	22154
ISSUE DATE	09/03/24
REVISION NO.	DATE

ENLARGED PARTIAL EXTERIOR ELEVATIONS

A1.2

NEW COLD STORAGE FACILITY FOR
PROJECT AIR STATION
258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA



3D VIEW APPROACH FROM EAST ON 258



3D VIEW APPROACH FROM WEST ON 258



3D VIEW FACILITY MAIN ENTRANCE

NOT FOR CONSTRUCTION

NEW COLD STORAGE FACILITY FOR
PROJECT AIR STATION
258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA

COVINGTON
HENDRIX
ANDERSON
ARCHITECTS

350 Southport Circle
Virginia Beach, VA 23462
www.covingtonhendrixanderson.com


V: 757.491.8854 F: 757.499.0926


REVIEW

CHA PROJECT	22154
ISSUE DATE	09/03/24
REVISION NO.	DATE

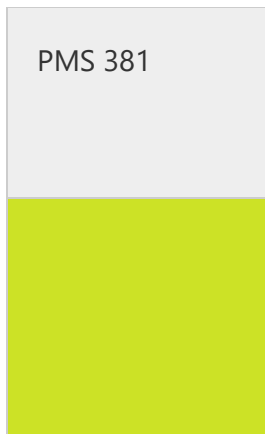
SCHEMATIC 3D VIEWS

A1.4

Walters Highway Corridor Overlay Color Palette



**PMS Color Palette
381-Lighter Green**



**PMS Color Palette
381-Lighter Green**









July 27, 2023

Kevin Lefcoe
Air Station General, LC
1206 Laskin Road, Suite 150
Virginia Beach, VA 23451

SUBJECT: Conditional Approval of Application EXC-8-23 for of Air Station General, LC, applicant, for exceptions to Sections 6-1010.A.5-6 and 6-1010.B.8 of the Zoning Ordinance pertaining to the Highway Corridor Overlay District architectural and design guidelines for non-residential uses located on property with tax map numbers 53-01-080A and C and 53-01-081

Dear Mr. Lefcoe,

Please be advised that at its meeting on July 13, 2023, the Isle of Wight County Board of Supervisors considered the request EXC-8-23 for exceptions to the following sections of the Zoning Ordinance:

1. Section 6-1010.A.5: Not less than sixteen percent (16%) of the total area of any facade visible from a public way (excluding work areas) shall consist of windows and doors;
2. Section 6-1010.A.6.: Large work area doors or open bays shall not open toward or face the highway and
3. Section 6-1010.B.8.: Loading areas shall be permitted only in the side or rear yards and shall be visually screened from public rights-of-way, and adjacent property using the screening zone standards found in Article VIII.

The Board approved the exception requests with the following condition:

1. Retain existing tree and shrub vegetation along the entirety of the site frontage in the fifty-foot (50') HCO District front setback, factoring in site entrances, and incorporate this into the landscape screening design for visual and noise attenuation.

The next step in your process is to submit a subdivision application together with a boundary line adjustment plat followed by a preliminary site plan application for review and approval. If you should have any questions, please do not hesitate to contact me at (757) 365-6210 or by email at aring@iwus.net.

Sincerely,

Amy M. Ring, Director

P.O. Box 80
17140 Monument Circle
Isle of Wight, VA 23397
(757) 357-9206

www.co.isle-of-wight.va.us

PLANNING REPORT

APPLICATION:

Discussion on Proposed Changes to the Zoning Ordinance

ELECTION DISTRICT:

All

LOCATION:

County-wide

BACKGROUND:

The Planning Commission continued its discussion of proposed changes to the industrial zoning district setback requirements adjacent to residential uses as well as the proposed utility cabinet setback exemption to their September 24, 2024, regular meeting. Staff will present additional information to the Planning Commission at this meeting.

DESCRIPTION:

Staff developed draft Ordinance changes for Planning Commission review and discussion. A copy of the draft revisions is attached to this staff report.

Also attached for the Planning Commission's review and discussion for potential revisions is a copy of the current sign requirements in the Zoning Ordinance.

AGENCY REVIEW:

STAFF RECOMMENDATION:

The information provided in this staff report is for informational purposes only. No action is required.

ATTACHMENTS:

Description	Type	Upload Date
Proposed Ordinance Changes Redline	Backup Material	9/16/2024

Sign Ordinance

Backup Material

9/16/2024

Proposed Zoning Ordinance Revisions

Revised September 16, 2024

The draft revisions are listed by section below. New, proposed language is in red underlined text. Language proposed to be deleted is shown in red text with ~~strikethrough~~ markings.

Article IV, Zoning districts and boundaries.

Sec. 4-11005. Limited Industrial - Bulk regulations

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 thirty-five (35) feet setback.
 - 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.
4. For parcels directly adjacent to a residential use or district, the minimum setback shall be 250 feet. Within the required setback, there shall be no development, clearing, grading, or construction activity with the following exceptions:
 - a. Roadway or driveway access to the portion of the site not in the minimum residential setback is permitted provided that it is approximately perpendicular to the arterial public right-of-way;
 - b. Water, sanitary sewer, storm drainage, electrical, telephone, natural cable, and utility service lines may be installed below the surface of the ground at right angles, provided that the natural vegetation is preserved and protected to the greatest extent practicable, and landscaping requirements are met;
 - c. Sidewalks, pedestrian pathways and bicycle paths designed to provide continuous connection along the road corridor may be permitted, provided that they can be constructed without materially reducing the screening and visual softening capacity of the required landscaping;
 - d. Signs are permitted in accordance with article IX;
 - e. Clearing for sight distances is permitted at the entrances and exits to any development as needed to provide for reasonable traffic safety, in accordance with accepted traffic engineering practices recommended or required by the Virginia Department of Transportation;
 - f. The trimming of existing limbs or branches of preserved trees is permitted when approved by the zoning administrator;
 - g. When, in the opinion of the zoning administrator, the addition of plantings and earthen berms or masonry walls would better achieve the purposes of this district in lieu of the landscaping requirements of the frontage zone.

Sec. 4-12005. General Industrial – Bulk regulations

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.
4. For parcels directly adjacent to a residential use or district, the minimum setback shall be 250 feet. Within the required setback, there shall be no development, clearing, grading, or construction activity with the following exceptions:
 - a. Roadway or driveway access to the portion of the site not in the minimum residential setback is permitted provided that it is approximately perpendicular to the arterial public right-of-way;
 - b. Water, sanitary sewer, storm drainage, electrical, telephone, natural cable, and utility service lines may be installed below the surface of the ground at right angles, provided that the natural vegetation is preserved and protected to the greatest extent practicable, and landscaping requirements are met;
 - c. Sidewalks, pedestrian pathways and bicycle paths designed to provide continuous connection along the road corridor may be permitted, provided that they can be constructed without materially reducing the screening and visual softening capacity of the required landscaping;
 - d. Signs are permitted in accordance with article IX;
 - e. Clearing for sight distances is permitted at the entrances and exits to any development as needed to provide for reasonable traffic safety, in accordance with accepted traffic engineering practices recommended or required by the Virginia Department of Transportation;
 - f. The trimming of existing limbs or branches of preserved trees is permitted when approved by the zoning administrator;
 - g. When, in the opinion of the zoning administrator, the addition of plantings and earthen berms or masonry walls would better achieve the purposes of this district in lieu of the landscaping requirements of the frontage zone.

Sec. 4-13005. General Industrial Conservation – Bulk regulations

B. Minimum setback requirements:

1. Front yard: Thirty-five (35) feet.
 - a. Industrial uses shall meet a setback of one hundred (100) feet from the right-of-way of any existing street which abuts or borders the use, except that uses located within a designated industrial park of twenty (20) acres or more shall meet a setback of fifty (50) feet from any street right-of-way.

- b. For lots within a 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. (11-17-16; 7-19-18; 11-15-18.)
4. For parcels directly adjacent to a residential use or district, the minimum setback shall be 250 feet. Within the required setback, there shall be no development, clearing, grading, or construction activity with the following exceptions:
 - a. Roadway or driveway access to the portion of the site not in the minimum residential setback is permitted provided that it is approximately perpendicular to the arterial public right-of-way;
 - b. Water, sanitary sewer, storm drainage, electrical, telephone, natural cable, and utility service lines may be installed below the surface of the ground at right angles, provided that the natural vegetation is preserved and protected to the greatest extent practicable, and landscaping requirements are met;
 - c. Sidewalks, pedestrian pathways and bicycle paths designed to provide continuous connection along the road corridor may be permitted, provided that they can be constructed without materially reducing the screening and visual softening capacity of the required landscaping;
 - d. Signs are permitted in accordance with article IX;
 - e. Clearing for sight distances is permitted at the entrances and exits to any development as needed to provide for reasonable traffic safety, in accordance with accepted traffic engineering practices recommended or required by the Virginia Department of Transportation;
 - f. The trimming of existing limbs or branches of preserved trees is permitted when approved by the zoning administrator;
 - g. When, in the opinion of the zoning administrator, the addition of plantings and earthen berms or masonry walls would better achieve the purposes of this district in lieu of the landscaping requirements of the frontage zone.

Article V, Supplementary Use Regulations

Sec. 5-1001. - Prohibited uses.

The following uses are specifically excluded from all districts:

Sec. 5-2000. - Supplementary density and dimensional regulations.

H. Projections and yard setback modifications.

1. Covered, unenclosed front porches. Covered, unenclosed porches, decks, landings, steps, terraces, patios or platforms, open on three (3) sides except for necessary supporting columns and customary architectural features, may be permitted in a required front yard provided that such structure shall not be more than eight (8) feet in width and shall not project more than three (3) feet into such yard.
2. Covered unenclosed porches permitted in required side or rear yard. Covered, unenclosed porches, decks, landings, steps, terraces, patios or platforms, open on three

- (3) sides except for necessary supporting columns and customary architectural features, may be permitted in required side or rear yards provided that no such structure, shall project closer than three (3) feet to any side lot line, that no such structure shall be more than one (1) story in height or more than twenty-four (24) feet in length, and that no such structure shall project more than eight (8) feet into any required rear yard.
3. Uncovered porches. Uncovered porches, decks, landings, steps, terraces, patios or platforms which do not extend above the level of the first floor of the building (except for railings and railing supports) may project into any required front, side or rear yard or court not to exceed eight (8) feet.
 4. [Architectural features, chimneys, air conditioners, cornices, eaves, belt courses, sills, canopies, or other similar architectural features.] Architectural features, chimneys, air conditioners, generators, fuel tanks, cornices, eaves, belt courses, sills, canopies, or other similar architectural features (but not including bay windows or vertical projections) may project into a required side yard not more than eighteen (18) inches, but not closer than three (3) feet to the side lot line, and may not exceed thirty-six (36) inches. Chimneys and air conditioners may project into any yard not more than eighteen (18) inches, but air conditioners rated at twenty-four thousand (24,000) BTU or less shall not be so placed as to discharge air within five (5) feet of side yard lines, and those rated over twenty-four thousand (24,000) to discharge air within twelve (12) feet of side yard lines, other than side yard lines adjacent to streets.
 5. Open fire escapes. Open, unenclosed fire escapes may project not more than four (4) feet into any required yard, but shall not project closer than three (3) feet to any side lot line.
 6. Open stairways and balconies. Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard only, not more than four (4) feet, but shall not be within three (3) feet of any property line.
 7. Exemption of front yard setback for handicap ramps. Handicap ramps used for residence(s) of a single-family dwelling shall be allowed to encroach into the required front yard setback. The ramp must be built in accordance with the American Disabilities Act as it pertains to wheelchair accessibility. In no instances shall the ramp be covered.
 8. Exemption of yard setback requirements for electrical, water or wastewater utility cabinets. Utility cabinets measuring no more than six feet high and eight feet wide shall be allowed to encroach into required yard setbacks and shall be located outside of any required sight line or sight triangle.

Article IX. Signs.

Editor's Note: An ordinance adopted Mar. 14, 2018, amended and reenacted art. IX in its entirety to read as herein set out. Former art. IX pertained to the same subject matter and derived from an ordinance adopted Aug. 18, 2016.

Sec. 9-1001. Findings, purpose and intent; interpretation.

- A. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of neighborhoods, the creation of a convenient, attractive and harmonious community, the protection against destruction of or encroachment upon historic areas, to encourage the effective use of signs as a means of visual communication in the county, to maintain and enhance the county's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, and to enable the fair and consistent enforcement of these sign restrictions. This article allows for adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of signs in the community. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision. These sign restrictions are adopted under the zoning authority of the county in furtherance of the more general purposes set forth in this ordinance.
- B. Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in other portions of this chapter, or otherwise expressly allowed by the board of supervisors are forbidden.
- C. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection A of this section.
- D. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- E. These regulations distinguish between portions of the county designed for primarily vehicular access and portions of the county designed for primarily pedestrian access.
- F. These regulations do not regulate every form and instance of visual speech that may be displaced anywhere within the jurisdictional limits of the county. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- G. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

-
- H. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by federal, state or local government. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation. (3-14-18.)

Sec. 9-1002. Definitions.

A-frame sign\ means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four (4) feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."

Advertising\ means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

Animated sign\ means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a "moving sign."

Awning sign\ means a sign placed directly on the surface of an awning.

Banner\ means a temporary sign of flexible material affixed to a framework or flat surface.

Building frontage\ means the length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

Business sign\ means a sign which directs attention to a product, service or commercial activity available on the premises.

Canopy sign\ means a sign attached to a canopy.

Chalk-board sign\ means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

Changeable copy sign\ means a sign or part of a sign that is designed so that characters, letters or illuminations can be changed or rearranged without altering the face or surface of the sign.

Comprehensive sign plan\ means a plan for the signage of a property that includes single or multiple tenants or owners with shared parking or other facilities.

Feather sign\ means a lightweight, portable sign mounted along one (1) edge of a single, vertical, flexible pole the physical structure of which may resemble a sail, bow, or teardrop.

Flag\ means a piece of cloth or similar material, typically oblong or square, attachable by one (1) edge to a pole or rope and used as a symbol or decoration; this includes pennants.

Flashing sign\ means a sign that includes lights that flash, blink, or turn on and off intermittently.

Freestanding sign\ means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.

Grand opening\ means an event, often publicized, which signifies the official public opening of a facility such as a commercial business.

Ground-mounted\ sign means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

Height\ means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade prior to construction; or

-
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

Holiday displays\ means displays erected on a seasonal basis in observation of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.

Illegal sign\ means any sign erected without a required permit or which otherwise does not comply with any provision of this article.

Illuminated sign\ means a sign that is backlit, internally lit, or indirectly lit, but does not include a neon sign.

Marquee\ means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Marquee sign\ means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

Monument sign\ means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

Neon sign\ means a sign containing exposed tubes filled with light-emitting gas.

Nonconforming sign\ means any sign which was lawfully erected in compliance with applicable regulations of the county and maintained prior to the effective date of this article and which fails to conform to current standards and restrictions as set forth herein.

Off-premises sign\ means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

Pole sign\ means a sign that is mounted on one (1) or more freestanding poles.

Portable sign\ means any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

Projecting sign\ means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

Public area\ means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Public art\ means items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas which are visible from the public realm that does not direct attention to a business, product, service or activity.

Roof sign\ means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the peak of a roof for any building with a pitched roof.

Sign\ means any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or character) visible to and designed to communicate information to a person in a public area. However, the term "sign" does not include public art, holiday displays, or architectural features, except those that identify products or services or advertise a business use. The term "sign" shall not include the display of merchandise for sale on the site of the display.

Sign face\ means the portion of a sign structure bearing the message.

Sign structure\ means any structure bearing a sign face.

Temporary sign\ means any sign constructed of cloth, canvas, vinyl, paper, wood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently

installed on the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

Vehicle or trailer sign\ means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates and inspection sticker, if it is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Wall sign\ means any sign attached to a wall or painted on or against a flat vertical surface of a structure.

Window sign\ means any sign visible outside the window and attached to or within eighteen (18) inches in front of or behind the surface of a window or door. (3-14-18.)

Sec. 9-1003. Permits required.

- A. Generally.Except as otherwise provided in section 9-1004, a sign permit is required prior to the display of any sign and no sign greater than one (1) square foot in area may be constructed, erected, moved, enlarged, illuminated or substantially altered, except in accordance with the provisions of this ordinance and in accordance with zoning and building permits.
- B. Application process.Applications for sign permits shall be submitted to the department of planning and zoning on forms furnished by the department. The applicant shall provide detailed renderings, including colors, sizes, lighting and location for all signs to determine if the proposed sign is permitted under this ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.
- C. Permit fee.A nonrefundable fee, as set forth in the uniform fee schedule adopted by the board of supervisors, as it may be amended from time to time, shall accompany all sign permit applications.
- D. Duration and revocation of permit.If a sign is not installed within six (6) months following the issuance of a sign permit (or within thirty (30) days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed thirty (30) days unless another time is provided for in the this ordinance. The county reserves the right to revoke a sign permit under any of the following circumstances:
 - (1) The county determines that information in the application was materially false or misleading;
 - (2) The sign as installed does not conform to the sign permit application; or
 - (3) The sign violates the zoning ordinance, building code, or other applicable law, regulation or ordinance.
- E. Overlay district regulations.All signs in the historic overlay districts require approval of the historic architectural review committee (HARC) except as otherwise set forth in section 6-3006 and when a sign permit is not required as provided in section 9-1004. (3-14-18.)

Sec. 9-1004. Exemptions.

- A. The following signs are exempt from regulation under this article without a zoning permit so long as such signs are located a minimum of ten (10) feet from any property line, are located outside of VDOT right-of-way and are located outside of any sight triangles related to public or private roadways, driveways, or other points of ingress or egress:
 - 1. Signs one (1) square foot or less in area;
 - 2. Signs erected by a governmental body or required by law;

-
3. Flag(s) up to thirty-two (32) square feet in size not containing any commercial advertising; provided, that no freestanding pole shall be erected in the public right-of-way and shall have a setback of one (1) foot horizontally for each foot in height from the base of the pole to any adjoining property line, service drive, travel lane or adjoining street. All such flags shall be mounted in a permanent fashion with no more than two (2) flags on a single pole. No more than three (3) multiple flag pole displays are permitted. Flags shall be maintained in good repair and shall not constitute a hazard to vehicular or pedestrian traffic;
 4. The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with section 9-1010 below.
 5. Temporary signs as follows:
 - (i) One (1) sign, no more than thirty-two (32) square feet in area and eight (8) feet in height, located on property where a building permit is active.
 6. On any property for sale or rent, a sign may be placed in accordance with the following criteria:
 - (i) On-premises signs.
 - a. On-premises signs shall be limited to one (1) sign per lot per street frontage or frontage on navigable waterway.
 - b. Signs on an individual single-family parcel shall not exceed four (4) square feet in size and a maximum of four (4) feet in height.
 - c. Signs on a multi-family parcel shall not exceed thirty-two (32) square feet in size and a maximum of ten (10) feet in height.
 - d. Signs in Rural Agricultural Conservation zoning districts shall not exceed sixteen (16) square feet in size and a maximum of six (6) feet in height.
 - e. Signs in commercial and industrial zoning districts shall not exceed thirty-two (32) square feet in size and a maximum of ten (10) feet in height. The height of all signs shall represent a measurement from ground level to the top of the sign structure.
 - (ii) Off-premises signs.
 - a. Off-premises signs shall not be erected for more than three (3) days in a calendar week.
 - b. Such signs shall be limited to eight (8) square feet in size and a maximum of four (4) feet in height.
 7. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his or her official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
 8. No more than four (4) temporary signs not more than four (4) square feet in area or one (1) temporary sign not more than sixteen (16) square feet in area in residential and agricultural zoning districts and which are removed within ninety (90) days after being erected.
 9. No more than one (1) A-frame sign per unit up to a maximum of ten (10) square feet in size on the sidewalk immediately adjacent to the building facade for which the promotion, sale or service is located. The sign surface area shall be calculated by using the area of only one (1) side of such sign. The height of the sign shall not exceed four (4) feet. Signs shall not reduce required ingress/egress to less than five (5) feet on a sidewalk.

-
10. Signs which use pennants, balloons, ribbons, streamers, banners, spinners, strings of lights or other similar devices are permitted for a period of five (5) days prior to and not to exceed fifteen (15) days from the grand opening of an establishment. (3-14-18; 1-21-21.)

Sec. 9-1005. General sign restrictions and prohibitions.

- A. Prohibited. In addition to those signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:
 1. Signs that violate any law of the Commonwealth of Virginia relating to outdoor advertising.
 2. Signs that are attached to or utilize utility poles, trees or other signs are prohibited. Signs attached to fences or walls are prohibited unless otherwise specifically allowed by this ordinance.
 3. Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a governmental authority. Any such sign is subject to immediate removal and disposal by an authorized county agent or official as a nuisance.
 4. Vehicle or trailer signs.
 5. Any sign displayed without complying with all applicable regulations of this article.
 6. Signs that revolve or that utilize movement or apparent movement to attract the attention of the public are prohibited.
 7. Signs, which contain or consist of pennants, balloons, ribbons, streamers, banners, spinners, strings of lights, or other similar moving or stationary devices, are prohibited, unless otherwise specifically allowed by section 9-1004 of this ordinance.
 8. Signs promoting activities which are illegal under federal, state, or local laws or regulations are prohibited.
 9. Except for movie theater and gasoline station uses, as defined in this ordinance, changeable sign copy shall not be incorporated into a sign face, unless the changeable component of the sign face occupies less than half the total area of the sign face. If changeable copy is used, it shall be located adjacent to or integrated into the sign face, and lettering shall be of a single style and of uniform color and size.
 10. Signs shall not obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air or ingress and egress for any building or structure.
 11. No wall sign shall be higher than the peak of the roof or the parapet wall of any building to which the sign is attached.
 12. No sign may be located within the sight triangle as determined by this ordinance or so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
 13. No signs or supporting structures shall be located within or over any public right-of-way unless specifically approved by the regulatory authority.
 14. Portable and off-premises signs shall be prohibited unless otherwise specifically allowed by this ordinance.
 15. Animated signs. This subsection does not apply to flags expressly permitted under this article.
 16. Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity.

-
17. Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for holiday displays.
 18. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
 19. Signs that emit sound.
 20. Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.
 21. Signs erected on public land other than those approved by an authorized county official in writing, required by law without such approval, or permitted under section 24.2-310(E) of the Code of Virginia (1950, as amended). Any sign not so authorized is subject to immediate removal and disposal by any authorized agent or official of the county. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign. (3-14-18.)

Sec. 9-1006. Permitted signs.

- A. Temporary signs. Each parcel in a nonresidential or nonagricultural zoning district shall be allowed the following temporary signage:
 1. Feather sign(s), up to two (2) feather signs, with or without advertising, up to thirty-two (32) square feet in size, subject to the following criteria:
 - a. Each feather sign(s) may be placed for a period of no more than thirty (30) days, and no additional feather sign(s) shall be placed for a period of thirty (30) days from removal of the previous feather sign(s).
 - b. All feather sign(s) shall be placed a minimum of ten (10) feet from the right-of-way, outside any sight triangle, and shall not impair the visibility of any traffic control sign.
 2. Temporary sign(s), one (1) temporary sign, up to thirty-two (32) square feet in size, subject to the following criteria:
 - a. A temporary sign may be placed for a period of no more than thirty (30) days, and no additional temporary sign shall be placed for a period of thirty (30) days from removal of the previous temporary sign.
 - b. All temporary signs shall be placed a minimum of ten (10) feet from the right-of-way, outside any sight triangle, and shall not impair the visibility of any traffic control sign.
 - c. No temporary sign shall be hung between or from a freestanding sign, site lighting, trees, utility poles, or the like.
 3. Banners, allowed one (1) banner, up to twenty-four (24) square feet in size, subject to the following criteria:
 - a. A banner may be placed for a period of no more than thirty (30) days.
 - b. Each unit placing a banner shall not place another banner for a period of thirty (30) days from removal of a previously placed banner.
 - c. A banner shall be displayed by being securely affixed to a building wall, window, or permanent structure.
 - d. No banner shall be hung between a freestanding sign, site lighting, trees, utility poles, or the like.
 4. On any property with a shopping center as defined in article II, the following additional criteria shall apply:

-
- a. Additional criteria.
 - i. The number of signs shall be based on the building size of the shopping center as follows:
 - (a) Twenty-five thousand (25,000) square feet or less - Three (3) temporary signs with a minimum of twenty (20) feet of separation between signs.
 - (b) Twenty-five thousand and one (25,001) to fifty thousand (50,000) square feet - Four (4) temporary signs with a minimum of twenty-five (25) feet of separation between signs.
 - (c) Fifty thousand and one (50,001) to one hundred thousand (100,000) square feet - Five (5) temporary signs with a minimum of thirty (30) feet of separation between signs.
 - (d) One hundred thousand (100,000) square feet and above - Six (6) temporary signs with a minimum of thirty-five (35) feet of separation between signs.
 - ii. Any feather signs, temporary signs, or banners found to be in violation of the requirements of this section shall result in the following penalties:
 - (a) Immediate removal of the violating sign by the county.
 - (b) Loss of privileges to display feather signs, temporary signs, or banners for a period of four (4) months for a first violation, six (6) months for a second violation, and one (1) year for any subsequent violations.
 - B. Wall signs. Each nonresidential establishment, except for planned developments, home occupations, and shopping centers, regulated separately, shall be allowed to erect one (1) or more wall signs so long as such signs shall be limited to not more than ten (10) percent of the area of the wall with road frontage on a public street or highway, or two hundred (200) square feet, whichever is less, and shall meet the following standards:
 - 1. All signage on an individual parcel shall utilize a coordinated and cohesive design for all lettering and logos, colors, sizes, fonts, and images.
 - 2. In the village center district, nonresidential establishments shall be limited to a total of one (1) wall sign, limited to not more than five (5) percent of the area of wall fronting or facing a public street or highway or sixteen (16) square feet, whichever is less.
 - 3. In the case of mixed-use buildings which are not shopping centers, each building shall be allowed a total of one (1) wall sign attached to an exterior wall. Such sign shall be limited to not more than ten (10) percent of the area of the wall it is attached to or forty (40) square feet, whichever is less.
 - 4. Each establishment or, in the case of mixed use buildings which are not shopping centers, each building is allowed one (1) projecting sign in lieu of one (1) wall sign, which meets the following standards:
 - a. Each projecting sign shall be limited to not more than ten (10) percent of the area of the wall fronting or facing a public street or highway, or forty (40) square feet in size, whichever is less.
 - b. Nonresidential establishments in the village center district shall be limited to six (6) square feet in size, or less.
 - c. All projecting signs shall be mounted such that the bottom of the sign is a minimum of eight (8) feet above grade.
 - d. No projecting sign shall extend more than forty-eight (48) inches from the building or structure it is attached to.

-
5. Canopy or awning signs shall be allowed in addition to the one (1) wall sign or one (1) projecting sign, provided that the total sign square footage for the nonresidential establishment does not exceed the maximum allowed by this section. The area of canopy or awning signs shall be calculated as specified in section 9-1007.
 6. Canopies or awnings used for building accents over doors, windows, etc. shall not be internally lit (i.e., from underneath or behind the canopy or awning). Canopies or awnings containing lighting fixtures that illuminate only items below the canopy or awning, but not the canopy or awning itself, shall be permitted.
- C. Freestanding signs. Each nonresidential establishment, except for planned developments, home occupations, and shopping centers, regulated separately, shall be allowed a total of one (1) freestanding sign per lot or parcel which must meet one (1) of the design options below.
1. Design options.
 - a. One (1) freestanding sign, limited to no more than sixteen (16) square feet in size and a maximum of six (6) feet in height, and meeting the following setbacks:
 - i. Where the right-of-way is greater than or equal to fifty (50) feet, the minimum setback is five (5) feet from the edge of the right-of-way.
 - ii. Where the right-of-way is less than fifty (50) feet, the minimum setback is thirty (30) feet from the centerline of the road.
 - b. One (1) freestanding sign, limited to no more than thirty-two (32) square feet in size and a maximum of six (6) feet in height, and meeting the following setbacks:
 - i. Where the right-of-way is greater than or equal to fifty (50) feet, the minimum setback is fifteen (15) feet from the edge of the right-of-way.
 - ii. Where the right-of-way is less than fifty (50) feet, the minimum setback is forty (40) feet from the edge of the centerline of the road.
 - c. One (1) freestanding sign, limited to no more than fifty (50) square feet in size and a maximum of eight (8) feet in height, and meeting the following setbacks:
 - i. Where the right-of-way is greater than or equal to fifty (50) feet, the minimum setback is thirty-five (35) feet from the edge of the right-of-way.
 - ii. Where the right-of-way is less than fifty (50) feet, the minimum setback is sixty (60) feet from the centerline of the road.
 - d. Freestanding signs for establishments located in the HCO or the NDSO districts shall meet the following additional construction standards:
 - i. Establishments with a building area of ten thousand (10,000) square feet or less may construct either a monument-type sign as specified in subsection 9-1006.C or a double-post sign as specified in subsection 9-1006.C.
 - ii. Establishments with a building area greater than ten thousand (10,000) square feet shall construct a monument-type sign as specified in subsection 9-1006.C.
 2. Construction standards for freestanding signs.
 - a. The street address number must be displayed on all permanent freestanding signs in accordance with the following criteria:
 - i. Numbers used to display the street address shall meet the minimum height requirements specified in section 14.1-15 of the Isle of Wight County Code.

-
- ii. Street address numbers shall be visible from each direction of traffic flow along the street to which the property is addressed.
 - iii. Street address numbers shall be excluded from sign area computation.
 - b. All freestanding signs, shall comply with the following standards:
 - i. Monument-type signs.
 - (a) The width of the base of the sign shall be equal to or greater than the width of the sign face.
 - (b) The height of the base of the sign shall be less than or equal to the height of the sign face.
 - (c) The total height of the sign, including the base, shall be less than the width of the base.
 - (d) Sign shall be masonry, wood, high density urethane (HDU), or composite panel made from natural and recycled materials which are designed to simulate wood.
 - (e) Materials, colors, and shapes of proposed signs shall be compatible with the related building(s) located on the site and signs and buildings on adjacent and nearby properties.
 - (f) Shrubs, flowers, or other landscaping materials which do not obscure the sign face shall be incorporated into the sign installation area.
 - (g) Signs shall be sufficiently visible from street rights-of-way so that the site entrances can be readily identified by both pedestrians and persons in vehicles.
 - (h) Color schemes shall be subtle and the majority of the sign structure shall be limited to earth tones or historic palettes which have been specifically identified for the area.
 - (i) All signage on an individual parcel shall utilize a coordinated and cohesive design for all lettering and logos, colors, sizes, fonts, and images and shall all be constructed utilizing the same materials.
 - ii. Double-post signs.
 - (a) The sign structure shall consist of two (2) mounting posts, set at least seventy-five (75) percent of the total sign length apart.
 - (b) Mounting posts shall be a minimum size of four-inch by four-inch or five-inch diameter.
 - (c) Total sign structure height shall not exceed six (6) feet.
 - (d) Sign shall be wood, high density urethane (HDU), or composite panel made from natural and recycled materials which are designed to simulate wood.
 - (e) Materials, colors, and shapes of proposed signs shall be compatible with the related building(s) located on the site and signs and buildings on adjacent and nearby properties.
 - (f) Sign face shall be a minimum of one and one-half (1½) inches thick.
 - (g) Shrubs, flowers, or other landscaping materials which do not obscure the sign face shall be incorporated into the sign installation area.

-
- (h) Signs shall be sufficiently visible from street rights-of-way so that the site entrances can be readily identified by both pedestrians and persons in vehicles.
 - (i) Color schemes shall be subtle and the majority of the sign structure shall be limited to earth tones or historic palettes which have been specifically identified for the area.
 - (j) All signage on an individual parcel shall utilize a coordinated and cohesive design for all lettering and logos, colors, sizes, fonts, and images and shall all be constructed utilizing the same materials.

iii. Single-post signs.

- (a) Single-post signs may be utilized in RAC, RR, and VC districts, or for historical markers in any district.
- (b) Sign structure shall be a single, vertical mounting pole.
- (c) Sign face shall not be attached directly to the vertical mounting pole and shall utilize a mounting arm attached perpendicular to the vertical mounting pole.
- (d) Signs shall not exceed eight (8) feet in height.
- (e) Sign area shall not exceed four (4) square feet.
- (f) Signs shall be sufficiently visible from street rights-of-way so that the site entrances can be readily identified by both pedestrians and persons in vehicles.
- (g) Color schemes shall be subtle and the majority of the sign structure shall be limited to earth tones or historic palettes which have been specifically identified for the area.
- (h) All signage on an individual parcel shall utilize a coordinated and cohesive design for all lettering and logos, colors, sizes, fonts, and images and shall all be constructed utilizing the same materials.

D. Planned developments.

1. Planned developments shall meet the standards and guidelines of section 9-1006 unless a master signage plan is submitted and approved by the board of supervisors as part of the master development plan specific to the project. A master signage plan submittal shall include the following information:
 - a. A site layout which identifies all freestanding signage locations, including any directional signage. This layout shall include proposed dimensions to the right-of-way and property lines, and the proposed square footage of signage including proposed height and width dimension allowances.
 - b. Proposed building elevations which identify all facade signage locations. These elevations shall include the proposed square footage of signage including proposed height, width, and area dimension allowances. If proposed elevations are not available the proposed square footage of signage including proposed height, width, and area dimension allowances on a per unit or per building basis shall be specified.
 - c. Information on the proposed permitted colors, materials, lighting, landscaping, and any other information the zoning administrator or his/her designee may deem necessary for all signage.
2. In the case of a master signage plan for the parcel(s), changes which do not have a significant impact on the architectural character or overall quality of the development may be approved by the zoning administrator as a minor modification. Minor modifications may include, but are not limited to:
 - a. Increase in the total allowable sign square footage for each parcel by less than ten (10) percent.

-
- b. Changes to the sign design standards such as allowing additional colors, construction materials, or mounting fixture styles.
 - 3. In the case of a master signage plan for the parcel(s), changes which are deemed by the zoning administrator to have a significant impact on the architectural character or overall quality of the development shall be considered a major modification, requiring approval of a master plan amendment by the planning commission and board of supervisors.
 - E. Home occupations.
 - 1. Home occupations are allowed one (1) freestanding sign per parcel, limited to no more than four (4) square feet in size and four (4) feet in height and meeting the following setbacks:
 - a. Where the right-of-way is greater than or equal to fifty (50) feet, the minimum setback is five (5) feet from the edge of right-of-way.
 - b. Where the right-of-way is less than fifty (50) feet, the minimum setback is thirty (30) feet from the centerline of the road.
 - 2. Home occupation signs shall not be illuminated.
 - F. Shopping centers.
 - 1. All signage within or related to the shopping center shall utilize a coordinated and cohesive design for all lettering and logo colors, sizes, fonts, and images, and freestanding signage shall all be constructed utilizing the same materials.
 - 2. Individual establishments within a shopping center shall each be allowed one (1) facade identification sign which does not exceed ten percent (10%) of the area of the wall frontage dedicated to that establishment.
 - 3. In lieu of a facade identification sign, individual establishments within a shopping center shall each be allowed one (1) projecting sign which does not exceed ten percent (10%) of the area of the wall frontage dedicated to that establishment or twelve (12) square feet, whichever is less.
 - a. Projecting signs utilized in the village center district shall be limited to six (6) square feet in size.
 - b. All projecting signs shall be mounted such that the bottom of the sign is at least eight (8) feet above grade.
 - 4. Shopping centers shall be allowed one (1) freestanding identification sign per public road frontage, each limited to no more than fifty (50) square feet in size and eight (8) feet in height and meeting the following setbacks:
 - a. Where the right-of-way is greater than or equal to fifty (50) feet, the minimum setback is thirty-five (35) feet from the edge of right-of-way.
 - b. Where the right-of-way is less than fifty (50) feet, the minimum setback is sixty (60) feet from the centerline of the road.
 - 5. Freestanding signs for shopping centers shall meet the construction standards as specified in subsection 9-1006.C.
 - 6. Freestanding signs for shopping centers which include more than one (1) name or logo on the sign face shall utilize a coordinated and cohesive design for all lettering and logos, colors, sizes, fonts, and images installed on the sign.
 - 7. Out parcels platted as part of a shopping center shall be allowed one (1) facade sign per establishment, not to exceed ten percent (10%) of the area of the wall facing a public street. In addition, out parcels

-
- platted as part of a shopping center shall be allowed one (1) individual freestanding sign as specified in this article.
8. Individual establishments which are located on the same parcel but which are not part of a platted shopping center shall be permitted one (1) combined freestanding sign which meets the design options and construction standards of subsection 9-1006.C.
- G. Directional signage.
1. Civic, office, commercial, and industrial use types, as defined in article III, shall be allowed one (1) freestanding directional sign per building entrance, not to exceed four (4) signs per parcel. Directional signage which is exempt per section 9-1004 shall not be included in the total number of signs calculation.
 2. Directional signage shall meet the construction and design standards in subsection 9-1006.C. for all freestanding signs, unless exempt per section 9-1004.
 3. The area of directional signs over four (4) square feet in size shall be calculated as specified in section 9-1007.
- H. Residential uses.
1. Residential subdivisions, multifamily developments, and mobile home parks shall be allowed one (1) freestanding identification sign per public entrance, meeting the setback and design standards of subsection 9-1006.C.
- I. Electronic message board signs.
1. Only one (1) message board per premises is permitted. Such boards shall be permitted only when incorporated with a permitted freestanding sign and shall not exceed fifty percent (50%) of a permitted individual freestanding sign area.
 2. The rate of change for the electronic message shall be no less than thirty (30) seconds between changes.
- J. Window signs.
1. A permanent window sign, individually or collectively, shall be limited to no more than twenty (20) square feet.
 2. The area of window signs shall be deducted from the allowable wall sign area, as specified in subsection 9-1006.B.
- K. Wayside stands.
1. Wayside stands shall be allowed one (1) freestanding sign or one (1) facade sign, attached to the wayside stand, no larger than four (4) square feet in size and a maximum of twelve (12) feet in height. (3-14-18; 2-21-19; 7-18-19; 1-21-21.)

Sec. 9-1007. Computation of sign area.

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing representation, emblem, color or other display, together with any material or color forming a part of the background of the display or used to differentiate the sign from the structure against which it is placed. The area shall not include any supporting framework, bracing or decorative wall or fence when such wall or fence otherwise meets these or other regulations and is clearly incidental to the display itself.

-
- A. For signs consisting of two (2) or more sides, the sign surface area shall be computed as described above in addition to the following criteria:
 - 1. The sign surface area of a two-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs do not exceed eighteen (18) inches and the sign message, logo, text, or other display is the same on each side.
 - 2. The sign surface area of a two-faced sign constructed in the form of a "V" shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed thirty degrees (30°) and at no point does the distance between the backs of such sides exceed five (5) feet and the sign message, logo, text, or other display is the same on each side.
 - B. The area of a canopy or awning sign shall be calculated as specified above and the area of such signs shall be deducted from the allowable facade sign area, as specified in subsection 9-1006.A. (3-14-18.)

Sec. 9-1008. Sign illumination and signs containing lights.

Unless otherwise prohibited by this ordinance, signs shall be illuminated using white lighting, provided such illumination is in accordance with this section.

- A. External lighting shall be encouraged and shall be provided by concealed and/or screened spot or flood lights and shall be arranged and installed so that direct or reflected illumination does not exceed twenty-five hundredths (0.25) footcandle above background measured at the lot line of any adjoining residential property or street right-of-way.
- B. Internal lighting shall be discouraged and shall be limited to internal light contained within translucent letters and/or logos and provided that the background or field on which the copy and/or logos are placed, is opaque and the area illuminated is restricted to the sign face only. The direct or reflected illumination shall not exceed twenty-five hundredths (0.25) footcandle above the background, measured at the lot line of any adjoining residential property or street right-of-way.
- C. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into any public or private right-of-way or residential dwelling.
- D. Internally illuminated signs are not permissible in any residential districts. (3-14-18.)

Sec. 9-1009. Maintenance of signs and required permits.

- A. All signs and all components thereof, including, without limitation, supports, braces, and anchors, shall be kept in a state of good repair. Components of freestanding signs, (e.g., supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- B. If an off-premises sign, other than a billboard, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within ninety (90) days after such abandonment, be removed. The cost for removal shall be the responsibility of the property owner.
- C. If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within ninety (90) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of section 9-1010, which

prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

- D. A zoning permit for a sign shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A zoning permit for a sign shall also lapse if the business activity on the premises is discontinued for a period of ninety (90) days or more.
- E. All temporary feather signs, signs, or banners shall be maintained in a state of good repair. Any feather signs, signs, or banners which are in a state of disrepair for a period of three (3) days or longer after notification to the owner by the county shall be taken down or repaired or are subject to immediate removal and disposal by an authorized county agent or official as a nuisance. For the purposes of this ordinance disrepair shall include, but is not limited to:
 - 1. Feather signs, signs or banners which have fallen and are not returned to their display position;
 - 2. Feather signs, signs or banners which are ripped, torn, or broken;
 - 3. Areas where landscaping surrounding feather signs, signs, or banners is not maintained. (3-14-18.)

Sec. 9-1010. Nonconforming signs.

- A. Subject to the restrictions of this ordinance, nonconforming signs that were otherwise lawful on the effective date of this ordinance may be continued unless such signs are required to be removed pursuant to section 9-1009 or 9-1011 of this ordinance.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into compliance with the requirements of this ordinance.
 - 1. Exceptions.
 - (i) A sign which does not conform to setback requirements under this ordinance that identifies a legally established use existing prior to the adoption of the first zoning ordinance dated February 6, 1970, may be replaced or repaired provided that the following requirements are met:
 - (a) The use identified is a permitted or conditional use under the provisions of this ordinance in effect at the time of replacement;
 - (b) The replacement sign does not encroach closer into the required yard; and
 - (c) The replacement sign shall not increase the structures nonconformity in regard to, but not limited to size, height, construction standards, and sight triangle requirements.
- D. If a nonconforming sign is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before such an occurrence shall exceed fifty percent (50%) of the current replacement value at the time of damage, the sign shall not be replaced except in compliance with the provisions of this section and the ordinance; it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this ordinance, and the remnants of the former sign structure shall be cleared from the property.
 - 1. Exceptions.

-
- (i) A sign which does not conform to setback requirements under this ordinance that identifies a legally established use existing prior to the adoption of the first zoning ordinance dated February 6, 1970, may be replaced or repaired provided that the following requirements are met:
 - (a) The use identified is a permitted or conditional use under the provisions of this ordinance in effect at the time of replacement;
 - (b) The replacement sign does not encroach closer into the required yard; and
 - (c) The sign otherwise complies to the provisions of this ordinance, including, but not limited to, size, height, construction standards, and sight triangle requirements.
 - (d) Signs destroyed by vandalism or theft may be replaced in their original location and size dimensions.
 - E. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities by creating circumstances where such a sign would not be allowed.
 - F. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any twelve-month period, fifty percent (50%) of the value of such sign.
 - G. If a nonconforming billboard remains blank for a continuous period of ninety (90) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this ordinance or be removed by the sign owner, owner of the property where the sign is located, or any other person having control over such sign. For purposes of this section, a sign is "blank" if:
 - 1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
 - 2. The message it displays becomes illegible in whole or substantial part; or
 - 3. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.
 - H. A preexisting nonconforming off-premises sign may be replaced within six (6) months of such sign being damaged or destroyed, provided the replacement sign is located in the same location and the replacement sign is no greater than four (4) square feet in size. (3-14-18.)

Sec. 9-1011. Removal or abandonment of signs.

- A. Removal of signs. The zoning administrator may order the removal of any sign erected or maintained in violation of this ordinance upon thirty (30) days' written notice to the owner of such signs, or the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring such sign into compliance. Upon failure to comply with this notice, the zoning administrator or his duly authorized representative may remove the sign at cost to the owner. The zoning administrator may remove a sign immediately and without notice if, in his opinion, the condition or location of the sign is such as to present an immediate threat to the safety of the public.
- B. Abandoned signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. (3-14-18.)

Sec. 9-1012. Exceptions.

- A. A request for an exception to the requirements of article IX, signs, shall be made in writing to the zoning administrator for consideration by the board of supervisors following a recommendation by the planning commission in accordance with section 7-2000 (development review). The request shall be accompanied by those documents determined by the zoning administrator to be necessary for the board of supervisor's consideration of the request.
- B. The board of supervisors in formulating a decision shall consider the following:
 - 1. Such exception shall create no greater impact to the residents or occupants of the development, as well as the neighboring property, than that which would be obtained under the applicable regulation;
 - 2. Such exception is reasonable because of the high level of design and construction that will be incorporated in the development; and
 - 3. Such exception will result in design and construction that is in accordance with accepted engineering and building standards.
- C. Applicants shall be informed in writing of the outcome of the board of supervisors and the process for appeal, should the request be denied.
- D. Any person or persons jointly or severally aggrieved by a decision of the board of supervisors may present to the Circuit Court of the County of Isle of Wight a petition specifying the grounds on which aggrieved within thirty (30) days after the final decision of the board of supervisors. (3-14-18.)