

A G E N D A
ISLE OF WIGHT COUNTY PLANNING COMMISSION
February 22, 2022

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

2. ROLL CALL/DETERMINATION OF A QUORUM

BRIAN CARROLL, CHAIRMAN

BOBBY BOWSER, VICE-CHAIRMAN

CYNTHIA TAYLOR

JAMES FORD

THOMAS DUERIG

JENNIFER S. BOYKIN

GEORGE RAWLS

THOMAS J. DISTEFANO

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

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

A. JANUARY 20, 2022 BOARD OF SUPERVISORS ACTION LIST

B. JANUARY 25, 2022 REGULAR MEETING MINUTES

6. CITIZENS' COMMENTS

7. PUBLIC HEARINGS

A. PROPOSED ORDINANCE REVISIONS

Proposed Revisions to the Isle of Wight County Zoning and Subdivision Ordinances

8. OLD BUSINESS

9. NEW BUSINESS

A. THE CROSSINGS PROPOSED PROFFER AMENDMENT

Application of James River Crossings, Inc., Owner, to Amend the Proffered Conditions of the Crossings Commercial Development Located at 14217 Carrollton Boulevard to Allow Additional Subdivision of Commercial Property While Maintaining the Limit on Commercial Building Space

B. 2021 PLANNING COMMISSION ANNUAL REPORT

2021 Planning Commission Annual Report

C. COUNTY ATTORNEY'S REPORT

D. PLANNING DIRECTOR'S REPORT

1. PLANNING COMMISSION INFORMATIONAL ITEMS

Items for the Planning Commission's information

2. RUSHMERE VILLAGE MASTER PLAN COMMUNITY MEETING

Rushmere Village Master Plan Update

10. CLOSED MEETING

11. ADJOURNMENT

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
JANUARY 20, 2022 BOARD OF SUPERVISORS ACTION LIST	Cover Memo	2/16/2022

ACTION LIST
BOARD OF SUPERVISORS
JANUARY 20, 2022

1. Approval of Agenda: Supervisor McCarty moved that the agenda be approved. The motion was adopted (4-0) with Supervisors Acree, McCarty, Grice and Jefferson voting in favor of the motion; no Supervisors voting against the motion; and Supervisor Rosie absent for the vote.

2. Closed Meeting

No action taken following the closed meeting

Supervisor Rosie arrived at the meeting at 5:25 p.m.

3. Citizens' Comments

Richard Sienkiewilz of the Newport District addressed the Board regarding a 12-unit apartment building called The Heritage at Sugar Hill Road and Spring Crest Drive. He advised that the builder will be coming before the Board next month requesting a variance and that he is requesting that his request be denied.

4. Consent Agenda

- A. Resolution Necessary to Allow the Virginia Housing Development Authority to Finance an Economically Mixed Housing Project

Assignment: Ring

- B. Resolution to Accept and Appropriate Grant Funds from the Virginia Circuit Court Records Preservation Program (\$73,868)

Assignment: S. Humphries

- C. Resolution to Amend the Budget and Transfer Funds from the Operations & Maintenance Category to the Transportation Category for Drivers' Pay Increases (\$223,800)

Assignment: S. Humphries

- D. Resolution to Amend the Budget and Appropriate Security Grant Funds to Isle of Wight County Public Schools Technology (\$231,200)

Assignment: S. Humphries

- E. Resolution to Amend the Budget and Appropriate Funding from the Walmart Local Community Grants Northwest Arkansas Giving Program (\$6,300)

Assignment: S. Humphries

- F. Resolution to Amend the Budget and Appropriate Funding for the Smithfield Sidewalk Construction Project (\$317,246)

Assignment: S. Humphries

- G. Minutes

- . November 4, 2021 Work Session Minutes
- . November 18, 2021 Regular Meeting Minutes

Assignment: Storm

Supervisor McCarty moved that the Consent Agenda be adopted. The motion was adopted with Supervisors Acree, McCarty, Grice, Rosie and Jefferson voting in favor of the motion (5-0) and no Supervisors voting against the motion.

5. Regional and Inter-Governmental Reports

Eastern Virginia Regional Industrial Facility Authority (EVRIFA): Supervisor Grice reported that the County is now a partial owner of approximately 450 acres of which 260 acres of said acres have been purchased for the purpose of a solar farm.

6. Appointments

Planning Commission: Supervisor Rosie moved that Brian Carroll be reappointed to serve on the Planning Commission representing the Carrsville District. The motion was adopted with Supervisors Acree, McCarty, Grice, Rosie and Jefferson voting in favor of the motion (5-0) and no Supervisors voting against the motion.

Assignment: Storm

7. Special Presentations

Will Drewery, Emergency Management Coordinator, provided an update on the following:

- . overall COVID-19 count for Isle of Wight County.
- . 7-day rolling averages.
- . Covid-19 I Virginia by locality.
- . cases and deaths in Isle of Wight County.
- . hospitalizations.
- . vaccine doses administered – statewide.
- . vaccine doses administered by locality of residence (Isle of Wight).
- . Isle of Wight vaccination data.
- . vaccination statistics by age & race (Isle of Wight); and,
- . Isle of Wight Covid-19 efforts.

8. County Attorney's Report

No report was offered.

9. Public Hearings

A. Bond Resolutions

- . Resolution Authorizing the Issuance of General Obligation Public Improvement Bonds of Isle of Wight County, Virginia, in an Aggregate Principal Amount Not to Exceed \$19,500,000: Supervisor McCarty moved that the Resolution be adopted. The motion was adopted with Supervisors Acree, McCarty, Grice, Rosie and Jefferson voting in favor of the motion (5-0) and no Supervisors voting against the motion.
- . Resolution Providing for the Issuance, Sale and Award of General Obligation Public Improvement and Refunding Bonds of Isle of Wight County, Virginia, Providing for the Form, Details and Payment of Such Bonds and Providing for the Refunding of Outstanding General Obligation Bonds of the County: Supervisor McCarty moved to adopt the Resolution. The motion was

adopted with Supervisors Acree, McCarty, Grice, Rosie and Jefferson voting in favor of the motion (5-0) and no Supervisors voting against the motion.

Assignment: Jones

- B. Ordinance Amendment Allowing Deer/Bear Hunting with Rifles: Supervisor McCarty moved that the Ordinance be tabled until the Board's February 17, 2022 meeting. The motion was adopted with Supervisors Acree, McCarty, Grice, Rosie and Jefferson voting in favor of the motion (5-0) and no Supervisors voting against the motion.

Assignment: Jones

10. County Administrator's Report

- A. Stephanie Humphries, Director of Budget & Finance, provided an overview of the Financial Report for the Second Quarter of FY2021-22 for the Board's information.
- B. Amy Ring, Director of Community Development, briefed the Board on the forecast of future activity and development application activity.
 - . Supervisor Rosie requested information by district
 - . Supervisor Grice requested standards of performance
- C. Assistant County Administrator Robertson provided a legislative update of the 2022 General Assembly session and extended an invitation to the Board to attend VACo/VML Legislative Day.

Staff is to draft up a letter to the Governor on behalf of the Board opposing the proposed elimination of the 1% local sales tax for the Board's consideration.

Assignment: Robertson

- D. County Administrator Keaton called the Board's attention to redistricting maps.

11. Unfinished / Old Business

There was no unfinished/old business offered for discussion.

12. New Business

- A. Application of James River Crossings, Inc., Owner, to Amend the Proffered Conditions of the Crossings Commercial Development Located at 14217 Carrollton Boulevard on Property to Allow Additional Subdivision of Commercial Property While Maintaining the Limit on Commercial Building Space: Supervisor Rosie moved that the application be returned to the Planning Commission. The motion was adopted with Supervisors Acree, McCarty, Grice, Rosie and Jefferson voting in favor of the motion (5-0) and no Supervisors voting against the motion.

Assignment: Ring

- B. Resolution to Amend the County's FY2021-22 Classification and Compensation Plan: Supervisor McCarty moved that the Resolution be adopted. The motion was adopted with Supervisors Acree, McCarty, Grice, Rosie and Jefferson voting in favor of the motion (5-0) and no Supervisors voting against the motion.

Assignment: Clark

- C. Public Private Partnership to Construct a Farmer's Market/ Parking Garage/ Restaurant Facility: Judy Winslow, Director of Tourism, provided the Board with a list outlining potential grant opportunities to assist with funding the farmers market proposal. She advised that she has spoken with the developer and advised that the Board would most likely not have a decision for him by the end of this month and encouraged him to look for some potential cost savings and an alternative plan.

Supervisor McCarty moved that the Board continue to pursue; direct Ms. Winslow to obtain additional information; set additional meetings with the Town of Smithfield and the developer; and table a final decision until the Board is provided sufficient information to make a final decision. The motion was adopted with Supervisors Acree, McCarty, Grice, Rosie and Jefferson voting in favor of the motion (5-0) and no Supervisors voting against the motion

Assignment: Winslow

13. Closed Meeting (Continued)

The Board took no action following the closed meeting.

And the snow began! Wahoo!!

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
January 25, 2022 Planning Commission Minutes	Cover Memo	2/18/2022

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

CALL TO ORDER

Brian Carroll, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on January 26, 2022, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Greg Gray from Calvary Baptist Church delivered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT

Brian Carroll, Chairman
Bobby Bowser, Vice-Chairman
Cynthia Taylor
James Ford
Jennifer S. Boykin
George Rawls
Thomas Distefano

A quorum was determined.

ABSENT

Thomas Duerig

ALSO, IN ATTENDANCE

Robert W. Jones, Jr., County Attorney
Amy Ring, Community Development Director
Amanda Landrus, Secretary

ELECTIONS OF CHAIRMAN FOR 2022

Chairman Carroll opened the floor for nominations for the Chairman of the Planning Commission for 2022.

Commissioner Taylor moved Commissioner Carroll remain Chairman of the Planning Commission for 2022. Commissioner Boykin seconded the motion, which was adopted with Commissioners Carroll, Bowser, Taylor, Ford, Boykin, Rawls, and Distefano voting in favor of the motion and no Commissioners voting against the motion (7-0).

ELECTIONS OF VICE-CHAIRMAN FOR 2022

Chairman Carroll called for the nominations for Vice-Chairman of the Planning Commission for 2022.

Commissioner Boykin moved Commissioner Bowser remain Vice-Chairman of the Planning Commission for 2022. Commissioner Ford seconded the motion, which was adopted with Commissioners Carroll, Bowser, Taylor, Ford, Boykin, Rawls, and Distefano voting in favor of the motion and no Commissioners voting against the motion (7-0).

APPOINTMENT OF SECRETARY FOR 2022

Chairman Carroll called for appointment of the Secretary for the Planning Commission for 2022.

Commissioner Bowser moved to appoint Amanda Landrus as Secretary for the Planning Commission for 2022. Commissioner Distefano seconded the motion, which was adopted with Commissioners Carroll, Bowser, Taylor, Ford, Boykin, Rawls, and Distefano voting in favor of the motion and no Commissioners voting against the motion (7-0).

ADOPTION OF THE 2022 MEETING SCHEDULE

Chairman Carroll called for the adoption of the 2022 Planning Commission Schedule as presented.

ISLE OF WIGHT COUNTY PLANNING COMMISSION 2022 MEETING SCHEDULE		
Tuesday, January 25 th	6:00pm	Regular Meeting
Tuesday, February 22 nd	6:00pm	Regular Meeting
Tuesday, March 22 nd	6:00pm	Regular Meeting
Tuesday, April 26 th	6:00pm	Regular Meeting
Tuesday, May 24 th	6:00pm	Regular Meeting

Tuesday, June 28 th	6:00pm	Regular Meeting
Tuesday, July 26 th	6:00pm	Regular Meeting
Tuesday, August 23 rd	6:00pm	Regular Meeting
Tuesday, September 27 th	6:00pm	Regular Meeting
Tuesday, October 25 th	6:00pm	Regular Meeting
Tuesday, November 22 nd	6:00pm	Regular Meeting
Tuesday, December 27 th	6:00pm	Regular Meeting
Tuesday, January 24 th , 2023	6:00pm	Regular Meeting

WORK SESSIONS

Work Sessions will be held on an as-needed basis on the 2nd Tuesday of the month at 6:00 p.m.

Commissioner Bowser moved to adopt the 2022 Planning Commission Meeting Schedule as presented. Commissioner Distefano seconded the motion, which was adopted with Commissioners Carroll, Bowser, Taylor, Ford, Boykin, Rawls, and Distefano voting in favor of the motion and no Commissioners voting against the motion (7-0).

ADOPTION OF THE 2022 INVOCATION SCHEDULE

Chairman Carroll called for the adoption of the 2022 Planning Commission Meeting/Invocation Schedule as presented.

2022 PLANNING COMMISSION MEETING INVOCATION SCHEDULE

January 12 th	Work Session	Jennifer Boykin	Carrsville District
January 25 th	Regular Meeting	Brian Carroll	Carrsville District
February 8 th	Work Session	Thomas Distefano	Newport District
February 22 nd	Regular Meeting	Cynthia Taylor	Smithfield District
March 8 th	Work Session	Thomas Duerig	Smithfield District
March 22 nd	Regular Meeting	Bobby Bowser	Hardy District
April 12 th	Work Session	James Ford	Hardy District
April 26 th	Regular Meeting	Jennifer Boykin	Carrsville District
May 10 th	Work Session	George Rawls	Windsor District
May 24 th	Regular Meeting	Thomas Distefano	Newport District
June 14 th	Work Session	Brian Carroll	Carrsville District
June 28 th	Regular Meeting	Thomas Duerig	Smithfield District
July 12 th	Work Session	Cynthia Taylor	Smithfield District
July 26 th	Regular Meeting	James Ford	Hardy District
August 9 th	Work Session	Bobby Bowser	Hardy District
August 23 rd	Regular Meeting	George Rawls	Windsor District
September 13 th	Work Session	Jennifer Boykin	Carrsville District
September 27 th	Regular Meeting	Brian Carroll	Carrsville District

October 11 th	Work Session	Thomas Distefano	Newport District
October 25 th	Regular Meeting	Cynthia Taylor	Smithfield District
November 8 th	Work Session	Thomas Duerig	Smithfield District
November 22 nd	Regular Meeting	Bobby Bowser	Hardy District
December 13 th	Work Session	James Ford	Hardy District
December 27 th	Regular Meeting	Jennifer Boykin	Carrsville District
January 10 th , 2023	Work Session	George Rawls	Windsor District
January 24 th , 2023	Regular Meeting	Thomas Distefano	Newport District

Commissioner Taylor moved to adopt the 2022 Planning Invocation Meeting Schedule as presented. Commissioner Boykin seconded the motion, which was adopted with Commissioners Carroll, Bowser, Taylor, Ford, Boykin, Rawls, and Distefano voting in favor of the motion and no Commissioners voting against the motion (7-0).

ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

Chairman Carroll asked if there were any requests to table or withdrawal agenda items. Amy Ring, Community Development Director, stated there were no requests.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Chairman Carroll called for a vote to approve the consent agenda. Commissioner Boykin made the motion to approve the agenda, and Commissioner Bowser seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

CITIZENS' COMMENTS

Chairman Carroll opened the floor for any citizens comments.

Richard Sienkiewicz, 23278 Spring Crest Drive, Carrollton addressed the Commission about the project being constructed at 23321 Sugar Hill Road, by KS Carrollton LLC, Jerry Kooiman. Mr. Sienkiewicz stated in November 2018, Mr. Kooiman requested this lot to be rezoned to Urban Residential to allow for his proposed project of one building with twelve condominium units. Mr. Sienkiewicz expressed his concern that now this project is now apartments and also has a second building on the 1.1 acres of land. He added that the second building is now a two-story structure that appears to be a two bedroom, one and a half bath, gas fireplace, house. Mr. Sienkiewicz asked the Planning Commission to deny Mr. Kooiman's exception request.

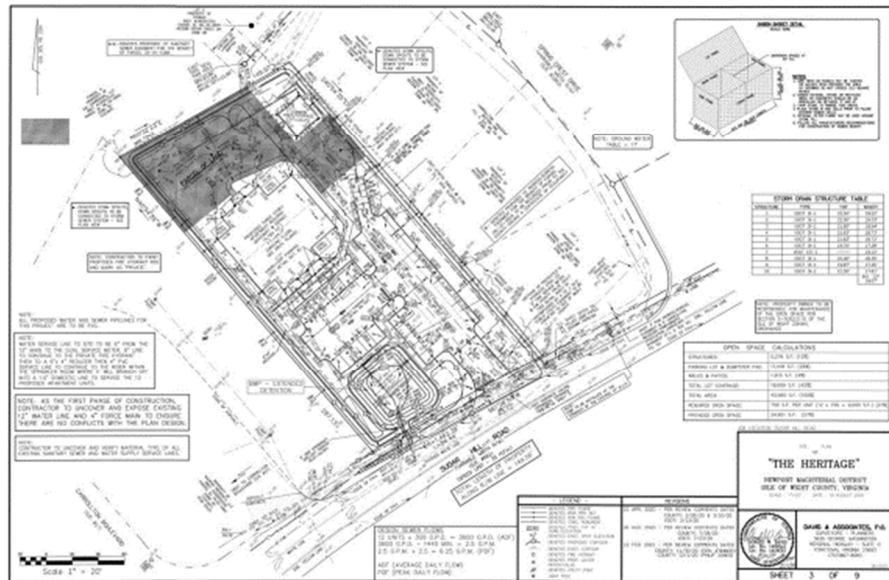
Charles Short, 107 Mark Court, Carrollton addressed the Commission about the Heritage Apartment project. His concern is that the apartments would become Section 8 housing in the future. Mr. Short stated this is not the neighborhood Section 8 housing should go. When the project was initially condominiums, the owners would be invested in their homes. He added that renters tend not to be. Mr. Short stated he visited the property and has concern that the third floor of these apartments would give direct viewing access into the second floors and bathrooms of neighboring homes. Mr. Short asked the Planning Commission to deny the exception request.

Steven Moniuszko, 23320 Spring Crest Drive, Carrollton shared the following PowerPoint with the Planning Commission.



Carrollton Meadows HOA

The Heritage



Plan View



Resident's Concern #1

Since the completion of the foundation for the building and the additional fill brought in for the parking lot. The residents adjacent to the 1 acre parcel are experiencing massive water issues.

Possible Solution: Provide a 4 foot ditch around the perimeter that would tie into the Sugar Hill road ditch. Allowing the additional water to be diverted.



Lot 4 Backyard



Lot 4 Backyard

Resident's Concern #2

With the addition of the patios on every level privacy is lost for many residents of Carrollton Meadows

Possible Solution: Add fixed louvers to the North East side of the patios

Possible Solution: Plant rapid growing evergreen trees

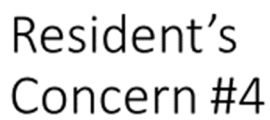


Lot 2 Master Bathroom

Resident's Concern #3

The proposed location of the dumpster behind lot 3 has brought concerns of health issues and smell

Possible Solution: Relocate the dumpster to behind the main building on the West side of the additional building



11



Behind Lot 4



Lot 4 Backyard



Brian Navarro, 23321 Spring Crest Drive, Carrollton addressed the Planning Commission, following up with what was previously addressed regarding the water on his lot. Mr. Navarro stated that several trees and privacy was removed when construction began at the Heritage Apartments, allowing the balconies of the apartments to have direct viewing access to his bathroom and kitchen area. Mr. Navarro is asking for the water problems and privacy concerns to be addressed.

There being no further comments, Chairman Carroll closed citizens comments.

PUBLIC HEARINGS

Chairman Carroll called for the public hearing on the following application:

Request of Nuby Run Solar, LLC, applicant, on behalf of Robert Benjamin Stagg, property owner, for a conditional use permit (CUP) to establish a major utility service, specifically a utility scale solar energy facility, on property located on Orbit Road with tax parcel number 39-01-038, and zoned RAC, Rural Agricultural Conservation. The application includes a request to withdraw twenty acres of the property from the Courthouse Agricultural/Forestal District.

Amy Ring, Community Development Director, gave an overview of the application by giving the following PowerPoint presentation.

Nuby Run Solar Energy Facility Conditional Use Permit Request

Planning Commission Regular Meeting
January 25, 2022



SITE DESCRIPTION

Tax Map ID#:	39-01-038
Location :	Orbit Road (Rte. 637)
Current Zoning :	Rural Agricultural Conservation (RAC)
Election District:	D2 (formerly Windsor)
Request:	CUP Request to allow a 2 MW solar energy generation facility on 20 acres as well as a request to withdraw 20 acres from the Courthouse Agriculture and Forestal District

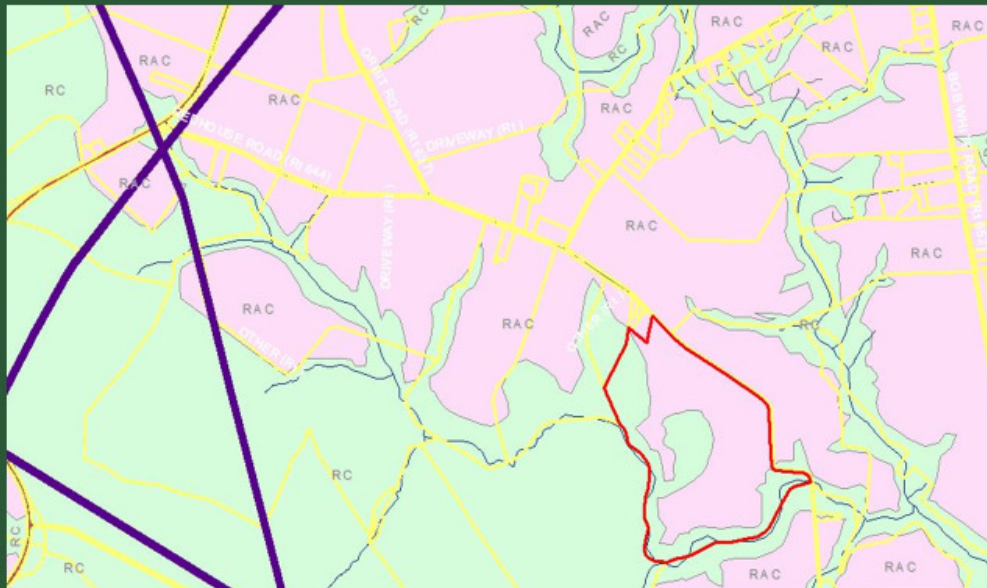
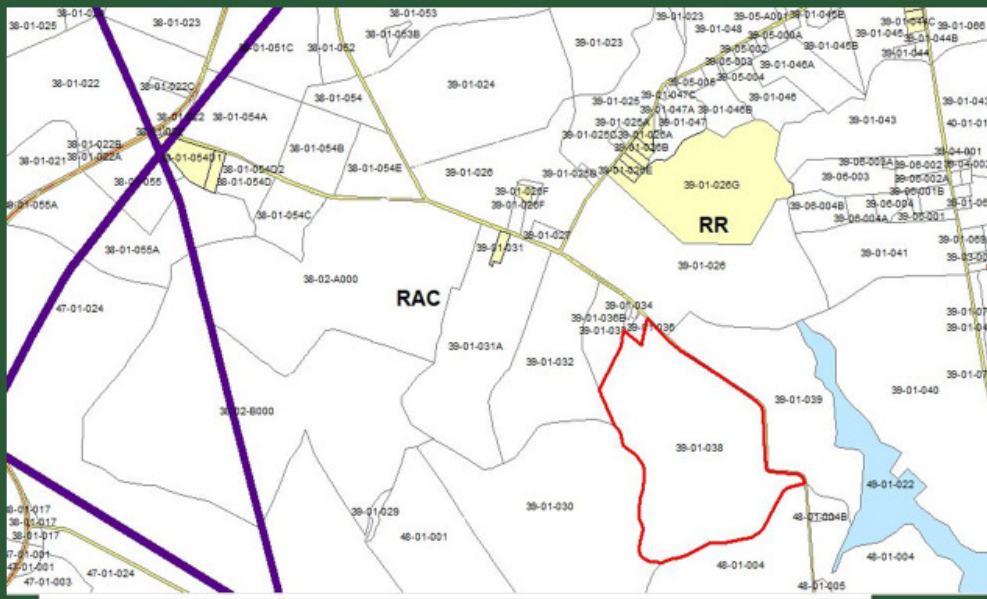


BACKGROUND

- Located 3 miles south of Isle of Wight Courthouse
- Currently in agricultural and silvicultural use
- Property owner submitted request for consideration by the Agricultural/Forestral District Advisory Committee at their meeting on November 3, 2021. Committee recommended approving the removal of the 20 acres proposed to be developed for the solar facility from the District.
- Land on which the solar facility is located would be subject to changes in real estate tax value and back taxes, if removal is approved.



SITE
LOCATION





VIEW OF
SITE
LOOKING
EAST
FROM
ORBIT RD



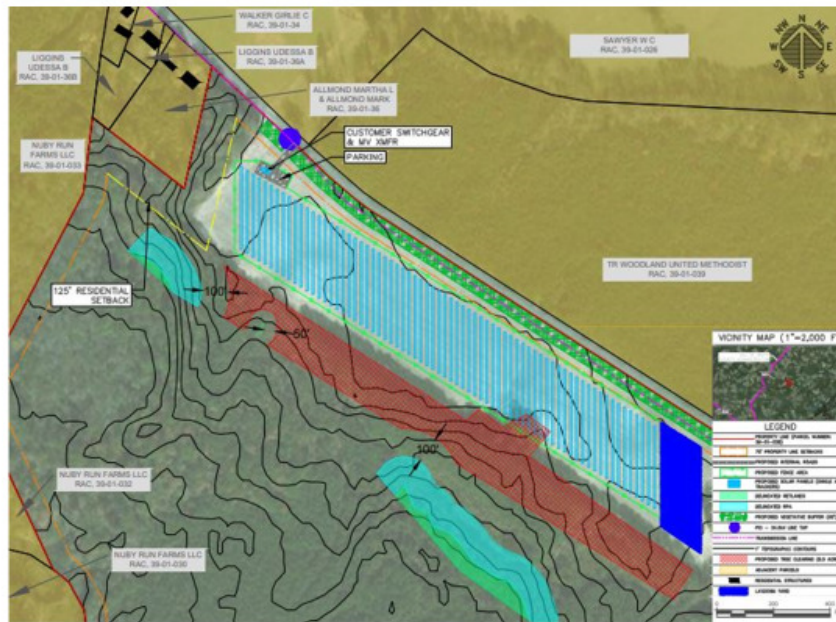
VIEW
FROM
SITE
LOOKING
ACROSS
ORBIT RD

PROJECT DESCRIPTION

- 2MW solar energy facility on approximately 20 acres of previously cleared cropland out of a total of 117 acres
- Limited amount of additional tree clearing is proposed in the adjacent forested area to reduce potential shading of the solar facility
- A driveway access and small parking area to be located on the northwest corner of the site, along with customer switchgear and the point of connection to existing transmission lines. The proposed access point to the parcel is about 400 feet east of the neighboring property line and is separated from the residence on the property by existing forest land
- If the CUP is granted, the applicant will be required to meet all supplementary use regulations and must also follow site plan review process



CONCEPT PLAN



CRITERIA FOR CUP CONSIDERATION (Section 1-1017)

1. Will not be detrimental to or endanger the public health, safety, and general welfare;
2. Will not be injurious to the use and enjoyment of other nearby property nor substantially impair the use of other property within the immediate proximity;
3. Adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements will be provided;
4. Adequate measures will be taken for ingress and egress/traffic control;
5. Not contrary to the goals and objectives of the Comprehensive Plan;
6. Will conform to ordinance regulations; and
7. Will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.



COMPREHENSIVE PLAN CONSISTENCY

- Future recommended land use designation for this property is Rural Agricultural Conservation (RAC) and Resource Conservation (RC) under the adopted Comprehensive Plan.
- Appropriate uses for RAC land use designation include agriculture, horticulture, forest lands, and scattered low-density residential uses. Other uses such as resource extraction and utility-scale solar facilities are also permitted when appropriately sited.
- Appropriate uses for RC land use designation include wetlands, farms, forest uses, open space, and limited park facilities.
- Solar energy facilities are considered compatible with the RAC land use when properly sited and with the application of appropriate development criteria. The areas designated as RC should be preserved due to environmental constraints, unless site-specific analysis demonstrates there are no environmental concerns in a specific area.
- Proposed use is restricted to the existing agricultural land along the road and will be required to use screening landscaping and appropriate fencing to minimize its visual impacts to the surrounding area.



STAFF ANALYSIS

Strengths:

1. The application is consistent with the Comprehensive Plan and can meet all ordinance requirements.
2. The proposed use will have minimal impact on community facilities and resources with the conditions presented.
3. The project is not visible from other approved or proposed solar projects in the County.

Weaknesses:

1. The proposed use would remove agricultural land from production.
2. Some impact to residential development in the area is expected during the construction phase.



RECOMMENDATION

Staff recommends approval with the following conditions:

1. The subject property shall be developed in general conformity with the Concept Plan included in the Nuby Run Solar application.
2. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type which is harmonious with the rural, agricultural, and historical character of the County while meeting federal and state regulations for solar electric generating facility fencing as determined by the Zoning Administrator while upon approval of the site plan for the project.
3. The applicant shall preserve and maintain both existing forest and vegetation as well as planted landscape buffering and shall not clear or cut live trees within required setbacks or buffer yards except as necessary to avoid shading of solar panels as approved by the Zoning Administrator.
4. The applicant shall submit an Emergency Response Plan with the first submission of the site plan, which shall detail fire suppression methods that will be immediately deployed during both construction and operation of the facility. The plan shall include a training program to be provided, at the discretion of the County, to County emergency response staff with regards to safety for on-site emergency response. The applicant shall install a Knox Box at the facility to ensure emergency responders have access to the facility should the need arise and include plans for the same on the project site plan.
5. The applicant shall conserve topsoil on the site to the maximum extent feasible. Topsoil stockpiled on the site shall be stored out of view from adjacent properties and public roads.
6. The applicant shall submit a seed mix for site groundcover that includes native pollinators blooming in spring/summer as recommended by DCR with the submission of the final site plan.

RECOMMENDED CONDITIONS CONTINUED:

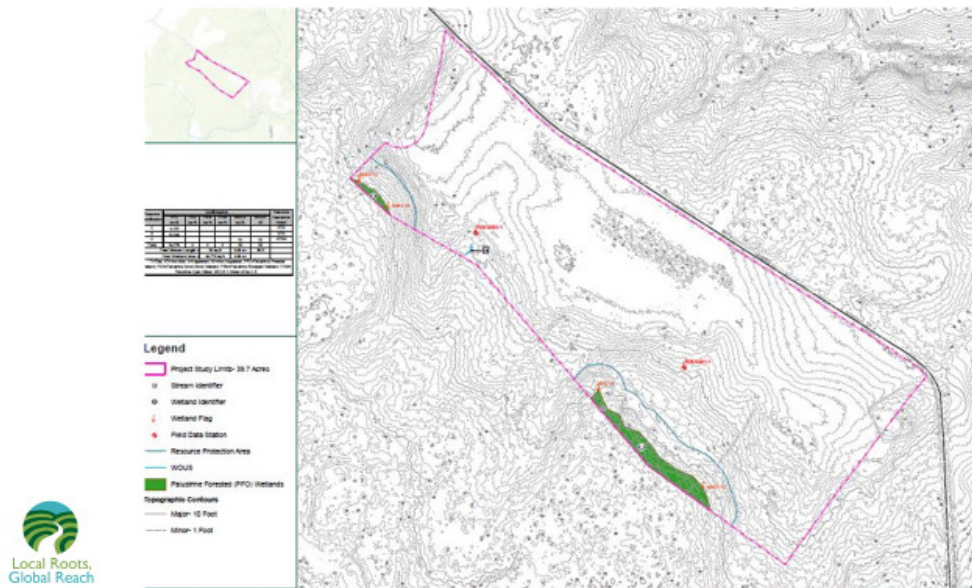
Staff recommends approval with the following additional conditions:

6. Hours of operation for construction activities to be limited to 7:00am to 6:00pm Monday through Friday and 9:00am to 5:00pm on Saturdays. No construction to occur on Sundays.
7. The applicant shall submit a Stormwater Management Plan and an Erosion and Sediment Control Plan with the submission of the final site plan. The applicant shall reimburse the County for reasonable costs related to retaining such third-party inspectors as deemed necessary for project inspections.
8. Prior to issuance of any construction permit, the applicant shall submit the concurrence of the completed and provided Phase 1 Cultural Resource Assessment from the Virginia Department of Historical Resources.
9. The applicant shall submit an invasive species management plan as recommended by DCR with the submission of the final site plan.
10. The applicant shall host at least two separate job fairs within Isle of Wight County to hire for the created jobs referenced in the applicant's permit narrative. These job fairs will be planned, located, and scheduled in consultation with county staff.

VISUAL IMPACT ANALYSIS



WETLANDS DELINEATION



Following the presentation, Chairman Carroll opened the public hearing and invited the applicant to speak.

Buzz Becker, Lead Developer for Hexagon Energy on this project, gave an overview his company by giving the following PowerPoint presentation.



Nuby Run Solar

Isle of Wight, VA

January 25, 2022

HEXAGON
ENERGY

ABOUT

HEXAGON DEVELOPS CLEAN ENERGY

A private and independently owned, Charlottesville -based, renewable energy developer

Focused on working closely with our partners and localities to provide clean energy access to the greater community

First and foremost a Virginia business



OVERVIEW

- Why a Smaller Size?
- Project Specifics
- Highlights and Considerations



WHY A SMALLER SIZE?

PROJECT ENABLEMENT

In 2020, the Virginia State Legislature passed the **Virginia Clean Economy Act**. This set us on a path to source 100% of our energy from carbon -free sources by 2050

Annual target goals given to Utilities (Dominion) to claim power from projects of up to 3 Megawatts

SMALL-SCALE BENEFITS

- Distributing investment from solar throughout the Commonwealth
- Small footprint minimizes impacts
- Short construction period



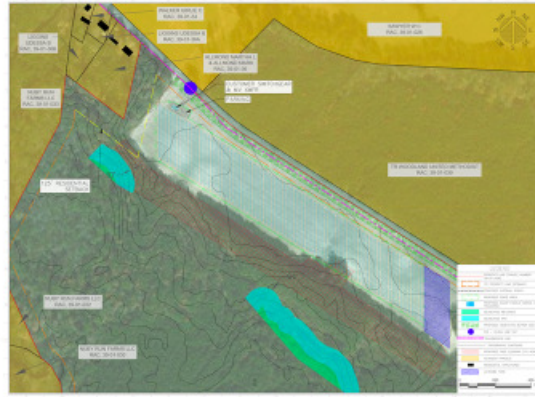
PROJECT SPECIFICS

SIZE	LOCATION	CHARACTER
2MWac	South of Orbit Rd, East of Bowling Green Rd	Cleared, open field above wooded wetlands
Parcel ID: 39-01-038 117 Acres	RAC Rural Agricultural Conservation	Leased as farmland
Site Footprint: 20 Acres	Access from Orbit Rd using Property frontage	Surrounding properties are a mix of Small Farmland and Residential uses



PROJECT OVERVIEW

- 2 MWac
- 20 acre site (fence line)
 - 2021 use: corn
 - 0.009% of acreage in IoW
 - 0.025% of farmland in IoW
- Annual Tax Revenue:
 - Current: \$210.46
 - Proposed: \$2,550.00
- Lifetime Tax Revenue:
 - Current: \$6,314
 - Proposed: \$76,500



HEXAGON
ENERGY



- Screening:
 - Retain existing trees and vegetation west of the site.
 - Plant vegetative buffer 6x required amount to screen from Orbit Rd
- Residential Neighbors:
 - Closest abutting home over 300ft of forested buffer from site area
 - Opaque, agricultural-styled fence to further obscure the array

HEXAGON
ENERGY

7

SOUND

- Inaudible at the property line
- Equivalent sound of an outdoor AC unit at one meter away from fence
- Less than 30dBA at 50ft distance
- Permit condition ensures sound safeguards:
 - Limits on hours of operations during construction



HEXAGON
ENERGY

8

PROJECT RETIREMENT

- All equipment required to be removed
- Decommissioning Cost Estimate
 - Includes inflation factor
 - Updated every 5 years at minimum
- Decommissioning Surety
 - Posted prior to construction
 - In amount of Decommissioning Cost Estimate
 - Maintained over lifetime of project
 - In favor of Isle of Wight County



HEXAGON
ENERGY

9

ECONOMIC CONTRIBUTIONS

- o \$3,306,000 in total capital investment
- o \$745,000 in direct spending in the local economy
- o 20 new construction jobs, 1-2 new operations jobs
- o Over 12x current revenue to Isle of Wight County
- o Zero increased demand for local schools, fire, police, etc
- o **Approximately 176 Isle of Wight homes powered by clean, locally generated electricity**



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COMPREHENSIVE PLAN COMPLIANCE

Project sited adjacent to existing lines, outside of DSDs, and outside the viewshed of scenic, cultural, or recreational resources.

– Chapter 4, pg 73-74

“Collaboration with private sector to...develop public facilities...of alternative energy sources...that mitigate potential negative impacts to (local) character.”

– Serve the Isle, Policy Goals, pg 78-79

SHINE mobile platform can “continue to...enhance job skills of County residents needed by employers.”

– Educate the Isle, Policy Goals, pg 87



SUMMARY

1. We have designed a project that fits with Isle of Wight County and addresses other solar project problems.
2. We have adopted legally binding conditions that protect Isle of Wight County resources.
3. We have committed in increased tax payments and other economic benefits.

Questions?

Following the presentation Buzz Becker stated Scott Foster from Gentry Locke was present and able to answer any legal questions about the development.

Chairman Carroll opened the public hearing and invited anyone to speak for or against the application.

Debbie Szymanski, 15392 Loblolly Lane, Windsor, addressed the Planning Commission about her concern with the ecosystems that would potentially be impacted by Nuby Run Solar Farm. Ms. Szymanski added that she believed solar farms were not the answer for Isle of Wight County and asked the Planning Commission to put a cap on them.

David Tucker, 6251 Old Stage Hwy, Smithfield, addressed the Planning Commission about his concern with aesthetics of solar facilities. Mr. Tucker stated that another solar farm within the County, Woodland, is creating a negative impression for future solar facilities within the County due to their negligence. Mr. Tucker suggested that any landscaping should be done first, ownership of the facility to be posted, and panels and parts be American made.

Ben Stagg, property owner, addressed the Planning Commission by saying he is a lifelong resident of Isle of Wight County, and has grown on up on this farm. Mr. Stagg added how the solar facility looks is important to him, and he wants what neighboring property owners would want. Mr. Stagg stated he is the farm manager and is passionate about keeping the most amount of farmland as possible. Mr. Stagg asked the Planning Commission for their favorable consideration.

Buzz Becker addressed the Planning Commission stating that the company has similar values and priorities that David and Debbie expressed. Mr. Becker stated a Water Quality Impact Assessment was done to establish guidelines to reduce the current wetland impact. For example, an additional one-hundred foot buffer from the current one-hundred foot buffer was added along with planting native pollinators to replace any vegetation that is cut down. Mr. Becker added that it included a Phase I Cultural Historical Report to verify no impacts are made there which received positive recommendation. Buzz Becker stated the Department of Conservation and Recreation verified there was no known wildlife habitats of concern in the project area. Mr. Becker stated that Hexagon Energy intends to own and operate this facility long term and be held accountable for this Solar Facility. He added they are going above and beyond with the vegetative screening to protect the aesthetics. Mr. Becker also verified that along with the job fairs to fill these job positions locally, Hexagon also works with the SHINE program which works with local community colleges on training programs. He added that recycling the panels is part of their standard operating procedures, and it is Hexagon's intention for US manufactured equipment to be used.

Chairman Carroll asked for the following letters to be recorded in the meeting minutes.

December 27, 2021

Dear Planning Staff, Planning Commission, and Board of Supervisors:

Please consider this letter as my formal support and request for the approval of the Ben Stagg Project on Orbit Rd. in Isle Of Wight County, VA.

Due to the increased demand for energy I see no reason NOT to support Mr. Stagg with his endeavor with Hexagon Energy for the construction of this solar project.

William C. Sawyer
18213 Orbit Rd.
Windsor, VA 23487
Tax Map # 39-01-026

W C Sawyer 12-27-21

Betty M. Stagg
P.O. Box 292
Solebury, PA 18963
December 29, 2021

Planning and Zoning Department
Isle of Wight County
17140 Monument Circle, Suite 101
Isle of Wight VA 23397

Dear Planning Commission Members, Board of Supervisors and Planning and Zoning Staff,

I am writing to express my formal support and request for approval of the proposed solar project on Tax Map Parcel # 39-01-038, owned by Robert B, (Ben) Stagg. I am an adjacent landowner and fully endorse the concept and this project. It will be a reasonable use that is environmentally sound and financially beneficial to the owner and the County. I believe that Hexagon Solar, the developing company, will be cooperative with County requirements and concerns.

The Stagg family has owned this farmland for more than 150 years and we retain the goal of preserving the rural character of the area dedicating the use of most of our property to farming and forestry operations. This installation would be a reversible use and is compatible with the agricultural operations that continue on the remainder of the parcel and in the neighborhood. I endorse appropriate vegetative and other methods to preserve views along the road and for nearby neighbors and believe that this is a clean, quiet and safe usage. The increase in Solar Energy production is important in diversification of our energy sources that will benefit consumers and the environment.

Thank for your consideration of this letter and I hope that you will approve this proposed project. I am happy to answer questions or provide more information.

Sincerely,

Betty M. Stagg
Emailed to Amy Ring and Claire Jones on 12/29/21

There being no further public comments, Chairman Carroll closed the public hearing and called for discussion from the Commission.

Commissioner Taylor asked Ms. Ring, if this property is located within the high probability area as shown on the ideal locations for solar farms report.

Ms. Ring stated that this proposed solar facility is located within the two-mile buffer of a high-power transmission line. Ms. Ring showed a slide from her presentation that shows the high-power transmission lines as compared to the location of the site.

Commissioner Distefano asked if the staff recommendations for establishing the visual buffer includes a timeline.

Ms. Ring stated at the time of the Final Site Plan Approval the applicant is given six months, depending on the time of year, to plant any required landscaping. Ms. Ring stated that after a period of two years a landscape inspection is done, and any plants that are dead or dying are required to be replaced.

Bobby Jones added that a bond is required for the landscaping.

Commissioner Boykin asked for a picture of what the proposed fencing is going to look like.

Ms. Ring stated the style of fence that was used for Solidago and Cavalier Solar Farm is not opaque in color. Mrs. Ring added that it was a three-board agricultural fence with added agricultural wire between the rails. Amy Ring stated that this style of fence would provide consistency between the different projects and maintain the agricultural landscape. The landscape buffer would then be planted on the outside of this fencing to provide additional screening.

Commissioner Boykin questioned if this solar facility would meet the definition of multiplicity and saturation of uses due to the proximity of this facility to the Solidago site.

Ms. Ring stated that she does not consider it multiplicity, because the site is not directly adjacent or within the direct visual field of the existing site. Ms. Ring added the site is only a 2 MW, twenty-acre site which is below the five percent recommended policy threshold for total agricultural land in solar farms and is only the second solar farm in the general vicinity.

Commissioner Taylor asked Mr. Becker if the twenty acres is where the panels themselves would be located, but there is also an area of six and a half acres that will be cleared to obtain clearance for the solar panels. Commissioner Taylor asked what is being done to compensate for the loss of trees on those six and a half acres.

Mr. Becker stated that she was correct, and the proposed plan was to plant the native pollinators to get good vegetative cover to prevent stormwater going into Newby Run. Mr. Becker added that some trees will be planted in the vegetative buffer.

Commissioner Taylor asked if the clearing went right back to the one-hundred-foot buffer.

Mr. Becker verified that there will be two hundred feet between the limits of the clearing and beginning of the wetlands which provides double the required RPA buffer.

Commissioner Bowser asked about the lifespan of this project.

Mr. Becker stated thirty to thirty-five years.

Commissioner Bowser asked for more information on what type of panels are being used.

Mr. Becker stated that the exact panels have not been bought yet, but they have committed to have them stateside manufactured, and that they will be single axis tracking.

Commissioner Boykin stated the packet referenced the First Solar company and asked if that's where the panels were being purchased from.

Mr. Becker stated that as of today there is no contract to purchase from them, and that they are just a known state-side company.

Commissioner Boykin asked how the SHINE program would be utilized, since we do not have a local college.

Mr. Becker stated that they have a mobile training lab they utilize when there is not a local college and will finalize plans with Chris Morello to see what would be best for a local training facility here.

Commissioner Boykin asked if 176 Isle of Wight homes would benefit from this.

Mr. Becker verified this is correct based on average Virginia residential power usage and what is predicted the power production will be from the project.

Commissioner Boykin asked how the houses selected would be chosen.

Mr. Becker stated they would be Dominion Customers, and the electricity generated would be locally consumed.

Commissioner Boykin asked if the decommissioning plan included salvage value.

Mr. Becker and Ms. Ring stated the value is not including the decommissioning value estimate.

Commissioner Boykin asked if there are plans to expand this in the future.

Mr. Becker stated there is no plan to expand, because with the nature of the Clean Economy Act does not allow for multiple projects on the same property.

Commissioner Boykin asked how many farms Hexagon Energy started.

Mr. Becker stated four or five that are fully operational.

Commissioner Boykin asked how many farms Hexagon Energy still owned.

Mr. Becker said he was not certain and would get that information to her.

Chairman Carroll asked for clarification on not being able to expand on the same property.

Mr. Becker stated that phasing is allowed for larger projects but wouldn't be for this one.

Commissioner Distefano moved to recommend to the Board of Supervisors approval of the Conditional Use Permit request for Nuby Run Solar Energy Facility as recommended by staff. Commissioner Ford seconded the motion. Commissioner Boykin asked if they could require a sign providing ownership information could be added to the recommendations. Commissioner Distefano amended his motion to include the sign of ownership along with staff recommendations, Commissioner Bowser seconded the motion, which was adopted with Commissioners Bowser, Distefano, Ford, and Carroll voting in favor of the motion, and Commissioner Boykin, Rawls, and Taylor voting against the motion. (4-3)

Motion was carried and will go to the Board of Supervisors on February 17, 2022.

OLD BUSINESS

Ms. Ring confirmed there were no old business items.

NEW BUSINESS

Chairman Carroll called for any New Business items:

Request of Jerry Kooiman on behalf of KS Carrollton, LLC, property owner, for a height exception for the Heritage Apartment building located at 23321 Sugar Hill Road on property with tax map number 34-01-106B to allow the building to exceed the maximum height limit of 35 feet permitted in the Urban Residential district by 2.25 feet. The total building height requested is 37.25 feet.

Amy Ring, Community Development Director, gave an overview of the application by giving the following PowerPoint presentation.

The Heritage Apartments Height Exception Request

Planning Commission Regular Meeting
January 25, 2022



SITE DESCRIPTION

Tax Map ID#:	34-01-106B
Location :	23321 Sugar Hill Road
Current Zoning :	Urban Residential (UR)
Election District:	D3 (formerly Newport)
Request:	Building height exception to allow for 2.25 feet over the permitted maximum height of 35 feet in the UR zoning district to allow for an apartment building 37.25 feet in height





SITE LOCATION

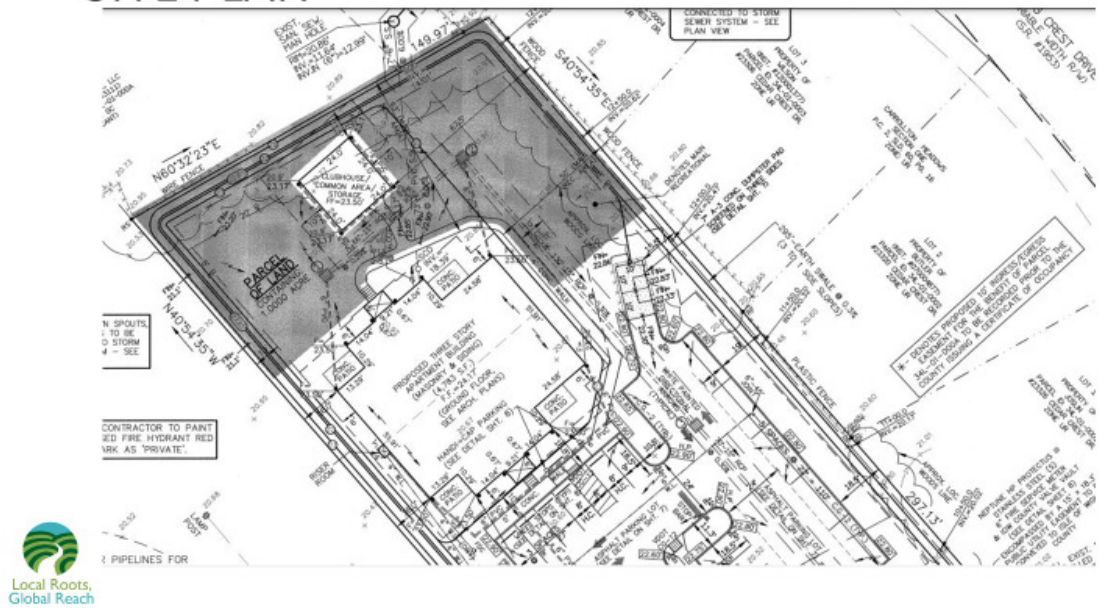
BACKGROUND

- Board of Supervisors granted approval on December 13, 2018, for a zoning change from General Commercial (GC) to Urban Residential (UR) to allow for a 12-unit multifamily building on a previously undeveloped site.
- Property owner submitted a site plan for a 3 story apartment building in January 2020.
- Site plan approved in March 2021, and building plans were submitted stating the height of the building to be 34.5 feet tall which is under the 35 feet maximum height permitted by the zoning ordinance.
- Staff became aware that the building height exceeded 35 feet in January 2022 and informed the property owner that a building height exception was needed for the additional 2.25 feet in height.



Local Roots,
Global Reach

SITE PLAN







ANALYSIS

Strengths:

- According to the revised site plan, the building is set back fifty feet from the adjacent properties with single family residences which is 35 feet more than the minimum 15 foot side yard required. This provides approximately an additional 15.5 foot side yard setback for every additional foot in height.

Weaknesses:

- The building height exceeds the maximum 35 feet permitted in the UR district.



RECOMMENDATION

Because the building exceeds the maximum permitted height for the district, staff recommends denial of the height exception request.

Commissioner Taylor asked if construction plans submitted to the County require a seal of an architect or licensed professional, and if the copy of the approved plan is given to the contractor to begin construction of the building.

Ms. Ring confirmed this to be correct. She added that when the applicant applied for building plan approval, he stated on the application that the building was thirty-four and a half feet tall, which zoning checked off, and the project was then handed to the Building Plans Examiner in the Inspections Department. Ms. Ring stated the building height was not directly stated on the building plans.

Commissioner Distefano ask for explanation on the 37.52 feet and two points of reference that equal the 37.52 feet.

Ms. Ring stated that the way building height is calculated in the Zoning Ordinance is from the average grade in front of the lot or from the average grade at the building line. Ms. Ring stated you could use either way to establish grade. Ms. Ring went on to say it is then measured to the midpoint of the highest gable or dormer in a pitched or hipped roof.

Commissioner Distefano stated when he was visiting the site, he noticed substantial amounts of dirt built up around the general property and below the structure that was built.

Ms. Ring stated she received a letter from Davis and Associates, the surveyor who prepared Mr. Kooiman's plans, and he had performed a field survey to determine the height of the building from the average grade to the middle height of the highest gable. He found it to be 37.52 feet tall.

Commissioner Ford asked what the remedy is to this type of problem.

Ms. Ring responded that the property owner has two solutions, either reduce the height of the building or apply for an exception to the maximum building height, which the applicant has chosen to do.

Commissioner Boykin asked if any of the residents of Carrollton Meadows came to the County for the issues they were having due to the development.

Ms. Ring stated they had regarding the flooding, and it has been brought to the attention of the Stormwater Department, and they are currently working on it.

Commissioner Boykin asked if the accessory building on the property was going to be a type of residence.

Ms. Ring stated the building is to be used as storage and a club house, and it has been made clear to the applicant that it cannot be an accessory apartment. Ms. Ring added that accessory apartments are not allowed to be used in connection with multifamily.

Commissioner Boykin stated that in December of 2018 it was told to the Board of Supervisors that four of these apartments were going to be ADA compliant and asked if this was still the case.

Ms. Ring stated that she was not sure and would review the building plans, however this was not a conditional zoning, so there were no conditions or restrictions put on his approval.

Commissioner Boykin asked if the original site plans that was presented the same as what he built now.

Ms. Ring stated the elevations are primarily the same, but the site plan is different than the conceptual plan.

Commissioner Bowser asked if there has been a problem like this in the County previously.

Ms. Ring stated she believes there may have been but is not aware of the details.

Chairman Carroll asked if there are restrictions or limitations to adjusting the grade of the property.

Ms. Ring stated that it is required to create positive drainage and any issues with runoff should be addressed through their stormwater management plan.

Commissioner Ford asked the applicant why the grade was raised.

Jerry Kooiman stated that it was required by the state. Mr. Kooiman added that his building was built to his approved set of plans. He stated that there was one error on the application which asked the height of the building, and he stated his best estimate at the time.

Commissioner Boykin asked Mr. Kooiman that if he knew he had to bring in dirt to raise the grade, why wasn't the height adjusted on the application.

Mr. Kooiman stated he thinks the detail was missed due to all the information that was required to be submitted. Mr. Kooiman also asked if the County can be held accountable for the mistake.

Commissioner Distefano asked if there is a written agreement to address the concerns the neighbors spoke about tonight.

Mr. Kooiman stated there has been conversation but no formal agreement. He added he believes the neighbors are more concerned with the water problems and privacy than the height of the building.

Bobby Jones clarified that Amy Ring reviews site plans which shows locations of the structures and driveways etcetera, and the height was listed on the application to the site plan. He added that if the application stated it was 37.5 feet tall, Amy could have addressed his options before construction.

Ms. Ring clarified that Mr. Kooiman, and his engineer and architect was aware that the building could only be thirty-five from a comment letter that was sent out.

Commissioner Boykin moved to recommend to the Board of Supervisors denial of the Heritage Apartments Height Exception Request. Commissioner Ford seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor and Carroll voting in favor of the motion, and no Commissioners voting against the motion. (7-0)

Chairman Carroll stated the application is recommended for denial and will go to the February 17, 2022, Board of Supervisor meeting.

Chairman Carroll then called for the consideration of the following resolutions of appreciation:

RESOLUTIONS OF APPRECIATIONS

WHEREAS, Roberta "Bobbie" Varner of the Windsor Election District, Isle of Wight County, Virginia, has tendered her resignation as a member of the Planning Commission of Isle of Wight County, Virginia; and

WHEREAS, Roberta "Bobbie" Varner has served three years and ten months as a member of the Isle of Wight County Planning Commission representing the Windsor Election District from August 16, 2018, through June 1, 2021; and

WHEREAS, Roberta “Bobbie” Varner, in her capacity as a member of the Planning Commission of Isle of Wight County, has worked faithfully and diligently on behalf of all the citizens of Isle of Wight County to promote better planning so as to enable the County of Isle of Wight to progress in its growth in an orderly manner; and

WHEREAS, the members of said Planning Commission wish to acknowledge the outstanding service rendered by Roberta “Bobbie” Varner, and it is their desire to formally express their sincere gratitude and appreciation.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, Virginia:

That it is with sincere regret on the part of the Planning Commission members of Isle of Wight County, Virginia, that Roberta “Bobbie” Varner will no longer continue as a member of the Planning Commission of Isle of Wight County and said Planning Commission hereby commends her for the services performed for the citizens of Isle of Wight County in her capacity as a member of the Planning Commission representing the Windsor Election District.

The Clerk of the Planning Commission is hereby directed to spread this resolution upon the minutes of the Commission as a matter of public record and to forward a copy of same to Roberta “Bobbie” Varner and to the Board of Supervisors of Isle of Wight County, Virginia.

WHEREAS, William Edward Hulick of the Newport Election District, Isle of Wight County, Virginia, has tendered his resignation as a member of the Planning Commission of Isle of Wight County, Virginia; and

WHEREAS, William Edward Hulick has served four years and six months as a member of the Isle of Wight County Planning Commission representing the Newport Election District from February 16, 2017, through August 27, 2021; and

WHEREAS, William Edward Hulick, in his capacity as a member of the Planning Commission of Isle of Wight County, has worked faithfully and diligently on behalf of all the citizens of Isle of Wight County to promote better planning so as to enable the County of Isle of Wight to progress in its growth in an orderly manner; and

WHEREAS, the members of said Planning Commission wish to acknowledge the outstanding service rendered by William Edward Hulick, and it is their desire to formally express their sincere gratitude and appreciation.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, Virginia:

That it is with sincere regret on the part of the Planning Commission members of Isle of Wight County, Virginia, that William Edward Hulick will no longer continue as a member of the Planning Commission of Isle of Wight County and said Planning Commission hereby commends

him for the services performed for the citizens of Isle of Wight County in his capacity as a member of the Planning Commission representing the Newport Election District.

The Clerk of the Planning Commission is hereby directed to spread this resolution upon the minutes of the Commission as a matter of public record and to forward a copy of same to William Edward Hulick and to the Board of Supervisors of Isle of Wight County, Virginia.

Commissioner Ford moved to approve the Resolutions of Appreciation, Commissioner Taylor seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor and Carroll voting in favor of the motion, and no Commissioners voting against the motion. (7-0)

COUNTY ATTORNEY'S REPORT

Mr. Jones confirmed there was no County Attorney's report.

Commissioner Ford asked Mr. Jones for some insight regarding the redistricting.

Mr. Jones stated the Board of Supervisors approved the redistricting plan which includes five election districts. Mr. Jones stated that the districts were renamed one through five and did away with names due to confusion of the names versus the location. Mr. Jones added that this plan was submitted to the Attorney General's office right before the Christmas break. He stated that the Attorney General's office has sixty days to approve it or send it back. The next step is for County staff to work with the Elections Board to relocate precincts.

Commissioner Rawls asked if the redistricting changes any of the Planning Commission members and would they still finish serving their term.

Mr. Jones stated it is his understanding that the Planning Commission member would finish their term.

PLANNING DIRECTOR'S REPORT

Commissioner Distefano asked Amy Ring if she could provide a picture reference to show the solar facilities over time that the County has approved.

Ms. Ring stated that she created a memo for the Board that includes a map of prime areas for solar development and includes the location of existing solar farms along with recommendations to prevent solar farm sprawl.

Commissioner Boykin asked how much interest is being generated in the County for possible solar facility development.

Ms. Ring stated staff receives inquiries a couple times each week, however there are no formal applications submitted.

Chairman Carroll asked Ms. Ring, if she could clarify Mr. Becker's comments on expansion not being allowed on projects.

Ms. Ring said she would follow up with the applicant. Ms. Ring added that this is something she has not heard about before and believes it could possibly be a requirement from the company who regulates and studies the capacity on the existing line.

Commissioner Bowser asked Ms. Ring if she could provide a list of developments that has been approved but have not begun construction.

Ms. Ring stated she could provide that information.

Chairman Carroll asked for clarification on the procedure for communication between the towns and County for proposed projects.

Ms. Ring stated that according to Virginia Code, if there is a public hearing item within a mile radius of an adjacent locality's boundary, you send that locality a copy of the application for a courtesy review. Ms. Ring added that most localities do this on a staff level. She added that Smithfield is the first locality that she has encountered that takes the courtesy review to the Planning Commission for their review.

Commissioner Distefano asked if there are written procedures that establish the order that localities take items to the Planning Commission.

Ms. Ring stated that she believes there is not a right way or a wrong way. She added when staff receives applications for a courtesy review, that she could bring them before the Planning Commission.

Commissioner Ford stated there could be benefit for those items to be brought before the Planning Commission and give opportunity to collaborate.

Commission Distefano asked, if possible, to officially establish a sequence to foster good communication between town and County.

Ms. Ring offered to possibly change the current operating procedure to bring the applications before the Planning Commission, before they are sent out for courtesy comment from adjacent localities.

Commissioner Distefano said he was not advocating for one way or the other, just a standard procedure to be put in place.

Bobby Jones found that the state code states School Board, Planning Commission, and other elected officials may complete their term regardless of loss of residency due to redistricting.

Ms. Ring then gave the following presentation on the Proposed Zoning and Subdivision Ordinance Changes.

Proposed Zoning and Subdivision Ordinance Changes Discussion

Board of Supervisors Regular Meeting
January 24, 2022



Background

- Planning Commission recommended approval of the draft changes by a vote of 6-0 in October 2021.
- Planning Commission discussed additional changes to the Zoning and Subdivision Ordinances during the Planning Director's report and moved to continue discussion of new changes at their next regular meeting.
- Board held a public hearing at their November 18, 2021, and approved the Subdivision and CBPA Ordinance changes only.
- Board voted to send the Zoning Ordinance revisions back to Planning Commission with a change which was not previously considered by the Planning Commission.



Board of Supervisors & Staff Proposed Changes

1. Reduce minimum setback requirement for accessory structures located in the side yard setback for RR and RAC to 5 feet.
2. Shipping containers or dumpsters used for renovation or construction work to be considered temporary structures. Permitted for a total of sixty (60) days, after which a zoning permit must be obtained through the planning and zoning department for a period not to exceed six months.
3. Add a supplemental requirement for owners and operators of reptile breeding facilities to keep a current report on file with the County Department of Emergency Services with a list of any poison species to be kept on the property.
4. Add clarification to language prohibiting utility scale solar energy facilities in the DSDs does not apply to those solar facilities classified as minor utility use types and are considered incidental and accessory to the principal use of the property.



Article III – Use Types

Add Short Term Rentals as a commercial use type in Article III, “Use Types.”

Sec. 3-6000. - Commercial use types.

Short Term Rental.\ the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty consecutive days, in exchange for a charge for the occupancy. A short term rental operator shall be further defined as the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity



Short Term Rentals – Proposed Criteria

1. Zoning permit is required.
2. Local contact who is available to respond to and resolve complaints during the entire length of the rental period. Failure to respond and resolve complaints will result in the revocation of the permit.
3. Operators must obtain a business license and register for transient occupancy and state sales tax.
4. Must meet current building and zoning regulations and be subject to a safety inspection from the County to confirm the installation of smoke alarms, fire extinguisher and a posted emergency exit plan prior to permit approval.
5. \$500 penalty for failure to obtain required permits. Repeated violations may result in the prohibition on rental of applicable properties.
6. One off-street space per guest room is required in addition to the parking required for the house.
7. Rentals are limited to owner-occupied residences. No visible evidence of the conduct of a short-term rental is allowed on the outside of the property.
8. Event rentals are not permitted.



Article V – Other Criteria

- Proposed changes to Section 4-1005, "Table of Permissible Uses," to include adding Short Term Rentals as a permitted use in the RAC and RR districts and as a conditional use in all other residential districts.
- Building Code Safety Inspection Items:
 - No requirement for ADA compliance as long as renting out no more than five rooms with a maximum occupancy of 10 people
 - Fire extinguisher required in the kitchen only



Subdivision Ordinance – Application No Longer Valid

3.2. - Review and approval procedures.

C. Application requirements. The following requirements shall apply to all applications for subdivision approval. Applications for re-approval of an expired approval shall be processed in the same manner as any other application.

6. Administrator's comments--Term of validity.

The Administrator's comments or commitments on a proposed site development plan that did not achieve approval shall maintain efficacy for six months from the date the comments are rendered. After this period, these comments or commitments shall be void.



Subdivision Ordinance – Lot Shape

3.2.3.B. Exception to subdivision requirements.

4) Boundary line adjustments to any valid and properly recorded plat, including vacation or alteration, provided the requirements of Section 15.2-2275 of the Code of Virginia and the following requirements are met:

- ~~(a) The adjustment does not result in the creation of irregularly shaped lots;~~
- (a) The adjustment is executed by the owner or owners of such land as provided in Section 15.2-2264 of the Code of Virginia;
- (b) The adjustment does not result in any new violations to the dimensional requirements of the zoning ordinance;
- (c) The adjustment does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and
- (d) No easements or utility rights-of-way shall be relocated or altered without the express written consent of all persons or entities holding any interest in the easement or rights-of-way.



Subdivision Ordinance – Lot Shape

5.11.1. Shape. Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable sites for buildings, be properly related to natural topography, and conform to requirements of this ordinance and the zoning ordinance. Lots shall be generally regular in shape, such as rectangular or pie-shaped, and may not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes, the only exception to this rule being elongations ~~for use as~~ to provide access to a public street within a flag lot. For lots with a width of sixty (60) feet or greater, lot proportions should provide approximately two and one-half (2.5) feet of lot depth for every one (1) foot of lot width.

5.11.4. Side lines. Side lines of lots shall be reasonably straight and approximately at right angles or radial to the street line.



Subdivision Ordinance – Lot Shape



Commissioner Taylor asked if the inspections from the Inspections department includes the Health Department and Fire Department.

Ms. Ring stated the Health Department would not do an inspection, however if the project included an addition or renovation, then Health Department approval would be required.

Cynthia Taylor stated she spoke with an owner of a bed and breakfast, and they stated that the Health Department had to do an inspection, because he is preparing food.

Ms. Ring stated that bed and breakfasts are defined separately in the zoning ordinance and do include meal preparation where short term rentals do not. Ms. Ring added that the condition can be added, no food shall be offered for sale or prepared, to the short-term rental qualifications.

Commissioner Ford asked if there has been any change in regulations for alternative septic systems.

Ms. Ring responded no changes have been made, and that the County follows the health departments guidelines.

Commissioner Ford moved to send the Zoning and Subdivision Ordinance Changes for public hearing. Commissioner Distefano seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, and Carroll voting in favor of the motion, and no Commissioners voting against the motion. (7-0)

Commissioner Rawls asked what the Planning Commission can do in the future, if a rezoning application is received stating the project is going to be condos and changes in the future to apartments.

Bobby Jones responded that a rezoning application with no conditions attached was what was approved. Mr. Jones added that if the concern is that the use is too broad for the location, then the recommendation could be to deny the application and ask the applicant to reapply for a conditional zoning where conditions may be placed on the property to allow for a specific use. Mr. Jones stated that with this application, staff did recommend denial because of too many unknowns. Mr. Jones stated that if it had been a conditional rezoning allowing only twelve condos, permits would not have been issued if it was different.

Commissioner Taylor asked if the Planning Commission could have put conditions on the original rezoning.

Bobby Jones responded no, because it was a straight rezoning.

Commissioner Distefano asked if the definition for multifamily in the zoning ordinance is standard or unique to our County.

Ms. Ring responded that it is a standard definition.

Bobby Jones stated that it is up to the applicant to proffer or offer conditions. The Commission and Board are not allowed to impose these. If the applicant does not address the impacts it creates, the application may get denied.

Commission Distefano asked if the Planning Commission needs to address the amount of fill allowed to be brought in to raise the grade and the height of the building.

Ms. Ring stated she would look into how other localities address this issue.

CLOSED MEETING

Chairman Carroll confirmed there were no items to discuss in closed meeting.

ADJOURNMENT

There being no further information to discuss, Chairman Carroll adjourned the meeting at 8:23 PM.

Adopted this _____ day of _____, 2022.

Chairman, Isle of Wight County Planning Commission

Attest: _____
Secretary

PLANNING REPORT

APPLICATION:

Proposed Revisions to the Isle of Wight County Zoning and Subdivision Ordinances

ELECTION DISTRICT:

All

BACKGROUND:

Planning and Zoning staff has worked closely with the Planning Commission and Board of Supervisors to develop the proposed Zoning and Subdivision Ordinance changes. The Planning Commission discussed the proposed changes at their January 25, 2022, regular meeting. After their discussion, Commission members directed staff to advertise the changes for public hearing.

DESCRIPTION:

The purpose of the recommended ordinance changes is to provide clarity of regulatory intent, ensure compliance with the *Code of Virginia*, provide additional flexibility, and offer some relief from the regulatory burden on property owners.

ORDINANCE REVIEW:

Applications for text amendments may be initiated by resolution of the Board of Supervisors, by motion of the Planning Commission, or by application petition of any property owner(s) addressed to the Board of Supervisors. An application for text amendment will set forth the new text to be added and the existing text, if any, to be deleted or amended.

AGENCY REVIEW:

County staff worked with the County Attorney in developing the proposed ordinance changes.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed ordinance changes.

ATTACHMENTS:

Description	Type	Upload Date
Zoning Ord Change Redline 021622	Backup Material	2/22/2022
Zoning Ord Changes Draft BOS Ordinance 021622	Backup Material	2/22/2022
Subdivision Ordinance Revision Redline 021622	Backup Material	2/22/2022
Subdivision Ord Draft BOS Ordinance 021622	Backup Material	2/22/2022

Proposed Zoning Ordinance Revisions

Revised February 16, 2022

New proposed changes are in red underlined text. Language proposed to be deleted is shown in ~~red~~ text with ~~strikethrough~~ markings.

- 1. Add clarification that an environmental and historical resources impact analysis may be required as part of the community impact statement for rezoning requests. If there are potential impacts to historical resources as identified in the County's archeological and architectural surveys, the zoning administrator may require a Phase I cultural resources survey as part of the application.**

Sec. 1-1015. - Amendments.

F. Community impact statement. A community impact statement shall address the following:

1. Adequacy of existing public facilities and services intended to serve the proposed development. Analysis shall be made of sewer, water, drainage, schools, fire stations, roadways, and other major locally financed facilities.
2. Additional on-site and off-site public facilities or services which would be required as a result of the development.
3. A traffic impact analysis is required for:
 - a. Any development proposed which will generate two hundred (200) average daily trips (ADT) or more based on vehicular trip generation rates as defined by the Institute of Transportation Engineers' most recent publication, "Trip Generation", or the Virginia Department of Transportation. The analysis must be prepared in accordance with VDOT's Traffic Impact Analysis Regulations and Administrative Guidelines and indicate the relationship of the proposed development on the cumulative effect of the traffic and road use for the arterial and secondary roads providing access to the development and any other road or intersection impacted by the development. The traffic impact analysis shall also include traffic data from other existing development to show the cumulative impact of traffic and road use for the affected roadways. Additional areas may be required to be incorporated into the analysis where traffic and accident data warrant.
 - b. At the request of the zoning administrator, when the proposed development is expected to significantly impact the vehicular movement on the arterial highways within the area.
4. A capital impact analysis prepared by county staff utilizing the capital impact model which shall be updated annually. If the model is not available, a fiscal impact analysis of the proposed development on the county shall be required and prepared by the applicant to be reviewed and approved by the zoning administrator when the proposal includes residential dwelling units. A fiscal impact analysis is optional when the proposal does not include any residential dwelling units. The analysis shall contain a comparison of the public revenues anticipated to be generated by the development and the anticipated capital, operations, maintenance and replacement costs for public facilities needed to service the project at the

adopted county service standards, as well as employment opportunities to be generated by the development. The county shall consider the information provided by the applicant during the development review process; provided, however, that the fiscal impact analysis shall not serve as the sole basis for the approval or disapproval of an individual development proposal unless the health and safety of the community is affected by the inability to provide transportation, fire, police, emergency equipment and services, sewer or water to the proposed development.

5. A written assessment of the proposed development's impact on any of the County's environmental and historical resources on the site. A Phase I cultural resources survey may be required at the request of the zoning administrator, if the development will impact high or moderate sensitivity areas as shown in the County's archeological and architectural surveys.

2. Add Short Term Rentals as a commercial use type in Article III, "Use Types."

Sec. 3-6000. - Commercial use types.

Short Term Rental.\ the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty consecutive days, in exchange for a charge for the occupancy. A short term rental operator shall be further defined as the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity

3. The following changes are proposed for uses and bulk regulations for various zoning districts in Article IV, "Zoning Districts":

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

Proposed changes to Section 4-1005, "Table of Permissible Uses," include adding reptile breeding as a conditional use in the General Commercial district, and adding short-term rentals as a permitted use in the Rural Agricultural Conservation and Rural Residential Districts and as a conditional use in all other residential zoning districts. One additional editorial change is proposed to add peddlers as permitted in the Village Center district unintentionally omitted during a previous update.

Table 1
Table of Permissible Uses (ATTACHED)

Sec. 4-2002. Permitted uses, Rural Agricultural Conservation District

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

D. Commercial uses:

- * Commercial equipment repair, accessory to dwelling
- * Construction office, temporary

Lawn and garden services

Real estate office, temporary

* Short-Term Rental

- * Taxidermy

Veterinary hospital/clinic

E. Miscellaneous uses:

- * Amateur radio tower

Hunt club

- * Reconstructed wetland

- * Turkey shoot

Sec. 4-2006. - Bulk regulations, Rural Agricultural Conservation District

C. Minimum side yard setback:

1. Principal structures: Fifteen (15) feet; ~~Thirty-five (35) feet (both sides).~~
2. Accessory structures: ~~Fifteen (15) feet~~ (See supplementary density and dimensional requirements, #1, accessory building requirements).

Sec. 4-3002. - Permitted uses, Rural Residential District

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

D. Commercial uses:

- * Construction office, temporary

Real estate office temporary

* Short-Term Rental

Sec. 4-3007. - Bulk regulations, Rural Residential District

C. Minimum side yard setback:

1. Principal structures: Fifteen (15) feet; ~~Thirty-five (35) feet (both sides).~~
2. Accessory structures: ~~Fifteen (15) feet~~ (See supplementary density and dimensional requirements, #1, accessory building requirements).

Sec. 4-4003. - Conditional uses, Village Center District

E. Commercial uses:

- * Antique shop
- Auction establishment
- Boarding house
- Boating and fishing facilities
- Business or trade school
- Car wash
- Commercial indoor amusement
- Commercial indoor entertainment
- * Commercial indoor sports and recreation
- * Commercial outdoor swimming pool and tennis court
- * Contractor office and storage facility
- * Convenience store
- * Crematorium
- * Flea market
- * Funeral home
- * Garden center
- * Gasoline station
- * Golf course
- * Golf driving range
- Hotel/motel/motor lodge/inn
- * Marina
- Medical clinic
- * Motor vehicle parts/supply retail
- * Motor vehicle repair service/minor
- Personal improvement service
- Personal service
- * Restaurant, drive-in fast food
- Restaurant, general
- Retail sales
- * Short-Term Rental
- Studio, fine arts
- * Taxidermy
- Veterinary hospital/clinic
- Wholesale sales

Sec. 4-5003. - Conditional uses, Neighborhood Conservation District

D. Commercial uses:

- * Bed and breakfast
- Boarding house
- * Commercial equipment repair, accessory to dwelling
- * Commercial outdoor swimming pool and tennis facility
- General store, country
- * Golf course
- * Marina

*Short-Term Rental

Sec. 4-5005. – Bulk regulations, Neighborhood Conservation District

C. Minimum front yard setback:

- ~~1. Lots with less than one hundred fifty (150) feet of width:~~
 - ~~a. Where rights-of-way is fifty (50) feet or greater, the minimum front yard setback is thirty-five (35) feet from property line.~~
 - ~~b. Where rights-of-way is less than fifty (50) feet, the minimum front yard setback is sixty (60) feet from centerline of road.~~
 - ~~2. Lots one hundred fifty (150) feet or greater of width:~~
 - ~~a. Where rights-of-way is fifty (50) feet or greater, the minimum front yard setback is sixty (60) feet from property line.~~
 - ~~b. Where rights-of-way is less than fifty (50) feet, the minimum front yard setback is eighty-five (85) feet from centerline of road.~~
1. Where rights-of-way is fifty (50) feet or greater, the minimum front yard setback is thirty-five (35) feet from property line.
 2. Where rights-of-way is less than fifty (50) feet, the minimum front yard setback is sixty (60) feet from centerline of road.
 3. In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots shall be required.

Sec. 4-6003. - Conditional uses, Suburban Estate District

D. Commercial uses:

- * Bed and breakfast
- Boarding house
- * Commercial equipment repair, accessory to dwelling
- * Commercial outdoor swimming pool and tennis facility
- * Golf course
- * Marina
- * Short-Term Rental

Sec. 4-7003. - Conditional uses, Suburban Residential District

D. Commercial uses:

- * Bed and breakfast
- Boarding house
- * Commercial equipment repair, accessory to dwelling
- * Commercial outdoor swimming pool and tennis facility
- * Golf course

* Marina

* Short-Term Rental

Sec. 4-7005. - Bulk regulations, Suburban Residential District

D. Minimum side yard setback: Ten (10) feet.

~~1. One (1) side: Ten (10) feet.~~

~~2. Both sides: Twenty-four (24) feet~~

Sec. 4-8003. - Conditional uses, Urban Residential District

E. Commercial uses:

* Bed and breakfast

Boarding house

* Commercial indoor sports and recreation

* Commercial outdoor swimming pool and tennis facility

* Golf course

* Marina

Restaurant, general

Retail sales

* Short-Term Rental

Studio, fine arts

Sec. 4-8004. - Lot size requirements, Urban Residential District

Lot size requirements are for Single Family Detached Residential lots. Public water and sewer are required. Refer to section 5-5002 for supplementary use regulations for townhomes and multifamily.

A. Minimum lot area: Eight thousand five hundred (8,500) square feet

B. Minimum lot width: Sixty (60) feet

C. Minimum lot frontage: Fifty-six (56) feet

D. Minimum frontage on a cul-de-sac: No less than fifty percent (50%) of minimum lot width of district.

~~A. Minimum lot area:~~

~~1. With private sewer and water: Thirty thousand (30,000) square feet.~~

~~2. With public sewer or water: Twenty thousand (20,000) square feet.~~

~~3. With public sewer and water: Twelve thousand (12,000) square feet.~~

~~B. Minimum lot width:~~

~~1. With private sewer and water: One hundred twenty-five (125) feet.~~

~~2. With public sewer or water: One hundred twenty-five (125) feet.~~

~~3. With public sewer and water: Eighty (80) feet.~~

~~C. Minimum lot frontage:~~

~~1. With private sewer and water: One hundred (100) feet.~~

~~2. With public sewer or water: One hundred (100) feet.~~

~~3. With public sewer and water: Fifty-six (56) feet.~~

~~4. Minimum frontage on a cul-de-sac: No less than fifty percent (50%) of minimum lot width of district. (11-17-16; 7-19-18; 11-15-18.)~~

Sec. 4-10003. - Conditional uses, General Commercial District

A. Agricultural uses:

Aquaculture

Aquaculture, waterfront business

Greenhouse, private

* Reptile Breeding

* Sawmill, commercial

* Stable, commercial - Not in conjunction with residence

Sec. 4-15003. - Conditional uses, Planned Residential District

D. Commercial uses:

* Bed and breakfast

Boarding house

Commercial indoor entertainment

* Commercial indoor sports and recreation

* Commercial outdoor swimming pool and tennis facility

* Marina

* Short-Term Rental

Sec. 4-16003. - Conditional uses, Planned Mobile Home Park District

C. Commercial Uses

* Short-Term Rental

Sec. 4-18003. - Conditional uses, Planned Mixed Use District

E. Commercial uses:

* Bed and breakfast

Boarding house

Boating and fishing facilities

Business or trade school

Car wash

Catering

Commercial indoor amusement

Commercial indoor entertainment

* Commercial indoor sports and recreation

* Commercial outdoor entertainment/sports and recreation

* Commercial outdoor swimming pool and tennis facility

* Convenience store

* Funeral home

* Garden center

- * Gasoline station
- * Golf driving range
- Hospital
- Hospital, special care
- Hotel/motel/motor lodge/inn
- * Marina
- Medical clinic
- * Motor vehicle repair service/minor
- *Short-Term Rental
- Tattoo parlor

4. The following are additional changes proposed proposed for Article V, “Supplemental Use Regulations”:

Sec. 5-1004. - Accessory uses.

C. Portable on demand storage (POD) units, shipping containers or dumpsters used for renovation or construction work shall be considered temporary structures. They are permitted for use for a total of sixty (60) days, after which a zoning permit must be obtained through the planning and zoning department for a period not to exceed six months.

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

A. Accessory building requirements.

1. The square footage of an accessory building shall not exceed the square footage of the primary structure.
2. The following provisions shall regulate the location of accessory buildings with respect to required yards:
 - a. Accessory buildings shall be prohibited in any required yard which adjoins a street, except as permitted under subsection 5-2000.E.3.
 - b. Accessory buildings shall be located at least five (5) feet from any required rear and side lot boundary lines where such building is entirely to the rear of the principal structure.
 - c. Accessory structures in the RAC and RR districts may be located in the side yard and shall be located at least five (5) feet from any required rear and side lot boundary lines. Such buildings shall be a maximum of fifteen (15) feet in height and shall be no more than 500 square feet. Anything larger must meet principal building setbacks.
 - d. ~~Where an accessory building is located in a zoning district requiring a side yard and such building is entirely to the rear of the principal structure, the accessory building shall be located at least five (5) feet from any adjoining lot line.~~
 - d. Accessory buildings shall not exceed the maximum height restriction for the zone in which such structures are located, except as specified in subsection 5-2000.D.2.

- e. Shipping containers may be used as residential, commercial and industrial accessory structures subject to the criteria in subsection 5-5006.J.

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

G. Reptile breeding.

1. In addition to obtaining a conditional use permit, reptile breeding shall comply with the following provisions:
 - a. Each reptile shall be kept in ~~one hundred percent (100%)~~ escape proof, temperature-controlled ~~glass~~ cage. The only exception shall be during breeding and no more than two (2) reptiles shall be kept in a cage for breeding purposes at in any given time.
 - b. Each cage shall contain proper housing, shelter, feeding and water accommodations.
 - c. An operational plan shall accompany the conditional use permit application to describe how the business will operate, what structures/facilities will be devoted to the use, what species of reptiles will be kept, how large they grow and how will they will be caged long term, how the reptiles will be cared for including feeding, medical check-ups, how the cages will be cleaned and maintained to prevent the spread of bacteria, how waste disposal will be handled, and any other information as may be determined by the zoning administrator, planning commission and board of supervisors. The owner/operator shall be responsible for keeping a current report on file with the County Department of Emergency Services with a list of any poisonous species to be kept on the property.
 - d. The keeping of reptiles shall comply with all local, state and federal requirements.

H. Private Sawmill.

1. A ~~permanent or temporary private~~ sawmill shall be no less than three hundred (300) feet from any lot line or street right-of-way.
2. A permanent or temporary structure shall not be located on environmentally sensitive lands (RPAs) and wetlands.
3. All power saws and machinery will be secured against tampering or locked when not in use.
4. A ~~temporary private~~ sawmill shall only be established to process timber cut from the parcel on which the ~~temporary private~~ sawmill is located or on immediately adjacent parcels or to process timber for personal use only. ~~and shall only be allowed for a period of only one (1) year. For periods exceeding one (1) year, a conditional use permit shall be obtained from the board of supervisors.~~
5. ~~A temporary private sawmill shall be located at least two hundred (200) feet from any residence located on an adjoining property.~~
6. No processing, milling, finishing or artificial means of drying green lumber shall be associated with a ~~temporary private~~ sawmill.
7. Green lumber and all other products and by-products from the ~~temporary private~~ sawmill shall be removed from the site at least every sixty (60) days.
8. Buildings associated with a ~~temporary private~~ sawmill shall be limited to shelter for the sawmill equipment and essential shelter for personnel. No building shall be erected for the storage, processing, or drying of green lumber.

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

Q. Short Term Rentals

1. Zoning permit is required.
2. Local contact who is available to respond to and resolve complaints during the entire length of the rental period. Failure to respond and resolve complaints will result in the revocation of the permit.
3. Operators must obtain a business license and register for transient occupancy and state sales tax.
4. Must meet current building and zoning regulations and be subject to a safety inspection from the County to confirm the installation of smoke alarms, fire extinguisher and a posted emergency exit plan prior to permit approval.
5. \$500 penalty for failure to obtain required permits. Repeated violations may result in the prohibition on rental of applicable properties.
6. One off-street space per guest room is required in addition to the parking required for the house.
7. Rentals are limited to owner-occupied residences. No visible evidence of the conduct of a short-term rental is allowed on the outside of the property.
8. Event rentals are not permitted.
9. No meals may be prepared for or provided to guests.

Sec. 5-5003. - Supplementary use regulations for civic use types.

M. Utility services, major.

4. Utility Scale Solar Energy Facilities.

i. Facilities shall not be located within the limits of the County's Development Service Districts. This prohibition shall not apply to those solar facilities classified as minor utility use types and are considered incidental and accessory to the principal use of the property.

j. The facilities themselves must be partially or wholly located within a two mile radius of existing substations and/or high voltage transmission lines.

5. The following changes are proposed for Article VI, "Overlay Districts":

Sec. 6-1001. - Highway Corridor Overlay (HCO) District.

Sec. 6-1010. - Architectural and development guidelines for all nonresidential uses.

B. Development standards. Proposed development within the district should provide for visual compatibility and harmony with surrounding natural landforms and vegetation; be protective of views and vistas from the arterial highways within the

district; and provide continuity of site design within the proposed development. These objectives include the following standards:

6. Vehicular movement and parking areas requiring ~~five (5)~~ twenty (20) spaces or more shall be paved with concrete, asphalt, or other similar material. Vehicular movement and parking areas requiring less than ~~five (5)~~ twenty (20) spaces may be surfaced with gravel, slag, or other similar material but must be served by paved entrances meeting Virginia Department of Transportation standards. ~~Concrete curb and gutter or other stormwater management structure as approved by the zoning administrator shall be installed around the perimeter of all driveways and parking areas.~~ Off street parking areas shall be clearly designated by the use of borders around the perimeter of these areas using fences, walls, wooden timbers, brickwork, or other similar treatment. Drainage shall be designed so as not to interfere with pedestrian traffic.

Sec. 6-2000. - Newport Development Service Overlay (NDSO) District.

Sec. 6-2009. - Development standards.

- E. ~~All vehicular movement and parking areas shall be paved with concrete, asphalt, or other similar material.~~ Vehicular movement and parking areas requiring twenty (20) spaces or more shall be paved with concrete, asphalt, or other similar material. Vehicular movement and parking areas requiring less than twenty (20) spaces may be surfaced with gravel, slag, or other similar material but must be served by paved entrances meeting Virginia Department of Transportation standards.
1. Parking shall be designed in accordance with one (1) of the following options:
 - a. When all of the parking is located to the side or rear of the primary structure; the front setback along roads not specified in Section 6-1003 may be reduced ~~by up to twenty (20) feet to no less than twenty-five (25) feet~~ subject to review and approval by the zoning administrator after consideration of necessary utility, landscaping and pedestrian corridors.
 - b. When more than twenty-five percent (25%) of the required parking is to be located in front of the primary structure; a decorative fence no less than three (3) feet in height shall be constructed between the parking and the public right-of-way. This fence shall not count towards the required landscaping points for any specified landscaping zone.
- F. ~~Concrete curb and gutter or other stormwater management structures as approved by the zoning administrator shall be installed around the perimeter of all driveways and parking areas.~~ Off street parking areas shall be clearly designated by the use of borders around the perimeter of these areas using fences, walls, wooden timbers, brickwork, or other similar treatment. Drainage shall be designed so as not to interfere with pedestrian and bicycle traffic.

**AN ORDINANCE
TO AMEND AND REENACT THE FOLLOWING SECTIONS OF
APPENDIX B. ZONING: ARTICLE I (GENERAL PROVISIONS),
ARTICLE III (USE TYPES), ARTICLE IV (ZONING DISTRICT
BOUNDARIES), ARTICLE V (SUPPLEMENTARY USE
REGULATIONS), ARTICLE VI (OVERLAY DISTRICTS), AND
ARTICLE VII (GENERAL DESIGN GUIDELINES AND
DEVELOPMENT)**

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 the following specific sections of the Articles of Appendix B, Zoning, of the Isle of Wight County Code be amended and reenacted as follows:

Article I. General Provisions.

Sec. 1-1015. - Amendments.

F. Community impact statement. A community impact statement shall address the following:

1. Adequacy of existing public facilities and services intended to serve the proposed development. Analysis shall be made of sewer, water, drainage, schools, fire stations, roadways, and other major locally financed facilities.
2. Additional on-site and off-site public facilities or services which would be required as a result of the development.
3. A traffic impact analysis is required for:
 - a. Any development proposed which will generate two hundred (200) average daily trips (ADT) or more based on vehicular trip generation rates as defined by the Institute of Transportation Engineers' most recent publication, "Trip Generation", or the Virginia Department of Transportation. The analysis must be prepared in accordance with VDOT's Traffic Impact Analysis Regulations and Administrative Guidelines and indicate the relationship of the proposed development on the cumulative effect of the traffic and road use for the arterial and secondary roads providing access to the development and any other road or intersection impacted by the development. The traffic impact analysis shall also include traffic data from other existing development to show the cumulative impact of traffic and road use for the affected roadways. Additional areas may be required to be incorporated into the analysis where traffic and accident data warrant.

- b. At the request of the zoning administrator, when the proposed development is expected to significantly impact the vehicular movement on the arterial highways within the area.
4. A capital impact analysis prepared by county staff utilizing the capital impact model which shall be updated annually. If the model is not available, a fiscal impact analysis of the proposed development on the county shall be required and prepared by the applicant to be reviewed and approved by the zoning administrator when the proposal includes residential dwelling units. A fiscal impact analysis is optional when the proposal does not include any residential dwelling units. The analysis shall contain a comparison of the public revenues anticipated to be generated by the development and the anticipated capital, operations, maintenance and replacement costs for public facilities needed to service the project at the adopted county service standards, as well as employment opportunities to be generated by the development. The county shall consider the information provided by the applicant during the development review process; provided, however, that the fiscal impact analysis shall not serve as the sole basis for the approval or disapproval of an individual development proposal unless the health and safety of the community is affected by the inability to provide transportation, fire, police, emergency equipment and services, sewer or water to the proposed development.
5. A written assessment of the proposed development's impact on any of the County's environmental and historical resources on the site. A Phase I cultural resources survey may be required at the request of the zoning administrator, if the development will impact high or moderate sensitivity areas as shown in the County's archeological and architectural surveys.

Article III. – Use Types.

Sec. 3-6000. Commercial use types.

Adult entertainment establishment.\ An establishment having a substantial or significant portion of its stock in trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material. This use includes any adult bookstore, adult mini-motion-picture theater, adult picture theater, cabaret, drug paraphernalia store, and internet sweepstakes cafe.

Auction establishment.\ A structure or enclosure where goods are sold by auction on a recurring basis. Expressly excluded from this use are non-recurring auctions of property, possessions, estates, and other items located at the premises where the auction is being conducted.

Bed and breakfast.\ A dwelling or portion thereof, in which lodging is provided by the owner or operator who resides on the premises. This use offers short-term lodging rooms and meals for transient guests, none of who remain for more than fourteen (14) consecutive nights each. This definition shall include the term tourist home.

Boarding house.\ A single-family dwelling unit, or part thereof, with three (3) or more rooms that are rented individually or collectively by long-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests. A boarding house may make provisions for serving meals.

Boat repair yard.\ See "marina" listed under commercial use types.

Boating and fishing facilities.\ Facilities catering to the general public, whether an admission is charged or not, where provisions are made for fishing from the shoreline or from a pier and/or launching or rental of boats are available on-site.

Business support service.\ Establishment or place of business engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, mail and packaging stores, as well as temporary labor services.

Business or trade school.\ A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as an educational facility, either primary and secondary, or college and university, or as a home occupation.

Campground.\ Any site, lot, parcel or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and recreational equipment, recreational vehicles, and which is primarily used for recreational purposes and retains an open air or natural character.

Campground, workforce.\ A small campground facility intended for the temporary workforce routinely required by establishments in the community for periods of up to one hundred and twenty (120) days at a time, and are intended to have only the minimum essential services necessary for recreational vehicles.

Car wash.\ Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.

Catering.\ Any establishment engaged in the preparation of food and beverages, or where food containers or supplies are kept, handled, prepared, packaged or stored for off-site distribution to individuals, events, and satellite operations.

Commercial equipment repair, accessory to dwelling.\ The repair and/or maintenance of mechanical, electrical, or electronic devices and equipment, such as, computers, televisions, lawnmowers, household appliances, machine parts, and other similar devices.

Commercial indoor amusement.\ Establishments which provide games of chance, skill or scoring other than an incidental use of the premises. Games would include pinball and video machines, pool and billiard tables and other similar amusement or entertainment devices, whether or not they are coin-operated, and also card games, bingo, and off-track betting. Typical uses include game rooms, pool halls, video arcades, and bingo parlors.

Commercial indoor entertainment.\ Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, drama theaters, concert or music halls.

Commercial indoor sports and recreation.\ Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, ice- and roller-skating rinks, indoor racquetball, squash courts, swimming, and/or tennis facilities, archery and indoor shooting ranges and similar uses.

Commercial outdoor entertainment/sports and recreation.\ Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include motor vehicle, boat, motorcycle or animal racing facilities/complexes, drive-in movies, miniature golf, amphitheaters and outdoor amusement parks, motorized cart and motorcycle tracks, and motorized model airplane flying facilities. Professional and semi-professional athletic fields shall also be included in this use.

Commercial outdoor swimming pool and tennis facility.\ Outdoor pools or tennis facilities operated by a commercial entity that are open to the general public usually requiring membership or some form of payment.

Construction office, temporary.\ A trailer used as a temporary office during a construction operation. This use includes construction office trailers occupied in conjunction with residential or nonresidential development.

Construction sales and service.\ Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding motor vehicle or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

Contractor office and storage facility.\ An establishment or place of business engaged in the construction of residential or commercial structures including trades that assist in building construction or remodeling including carpentry, electrical, masonry, painting, metalworking, flooring installation, ductwork, plumbing, heating, air conditioning, roofing, and other similar trades.

Convenience store.\ Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, limited household supplies and hardware.

Crematorium.\ A location used for cremation containing properly installed, certified apparatus for this process.

Dance hall.\ Any establishment open to the general public where dancing is permitted and a cover charge is directly or indirectly required for entry into the establishment. However, a restaurant licensed to serve food and beverages having a dance floor with an area not exceeding ten percent (10%) of the total floor area of the establishment shall not be considered a dance hall.

Equipment sales and rental.\ Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, and similar industrial equipment. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

Event center.\ A multipurpose facility with flexible indoor/outdoor space, typically used for activities such as weddings, conventions, meetings, job fairs, and trade shows.

Flea market.\ Occasional or periodic commercial activities held in an open area or enclosed structure where groups of sellers rent space on a short-term basis to display, barter, or sell goods to the general public. A fee may be charged for expected buyers for admission, or a fee may be

charged for the privilege of offering or displaying such merchandise. A flea market is composed of semi-closed or outdoor stalls, stands, or spaces.

Funeral home.\ Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. This use excludes crematorium, which is defined separately.

Garden center.\ Establishments engaged primarily in the retail sale of trees, shrubs, seeds, fertilizers, pesticides, plants, plant materials, and garden supplies, primarily for agricultural, residential and commercial consumers.

Gasoline station.\ A facility for the retail sale of motor vehicle fuels, oils, and accessories, where repair is incidental, where no more than two (2) abandoned vehicles or other motor vehicles shall be stored on the premises. May include the sale of propane or kerosene as an accessory use.

General store, country.\ A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale, primarily, most of the following articles: bread, milk, cheese, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store.

Golf course.\ A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par three (3) golf courses.

Golf driving range.\ A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee.

Hospital.\ A building or group of buildings having room facilities for one (1) or more patients, used for providing services for the inpatient medical or surgical care of sick or injured humans and which may include related facilities such as laboratories, outpatient departments, training facilities, central service facilities, ambulance stops and helicopter landing sites, and other incidental and subordinate uses integral to hospital operations.

Hospital, special care.\ A special care hospital shall mean an institution rendering care primarily for patients with mentally-related illness, or under treatment for alcoholism, substance abuse, etc.

Hotel/motel/motor lodge/inn.\ A building or group of attached or detached buildings containing lodging units intended primarily for rental or lease to transients by the day or week. Such uses generally provide additional services such as daily maid service, restaurants, taverns, or public banquet halls, ballrooms, and meeting rooms and/or recreation facilities.

Itinerant merchant.\ A person who shall engage in, do or transact any temporary or transient business in the county, either in one (1) locality or in traveling from place to place in the sale of goods, services, wares and merchandise, and who, for the purpose of carrying on such business, shall hire, lease, use or occupy any building or structure, motor vehicle, tent, car, boat or public room, or any part thereof, including rooms in hotels, lodging houses or houses of private entertainment, any street, alley or other public place in any city or town or any public road in any county, for a period of less than one (1) year, for the exhibition of or sale of such goods, wares or merchandise.

Kennel, commercial.\ The boarding, breeding, raising, grooming or training of two (2) or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises.

Laundry.\ Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

Lawn and garden services.\ Establishments primarily engaged in performing a variety of lawn and garden services, including Bermuda sprigging services, cemetery upkeep, garden maintenance, garden planting, lawn care, lawn fertilizing services, lawn mowing services, lawn mulching services, lawn seeding services, lawn spraying services, lawn sprigging services, mowing highway center strips and edges, seeding highway strips, sod laying and turf installation.

Manufactured home sales.\ Establishment primarily engaged in the display, retail sale, rental, and minor repair of new and used manufactured homes, parts, and equipment.

Marina.\ A use for docking or mooring of more than four (4) boats (excluding paddle or rowboats) or providing services to boats, including servicing and repair, sale of fuel and supplies, and provisions of lodging, goods, beverages. A yacht or boat club shall be considered a marina.

Medical clinic.\ A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. This use may include ambulance stops, helicopter landing sites, and other incidental and subordinate uses integral to providing outpatient care. This would include medical offices in excess of ten thousand (10,000) square feet of floor area.

Micro-brewery, distillery, cidery.\ See "Brewery, distillery, cidery" listed under industrial use types. A micro-brewery, distillery, cidery shall not exceed fifteen thousand (15,000) barrels per year in production.

Mini-warehouse.\ A building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of four hundred (400) square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods.

Motor vehicle dealership, new.\ The use of a building, land area or other premises for the display of new and used automobiles, trucks, vans, or motorcycles for sale or lease, including warranty repair work and other major and minor repair service conducted as an accessory use.

Motor vehicle dealership, used.\ Any lot or establishment where two (2) or more used motor vehicles, including automobiles, trucks, and motorcycles are displayed at one (1) time for sale or lease, including warranty repair work and other major and minor repair service conducted as an accessory use.

Motor vehicle/outdoor storage.\ The outdoor storage of ten (10) or more operable motor vehicles, and/or watercraft, except when used in conjunction with a bonafide agricultural operation. Motor vehicles in this use shall include such items as cars, trucks, sports utility vehicles, motorcycles, watercraft, motor homes or RVs. This use shall specifically include vehicle impound areas for operable vehicles.

Motor vehicle parts/supply, retail.\ Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments which offer minor automobile repair services.

Motor vehicle/rental.\ Rental of motor vehicles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

Motor vehicle repair service/major.\ Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

Motor vehicle repair service/minor.\ Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services, automobile glass repair and similar repair and service activities where minor repairs and routine maintenance are conducted.

Pawn shop.\ A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

Peddler.\ A person who shall carry from place to place any goods, wares or merchandise and offer to sell or barter the same or actually sell or barter the same. All persons who do not keep a regular place of business, whether it is a house or a vacant lot or elsewhere, open at all times in regular business hours and at the same place, who shall offer for sale goods, wares and merchandise, shall be deemed a "peddler."

Personal improvement service.\ Establishment primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include driving schools, health fitness centers or gyms, reducing salons, dance studios, handicraft and hobby instruction, and baseball and basketball instruction facilities.

Personal service.\ Establishment or place of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; and laundromats and dry-cleaning stations serving individuals and households, massage therapy and chiropractic services.

Real estate office, temporary.\ A Class A or B manufactured home, single-family home or other structure used on a temporary basis as a real estate sales office in conjunction with residential development.

Recreational vehicle sales and service.\ Retail sales of recreational vehicles and boats, including service and storage of vehicles and parts and related accessories.

Restaurant, drive-in fast food.\ An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery or table service, primarily served in disposable containers at a counter, a drive-up or drive-through service facility or offers curbside service.

Restaurant, general.\ An establishment engaged in the preparation of food and beverages. This use is characterized by table service to customers in nondisposable containers.

Retail sales.\ Sale or rental with incidental service of goods and merchandise for personal or household use which is not otherwise specifically described in the listing of commercial use types contained herein. Such uses include bakeries, drug stores, bookstores, furniture, gifts, hardware, grocery stores, clothing stores, and floral retail shops.

Short Term Rental.\ The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty consecutive days, in exchange for a charge for the occupancy. A short-term rental operator shall be further defined as the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

Studio, fine arts.\ A building, or portion thereof, used as a place of business for visual art, which may include sculptors, artists or photographers.

Tattoo parlor.\ Any establishment placing designs, letters, scrolls, figures, symbols or any other mark upon or under the skin of any person with ink or other substance resulting in the permanent coloration of the skin, including permanent makeup or jewelry, by the aid of needles or any other instrument designed to touch or puncture skin, except when performed by a medical doctor, veterinarian, registered nurse or other medical professional licensed pursuant to Title 54.1 of the Code of Virginia in the performance of professional duties. Such establishment may also perform body piercing.

Taxidermy.\ A building where animal skins are prepared, stuffed and mounted for sale.

Truck stop.\ An establishment containing a mixture of uses which cater to the traveling public and in particular motor freight operators. A truck stop might include such uses as fuel pumps, restaurants, overnight accommodations, retail sales related to the motor freight industry, and similar uses.

Truck terminal.\ See "warehousing and distribution" listed under industrial use types.

Veterinary hospital/clinic.\ Any establishment rendering surgical and medical treatment of animals. Boarding of animals shall only be conducted indoors, on a short-term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

Wholesale sales.\ Businesses engaged in the sale of goods primarily via mail order to other businesses and/or businesses engaged in the repackaging and resale of goods. Included in this use type are businesses that publish and operate mail order catalogues and wholesale operations that buy in large quantities for repackaging or resale to mail order and internet sales customers. This use shall exclude warehousing and distribution, which is regulated as a separate use.

Article IV. - Zoning Districts and Boundaries.

Part 1. - Zoning Districts and Boundaries.

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

Table 1
Table of Permissible Uses

[illegible]

Plot																	
Farm Employee Housing (*)	C	C	C														
Farmer's Market	P		P					P	P				P			P	
Forestry Operation, Silvicultural and/or Timbering (*)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Greenhouse, Commercial and/or Nursery																	
• In conjunction with residence	P	C	P	C	C												
• Not in conjunction with residence	P		P					P	P	P	P	P			P	C	P
Greenhouse, Private	P	P	P	P	P	C	C	C	C				C			C	
Livestock Auction Market (*)	P		C								C	P	C		C		P
Reptile Breeding (*)	C								C	C	C						
Sawmill, Private (*)	P																
Stable, Commercial (*)																	
• In conjunction with residence	P	C	C	C	C								C			C	
• Not in conjunction with residence	P		C					C	C								
Stable, Private (*)	P	P	C	C	C								C				
Viticulture	P	P	P	C							C	C	C				C
Wayside Stand (*)	P	P	P	C													
RESIDENTIAL USE TYPES																	

Accessory Apartment (*)																	
Residential Accessory Apartment (*)	P	P	P	C	P	C	C						P			P	
Commercial Accessory Apartment (*)			C					P	P				P		C	P	
Boathouse (*)	P	P	P	P	P	P	C						C			C	
Community Recreation (*)		C		C	C	C	C						P	P		P	
Condominium (*)				C			P						P			P	
Congregate Housing (*)			C			C	P						P			P	
Dwelling, Multifamily Conversion (*)	C		C	C	C	C	P						C			C	
Dwelling, Single-Family	P	P	P	P	P	P	P						P			P	
Dwelling, Single-Family, Farm	P																
Dwelling Two-Family Duplex (*)	C	C	C	C		P	P						P			P	
Family Day Care Home (*)	P	P	P	P	P	P	P						P			P	
Group Home	P	P	P	P	P	P	P	C					C			C	
Guest House (*)	P	P		C	C												
Home Occupation, Type I (*)	P	P	P	P	P	P	P						P	P		P	
Home Occupation, Type II (*)	P	P	C	C													
Kennel, Private (*)	P	P															
Manufactured	P	P	C											P			

Home, Class A (*)																	
Manufactured Home, Class B (*)	P												P				
Manufactured Home, Class C																	
Manufactured Home, Family Member Residence (*)	P																
Manufactured Home, Temporary Residence (*)	P																
Manufactured Home Park													P				
Manufactured Home Subdivision													P				
Multifamily Dwelling (*)			C			C	P						P			P	
Temporary Emergency Housing (*)	P	P	P	P	P	P	P						P			P	
Townhouse (*)			C	C		C	P						P			P	
CIVIC USE TYPES																	
Administrative Service	P		P					P	P	P	P	P			P	P	P
Adult Care Center (*)	C		C					C	P	P	P	P	C		P	C	P
Assisted Living Facility	C		C					C	P				C			C	
Cemetery (*)																	
• Animal	C	C	C	C													
• Church	C	C	C	C	C	C	C	C	C				C			C	
• Private	C	C	C	C				C	C	C					C	C	C
• Public	C	C	C	C				C	C	C					C	C	C

Child Care Center (*)	C	C	C	C	C	C		P	P	P			C		P	C	C
Child Care Institution (*)	C	C	C					C	C				C			C	
Club	C	C	C	C	C	C	C	P	P				C		P	C	
Community Center (*)	C		P					P	P				P		P	P	
Correctional Facility	C										C	C					C
Crisis Center	C	C	C					P	P						P		
Cultural Service	C	C	P	C	C	C	C	P	P				P			P	
Educational Facility College/ University	C							C	C				C		C	C	
Educational Facility Primary/Secondary (*)	C	C	C	C	C	C	P	P	P				P		P	P	
Halfway House	C	C	C	C	C	C	C	P					C			C	
Life Care Facility	C	C	C	C	C	C	P	P	P				P			P	
Modular Classroom (*)	P	P	P	P	P	P	P	P	P				P		P	P	
Nursing Home (*)	C	C	C	C	C	C	C	P	P				P		P	P	
Park & Ride Facility	P		C					P	P	P	P	P	C	C	P	C	P
Post Office	P		P		C	C	C	P	P				P		P	P	
Public Sports/Event Facility	C		C					C	P	P					P	C	P
Public Maintenance & Service Facility (*)	C		C					C	C	P	P	P			P		P
Public Park and Recreational Area (*)	P	P	P	P	P	P	P	P	P				P			P	

Public Safety Service	P	C	P	C	C	C	C	P	P	P	P	P	C		P	P	P
Religious Assembly (*)	C	C	C	C	C	C	C	C	C				C			C	
Rehabilitation Service			C					P	P						P	P	
Transit Station	C		C					C	P	P	P	P			P	P	P
Utility Service/Major (*)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Utility Service/Minor (*)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
OFFICE USE TYPES																	
Financial Institution			C					P	P						P	P	
General Office			C				C	P	P	P		P			P	P	C
Laboratory			C					P	P	P	P				P	C	P
Medical Office			C				C	P	P						P	C	
COMMERCIAL USE TYPES																	
Adult Entertainment Establishment (*)											C						
Auction Establishment	C		C					C	P	P	P	P			P		P
Bed and Breakfast (*)	C	C	P	C	C	C	C	C	C				C			C	
Boarding House	C	C	C	C	C	C	C						C			C	
Boating and Fishing Facilities	C		C					C	C	C	P	P			P	C	P
Business Support Service								P	P	C					P	P	P
Business or Trade School	C		C					C	P	P	P	P			P	C	P
Campground (*)	C																

Campground, Workforce (*)	C																
Car Wash			C					P	P	P	P				P	C	
Catering								C	P						P	C	
Commercial Equipment Repair, Accessory to Dwelling (*)	P	C	P	C	C	C											
Commercial Indoor Amusement			C					C	P	P					C	C	
Commercial Indoor Entertainment			C					C	P	P			C		P	C	
Commercial Indoor Sports & Recreation (*)	C		C				C	P	P	P			C		P	C	P
Commercial Outdoor Entertainment/S ports & Recreation (*)	C							C	C	C	C				C	C	C
Commercial Outdoor Swimming Pool & Tennis Facility (*)	C	C	C	C	C	C	C	C	C				C		C	C	
Construction Office, Temporary (*)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Construction Sales & Service								C	P	P	P	P			C		P
Contractor Office and Storage Facility (*)	C		C					C	P	P	P	P			P		P
Convenience Store (*)	C		C					C	C	P	P				C	C	P
Crematorium (*)	C		C					C	C	C					C		C

Dance Hall								C	C	C							
Equipment Sales and Rental	C								C	P	P	P			C		P
Event center	C		P					P	P						P	P	
Flea Market (*)	C		C					C	C	C	C						
Funeral Home (*)	C		C					P	P	C					P	C	
Garden Center (*)	C		C					P	P	P	P	P			P	P	P
Gasoline Station (*)	C		C					C	C	C	C				C	C	C
General Store, Country	C	C	P	C													
Golf Course (*)	C	C	C	C	C	C	C	P	P				P		P	P	
Golf Driving Range (*)	C		C					P	P	P					P	C	
Hospital								C	P						C	C	
Hospital, Special Care								C	C						C	C	
Hotel/Motel/Motor Lodge/Inn			C					C	P	C					P	C	C
Itinerant Merchant			P					P	P						P	P	
Kennel, Commercial (*)	C							C	C	C	C				C		C
Laundry									C	P	P						P
Lawn and Garden Services	P							P	P	P	P						P
Manufactured Home Sales									C	C					C		
Marina (*)	C	C	C	C	C	C	C	C	P	C			C		P	C	P
Medical Clinic			C					C	P						C	C	
Micro-Brewery, Distillery, Cidery (*)								C	P	P	P	P			P	P	P
Mini-Warehouse (*)								C	C	P	P	P			P		P

Motor Vehicle Dealership/New (*)								C	P						P		
Motor Vehicle Dealership/Used (*)								C	C						C		
Motor Vehicle/Outdoor Storage									C	P	P	P			C		P
Motor Vehicle Parts/ Supply, Retail (*)			C					P	P	P	P				P	P	P
Motor Vehicle/ Rental (*)								C	P	P	P				P		P
Motor Vehicle Repair Service/Major (*)			C					C	P	P	P				C		P
Motor Vehicle Repair Service/Minor (*)			C					C	P	P	P				C	C	P
Pawn Shop								C	P	P							
Peddler			P					P	P						P	P	
Personal Improvement Service			C					P	P	C					P	P	P
Personal Service			C					P	P	C					P	P	P
Real Estate Office, Temporary	P	P	P	P	P	P	P						P	P		P	
Recreational Vehicle Sales & Service								C	C						C		
Restaurant, Drive-In Fast Food (*)			C					C	P	C					P	P	P
Restaurant, General			C				C	C	P	C					P	P	P
Retail Sales			C				C	P	P	P					P	P	

Short-Term Rentals (*)	P	P	C	C	C	C	C						C	C		C	
Studio, Fine Arts	C		C				C	P	P	P					P	P	
Tattoo Parlor								C	P	P	P				P	C	P
Taxidermy (*)	P		C					C	P	P	P						
Truck Stop								C	C	P	P						P
Veterinary Hospital/ Clinic	P		C				P	P	P						P	P	
Wholesale Sales	C		C					P	P	P	P	P			P	P	P
INDUSTRIAL USE TYPES																	
Abattoir or Livestock Processing (*)	C										C	P					C
Asphalt or Concrete Plant (*)											C	C					C
Brewery, Distillery, Cidery										P	P	P					P
Construction Yard (*)	C								C	P	P	P			C		P
Custom Manufacturing	C		C					C	P	P	P				P	C	P
Industry, Type I	C									P	P	P			C		P
Industry, Type II										C	P	P					P
Industry, Type III											C	C					C
Landfill, Industrial (*)	C									C	C	C					
Landfill, Rubble (*)	C									C	C	C					C
Landfill, Sanitary (*)	C																
Meat Packing											P	P					P
Recycling Center (*)	C									P	P	P					P

Refuse and Recycling Center	C		C						C	P	P	P				C		P
Resource Extraction (*)	C										C	C						C
Sawmill, Commercial											C	P	P					
Scrap and Salvage Service (*)	C										C	C	C					C
Shipping Container (*)	C	C		C	C	C		C	C	P	P	P				C		P
Towing Service Storage											C	C	C					
Yard (*)																		
Transfer Station	C										P	P	P					P
Warehousing and Distribution	C										P	P	P					P
MISCELLANEOUS USE TYPES																		
Amateur Radio Tower (*)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Aviation Facility, Commercial (*)	C											C	C					C
Aviation Facility, General (*)	C											C	C			C		C
Aviation Facility, Private (*)	C	C										C	C			C		C
Communication Tower (*)	C	C	C	C				C	C	C	C	C				C	C	C
Composting System, Confined Vegetative Waste or Yard (*)	C																	
Hunt Club	P		C															

Parking Facility, Surface/Structure								C	C	C	C	C				C	C	P
Reconstructed Wetland (*)	P	C	C	C	C	C	C	C	C	C	C	C	P	C		C	P	C
Shooting Range, Outdoor (*)	C											C	C					C
Turkey Shoot (*)	P											C	C					C

Sec. 4-2002. Permitted uses.

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

A. Agricultural uses:

Agricultural crop service towers and antennas

Agricultural farm product processing, warehousing and distribution service

Agricultural service/agent

Agriculture

Agritourism (See Part 2A, Agritourism)

Aquaculture (See Part A, Agritourism)

Aquaculture, waterfront business

* Commercial feedlot

Fair, agricultural

* Family Burial Plot

Farmer's market

* Forestry operation, silvicultural and/or timbering

* Greenhouse, commercial and/or nursery

Greenhouse, private

* Livestock auction market

* Sawmill, private

* Stable, commercial

• In conjunction with residence

• Not in conjunction with a residence

- * Stable, private

Viticulture

- * Wayside stand

B. Residential uses:

- * Accessory apartment

- Residential accessory apartment

- * Boathouse

Dwelling, single-family

Dwelling, single-family, farm

- * Family day care home

Group home

- * Guest house

- * Home occupation, Type I

- * Home occupation, Type II

- * Kennel, private

- * Manufactured home, Class A

- * Manufactured home, Class B

- * Manufactured home, family member residence

- * Manufactured home, temporary residence

- * Temporary emergency housing

C. Civic uses:

Administrative service

Modular classroom

- Park and ride facility

Post office

Public park and recreational area

Public safety service

- * Utility service/minor

D. Commercial uses:

- * Commercial equipment repair, accessory to dwelling

- * Construction office, temporary

Lawn and garden services

Real estate office, temporary

- * Short-Term Rental
- * Taxidermy
- Veterinary hospital/clinic
- E. Miscellaneous uses:
 - * Amateur radio tower
 - Hunt club
 - * Reconstructed wetland
 - * Turkey shoot

Sec. 4-2006. Bulk regulations.

- A. Maximum building height: All buildings: Thirty-five (35) feet or three (3) stories, whichever is lesser.
- B. Minimum front yard setback:
 - 1. Where right-of-way is > fifty (50) feet, the minimum front yard setback is sixty (60) feet from property line.
 - 2. Where right-of-way is < fifty (50) feet, the minimum front yard setback is eighty-five (85) feet from center line of road.
- C. Minimum side yard setback:
 - 1. Principal structures: Fifteen (15) feet.
 - 2. Accessory structures: See supplementary density and dimensional requirements for accessory building requirements.
- D. Minimum rear yard setback:
 - 1. Principal structures: Thirty-five (35) feet.
 - 2. Accessory structures: Five (5) feet.

Sec. 4-3002. Permitted uses.

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

- A. Agricultural uses:
 - Agricultural service/agent
 - * Agriculture
 - Agritourism (See part 2A)

Aquaculture

- * Forestry operation, silvicultural and or timbering

Greenhouse, private

- * Stable, private

Viticulture

- * Wayside stand

B. Residential uses:

- * Accessory apartment

- Residential accessory apartment

Boathouse

Dwelling, single-family

- * Family day care home

Group home

- * Guest house

- * Home occupation, Type I

- * Home occupation, Type II

- * Kennel, private

- * Manufactured home, Class A

- * Temporary emergency residence

C. Civic uses:

Modular classroom

Public park and recreational area

- * Utility service/minor

D. Commercial uses:

- * Construction office, temporary

Real estate office temporary

- * Short-Term Rental

E. Miscellaneous uses:

- * Amateur radio tower

Sec. 4-3007. – Bulk regulations

A. Maximum building height:

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

B. Minimum front yard setback:

1. Where right-of-way is > fifty (50) feet, the minimum front yard setback is sixty (60) feet from property line.
2. Where right-of-way is < fifty (50) feet, the minimum front yard setback is eighty-five (85) feet from center line of road.

C. Minimum side yard setback:

1. Principal structures: Fifteen (15) feet.
2. Accessory structures: See supplementary density and dimensional requirements for accessory building requirements.

D. Minimum rear yard setback:

1. Principal structures: Thirty-five (35) feet.
2. Accessory structures: Five (5) feet.

Sec. 4-4003. - Conditional uses.

E. Commercial uses:

- * Antique shop
- Auction establishment
- Boarding house
- Boating and fishing facilities
- Business or trade school
- Car wash
- Commercial indoor amusement
- Commercial indoor entertainment
- * Commercial indoor sports and recreation
- * Commercial outdoor swimming pool and tennis court
- * Contractor office and storage facility
- * Convenience store
- * Crematorium
- * Flea market
- * Funeral home
- * Garden center
- * Gasoline station
- * Golf course
- * Golf driving range
- Hotel/motel/motor lodge/inn
- * Marina
- Medical clinic
- * Motor vehicle parts/supply retail
- * Motor vehicle repair service/minor
- Personal improvement service
- Personal service

- * Restaurant, drive-in fast food
- Restaurant, general
- Retail sales
- * Short-Term Rental
- Studio, fine arts
- * Taxidermy
- Veterinary hospital/clinic
- Wholesale sales

Sec. 4-5003. - Conditional uses

D. Commercial uses:

- * Bed and breakfast
- Boarding house
- * Commercial equipment repair, accessory to dwelling
- * Commercial outdoor swimming pool and tennis facility
- General store, country
- * Golf course
- * Marina
- * Short-Term Rental

Sec. 4-5005. – Bulk regulations

C. Minimum front yard setback:

1. Where rights-of-way is fifty (50) feet or greater, the minimum front yard setback is thirty-five (35) feet from property line.
2. Where rights-of-way is less than fifty (50) feet, the minimum front yard setback is sixty (60) feet from centerline of road.
3. In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots shall be required.

Sec. 4-6003. - Conditional uses:

D. Commercial uses:

- * Bed and breakfast
- Boarding house
- * Commercial equipment repair, accessory to dwelling
- * Commercial outdoor swimming pool and tennis facility
- * Golf course
- * Marina
- * Short-Term Rental

Sec. 4-7003. - Conditional uses:

D. Commercial uses:

- * Bed and breakfast
- Boarding house
- * Commercial equipment repair, accessory to dwelling
- * Commercial outdoor swimming pool and tennis facility
- * Golf course
- * Marina
- * Short-Term Rental

Sec. 4-7005. – Bulk regulations

D. Minimum side yard setback: Ten (10) feet.

Sec. 4-8003. - Conditional uses:

E. Commercial uses:

- * Bed and breakfast
- Boarding house
- * Commercial indoor sports and recreation
- * Commercial outdoor swimming pool and tennis facility
- * Golf course
- * Marina
- Restaurant, general
- Retail sales
- * Short-Term Rental
- Studio, fine arts

Sec. 4-8004. - Lot size requirements

Lot size requirements are for Single Family Detached Residential lots. Public water and sewer are required. Refer to section 5-5002 for supplementary use regulations for townhomes and multifamily.

- A. Minimum lot area: Eight thousand five hundred (8,500) square feet
- B. Minimum lot width: Sixty (60) feet
- C. Minimum lot frontage: Fifty-six (56) feet
- D. Minimum frontage on a cul-de-sac: No less than fifty percent (50%) of minimum lot width of district.

Sec. 4-10003. - Conditional uses.

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

A. Agricultural uses:

- Aquaculture

- Aquaculture, waterfront business
- Greenhouse, private
- * Reptile Breeding
- * Sawmill, commercial
- * Stable, commercial Not in conjunction with residence

Sec. 4-15003. - Conditional uses:

D. Commercial uses:

- * Bed and breakfast
- Boarding house
- Commercial indoor entertainment
- * Commercial indoor sports and recreation
- * Commercial outdoor swimming pool and tennis facility
- * Marina
- * Short-Term Rental

Sec. 4-16003. - Conditional uses.

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

C. Commercial Uses

- * Short-Term Rental

Sec. 4-18003. - Conditional uses:

E. Commercial uses:

- * Bed and breakfast
- Boarding house
- Boating and fishing facilities
- Business or trade school
- Car wash
- Catering
- Commercial indoor amusement
- Commercial indoor entertainment
- * Commercial indoor sports and recreation
- * Commercial outdoor entertainment/sports and recreation
- * Commercial outdoor swimming pool and tennis facility
- * Convenience store
- * Funeral home
- * Garden center
- * Gasoline station
- * Golf driving range
- Hospital
- Hospital, special care

Hotel/motel/motor lodge/inn
* Marina
Medical clinic
* Motor vehicle repair service/minor
*Short-Term Rental
Tattoo parlor

Article V. Supplementary Use Regulations.

Sec. 5-1004. - Accessory uses.

- C. Portable on demand storage (POD) units, shipping containers or dumpsters used for renovation or construction work shall be considered temporary structures. They are permitted for use for a total of sixty (60) days, after which a zoning permit must be obtained through the planning and zoning department for a period not to exceed six months.

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

- A. Accessory building requirements.
 - 1. The square footage of an accessory building shall not exceed the square footage of the primary structure.
 - 2. The following provisions shall regulate the location of accessory buildings with respect to required yards:
 - a. Accessory buildings shall be prohibited in any required yard which adjoins a street, except as permitted under subsection 5-2000.E.3.
 - b. Accessory buildings shall be located at least five (5) feet from any required rear and side lot boundary lines where such building is entirely to the rear of the principal structure.
 - c. Accessory structures in the RAC and RR districts may be located in the side yard and shall be located at least five (5) feet from any required rear and side lot boundary lines. Such buildings shall be a maximum of fifteen (15) feet in height and shall be no more than 500 square feet. Anything larger must meet principal building setbacks.
 - d. Accessory buildings shall not exceed the maximum height restriction for the zone in which such structures are located, except as specified in subsection 5-2000.D.2.
 - e. Shipping containers may be used as residential, commercial and industrial accessory structures subject to the criteria in subsection 5-5006.J.

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

- G. Reptile breeding.
 - 1. In addition to obtaining a conditional use permit, reptile breeding shall comply with the following provisions:

- a. Each reptile shall be kept in an escape proof, temperature-controlled cage. The only exception shall be during breeding and no more than two (2) reptiles shall be kept in a cage for breeding purposes at in any given time.
- b. Each cage shall contain proper housing, shelter, feeding and water accommodations.
- c. An operational plan shall accompany the conditional use permit application to describe how the business will operate, what structures/facilities will be devoted to the use, what species of reptiles will be kept, how large they grow and how will they will be caged long term, how the reptiles will be cared for including feeding, medical check-ups, how the cages will be cleaned and maintained to prevent the spread of bacteria, how waste disposal will be handled, and any other information as may be determined by the zoning administrator, planning commission and board of supervisors. The owner/operator shall be responsible for keeping a current report on file with the County Department of Emergency Services with a list of any poisonous species to be kept on the property.
- d. The keeping of reptiles shall comply with all local, state and federal requirements.

H. Private Sawmill.

1. A private sawmill shall be no less than three hundred (300) feet from any lot line or street right-of-way.
2. A permanent or temporary structure shall not be located on environmentally sensitive lands (RPAs) and wetlands.
3. All power saws and machinery will be secured against tampering or locked when not in use.
4. A private sawmill shall only be established to process timber cut from the parcel on which the private sawmill is located or on immediately adjacent parcels or to process timber for personal use only.
5. No processing, milling, finishing or artificial means of drying green lumber shall be associated with a private sawmill.
6. Green lumber and all other products and by-products from the private sawmill shall be removed from the site at least every sixty (60) days.
7. Buildings associated with a private sawmill shall be limited to shelter for the sawmill equipment and essential shelter for personnel. No building shall be erected for the storage, processing, or drying of green lumber.

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

Q. Short Term Rentals

1. Zoning permit is required.
2. Local contact who is available to respond to and resolve complaints during the entire length of the rental period. Failure to respond and resolve complaints will result in the revocation of the permit.
3. Operators must obtain a business license and register for transient occupancy and state sales tax.
4. Must meet current building and zoning regulations and be subject to a safety inspection from the County to confirm the installation of smoke alarms, fire extinguisher and a posted emergency exit plan prior to permit approval.

5. \$500 penalty for failure to obtain required permits. Repeated violations may result in the prohibition on rental of applicable properties.
6. One off-street space per guest room is required in addition to the parking required for the house.
7. Rentals are limited to owner-occupied residences. No visible evidence of the conduct of a short-term rental is allowed on the outside of the property.
8. Event rentals are not permitted.
9. No meals may be prepared for or provided to guests.

Sec. 5-5003. - Supplementary use regulations for civic use types.

M. Utility services, major.

4. Utility Scale Solar Energy Facilities.

- a. In addition to any conditional use permit application requirements, the applicant shall provide the following at the time of application:
 - i. A conceptual plan showing the proposed layout of all structures, adjacent properties, screening, landscaping, internal roadways, easements, environmentally sensitive features including proposed wildlife corridors;
 - ii. A visual impact analysis demonstrating through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor;
 - iii. A transportation plan showing vehicular access to the site, proposed construction traffic route to the site, parking areas, and laydown yards;
 - iv. An estimated time frame and proposed hours of operation for construction activity;
 - v. Economic impact analysis of the project including projected net new tax revenue as well as loss of active agricultural and silvicultural lands and its indirect impact to associated local businesses;
 - vi. An environmental resource impact analysis discussing any proposed activities within designation resource conservation areas;
 - vii. A historical and cultural resources impact analysis; and
 - viii. Written comments from the relevant electric company regarding the capacity of the transmission lines as part of any use permit application. An applicant can satisfy this requirement by submitting proof of application for interconnection to the electricity system.
- b. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt, except when temporarily stowed in a vertical position for vegetation management or for inspection, maintenance and/or repair.
- c. Audible sound from a solar energy system shall not exceed 60 dBA (A-weighted decibels), as measured at any adjacent non-participating landowner's property line. The level, however, may be exceeded during short-term exceptional circumstances, such as severe weather.
- d. All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least seventy-five (75) feet from all property lines and at least one hundred and twenty-five (125) feet from any residential

- parcels, and are subject to the following:
- i. Setbacks shall be kept free of all structures and parking lots; and
 - ii. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.
- e. The following landscaping standards shall apply:
- i. Along public roadways with at least fifty (50) feet of right-of-way, a minimum fifty-foot wide bufferyard shall be installed or retained with at least seventy-five (75) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;
 - ii. Along public roadways with less than fifty (50) feet of right-of-way, twenty-five (25) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;
 - iii. Where solar facility properties abut residential parcels, one hundred twenty (120) landscaping points per five hundred (500) square feet of bufferyard shall be required;
 - iv. Existing vegetation that meets the minimum landscaping specifications may be used to meet required landscaping points; and
 - v. No silvicultural activities or removal of required landscaping materials shall occur in the required bufferyards.
- f. Provide soil testing for any contaminants directly attributable to the solar panels before and after construction and every five (5) years during the interim until the facility is decommissioned. Owner/operator must provide copies of initial baseline report and subsequent reports to the zoning administrator. Should a negative finding indicating contamination from the solar panels occur, contamination must be remedied by the owner/operator to applicable state and federal standards.
- g. Prior to final site plan approval, an owner, lessee, or developer of real property shall enter the following agreement and provide them to the zoning administrator for review and approval:
- i. A written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions:
 - a) If the party that enters into such written agreement with the county defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning; and
 - b) Such owner, lessee, or developer shall provide financial assurance of such performance to the county in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the county; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage

value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

c) Decommissioning of discontinued or abandoned large solar energy systems shall include the following:

- i. Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the board of supervisors that such roads remain.
- ii. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.
- iii. Compacted soils shall be decompacted as agreed to by the landowner.
- iv. Restoration of the topography of the project site to is pre-existing condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the board of supervisors.
- v. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.

h. During and at the end of project construction, any damage done to public roads by solar farm construction equipment shall be repaired in accordance with VDOT standards and specifications. Post construction damage shall be identified based on inspections by VDOT with the developer or their agent, prior to construction and upon completion, identifying the items for repair. Additionally, at the request of VDOT, in order to ensure the safety of the traveling public, some damages may need to be addressed immediately.

i. Facilities shall not be located within the limits of the County's Development Service Districts. This prohibition shall not apply to those solar facilities classified as minor utility use types and are considered incidental and accessory to the principal use of the property.

j. The facilities themselves must be partially or wholly located within a two mile radius of existing substations and/or high voltage transmission lines.

Article VI. Overlay Districts.

Sec. 6-1001. - Highway Corridor Overlay (HCO) District.

Sec. 6-1010. - Architectural and development guidelines for all nonresidential uses.

B. Development standards. Proposed development within the district should provide for visual compatibility and harmony with surrounding natural landforms and vegetation; be protective of views and vistas from the arterial highways within the district; and provide continuity of site design within the proposed development. These objectives include the following standards:

6. Vehicular movement and parking areas requiring twenty (20) spaces or more shall be paved with concrete, asphalt, or other similar material. Vehicular movement and parking areas requiring less than twenty (20) spaces may be surfaced with gravel, slag, or other similar material but must be served by paved entrances meeting Virginia Department of Transportation standards. Off street parking areas shall be clearly designated by the use of borders around the perimeter of these areas using fences, walls, wooden timbers, brickwork, or other similar treatment. Drainage shall be designed so as not to interfere with pedestrian traffic.

Sec. 6-2000. - Newport Development Service Overlay (NDSO) District.

Sec. 6-2009. - Development standards.

- E. Vehicular movement and parking areas requiring twenty (20) spaces or more shall be paved with concrete, asphalt, or other similar material. Vehicular movement and parking areas requiring less than twenty (20) spaces may be surfaced with gravel, slag, or other similar material but must be served by paved entrances meeting Virginia Department of Transportation standards.
- F. Off street parking areas shall be clearly designated by the use of borders around the perimeter of these areas using fences, walls, wooden timbers, brickwork, or other similar treatment. Drainage shall be designed so as not to interfere with pedestrian and bicycle traffic.

Article VII. General Design Guidelines and Development Review Procedures.

Sec. 7-2007. - Preliminary site development plan review procedures and approval authority.

D. Administrative review by the zoning administrator.

1. Eight (8) full-sized copies, one (1) "eleven-inch x seventeen-inch" copy, and one digital copy of the preliminary site development plan and associated application documents as required by the county, including, but not limited to, traffic impact studies, water quality impact assessments. An alternative number of copies may be determined necessary by the zoning administrator. An initial determination shall be made as to whether the preliminary site development plan is complete. In the event it is not complete, it shall be returned to the applicant with a written description of the deficiencies within ten (10) calendar days

of the submittal date.

DATE: _____

READ AND PASSED: _____
Chairman

TESTE: _____
Clerk

Approved as to Form:

Robert W. Jones, Jr., County Attorney

Proposed Subdivision Ordinance Revisions

Revised February 16, 2022

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.

3.2. Review and approval procedures.

3.2.1. General.

A. Authority to file applications.

1. Applications may be initiated by the owner of the land being subdivided or the owner's authorized representative. The subdivision agent may require an applicant to present evidence of authority to submit the application.
2. All real estate taxes and any outstanding fees or charges shall be current prior to submission of an application for any activity regulated under this ordinance.

B. Pre-application conference.

1. Before submitting an application for development approval, it is recommended that each applicant schedule a pre-application conference with the subdivision agent to discuss the procedures, standards and regulations required for development approval in accordance with this ordinance.
2. A mandatory pre-application conference with the subdivision agent shall be required for the following development reviews:
 - a. Any subdivision that will require public infrastructure; and
 - b. All applications for major subdivision.

C. Application requirements. The following requirements shall apply to all applications for subdivision approval. Applications for re-approval of an expired approval shall be processed in the same manner as any other application.

1. Forms. Applications required under this ordinance shall be submitted on forms and in such numbers as required by the appropriate department. All forms shall include, at a minimum, the following information:
 - a. Contact information for the individual or firm submitting the application and all property owners, including principals of a corporation or other entity;
 - b. Contact information for the individual or firm on whose behalf the application is being submitted;
 - c. Identification of the property affected by the application, such as a legal description, address, or parcel identification as may be appropriate; and
 - d. Any other information required by the subdivision agent or the provisions of this ordinance.
2. Fees.

- a. Filing fees shall be as set forth in the Isle of Wight County Uniform Fee Schedule, as adopted by the board of supervisors, as it may be amended, in order to defray the actual cost of processing the application.
 - b. Fees shall be paid with the appropriate department.
 - c. An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less ten (10) percent for administrative costs, upon written request to the appropriate department. Once distribution for review has begun, no refund shall be available.
- 3. Applications sufficient for processing.
 - a. Applications shall contain all required information listed on forms available from each department involved in the review process, unless modified by the department, in writing, pursuant to item b., below. Incomplete applications shall not be entitled to review.
 - b. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of this section. However, it shall be recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.
 - c. Once the application has been determined sufficient for processing, copies of the application shall be distributed by the subdivision agent to the appropriate reviewing entities.
- 4. Development review meeting after application submitted.
 - a. Upon receipt of comments from appropriate review entities, the subdivision agent may convene a development review meeting including all appropriate review agencies, which may include the applicant, to ensure compliance with the following:
 - 1. The applicable requirements of this ordinance;
 - 2. That the applicant has submitted all of the information he/she intends to submit; and
 - 3. That the application represents precisely and completely what the applicant proposes to do.
 - b. Once the subdivision agent deems that all options have been exhausted to address all review comments and recommendations, and all requirements have been met, the application shall be placed on the agenda of the appropriate reviewing board, department, or committee in accordance with standard procedures. However, if the subdivision agent believes the

application is incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate board, department, or committee.

5. Related or concurrent applications.

- a. Applications for necessarily related development approvals may be filed and reviewed simultaneously, at the option of the applicant. Any application that also requires a rezoning shall not be eligible for final approval until the rezoning has been granted (see section 3.2.3.C, zoning requirements).
- b. Related applications submitted simultaneously are subject to approval of all other related applications; deferral or denial of any concurrently submitted application shall stop consideration of any related applications until the deferred or denied application is resolved.

6. Administrator's comments--Term of validity.

- a. The Administrator's comments or commitments on a proposed plat or construction plan that did not achieve approval shall maintain efficacy for six months from the date the comments are rendered. After this period, these comments or commitments shall be void.

3.2.3.B. Exception to subdivision requirements.

- 4) Boundary line adjustments to any valid and properly recorded plat, including vacation or alteration, provided the requirements of Section 15.2-2275 of the Code of Virginia and the following requirements are met:

~~(a) The adjustment does not result in the creation of irregularly shaped lots;~~

- (a) The adjustment is executed by the owner or owners of such land as provided in Section 15.2-2264 of the Code of Virginia;
- (b) The adjustment does not result in any new violations to the dimensional requirements of the zoning ordinance;
- (c) The adjustment does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and
- (d) No easements or utility rights-of-way shall be relocated or altered without the express written consent of all persons or entities holding any interest in the easement or rights-of-way.

- 5.11.1. Shape. Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable sites for buildings, be properly related to natural topography, and conform to requirements of this ordinance and the zoning ordinance. Lots shall be generally regular in shape, such as rectangular or pie-shaped, and may not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes, the only exception to this rule being elongations ~~for use as to provide~~ access to a public street within a flag lot. For lots with a width of sixty (60) feet or greater, lot proportions should provide approximately two and one-half (2.5) feet of lot depth for every one (1) foot of lot width.

5.11.4. Side lines. Side lines of lots shall be reasonably straight and approximately at right angles or radial to the street line.

**AN ORDINANCE
TO AMEND AND REENACT THE FOLLOWING SECTIONS OF
APPENDIX A. SUBDIVISIONS: ARTICLE 3 (ADMINISTRATION AND
PROCEDURES) AND ARTICLE 5 (DEVELOPMENT STANDARDS)**

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 the following specific sections of the Articles of Appendix A, Subdivisions, of the Isle of Wight County Code be amended and reenacted as follows:

Article 3. Administration and Procedures

3.2. Review and approval procedures.

3.2.1. General.

A. Authority to file applications.

1. Applications may be initiated by the owner of the land being subdivided or the owner's authorized representative. The subdivision agent may require an applicant to present evidence of authority to submit the application.
2. All real estate taxes and any outstanding fees or charges shall be current prior to submission of an application for any activity regulated under this ordinance.

B. Pre-application conference.

1. Before submitting an application for development approval, it is recommended that each applicant schedule a pre-application conference with the subdivision agent to discuss the procedures, standards and regulations required for development approval in accordance with this ordinance.
2. A mandatory pre-application conference with the subdivision agent shall be required for the following development reviews:
 - a. Any subdivision that will require public infrastructure; and
 - b. All applications for major subdivision.

C. Application requirements. The following requirements shall apply to all applications for subdivision approval. Applications for re-approval of an expired approval shall be processed in the same manner as any other application.

1. Forms. Applications required under this ordinance shall be submitted on forms and in such numbers as required by the appropriate department. All forms shall include, at a minimum, the following information:
 - a. Contact information for the individual or firm submitting the application and all property owners, including principals of a corporation or other entity;
 - b. Contact information for the individual or firm on whose behalf the application is being submitted;
 - c. Identification of the property affected by the application, such as a legal description, address, or parcel identification as may be appropriate; and
 - d. Any other information required by the subdivision agent or the provisions of this ordinance.
2. Fees.
 - a. Filing fees shall be as set forth in the Isle of Wight County Uniform Fee Schedule, as adopted by the board of supervisors, as it may be amended, in order to defray the actual cost of processing the application.
 - b. Fees shall be paid with the appropriate department.
 - c. An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less ten (10) percent for administrative costs, upon written request to the appropriate department. Once distribution for review has begun, no refund shall be available.
3. Applications sufficient for processing.
 - a. Applications shall contain all required information listed on forms available from each department involved in the review process, unless modified by the department, in writing, pursuant to item b., below. Incomplete applications shall not be entitled to review.
 - b. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of this section. However, it shall be recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.
 - c. Once the application has been determined sufficient for processing, copies of the application shall be distributed by the subdivision agent to the appropriate reviewing entities.
4. Development review meeting after application submitted.

- a. Upon receipt of comments from appropriate review entities, the subdivision agent may convene a development review meeting including all appropriate review agencies, which may include the applicant, to ensure compliance with the following:
 1. The applicable requirements of this ordinance;
 2. That the applicant has submitted all of the information he/she intends to submit; and
 3. That the application represents precisely and completely what the applicant proposes to do.
 - b. Once the subdivision agent deems that all options have been exhausted to address all review comments and recommendations, and all requirements have been met, the application shall be placed on the agenda of the appropriate reviewing board, department, or committee in accordance with standard procedures. However, if the subdivision agent believes the application is incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate board, department, or committee.
5. Related or concurrent applications.
- a. Applications for necessarily related development approvals may be filed and reviewed simultaneously, at the option of the applicant. Any application that also requires a rezoning shall not be eligible for final approval until the rezoning has been granted (see section 3.2.3.C, zoning requirements).
 - b. Related applications submitted simultaneously are subject to approval of all other related applications; deferral or denial of any concurrently submitted application shall stop consideration of any related applications until the deferred or denied application is resolved.
6. Administrator's comments--Term of validity.
- a. The Administrator's comments or commitments on a proposed plat or construction plan that did not achieve approval shall maintain efficacy for six months from the date the comments are rendered. After this period, these comments or commitments shall be void.

D. Notice and public hearings.

1. Summary of notice required. Notice shall be required for applications for development approval as shown in the table below:

Procedure	Published	Posted
Waiver		✓
Subdivision ordinance text amendment	✓	

2. Public notice requirements.
 - a. Published notice. Published notice shall be provided in conformance with Section 15.2-2204 of the Virginia Code. A distinctive advertisement shall

be placed in a local newspaper of general circulation once a week for two (2) successive calendar weeks, the first notice being published not more than twenty-one (21) days before the date fixed for the public hearing and the second notice being published at least five (5) days before the hearing. At minimum, the notice must contain the following information:

- 1) The time, date and location of the public hearing;
 - 2) A description of the action requested;
 - 3) A phone number to contact the county; and
 - 4) A statement that interested parties may appear at the public hearing.
- b. Posted notice. In addition to notice of hearings as required by the applicable statutes of the Commonwealth of Virginia, when posted notice is required, the applicant must erect on or immediately adjacent to, the subject property a sign or signs as specified below giving public notice of the action required.
- 1) The sign must meet the following criteria:
 - [a) Reserved.]
 - b) The wording, size and color of such sign shall be as specified by the subdivision agent and approved by the board of supervisors.
 - c) One (1) sign must be erected so as to be visible and legible to each abutting public street. where the property has extensive road frontage, one (1) sign shall be erected for each five hundred (500) feet of frontage.
 - d) When a property has no frontage directly on a public street, it shall be posted adjacent to the nearest public street from which future access is contemplated.
 - 2) Signs must be erected at least seven (7) calendar days before the hearing where the application is to be considered and removed by the applicant within two (2) days after the final public hearing on the application.
 - 3) Signs are required for each hearing at which the application is considered.
 - 4) It is unlawful for any person to pull down, write on, cut or otherwise injure or deface required posted notice, which will constitute violation of this ordinance.
 - a) The applicant is responsible for the maintenance or replacement of signs obliterated or destroyed during the posting period.
 - 5) The additional requirements for public notice and posting on the property are for the benefit of the public to identify the location of the property in question and advanced knowledge of a hearing only and is not a legal requirement of notice. The failure to comply with the

provisions herein does not defeat the action of the approving authority concerning the application. The only legal notice requirements are those provided by the statutes of the Commonwealth of Virginia.

3. Constructive notice. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

- E. Required hearings and meetings. A hearing shall be required for development review as shown in the table below:

Procedure	Planning Commission	Board of Supervisors
Waiver	Public meeting	Public meeting
Subdivision ordinance text amendment	Public hearing	Public hearing
Appeal of administrative decision		Public hearing

- F. Notice of decision. Within fourteen (14) days after a decision is made, a copy of the decision shall be sent to the applicant.

- G. Withdrawal or postponement of application.

1. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the subdivision agent.
2. The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
3. An applicant may postpone a scheduled hearing once per application for up to ninety (90) days after the date the first hearing was scheduled to occur, after which the subdivision agent may withdraw the application.

3.2.2. Interpretation of this ordinance.

- A. Applicability. When uncertainty exists, the subdivision agent shall be authorized to make all interpretations concerning the provisions of this ordinance.
- B. Deferral of interpretation. The subdivision agent may defer interpretations of this ordinance to the appropriate county officials.
- C. Application requirements. A request for interpretation shall be submitted in writing.
- D. Action by subdivision agent. The subdivision agent shall:
 1. Review and evaluate the request in light of the text of this ordinance, the zoning ordinance, the comprehensive plan and any other relevant information;
 2. Consult with the other officials, including the county attorney, as necessary;
 3. Render an opinion; and
 4. Cause the interpretation to be provided to the applicant in writing.

- E. Official record. The subdivision agent shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.
- F. Appeal. Final action on an official interpretation of this ordinance by the subdivision agent (or other administrative official) may be appealed in accordance with section 3.2.12, appeal of administrative decision.

3.2.3. Subdivision, general.

- A. Applicability. Subdivision review is required for any division of land within the county. However, certain subdivision activities may be eligible to receive an exception of compliance from certain requirements of this ordinance as described in section 3.2.3.B, below.
- B. Exception to subdivision requirements.
 - 1. Actions eligible for exception. Upon submittal of a survey plat prepared by a licensed professional, the subdivision agent may grant an exception allowing one (1) or more of the following actions without further compliance with the requirements of this ordinance. However, this shall not be construed as an exemption from this ordinance.
 - a. Agricultural, horticultural, or silvicultural. 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."

- b. Lots not fronting on a public road.
 - 1) Subject to the required zoning, the division of a tract in single ownership into two (2) lots not fronting a public road, where a twenty-foot access easement is provided, and both lots comply with the requirements of this ordinance.
 - 2) Subject to the required zoning, the division of a tract for commercial lots not fronting on a public road provided that the lots front on a private road that is built to the minimum VDOT street standards, and where the private road shall be maintained by adjacent property owners and guaranteed in writing with a private road maintenance agreement. This agreement shall be revised upon any change in ownership and prior to any additional subdivision approval on lots served by the private road.
 - c. Boundary line adjustments.
 - 1) The public acquisition of strips of land for the widening or opening of streets.

- 2) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots does not increase and each resulting lot conforms to the requirements of this ordinance and applicable requirements of the zoning ordinance.
 - 3) The plat making the transfer(s) related to the sale, exchange or other transfer of parcels between adjoining property owners, where it does not create additional lots or make existing lots of lesser width or area than required by this ordinance.
 - 4) Boundary line adjustments to any valid and properly recorded plat, including vacation or alteration, provided the requirements of Section 15.2-2275 of the Code of Virginia and the following requirements are met:
 - (a) The adjustment is executed by the owner or owners of such land as provided in Section 15.2-2264 of the Code of Virginia;
 - (b) The adjustment does not result in any new violations to the dimensional requirements of the zoning ordinance;
 - (c) The adjustment does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and
 - (d) No easements or utility rights-of-way shall be relocated or altered without the express written consent of all persons or entities holding any interest in the easement or rights-of-way.
 - d. Well lot and pump station lots. That will be dedicated to the county upon completion and meet the applicable yard setbacks for the zoning district of subject lot and applicable screening standards in the zoning ordinance.
 - e. Family burial plots. Family burial plots shall meet the requirements of the zoning ordinance.
 - f. Lots with existing established metes and bounds and/or divided by existing public roads. The agent or his designee may permit the separation of one (1) parcel from a tract of land without complying with all of the requirements of this ordinance if it is not in conflict with the general meaning and purpose of the ordinance.
2. Conditions for exception. In order to approve an exception from the requirements of this ordinance, the subdivision agent must find the following:
- a. No subdivision shall result in the creation of a nonconforming lot or lots as set forth in the zoning ordinance.
 - b. Where applicable, the recorded plat must include a private easement at least twenty (20) feet wide for ingress and egress to each lot which does not abut on an existing public road unless otherwise expressly permitted by this ordinance. The board of supervisors may require larger or smaller easement widths in special circumstances.

- c. Where applicable, the following language must be prominently set forth on the face of the recorded plat of survey and added as a covenant in every deed for every lot in any subdivision in which streets are proposed to be established to a standard less than those set by VDOT for acceptance as part of the secondary system:
 - a) The streets in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Virginia Department of Transportation (VDOT) or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board;
 - b) It is not the policy of the Board of Supervisors of Isle of Wight County, Virginia, or VDOT to accept or maintain private streets until the streets are constructed pursuant to the specifications for construction of secondary roads as promulgated by VDOT;
 - c) The streets in this subdivision will have to be constructed in full compliance with VDOT requirements in effect at the time of the request by the property owners prior to requesting addition of the street into the State Secondary Road System of Isle of Wight County.
 - d) It is not the policy of the School Board of Isle of Wight County, Virginia, to allow school buses to travel on other than publicly maintained roads.
- 3. Plat recordation required. Documents showing lots created with an exception under this section must be stamped by the subdivision agent noting their exception, and signed so they may be recorded with the clerk in conformance with section 3.2.3.D, plat approval and recordation required.

C. Zoning requirements.

- 1. Residential zoning required. Except as provided below, all proposed subdivisions for residential purposes must be zoned residential as defined in section 5.4.2 (RR, NC, SE, SR, UR, VC, PD-R, PD-MH, or PD-MX) or conditional residential (C- RR, C-NC, C-SE, C-SR, C-UR, C-VC, C-PD-R, C-PD-MH or C-PD-MX,) pursuant to the zoning ordinance prior to final subdivision plat approval.
- 2. Exempt from zoning requirement.
 - a. Family member subdivision. The subdivision agent may waive the requirement for residential zoning for a subdivision approved as a family member subdivision (see section 3.2.4).
 - b. Manufactured home. The subdivision agent may waive the requirement for residential zoning for the placement of a manufactured house on a permanent foundation on an existing individual lot located in the rural agricultural conservation (RAC) district as established in the zoning ordinance.

- c. Clustering/sliding scale "by-right" provisions for single-family residential development in rural agricultural conservation district as designated in the Isle of Wight County Comprehensive Plan. Under the sliding scale development provision, a tract of land containing one hundred (100) contiguous acres or greater zoned rural agricultural conservation will be allowed four (4) divisions. One (1) additional lot or dwelling unit will be permitted for every additional forty (40) acres encompassed by the overall tract. For example, a one hundred forty-acre tract will yield five (5) lots. Minimum permissible lot sizes shall be encouraged so as not to allow subdivision development which is land consumptive; however, each lot must meet the minimum lot requirements for the rural agricultural conservation (RAC) district.
 - 1. In addition to the base density permitted above and the minimum lot size, width and frontage requirements of the underlying zoning district, the following standards shall be met:
 - a) All residential lots created through the act of subdivision shall be contiguously grouped and served by one (1) point of access to county roads and shall comply with section 5.9 (streets) of the Isle of Wight County Subdivision Ordinance.
 - b) Residential structures in the subdivision shall be located at least one hundred (100) feet from the existing county road right-of-way and screened from the right-of-way by an existing or planted landscaped buffer.
 - c) All residential structures should be set back at least one hundred (100) feet from all active farm operations.
 - d) A central water supply system shall be provided to serve the subdivisions with over fourteen (14) lots.
 - e) The maximum lot size for any new lot created shall be ten (10) acres, unless otherwise approved by the board of supervisors or required by the county health department.
 - f) No lot shall be designed, approved or employed for use in which an area more than thirty percent (30%) of the prescribed minimum lot area is comprised of one (1) or more of the environmentally sensitive areas referenced in the net developable calculations of the zoning ordinance. This shall not apply to lots specifically created exclusively to preserve and maintain environmentally sensitive areas.
 - g) Lots shall be located to preserve seventy percent (70%) of the original tract size in order to maximize continued use of the residual parcel for agricultural and silvicultural purposes.
 - h) All areas not included in lots or public street rights-of-way shall be incorporated into common open space and may be

used for natural or landscaped buffers; agricultural uses including farmland and pasture not generating noxious odors such as land application of sewage sludge, hog or poultry farms or similar uses; horticulture; recreational use; historic preservation; forests; wildlife reservations and conservation areas; private stables for personal enjoyment; or other similar use.

- i) The common open space shall be arranged and designed so as to facilitate its use, ensure continuity of design, and preserve sensitive environmental features. Failure to achieve these goals shall be sufficient reason for the agent to deny applications for open space development plan approval or require modifications that may include loss of lots.
- j) Recreational areas shall not abut the exterior boundary of the open space development unless entirely adjacent to a publicly-owned facility or community recreation facility of an adjoining residential development.
- k) Adequate pedestrian and bicycle facilities shall be provided which fully interconnect the development and its recreation areas both internally and with existing, planned or desirable external pedestrian and bicycle facilities.
- l) Final plats recorded and all deeds for lots within the cluster development shall bear a statement indicating that the land is within an approved residential cluster subdivision and shall also bear a statement indicating the ownership status of the development's open space system and shall reference the covenants creating a property owners' association which shall also be recorded at the time final plats are put to record.
- m) With approval of the planning commission, common open space within a cluster subdivision may be held by other than a property owner association for agricultural uses including farmland, pasture, horticulture, recreational use, historic preservation, forests, wildlife reservations and conservation areas or other similar use.
- n) Family member subdivisions shall be prohibited.
- o) Manufactured homes, Class A and B, and residential accessory apartments shall require a conditional use permit.

D. Plat approval and recordation required.

1. All subdivision plats within the county must be submitted, approved, and certified by the subdivision agent in conformance with this ordinance prior to recordation with the clerk of the circuit court of Isle of Wight County.

2. A plat or other instrument showing the approved division of any land subdivided within Isle of Wight County shall be recorded with the clerk of the circuit court of Isle of Wight County within six (6) months of final plat approval. Plat approval shall be deemed void if the plat is not recorded within this period, and a new application for final plat approval shall be required prior to recordation. However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the county, or where the developer has furnished surety to the county by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one (1) year after final approval or to the time limit specified in the surety agreement approved [by the] county, whichever is greater. The following language shall be prominently stamped on the face of the approved plat and certified by the subdivision agent:

"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:
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3. No lot shall be transferred by deed in any subdivision before the subdivision plat has been recorded.
4. No land dedicated to the county, as shown on the plat, shall be accepted by the county unless and until the agent has accepted the dedication. Such acceptance of dedication shall be evidenced by signature of the subdivision agent after the following notation on the recorded plat:

"I, the Director of Planning and Zoning for the Isle of Wight County, Virginia, as Subdivision Agent, do hereby accept the dedication(s) made to Isle of Wight County, Virginia, as set forth herein."
5. Other signatures or approval certifications may be required prior to plat recordation.

3.2.4. Subdivision, family member.

- A. The subdivision agent may approve a family member subdivision subject to the provisions of this section, and any express requirement contained in the Code of Virginia (see specifically Section 15.2-2244, et seq. of the Code of Virginia). The purpose of a family member subdivision may not be to circumvent this ordinance or other county regulations. To approve an application for family member subdivision, the subdivision agent must find the following:
 1. The property owner requesting the family member subdivision shall hold fee simple title to the subject property.

2. No person who has previously received land within the county via family member subdivision is eligible to receive additional land through family member subdivision.
3. The approval shall include the proposed deed(s) of sale or transfer from the property owner to the receiving family member.
4. No more than one (1) lot resulting from a single tract may be accessed from a single easement of right-of-way unless approved by the board of supervisors upon recommendation from the planning commission.
5. No lot shall be designed, approved or employed for use in which an area more than thirty (30) percent of the prescribed minimum lot area is comprised of one (1) or more of the environmentally sensitive areas referenced in the net developable calculations of the zoning ordinance. This shall not apply to lots created exclusively to preserve and maintain environmentally sensitive areas, as approved by the zoning administrator.
6. No singular subdivision shall extend over a political boundary line.
7. All applicable requirements of the zoning ordinance, the erosion and sediment control ordinance, the Isle of Wight County Department of Public Utilities' Master Water and Sewer Ordinance, and the Chesapeake Bay Preservation Area Ordinance shall apply.
- 8.. A person receiving land through a family member subdivision may not sell, transfer, subdivide, or otherwise convey such property for a period of five (5) years after plat approval; unless:
 - a. The conveyance or proposed conveyance results from the foreclosure of a mortgage (deed of trust) lien on the property.
 - b. The subdivision is directed by court action.
 - c. Upon application from said recipient, the board of supervisors, upon recommendation from the planning commission finds at least one (1) of the following:
 1. The proposed conveyance must be made to satisfy a financial obligation that was not contemplated at the time of the transfer of the lot through the family member subdivision, and that cannot be satisfied from other assets.
 2. The property is granted rezoning approval.
 - d. The board of supervisors may specify additional conditions to be imposed on a family member subdivision (if an administrative decision goes through appeal or an exception is sought from the board of supervisors for sale prior to five (5) years.)

B. Water. One (1) of the following shall apply:

1. Well water. The applicant must provide proof that a water source for the lot has been identified in accordance with the requirements of the Virginia Department

of Health. In such case, the following note must be placed on the final plat prior to final approval by the subdivision agent:

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.

2. Public water. Family member subdivisions resulting in more than four (4) lots may be required to connect to a public water supply system in accordance with the master water and sewer ordinance. In such case, the following note must be placed on the final plat prior final approval by the subdivision agent:

Any lot shown on this plat must be served by public water before any use can be made on such lot. However, no service has been extended to such lots at the time of approval of the plat. No zoning permit or building permit shall be issued for any lot until public water has been extended to such lot in accordance with the Master Water and Sewer Ordinance. The owner of each lot shown on this plat shall grant, without compensation, such reasonable easements as are necessary to permit such extension of public water to all lots.

C. Sewer.

1. Private individual septic. Private individual septic systems shall be designed and constructed to meet the requirements of the Virginia Department of Environmental Quality, the Virginia Department of Health, Isle of Wight County Department of Public Utilities, and any other state or local regulation having authority over such installation, including the zoning ordinance for alternative discharge sewer disposal systems. The following note must be placed on the final plat prior to approval from the subdivision agent:

No zoning permit or building permit shall be issued for any lot until a septic system has been approved by the County Health Department and any drainfield is identified on the plat.

Refer to Section 5.13.2 for additional on-site sewage system requirements.

2. Public sewer. Public sewer systems shall be designed and constructed in accordance with the design standards and specifications for sewerage construction and improvements in Isle of Wight County, Virginia, and meeting the approval of the subdivision agent.

D. Recordation and enforcement.

1. The approved family member subdivision plat, road maintenance agreement (if applicable) and deed(s) of sale or transfer shall be recorded simultaneously. The family member subdivision approval shall automatically terminate if all required documents are not filed within six (6) months.
2. The property owner shall place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a person other than the immediate family for which it is created for a period of five (5) years following the date of subdivision, unless a rezoning is granted.
3. No zoning permit or building permit shall be issued for any lot or parcel found to be in violation of this ordinance until such violation has been corrected.

3.2.5. Subdivision, conceptual plan review.

- A. Applicability, conceptual plan recommended. It is recommended, but not required, that an applicant submit a conceptual plan for review by the subdivision agent for all subdivision activity. The purpose of this conceptual plan is to permit the agent to advise the applicant whether the plans are in general accordance with the requirements of this ordinance and advise the applicant if it appears that changes would be necessary.
- B. Conceptual plan requirements.
 - 1. The conceptual plan shall be drawn on white paper, or on a print of a topographic map of the property. The conceptual plan must be drawn to an acceptable scale. The following are accepted: one (1) inch equals ten (10), twenty (20), thirty (30), forty (40), fifty (50), sixty (60) or one hundred (100) feet.
 - 2. The conceptual plan shall show, in simple sketch/schematic form, the proposed layout and approximate dimensions of streets, lots, parks, playgrounds and other features in relation to existing conditions both within and in the areas surrounding the proposed subdivision. In addition, the plan should contain the following information:
 - a. Boundary lines of the subject property.
 - b. Existing land conditions to include: 1) existing topography at a maximum of ten-foot contour intervals; and 2) soils information.
 - c. Zoning of the subject property and adjacent parcels.
 - d. Location of entrances and points of ingress and egress.
 - e. Distance to the nearest state road intersection.
 - 3. Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a conceptual plan for the entire tract shall be submitted with the preliminary plat. This plan is merely for informational purposes and is not binding on the subdivider, subdivision agent, planning commission, or the board of supervisors.

3.2.6. Subdivision, preliminary plat review and approval.

- A. Applicability, preliminary plat required. A preliminary plat shall be required for all subdivisions of fifty (50) lots or more. The submission of a preliminary plat for tentative approval shall be voluntary for all other subdivisions.
- B. Pre-application conference. A pre-application conference is encouraged for all subdivision applications and may be required (see section 3.2.1.B).
- C. Application requirements.
 - 1. General.
 - a. An application for preliminary plat shall be filed in conformance with section 3.2.1.C. A listing of the minimum required information to be included in the

preliminary plat may be found in article 4, plat requirements and more specifically in section 4.2.2, preliminary plat requirements.

- b. All required application and review fees shall be paid by the applicant as shall be set forth in the Isle of Wight County Uniform Fee Schedule, as adopted by the board of supervisors, as it may be amended.
2. Preparer. The preliminary plat shall be prepared by a land surveyor or other person(s) licensed by the state board for the examination and certification of architects, professional engineers and land surveyors to do land surveying as defined by Section 54.1-406 of the Code of Virginia, as amended, who shall endorse upon each plat a signed certificate setting forth the source of the title of the land subdivided, and the plat of record of the last instrument in the chain of title. When the proposed plat is comprised of land acquired from more than one (1) source of title, the outlines of the several tracts shall be indicated upon the preliminary plat, within an inset block, or by means of a dotted boundary line upon the preliminary plat.
3. Owner's statement. In conformance with Section 15.2-2264 of the Code of Virginia, every such preliminary plat, or the deed of dedication to which the preliminary plat is attached, shall contain a statement to the effect that the subdivision as it appears on this preliminary plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any. This statement shall be signed by the owners, proprietors and trustees or their duly authorized agent, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds. If the preliminary plat is incorporated by reference to a deed, the signatures of the owners on the deed will suffice to show that the subdivision is with their free consent and in accordance with their desires.

D. Subdivision types.

1. Minor subdivisions. Any subdivision involving fewer than ten (10) lots which satisfies the following requirements may be considered a minor subdivision:
 - a. No new public or private streets are created;
 - b. No public stormwater facilities for water quality or quantity are required; and
 - c. No new public utilities are to be installed.
2. Major subdivisions. Any subdivision not meeting the definition of family member subdivision (as defined in section 3.2.4) or minor subdivision is considered a major subdivision.
3. Cluster/sliding scale "by-right" subdivisions. Any subdivision meeting the requirements of section 3.2.3.C.

E. Approving authority.

1. Minor and major subdivision—Administrative approval. The subdivision agent shall have the authority to approve preliminary and final plat applications for minor and major subdivisions (see section 3.2.6.D.1, above).

2. Cluster/sliding scale "by-right" subdivisions—Administrative approval. The subdivision agent shall have the authority to approve cluster/sliding scale "by-right" applications.

F. Public notice.

1. Public notice shall be provided in conformance with the table in section 3.2.1.D. At minimum, all applications to be acted upon at a hearing before the planning commission (see section 3.2.1.E) shall be advertised.
2. Notification may also be required to the Virginia Department of Transportation, Isle of Wight County School Board, Isle of Wight County Health Department, or any other agency with review or approval authority on the application.

G. Action by subdivision agent.

1. Review agencies (internal and external) shall review the preliminary plat application to determine whether or not the preliminary plat generally conforms to the requirements of this subdivision ordinance, the zoning ordinance, and other applicable rules and regulations, and transmit comments back to the subdivision agent. This review may include a meeting with the applicant.
2. Within sixty (60) days of receipt of a completed application the subdivision agent shall provide written comments to the applicant stating any revisions that will be required, and the character and extent of public improvements that will have to be made. A bona fide estimate of the cost of construction or improvements must be furnished by the applicant upon submittal of the construction plan. The amount of the performance bond (if required) must be reviewed and approved as a prerequisite to approval of the final plat. In determining the cost of required improvements and the amount of the performance bond (if required), the agent may consult with a duly licensed engineer who shall prepare this data for the agent.
3. If the subdivision agent determines that only minor corrections to the application are required, the agent may approve the preliminary plat with conditions that the corrections be remedied prior to final plat approval. If required corrections are extensive, the applicant shall correct the preliminary plat before further action is taken by the subdivision agent.

H. Action by other review bodies.

1. Upon receipt of a completed application, the subdivision agent shall transmit copies of the application to all other agencies and entities with review authority over the proposed subdivision. This may include, but is not limited to:
 - a. Isle of Wight County Superintendent of Schools;
 - b. Isle of Wight County Health Department;
 - c. Virginia Department of Transportation (VDOT);
 - d. Virginia Department of Conservation and Recreation (VDCR);
 - e. Virginia Department of Environmental Quality (VDEQ); and

f. Virginia Marine Resources Commission (VMRC).

It will be the responsibility of the applicant to obtain required permits from the U.S. Army Corps of Engineers and submit plans to them accordingly.

2. The review body shall review the application for conformance with all of its pertinent rules and regulations and provide written comments to the subdivision agent. It is anticipated that external review of an application will be completed in thirty (30) days or less. However, additional time may be required due to the scope of complexity of an application. Appeals of decisions or comments made by external review entities may be taken in the manner provided by the specific entity.

I. Appeal.

1. Appeal of subdivision agent decision. Appeal of a decision by the subdivision agent may be taken in conformance with section 3.2.12, appeal of administrative decision.
2. Appeal of board of supervisors' decision. Appeal of a decision by the board of supervisors on an application for preliminary plat may be taken by filing a written petition for certiorari with the circuit court of Isle of Wight County within sixty (60) days of the action.

J. Revisions to approved preliminary plat.

1. The subdivision agent may approve minor revisions to an approved preliminary plat which do not change the basic street and/or lot configuration, or result in any changes that would require review by an external review body (see section 3.2.6.H, above).
2. Significant changes to an approved preliminary plat, as determined by the subdivision agent, shall be resubmitted for review and approval as if a new application.

K. No guarantee. Preliminary plat approval does not constitute a guarantee of approval of construction plans or the final plat.

L. Duration of preliminary plat validity. The applicant shall have not more than twelve (12) months after receiving official notification concerning the preliminary plat to file an application for final plat approval with the subdivision agent in accordance with section 3.2.8, subdivision, final plat. Failure to do so shall make the preliminary plat approval null and void. The subdivision agent may, on written request by the applicant, grant a one-time extension of this time limit for up to ninety (90) days.

3.2.7. Construction plans.

A. Applicability. All subdivision activities that will include, the installation of public facilities shall be required to comply with the requirements of this section.

1. Preparer. The construction plans shall be prepared by a land surveyor or other person(s) licensed by the state board for the examination and certification of

architects, professional engineers and land surveyors to do land surveying as defined by Section 54.1-406 of the Code of Virginia.

- B. Timing. Subsequent to approval or conditional approval of the preliminary plat and prior to the submission of the final plat, the applicant shall submit copies of the construction plans to the subdivision agent for approval in conformance with county requirements for construction plans (as established by the county department of planning and zoning). In order to allow the applicant time for revisions between submittals and sufficient time for all reviewing agencies to thoroughly review the construction plans, the plan should be resubmitted as soon as possible following preliminary plat approval.
- C. Application requirements. Applications for construction plan approval shall be submitted in conformance with section 3.2.1.C. At minimum, plans shall show the following information:
 - 1. All information contained on the approved preliminary plat (see section 3.2.2).
 - 2. A cross section showing the proposed street construction, depth and type of base, and type of surface.
 - 3. A profile or contour map showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines.
 - 4. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
 - 5. Any additional county requirements for construction plans.
- D. Action by subdivision agent.
 - 1. The subdivision agent shall distribute the construction plan application to the applicable review bodies for review and approval.
 - 2. The subdivision agent and other review bodies shall review the construction plan application for conformance with the approved proffered conditions, the approved preliminary plat and all other applicable county, state, and federal requirements.
 - 3. Within sixty (60) days of receipt of the completed application, the subdivision agent shall provide written comments to the applicant indicating areas where the application is not conforming with county requirements.
 - 4. The applicant shall have one hundred twenty (120) days to correct the errors on the application. This time period may be extended by the subdivision agent for up to sixty (60) days for a total period of up to one hundred eighty (180) days upon written request by the applicant.
 - 5. The subdivision agent may approve or deny the application at the end of the time period.

6. Within forty-five (45) days of receipt of a resubmittal of plans previously disapproved, the subdivision agent shall provide written comments to the applicant indicating areas where the application is not conforming with county requirements, or approval of the plans if applicable.
- E. Appeal of subdivision agent decision. Appeal of a decision by the subdivision agent (or any other administrative decision) may be taken in conformance with section 3.2.12, appeal of administrative decision.
- F. Duration of construction plan validity. An approved construction plan shall remain valid for five (5) years, if:
 1. A permit to begin development pursuant to the construction plan, such as a building permit or zoning permit, has been issued within twelve (12) months of construction plan approval, and has remained continuously valid; and
 2. Building or land disturbing activity has begun on the property.
 3. No major modifications to the layout were made on the final plat that would affect the construction plan.
- G. Record drawings. Upon the satisfactory completion of the installation of the required improvements shown on the approved construction plan and profiles, the developer must submit two (2) copies of the completed record drawings to the subdivision agent.

3.2.8. Subdivision, final plat.

- A. Applicability.
 1. A final plat shall be required for all subdivisions except family member subdivisions (see section 3.2.4).
 2. In the case of an application for final plat approval for a minor subdivision (see section 3.2.6.D.1), the subdivision agent may allow the approved preliminary plat to serve as the final plat provided all required notes and certifications are inserted in conformance with this section.
- B. Application requirements.
 1. General.
 - a. An application for the final plat shall be filed in conformance with section 3.2.1.C. A listing of the minimum required information to be included in the preliminary plat may be found in article 4, plat requirements and more specifically in section 4.2.4, final plat requirements.
 - b. All required application and review fees shall be paid by the applicant. A current list of required fees is available from the planning and zoning department.
 2. Preparer. The final plat shall be prepared by a land surveyor or other person(s) licensed by the state board for the examination and certification of architects, professional engineers and land surveyors to do "land surveying" as defined by Section 54.1-406 of the Code of Virginia, as amended, who shall endorse upon

each plat a signed certificate setting forth the source of the title of the land subdivided, and the plat of record of the last instrument in the chain of title. When the proposed plat is comprised of land acquired from more than one (1) source of title, the outlines of the several tracts shall be indicated upon the final plat, within an inset block, or by means of a dotted boundary line upon the final plat.

3. Owner's statement. In conformance with Section 15.2-2264 of the Code of Virginia, every such final plat, or the deed of dedication to which the final plat is attached, shall contain a statement to the effect that the subdivision as it appears on this final plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any. This statement shall be signed by the owners, proprietors and trustees or their duly authorized agent, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds. If the final plat is incorporated by reference to a deed, the signatures of the owners on the deed will suffice to show that the subdivision is with their free consent and in accordance with their desires.
- C. Approving authority. The subdivision agent shall be responsible for final action on all final plat applications.
- D. Action by the subdivision agent.
1. Upon receipt of a completed application, the subdivision agent shall forward the final plat documents to the appropriate entities for review.
 2. The subdivision agent shall have sixty (60) days to review the application and approve the final plat as is, approve it subject to additional corrections, defer action for additional information and corrections, or deny it.
 3. The final plat shall be approved by the subdivision agent if it meets the following criteria:
 - a) Conforms with all of the provisions and requirements of this ordinance, proffered conditions, the zoning ordinance, and other applicable county rules and regulations;
 - b) Conforms with the approved preliminary plat;
 - c) Conforms with approved construction plans;
 - d) Required improvements have been satisfactorily installed and completed or an acceptable performance guarantee has been filed with the county (see section 3.2.8.E, below).
 4. Approved or corrected final plats shall be certified by the subdivision agent denoting approval.
 5. Within forty-five (45) days of receipt of a resubmittal of plans previously disapproved, the subdivision agent shall provide written comments to the applicant indicating areas where the application is not conforming with county requirements, or approval of the plans if applicable.

- E. Performance guarantee. In lieu of installing and completing all required public improvements, the subdivision agent may approve a performance bond, cash, cash bond, or other acceptable performance guarantee to cover the costs of necessary improvements, in conjunction with all applicable legally binding performance agreements that include terms adequate to provide for future increases in costs.
- F. Issuance of required permits. Upon construction plan approval by all pertinent authorities and receipt of required bond amounts, the applicant may apply for the necessary permits to begin site work and the installation of improvements. All site work shall be performed in compliance with the approved construction plan, the requirements of this ordinance, and other applicable county, state, or federal regulations. No required permit may be issued prior to construction plan approval.
- G. Appeal of subdivision agent decision.
 - 1. If the final plat is deferred or denied, the subdivision agent shall notify the applicant (in writing) of the reasons for deferral or denial. The applicant may appeal a decision to defer or deny in conformance with section 3.2.12, appeal of administrative decision.
 - 2. Nothing in this section shall be interpreted so as to preclude the filing of a new final plat application for the same property if no appeal is pending and if the corresponding preliminary plat remains valid.
- H. Expiration of approval. An approved final plat shall be recorded by the subdivider in the office of the clerk of the circuit court of Isle of Wight County within six (6) months of the date of final approval, or it is void (see section 3.2.3.D, plat approval and recordation required).
- I. Duration of plat validity.
 - 1. Generally. In compliance with Section 15.2-2261 of the Code of Virginia, an approved final plat which has been properly recorded in the office of the clerk of the circuit court of Isle of Wight County shall remain valid for a period of five (5) years from the date of final plat approval.
 - 2. Specifically.
 - a. The subdivider or developer may submit a written request for an extension of the expiration period if the request is submitted prior to the end of the initial period of validity. The planning commission may grant one (1) extension for a period of up to one (1) year taking into consideration the size and phasing of the proposed development, and the laws, ordinances and regulations in effect at the time of the request for an extension.
 - b. Application for minor modifications to a recorded plat made during the period of validity does not constitute a waiver of the terms of plat validity nor does the approval of minor modifications extend the period of validity of a plat.
 - c. Nothing contained in this section shall be construed to affect:
 - 1) The authority of the county to impose valid conditions upon approval of any

- special use permit, conditional use permit or special exception;
- 2) The application of the Chesapeake Bay Preservation Ordinance (or other county ordinances adopted pursuant to the Chesapeake Bay Preservation Act) to individual lots on recorded plats; or
- 3) The application of any county ordinance adopted to comply with the requirements of the federal Clean Water Act to individual lots on recorded plats.

3.2.9. Vacation of plat.

- A. Generally. Any recorded final plat or portion of a recorded final plat, or any interest in streets, alleys, easements for public rights of passage, or easements for drainage granted to the board of supervisors as a condition of the approval, may be vacated according to the provisions of Sections 15.2-2270 through 15.2-2278 of the Code of Virginia.
- B. Specifically.
 - 1. Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility as a condition of approval may be vacated in conformance with Section 15.2-2270 of the Code of Virginia.
 - 2. Plats may be vacated before the sale of lots in conformance with Section 15.2-2271 of the Code of Virginia.
 - 3. Plats may be vacated after the sale of lots in conformance with Sections 15.2-2272 and 15.2-2274 of the Code of Virginia.
 - 4. Boundary lines may be vacated in conformance with [section] 3.2.3.B, waiver of subdivision requirements, and Section 15.2-2275 of the Code of Virginia provided the vacation does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas.
 - 5. A plat of subdivision may be vacated in conformance with Section 15.2-2278 of the Code of Virginia.
- C. Approving authority. The board of supervisors shall serve as the approving authority for all plat vacation applications.
- D. Application requirements. An application for vacation of plat approval shall be filed in conformance with section 3.2.1.C.
- E. Action by the subdivision agent.
 - 1. Upon receipt of a completed application, the subdivision agent shall forward the application documents to the appropriate entities for review.
 - 2. The subdivision agent shall have sixty (60) days to review the application and approve the application as is, defer action for additional information and corrections, or deny it.
 - 3. Approved applications shall be certified by the subdivision agent in writing.
- F. Appeal of subdivision agent decision. If an application is deferred or denied, the subdivision agent shall notify the applicant (in writing) of the reasons for deferral or

denial. The applicant may appeal a decision to defer or deny in conformance with section 3.2.12, appeal of administrative decision.

- G. Duty of the clerk. Upon receipt of an approved and certified plat vacation, the clerk of circuit court of Isle of Wight County shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated," and also make a reference on the plat to the volume and page in which the instrument of vacation is recorded (see Section 15.2-2276 of the Code of Virginia).

3.2.10. Waiver.

- A. Applicability. The board of supervisors may consider" waivers from certain requirements of this ordinance where the strict application of the requirement would cause unnecessary hardship to the subdivider.
- B. Application requirements. A request for a waiver shall be filed in conformance with section 3.2.1.C.
- C. Action by the subdivision agent. The subdivision agent shall review the request and place the completed application and the agent's recommendation on the next available board of supervisors meeting agenda.
- D. Action by the board of supervisors.
 - 1. The subdivision agent shall present the application at the board of supervisors meeting.
 - 2. The applicant shall be present at the meeting to respond to questions.
 - 3. Following the hearing on the application, the board of supervisors may approve, approve with conditions, deny, or continue an application.
- E. Criteria for waiver. To approve a request for waiver, the board of supervisors shall make an affirmative finding that all of the following criteria are met:
 - 1. That granting the waiver will not have an adverse impact on land use compatibility;
 - 2. That strict adherence to the general regulations would result in substantial injustice or hardship;
 - 3. The waiver has not been opposed in writing by the county, VDOT engineer, or health official;
 - 4. That granting the administrative waiver shall be consistent with the purposes and intent of this ordinance.

3.2.11. Ordinance text amendment.

- A. Applicability.
 - 1. The board of supervisors shall consider amendments to the text of this ordinance, as may be required from time to time.
 - 2. Amendments to the text of this ordinance shall be made in accordance with the provisions of this section and Section 15.2-2223 et seq. of the Code of Virginia.

3. A request to amend the text of this ordinance may be initiated by the board of supervisors, the planning commission, the subdivision agent, or a citizen.
- B. Action by the subdivision agent. The subdivision agent shall prepare a staff report that reviews the proposed text amendment request in light of any applicable plans and the general requirements of this ordinance.
- C. Action by the planning commission.
 1. General procedures.
 - a. Before making any recommendation on a text amendment, the planning commission shall consider any recommendations from the subdivision agent and shall conduct a public hearing where interested parties may be heard.
 - b. Notice and public hearing requirements shall be in accordance with section 3.2.1.D, notice and public hearings.
 - c. The commission shall make its recommendation within ninety (90) days of its initial public hearing.
 - d. When a recommendation is not made within the time period, the board of supervisors may process the request without a commission recommendation.
 2. Changed application. If the applicant makes significant changes to the application for a text amendment after the commission has made its recommendation, the subdivision agent may refer the modified request back to the commission for an additional public hearing.
- D. Action by the board of supervisors.
 1. Before taking action on a text amendment, the board of supervisors shall consider the recommendations of the planning commission and subdivision agent and shall conduct a public hearing.
 2. Notice and public hearing requirements shall be in accordance with section 3.2.1.D, notice and public hearings.
 3. Following the public hearing, the board of supervisors may approve the amendment, deny the amendment, or send the amendment back to the planning commission or a committee of the board of supervisors for additional consideration.

3.2.12. Appeal of administrative decision.

- A. Applicability. An appeal by any person aggrieved by a final order, interpretation or decision of the administrative official authorized to make decisions in regard to the provisions of this ordinance may be taken to the board of supervisors, except as otherwise provided in this ordinance.
- B. Application requirements.

1. An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the subdivision agent and the board of supervisors.
 2. An application for an appeal of an administrative decision shall be filed with the planning and zoning department in accordance with section 3.2.1.C, application requirements.
 3. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the subdivision agent.
- C. Deadline for submission of application. Unless specified otherwise, an appeal of an administrative decision shall be filed with the board of supervisors within thirty (30) days of receipt of the decision.
- D. Notice and public hearings. Upon receipt of a completed application, the subdivision agent shall schedule a public hearing at the first available board of supervisors meeting and give public notice as set forth in section 3.2.1.D, notice and public hearings.
- E. Action by the subdivision agent. The subdivision agent shall transmit to the board of supervisors all the papers constituting the record of the action being appealed.
- F. Action by board of supervisors.
1. The board of supervisors may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination being appealed and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board of supervisors shall have all the powers of the official being appealed.
 2. If a motion to reverse or modify is not made, or fails to receive the necessary number of votes to overturn the decision, then appeal shall be denied.
 3. Any motion to overturn or modify a decision shall state the specific reasons or findings of fact that support the motion.
- G. Effect of appeal.
1. An appeal shall stay all further activity resulting from the action appealed, unless the administrative official being appealed certifies to the board of supervisors that a stay would, in his or her opinion, cause imminent peril to life or property or that because the appeal is transitory in nature a stay would seriously interfere with the effective enforcement of this ordinance.
 2. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions impacted by the appeal and presumed in violation of this ordinance are stayed.
- H. Appeal of elected official decision. Appeal of the board of supervisors' action under this subsection may be taken by filing a petition for certiorari with the circuit court for Isle of Wight County. (Ord. No. 2011-15-C, 8-4-11; Ord. No. 2012-11-C, 10-18-12; 5-1-14; 11-19-15; 10-20-16; 8-8-19; 9-17-20.)

Article 5. - Development Standards

5.1. Land suitability.

- 5.1.1. The subdivision agent shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.
- 5.1.2. Land subject to flooding and land deemed to be topographically unsuitable may not be platted for residential occupancy, nor for such other uses as may increase danger of health, life or property or aggravate erosion or flood hazard.
- 5.1.3. Lands within the subdivision that are subject to flooding or deemed to be topographically unsuitable for residential occupancy must be reserved for uses that are not endangered by periodic or occasional inundation or do not produce conditions contrary to public welfare.

5.2. Responsibility for improvements.

- A. The applicant is responsible for providing all required improvements in conformance with the requirements of this ordinance and any other applicable ordinances, codes, rules, or regulations. All costs associated with the installation of said improvements remains the responsibility of the applicant and any bond or other fiscal surety posted as a condition of approval may not be released until construction has been inspected and approved by the appropriate engineer or regulating authority (see section 3.2.8.E, performance guarantee). The following forms of fiscal surety will be accepted:

- Cash
- Cashier's check
- Certified check
- Surety bond
- Letter of credit

Any other form of surety must be approved by the Isle of Wight County Attorney prior to acceptance.

- B. The amount of such fiscal surety shall not exceed the total of the estimated cost of construction based on unit prices for new public or private section construction in the county and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed ten (10) percent of the estimated construction costs. (9-24-09; 9-17-20.)

5.3. General subdivision design.

The following principles shall guide the design and layout of proposed subdivisions in the county.

- 5.3.1. Subdivisions should be designed to protect and maintain existing natural features on the site, including existing terrain, drainageways, stands of trees, and other elements. Where possible, existing trees and other vegetated areas should be utilized

to satisfy landscaping and buffering requirements. Naturally occurring drainage paths should be maintained and utilized to the extent possible.

1. No lot shall be designed, approved or employed for use in which an area more than thirty (30) percent of the prescribed minimum lot area is comprised of one (1) or more of the environmentally sensitive areas referenced in the net developable calculations of the zoning ordinance. This shall not apply to lots specifically created exclusively to preserve and maintain environmentally sensitive areas, as approved by the zoning administrator.

5.3.2. Additional open spaces suitable for passive and active recreational use should be reserved where possible.

5.3.3. Streets and lots should be laid out to provide a coordinated and efficient use of land and minimize the need for costly expansion of the external roadway system outside of the subdivision. This may include providing an interconnected network of streets within the subdivision and providing both roadway and pedestrian connections to adjacent compatible developments.

5.3.4. Construction of the subdivision should be undertaken in a manner that minimizes the clear cutting and mass grading of land.

5.3.5. No singular subdivision shall extend over a political boundary.

5.4. Subdivision types.

5.4.1. Purpose. The zoning ordinance establishes twelve (12) different base zoning districts. These zoning districts are based on the intended character of development located within the district. Understanding that the character of the development also contains implications for subdivision design, certain standards within this ordinance have been tailored to accommodate appropriate layout and construction. This may not be construed as allowing any use or development that is not in conformance with the zoning ordinance or the zoning requirement for residential development (reference section 3.2.3.C, zoning requirements in this ordinance for information on required zoning prior to subdivision approval).

5.4.2. Subdivision types.

A. Rural subdivisions. Rural subdivisions are those subdivisions in the following zoning districts:

1. RAC Rural Agricultural Conservation
2. RR Rural Residential

B. Other residential, commercial, industrial, civic, miscellaneous, and planned development subdivisions. Subdivisions in the following zoning districts:

1. SE Suburban Estate
2. SR Suburban Residential
3. UR Urban Residential
4. VC Village Center
5. NC Neighborhood Conservation

6. LC Limited Commercial
7. GC General Commercial
8. LI Limited Industrial
9. GI General Industrial
10. GIC General Industrial Conservation
11. PD-R Planned Development - Residential
12. PD-MH Planned Development - Manufactured Home
13. PD-CP Planned Development - Corporate Park
14. PD-MX Planned Development - Mixed Use
15. PD-IP Planned Development - Industrial Park

5.5. Name duplication.

The name of a proposed subdivision may not duplicate nor closely approximate the name of an existing subdivision within the county.

5.6. Subdivision activity in Chesapeake Bay Preservation Area.

Any subdivision activity subject to the provisions of this ordinance and contained wholly or in part within the designated Isle of Wight County Chesapeake Bay Preservation Area must be designed and performed in compliance with the Isle of Wight County Chesapeake Bay Preservation Area Ordinance.

5.7. Subdivision activity in wetlands.

Development activities within wetland areas may require additional permits from entities other than Isle of Wight County, including the US Army Corps of Engineers, the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission, and other agencies.

- 5.7.1. Any subdivision activity proposing to fill, build in, on or in any way disturb any waterway or wetland area must obtain approval from the Virginia Department of Environmental Quality (VDEQ), the US Army Corp of Engineers (COE) and/or the county wetlands board prior to initiating any construction.

5.8. Stormwater management.

5.8.1. Applicability.

- A. Applicants may be required to provide stormwater management improvements or make other improvements to the existing drainage system to address water quantity concerns, water quality concerns, or both if the proposed development will increase potential flood damages to existing properties or significantly increase pollutant levels in downstream receiving waters.
- B. The need for stormwater management improvements to address offsite impacts must be determined by the county engineering division. The applicant shall be required to

provide surety to guarantee completion of required improvements prior to final plat approval.

5.8.2. Stormwater management program.

- A. Subdivision applications disturbing one (1) or more acres of land or two thousand five hundred (2,500) square feet within the Chesapeake Bay watershed, as well as all modifications to existing stormwater systems shall require the submittal of a stormwater management plan in accordance with the county stormwater management ordinance.
- B. When a separate stand-alone stormwater management plan is not required, the proposed stormwater management improvements must be indicated on the preliminary plat, construction plans, and final plat.
- C. The stormwater management concept plan and stormwater management final plan shall be prepared in accordance with the county stormwater management ordinance.

5.8.3. Stormwater design standards.

- A. The applicant must provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and proposed stormwater management improvements.
- B. Stormwater management improvements must be designed and installed in accordance with the Isle of Wight County Stormwater Management Ordinance as well as all other applicable codes and ordinances. Plans for all improvements must include a certification by a properly qualified engineer or surveyor that proposed improvements, when properly installed, will be adequate for proper development and conform to all design standards and requirements.
- C. Piping and modification of streams and other natural watercourses should be minimized and shall be considered on a case-by-case basis to determine if it is necessary and environmentally sound. Such facilities must be designed, constructed and maintained to minimize flooding, protect downslope properties, preserve water quality, and adequately transport existing and projected stormwater flows.
- D. The use of best management practices (BMPs) to manage stormwater is strongly encouraged. Examples of BMPs include: Bioretention and biofiltration, rain gardens, infiltration, detention, and structural controls.

Note: The following table illustrates some (but not all) of the BMPs that may be considered.

Example BMP	Illustration
Rain garden	
Roadside Infiltration Swale	
Dry Detention Basin	
Media Filter	

- F. When stormwater ponds or management facilities are used, they shall be designed, landscaped, and integrated into the overall site design as a community amenity as follows:



1. Stormwater retention and detention areas shall meander through the development as a greenbelt, rather than as a single basin. Stormwater retention areas shall be improved so as to be useable and accessible for recreational purposes. Retention areas shall be designed such that when inundated (following a rain event), they shall remain usable for their designated recreational purposes.
- G. Stormwater retention and detention areas shall be designed with a natural character and shall be constructed of natural materials. Terracing, berming, and contouring is required in order to naturalize and enhance the aesthetics of the basin. Such features shall be approved by the subdivision agent. Basin slopes may not exceed a three (3) to one (1) slope and shall be designed to permit ready access for maintenance. In addition, the final design must incorporate child safety features through signage or other appropriate means.
- H. Roadway drainage improvements must be provided in accordance with the VDOT Drainage Handbook. Drainage facilities located within the right-of-way must be approved by the VDOT engineer prior to dedication.
- I. The subdivision agent may require that easements for drainage through adjoining property be provided by the applicant. An access easement that is at least ten (10) feet in width may be required to allow routine maintenance and repairs to stormwater facilities.

5.8.4. Maintenance and ownership.

- A. Maintenance bond required. The applicant shall submit a maintenance bond on a form acceptable to the county until the stormwater facility is turned over to the property owner's association.
- B. Ownership. Stormwater facilities shall be owned and maintained by a property owner's association (POA) representing owners of the land within the subdivision. Membership in the association shall be mandatory and automatic for all landowners

of the subdivision and their successors. The POA shall have lien authority to ensure the collection of dues from all members.

- C. Maintenance agreement. A stormwater management facility maintenance agreement, maintenance easement agreement and formal maintenance covenant shall be submitted and recorded with the clerk's office of the circuit court prior to the issuance of any permits and shall be binding on all subsequent owners of land served by the facility. The stormwater management facility maintenance agreement shall be prepared in accordance with the requirements of the county stormwater management ordinance.
- D. Failure to maintain. In the event the POA responsible for maintenance of the stormwater facility fails to maintain all or any portion in reasonable order and condition, the county may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the POA, or to the individual property owners that make up the association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

5.9. Streets.

5.9.1. General standards.

- A. All streets in the proposed subdivision shall be designed and constructed in accordance with the minimum requirements found in this section at no cost to the county.
- B. Road widening and right-of-way dedication must meet or exceed VDOT standards.
- C. Unless specifically modified in this ordinance, all new streets must be public and be improved to comply with the VDOT road and bridge standards.

5.9.2. Description of public and private streets.

- A. Public street. A street (or portion of a street) that has been improved to comply with the requirements of this ordinance and the VDOT subdivision street design guide and has been accepted or is proposed to be accepted into the state primary or secondary road system.
- B. Private street. A street (or portion of a street) that has not been accepted into the state primary or secondary road system.

5.9.3. Connectivity requirements.

- A. Required. Unless exempted below, stub outs are required on each side of a subdivision (as defined by each of the cardinal directions) as follows:
 - 1. Rural subdivisions. At least one (1) stub out for every two thousand eight hundred (2,800) linear feet on any single side of the proposed development.
 - 2. Other subdivisions. At least one (1) stub out for every one thousand four hundred (1,400) linear feet on any single side of the proposed development.

B. Exemptions.

1. Stub outs are not required when the existing street pattern in the area of the proposed subdivision already provides for vehicular connections at intervals no greater than one-half (½) mile apart in rural subdivisions, and one-quarter (¼) mile apart in all other subdivisions.
2. Stub outs may not be required adjacent to existing development that has not made any accommodation for such connections or to adjoining sites that are permanently protected from development through conservation easements or ownership that precludes development.
3. Stub outs may not be required if the only point of access would require crossing floodplains, wetlands, or other similar natural features.

5.9.4. Street classification.

A. Guidelines.

1. In all new subdivisions, streets that are dedicated to public use shall be classified as provided in this section;
2. The functional classification is based on the general design and the projected volume of traffic to be carried by the street, stated in terms of the number of average daily vehicle trips per day;
3. The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive;
4. Whenever a proposed subdivision street continues an existing street that previously ended outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the proposed street is based upon the entire street, both within and outside of the subdivision.

B. Functional classification.

1. Arterial (primary). A street specifically designed to move high volumes of traffic from collector streets through the county and not designed to serve abutting lots except indirectly through intersecting streets. Arterial streets include all U.S. Highways, state primaries with one-, two- or three-digit numbers, and any other streets which the subdivision agent determines as functionally equivalent to these transportation department classifications.
2. Collector (secondary). A relatively low-speed, low-volume street that provides circulation within and between neighborhoods. Collector streets usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network. They also form a secondary network of cross county connectivity. It is intended to serve, directly or indirectly, up to one hundred (100) dwelling units and is intended to carry up to eight hundred (800) average daily vehicle trips per day.

3. Local (secondary). These streets provide direct access to adjacent land and serve travel of short distances as compared to the higher systems. It serves or is designed to serve no more than twenty-five (25) dwelling units or expected to or does handle between seventy-five (75) and two hundred (200) average daily vehicle trips per day.
4. Alley (private). A service easement which affords only a secondary means of access to abutting property for utilities, sanitation, garages, backyards and any accessory units and are not intended for general traffic circulation
5. Service drive (marginal access street, frontage road). A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties do not directly access the arterial street. Properties fronting on a service drive are somewhat sheltered, and the flow of traffic on the arterial street is not impeded by numerous direct driveway access points from a large number of properties.

5.9.5. Street alignment and layout.

- A. The proposed street layout in a new development must be coordinated with the existing street system with connections made at all stub outs existing on adjacent properties. Per chapter 11 of the comprehensive plan, the street layout shall be a modified grid pattern adapted to the topography and unique features of the site. Where full connection cannot be made as a result of the topography of the site being developed, the subdivision agent may allow the installation of a cul-de-sac or other turnaround facility in accordance with section 5.9.10 of this ordinance.
- B. Half streets along the boundary of land proposed for subdivision are prohibited (this is not deemed to prohibit the construction of service drives or one-way streets).
- C. Street intersections should be as close as possible to ninety (90) degrees (right angle), and may not be less than seventy (70) degrees without express approval by the subdivision agent, in consultation with VDOT.
- D. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provisions must be made for a service drive or marginal access street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare.
- E. The proposed street arrangement may not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the subdivision agent, it is desirable to provide for street access to adjoining undeveloped property, proposed streets must be extended by one (1) of the following methods:
 1. The developer may construct a stub out street in conformance with section 5.9.10, cul-de-sac streets or section 5.9.11, loop lanes. Where stub outs are less than fifty (50) feet in length and do not provide access for nonresidential or

multifamily uses, the subdivision agent may waive the requirement for a turnaround facility.

2. The developer of the proposed subdivision may dedicate a stub out easement to the county of sufficient width to accommodate the future extension of the subject street when the adjacent property is developed. If this alternative is selected, the developer must provide a construction bond sufficient to pay for the proposed improvements. The developer must provide notice to all future owners of lots fronting on the easement that a roadway may be installed at a future date. This easement and notice must be prominently indicated on the final subdivision plat. The applicant must post a sign of a design approved by the county.

5.9.6. Traffic calming. Traffic calming measures must be installed in accordance with VDOT standards. When traffic calming measures are proposed, such measures should be shown on subdivision construction plans and profiles or site plan submissions. If desired, a comprehensive traffic calming plan indicating proposed calming measures can be submitted for review and approval for the entire development with the first preliminary plat application.

5.9.7. Street grades. The grades of streets submitted on subdivision plats shall be approved by the county engineering division in consultation with the VDOT engineer. Wherever feasible, street grades may not exceed five (5) percent.

5.9.8. Street cross-section.

A. Applicability. Unless the use of alternative street design standards has been authorized (see section 5.9.16), all public and private streets must comply with VDOT street cross-section standards.

B. Pavement construction requirements.

1. Pavement design for new public and private streets must be in accordance with VDOT standards.

5.9.9. Cul-de-sac streets.

A. Description. Generally, cul-de-sac streets (minor terminal streets) are designed to have one (1) end permanently closed. Cul-de-sacs should be avoided unless natural barriers (wetlands, topography, floodplains) limit the opportunities for an interconnected grid network.

B. Length.

1. The length of a cul-de-sac street is measured from the end of the right-of-way of the turnaround portion of the cul-de-sac street to the nearest intersection with a street which provides a means of direct or indirect egress from the subdivision.
2. Cul-de-sac streets may not exceed the greater of five hundred (500) linear feet or ten (10) times the width of the lot (measured at its narrowest point).

C. Landscaped medians and islands.

1. All cul-de-sac streets must have a landscape island at the center of the turnaround circle a minimum of fifty-four (54) feet in diameter for any cul-de-

sac on a street serving more than sixteen (16) or more dwelling units or any use other than residential, and twenty-four (24) feet in diameter for any street serving fifteen (15) or less dwelling units and only residential uses. These islands may be designed as bioretention gardens and surface grading of cul-de-sac may be adjusted up to ten (10) percent to allow water to drain to the landscape island.

2. In the event that a cul-de-sac street is authorized to exceed eight hundred (800) feet in length, then such a cul-de-sac street shall be designed with a landscaped median that divides the cul-de-sac street into two (2) distinct and separate lanes. However, such a cul-de-sac street may be continuously undivided for the final two hundred (200) feet of the street. This undivided section is measured from the end of the right-of-way of the turnaround portion of the cul-de-sac street.
 3. Median breaks must be provided at street intersections and at other appropriate locations along the cul-de-sac street to ensure safe and efficient traffic circulation and delivery of emergency services. One (1) median break should occur approximately every four hundred (400) feet of the cul-de-sac street.
 4. When the cul-de-sac street serves commercial, institutional, or industrial lots or structures, the requirement for a landscaped median or island may be modified or waived by the subdivision agent upon approval by the board of supervisors due to the additional fire protection requirements incorporated into such structures.
 5. All non-vehicular movement areas such as medians and islands shall be located in the right-of-way of the cul-de-sac street.
- D. Turnaround. New cul-de-sac streets must terminate in a circular vehicle turnaround. The minimum diameter (measured to the edge of pavement or face of curb) of this turnaround is:
1. Sixty (60) feet on residential cul-de-sac streets serving fifteen (15) or fewer dwelling units and no other uses.
 2. Ninety (90) feet on all other cul-de-sac streets.
- E. Other terminal access (dead-end) streets.
1. "T" Turnarounds. T-turnaround are discouraged. The subdivision agent may approve the use of "T" (shaped) turnarounds in lieu of cul-de-sacs when upgrading existing streets.
 2. Stub out streets.
 - a. Description. Stub out streets are continuations of internal streets to the perimeter of a project for future connection to adjacent properties.
 - b. Standards. A temporary cul-de-sac (standard or "T") must be provided at the end of all stub out streets. The right-of-way lines and constructed pavement must be extended to the boundary line of the proposed subdivision if the adjacent property is undeveloped.

Suitable barricades and "Street Closed" signs must be erected at the street end during the construction phase. At the completion of the street construction, "End of Street" signs must be erected at the street end. The following notation must be placed on the subdivision plat:

"Future access connection for adjacent development, to be constructed upon the extension of the street."

5.9.10. Loop lane.

- A. Description. A loop lane is the recommended alternative to the use of cul-de-sac streets, "T" turnarounds, or other terminal access streets. Loop lanes shall be designed as two (2) one-way lanes separated by a central bioretention area or grassed, planted median at least sixty (60) feet in width.
- B. Length. Loop lanes may not exceed five hundred (500) linear feet from the point of intersection with the connecting roadway.

5.9.11. Alleys. Dead-end alleys should be avoided wherever possible. If dead-end alleys are unavoidable, the end shall be provided with adequate turnaround facilities (see section 5.9.10.E, above) as determined by the subdivision agent.

5.9.12. Planting strips. When required, planting strips a minimum of six (6) feet in width and in accordance with the current VDOT Subdivision Street Guide must be located between the roadway and the sidewalk. Additional planting strip width may be required to avoid conflict with required utility easements.

5.9.13. Street names.

- A. Proposed streets which are obviously in alignment with other already existing and named streets must continue the names of the existing streets. Names of existing streets may not be changed except by approval of the board of supervisors.
- B. In no case may the names of a proposed street duplicate existing street names irrespective of the use of the suffix "road", "street", "avenue", "boulevard", "drive", "way", "place", "lane", or "court".
- C. Street names must be indicated on the preliminary and final plats, and must be approved by the subdivision agent in consultation with the county's information technology and emergency management departments.

5.9.14. Street identification signs. Street identification signs of a design approved by the subdivision agent and VDOT, where applicable, must be installed at all intersections.

5.9.15. Alternative street design standards. The use of VDOT authorized alternative street design standards for subdivisions located in a planned development may be granted by the board of supervisors following a recommendation from the planning commission.

5.10. Blocks.

5.10.1. Block length. Blocks shall be a minimum of two hundred fifty (250) feet and a maximum of five hundred (500) feet in length. The subdivision agent may allow longer block lengths in limited cases where shorter block lengths would be impractical.

- 5.10.2. Block width. Blocks shall be wide enough to allow two (2) tiers of lots at minimum depth as required by the underlying zoning. The subdivision agent may approve a single tier of lots of minimum depth where environmental conditions restrict the lot layout.
- 5.10.3. Block orientation. Where a proposed subdivision will adjoin a major road, the subdivision agent may require that the greater dimension of the block front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

5.11. – Lots.

- 5.11.1. Shape. Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable sites for buildings, be properly related to natural topography, and conform to requirements of this ordinance and the zoning ordinance. Lots shall be generally regular in shape, such as rectangular or pie-shaped, and may not contain peculiarly shaped elongations-which would be unusable for normal purposes, the only exception to this rule being elongations to provide access to a public street within a flag lot. For lots with a width of sixty (60) feet or greater, lot proportions should provide approximately two and one-half (2.5) feet of lot depth for every one (1) foot of lot width.
- 5.11.2. Location. All lots shall front on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a road within the Virginia Department of Highways system. With the exception of corner lots, no lots shall have double frontage on any road unless suitably bermed. When a proposed subdivision abuts one (1) side of any existing street or road that is shown on a plat of record or has been included in the system of highways and streets in Isle of Wight County, the subdivider shall be required to dedicate one-half (½) of the land necessary to comply with the applicable minimum VDOT right-of-way requirements.
- 5.11.3. Corner lots. Corner lots shall have extra width sufficient to maintain required building setbacks from both streets as specified in the zoning ordinance or as determined by the subdivision agent.
- 5.11.4. Side lines. Side lines of lots shall be reasonably straight and approximately at right angles or radial to the street line.
- 5.11.5. Remnants. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.
- 5.11.6. Separate ownership. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be deposited with the clerk of the court and held with the

final plat until the subdivider is ready to record same, and they both shall then be recorded together.

5.12. Sidewalks and paths (pedestrian and bicycle facilities).

5.12.1. General. Sidewalks and paths shall be designed to provide a safe and convenient pedestrian circulation system within the subdivision as well as connections to adjacent areas. These systems should be designed to connect with all elements within the development, adjacent areas, existing sidewalks/greenways, and transit stops and may include sidewalks along public or private streets, bike lanes on roadways, greenways, and walkways and trails in alternative locations as appropriate.

5.12.2. Sidewalks.

- A. Where a sidewalk is specifically required by this ordinance, it must be located within the right-of-way. However, the subdivision agent may approve alternate walkway locations when it is determined that the location within the right-of-way is not feasible.
- B. Sidewalks located within the public right-of-way must be constructed to VDOT standards. Curb ramps or sloped areas must be provided where sidewalks cross curbs, as required by current Americans with Disabilities Act standards. Inlets may not be located within sidewalks. Catch basin and manhole frames must have closed lids when located within the sidewalk.
- C. On roads with curb and gutter, sidewalks must be separated from the back of curb by a planting strip that is at least six (6) feet in width. Trees are to be located between the sidewalk and the curb. Wider planting strip(s) may be required by the zoning ordinance, depending on any inclusion of on-street parking or other layout particularities.
- D. Along roads with shoulders and ditches, sidewalks must be located behind the roadside ditch or a guardrail. The subdivision agent may authorize the use of alternative walkways ([section] 5.12.3) when shoulders and ditches are used.
- E. In order to be accepted for dedication by VDOT, sidewalks must be located completely within the right-of-way and constructed in compliance with the VDOT Subdivision Street Design Guide.
- F. Any proposed subdivision that includes, directly abuts or provides direct access to a proposed greenway location as identified in the county bicycle and pedestrian master plan, must provide a greenway easement or sidewalk to either continue the path in its intended location or allow unencumbered access to the greenway for all future residents.

5.12.3. Alternative walkway.

- A. Pedestrian walkways may be provided outside of the right-of-way when the subdivision agent determines the walkway will have the same functionality as the conventional sidewalk required.

- B. The subdivision agent may approve alternative construction materials including asphalt, crushed stone, and other surfaces.

5.12.4. Bicycle lanes. When a proposed street may serve as a potential connection between identified bicycle routes in the county bicycle and pedestrian master plan, on-street bicycle lanes must be installed in conformance with VDOT Subdivision Street Design Guide.

5.13. Water and sewer facilities.

5.13.1. Public facilities.

A. Water.

1. Connection requirements.

- a. Unless specifically exempted below, all subdivisions located within a development service district (DSD) and all subdivisions that have public water service passing adjacent to the subject property (whether or not in a DSD) must connect to the Isle of Wight [County] public water system and the service shall be extended to all lots and all fire hydrants within the subdivision.
- b. The subdivision agent may grant an exception to the connection requirement for subdivisions of four (4) or fewer total lots that do not have public water service passing adjacent to the property (whether or not in a DSD).

2. Construction standards. All water supply and distribution systems, whether public or private, shall be installed by the subdivider in accordance with the design standards and specifications for water, construction and improvements in Isle of Wight County and shall require design approval of the subdivision agent, in consultation with the department of public utilities and other appropriate review entities. Mains shall be sized for friction loss and must be shown on construction plans (along with fire hydrants).

3. Dedication to the county. All water supply and distribution systems that are connected to the county's public water service shall be dedicated to the county upon completion and after public utilities/engineering have approved the completed facility's construction and verified proper operation.

B. Sewer.

1. Connection requirements.

- a. Unless specifically exempted below, all subdivisions located within a development service district (DSD) and all subdivisions that have public sewage service passing adjacent to the subject property (whether or not in a DSD) must connect to the Isle of Wight [County] public sewage system and the service shall be extended to all lots within the subdivision. Septic tanks will not be permitted.
- b. The subdivision agent may grant an exception to the connection requirement for subdivisions of four (4) or fewer total lots that do not have

public sewage service passing adjacent to the property (whether or not in a DSD). In such case, private facilities will be allowed in conformance with section 5.13.2, private facilities (below).

2. Construction standards. Every subdivision shall be provided by the subdivider with a satisfactory and sanitary means of sewage collection and disposal in accordance with the design standards and specifications for sewerage construction and improvements in Isle of Wight County, Virginia, and meeting the approval of the subdivision agent.
3. Dedication to the county. All sewage facilities that are connected to the county's public sewage service shall be dedicated to the county upon completion and after public utilities/engineering have approved the completed facility's construction and verified proper operation.

5.13.2. Alternative discharge/private facilities.

- A. Nothing in this ordinance shall prevent the installation of privately owned water and/or sewerage facilities in areas where public facilities are not available or their installation would be cost prohibitive. When private facilities are provided:
 1. A conditional use permit may be required (see zoning ordinance).
 2. The facilities must meet all the requirements of the Virginia Water Control Board, the Virginia Department of Environmental Quality, the Virginia Department of Health, Isle of Wight County Department of Public Utilities, and any other state or local regulation having authority over such installation, including the provisions of the zoning ordinance for alternative discharge sewage disposal systems; and
 3. Upon completion of the facilities, the developer or owner may be required to convey, without cost, said facilities and all appurtenances, including sufficient land, easements and rights-of-way, to the county.
- B. Lots may be required to provide greater area than the minimum required for the zoning district where individual septic tanks or individual wells are used if the health official determines that there are factors of drainage, soil and condition or other conditions to cause potential health problems. Where septic tanks are to be used for sewage disposal, the subdivision agent shall require the submittal of an onsite sewage disposal system subdivision review package from an authorized onsite soil evaluator, a sewage disposal system certification letter as issued by the health department or a sewage disposal system construction permit as issued by the health department prior to preliminary plat approval or, if a preliminary plat is not required, prior to subdivision approval.
- C. When individual (on-site) septic sewage disposal systems are used on newly created lots within the Chesapeake Bay watershed, each lot must contain an adequate area of suitable soil for the location of the primary sewage disposal system and at least one (1) reserve drainfield must be provided totally within the boundary lines of said lot.
- D. Alternative discharge sewage systems shall be subject to review and approval by the state health department and the Department of Environmental Quality.

- E. Lots to be served by individual (on-site) sewage disposal systems shall be pumped out as required by the septic pump-out ordinance in article 6 of the Chesapeake Bay Preservation Area Ordinance.
- F. Subdivisions with fifteen (15) or more lots that will not be served by a county-owned or contracted water system shall be served by a privately-owned, complete central water supply and distribution system which provides service to each and every lot. Subdivisions to be developed in phases shall count the total number of lots to be created by all phases of the project.

5.13.3. Fire protection. When a subdivision is to be served by a central water system or a public water system, the subdivision agent, in consultation with the county departments of emergency management and public utilities, may specify the installation of fire hydrants. Hydrant location must be approved by the subdivision agent, but in no case may hydrants be spaced more than eight hundred (800) linear feet apart along a street or roadway.

5.14. Utilities (other than water and sewer).

5.14.1. Costs. The applicant shall be responsible for the installation of all improvements listed below, all of which shall be installed at no cost to the County of Isle of Wight unless otherwise provided in this ordinance.

5.14.2. Underground installation. All new transmission, distribution and customer service utility facilities, carrying or used in connection with electric power, telephone, telegraph, internet, cable television, petroleum, gas or steam, installed within the boundaries of any subdivision shall be placed below the surface of the ground; provided that:

- A. All required improvements shall be in accordance with accepted standards of utility practice for underground construction.
- B. Temporary overhead facilities required for construction purposes will be permitted;
- C. Equipment such as electric distribution transformers, transmission thirty-three (33) KV and above, switchgear, meter pedestals and telephone pedestals, which are normally installed aboveground in accordance with accepted utility practices for underground distribution systems may be so installed;
- D. Meters, service connections and similar equipment normally attached to the outside wall of the premises it serves may continue to be so installed;
- E. Whenever relocation of utility facilities is compelled by any construction undertaken by any unit of government, the provisions of this section may be waived by the board of supervisors or the subdivision agent;
- F. Overhead farm and industrial customer utility services and wiring which is on property owned and/or occupied by the property owner or user is allowed;
- G. With the exception of cluster/sliding scale "by-right" development, underground utilities will not be required in those areas of the county zoned rural agricultural conservation (RAC);

- H. Overhead utilities services existing as of October 29, 1974, may be repaired, replaced or increased in capacity, and relocated parallel and adjacent to pre-existing state roads;
- I. Overhead utilities services may be extended within a subdivision where the average lot size (excluding the original parcel) is at least five (5) acres and may further be extended in any case where such extension would be parallel and adjacent to public roads existing as of services along roads not existing as of October 29, 1974, and internal to a subdivision where the average lot size (excluding the original parcel) is five (5) acres or less must be underground. Overhead utilities services may be extended along or across other public roads as authorized by the subdivision agent.

5.15. Easements.

- 5.15.1. Easements must be provided for water, sewer, power lines, landscape, open space, access and no-access, maintenance, future road expansion, drainage, greenways, sidewalks and multi-use paths, and other utilities in the subdivision when required by the subdivision agent.
- 5.15.2. All utility easements must be a minimum of ten (10) feet in width unless a narrower easement width is expressly authorized by the subdivision agent. Easements wider than ten (10) feet may be required by the subdivision agent.
- 5.15.3. No easements or utility rights-of-way may be relocated or altered without the express written consent of all persons holding any interest in the easement.

5.16. Traditional neighborhood design (TND).

The objective of the traditional neighborhood design type is a compact, pedestrian-scaled development incorporating a diverse, mixed range of uses to promote community interaction, convenience, housing options for all income levels, and civic participation. The following regulations are offered to guide this type of development in accordance with design principles compatible with the historic nature of the county, and in harmony with the applicable county ordinances and the comprehensive plan.

- A. Applicability. These provisions apply to new developments of fifty (50) acres or more, zoned PD-R, PD-MH, and PD-MX.

In the case of expanding existing subdivisions of ten (10) lots or more, these guidelines can be applied to any development residentially zoned and proposing at least five (5) additional lots. The following standards do not exempt the applicant from compliance with the other sections of this ordinance which protect the general health, safety, and welfare of residents.

- B. Development standards.

- 1. [Location:]All residents should be within approximately one-fourth (1/4) mile radius or a five-minute walk from existing or proposed commercial, civic, and open space areas.

2. Open space: At least forty (40) percent of the gross acreage of the traditional neighborhood development must be open space. Open space may include undevelopable areas such as steep slopes and wetlands, and stormwater detention and retention basins. At least fifty (50) percent of the open space must be common open space dedicated to the public for recreation. Additionally, ninety (90) percent of the dwelling units shall be within a one-fourth (¼) mile radius or a five-minute walk from common open space.
3. Stormwater management: The design of the traditional neighborhood development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practical. New development shall meet the standards of section 5.8, stormwater management.
4. Lot and block standards:
 - A. Street layouts should provide for blocks that are a minimum of two hundred fifty (250) feet in length and a maximum of five hundred (500) feet in length; however, longer length shall be allowed with mid-block pedestrian pass-throughs every five hundred (500) feet.
 - B. Blocks should be wide enough to allow two (2) tiers of lots at minimum depth as required by the underlying zoning. The subdivision agent may approve a single tier of lots of minimum depth where environmental conditions restrict the lot layout.
 - C. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
- C. Circulation standards. The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the community and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic and promote safe and efficient mobility through the neighborhood. All TND transportation elements should be presented to the locality and VDOT for discussion and approval of unique features.
 1. Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides. The following provisions also apply:
 1. Sidewalks in residential areas. Clear and well-lighted sidewalks, five (5) feet in width, shall connect all dwelling entrances to the adjacent public sidewalk.

2. Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five (5) feet in width.
 3. Disabled accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act and VDOT standards.
 4. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping. In addition, curb extensions shall be incorporated where pedestrian facilities intersect higher-volume streets within the development to protect parking areas and reduce pedestrian crossing times.
2. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle multimodal paths and separate, striped, five-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be thirteen (13) feet and the bicycle travel lane shall be located between the vehicular travel lane and parking lane.
 3. Public transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted.
 4. Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as "queuing streets," curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds. Arterial streets should not bisect a TND if pedestrian cross-access is not feasible.
 - a. Street hierarchy. Each street within a TND shall be classified according to section 5.9.5 of this ordinance.
 5. Street layout. The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:
 - i. Intersections shall be at right angles whenever possible, but in no case less than seventy (70) degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) which significantly reduces accidents without the use of traffic controls.
 - ii. Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a radius of fifteen (15) feet for local streets where the receiving street is projected to have less than four hundred (400) vehicle trips per day, and twenty-five (25) feet for intersections involving collector or arterial streets. Any reduction or increase in the proposed corner radii

shall be subject to the approval of VDOT. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of ten (10) feet.

- iii. Curb cuts for driveways to individual residential lots shall be prohibited along collector and subcollector streets with residential access recommended from alleys only. Additionally, curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses. Clear sight triangles (twenty-five (25) feet × twenty-five (25) feet) or as approved by VDOT shall be maintained at intersections unless controlled by traffic signal devices.
 - iv. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.
6. Parking requirements. Parking areas for shared or community use should be encouraged. The number of parking spaces shall be in accordance with the zoning ordinance requirements. In addition:
- a. In the mixed use area, any parking lot shall be located at the rear or side of a building.
 - b. A parking lot may not be adjacent to or opposite a street intersection.
 - c. A shared parking agreement must be established and approved by the zoning administrator prior to site plan approval.
 - d. Parking lots or garages must provide not less than one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.
 - e. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.
7. Guidelines for lighting.
- a. Street lighting shall be provided along all streets. Generally more, low-intensity lights, as opposed to fewer, high-intensity lights, should be used. Street lights shall be installed at all street intersections (including alleys), at the end of all cul-de-sac streets, and on both sides of a street, alternating from one side of the street to the other at intervals of three hundred (300) to four hundred (400) feet. Lights shall not exceed ten thousand (10,000) lumens and shall be directed downward and opaquely covered at the top. Regardless of type of fixture and bulb and illumination characteristics, street lighting design shall follow dark sky guidelines and principles.

- b. Exterior residential lighting shall be shielded and directed downward in order to reduce glare onto adjacent properties.
 - c. All commercial lighting shall be in compliance with article 11 of the zoning ordinance.
8. Landscaping and screening standards. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Plant materials, specifications, installation and maintenance shall be in accordance with the zoning ordinance landscaping requirements.
- a. Street trees. A minimum of one (1) deciduous canopy tree per forty (40) feet of street frontage per street side, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete.

5.17. Solid waste refuse collection.

All subdivision lots on new streets in subdivisions platted subsequent to August 1, 1997, shall be required to utilize the door-to-door solid waste refuse collection by the duly authorized and franchised collectors and haulers as determined by the board of supervisors of Isle of Wight County, Virginia. (Ord. No. 2012-11-C, 10-18-12.)

DATE: _____

READ AND PASSED: _____
Chairman

TESTE: _____
Clerk

Approved as to Form:

Robert W. Jones, Jr., County Attorney

PLANNING REPORT

APPLICATION:

Application of James River Crossings, Inc., Owner, to Amend the Proffered Conditions of the Crossings Commercial Development Located at 14217 Carrollton Boulevard to Allow Additional Subdivision of Commercial Property While Maintaining the Limit on Commercial Building Space

ELECTION DISTRICT:

D4 (Formerly in the Newport District)

LOCATION:

14217 Carrollton Boulevard on Tax Parcel Number 34-01-070

BACKGROUND:

The Crossings is a planned residential and commercial development that received its initial approval in 2002 and has undergone several revisions to its conditional zoning in the 20 years since this date. The current proposed proffer amendment would allow the property owner to further subdivide the commercial property, shown as Phase I on the 2002 proffered conceptual plan labeled as Exhibit 1A, into additional parcels while maintaining the limit on the commercial building space to 202,100 square feet.

The proposed amendment does not change the use or density of the previously approved development. Besides allowing a departure to the original proffered layout of the remaining commercial parcel, no other changes are proposed to the proffered conditions.

The Board of Supervisors considered the amendment at their January 20, 2022, regular meeting and voted to send the application to the Planning Commission for discussion and recommendation. Since the January Board meeting, the applicant has submitted a revised conceptual plan for the parcel for the Planning Commission and Board's consideration.

DESCRIPTION:

The application proposed to amend the proffers for the Crossings development to occur on parcel 34-01-070 which is zoned Conditional-General Commercial. The amendment does not change the use or density of the previously approved development. The proposed change would allow subdivision of the larger residual parcel into smaller lots while keeping the total square feet of commercial space limited to 202,100. No other changes are proposed to the proffered conditions.

COMPREHENSIVE LAND USE PLAN:

The property is designated for future recommended mixed use on the adopted Future Recommend Land Use Plan. The property is part of a master planned commercial and residential development known as the Crossings which is consistent with the recommended future use in the County's Comprehensive Plan.

ORDINANCE REVIEW:

According to Section 1016.G of the Zoning Ordinance, there shall be no amendment or variation of proffered conditions as part of an approved rezoning until after a public hearing before the board of supervisors advertised pursuant to the provisions of this ordinance. However, where an amendment to the proffered conditions is requested by the applicant, and where such amendment does not affect conditions of use or density, the board of supervisors may waive the requirements of a public hearing. Once so amended, the proffered conditions shall continue to be an amendment to the ordinance and may be enforced by the zoning administrator pursuant to the provisions of the ordinance.

At their January 20, 2022, regular meeting, the Board voted to send the application to the Planning Commission for their discussion and recommendation prior to the Board's consideration.

AGENCY REVIEW:

Review comments from the Virginia Department of Transportation did note that although allowing the creation of additional parcels with no increase in commercial space would not change the traffic forecast for the development, allowing more intense uses other than retail may increase traffic impacts. A copy of the comments are attached.

STAFF CONCLUSIONS:

Strengths:

The proposed amendment does not change the use or density of the approved project.

Weaknesses:

VDOT has concerns about other commercial uses other than retail uses specified in the original Traffic Impact Analysis.

STAFF RECOMMENDATION:

Because the proposed proffer changes do not impact the use or density of the original project and are generally consistent with the approved master plan for the community, staff recommends approval of the revised proffer conditions.

ATTACHMENTS:

Description	Type	Upload Date
Crossings Proffers Amendment Jan 2022	Exhibit	1/12/2022
Exhibit 1A	Exhibit	1/12/2022
Crossings Proffers Third Amendment 2019	Exhibit	1/12/2022
Crossings Proffer 2013 Amendment	Exhibit	1/12/2022
Crossings Proffers 2011	Exhibit	1/12/2022
VDOT Comments	Exhibit	1/12/2022

THE CROSSINGS PARCEL ONE AND PARCEL TWO AMENDED PROFFER
STATEMENT #4

PARCEL TAX MAP NUMBER:

34-01-070 INSTRUMENT NUMBER 20010000166

(THE "PROPERTY")

This Amended Proffer Statement #4 is an amendment to all previous Proffer Statements ("Existing Proffers"), with respect to the above referenced Property, by James River Crossings, Inc. (hereinafter referred to as the "Owner" and, for indexing purposes, "Grantor").

1. The Remainder of Parcel ID 34-01-070 comprising 26.421 acres as shown on the Plat entitled "Plat of Parcel A for Tax Map Numbers 34-01-070 and 34-01-070D (Plat Ref. 2-180-14) Newport District, Isle of Wight County, Virginia July 27, 2021" prepared by MSA, P.C. and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia as Instrument Number 210006176' may be subdivided into two or more commercial parcels subject to approval by the Department of Community Development and Planning of Isle of Wight, Virginia ("Residual Parcel").

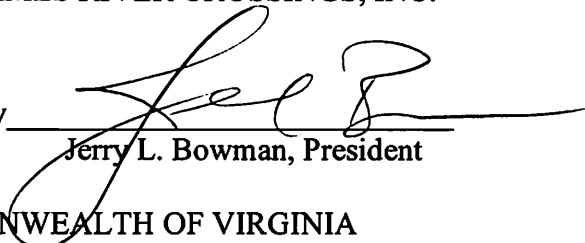
2. The aggregate square feet of buildings that shall be permitted on the Residual Parcel shall not exceed the aggregate square feet permitted under the Existing Proffers regardless of the number of subdivided parcels that are created from the Residual Parcel.

3. The provisions of the Existing Proffers, except as modified herein, shall remain in full force and effect.

APPLICANT/OWNER

JAMES RIVER CROSSINGS, INC.

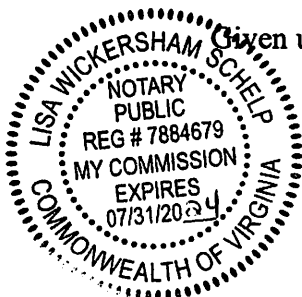
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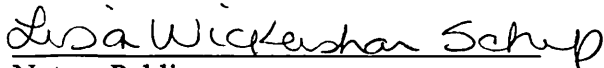

Jerry L. Bowman, President

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to wit

I, the undersigned Notary Public in and for the Jurisdiction aforesaid, do hereby certify that Jerry L. Bowman, President of James River Crossings, Inc., whose name is signed to the foregoing instrument, has acknowledged the same before me in my Jurisdiction aforesaid.

Given under my hand and seal this 18th day of November, 2021.




Notary Public
My Commission Expires: 7/31/2024

Notary Registration No.: _____

DEVELOPMENT CRITERIA

1. THE ARCHITECTURAL CHARACTER OF THE SHOPPING CENTER BUILDINGS CONTAINED IN PHASE I AND PHASE II OF "THE CROSSINGS" SHALL BE CONSIDERED BY THE PREVIOUSLY APPROVED COLLORED REMARKS ELEVATIONS PREPARED BY THE ARCHITECT AND CONTAINED WITHIN UNIVERSITY SQUARE ASSOCIATES' PREVIOUS SECTION 1 (REVISED). ALL OTHER BUILDINGS DEDICATED ON OUT-PARCELS FRONTING ON CARROLLTON BLVD. SHALL PROVIDE SIMILAR ARCHITECTURAL FEATURES TO THE SHOPPING CENTER ELEVATION, OR PROVIDE OTHER ARCHITECTURAL FEATURES THAT MEET THE ARCHITECTURAL GUIDELINES AND DEVELOPMENT STANDARDS CONTAINED IN SECTION 420B.
2. THE HIGHWAY DISTRICT CORRIDOR BUFFER SHALL BE DESIGNED GENERALLY AS SHOWN ON THE CONCEPTUAL PLAN. A DETAILED LANDSCAPE PLAN SHALL BE SUBMITTED WITH THE PLANS FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVED PROJECT FOR IMPROVEMENTS TO CARROLLTON BLVD. (ROUTE 17).
3. WETLAND BUFFERS AND BAP ARE SUBJECT TO FINAL APPROVAL BY THE DEQ AND ISLE OF WIGHT COUNTY.
4. LANDSCAPING IN THE WOOD PLANT. SHALL BE PER WOT GUIDELINES FOR LANDSCAPING IN PUBLIC PLACES AND SHALL BE SUBJECT TO ISLE OF WIGHT COUNTY REVIEW AND WOT APPROVAL.
5. BREWERS NECK BLVD. EXTENDED ONTO THE CROSSINGS WILL BE A PRIVATE ROAD CONSTRUCTED TO WOT STANDARDS FOR PAVEMENT, DRAINAGE, SURFACE TREATMENT, AND PREPARATION OF SUB-GRADE.
6. IMPROVEMENTS TO ROUTE 17 AND THE BREWERS NECK BLVD. INTERSECTION DESIGN SHALL BE PER THE APPROVED TRAFFIC PLAN AND SUBJECT TO WOT APPROVAL.
7. AT THE TIME OF PHASE II DESIGN, THE LANDSCAPING OF THE 35' SETBACK SHALL BE ACCOMPLISHED IN CONFORMANCE WITH SECTION 420D OF THE ZONING.
8. LANDSCAPING OF ALL STORM WATER MANAGEMENT FACILITIES SHALL BE COMPATIBLE WITH THE TYPE OF STORM WATER MANAGEMENT FACILITY EMPLOYED AND DESCRIBED TO THE STANDARDS OF THE VIRGINIA STORM WATER MANAGEMENT HANDBOOK, PUBLISHED BY THE DIVISION OF SOIL AND WATER CONSERVATION.
9. ALL LANDSCAPING OUTSIDE OF THE HIGHWAY CORRIDOR DISTRICT BUFFER, BUT WITHIN THE CROSSINGS, INCLUDING PHASE I, PHASE II (OPTION AREA) AND ALL OUT-PARCELS, SHALL CONFORM TO OR EXCEED THE LANDSCAPING REQUIREMENTS CONTAINED UNDER SECTION 420D. LANDSCAPING DEVELOPMENT CRITERIA FOR ALL OUT-PARCELS FRONTING ON CARROLLTON BLVD. WILL BE PROVIDED TO THE DIRECTOR OF PLANNING PRIOR TO THE SITE PLAN APPROVAL OF THOSE PARCELS.

10. ALL SIGNS WITHIN "THE CROSSINGS," INCLUDING PHASE I, PHASE II (OPTION AREA), AND ALL OUT-PARCELS, SHALL CONFORM TO OR EXCEED THE SIGN REQUIREMENTS CONTAINED UNDER SECTION 421. A SIGN DEVELOPMENT CRITERIA FOR ALL SIGNS FOR ALL OUT-PARCELS FRONTING ON CARROLLTON BLVD. WILL BE PROVIDED TO THE DIRECTOR OF PLANNING PRIOR TO THE SITE PLAN APPROVAL OF THOSE PARCELS.

AREA TABULATIONS

AREA	LEASABLE S.F.	ACRES
SHOPPING CENTER PHASE I	202,100	17.43
SHOPPING CENTER PHASE II (OPTION AREA)	193,900	21.82
HIGHWAY CORRIDOR BUFFER	N/A	6.86
PROPOSED SITE PERIMETER BUFFERS	N/A	4.80
WETLANDS AND WETLAND BUFFERS	N/A	1.98
NORTH POND AND STORMWATER MANAGEMENT AREA *	N/A	1.02
TOTALS	395,000 *	61.99

NOTES

1. ACREAGE INCLUDES ONE HALF OF INTERNAL ROAD FRONTAGE ADJACENT TO OPTION AREA AND ALL OF ACCESS EASEMENT 2.
2. AREAS SHOWN ARE EXCLUSIVE OF HIGHWAY CORRIDOR BUFFER.
3. TOTAL LEASABLE AREA DOES NOT INCLUDE ACCESS EASEMENTS 1 AND 2.
4. TOTAL LEASABLE AREA DOES NOT INCLUDE OUT-PARCELS.
5. SUBJECT TO FINAL DESIGN, DEPT. OF ENVIRONMENTAL QUALITY AND ISLE OF WIGHT APPROVAL.

PARKING CALCULATIONS

AREA	S.F.	RATIO	REQUIRED	PROVIDED
SHOPPING CENTER PHASE I	202,100	4 SPACES/1,000 S.F.	808 SPACES	882 SPACES
SHOPPING CENTER PHASE II (OPTION AREA)	193,900	4 SPACES/1,000 S.F.	776 SPACES	788 SPACES



CONSULTING ENGINEERS
WILLIAMSBURG • RICHMOND

5248 Old Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994

THE CROSSINGS
REVISED CONCEPTUAL SITE PLAN

NEWPORT NEWS MACGONTER DISTRICT ISLE OF WIGHT COUNTY VIRGINIA

PREPARED FOR
UNIVERSITY SQUARE ASSOCIATES
301 MCCLAIN CIRCLE, SUITE 100
WILLIAMSBURG, VIRGINIA 23065
(757) 685-0285

LIMITS OF 100' RPA BUFFER
AS SHOWN ON DRAWING
PREPARED BY STUDIES
ENVIRONMENTAL ASSOCIATES, LTD.
DATED OCTOBER 8, 2001

APPROXIMATE LIMITS
AND CONFIGURATION
OF SAN POND

EXISTING LIMITS
OF WETLANDS

DAIRY AND
OUTFALL

35' UNDISTURBED WETLANDS
LIMITED TO REQUIRED
OUTFALL CONSTRUCTION

DAIRY AND
OUTFALL

35' SETBACK

50' ACCESS
EASEMENT #1

10' SETBACK

PARCEL A

PARCEL B

PARCEL C

PARCEL D

PARCEL E

PARCEL F

PARCEL G

PARCEL H

PARCEL I

PARCEL J

PARCEL K

PARCEL L

PARCEL M

PARCEL N

PARCEL O

PARCEL P

PARCEL Q

PARCEL R

PARCEL S

PARCEL T

PARCEL U

PARCEL V

PARCEL W

PARCEL X

PARCEL Y

PARCEL Z

PARCEL AA

PARCEL AB

PARCEL AC

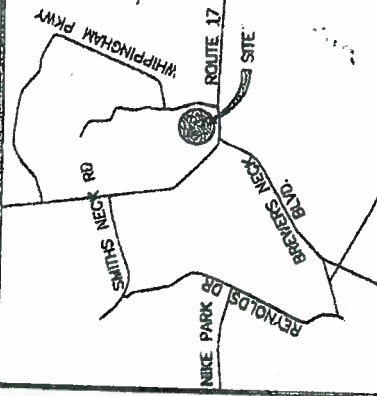
PARCEL AD

PARCEL AE

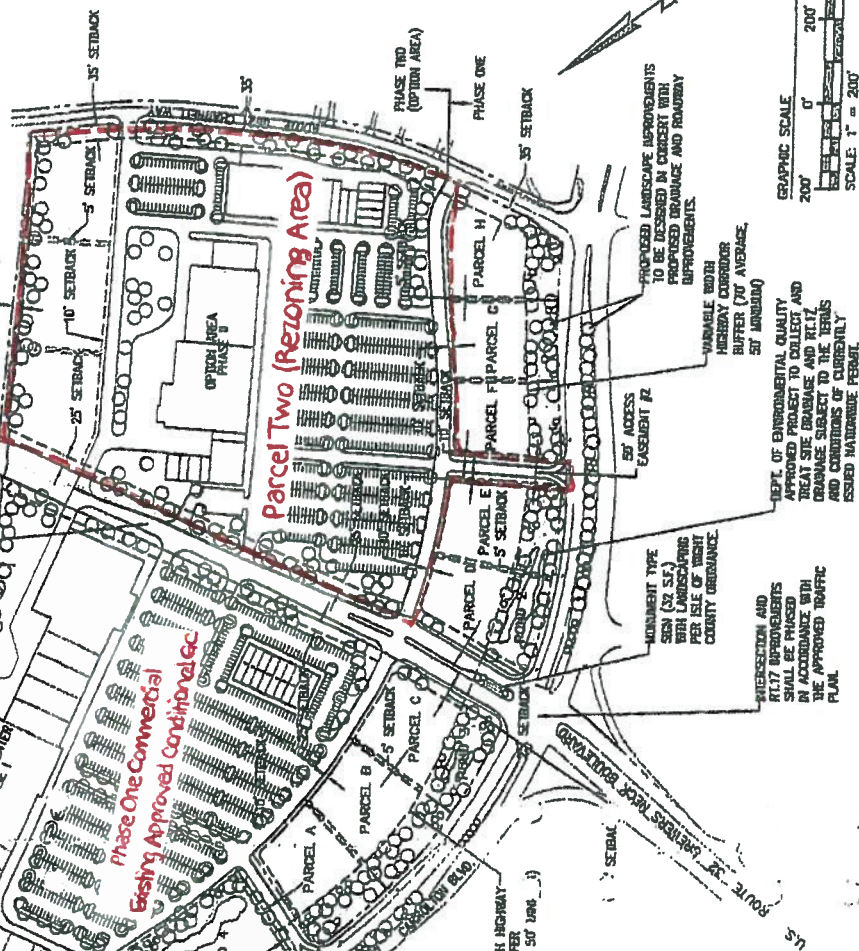
PARCEL AF

PARCEL AG

PARCEL AH



LOCATION MAP



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

Designed	CLG
Scale	1" = 200'
Date	08/02/02
Project No.	9156
Drawn by	MAH
Checked by	RENSON / FRIEDPAT / JEFF
Draining No.	1
Sheet	1

THE CROSSINGS, PARCEL ONE AND PARCEL TWO
AMENDED PROFFER STATEMENT #3
December 1, 2011, amended May 16, 2013, amended October 9, 2019

Parcel Tax Map Numbers:

34-01-070 Instrument Number 20010000166

34-01-070D Instrument Number 20010000167

Collectively, the "Property"

This Amended Proffer Statement #3 is an amendment of the Proffer Statement made the 1st day of December, 2011 and amended May 16, 2013 by The Crossings, Parcel One and Parcel Two Amended Proffer Statement #1, among James River Crossing Inc. (hereinafter referred to as the "Owners", and for indexing purposes, "Grantors").

These proffers are the Amended Proffers made as of the 22nd of September, 2011 by University Square Associates "Owner" and "Applicant", of Tax Map Number 34-01-070 "Phase 1" and 34-01-070D "Remainder Parcel Two" containing approximately 62.04 acres of land in total, of which 22.005 acres of land as shown on Plat of Subdivision of Parcel One & Parcel Two The Crossings, dated March 24, 2008, labeled Exhibit 1 and as shown on The Crossings Revised Conceptual Site Plan, dated August 2, 2002, labeled Exhibit 1A, for the development of up to 240 Multi-family units, where both tax map parcels are referred to herein as the "Property". Owner has filed a rezoning application with the Isle of Wight County Planning and Zoning Department requesting a change in the zoning of, that part of the Property designated as "Remainder Parcel Two" on the aforesaid Exhibit 1 and as shown on Exhibit 1A from Conditional General Commercial, (formerly known as Option Area, containing 193,900 square feet of retail commercial and 3 rear out-parcels) to Conditional Urban Residential for 240 Multi-family units and to amend Zoning Case #ZA-11-02, approved October 17, 2002, to allow for multi-family residential to be developed in conjunction with a retail shopping center and associated out-parcels. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below. Owner does hereby waive any right to challenge, in any judicial or administrative proceedings, the legality of such conditions as it is directed on the Property or to assert a claim for compensation resulting from such conditions (except where compensation is expressly provided for in the conditions) under federal or Virginia law.

These revised proffered conditions ("Proffers") are the only conditions offered on the rezoning of that part of the Property designated as "Remainder Parcel Two" as shown in Exhibits 1 and 1A and those prior proffered conditions as they effect the Property are hereby superseded by these Amended Proffers and any and all previous proffers on "Remainder Parcel Two" are hereby void and of no further force and effect. Those Revised Proffers dated September 17, 2002 and approved by the Isle of Wight County Board of Supervisors on October 17, 2002 do remain in full force and effect for all of the Property except "Remainder Parcel Two", a copy of which is attached hereto and incorporated herein as Exhibit 2A and has been modified to omit any reference to Remainder Parcel Two.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

The purpose of this Amended Proffer Statement #3 is to amend Zoning Case #ZA-04-11, approved December 1, 2011, and amended May 16, 2013 to eliminate all reference to design or construction of a regional pump station. The Applicant requests that Section VI. Water & Sewer Improvements of the Proffer Statement dated September 22, 2011, amended December 1, 2011 and approved by act of the Isle of Wight Board of Supervisors on December 11, 2011 and June 20, 2013, respectively, be amended and revised as follows:

I. Development of the Property

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with The Crossings Rezoning Exhibits Conceptual Plan, sheets 1 of 2 and 2 of 2, dated February 23, 2011 prepared by AES Consulting Engineers, attached as Exhibit 2, as well as in conformity with The Crossings Joint Permit Application Exhibit dated April 18, 2011 and revised March 24, 2011, prepared by AES Consulting Engineers, and as to be determined during Isle of Wight County's final site plan and subdivision plat approvals.
2. All buildings shall contain architectural materials and features that meet or exceed those design elements contained in the construction of Eagle Harbor Apartments, located in the Newport District.
3. The maximum number of residential units shall not exceed 240 multifamily units.
4. Applicant shall cause to be constructed the open spaces and recreational areas and facilities for residents of the development in accordance with the conceptual Schematic Plan for The Crossings prepared by Hopke & Associates, dated April 15, 2011 and attached as Exhibit 3.

II. Land Use

1. The Property shall be used as permitted under the Urban Residential Zoning District and more specifically for the following uses: multi family residential.

III. Cash Proffers

Residential Units

- A. Multifamily Units- The residential Cash Proffer due for each Multi-Family Dwelling Unit shall be computed by multiplying the actual number of units by \$7,500.00. Accordingly, 240 units x \$7,500.00 per unit = \$1,800,000.00,

minus \$917,000.00. The credit of \$917,000.00 shall be provided to Developer against the residential unit proffer in accordance with the County's adopted Incentive Policy and shall demonstrate the projects eligibility, by providing the Isle of Wight County Planning Director, a Lender Approved Certified Appraisal, prior to obtaining any occupancy permits, This appraisal shall show a minimum net new taxable investment in new construction of \$20,000,000 or more. The Certified Appraisal shall be performed by an individual or company chosen by the Developer's lender and all costs associated with such appraisal shall be at Developer's expense. Any cash proffer payable to the County shall be paid on a pro rata basis upon issuance of an Occupancy Permit for each unit.

B.

B. At the time of the recordation of the subdivision plat for a phase of development of or within the Property, the total agreed amount of Residential Cash Proffer for said phase shall be evidenced by a Demand Note of Applicant to County, without interest. The Note shall be secured by a deed of trust ("Cash Proffer Deed of Trust") on all residential units in such phasing and this Cash Proffer Deed of Trust will be secondary to all acquisition, development and construction loans obtained by Owner and the County shall execute such subordination or other agreements as may be necessary.

C. Releases by County under the Cash Proffer Deed of Trust shall be made upon payment of the applicable cash contribution for the released units. Payment for releases for each multi-family unit shall be made upon obtaining an occupancy permit of each building and/or unit(s) therein on or before rental of each unit.

IV. Environmental Protection

The Property shall be served by one or more Low Impact Development measures, in accordance with those approvals issued by the Department of the Army Corps of Engineers, Nationwide Permit #01-V1496 and those Declaration of Restrictions recorded May 25, 2005, in Isle of Wight County Clerks offices as Instrument #053607, pages 107-113, as well as the associated Plat #2-138-1 and shall include regulations associated with those provisions contained in the Department of Environmental Quality, Draft for Joint Permit Application (JPA), No. 10-0773. Owners shall provide Isle of Wight County Departments in the site plan approval application, those development measures that provide for bio-retention filters, rainwater harvesting and providing groundwater recharge features to be undertaken at the degree feasible, in association with providing the Preserved Wetland of 4.55 acres.

V. Transportation

The Owner, at its sole cost and expense, shall cause to be constructed those improvements approved by Isle of Wight County and the Virginia Department of

Transportation know as “The Crossings Phase I Road Improvements”, prepared by AES Consultant Engineers and dated November 2002, revised January 29, 2007, Said improvements being stated in that memorandum from the Virginia Department of Transportation to the Isle of Wight Planning Department, dated March 4, 2011 and being as follows:

- Two lanes exiting and one lane entering on The Crossings main entrance (signalized access) at Rt. 258 on Rt. 17. (300’ of Storage-One Shared Left Thru and One Right lane)
- Single left turn lane southbound on Rt. 17 at The Crossings main entrance. (200’ Storage)
- Modification of eastbound double left turn lanes on Rt. 258 at Rt. 17 to shared lane eastbound through movement.
- Right turn lanes on northbound Rt. 17 at the main entrance. (200’ Storage)
- RTI/O driveway #1 connection. (200’ Storage)
- Two driveway connections to Channel Way. The northmost driveway connecting to Channel Way will be submitted to the Virginia Department of Transportation for its approval as a right out and left in only turn movement. If approved by the Virginia Department of Transportation, Owners site plan and development plans shall show the northmost driveway as a right out and left in only turn movement.

For purposes of applicability of the Newport Development Service Overlay District, THE CROSSINGS shall be designated, designed and occupied as a single development within one parcel or lot, at the intersection of Carrollton Blvd. and Brewer’s Neck Blvd.

No new median breaks shall be requested along the frontage on Route 17. Furthermore, no additional access to Route 17 shall be allowed, other than as shown on the approved conceptual site plan approved as a part of the rezoning of The Property bearing zoning Case #ZA-11-02 (approved 10/17/02) and included within the Traffic Impact Analysis prepared by DRW Consultants, LLC, dated December 28, 2010.

The applicant agrees to install the Opticom system for fire department control of the traffic light at the intersection of Carrollton Blvd. and Brewer’s Neck Blvd. at applicant’s expense.

Adjustments shall be made to the traffic signal at the intersection of Carrollton Boulevard (Route 17) and Brewers Neck Boulevard (Route 32). The improvement shall be done in accordance with the recommendations by the Traffic Impact Analysis prepared by Intermodal Engineering, P.C. and a part of Zoning Case #ZA-11-02 and in conformance with reasonable requirements of the Virginia Department of Transportation. These adjustments and improvements shall be done at the Owners expense in connection with the development of The Crossings.

For the purpose of clarity, it should be noted that the recommendations contained in the "Traffic Impact Study for The Crossings in Isle of Wight, VA." prepared by Intermodal Engineering, P.C., dated August, 2001 are part of the proffered conditions for zoning case #ZA-11-02 (approved 10/17/02), apply to the Property and are set forth in their entirety as follows:

1. That the main entrance of The Crossings be constructed at the existing signalized intersection with Route 17 and Brewers Neck Boulevard. The geometrics for this intersection should include the construction of the following:

- a. a westbound left turn lane and a thru/right turn lane.
- b. a minimum of a 150 foot southbound left turn lane
- c. a northbound right turn lane.

2. That a second entrance 800 feet north of the main entrance be constructed with the following geometrics:

- a. a westbound right turn lane only. No westbound left turning traffic allowed.
- b. a minimum of a 100 foot southbound left turn lane.
- c. a northbound right turn lane.

3. That a third entrance 550 feet south of the main entrance be constructed allowing right turns in and right turns out as Phase II and III develops. A northbound right turn lane should be included.

VI. Easements, Rights-of-Way and Buffers

1. The Owner, at its sole cost and expense, shall construct pedestrian walkways within the proposed development as shown on The Pedestrian Access System Plan dated April 15, 2011, prepared by Hopke & Associates, Inc. and attached as Exhibit 5. In the site plan approval application, the Owners shall provide Isle of Wight County those development measures that provide for connectivity, in accordance with the intent of the Isle of Wight County Bike and Pedestrian Master Plan.
2. In order to provide privately maintained connectivity between adjacent parcels and minimize the need for traffic entering and exiting Carrollton Boulevard, the Owner shall grant cross access easements to provide unobstructed passage of vehicles and pedestrians between parcels 34-01-070D and 34-01-070 as shown on The Crossings Rezoning Exhibit Conceptual Plan, sheets 1 of 1 and 2 of 2, dated February 23, 2011, prepared by AES Consulting Engineers, , attached as Exhibit 2.

3. The extension of Brewers Neck Boulevard through the site shall be done in phases as necessary to accommodate the limits of development. The work shall be done in the substantial conformity with the The Crossings Rezoning Exhibits Conceptual Plan Sheet number 2 of 2, dated February 23, 2011 prepared by AES Consulting Engineers (Exhibit 2). All improvements shall be done at the Owners sole cost and expense. No barriers, fences, or other obstructions shall be erected or maintained on the Property that prevents or obstructs vehicular or pedestrian traffic thereon, except for temporary barriers of obstruction reasonably required in connection with the construction, replacement or repair of improvements located on the Property.
4. The 50 feet setback from Channell Way for Parcel H as shown on Plat of Subdivision of Parcel One and Parcel Two, The Crossing as prepared by AES Consulting Engineers, dated March 24, 2008 and revised on August 12, 2008, on sheet 3 of 4 as shown on Exhibit 1. Further, Remainder Parcel Two, provides a 35' setback from Channell Way.

VII. General

1. Successors and Assigns - This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.
2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.
3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.

VIII. BMP Maintenance Agreement

A maintenance agreement to include a schedule for all storm water BMP facilities on-site shall be provided with the final construction plans of the project. A report of the water quality of these stormwater BMP facilities and their receiving waterways shall be provided twice a year to the County offices.

IX. Prior change in zoning classification.

Except as specifically provided herein and located within the boundaries of the Property, nothing herein shall be construed to affect the existing commercial parcels, their zoning conditions or other permits and/or approvals issued in connection with Phase One of The Crossings.

APPLICANT/OWNER: James River Crossing Inc.

By: [Signature]
Jerry L. Bowman, President

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF ISLE OF WIGHT, to-wit

I, Michelle S. Maki, a Notary Public in and for the Jurisdiction aforesaid, do hereby certify that, Jerry L. Bowman, President whose name is signed to the foregoing instrument, has acknowledged the same before me in my Jurisdiction aforesaid.

Given under my hand and seal this 7th day of November, 2019



[Signature]
Notary Public

My Commission Expires: _____

Notary Registration No. _____

THE CROSSINGS, PARCEL ONE AND PARCEL TWO
AMENDED PROFFER STATEMENT #1
December 1, 2011, amended May 16, 2013

Parcel Tax Map Numbers:

34-01-070 Instrument Number 20010000166

34-01-070D Instrument Number 20010000167

Collectively, the "Property"

This Amended Proffer Statement #1 is an Amendment of the Proffer Statement made as of the 1st day of December, 2011 and amended May 16, 2013, by and among University Square Associates (hereinafter referred to as the "Owners", and for indexing purposes, "Grantors").

The purpose of this Amended Proffer Statement #1 is to amend Zoning Case #ZA-04-11, approved December 1, 2011, to revise the gravity service area from that service area on Exhibit #1, attached, to that service area shown on Exhibit #2, attached, "The Crossing Phase 2 Revised Service Area Map" prepared by AES Consulting Engineers, dated January 3, 2013. Exhibit #1, attached, depicts the service area shown in the Proffer Statement dated the 22nd day of September, 2011, amended December 1, 2011 and approved by act of the Isle of Wight Board of Supervisors on December 1, 2011. The Applicant requests that Section III. Cash Proffers (A) and Section VI. Water & Sewer Improvements of the Proffer Statement dated September 22, 2011, amended December 1, 2011 and approved by act of the Isle of Wight Board of Supervisors on December 11, 2011 be amended and revised as follows:

III. Cash Proffers

Residential Units

A. Multifamily Units- The residential Cash Proffer due for each Multi-Family Dwelling Unit shall be computed by multiplying the actual number of units by \$7,500.00. Accordingly, 240 units x \$7,500.00 per unit = \$1,800,000.00, minus \$917,000.00. The credit of \$917,000.00 shall be provided to Developer against the residential unit proffer in accordance with the County's adopted Incentive Policy and shall demonstrate the projects eligibility, by providing the Isle of Wight County Planning Director, a Lender Approved Certified Appraisal, prior to obtaining any occupancy permits. This appraisal shall show a minimum net new taxable investment in new construction of \$20,000.00 or more. The Certified Appraisal shall be performed by an individual or company chosen by the Developer's lender and all costs associated with such appraisal shall be at Developer's expense. Any cash proffer payable to the County shall be paid on a pro rata basis upon issuance of an Occupancy Permit for each unit.

VI. Water & Sewer Improvements

The wastewater pump station required to serve this development shall be designated and constructed to serve as a regional pump station dedicated to the County with capacity to provide sewer service to the area identified on the aforementioned Exhibit #2, attached. This regional pump station shall be configured as a wet well/dry well configuration in

accordance with Exhibit #3, attached and with Isle of Wight Department of Public Utilities standards for pump station of this size and using the most cost effective and best engineering practices.

APPLICANT/OWNER: University Square Associates

By: The Commercial Group, Inc., General Partner

By: Calvin Davis
Calvin Davis, President

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF ISLE OF WIGHT, to-wit

I, Sarah's Gardner, a Notary Public in and for the Jurisdiction aforesaid, do hereby certify that, Calvin Davis, President of The Commercial Group, Inc., General Partner for University Square Associates, whose name is signed to the foregoing instrument, has acknowledged the same before me in my Jurisdiction aforesaid.

Given under my hand and seal this 9th day of May, 2013.

Commonwealth Of Virginia
Sarah Gardner - Notary Public
Commission No. 7056648
My Commission Expires 3/31/2014

Sarah's Gardner
Notary Public

My Commission Expires: 3/31/14
Notary Registration No. 7056648

Approved by The Board of Supervisors
December 1, 2011

09

University Square Associates
616 Village Drive, Suite G
Virginia Beach, Va. 23454

RECEIVED

DEC 14 2011

DEPARTMENT OF
PLANNING AND ZONING

December 12, 2011

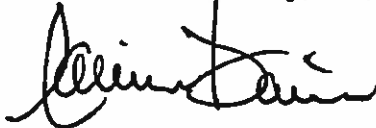
Mr. Matthew J. Smolnik
Assistant Planning Director
Planning and Zoning Department
Isle of Wight County
P.O. Box 80
Isle of Wight, VA 23397

REF: University Square Associates – The Crossings – Proffer Statement Amendment 1

Dear Mr. Smolnik:

According to your direction, I am attaching the original signed and notarized Proffer Statement, in behalf of University Square Associates.

Sincerely,
University Square Associates
The Commercial Group, Inc., General Partner



Calvin Davis
President

cc: Whitney Saunders

**COUNTY OF ISLE OF WIGHT
PROFFER STATEMENT: AMENDMENT 1**

Applicant's and Owner's name(s): UNIVERSITY SQUARE ASSOCIATES

Project name: THE CROSSINGS, PARCEL ONE AND PARCEL TWO

Date: September 22, 2011 Amended on December 1, 2011

Parcel-Tax Map Numbers and deed book reference: 34-01-070 and 34-01-070D

These proffers are the Amended Proffers made as of the 22nd of September, 2011 by University Square Associates "Owner" and "Applicant", of Tax Map Number 34-01-070 "Phase I" and 34-01-070D "Remainder Parcel Two" containing approximately 62.04 acres of land in total, of which 22.005 acres of land as shown on Plat of Subdivision of Parcel One & Parcel Two The Crossings, dated March 24, 2008, labeled Exhibit 1 and as shown on The Crossings Revised Conceptual Site Plan, dated August 2, 2002, labeled Exhibit 1A, for the development of up to 240 Multi-family units, where both tax map parcels are referred to herein as the "Property". Owner has filed a rezoning application with the Isle of Wight County Planning and Zoning Department requesting a change in the zoning of, that part of the Property designated as "Remainder Parcel Two" on the aforesaid Exhibit 1 and as shown on Exhibit 1A from Conditional General Commercial, (formerly known as Option Area, containing 193,900 square feet of retail commercial and 3 rear out-parcels) to Conditional Urban Residential for 240 Multi-family units and to amend Zoning Case #ZA-11-02, approved October 17, 2002, to allow for multi-family residential to be developed in conjunction with a retail shopping center and associated out-parcels. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below. Owner does hereby waive any right to challenge, in any judicial or administrative proceedings, the legality of such conditions as it is directed on the Property or to assert a claim for compensation resulting from such conditions (except where compensation is expressly provided for in the conditions) under federal or Virginia law.

These revised proffered conditions ("Proffers") are the only conditions offered on the rezoning of that part of the Property designated as "Remainder Parcel Two" as shown in Exhibits 1 and 1A and those prior proffered conditions as they effect the Property are hereby superseded by these Amended Proffers and any and all previous proffers on "Remainder Parcel Two" are hereby void and of no further force and effect. Those Revised Proffers dated September 17, 2002 and approved by the Isle of Wight County Board of Supervisors on October 17, 2002 do remain in full force and effect for all of the Property except "Remainder Parcel Two", a copy of which is attached hereto and incorporated herein as Exhibit 2A and has been modified to omit any reference to Remainder Parcel Two.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.



I. Development of the Property

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with The Crossings Rezoning Exhibits Conceptual Plan, sheets 1 of 2 and 2 of 2, dated February 23, 2011 prepared by AES Consulting Engineers, revised for a pump station site on March 24, 2011 attached as Exhibit 2, as well as in conformity with The Crossings Joint Permit Application Exhibit dated April 18, 2011 and revised March 24, 2011, prepared by AES Consulting Engineers, and as to be determined during Isle of Wight County's final site plan and subdivision plat approvals.
2. All buildings shall contain architectural materials and features that meet or exceed those design elements contained in the construction of Eagle Harbor Apartments, located in the Newport District.
3. The maximum number of residential units shall not exceed 240 multifamily units.
4. Applicant shall cause to be constructed the open spaces and recreational areas and facilities for residents of the development in accordance with the conceptual Schematic Plan for The Crossings prepared by Hopke & Associates, dated April 15, 2011 and attached as Exhibit 3.

II. Land Use

1. The Property shall be used as permitted under the Urban Residential Zoning District and more specifically for the following uses: multi family residential.

III. Cash Proffers

Residential Units

A. Multifamily Units - The Residential Cash Proffer due for each Multi-Family Dwelling Unit shall be computed by multiplying the actual number of units by \$7,500.00. Accordingly, 240 units x \$7,500.00 per unit = \$1,800,000.00, minus \$800,000.00. The credit of \$800,000.00 shall be provided to Developer against the residential unit proffer in accordance with the County's adopted Incentive Policy and shall demonstrate the projects eligibility, by providing the Isle of Wight County Planning Director, a Lender Approved Certified Appraisal, prior to obtaining any occupancy permits, This appraisal shall show a minimum net new taxable investment in new construction of \$20,000,00 or more. The Certified Appraisal shall be performed by an individual or company chosen by the Developer's lender and all costs associated with such appraisal shall be at Developer's expense.

Any cash proffer payable to the County shall be paid on a pro rata basis upon issuance of an Occupancy Permit for each unit.

- B. At the time of the recordation of the subdivision plat for a phase of development of or within the Property, the total agreed amount of Residential Cash Proffer for said phase shall be evidenced by a Demand Note of Applicant to County, without interest. The Note shall be secured by a deed of trust ("Cash Proffer Deed of Trust") on all residential units in such phasing and this Cash Proffer Deed of Trust will be secondary to all acquisition, development and construction loans obtained by Owner and the County shall execute such subordination or other agreements as may be necessary.
- C. Releases by County under the Cash Proffer Deed of Trust shall be made upon payment of the applicable cash contribution for the released units. Payment for releases for each multi-family unit shall be made upon obtaining an occupancy permit of each building and/or unit(s) therein on or before rental of each unit.

IV. Environmental Protection

The Property shall be served by one or more Low Impact Development measures, in accordance with those approvals issued by the Department of the Army Corps of Engineers, Nationwide Permit #01-V1496 and those Declaration of Restrictions recorded May 25, 2005, in Isle of Wight County Clerks offices as Instrument #053607, pages 107-113, as well as the associated Plat #2-138-1 and shall include regulations associated with those provisions contained in the Department of Environmental Quality, Draft for Joint Permit Application (JPA), No. 10-0773. Owners shall provide Isle of Wight County Departments in the site plan approval application, those development measures that provide for bio-retention filters, rainwater harvesting and providing groundwater recharge features to be undertaken at the degree feasible, in association with providing the Preserved Wetland of 4.55 acres.

V. Transportation

The Owner, at its sole cost and expense, shall cause to be constructed those improvements approved by Isle of Wight County and the Virginia Department of Transportation know as "The Crossings Phase I Road Improvements", prepared by AES Consultant Engineers and dated November 2002, revised January 29, 2007, Said improvements being stated in that memorandum from the Virginia Department of Transportation to the Isle of Wight Planning Department, dated March 4, 2011 and being as follows:

- Two lanes exiting and one lane entering on The Crossings main entrance (signalized access) at Rt. 258 on Rt. 17. (300' of Storage-One Shared Left Thru and One Right lane)

- Single left turn lane southbound on Rt. 17 at The Crossings main entrance. (200' Storage)
- Modification of eastbound double left turn lanes on Rt. 258 at Rt. 17 to shared lane eastbound through movement.
- Right turn lanes on northbound Rt. 17 at the main entrance. (200' Storage)
- RTI/O driveway #1 connection. (200' Storage)
- Two driveway connections to Channel Way. The northernmost driveway connecting to Channel Way will be submitted to the Virginia Department of Environmental Quality for its approval as a right out and left in only turn movement. If approved by the Virginia Department of Environmental Quality, Owners site plan and development plans shall show the northernmost driveway as a right out and left in only turn movement.

For purposes of applicability of the Newport Development Service Overlay District, THE CROSSINGS shall be designated, designed and occupied as a single development within one parcel or lot, at the intersection of Carrollton Blvd. and Brewer's Neck Blvd.

No new median breaks shall be requested along the frontage on Route 17. Furthermore, no additional access to Route 17 shall be allowed, other than as shown on the approved conceptual site plan approved as a part of the rezoning of The Property bearing zoning Case #ZA-11-02 (approved 10/17/02) and included within the Traffic Impact Analysis prepared by DRW Consultants, LLC, dated December 28, 2010.

The applicant agrees to install the Opticom system for fire department control of the traffic light at the intersection of Carrollton Blvd. and Brewer's Neck Blvd. at applicant's expense.

Adjustments shall be made to the traffic signal at the intersection of Carrollton Boulevard (Route 17) and Brewers Neck Boulevard (Route 32). The improvements shall be done in accordance with the recommendations by the Traffic Impact Analysis prepared by Intermodal Engineering, P.C. and a part of Zoning Case #ZA-11-02 and in conformance with reasonable requirements of the Virginia Department of Transportation. These adjustments and improvements shall be done at the Owner's expense in connection with the development of The Crossings.

For the purpose of clarity, it should be noted that the recommendations contained in the "Traffic Impact Study for The Crossings in Isle of Wight, VA." prepared by Intermodal Engineering, P.C., dated August, 2001 are part of the proffered conditions for zoning case #ZA-11-02 (approved 10/17/02), apply to the Property and are set forth in their entirety as follows:

1. That the main entrance of The Crossings be constructed at the existing signalized intersection with Route 17 and Brewers Neck Boulevard. The geometrics for this intersection should include the construction of the following:

- a. a westbound left turn lane and a thru/right turn lane.
- b. a minimum of a 150 foot southbound left turn lane
- c. a northbound right turn lane.

2. That a second entrance 800 feet north of the main entrance be constructed with the following geometrics:

- a. a westbound right turn lane only. No westbound left turning traffic should allowed.
- b. a minimum of a 100 foot southbound left turn lane.
- c. a northbound right turn lane.

3. That a third entrance 550 feet south of the main entrance be constructed allowing right turn lanes in and right turns in and right turns out as Phase II and III develops. A northbound right turn lane should be included.

VI. Water & Sewer Improvements

The wastewater pump station required to serve this development shall be designated and constructed to serve as a regional pump station dedicated to the County with capacity to provide sewer service to the area identified by drawing sheet 2 of 3 of the report titled Addendum #1 to Regional Sanitary Sewer and Stormwater Facilities Evaluations for The Crossings Development, Isle of Wight, Virginia, prepared by Bowman Consulting with a date of April 7, 2011, revised date of April 13, 2011 and an Amendment #1 date of August 8, 2011. This report has been submitted with this rezoning application as Exhibit 4. This regional pump station shall be configured as a wet well/dry well configuration in accordance with Isle of Wight Department of Public Utilities standards for pump stations of this size and using the most cost effective and best engineering practices. The regional pump station shall be located off Channell Way and the forcemain installed parallel, and outside the right-of-way of Channell Way as depicted in the aforementioned report by Bowman Consulting.

VII. Easements, Rights-of-Way and Buffers

- 1. The Owner, at its sole cost and expense, shall construct pedestrian walkways within the proposed development as shown on The Pedestrian Access System Plan dated April 15, 2011, prepared by Hopke & Associates, Inc. and attached as Exhibit 5. In the site plan approval application, the Owners shall provide Isle of Wight County those development measures that provide for connectivity, in

accordance with the intent of the Isle of Wight County Bike and Pedestrian Master Plan.

2. In order to provide privately maintained connectivity between adjacent parcels and minimize the need for traffic entering and exiting Carrollton Boulevard, the Owner shall grant cross access easements to provide unobstructed passage of vehicles and pedestrians between parcels 34-01-070D and 34-01-070 as shown on The Crossings Rezoning Exhibit Conceptual Plan, sheets 1 of 1 and 2 of 2, dated February 23, 2011, prepared by AES Consulting Engineers, revised for a pump station site on March 24, 2011, attached as Exhibit 2.
3. The extension of Brewers Neck Boulevard through the site shall be done in phases as necessary to accommodate the limits of development. The work shall be done in the substantial conformity with the The Crossings Rezoning Exhibits Conceptual Plan Sheet number 2 of 2, dated February 23, 2011 prepared by AES Consulting Engineers (Exhibit 2). All improvements shall be done at the Owners sole cost and expense. No barriers, fences, or other obstructions shall be erected or maintained on the Property that prevents or obstructs vehicular or pedestrian traffic thereon, except for temporary barriers of obstruction reasonably required in connection with the construction, replacement or repair of improvements located on the Property.
4. The 50 feet setback from Channell Way for Parcel H as shown on Plat of Subdivision of Parcel One and Parcel Two, The Crossing as prepared by AES Consulting Engineers, dated March 24, 2008 and revised on August 12, 2008, on sheet 3 of 4 as shown on Exhibit 1. Further, Remainder Parcel Two, provides a 35' setback from Channell Way.

VIII. General

1. Successors and Assigns - This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.
2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.

IX. BMP Maintenance Agreement

A maintenance agreement to include a schedule for all storm water BMP facilities on-site shall be provided with the final construction plans of the project. A report of the water quality of these stormwater BMP facilities and their receiving waterways shall be provided twice a year to the County offices.

X. Prior change in zoning classification.

Except as specifically provided herein and located within the boundaries of the Property, nothing herein shall be construed to affect the existing commercial parcels, their zoning conditions or other permits and/or approvals issued in connection with Phase One of The Crossings.

Owner/Applicant: UNIVERSITY SQUARE ASSOCIATES

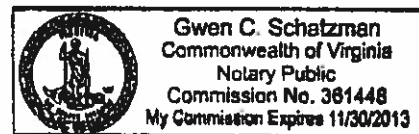
By: The Commercial Group, Inc., general partner

By: Calvin Davis
Calvin Davis, President

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me GWEN C. SCHATZMAN
A Notary Public in and for the County OF JAMES CITY, Commonwealth
Of Virginia, this 9th day of December, 2011.

Gwen C. Schatzman
Notary Public



My Commission Expires 11/30/2013



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

23116 Meherrin Road
COURTLAND, VIRGINIA 23837

December 9, 2021

Amy Ring, Director
Planning and Zoning
Isle of Wight County
17140 Monument Circle
Isle of Wight, VA 23397

**RE: ZA-10-21 The Crossings Amendment to Conditional Zoning
Carrollton Blvd. (Route 17)
Tax Map # 32-01-070
Isle of Wight County**

The Residency has completed its review of the subject rezoning amendment application dated November 23, 2021 and received by the VDOT Land Development Office on November 23, 2021. We offer the following comment on the submitted materials:

- 1) The proposed change to allow the previously approved square footage to be divided among multiple parcels will not change the forecasted traffic or the associated impacts of the development. However, it should be noted that the traffic study was developed based upon the use of commercial retail for the shopping center parcel. If once subdivided the use type is changed from commercial retail to other higher intensity uses for these smaller parcels, it has the potential to increase traffic impacts beyond the scope of the analysis.

SUPPORTING DOCUMENTS

- 2) A detailed narrative which addresses each comment listed above must accompany your re-submittal package. Any revisions beyond those necessary to address the review comments listed above must be identified separately in the re-submittal narrative.
- 3) Please provide two (2) folded copies of the revised plans and two (2) copies of the detailed narrative with your re-submittal package.

ADVISORY

a) An electronic file of the approved plan in PDF format shall be provided for VDOT use.

If you have any questions, please contact me at (757) 346-3068 or Joshua.Norris@vdot.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua R. Norris", is displayed on a light gray background.

Joshua R. Norris
Land Use Engineer
Virginia Department of Transportation
Franklin Residency

PLANNING REPORT

APPLICATION:

2021 Planning Commission Annual Report

BACKGROUND:

The Planning Commission develops an annual report in conformance with Section 15.1-2221 of the Code of Virginia. This Section states that local planning commissions shall make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction.

DESCRIPTION:

Planning and Zoning staff developed the attached 2021 Planning Commission Annual Report for review and approval by the Planning Commission. The Report includes a description of the types of applications considered by the Planning Commission this past calendar year as well as a general description of its long range planning activities, the meeting attendance statistics of its members, and the overall development activity in the County.

STAFF RECOMMENDATION:

Staff recommends approval of the 2021 Planning Commission Annual Report

ATTACHMENTS:

Description	Type	Upload Date
2021 Planning Commission Annual Report	Backup Material	2/16/2022



ISLE OF WIGHT COUNTY PLANNING COMMISSION 2021 ANNUAL REPORT

ADOPTED BY THE
ISLE OF WIGHT COUNTY PLANNING COMMISSION
FEBRUARY 22, 2022



CHAIRMAN'S MESSAGE

TO Members of the Board of Supervisors and Citizens of the County of Isle of Wight, Virginia:

We are pleased to submit the 2021 Annual Planning Commission Report. This report is intended to provide informative and relevant data for the residents of the County, Board of Supervisors, and any other interested readers.

Although 2021 started with many of the same Covid pandemic challenges as the previous year, the County continued to experience economic growth based on increases in the number of permits, sales tax and real estate tax revenues during the year.

Much like last year, trends continue to indicate a general pattern of growth in the number of permits issued, development applications received, inspections conducted, and plans reviewed which is consistent with the County's continued population growth. This year saw the release of the 2020 decennial census population count of 38,606 for the County, representing a 9.5% increase over the 2010 decennial census population count of 35,270 people. This represents an annual average growth rate of nearly 1% a year.

Permits for new single family houses totaled 296 in Fiscal Year (FY) 2021 compared to 200 in FY 2020, representing a 48% increase. In addition, 44 new multifamily dwelling units were permitted which is a 100% increase over the previous fiscal year in which none were constructed. The value of new single-family construction went from \$42.3 million in FY 2020 to \$63.6 million in FY 2021, a 50% increase. New commercial construction value also increased from \$2.3

million in FY 2020 to \$3 million, or a 30% increase.

In light of the County's growing development activity, land development practices took center stage at the Planning Commission annual retreat on Friday, October 22, 2021, where Randy Royal, a professional engineer who teaches with the Virginia Tech Land Development Design Initiative, led an interactive, half day class on how transportation, utilities, storm water management, and planning interrelate in land development projects. Also on the agenda were presentations on the County's Economic Development prospects and its Water and Sewer master plans.

Looking ahead in the new year, we look forward to continuing our work on new long-range planning projects such as the Plan on Aging and Rushmere Village Master Plan.

We would like to thank the Board for its support of the County's planning efforts and the planning staff for their continued efforts to provide timely assistance to the citizens and recommendations to the Commission in our pursuit of the vision of what our County will look like for years to come. We look forward to continuing our service in 2022.



J. Brian Carroll
Chairman

2021 ISLE OF WIGHT PLANNING COMMISSION

Brian Carroll, Chair	Carrsville District
Bobby Bowser, Vice-Chair	Hardy District
Cynthia Taylor, AICP	Smithfield District
Thomas Duerig	Smithfield District
Jennifer Boykin	Carrsville District
James Ford	Hardy District
Thomas Distefano	Newport District
Edward Hulick	Newport District
Roberta Varner	Windsor District
George Rawls	Windsor District

Robert W. Jones, Jr., County Attorney
Amanda Landrus, Secretary

ISLE OF WIGHT COUNTY PLANNING AND ZONING STAFF

Amy M. Ring, AICP	Community Development Director
Claire Jones, AICP	Assistant Director – Planning and Zoning
Joshua A. Bateman, AICP	Principal Planner
Shaunee A. Beussink	Environmental Planner
Sandy Robinson	Zoning Coordinator
Trenton Blowe	Planner
Rachel Bass	Codes Enforcement Officer
Amanda Landrus	Planning Services Coordinator

OVERVIEW

The role of the Planning Commission outlined in Section 15.2-2200 of the Code of Virginia (1950, as amended) is to improve the public health, safety, convenience and welfare of the County's citizens through the development and implementation of long-range plans to ensure for adequate transportation, utility, health, housing, educational, economic development, and recreational facilities and to ensure future growth be consonant with the efficient and economical use of public funds. The Planning Commission utilizes the County's Comprehensive Plan as a guide to review current and long-range planning applications to ensure future development proceeds in an orderly and efficient manner.

In furtherance of this effort, the Planning Commission conducted a total of eight regular meetings and one special called annual retreat meeting during the 2021 calendar year. The Commission took action on a total of 19 items to include:

- 5 Rezoning requests;
- 4 Conditional use permit requests;
- 3 Highway Corridor Overlay District Exception requests;
- 2 Zoning ordinance amendments;
- 1 Subdivision Ordinance amendment;
- 1 Chesapeake Bay Preservation Area Ordinance Amendment;
- 1 Agricultural and Forestal District Withdrawal Request;
- 1 Electronic Meeting Planning Commission Bylaw Amendment; and
- 2020 Planning Commission Annual Report.

The total number of items considered by Planning Commission in 2021 is a decrease from the total of 20 items considered in 2020. The highest number of applications by type in 2021 consisted of rezoning requests. Three of these applications sought to amend previously approved conditional zoning while the other requests sought a change to the Rural Residential zoning district for two lots and a change to the Village Center district for a satellite church parking lot. The next highest number of applications included four conditional use permit requests to include a utility scale solar energy facility, a new elementary school, a child care center and an accessory apartment.

The Planning Commission recommended approval for all but two of the applications. Of the items considered by the Board of Supervisors as of December 31, 2021, the Board voted consistently with the Planning Commission recommendations 94% of the time.

A series of summary tables are included with this report, including a list of the Commission members' districts, appointment date, and attendance record as well as a record of the Commission's decisions by application type and a comparison table of the number of applications by year.

MEMBERSHIP UPDATE

The Commission continues to reflect a balanced representation of the citizenry of Isle of Wight County with specific interests in rural, agricultural, and historic preservation; environmental protection; community values, quality of life; economic development; and overall land use planning standards that promote balanced growth, community character and enhanced design. The Planning Commission membership is made up of two members appointed by the Board of Supervisors from each of the County's five election districts.

The longest serving members on the Commission are James Ford (Hardy), appointed in October 2009, Cynthia Taylor (Smithfield), appointed in March 2014, and Brian Carroll (Carrsville), appointed in March 2014. Mr. Carroll served as Chairman in 2021 while Bobby Bowser of the Hardy District served as Vice-Chairman.

BY-LAW AMENDMENTS AND PROCEDURAL CHANGES

The Planning Commission voted to amend the bylaws at their February 23, 2021, regular meeting to allow for electronic meeting participation under certain conditions. Due to ongoing COVID conditions, Planning Commission continued to hold their regular meetings at the Smithfield Center for the first half of the year to allow for social distancing. Fortunately as the epidemic ebbed, the Planning Commission was allowed to return to the Courthouse Complex for their regular meetings beginning in July 2021.

LONG RANGE PLANNING PROJECTS

Long-range planning projects that kicked off in 2021 include the County's Plan on Aging and the Rushmere Village Master Plan. Also underway is the update to the County's 2008 Workforce Housing Study by professor Dr. Tom Hall of Christopher Newport University made possible by a grant from the Peninsula Association of Realtors. The estimated completion date for this study is Spring 2022. Each of these projects is a recommended action step identified in the County's 2020 Comprehensive Plan meant to implement the policies and goals of the Plan.

DEVELOPMENT ACTIVITY

Several large, public and private projects either started or completed construction in the County in 2021. Major projects include:

- Construction continued on 162 townhome-style apartment units in the master planned Brewer's Station community approved in 2014.
- Construction began on 210 condominium units at the Crossings development originally approved in 2002.
- The County completed construction of the Nike Park Multipurpose Trail that connects Nike Park and the Town of Smithfield.
- The County held a ribbon-cutting ceremony for the new Hardy Elementary School with construction to begin in Spring 2022.

2021 ISLE OF WIGHT COUNTY PLANNING COMMISSION ANNUAL REPORT

- The County will benefit from a \$21.1 million grant awarded in December 2021 to the Hampton Roads Planning District Commission to build fiber broadband to 12,223 unserved locations and achieve universal coverage in the City of Suffolk, Isle of Wight, and Southampton Counties.
- Engineering and design continued for the new Nike Park Road extension that will provide an alternative route between the Town of Smithfield and the Route 17 corridor.

GOALS FOR 2022

It is the goal of the Planning Commission in 2022 to continue the implementation of *Envisioning the Isle* as well as continue its review of applicable ordinances for opportunities to add clarity and flexibility. The Commission plans to hold an educational retreat in the fall of 2022 for its members to review its mission, future goals, new planning techniques, and community outreach activities. The Commission also renews its commitment in 2021 to provide comprehensive, objective and thorough reviews on plans, ordinances, and applications prior to making a recommendation to the Board of Supervisors.

Adopted this _____ day of _____ 2022.

Chairman, Isle of Wight County
Planning Commission

Attest: _____
Amanda Landrus, Secretary

2021 Planning Commission Actions Summary Tables

ZONING DISTRICTS LEGEND

RAC-Rural Agricultural Conservation

RR-Rural Residential

VC-Village Center

NC-Neighborhood Conservation

SE-Suburban Estate

SR-Suburban Residential

UR-Urban Residential

LC-Limited Commercial

GC-General Commercial

LI-Limited Industrial

GI-General Industrial

GIC-General Industrial Conservation

PD-R-Planned Development Residential

PD-MH-Planned Development Manufactured Home Park

PD-CP-Planned Development Commercial Park

PD-MX-Planned Development Mixed-Use

PD-IP-Planned Development Industrial Park

HCO-Highway Corridor Overlay

NDSO-Newport Development Service Overlay

HO-Historic Overlay

FPMO-Flood Plain Management Overlay

REZONINGS (5)

Tax PIN Application Number	Election District/ Location	Owner/Applicant	Acreage	Application Description	Recommendation/Action/Vote/Date	
					PC	BOS
14-02-037C	Smithfield District/ 39 Monette Parkway	Accelerated Properties, LLC	.73	Amend the conditional zoning to allow for a garden center.	Approved (9-0) April 27, 2021	Approval (5-0) June 10, 2021
58-01-127C	Carrsville District/ 26585 River Run Trail	Coastal City Church, Sean Domer	1.75	Rezone from RR to VC to allow for satellite parking lot	Approval (9-0) May 25, 2021	Approval (5-0) June 10, 2021
34B-01-010 34B-01-011 34B-01-012	Newport District/ 15314 Carrollton Blvd	Wilbur R. Wendy R. Todd	1.5	Amend conditional zoning to allow Medical and general office as permitted uses	Approval (9-0) June 22, 2021	Approval (5-0) July 15, 2021
46-01-024	Carrsville District/ Cut Thru Road and Garrison Drive	Cobb Land Limited Partnership Alpha M. Cobb Steven F. Cobb Timothy L. Cobb	9.56	Rezone from RAC to RR to create three single family residential lots	Approval (7-0) August 24, 2021	Approval (5-0) September 16, 2021
14-02-037B	Smithfield District 1 Monette Parkway	Accelerated Properties, LLC	5.85	Amend the conditional zoning to allow for a laboratory	Approval (6-0) October 26, 2021	Approval (5-0)

CONDITIONAL USE PERMITS (4)

Tax PIN Application Number	Election District/ Location	Owner/Applicant	Acreage	Application Description	Recommendation/Action/Vote/Date	
					PC	BOS
10-01-017 10-01-020 10-01-021 10-01-023 10-01-024 10-01-025 10-01-027 10-01-030 11-01-005 11-01-015	Carrsville District Mill Swamp Road/ Burwells Bay Road	Cavalier Solar A, LLC	1,684.5	Cavalier Solar Major utility service use consisting of a utility-scale, solar energy generation facility, including related equipment, electrical lines, project substation and 500 kV gen-tie (overhead) transmission line	Approval (7-2) March 23, 2021	Approval (5-0) May 20, 2021
13B-02-A003 13B-02-A004 13B-03-025	Hardy District Old Stage Hwy Blounts Corner Road	Isle of Wight Public Schools Isle of Wight County Utility Services	17.9	Hardy Elementary School Major utility service for a water tower and primary educational facility	Approval (9-0) May 25, 2021	Approval (3-2) June 10, 2021
43A-03-013	Newport Election District 112 Obrey Drive	Christopher D. and Wendy A. Caldwell	1.8	Residential Accessory Apartment	Denial (9-0) June 22, 2021	Application withdrawn
32-01-093	Windsor District 14353 Bennis Church Blvd.	Vincent C. Carollo Bennis Saint Luke LLC	24.8	Child Care Center	Approval (7-0) September 28, 2021	Approval (5-0) October 21, 2021

EXEMPTIONS, WAIVERS, EXCEPTIONS, MODIFICATIONS AND APPEALS REQUESTS (3)

Tax PIN Application Number	Election District/Location	Owner/Applicant	Application Description	Recommendation/Action/Vote/Date	
				PC	BOS
58-01-127C	Carrsville District/ 26585 River Run Trail	Coastal City Church, Sean Domer	HCO Exception request to allow a gravel parking lot and encroachment into the HCO front yard setback	Approval (9-0) May 25, 2021	Approval (5-0) June 10, 2021
13B-02-A003 13B-02-A004 13B-03-025	Hardy District Old Stage Hwy Blounts Corner Road	Isle of Wight Public Schools Isle of Wight County Utility Services	Hardy Elementary School HCO Exception request to allow six-foot-tall chain-link fence around stormwater management pond, mechanical service areas, playgrounds and site perimeter	Denial (9-0) May 25, 2021	Approval (3-2) June 10, 2021
13-01-035	Hardy District 8196 Old Stage Hwy.	Isle of Wight County Public Works	HCO Exception request to allow six foot tall vinyl coated chainlink fence around the Wrenn's Mill Refuse and Recycling Center.	Approval (7-0) August 24, 2021	Approval (5-0) September 16, 2021

ZONING ORDINANCE AMENDMENTS (2)

Application Description	Recommendation/Action/Vote/Date	
	PC	BOS
An ordinance to amend Section 4-1005 and Section 4-7003 of Article IV, "Zoning Districts and Boundaries" of Appendix B, "Zoning," of the Isle of Wight County Code to add childcare center as a conditional use in the Suburban Residential zoning district.	Approval (9-0) June 22, 2021	Approval (5-0) July 15, 2021
An ordinance to amend Appendix B. Zoning: Article I (General Provisions), Article IV (Zoning Districts and Boundaries), Article V (Supplementary Use Regulations), Article VI (Overlay Districts), Article VII (General Design Guidelines and Development)	Approval (6-0) October 26, 2021	Tabled November 18, 2021

SUBDIVISION ORDINANCE AMENDMENTS (1)

Application Description	Recommendation/Action/Vote/Date	
	PC	BOS
An ordinance to amend the following sections of Appendix A. Subdivisions: Article 2 (Definitions), Article 3 (Administration and Procedures), Article 4 (Plat Requirements), Article 5 (Development Standards); Appendix B. Zoning: Article I (General Provisions), Article IV (Zoning Districts and Boundaries), Article V (Supplementary Use Regulations), Article VI (Overlay Districts), Article VII (General Design Guidelines and Development); and Appendix B-1. Chesapeake Bay Preservation Area Ordinance. The purpose of the proposed amendments is to reduce and clarify requirements, make editorial corrections, increase flexibility, and revise development requirements.	Approval (6-0) October 26, 2021	Approval of Subdivision and Chesapeake Bay Preservation Area (5-0) Revisions to the Zoning Ordinance tabled

CHESAPEAKE BAY PRESERVATION AREA ORDINANCE AMENDMENTS (1)

Application Description	Recommendation/Action/Vote/Date	
	PC	BOS
An ordinance to amend and Appendix B-1. Chesapeake Bay Preservation Area Ordinance.	Approval (6-0) October 26, 2021	Approval (5-0) November 18, 2021

AGRICULTURAL/FORESTAL DISTRICTS AMENDMENTS (1)

Application Description	Recommendation/Action/Vote/Date	
	PC	BOS
Cavalier Solar A, LLC, applicant, to construct and operate a major utility and includes a request from the owners of six affected parcels to withdraw their properties from the Moonlight Agricultural/Forestal District.	Approval (7-2) March 23, 2021	Approval (5-0) May 20, 2021

PLANNING COMMISSION BY-LAW AMENDMENTS (1)

Application Description	Recommendation/Action/Vote/Date	
	PC	BOS
Amendment to allow remote electronic meetings should a Planning Commission member be unable to attend for a personal, work or medical reason.	Approval (10-0) February 23, 2021	Informational / No Action Required

PLANNING COMMISSION ANNUAL REPORT

Application Description	Recommendation/Action/Vote/Date	
	PC	BOS
2020 Planning Commission Annual Report	Adopted (9-0) February 23, 2021	Informational / No Action Required

2021 ISLE OF WIGHT COUNTY PLANNING COMMISSIONERS

NAME	DISTRICT	APPOINTED	TERM EXPIRES
Brian Carroll, Chair	Carrsville	March 20, 2014	February 2022
Bobby Bowser, Vice-Chair	Hardy	April 20, 2017	February 2025
Cynthia Taylor	Smithfield	March 20, 2014	February 2023
Thomas Duerig	Smithfield	February 18, 2016	February 2024
Jennifer Boykin	Carrsville	February 15, 2018	February 2023
James Ford	Hardy	October 15, 2009	February 2024
Thomas Distefano	Newport	February 21, 2019	February 2023
Edward Hulick	Newport	February 16, 2017	February 2025
George Rawls	Windsor	August 16, 2018	February 2023
Bobbie Varner	Windsor	August 16, 2018	February 2024
Glen Seay	Windsor	May 20, 2021	February 2024

2021 MEETING STATISTICS

Regular Meetings	Members Absent	Attendance Percentage	
January 26 th	Distefano	Brian Carroll	100%
February 23 rd	Duerig	Bobby Bowser	100%
March 23 rd	Varner	Cynthia Taylor	100%
April 27 th	Varner	Thomas Duerig	78%
May 25 th	-----	Jennifer Boykin	89%
June 22 nd	Boykin	James Ford	89%
August 24 th	Hulick, Distefano, Seay	Thomas Distefano	78%
September 28 th	Distefano, Seay	Edward Hulick	89%
October 26 th	Ford, Duerig, Seay	Roberta Varner	50%
		George Rawls	100%
		Glenn Seay	25%
WORK SESSIONS/SPECIAL MEETINGS			
October 23, 2021	Boykin, Ford, Seay		

PLANNING COMMISSION REVIEW FIVE YEAR DEVELOPMENT APPLICATION COMPARISON CHART

APPLICATIONS/PROJECTS	2021	2020	2019	2018	2017
Rezoning	5	5	6	5	5
Conditional Use Permits	4	5	4	7	8
Special Use Permits	0	0	0	1	0
Site Plans	0	0	0	0	1
Subdivision Plats	0	0	0	0	0
Comp Plan Update/Master Plans	0	0	1	0	0
Comp Plan Amendments/Land Use	0	0	2	1	1
Zoning Ordinance Amendments	2	2	2	2	3
Subdivision Ordinance Amendments	1	1	1	0	0
CBPA Ordinance Amendments	1	0	0	0	0
Agricultural/Forestal Districts	1	0	0	2	1
Waivers, Exceptions, Appeals	3	4	2	2	4
Miscellaneous	0	1	0	0	0
CBPA Ordinance Exceptions/WQIA	0	1	1	1	1
Historic Overlay Districts	0	0	0	0	0
TOTAL NUMBER OF APPLICATIONS/PROJECTS	17	19	19	21	24

PLANNING REPORT

APPLICATION:

Items for the Planning Commission's information

DESCRIPTION:

The Planning Commission requested the attached documents at their January 25, 2022, regular meeting.

ATTACHMENTS:

Description	Type	Upload Date
2021 Development Activity Report	Backup Material	2/15/2022
2021 Residential Development Pipeline List	Backup Material	2/15/2022



January 12, 2022

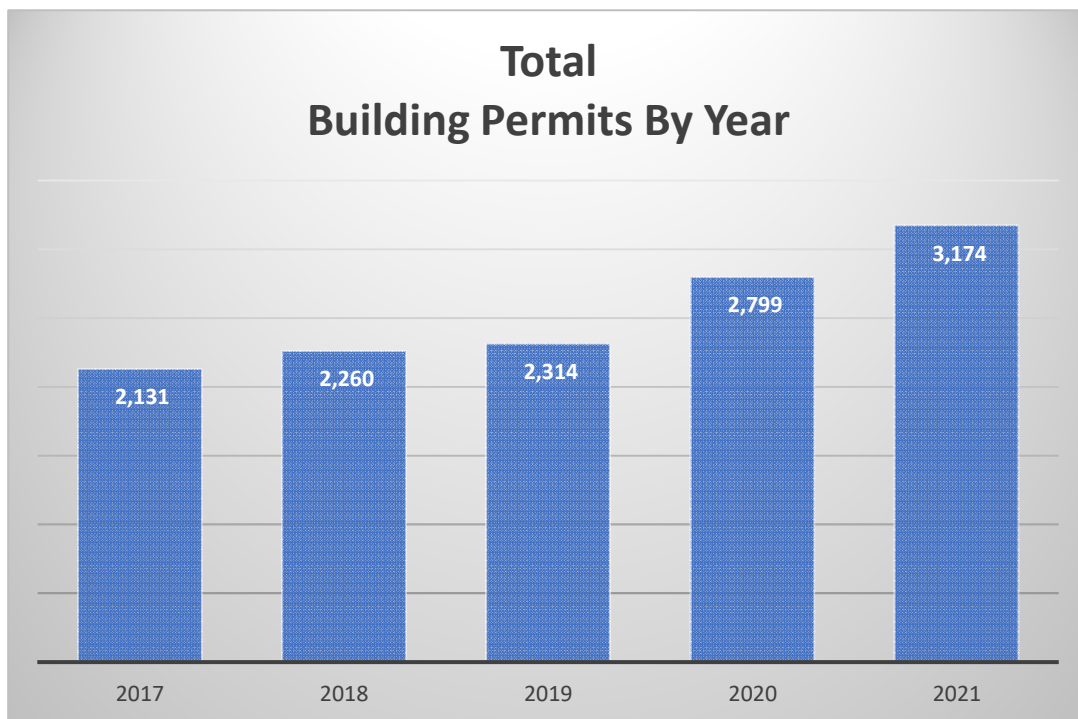
TO: Isle of Wight County Board of Supervisors
FROM: Amy M. Ring, Community Development Director
SUBJECT: 2017-2021 Community Development Activity Comparison

The following overview provides an annual update of development activity levels over a five calendar year period from 2017 through 2021 in the County's Community Development Department. Much like last year, trends continue to indicate a general pattern of growth in the number of permits issued, development applications received, inspections conducted, and plans reviewed which is consistent with the County's continued population growth. This year saw the release of the 2020 decennial census population count of 38,606 for the County, representing a 9.5% increase over the 2010 decennial census population count of 35,270 people. This represents an annual average growth rate of nearly 1% a year. The July 2021 population estimate is scheduled to be released on January 28, 2022.

Building Permit Activity Continues to Increase

The number of building permits increased by 49% between 2017 and 2021. This represents an average growth rate of nearly 10% per year. However, there was a 13% increase in total permits issued between 2020 and 2021. The number of permits for new single family homes increased 15% this past year and increased a total of 81% over the past five years.

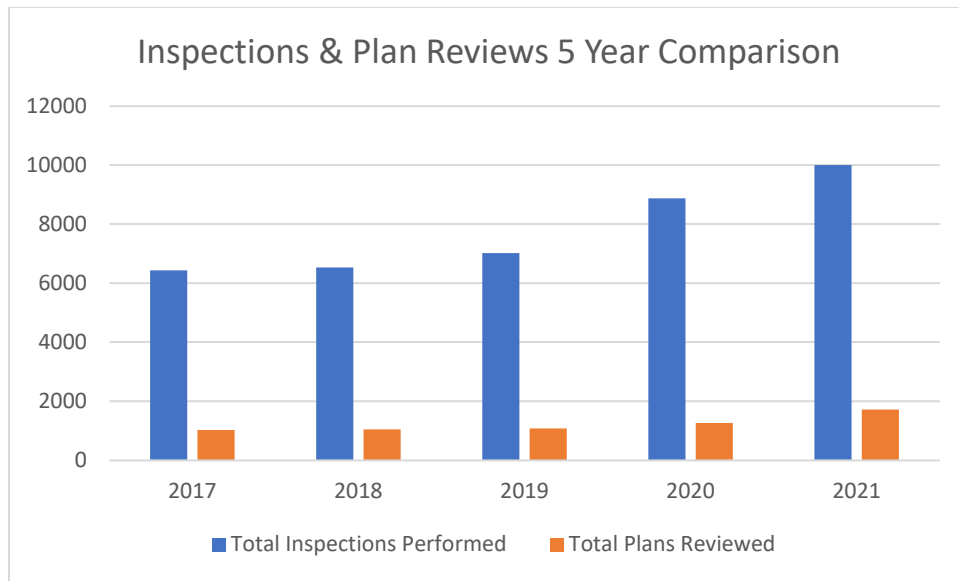
CALENDAR YEAR	BUILDING PERMIT ACTIVITY	
	Total Number of Permits	Total New Single Family Homes
2017	2,131	172
2018	2,260	158
2019	2,314	203
2020	2,799	265
2021	3,174	312



Yearly Inspections and Plan Reviews Increase Again

There were 1,128 more inspections conducted in 2021 than in 2020, or a 13% increase over the past year. There were 3,563 more inspections conducted in 2021 than five years earlier in 2017, or a 55% increase. There were 455 more plan reviews conducted in 2021 than in 2020 for a 36% increase in one year. The past five year period saw an 68% increase in plan reviews.

INSPECTIONS / PLAN REVIEWS BY CALENDAR YEAR	2017	2018	2019	2020	2021
Total Inspections Performed	6431	6522	7013	8866	9994
Total Plans Reviewed	1017	1040	1078	1254	1709



Increased Planning and Zoning Activity Heralds Future Growth

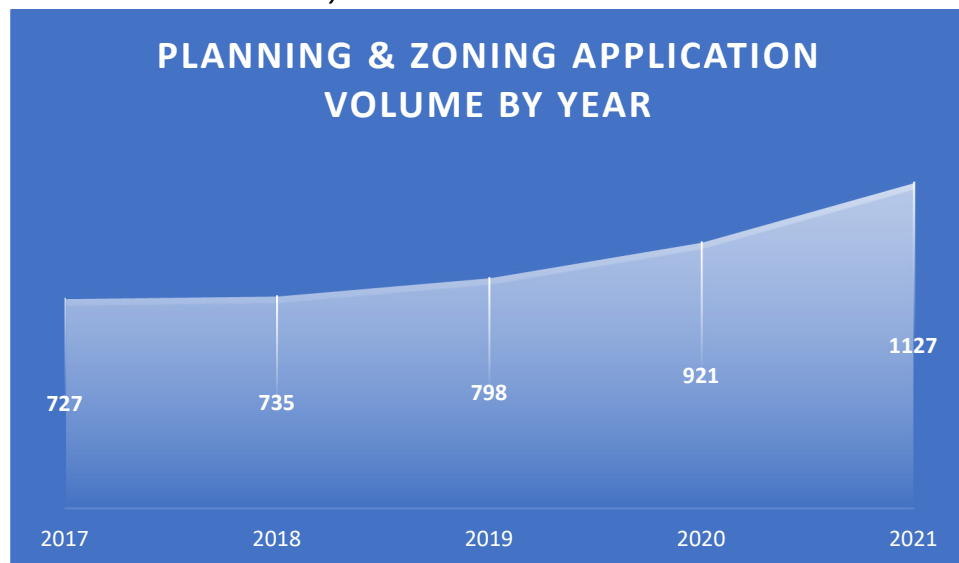
The Planning and Zoning Division received 206, or 22%, more development applications in 2021 than in 2020. Activity in this area increased by 43% over the past five year period. Development applications include such items as zoning permits, site plan reviews, subdivision plat reviews, home occupation permits, sign permits, rezoning applications, exception requests and conditional use permits, to name a few.

Planning and Zoning Development Applications

(Zoning Permits, Site Plans, Subdivisions, etc.)

Year*	All Applications Types (Z004-Z975)
2017	727
2018	735
2019	798
2020	921
2021	1127

**Calendar year*



New Future Development Activity Report

In an effort to provide additional information on the type, location and level of development activity occurring in the community, staff will begin to provide a monthly report to the Board of Supervisors on development applications currently under review. A copy of the report for calendar year 2021 is attached for your review and information. The list is a simple spreadsheet of new rezonings, conditional use permits, subdivision plats, joint permit applications, board of zoning appeal applications, Historic and Architecture Review Committee applications, exception requests, and site plan applications received for the year.

If you have any questions or need additional information in regard to this report, please do not hesitate to contact me at 365-6210 or by email at aring@iwus.net.

cc: Randy Keaton, County Administrator
Donald T. Robertson, Assistant County Administrator

Community Development Pipeline Projects as of 01/19/22

Projects listed below are either currently under construction or have not yet started.

SUBDIVISION NAME	NUMBER OF UNITS	DATE APPROVED
Red Oaks MHP Phase II	191	1978
Timber Preserve (aka Crown Creek)	340	1986
Cypress Creek PH 6 & 7 (Smithfield)	194	1988
Mallory Point/Scott's Farm (Smithfield)	812	2021
Benns Grant	776	2009
St. Luke's Village	179	2005
Bridge Point Commons	350	2008
Brewer's Station	261	2014
The Crossings	240	2002
Archer's Meade	63	2014
Briar Glen (aka Carrollton Manor)	43	2002
South Harbor (aka Pitt Lippe)	340	2020
The Park at Battery (Smithfield)	150	2020
Cambridge Villas (Windsor)	212	2010
The Heritage	12	2019
TOTAL UNITS	4163	

PLANNING REPORT

APPLICATION:

Rushmere Village Master Plan Update

DESCRIPTION:

The County's Parks and Recreation and Community Development departments will hold a joint community meeting on Thursday, February 24, 2022, at Gravel Hill Baptist Church located at 5230 Old Stage Highway. Staff will offer two different presentation times to allow as many people to attend as possible. A flyer for the meeting is attached.

The County Department of Parks and Recreation will present the current Master Plan for Bradby Park to the Rushmere community, request feedback and answer questions from the public about proposed facilities and the layout of future improvements.

The County Department of Community Development will discuss the purpose and goals of the forthcoming Rushmere Master Plan and answer questions from the public about this planning effort. Citizens attending the meeting will also be given an opportunity to be one of the first to fill out a short questionnaire about the types of homes, businesses and infrastructure improvements they would prefer to see as the community undergoes future development. The meeting is being advertised in both local newspapers, on the County's website, and social media sites.

ATTACHMENTS:

Description	Type	Upload Date
Rushmere Community Meeting Flyer	Backup Material	2/15/2022



Bradby Park Master Plan

The County Department of Parks and Recreation will present the current Master Plan for Bradby Park to the Rushmere community, request feedback and answer questions from the public about proposed facilities and the layout of future improvements.

Rushmere Village Master Plan

The County Department of Community Development will discuss the purpose and goals of the forthcoming Rushmere Master Plan and answer questions from the public about this planning effort. Citizens attending the meeting will also be given an opportunity to be one of the first to fill out a short questionnaire about the types of homes, businesses and infrastructure improvements they would prefer to see as the community undergoes future development.

FOR MORE INFORMATION
CONTACT JOSH BATEMAN,
PRINCIPAL PLANNER @
jbateman@iwus.net or (757) 365-
3660

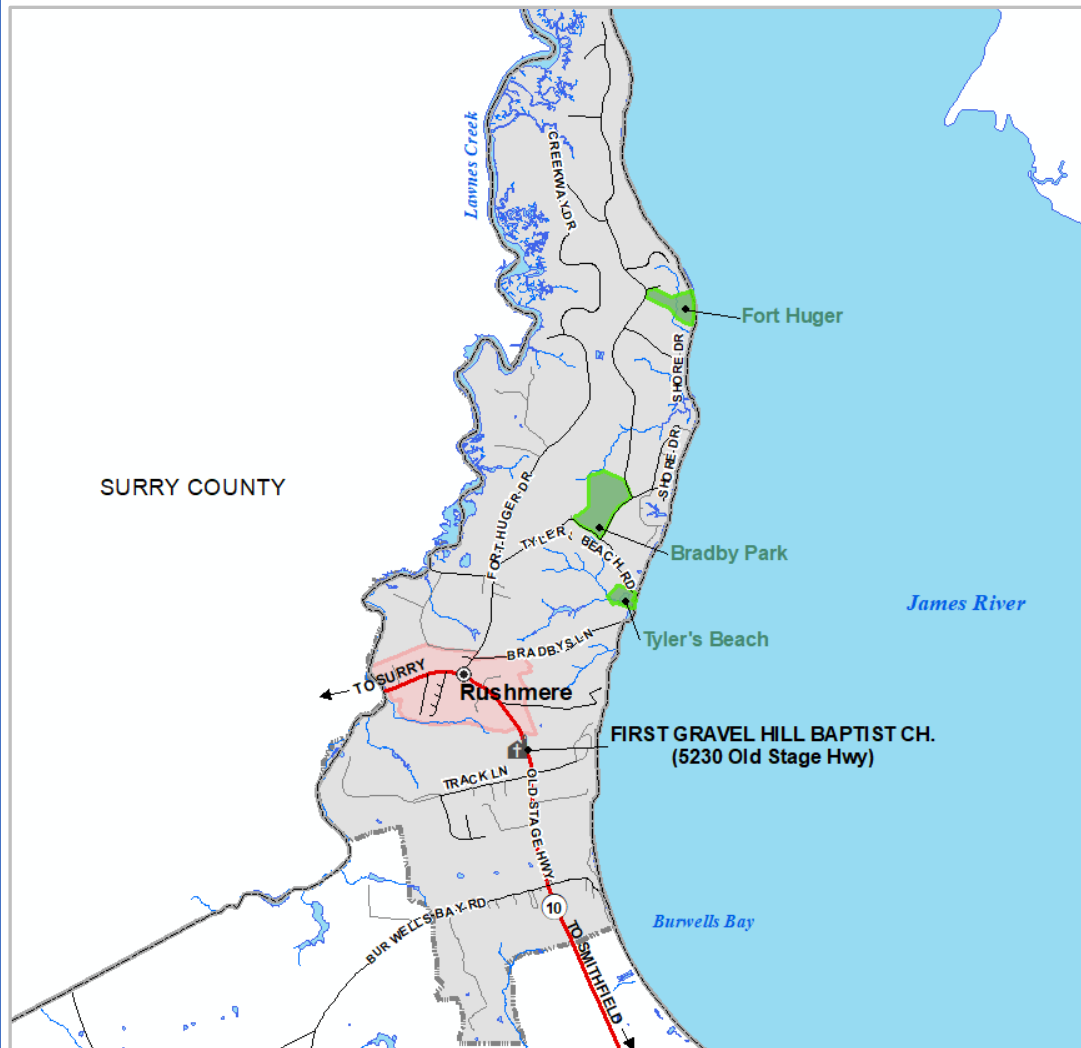
ISLE OF WIGHT COUNTY, VIRGINIA

RUSHMERE COMMUNITY MEETINGS

First Gravel Hill Baptist Church (5230 Old Stage Hwy)

Thursday, February 24, 2022

3:00 PM & 6:00 PM (Approx. 1.5 Hr.)



Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA

*Isle of Wight County Department of Community Development
PO Box 80, Isle of Wight, Virginia 23397 757-357-9206
www.iwus.net*