

Agenda
Board of Supervisors
Isle of Wight County
January 7, 2021

1. Call to Order (11:00 A.M.)
2. Invocation – Supervisor Don Rosie
3. Approval of Agenda
4. Organizational Meeting
 - A. Election of the Chairman
Nomination/Election of the Chairman
 - B. Election of the Vice-Chairman
Nomination/Election of the Vice-Chairman
 - C. Appointment of Clerk of the Board of Supervisors
Motion to Appoint the Clerk of the Board of Supervisors
 - D. Appointment of Deputy Clerk of the Board of Supervisors
Motion to Appoint the Deputy Clerk of the Board of Supervisors
 - E. Adoption of the Board of Supervisors' Meeting Schedule
Motion to Adopt the Board of Supervisors' Meeting Schedule for Calendar Year 2021
 - F. Adoption of By-Laws and Rules of Procedure of the Isle of Wight County Board of Supervisors
Motion to Adopt By-Laws and Rules of Procedure of the Isle of Wight County Board of Supervisors for Calendar Year 2021
 - G. Board of Supervisors' Committee Appointments
Appointments to the Board of Supervisors' Committees
 - H. Board of Supervisors' Appointments to Regional

Boards/Committees

Appointments to Serve on Regional Boards/Committees

5. County Administrator's Report

A. Franklin Redevelopment and Housing Authority Request

Authorize Franklin Redevelopment and Housing Authority to Acquire and Develop One New Public Housing Unit in Isle of Wight County

B. Federal Leave Policy

Resolution to Amend Chapter 1, Personnel, Article V, Section 5.12 of the County Policy Manual

C. Development Update

Staff Update on Brewer's Station Subdivision and Other Development Projects

D. COLA

Discussion of Cost of Living Adjustment for County Employees

E. Study on Aging Update

Isle of Wight County's Study on Aging Status Report

F. Proposed Ordinance Revisions

Proposed Revisions to the Isle of Wight County Zoning Ordinance

G. HRTPO Report Briefing

Staff Report - Impact of Trails and Sidewalks on Home Values

H. 2021 County Fair

Anticipated Revenues/Expenditures of the County Fair

I. CARES Act Funding

Staff Update - CARES Act Funding

6. Closed Meeting

7. Adjournment

ISSUE:

Nomination/Election of the Chairman

BACKGROUND:

Per the Board's bylaws, the Board shall meet on the first (1st) Thursday of January of each year which shall be known as the annual organizational meeting. The County Administrator shall preside during the annual organizational meeting pending the election of the Chair of the Board.

The Chair shall be elected at the annual meeting for a term of one year, ending at the commencement of the organizational meeting the following year.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a motion to elect the Chairman for calendar year 2021.

ISSUE:

Nomination/Election of the Vice-Chairman

BACKGROUND:

Per the Board's bylaws, following the election of the Chairman, he shall assume the Chair and conduct the election of the Vice-Chairman for the same one-year term.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a motion to elect the Vice-Chairman for calendar year 2021.

ISSUE:

Motion to Appoint the Clerk of the Board of Supervisors

BACKGROUND:

Per the Board's bylaws, following the election of the Vice-Chairman, the Chairman shall conduct the election of the Clerk for the same one-year term.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a motion to elect the Clerk for calendar year 2021.

ISSUE:

Motion to Appoint the Deputy Clerk of the Board of Supervisors

BACKGROUND:

The Board may wish to appoint a Deputy Clerk of the Board of Supervisors to serve in the absence of the Clerk.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a motion to appoint the Deputy Clerk of the Board of Supervisors.

ISSUE:

Motion to Adopt the Board of Supervisors' Meeting Schedule for Calendar Year 2021

BACKGROUND:

The Board of Supervisors has traditionally held its regular meetings on the third Thursday of each month. The Board has also held a work session on the first Thursday of each month.

The Board will need to adopt a meeting schedule for calendar year 2021 to establish the dates and times for its regular meetings and work sessions.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt the resolution to establish the meeting schedule for calendar year 2021 as presented.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	12/11/2020
Invocation Schedule - 2021	Backup Material	12/11/2020

**RESOLUTION TO ESTABLISH REGULAR MEETING AND WORK
SESSION SCHEDULE FOR 2021**

WHEREAS, the Board of Supervisors of the County of Isle of Wight is required by Section 15.2-1416 of the Code of Virginia to organize at its first meeting in January; and,

WHEREAS, regular meetings of the Board of Supervisors (hereinafter referred to as “the Board”) shall be held in the Robert C. Claud, Sr. Board Room on the third (3rd) Thursday of the month unless otherwise set by the Board; and,

WHEREAS, regular meetings shall begin at 5:00 p.m. for closed session purposes only, with all other matters to be heard and considered at 6:00 p.m.; and,

WHEREAS, work session meetings shall be held on the first (1st) Thursday of every month, at the same place as regular meetings, and shall begin at 6:00 p.m. unless otherwise set by the Board.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that regular meetings and work sessions of the Board shall be held as shown on the attached calendar for 2021.

Adopted this 7th day of January, 2021.

Chairman

Carey Mills Storm, Clerk

Approved as to form:

Robert W. Jones, Jr., County Attorney

2021

Board of Supervisors'

Meeting/Invocation Schedule

<u>DATE</u>	<u>TIME</u>	<u>MEETING</u>	<u>INVOCATION</u>
Thursday, January 7 th	11:00 a.m.	Organizational	Rosie
Thursday, January 7 th	Following Organizational	Work Session	
Thursday, January 21 st	5:00 p.m.	Regular Meeting	Jefferson
Thursday, February 4 th	6:00 p.m.	Work Session	McCarty
Thursday, February 18 th	5:00 p.m.	Regular Meeting	Acree
Thursday, March 4 th	6:00 p.m.	Work Session	Grice
Thursday, March 18 th	5:00 p.m.	Regular Meeting	Rosie
Thursday, April 1 st	6:00 p.m.	Work Session	Jefferson
Thursday, April 15 th	5:00 p.m.	Regular Meeting	McCarty
Thursday, May 6 th	6:00 p.m.	Work Session	Acree
Thursday, May 20 st	5:00 p.m.	Regular Meeting	Grice
Thursday, June 3 rd	6:00 p.m.	Work Session	Rosie
Thursdays, June 17 th	5:00 p.m.	Regular Meeting	Jefferson
Thursday, July 15 th	3:00 p.m.	Work Session	McCarty
Thursday, July 15 th	5:00 p.m.	Regular Meeting	McCarty
Thursday, August 5 th	6:00 p.m.	Work Session	Acree
Thursday, August 19 th	5:00 p.m.	Regular Meeting	Grice
Thursday, September 2 nd	6:00 p.m.	Work Session	Rosie
Thursday, September 16 th	5:00 p.m.	Regular Meeting	Jefferson
Thursday, October 7 th	6:00 p.m.	Work Session	McCarty
Thursday, October 21 st	5:00 p.m.	Regular Meeting	Acree
Thursday, November 4 th	6:00 p.m.	Work Session	Grice
Thursday, November 18 th	5:00 p.m.	Regular Meeting	Rosie
Thursday, December 9 th	3:00 p.m.	Work Session	Jefferson
Thursday, December 9 th	5:00 p.m.	Regular Meeting	Jefferson
Thursday, January 6, 2022	11:00 a.m.	Organizational	McCarty
Thursday, January 6, 2022	Following Organizational	Work Session	

ISSUE:

Motion to Adopt By-Laws and Rules of Procedure of the Isle of Wight County Board of Supervisors for Calendar Year 2021

BACKGROUND:

Every year, the Board of Supervisors, at it's annual organizational meeting, re-adopts its By-Laws and Rules of Procedure. This process allows for an annual review of the provisions therein to ensure that any necessary or requested revisions be adopted for the rest of the calendar year.

Based upon information and requests of the Board of Supervisors, certain minor modifications have been made to the By-Laws and Rules of Procedure as noted in the attachment.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a motion to approve the Board's Bylaws and Rules of Procedure for calendar year 2021.

ATTACHMENTS:

Description	Type	Upload Date
By-laws and Rules of Procedure	Backup Material	1/4/2021



ISLE OF WIGHT COUNTY BOARD OF SUPERVISORS BY-LAWS AND RULES OF PROCEDURE

Revised and Adopted January 7, 2021

ARTICLE 1 – PURPOSE AND BASIC PRINCIPLES

SEC. 1-1. PURPOSE OF BY-LAWS AND RULES OF PROCEDURE

- A. To enable County government to transact business expeditiously, transparently and efficiently affording every opportunity for the citizens to witness and participate in the operation of government;
- B. To protect the rights of each individual Board Member;
- C. To preserve the spirit of cooperation among Board members; and
- D. To determine the will of the Board on all matters.

SEC. 1-2. FIVE BASIC PRINCIPLES UNDERLYING BY-LAWS AND RULES OF PROCEDURE

- A. Only one subject may claim the attention of the Board at one time;
- B. Each item presented for consideration is entitled to full and free discussion;
- C. Every member has rights equal to every other member;
- D. The will of the majority must be carried out, and the rights and opinions of the minority must be preserved and respected; and
- E. Each member shall remain respectful of fellow board members, even in times of disagreement, in speech and in behavior.

ARTICLE 2 – MEETINGS

SEC. 2-1. WHEN AND WHERE REGULAR AND WORK SESSION MEETINGS HELD

A. The time and place of regular meetings and work sessions of the Board of Supervisors (hereinafter referred to as “the Board”) shall be established at each annual organizational meeting. Such regular meetings shall be held in the Robert C. Claud, Sr. Board Room on the third (3rd) Thursday of the month unless otherwise set by the Board. Such meetings shall begin at 5:00 p.m. for closed session purposes only, with all other matters to be heard and considered at 6:00 p.m. Should the Board subsequently change the date, time or place of a regular meeting, it shall comply with the requirements of Section 15.2-1416 of the Code of Virginia (1950, as amended).

B. Work session meetings shall be held on the first (1st) Thursday of every month, at the same place as regular meetings, and shall begin at 6:00 p.m. unless otherwise set by the Board. The purpose of such work sessions shall be to allow the Board an opportunity to further review items either held over by the Board from a regular meeting or such other items as may come before

the Board at a regular meeting in the future. The Board shall not take any action to approve or deny any item before it during a work session, reserving such action solely to its regular meetings.

SEC. 2-2. CONTINUED MEETINGS

A regular or work session meeting shall be continued to the immediately following regular meeting date, time and place, unless otherwise set, if the Chair, or Vice Chair if the Chair is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

SEC. 2-3. MEETING ADJOURNMENT

Meetings of the Board shall adjourn when all business, or the agenda, before the body is complete, however it is not the Board's intent to begin a new agenda item after 11:00 p.m. unless and until a motion to extend the time has been offered and passed by a majority vote of the members present and voting. Any agenda item not conducted may be carried over to another meeting date. Any public hearing advertised for a regular meeting but not conducted may be rescheduled to another earliest possible convenient date, without further advertising when the date and time of the reconvened meeting is publicly announced at the preceding meeting. ~~Meetings of the Board shall adjourn not later than 11:00 p.m.; provided, however, with majority consent of those members present and voting, a meeting may be extended.~~

SEC. 2-4. SPECIAL OR EMERGENCY MEETINGS

A. The Board may hold such special or emergency meetings, as deemed necessary, at such date, time and place as it may find convenient; and it may adjourn from time to time. A special or emergency meeting of the Board shall be called pursuant to Sections 15.2-1417 and 15.2-1418 of the Code of Virginia (1950, as amended).

B. Special or emergency meetings may be called by the Chairman or any two (2) members in writing to the County Administrator for any purpose stated in the notice of the special or emergency meeting pursuant to Section 15.2-1418 of the Code of Virginia (1950, as amended). Only matters specified in the notice shall be considered unless all of the members of the Board are present.

C. Notice, reasonable under the circumstances, to the public and press of any special or emergency meeting shall be given contemporaneously with the notice provided the members of the Board and the County Attorney.

SEC. 2-5. LEGAL HOLIDAY

When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the preceding business day unless the meeting is cancelled by a majority of the Board.

SEC. 2-6. ANNUAL ORGANIZATIONAL MEETING

A. The Board shall meet on the first (1st) Thursday of January of each year which shall be known as the annual organizational meeting. The County Administrator shall preside during the annual organizational meeting pending the election of the Chair of the Board.

B. The Chair shall be elected at the annual meeting for a term of one year, ending at the commencement of the organizational meeting the following year.

C. Following the election of the Chair, he or she shall assume the Chair and conduct the election of the Vice Chair for the same term.

D. Following the election of the Vice Chair, the Board shall:

1. Appoint the Clerk of the Board (as set forth herein);
2. Establish dates, times and places for its regular meetings;
3. Adopt its By-Laws and Rules of Procedure; and
4. Appoint Board members to standing and ad hoc committee; and
5. Conduct any other necessary business as determined by a majority vote of the Board.

SEC. 2-7. PROCEDURE FOR ELECTION OF OFFICERS

A. The following procedures shall be followed to elect the Chair and Vice Chair:

1. The presiding officer shall call for nominations from the membership.
2. Any member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominee(s).
3. When all nominations have been made, the presiding officer shall close the nominating process and call for the vote.
4. Each member may cast one vote for any one nominee.
5. A majority of those voting shall be required to elect the officer.

B. Officers shall serve until replaced.

SEC. 2-8. SEATING ARRANGEMENT

The Board Chair shall occupy the center seat on the dias with the Vice Chair occupying the seat at his or her immediate left. The remaining members of the Board shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Board. In the event that two or more Board members have equal seniority, the selection of seating for those members shall be by alphabetical order.

SEC. 2-9. QUORUM AND METHOD OF VOTING

- A. At any meeting, a majority of the Board shall constitute a quorum.
- B. All actions authorized by the Board shall be pursuant to a roll call vote which shall be taken by the Clerk or Deputy Clerk of the Board. The Clerk or Deputy Clerk shall call the name of each member and receive in reply the vote of such member as either “Yes” or “No” on the measure being considered. At the beginning of any meeting, the Clerk shall conduct a silent roll call of members present and absent.
- C. The order of voting shall be as called by the Clerk of the Board, with the Chair voting last.
- D. If there is an abstention, it shall be the responsibility of the Chair to note the abstention for the record and to request that the member abstaining state his or her reason for abstaining for the record.
- E. A tie vote fails.
- F. A motion to approve which fails shall be deemed a denial of the question on the floor.

SEC. 2-10. CLOSED MEETING

- A. Closed meetings shall only be used when the matter to be discussed is exempt from open meeting requirements pursuant to the Virginia Freedom of Information Act.
- B. No meeting shall become a closed meeting until the Board takes an affirmative recorded vote in open session. Any member dissenting in such vote shall state the reason for the dissent.
 - 1. The motion to move to closed session shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the closed meeting.
 - 2. The County Attorney shall assist the members in formulating the proper motion to move to closed session in accordance with the requirements of the Freedom of Information Act.

C. No resolution(s), ordinance(s), rule(s), contract(s), regulation(s) or motion(s) considered in a closed meeting shall become effective until the Board reconvenes in an open meeting and takes a vote of the membership on such resolution(s), ordinance(s), rule(s), contract(s), regulation(s) or motion(s) which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a closed meeting, the Board shall reconvene in open session immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and

2. Only public business matters identified in the motion convening the closed meeting were heard, discussed or considered.

Any member who believes that there was a departure from the above requirements shall so state prior to the Chair's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the closed meeting shall not affect the validity or confidentiality of the closed meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

F. The Board may permit non-members to attend a closed meeting if their presence will reasonably aid the Board in its consideration of an issue.

G. Prior to the certification of a closed meeting pursuant to the Virginia Freedom of Information Act, the County Attorney shall be responsible for remind all closed meeting participants of the intent that such closed meeting discussions remain confidential, as provided for under the Virginia Freedom of Information Act, and that such matters as discussed in closed meeting should not be acted upon or discussed in public by any participant unless and until a formal action is taken by the Board in accordance with Section 2-10(C) above.

SEC. 2-11. ELECTRONIC MEETINGS

Except as provided for in this Section 2-11, the Board shall not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

A. Quorum Physically Assembled – a Board member may participate in a meeting through electronic communication means from a remote location that is not open to the public if:

1. on or before the day of a meeting, the Board member notifies the Chair of the Board that he or she is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the Board (a) approves the member's participation by a majority vote of the members present at a meeting and (b) the Board records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. In deciding whether or not to approve a Board member's request to participate from a remote location, the Board shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting. If a Board member's participation from a remote location is disapproved, such disapproval will be recorded in the minutes with specificity. Such participation by a Board member shall be limited each calendar year to two meetings or twenty-five percent (25%) of the meetings of the Board, whichever is fewer; or

2. a Board member notifies the Chair that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the Board records this fact and the remote location from which the member participated in the minutes.

A Board member may participate in a meeting by electronic means pursuant to this subsection A only when a quorum of the Board is physically assembled at the primary or central meeting location and the Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

B. Quorum Not Physically Assembled – the Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor of the Commonwealth of Virginia has declared a state of emergency in accordance with Section 44-146.17 of the Code of Virginia (1950, as amended), *provided that*:

1. the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and

2. the purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this subsection B, the Board shall:

1. give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Board;

2. make arrangements for public access to the meeting;

3. make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Board in sufficient time for duplication and forwarding, as best as practicable given the emergency, to all locations at which public access will be provided;

4. record minutes of the meeting; and

5. record in the minutes votes taken by name in roll-call fashion.

The nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting.

C. Reporting – if a Board meeting is held by electronic communication means, the Board shall:

1. make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 1 of each calendar year:

- a. the total number of electronic communication meetings held that year;
- b. the dates and purposes of the meetings;
- c. a copy of the agenda for each meeting;
- d. the number of sites for each meeting;
- e. the types of electronic communication means by which the meetings were held;
- f. the number of participants, including members of the public, at each meeting location;
- g. the identity of the members of the Board recorded as absent and those recorded as present at each meeting location;
- h. a summary of any public comment received about the electronic communication meetings; and
- i. a summary of the Board's experience using electronic communication meetings, including its logistical and technical experience.

2. make copies of the public comment form prepared by the Virginia Freedom of Information Advisory Council available to the public.

ARTICLE 3 – OFFICERS

SEC. 3-1. CHAIR AND VICE CHAIR

The Chair shall preside over all meetings of the Board. The Vice Chair serves in the absence of the Chair. In the absence from any meeting of both the Chair and Vice Chair, the members present shall choose one of their members as temporary chair. The Chair shall recommend all appointments to standing or ad hoc Board Committees to be approved by majority vote of the Board.

SEC. 3-2. CLERK

The Clerk of the Board shall be appointed by the Board at its annual organizational meeting, and the duties and responsibilities of the Clerk shall be as set out in Sections 15.2-1538

and 15.2-1539 of the Code of Virginia (1950, as amended). The Board may also designate a Deputy Clerk, and at the discretion of the Board, any County employee can be designated as Temporary Clerk.

SEC. 3-3. PARLIAMENTARIAN

The County Attorney, or his or her designee, shall serve as the Parliamentarian for the purpose of interpreting these By-Laws and Rules of Procedure, *Robert's Rules of Order* and the Code of Virginia, as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Board member. If the County Attorney, or his or her designee, is unavailable, the County Administrator shall serve as the Parliamentarian.

SEC. 3-4. PRESERVATION OF ORDER

- A. At meetings of the Board, the **Chair** ~~presiding officer~~ shall preserve order and decorum.
- B. Board members shall not speak until recognized by the Chair. Board members shall address the Chair or address other members through the Chair. After being recognized by the Chair, a Board member shall not be interrupted, except when a point of order is called or when requested to yield the floor by another member.

ARTICLE 4 – CONDUCT OF BUSINESS

SEC. 4-1. ORDER OF BUSINESS

- A. At regular meetings of the Board on the third (3rd) Thursday of the month, the order of business shall generally be as follows:
 - 1. Call to Order – Silent Roll Call of Members (commencing at 5 p.m.)
 - 2. Approval of Agenda
 - 3. Closed Meeting (if necessary)
 - 4. Return to Open Session/Public Meeting (commencing at 6 p.m.)
 - 5. Invocation - Pledge of Allegiance
 - 6. Citizens' Comments
 - 7. Consent Agenda
 - 8. Regional & Inter-Governmental Reports
 - 9. Appointments (if necessary)

10. Special Presentations
11. Public Hearings (if necessary)
12. County Attorney's Report (if necessary)
13. County Administrator's Report
14. Unfinished/Old Business
15. New Business
16. Adjournment

B. The above order of business may be modified by the County Administrator, after the Chair has been notified, to facilitate the business of the Board.

C. Regional reports and special presentations are limited to five (5) minutes per speaker. This time may be extended at the discretion of the Chair.

D. Citizens' Comments shall be governed by the following rules:

1. Citizens' Comments shall be for the limited purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Board. They shall not serve as a forum for debate with the Board or individual members of the Board.

2. Board members shall not discuss issues raised or questions raised by the public, within the same meeting, except by consent of a majority of the Board members present.

3. Citizens wishing to speak during the Citizens' Comments portion of the agenda shall sign the registration form, identifying, with reasonable certainty, the subject matter of his or her comments prior to the commencement of the Citizens' Comments portion of the agenda. Citizens who do not sign the registration form prior to the commencement of Citizens' Comments may address the Board at the end of the meeting.

~~Citizens who do not sign the registration form prior to the commencement of Citizens' Comments may address the Board after all others who had signed the registration form have had an opportunity to speak.~~

4. Remarks shall be addressed directly to the Board and not to staff, the audience or the media.

5. The Chair shall open Citizens' Comments.

6. The Chair will explain the Citizens' Comments policy prior to the commencement of the first citizen's comment(s) being received by the Board.

7. The Chair will call on each speaker who has signed the registration form in the order upon which their name shall appear on the registration form.

Each speaker shall clearly state their name and address and/or election district of residence and shall be subject to a four (4) minute time limitation. A timer with a lighting system shall be used for keeping track of a Speaker's time. Speakers will receive a yellow light warning one (1) minute prior to the expiration of their presentation time. Speakers will receive a red light at the expiration of their time. The Parliamentarian shall be responsible for noting the expiration of time limits, and the Chair shall be responsible for enforcing it. If the speaker represents a group of individuals in attendance at a particular meeting, there shall be a time limit of six (6) minutes. Members of a group in attendance shall forfeit their right to speak on the same topic. For purposes of this section, a "group" shall constitute ten (10) or more individuals. No speaker shall address the Board more than once during Citizens' Comments at any single Board meeting and citizens shall not donate their unused speaking time to another speaker. Notwithstanding the time limitations stated herein, the Chairman may, at his or her discretion, allow any citizen to speak beyond the designated time limitation for a reasonable period of time in order to conclude his or her remarks.

8. There shall be no comment during Citizens' Comments on a matter for which a public hearing is scheduled during the same meeting.

9. There shall be no comment during Citizens' Comments on a matter which has already been the subject of a previous public hearing where no final vote has been taken by the Board.

10. Any issue raised by the public which the Board wishes to consider may be put on the agenda for the next Board meeting by a majority vote.

11. Public comment shall be germane to policies, affairs and services of the county government.

12. The above rules notwithstanding, members of the public may present written comments to the Board or to individual Board members at any time during the meeting. Such written comments shall be submitted through the Clerk and shall become a part of the record.

SEC. 4-2. CONSENT AGENDA

A. The Consent Agenda shall be introduced by a motion "to approve", and shall be considered by the Board as a single item.

B. Upon the request of any Board member, an item may be removed from the Consent Agenda for consideration after approval of the remaining items on the consent agenda.

SEC. 4-3. SPECIAL PRESENTATIONS

Special presentations shall be for the purpose of informing the Board of matters of public interest, as well as to provide the Board an opportunity to properly recognize individuals and organizations, either public or private, for the outstanding service or work they perform for or in Isle of Wight County. Any governmental agencies or entity, organization or individual wishing to present an item to the Board shall contact the County Administrator fourteen (14) days prior to the Board's regularly scheduled meeting to seek inclusion in the Board's agenda.

SEC. 4-4. CONDUCT OF MEETINGS

When two or more members of the Board wish to speak at the same time, the Chair shall name the one to speak. The Chair may call a brief recess at any time. The Chair may order the expulsion of a disorderly member of the public, subject to appeal to the full Board. The Chair may automatically adjourn, without benefit of any motion or debate, any meeting of the Board. All Board members shall maintain proper decorum when addressing any citizens and applicants that appear before the Board.

SEC. 4-5. FORM OF PETITIONS, ETC.

Every petition, communication or address to the Board shall be in respectful language and is encouraged to be in writing.

SEC. 4-6. MOTIONS

A. Members are required to obtain the floor before making motions or speaking, which they can do while seated.

B. Motions need not be seconded.

C. Informal discussion of a subject is permitted while no motion is pending.

D. An amended or substitute motion shall be allowed to any motion properly on the floor; it shall have precedence over an existing motion and may be discussed prior to being voted on. If the amended or substitute motion fails, the former motion can then be voted upon. If the amended or substitute motion passes, the amended or substitute motion shall be deemed the main motion and shall stand as having been passed by such vote. If an amended or substitute motion fails, a second amended or substitute motion may be made. No more than two (2) amended or substitute motions may be made.

E. When a motion is under debate, no motion shall be received unless it be one to amend, substitute, commit or refer for study, postpone, call for the previous question, lay on the table, or to adjourn.

~~F. The Chair need not rise while putting questions to vote.~~

~~FG.~~ The Chair can speak in all discussion without rising or leaving the chair; and can make motions and vote in the same fashion as all other members on all questions.

GH. A motion to call for the question is in order and the right of every Board member to call when they feel discussion has been exhausted and or repeated, thus belaboring the business before the governing body. A motion to call for the question requires a two-thirds majority vote of those present. The Chair shall not recognize a motion to call for the question until every Board member desiring to speak on the main motion has had such an opportunity. ~~A motion to call for the question is not in order until every member of the Board has had an opportunity to speak.~~

HI. When a vote upon any motion has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side provided that such motion shall be made at the session of the Board at which it was decided. Such motion for reconsideration shall be decided by a majority of the votes of the members present. A member present at the meeting but temporarily absent during a vote may move for reconsideration.

IJ. Subject to applicable law, the Board may consider a motion to rescind at any time to address a matter or issue upon which a vote has been taken, following such notice as may be required. ~~A motion to rescind shall not be in order for a land use decision involving a rezoning or a conditional use permit.~~

JK. Should a decision be made to reconsider or rescind a land use decision, subject to notice and public hearings, as may be required by law, the Board may choose to act on such request without referring the matter to the Planning Commission for its consideration.

KL. A motion to adjourn shall always be in order and supersedes all business before the Board.

SEC. 4-7. DECISIONS ON POINTS OF ORDER

The Chair, when presiding at a meeting of the Board, without vacating the chair, shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the Chair who shall then make a ruling on the point of order. A Board member may appeal the ruling of the Chair to the full Board which shall decide the matter by majority decision.

SEC. 4-8. SUSPENDING RULES

One or more of these By-Laws and Rules of Procedure may be temporarily suspended by a majority vote of the members present, or by unanimous consent.

SEC. 4-9. ROBERT'S RULES OF ORDER

The proceedings of the Board, except as otherwise provided in these By-Laws and Rules of Procedure and by applicable state law, shall be governed by *Robert's Rules of Order*.

ARTICLE V – PUBLIC HEARINGS

SEC. 5-1. PUBLIC HEARING AUTHORIZATION

The County Administrator, or his/her designee, shall be authorized to set public hearings for such regular meetings as are appropriate in order to effectuate the timely consideration of matters requiring Board consideration.

SEC. 5-2. FORMAT FOR PUBLIC HEARINGS

A. The following format shall be followed for all Public Hearings conducted before the Board:

1. The Chair will make a brief statement identifying the matter to be heard and verify that all legal notification requirements have been met.

2. The Chair will call upon the appropriate county staff member to present the item to be heard. Staff presentations should be concise.

3. The applicant may appear on his own behalf, or be represented by counsel or an agent. The applicant, or his counsel or agents, shall have a combined total of ten (10) minutes to speak to the application.

4. The Chair will open the floor to public comment, if any, after the applicant, or his counsel or agent, has spoken. Any private citizen may speak for or against the issue. The Clerk shall prepare a registration form for citizens to sign their name, address and/or election district of residence. The Chair shall call each speaker in the order that their name appears on the registration form. Each speaker shall clearly state his or her name, address and/or election district of residence for the record. Citizen comments are limited to four (4) minutes per citizen speaker. If the speaker represents a group of individuals in attendance at a particular meeting, there shall be a time limit of six (6) minutes. Members of a group shall forfeit their right to speak on the same topic. For purposes of this section, a "group" shall constitute ten (10) or more individuals. The applicant, or his counsel or agent, shall be given the opportunity for rebuttal, which shall last for no more than five (5) minutes. Notwithstanding the time limitations stated herein, the Chairman may, at his or her discretion, allow any citizen to speak beyond the designated time limitation for a reasonable period of time in order to conclude his or her remarks.

5. A timer with a lighting system shall be used for keeping track of a Speaker's time. Speakers will receive a yellow light warning one (1) minute prior to the expiration of their presentation time. Speakers will receive a red light at the expiration of their time.

~~Speakers will be given a warning one (1) minute prior to the expiration of their presentation time.~~

6. The Parliamentarian shall be responsible for noting the expiration of time limits, and the Chair shall be responsible for enforcing it.

7. Upon the conclusion of public comments or the applicant's rebuttal, the Chair shall close the public hearing.

B. When a public hearing shall have been closed by order of the Chair, no further public comments shall be received by the Board. However, any Board member may ask a question of any person who spoke during the public hearing after being recognized by the Chair to do so.

C. Following the close of the public hearing, the Chair may entertain a motion to dispose of the issue and the Board may debate the merits of the issue.

ARTICLE 6 – AGENDA

SEC. 6-1. PREPARATION

A. The Clerk shall prepare an agenda, at the direction of the County Administrator, for the regularly scheduled meetings conforming to the order of business specified in Section 4-1 entitled “Order of Business”.

B. All items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline, as set by the County Administrator, shall be placed on the next regular agenda for consideration.

C. Nothing herein shall prohibit the Board from adding or removing items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Board. Members must use discretion in requesting the addition of items to the agenda. It is considered desirable to have items listed on the published agenda.

SEC. 6-2. DELIVERY OF AGENDA

The Board agenda and related materials shall be received by each member of the Board and the County Attorney on the Friday before the scheduled regular meeting. The Clerk of the Board may request an adjustment to the delivery schedule due to special circumstances.

SEC. 6-3. COPIES

The Clerk shall prepare or cause to be prepared extra copies of the agenda and shall make the same available to the public and the press in the Office of the County Administrator and on the County website. The Clerk shall also have at least one hard copy available at each regular meeting.

SEC. 6-4. COMMENTS, QUERIES OF BOARD MEMBERS

Board members are to observe the following rules during the discussion of agenda items:

1. The Chair shall ensure that Board comments are constructive and contain no personal attacks of staff or other Board members.

2. The Chair shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The Chair shall rule other comments out of order.

3. Board members may address questions to the County Administrator or staff member presenting at the meeting. Staff members should be at the podium when addressing Board members' questions. All legal questions should be addressed to the County Attorney.

ARTICLE 7 – BOARD, AUTHORITIES, COMMISSIONS AND COMMITTEES

SEC. 7-1. APPOINTMENTS TO BOARDS, AUTHORITIES, COMMISSIONS & COMMITTEES

Members of all boards, authorities, commissions and committees shall be appointed by a majority of the Board after review of qualifications and discussion in Closed Meeting. Proposed appointments shall be voted upon under the Appointments section of the Agenda. Appointees' terms shall run in accordance with the applicable by-laws of such boards, authorities, commission or committees to which the appointee is appointed, unless a shorter term is specified by the Board. Subject to any state law provisions to the contrary, all appointees to boards, commissions and committees serve and may be removed, with or without cause, at the pleasure of the Board.

SEC. 7-2. ATTENDANCE

Members of any standing or ad hoc board, authority, committee or commission of the Board, or of any committee to which the Board appoints a member, shall be expected to attend every scheduled meeting of the body to which they have been appointed. It shall be the duty of the chairman of any Board of Supervisors' appointed committee to annually report to the Board, but in no event later than the Board's regular meeting in March, the level of attendance of members for that particular body for the prior calendar year. Any member of an appointed body who fails to attend a minimum of seventy-five percent (75%) of the scheduled meetings of that particular body in any given calendar year may, at the discretion of the Board, be deemed to have forfeited his or her membership on that body. In the event that the Board determines that an appointee has forfeited his or her appointment pursuant to this section, the Clerk of the Board shall notify, in writing, the appointee of his or her removal from that body based upon his or her failure to attend there required percentage of scheduled meetings and shall thank the appointee for his or her service to the community. Upon the appointment of any appointee, the Clerk of the Board shall forward to the member a copy of this section.

SEC. 7-3. PLANNING COMMISSION MEMBERS ATTENDANCE

Notwithstanding the foregoing provision, a member of the Planning Commission may be removed from office by the Board without limitation in the event that the commission member is absent from any three (3) consecutive meetings of the commission, or is absent from any four (4) meetings of the commission within any twelve (12) month period. In either such event, a successor shall be appointed by the Board for the unexpired portion of the term of the member who has been removed.

SEC. 7-4. BY-LAWS AND RULES OF PROCEDURE OF BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES

The By-Laws and Rules of Procedure of any board, authority, commission or committee not established by state law shall be submitted to the Board for approval prior to becoming effective.

SEC. 7-5. ROLE OF STANDING OR AD HOC BOARD COMMITTEES; DESIGNATED STANDING COMMITTEES; MEETING REQUIREMENTS

A. The role of any standing or ad hoc committee(s) of the Board, as they may be created from time to time, shall be to review and consider all matters properly placed before them by motion of the Board. After review and consideration of such matters, the standing or ad hoc committee shall provide the Board with its formal recommendation for action through such report as may be determined appropriate by the County Administrator in the Board's regular agenda as set forth herein.

B. The following standing committees are hereby created by the Board for the purposes stated:

1. Public Works – responsible for the review and recommendation of matters related trash/refuse, public buildings and fleet issues;

2. Community Development – responsible for the review and recommendation of matters related to economic development, planning and zoning, inspections and public utilities;

3. Parks, Recreation and Cultural – responsible for the review and recommendation of matters related to parks and recreation and cultural development;

4. Personnel – responsible for the review and recommendation of matters related to personnel policies and procedures, wages and benefits for public employees, oversight of the timely coordination of the County Administrator and County Attorney's performance reviews, participation in periodic review of recommendations related to the organizational structure of County departments, and participation in the review of recommendations regarding contracted services for the County;

5. Public Safety – responsible for the review and recommendation of matters related to law enforcement, fire and rescue and all support services related thereto;

6. Franklin Intergovernmental Relations – responsible for the review and recommendation of matters related to intergovernmental operations between Isle of Wight County the City of Franklin;

7. Smithfield Intergovernmental Relations – responsible for the review and recommendation of matters related to intergovernmental operations between Isle of Wight County and the Town of Smithfield;

8. Windsor Intergovernmental Relations – responsible for the review and recommendation of matters related to intergovernmental operations between Isle of Wight County and the Town of Windsor; and

9. Joint Tourism – responsible for the review and recommendation of matters related to the efforts of the jointly funded tourism office by Isle of Wight County and the Town of Smithfield.

C. No later than March 31st of each calendar year, each Standing Committee referenced in subsection B(1) through B(5) above shall hold a meeting, on a day and time agreeable to the Board members appointed thereto, to set each committee's regular meeting schedule for that calendar year.

ARTICLE 8 – GENERAL OPERATING POLICY

SEC. 8-1. ACTIONS BY INDIVIDUAL MEMBERS OF THE BOARD

It shall be the policy of the Board that no member(s) shall exert individual action or direct any county employee or initiate any action or assert their individual preference(s) in a manner that would require a county employee to perform any action contrary to the laws, ordinances or policies of Isle of Wight County or which would require the expenditure of public funds in any amount without the approval of the Board. Further, no member of the Board shall seek nor accept more favorable treatment from county officers or employees than would be given to other members of the Board, nor attempt to influence the decisions or recommendations of county appointees, officers or employees. Notwithstanding the foregoing, each Board member may, and is encouraged, to share information with county appointees, officers and employees and to promote a positive working environment for all employees.

SEC. 8-2. NUMBERING AND INDEXING OF RESOLUTIONS, ORDINANCES AND PROCLAMATIONS

It shall be the responsibility of the Clerk to number and index all resolutions, ordinances and proclamations of the Board. Resolutions and proclamations shall be numbered consecutively and use the last two digits of the calendar year. For example, for the first resolution in January, 2014, the resolution number would be shown as: Resolution No. 14-01.

SEC. 8-3. MINUTES OF THE BOARD

The minutes of the Board meeting shall reflect the official acts of the Board and names of the public commenting during public hearings and citizen comments, as well as a summary of the Board's proceedings at each meeting. They shall reflect the issues discussed and Board comments in summary form.

SEC. 8-4. AMENDING BY-LAWS

These by-laws may be amended with the concurrence of two-thirds (2/3) of the members present at any meeting subsequent to the introduction of a suggested by-laws amendment.

SEC. 8-6. ENACTMENT OF BY-LAWS AND RULES OF PROCEDURE

No later than December 1st of each year, the County Attorney shall deliver a copy of the most recently enacted By-Laws and Rules of Procedure to each member and member-elect of the Board, soliciting any proposed changes to the same. The County Attorney shall prepare proposed amendments based on any such Board comments as directed by passage of a motion

and include them in the Agenda for consideration at the Organizational Meeting.

Adopted this 7th day of January, 2021.

Chairman

Carey Mills-Storm, Clerk

Approved as to form:

Robert W. Jones, Jr., County Attorney

ISSUE:

Appointments to the Board of Supervisors' Committees

BACKGROUND:

The Chairman may wish to consider Committee appointments of the Board. Attached is a listing of the various Committees and the Board members who served during calendar year 2020.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's discussion and direction.

ATTACHMENTS:

Description	Type	Upload Date
2020 Board of Supervisors' Committees	Backup Material	1/4/2021

2020 BOARD OF SUPERVISORS' COMMITTEES

<u>COMMITTEES</u>	<u>MEMBER</u>	<u>TERM EXPIRES</u>
Capital Improvements Plan	Grice	January 2021
Commission on Aging	Grice	January 2021
Community Development (ED, Planning, Inspections, Utilities)	Grice Rosie	January 2021 January 2021
Franklin Intergovernmental Relations Committee	Acree Rosie	January 2021 January 2021
Hampton Roads Workforce Council	McCarty	January 2021
Intergovernmental Water & Sewer Task Force	Acree Grice	January 2021 January 2021
Joint Tourism	Jefferson McCarty Keaton (Alternate)	January 2021 January 2021
Parks, Recreation & Cultural	Jefferson McCarty	January 2021 January 2021
Personnel	Jefferson Grice	January 2021 January 2021
Public Safety (Fire, EM, 911, Sheriff)	Jefferson Acree	January 2021 January 2021
Public Works (Trash, Bldg, Refuse, Fleet)	Acree McCarty	January 2021 January 2021

2020 BOARD OF SUPERVISORS' COMMITTEES

Smithfield Intergovernmental Relations Committee	Jefferson Grice	January 2021 January 2021
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Social Services Board	Jefferson	January 2021
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Special Needs Task Force	Acree Rosie	January 2021
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Stormwater Advisory Committee	Grice McCarty	January 2021
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Windsor Intergovernmental Relations Committee	Acree Rosie	January 2021 January 2021
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Updated/January 2021

ISSUE:

Appointments to Serve on Regional Boards/Committees

BACKGROUND:

The Board may wish to consider and make appointments of Board members to various regional organizations.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's discussion and direction.

ATTACHMENTS:

Description	Type	Upload Date
2020 Regional Board/Committee Appointments	Backup Material	1/4/2021

2020-21
BOARD OF SUPERVISORS'
REGIONAL ORGANIZATIONS (BY MEMBER)

ACREE

- . *Western Tidewater Water Authority*

GRICE

- . *Western Tidewater Water Authority*

JEFFERSON

- . *Western Tidewater Regional Jail*

McCARTY

- . *Hampton Roads Planning District Commission*
- . *Hampton Roads Transportation Advisory Committee*
- . *Hampton Roads Transportation Planning Organization*
- . *Hampton Roads Workforce Council*
- . *Western Tidewater Regional Jail*

ROSIE

- . *Hampton Roads Military Federal Facilities Alliance*

KEATON

- . *Hampton Roads Planning District Commission*
- . *Hampton Roads Transportation Planning Organization*
- . *Southeastern Public Service Authority*
- . *Western Tidewater Regional Jail*
- . *Western Tidewater Water Authority*

2020-21
BOARD OF SUPERVISORS'
REGIONAL ORGANIZATIONS (BY ORGANIZATION)

<i>Hampton Roads Military & Federal Facilities Alliance:</i>	<i>Rosie</i>
<i>Hampton Roads Planning District Commission:</i>	<i>McCarty Keaton</i>
<i>Hampton Roads Transportation Accountability Committee:</i>	<i>McCarty</i>
<i>Hampton Roads Transportation Planning Organization:</i>	<i>McCarty Keaton</i>
<i>Southeastern Public Service Authority</i>	<i>Keaton Jones</i>
<i>Western Tidewater Regional Jail:</i>	<i>Jefferson McCarty Keaton</i>
<i>Western Tidewater Water Authority:</i>	<i>Grice Acree</i>

ISSUE:

Authorize Franklin Redevelopment and Housing Authority to Acquire and Develop One New Public Housing Unit in Isle of Wight County

BACKGROUND:

The HUD Richmond Public Housing Program Center has determined that the Franklin Redevelopment and Housing Authority (FRHA) will need authorization from the governing body of Isle of Wight County, Virginia Board of Supervisors, before FRHA is able to acquire and operate public housing units outside of the territorial boundaries of the City of Franklin.

The County no longer administers the Section 8 housing program for County residents. FHRA currently serves Isle of Wight County residents south of the Route 460 relative to the provision of public housing vouchers.

FRHA has identified a residence at 229 Council Road in the Camptown community for acquisition and development as a public housing unit.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a motion to authorize Franklin Redevelopment and Housing Authority to acquire and develop a public housing unit in Isle of Wight County.

ATTACHMENTS:

Description	Type	Upload Date
Correspondence from HUD	Backup Material	12/22/2020



U. S. Department of Housing & Urban Development

Richmond Public Housing Program Center
600 E. Broad Street, 3rd Floor
Richmond, VA 23219
1-800-842-2610

December 1, 2020

Ms. Gwen Blue
Interim Director,
Franklin Redevelopment and Housing Authority
100 East Fourth Avenue
Franklin, VA

Dear Ms. Blue:

The purpose of this letter is to provide the FRHA with additional guidance in response to your FRHA's public housing development proposal requesting to acquire and develop one new public housing unit, under its Consolidation Annual Contributions Contract, in the adjacent territorial boundaries of Isle of Wight County, Virginia located at 229 Council Road, Franklin Virginia, 23651.

The HUD Richmond Public Housing Program Center has determined that the Franklin Redevelopment and Housing Authority will need authorization from the governing body of the locality, the Isle of Wight County, Virginia Board of Supervisors, before the Housing Authority is able to acquire and operate public housing units under its Consolidation Annual Contributions Contract with HUD outside of the territorial boundaries of the City of Franklin, Virginia (the "City").

The Franklin Redevelopment and Housing Authority ("FRHA"), organized pursuant to the Virginia Housing Authorities Law.¹ HUD's understanding is that the FRHA's Charter established its "area of operation" as the territorial boundary of the City. FRHA has consistently allowed their Housing Choice Voucher program recipients to lease units located outside of the jurisdictional boundaries of the City.

In Virginia, a housing authority is subject to the provisions of the Virginia Housing Authorities Law, in addition and supplemental to the powers expressly provided in the charter of a city or town specifically pertaining to the creation of such housing authority. Virginia follows the *Dillon Rule* of strict construction that provides that municipal corporations have "only those powers which are expressly granted by the state legislature, those powers fairly and necessarily implied form expressly granted powers, and those powers which are essential and indispensable."² Moreover, "the *Dillon Rule* is applicable to determine in the first instance, from express words or by implication, whether a power exists at all. If the power cannot be found, the inquiry is at an end."³

The Housing Authorities Law creates "[i]n each locality" a housing authority as a political subdivision of the Commonwealth.⁴ Any such local housing authority; however, may transact business and exercise its powers only after having received the affirmative approval of the qualified voters "of such locality" by a majority vote of such qualified voters voting in the referendum.⁵ A housing authority is generally granted enumerated powers to act within its "area of operation," which is coextensive with the boundaries of the locality within which it was created."⁶

A housing authority may exercise any of its powers outside of its 'area of operation' only upon compliance with the procedures for authorization of such actions as set forth in Section 36-23 of the Virginia Code, which includes receiving the approval of the governing body of each locality in which the housing authority is requesting to act.⁷ Therefore, in the absence of the above-referenced procedures for authorization, the FRHA may not acquire and develop new public housing units, under its Consolidation Annual Contributions Contract with HUD, in the adjacent territorial boundaries of Isle of Wight County, Virginia.

Should you have any questions regarding this matter, please contact me at 804-822-4899.

Sincerely,

Robert F. Davenport
Director
Richmond Public Housing Program Center

Foot Notes References:

1 Va. Code Ann. §§36-7 through 36-55.1 (2017)

² Arlington Cnty. V. White, 259 Va. 708, 712, 528 S.E.2d 706, 708 (2000) citing City of Va. Beach v. Hay, 258 Va. 217, 221, 518 S.E.2d 314, 316 (1999)). *See also* City of Richmond v. Bd. Of Supvrs., 199 Va. 679, 684, 101 S.E.2d 641, 645 (1958).

³ Commonwealth v. Cnty. Bd. 217 Va. 558, 575, 232 S.E.2d 30, 41 (1977). *Any fair, reasonable doubt as to the existence of such power must be resolved against the locality.* *See* City of Richmond, 199 Va. At 684, 101 S.E.2d at 645.

⁴Va. Code §36-4.

⁵*1d.*

⁶ See Va. Code §36-3 ("Area of Operation' means an area that (i) in the case of a housing authority of a city, shall be coextensive with the territorial boundaries of the city; (ii) in the case of a housing authority of a county, shall include all of the county, except that portion which lies within the territorial boundaries of (a) any city, and (b) any town that has created a housing authority pursuant to this chapter; (iii) in the case of a housing authority of a town, shall be coextensive with the territorial boundaries of the town as herein defined."); *See also* Va. Code §§36-19 (enumerating powers granted to a housing authority within its area of operation); 36-19.5 (granting certain additional powers to acquire dwelling units within its area of operation); and 36-26 (authorizing a housing authority to borrow money or accept other financial assistance from the federal government for or in aid of any housing project within the authority's area of operation).

⁷ *See* Va. Code §36-23. This section requires a governing body to hold a public hearing and to make certain specifically enumerated findings prior to authorizing a housing authority to operate within the locality.

ISSUE:

Resolution to Amend Chapter 1, Personnel, Article V, Section 5.12 of the County Policy Manual

BACKGROUND:

At its regular meeting on April 2, 2020, the Board adopted a resolution to amend Chapter 1, Personnel, Article V, Section 5.12 of the County Policy Manual to establish the policy to provide for leave to employees that met the criteria specified within the Family and Medical Leave Act.

As outlined in the policy amendments, the provisions allowing for the Emergency Family and Medical Leave Expansion Act portion of the Families First Coronavirus Recovery Act and the provisions, rules and procedures of the Public Health Emergency Leave Policy for use by employees for all purposes outlined in the Emergency Paid Sick Leave Act section of the Families First Coronavirus Recovery Act expired on December 31, 2020.

The Board may wish to adopt a resolution that will allow the expired provisions to be extended until June 30, 2021.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a resolution to amend the County Policy Manual.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	12/16/2020

**RESOLUTION TO AMEND CHAPTER 1: PERSONNEL, ARTICLE V,
SECTIONS 5.12 AND 5.15 OF THE COUNTY POLICY MANUAL**

WHEREAS, the County has established a Leave Policy under the Family and Medical Leave Act Policy under Chapter 1, Personnel, Article V, Section 5.12 of the County Policy Manual to establish the policy to provide for leave to employees that meet the criteria specified within the Family and Medical Leave Act; and

WHEREAS, the County has established a Public Health Emergency Leave Policy under Chapter 1: Personnel, Article V, Section 5.15 of the County Policy Manual; and

WHEREAS, the Board of Supervisors desires to amend Chapter 1: Personnel, Article V, Sections 5.12 and 5.15 of the County Policy Manual to incorporate the provisions, guidelines, rules and procedures of the Emergency Family and Medical Leave Expansion Act portion of the Families First Coronavirus Response Act and to amend the provisions, rules and procedures of the Public Health Emergency Leave Policy for use by employees for all purposes outlined in the Emergency Paid Sick Leave Act section of the Families First Coronavirus Response Act; and

NOW, THEREFORE, BE IT RESOLVED that Chapter 1: Personnel, Article V, Sections 5.12 and 5.15 of the County Policy Manual are hereby amended as follows:

Chapter 1: Personnel

ARTICLE V - Leave Provisions

(Revised September 1, 2005, December 15, 2005, February 2, 2006, April 5, 2007, October 2, 2008, January 8, 2009, June 19, 2014, October 16, 2014, December 18, 2014, April 1, 2015, January 1, 2018, July 1, 2018, July 1, 2019, March 19, 2020, April 1, 2020, January 7, 2021)

Section 5.12 - Leave Under the Family and Medical Leave Act (FMLA)

(Revised April 7, 2005, January 8, 2009, December 18, 2014, July 1, 2018, April 1, 2020, January 7, 2021)

Isle of Wight County will grant eligible employees up to 12 workweeks of job protected leave (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. During this leave, an eligible employee is entitled to continued group health plan coverage. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or equivalent position. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Employees with questions about what illnesses serious health conditions are covered under the FMLA policy or under the County's Sick Leave Policy are encouraged to consult with the County's Human Resources Department.

Employee Eligibility Criteria

To be eligible for FMLA leave, an employee must have been employed by Isle of Wight County:

- for at least 12 months (which need not be consecutive). Separate periods of employment will be counted, provided the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week; and
- for at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave shall not be counted in determining the 1,250 hours eligibility test for an employee under FMLA; and
- at a worksite where 50 or more employees are employed by the County within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

Types of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one or more of the following reasons:

- a. The birth of a child and in order to care for that child;
- b. The placement of a child with the employee for adoption or foster care, and/or to care for the newly placed child;
- c. To care for the employee's spouse, child, or parent (but not in-law) with a serious health condition (described below);
- d. The employee's own serious health condition that makes the employee unable to perform

one or more of the essential functions of his or her job.

- e. Because of a qualifying exigency arising out of the fact that the employee's spouse, son or daughter, or parent is on active duty or called to covered active duty status in support of contingency operations as a member of the National Guard or Reserves (described below); and/or,
- f. Because the employee's spouse, son or daughter, parent, or next of kin of a covered service member or veteran requires care due to a serious injury or illness (described below).

Serious Health Condition

A "serious health condition" is defined as any illness, injury, impairment, or physical or mental condition that requires inpatient care at a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing treatment by a licensed health care provider.

Continuing treatment by a licensed health care provider means any one of the following:

- 1. Incapacity/Treatment – A period of incapacity of more than three (3) consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves either treatment two or more times within 30 days, or treatment by a health care provider on at least one occasion, which results in a regiment of continuing treatment under the supervision of the health care provider.
- 2. Pregnancy/Prenatal Care – Any period of incapacity due to pregnancy or for prenatal care. In these situations, FMLA also covers leave for the husband, if needed to care for the pregnant spouse who is incapacitated due to severe morning sickness or other prenatal complications (and may need physical care) and to accompany her to prenatal doctor's appointments (and may need to be driven or need psychological care).
- 3. Chronic Conditions – Any period of incapacity or treatment for incapacity due to a chronic serious health condition such as asthma or diabetes. Chronic conditions require periodic visits (at least twice a year) for treatment by a health care provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity.
- 4. Permanent/Long-Term Conditions – A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke, or the terminal stages of a disease. The patient must be under the continuing supervision of a health care provider, but need not be receiving active treatment.
- 5. Conditions Requiring Multiple Treatments – Any period of absence to receive or recover from multiple treatments, such as for restorative surgery after an injury, or for serious conditions such as cancer (chemotherapy) or kidney disease (dialysis) that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment.

6. Incapacity and Subsequent Treatment – The inability to work, attend school or perform other regular daily activities due to the serious health condition or the treatment or recovery as a result of a serious health condition.

Military Family Leave Entitlements

Qualifying Exigencies – A qualifying exigency is a non-medical, non-routine activity that is directly related to the covered military member's covered active duty or call to active duty status. To be eligible, the employee must have a spouse, parent, or child on covered active duty to a foreign country or call to covered active duty status in the Armed Forces or reserve component of the Armed Forces in support of a contingency operation to a foreign country. Categories of qualifying exigencies in the FMLA regulations include:

1. Short-notice deployment activities (up to seven (7) days of leave is permitted if the military member receives seven (7) or less days' notice of a call to active duty);
2. Military events and related activities;
3. Certain temporary childcare arrangements and school activities (but not for ongoing childcare or routine academic concerns);
4. Financial and legal arrangements;
5. Counseling by a non-medical counselor (such as a member of the clergy);
6. Rest and recuperation (up to a maximum of fifteen (15) calendar days of leave is permitted when the military member is on temporary rest and recuperation leave);
7. Post-deployment military activities (such as arrival ceremonies or reintegration briefings);
8. Care of the military member's parent (when the parent of the military member is incapable of self-care); and
9. Additional activities which arise out of the military member's covered active duty or call to active duty status provided that both the County and employee agree that such leave shall qualify, and agree to both the timing and duration of such leave.

Military Caregiver Leave – FMLA leave may be granted to an eligible employee to care for a covered service member, who is on the temporary disability retired list and has a serious injury or illness. The covered service member must be undergoing medical treatment, recuperation or therapy, otherwise be in outpatient status, or otherwise be on the temporary disability retired list. To be eligible for this leave, the employee must be the spouse, child, parent, or next of kin of the covered service member.

Amount of Leave

Eligible employees may take up to a total of 12 workweeks of FMLA leave during a rolling calendar year, when leave is taken for any one or combination of FMLA-qualifying reasons, not including military caregiver leave. For regular full-time employees, 12 workweeks of leave equates to 480 hours (674 hours for 24-hour Emergency Services employees assigned to a 28-day cycle).

Except for military caregiver leave, each time FMLA leave is taken, the employee's remaining FMLA leave entitlement is any remaining balance of the 12 workweeks that has not been used during the rolling calendar year in which the leave was taken. As with other paid leave types,

FMLA leave is available in increments of quarter-hours (15 minutes) and an employee may not be required to take more leave than necessary to address the circumstances that precipitated the need for leave.

1. Amount of Military Caregiver Leave – For military caregiver leave only, up to a total of 26 workweeks of leave may be taken in a single 12-month period when combined with other FMLA qualifying leave. The 26 workweeks of leave equates to 1,040 hours for regular full-time employee (1,460 hours for 24-hour Emergency Services employees assigned to a 28-day cycle). For purposes of military caregiver leave only, the 12-month period begins on the first day the employee takes military caregiver leave and ends 12 months later.

When military caregiver leave is taken in combination with other FMLA qualifying reasons, only 12 weeks of the total may be for reasons other than the care of the covered service member.

2. When Both Spouses Work for the County - When both spouses are employed by Isle of Wight County, they are together entitled to a combined total of 12 (or 26) workweeks of FMLA leave within the designated 12 month period for the birth and care of a newborn child, adoption, or foster care placement of a child with the employees, to care for a parent (but not in-law) with a serious health condition, or to care for a covered service member with a serious injury or illness. Each spouse may be entitled to the remaining amount of FMLA leave for other FMLA qualifying reasons such as the case for a child with a serious health condition or due to one's own serious health condition. For example, if each spouse took 6 weeks of leave to care for a healthy newborn child, each could later use an additional 6 weeks due to his/her own serious health condition or to care for a spouse, child, or parent with a serious health condition.
3. Time Limitation When Leave is taken for Birth/Placement - Leave for birth and to care for a newborn, or for a newly placed child for adoption or foster care must conclude within 12 months after the birth or placement of the child.

Intermittent or Reduced Work Schedule Leave

“Intermittent leave” is leave taken in separate blocks of time due to a single qualifying reason (hours/days are taken periodically over a period of time). “Reduced work schedule leave” is leave that reduces an employee's usual number of hours per workweek or hours per workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member or veteran over a 12-month period).

Leave to care for a newborn or a newly placed child must be taken all at once, and may not be taken intermittently or on a reduced work schedule. Leave taken because of an employee's own serious health condition, or to care for an employee's spouse, child, or parent with a serious health condition, may be taken all at once or, where medically necessary, intermittently or on a reduced work schedule.

If an employee takes leave intermittently or on a reduced work schedule basis for planned medical

treatments, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the County's operations. When an employee takes intermittent or reduced work schedule leave for the employee or employee's family member and for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates the intermittent or reduced work schedule.

Requests for FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Human Resources Department as soon as the employee knows that leave will be needed. An employee does not need to expressly assert his/her FMLA rights for an absence to be covered by FMLA. However, sufficient information must be provided for Human Resources to determine if the leave qualifies for FMLA protection and the anticipated timing and duration of the leave. If sufficient information is not provided, Human Resources will contact the employee to inquire further as to the reason for the leave. Within five business days after the employee has provided this notice of the need for FMLA leave, the Human Resources Department will complete and provide the employee with the Department of Labor Notice of Eligibility and Rights and Responsibilities form. The employee will be provided the Request for Family/Medical Leave form and submit it to the Human Resources Department. The employee will be provided the FMLA Policy.

When leave is foreseeable for childbirth, placement of a child or planned medical treatment for the employee's or family member's serious health condition, the employee must provide the County with at least 30 days advance notice, or such shorter notice as is practicable (it is expected that an employee will give notice to the employer within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances). When the timing of the leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Required Documentation

When leave is taken to care for a family member, the County may require the employee to provide documentation or statement of family relationship (e.g., birth certificate or court document).

An employee shall be required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition. Medical certification forms (Department of Labor Certification of Health Care Provider for Employee's Serious Health Condition form) are available in the Human Resources Department. The employee's job description to include the essential functions/physical requirements should be furnished to the health care provider completing the Certification of Health Care Provider for Employee's Serious Health Condition form. The employee must respond to such a request for medical certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of leave or continuation of leave.

During FMLA leave, the County may request that the employee provide recertification of a serious health condition at intervals in accordance with the FMLA. In addition, on a basis that does not discriminate against employees on FMLA leave, the County may require an employee on FMLA

leave to report periodically on the employee's status and intent to return to work. The County may provide the employee's health care provider with the employee's attendance records and ask whether the need for leave is consistent with the employee's serious health condition. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the County with reasonable advance notice as soon as practicable of the employee's changed circumstances and new return to work date. If the employee gives the County notice of intent not to return to work, the employee will be considered to have voluntarily resigned. If the employee voluntarily terminates his/her employment while taking leave covered by FMLA, the County's FMLA obligations to the employee cease.

The County has the right to ask for a second medical opinion. The County will pay for any such second medical opinion necessary. Arrangements are coordinated through the Human Resources Department.

Certification of Military Family Leave:

1. Qualifying Exigency - To certify a qualifying exigency for military FMLA leave, the County will require certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of leave or continuation of leave. Qualifying exigency forms (Department of Labor Certification of Qualifying Exigency for Military Leave form) are available in the Human Resources Department.
2. Military Caregiver Leave - To certify a serious injury or illness of the covered service member or veteran, the County will require certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Certification forms (Department of Labor Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave" form) are available in the Human Resources Department. Other types of certification may include providing a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family. Alternatively, documentation of enrollment in the VA Program of Comprehensive Assistance for family caregivers is sufficient, but the County may require additional information in accordance with the federal regulations.

FMLA leave may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

The Human Resources Department is responsible for reviewing and maintaining all medical documentation including medical certifications and doctor's notes. All records related to an employee's medical condition are strictly confidential and may be discussed only with those who have a bona fide need to know.

Use of Paid or Unpaid Leave

FMLA provides eligible employees with up to 12 (or 26) workweeks of unpaid leave. Therefore, FMLA leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and the employee's accrued paid leave available. An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use any qualifying paid leave prior to being eligible for unpaid leave. Qualifying paid leave is leave that would otherwise be available to the employee for the purpose for which the FMLA leave is taken. The remainder of the 12 (or 26) workweeks of leave, if any, will be unpaid FMLA leave. Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. The substitution of paid leave for unpaid leave does not extend the 12 (or 26) workweek leave period.

An employee who is taking leave for the adoption or foster care of a child must use all paid annual and personal leave prior to being eligible for unpaid leave. An employee who is using military FMLA leave for a qualifying exigency must use all paid annual and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must use all paid annual, personal, or sick leave (as long as the reason for the absence is covered by the sick leave policy) prior to being eligible for unpaid leave.

Designation of Leave

Within five (5) business days after the employee has submitted the appropriate certification form, the Human Resources Department will provide the employee with a written response to the employee's request for FMLA leave (using the Department of Labor Designation Notice). The County may provisionally designate the employee's leave as FMLA leave if the County has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established policy. Leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. If the employee has leave to be counted as FMLA leave, the employee must notify the Human Resources Department as soon as possible of the employee's return to work that the leave was for an FMLA reason.

If an employee takes paid leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as FMLA leave, to the extent that the earlier leave meets the necessary qualifications.

Maintenance of Health Insurance Benefits and other Benefits

During FMLA leave, an employee is entitled to continued group health plan coverage at the same level and under the same conditions as if the employee had continued to work. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance

premiums will be payroll-deducted from the employee's paycheck. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.

If the employee's payment of health insurance premiums is more than 30 days late, the County may discontinue health insurance coverage for the duration of the leave upon at least 15 days' notice to the employee prior to the employee's loss of coverage.

If the employee contributes to a life insurance plan, disability plan, or any other voluntary contributions to benefit plans, the County will continue making payroll deductions while the employee is on paid FMLA leave. While the employee is on unpaid FMLA leave, the County will discontinue coverage during the FMLA leave. Upon the employee's return from FMLA leave, payroll deductions will recommence.

Return to Work From Approved Leave

Upon the return to work from approved FMLA leave that was twelve (12) workweeks or less in duration, the employee will be restored to the position of employment held by the employee when the leave commenced or restored to an equivalent position with equivalent status, benefits, pay, and other terms and conditions of employment.

An employee that takes FMLA leave that was twelve (12) workweeks or less in duration may be required to provide a fitness for duty clearance from the health care provider stating that the employee is able to resume work and/or if there are any limitations. This requirement will be included in the employer's response to the FMLA request.

An employee's return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

Limitations on Reinstatement

An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force, or other reason, the employee would not be employed at the time job restoration is sought.

The County reserves the right to deny reinstatement to salaried, eligible employees who are among the highest paid ten (10) percent of the County's employees employed within 75 miles of the worksite ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the County's operations.

Failure to Return to Work Following FMLA Leave

If the employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned. The County may recover health insurance premiums that were paid on behalf of the employee during an unpaid FMLA leave except that the County's share of such premiums may not be recovered if the employee fails to return to work because of other circumstances beyond the employee's control. In such cases, the County may require the employee to provide medical certification of the employee's or family member's

serious health condition.

For further information or clarification about FMLA leave, please contact the Human Resources Department.

Section 5.12(a) Emergency Family and Medical Leave (FML) Expansion Act

During the period beginning April 1, 2020 and ending on ~~December 31, 2020~~ June 30, 2021, pursuant to the provisions of the Families First Coronavirus Response Act (H.R.6201), Isle of Wight County will grant 'eligible employees' with up to 12 workweeks of job protected leave during a 12-month period for the purpose of a 'qualifying need related to a public health emergency'. Except for military caregiver leave defined above, each time FMLA leave is taken for any purpose(s), the employee's remaining FMLA leave entitlement is any remaining balance of the 12 workweeks that has not been used during the rolling calendar year in which the leave was taken. The leave under the Emergency FML Expansion Act is the only reason allowed for mandatory paid leave under the FMLA. During this leave, an eligible employee is entitled to continued group health plan coverage. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or equivalent position. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Explanation of Terms

For the purpose of Section 5.12(a):

The term '**eligible employees**' means employees who have been employed for at least 30 calendar days, with the exception of emergency responders including, but not limited to, law enforcement employees, Department of Emergency Services fire and/or rescue employees, and 911 dispatchers.

The term '**qualifying need related to a public health emergency**', with respect to leave, means the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

Under this provision, the term '**public health emergency**' means an emergency with respect to COVID-19 declared by a Federal, State, or local authority.

The term '**child care provider**' means a provider who receives compensation for providing child care services on a regular basis, including an 'eligible child care provider' (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 ([42 U.S.C. 9858n](#))).

The term '**school**' means an 'elementary school' or 'secondary school' as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 ([20 U.S.C. 7801](#)).

Payment under the Emergency FML Expansion Act

Full-time Employees:

When leave is needed due to a school or childcare closure, the first ten (10) days of the leave shall be unpaid, unless the employee requests to use his/her public health emergency leave (PHE leave) (up to 80 hours), if available, and/or elects to substitute any other accrued paid leave other than sick leave to cover the unpaid leave time. After the first 10 days of leave, subsequent absences for this reason shall be paid at the rate of two-thirds (2/3) of the employee's regular rate of pay, capped at \$200 a day and \$10,000 in aggregate. A Designation Notice of FMLA will be sent to an employee using the Expanded FMLA for childcare advising him/her that the leave will be designated as such.

Part-time Employees:

When leave is needed due to a school or childcare closure, the first ten (10) days of the leave shall be unpaid, unless the employee requests to use his/her PHE leave, if available, and/or elects to substitute any other accrued paid leave other than sick leave to cover the unpaid leave time.

- a. Part-time employees with at least 30 days of service with a regular schedule shall receive leave not to exceed the number of work hours the employee is normally scheduled to work in a two-week period. After the first ten (10) days of leave, subsequent absences for this reason shall be paid at the rate of two-thirds (2/3) of the employee's regular rate of pay, capped at \$200 a day and \$10,000 in aggregate. For example, a part-time employee who normally works twenty (20) hours per week would be eligible for up to twenty (20) hours of leave per week for twelve weeks, with ten of the weeks paid at the rate of 2/3 his/her regular rate of pay
- b. Part-time employees with at least 30 days of service whose schedule varies (on-call/intermittent/temporary and/or seasonal) shall receive leave equal to the average number of hours that the employee was scheduled per day over the 6-month period immediately preceding the request for leave. For example, if the employee requested leave on March 20, 2020 any hours worked or leave taken from September 20, 2019 through March 20, 2020 would be considered in determining the amount of leave permissible under the policy. After the first ten (10) days of leave, subsequent absences for this reason shall be paid at the rate of two-thirds (2/3) of the employee's regular rate of pay, capped at \$200 a day and \$10,000 in aggregate.

Employees may not use any other form of leave in conjunction with Expanded FMLA for childcare, with the exception of PHE leave, if available.

Section 5.15 – Public Health Emergency Leave

(March 19, 2020, Revised April 1, 2020, January 7, 2021)

Isle of Wight County recognizes that in the event of a public health emergency, employees may be asked to or required to remain away from the workplace to care for the medical needs of self and/or immediate family members due to symptoms of and/or a diagnosis of the disease identified in the public health emergency, required quarantine without the ability to telework, and/or other

purposes allowed by the County Administrator identified in the public health emergency for the purpose of infectious disease control. The County Administrator will determine based on emergency declarations and/or other public health emergency guidance when public health emergency leave may be granted, for what time period, and for what purposes related to the public health emergency.

The County may grant, without requirement of repayment, up to eighty (80) hours of public health emergency paid leave (PHE leave) (up to 112 hours for regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services) to regular full-time employees. The County may grant, without requirement of repayment, regular part-time employees (those working between 20-29 hours per week on a regular basis) PHE leave in the amount not to exceed the number of work hours the employee is normally scheduled to work in a two-week period. For example, a regular part-time employee who normally works twenty (20) hours per week would be eligible for up to twenty (20) hours of PHE leave per week for two weeks. The County may grant, without requirement of repayment, on-call/intermittent/temporary/or seasonal part-time employees PHE leave in the amount equal to the average number of hours that the employee worked per day, including leave taken, over the 6-month period immediately preceding the request for leave. For example, if the employee requested leave on March 20, 2020 any hours worked or leave taken from September 20, 2019 through March 20, 2020 would be considered in determining the amount of PHE leave permissible under the policy. If the employee did not work over the prior 6-month period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work shall be used to determine the PHE leave permissible under the policy.

Employees are responsible for requesting PHE leave, if available, through their Department Head, and for providing any required documentation, including medical documentation, requested to the Human Resources Department.

Once the granted PHE leave has been exhausted, should an employee be asked to or be required to remain away from the workplace, the employee's other available leave, if any, will be utilized to cover his/her absence, unless any other leave provisions apply. Once the employee has exhausted all available paid leave, he/she may make a request under the Leave Donation Policy or Leave under the Family and Medical Leave Act Policy (Chapter 1, Article XIII and/or Chapter 1, Article V, Section 5.12) if he/she is eligible for such. Should the employee not be eligible for the Leave Donation Policy and/or have exhausted all paid leave or donated leave, the employee may be placed on leave without pay, pending eligibility and/or approval for such in accordance with policy.

During a public health emergency, particularly an infectious disease outbreak, it is critical that employees do not report to work while they are ill and/or experiencing the symptoms and for whatever time specified following last experience of symptoms and/or diagnosis) identified by the Centers for Disease Control (CDC) associated with the public health emergency/infectious disease. Employees who report to work ill will be sent home in accordance with the CDC's health guidelines.

If an employee is out sick or showing symptoms of being ill, it may become necessary to request information from the employee and/or the employee's health care provider or that of the employee's immediate family member. In general, the request for medical information would be for the purpose of confirming the employee's need to be absent, to show whether and how an absence relates to the public health emergency/infectious disease, and to know when it is appropriate for the employee to return to work. As always, we expect and appreciate the cooperation of employees when medical information is sought.

Emergency Paid Sick Leave Act

During the period beginning April 1, 2020 and ending on ~~December 31, 2020~~ June 30, 2021, pursuant to the provisions of the Families First Coronavirus Response Act (H.R.6201), Isle of Wight County will grant the mandated emergency paid sick leave in the form of Public Health Emergency Leave (PHE leave) to all employees for the purposes of:

- 1) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
- 2) The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
- 3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- 4) The employee is caring for an individual who is subject to an order of quarantine or isolation and/or is caring for an individual who has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
- 5) The employee is caring for their son or daughter or grandchild if the school or place of care of the son or daughter has been closed, or the childcare provider of the son or daughter is unavailable, due to COVID-19 precautions.
- 6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

After the first workday (or portion thereof) an employee receives paid sick leave (PHE leave) under this Act, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick leave (PHE leave). PHE leave needed for dependent care purpose (5) above may be used intermittently.

All employees eligible for PHE leave under this policy shall be granted the following hours of PHE leave, capped at \$511 per day and \$5,110 in the aggregate, as follows:

Full-time Employees: up to 80 hours (up to 112 hours for regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the

Fair Labor Standards Act, within the Department of Emergency Services)

Part-time Employees:

- Regular part-time employees (those working between 20-29 hours per week on a regular basis): amount not to exceed the number of work hours the employee is normally scheduled to work in a two-week period. For example, a part-time employee who normally works twenty (20) hours per week would be eligible for up to twenty (20) hours of PHE leave per week for two weeks.
- On-call/Intermittent/Temporary/or Seasonal part-time employees: amount equal to the average number of hours that the employee worked per day, including leave taken, over the 6-month period immediately preceding the request for leave. For example, if the employee requested leave on March 20, 2020 any hours worked or leave taken from September 20, 2019 through March 20, 2020 would be considered in determining the amount of PHE leave permissible under the policy. If the employee did not work over the prior 6-month period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work shall be used to determine the PHE leave permissible under the policy.

This Resolution shall be effective as of January 1, 2021.

Adopted this 7th day of January, 2021.

Chairman

Carey Mills Storm, Clerk

Approved as to form:

Robert W. Jones, Jr., County Attorney

ISSUE:

Staff Update on Brewer's Station Subdivision and Other Development Projects

BACKGROUND:

Staff will provide a brief update on several projects impacting the Route 17 corridor to include the housing development project at Brewer's Station subdivision in front of Carrollton Elementary School.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Discussion of Cost of Living Adjustment for County Employees

BACKGROUND:

At its regular meeting on December 10, 2021, the County Administrator provided information to the Board regarding the County's revenues and expenditures and a proposed cost of living adjustment for County employees.

The initial budget presentation for FY2020-21 included a cost of living adjustment (COLA) for County employees;; however, due to the uncertainty of the impact of COVID-19 on the County's financial position the COLA was removed from the operating budget adopted by the Board with the understanding that a mid-year review might provide an opportunity for reconsideration.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

Per the Board's discussion and direction.

ISSUE:

Isle of Wight County's Study on Aging Status Report

BACKGROUND:

On January 16, 2020, the Isle of Wight County Board of Supervisors directed staff to conduct a study on the future impacts of aging on the County's quality of life and levels of service as part of the new County's new Comprehensive Plan.

The study will identify steps the County can take to ensure its residents can age successfully in the community. The initial step will be to survey residents on their top concerns with aging in the County as well as their future lifestyle priorities. The next step will be to develop policy recommendations to better direct County actions and decisions as well as guide capital investments to maximize the accessibility in the County to persons of all ages, ability levels and socioeconomic groups.

The study overview with a tentative project timeline is attached for your information. Staff presented the attached overview to the Planning Commission on November 24, 2020, for their information.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ATTACHMENTS:

Description	Type	Upload Date
Study on Aging Overview 112420	Backup Material	11/17/2020
Aging Study PC Staff Report 112420	Cover Memo	12/1/2020

Isle of Wight County Study on Aging Overview

Rev. November 17, 2020

In a February 2020 report, the US Census Bureau marks the year 2030 as a demographic turning point for the United States. Beginning that year, all baby boomers in the US will be older than 65 years of age. This will expand the size of the older population so that one in every five Americans is projected to be of retirement age. Later that decade by 2034, older adults will outnumber children for the first time in U.S. history.

For Isle of Wight County, this turning point is projected to happen much sooner. The US Census Bureau projects 19.8% of the County's population was 65 years or older in 2019. The Weldon Cooper projects 21.6% of the population will be within this age bracket by 2020, which increases again to 26.9% of the County's population by 2030. By the end of the planning horizon of *Envisioning the Isle*, in 2040, the 65 year and older population group reduces in size slightly to 26.1% of the total population.

It is now Isle of Wight's turn to grapple with the implications of this demographic shift in the character of our community. How should we adapt neighborhood design, transportation options, recreational opportunities and even employment to ensure that people can successfully age here? Although there are significant challenges associated with creating a successful age friendly community, the good news is that most Americans want to remain healthy, active, and engaged in their communities as they age. In addition, technological innovation continues to follow the market opportunities presented by the increasing longevity market.

Successful age friendly communities can address some of the following concerns:

- Financial Security - provide a reasonable cost of living through such items as safe and affordable housing and employment opportunities for seniors;
- Health – offer access to a wide range of healthcare options and recreational opportunities;
- Housing- provide a diverse set of housing options to meet multiple needs, whether it's single family homeownership, a rental apartment or assisted living facility;
- Transportation – provide mobility and access to convenient transportation systems for seniors for travel, running errands, or making a medical visit;
- Social Integration– provide ready connections to family and friends as well as cultural and educational opportunities.

The study will identify steps the County can take to ensure its residents can age successfully in the community. The initial step will be to survey residents on their top concerns with aging in the County as well as their future lifestyle priorities. The next step will be to develop policy recommendations to better direct County actions and decisions as well as guide capital investments to maximize the accessibility in the County to persons of all ages, ability levels and socioeconomic groups.

Background

On January 16, 2020, the Isle of Wight County Board of Supervisors directed staff to conduct a study on the future impacts of aging on the County's quality of life and levels of service as part of the new County's new Comprehensive Plan.

This study serves an implementation tool for several policies of the County's Comprehensive Plan, *Envisioning the Isle*, including:

- Studying the locations and demands of the elderly and low income populations of the County to inform transit decisions.
- Examining the impact of changing demographics and recreational needs on parks, facilities and programming;
- Continuing to improve access to parks, trails, and other facilities in order to serve all citizens, regardless of ability;
- Supporting life-long learning through schools, libraries, continuing and higher education programs, community-based education programs, and recreation programs for all age groups;
- Identifying regulatory changes that provide opportunities for housing for persons with special needs in proximity to supporting community services and activities;
- Reviewing and revising regulations to support housing types that allow the elderly to remain in their community as their needs change;
- Increasing opportunities within the development service districts (DSDs) for residences to be in close proximity to retail, employment, and public facilities; and
- Identifying possible incentives to encourage the development of a range of housing choices near major activity centers such as employment, commercial areas, schools, and recreation areas.

Tentative Study Timeline:

Oct - Nov 2020: Analyze population and economic trends, identify potential issues, review examples of successful policies and programs from other communities, and develop draft survey questions.

Dec 2020: Present study outline and draft survey to the Board of Supervisors, the Planning Commission, and the Commission on Aging. After the project presentation, perform following: 1) ask each group for feedback on which stakeholder groups should be surveyed for their input on policy and actions along with the general community; and 2) appoint stakeholder group members to review survey results and develop policy recommendations.

Jan – Feb 2021: Develop Survey instrument to be used with target stakeholder groups (Religious organizations, civic organizations, senior program participants, senior housing residents, and public agencies which serve these populations) and general population.

- February 2021: Conduct input survey through multiple channels – online, paper copies provided at key locations (libraries, senior center) and distributed to religious and civic organizations; and phone calls upon request.
- March – April 2021: Synthesize survey results and develop summary report. Make presentation on survey results to Planning Commission, Board of Supervisors and Commission on Aging. Draft policy and action step recommendations.
- May – June 2021: Develop draft policy document and implementation strategies with stakeholder group.
- June 2021: Present draft study document to stakeholder groups, the community at large, the Board of Supervisors and the Planning Commission.
- July 2021: Approval of final study document by the Board of Supervisors and amendment of Comprehensive Plan.



PLANNING REPORT

APPLICATION:

Overview of Isle of Wight County's Study on Aging

ELECTION DISTRICT:

All

BACKGROUND:

On January 16, 2020, the Isle of Wight County Board of Supervisors directed staff to conduct a study on the future impacts of aging on the County's quality of life and levels of service as part of the new County's new Comprehensive Plan.

DESCRIPTION:

The study will identify steps the County can take to ensure its residents can age successfully in the community. The initial step will be to survey residents on their top concerns with aging in the County as well as their future lifestyle priorities. The next step will be to develop policy recommendations to better direct County actions and decisions as well as guide capital investments to maximize the accessibility in the County to persons of all ages, ability levels and socioeconomic groups.

The study overview with a tentative project timeline is attached for your information.

COMPREHENSIVE LAND USE PLAN:

This study serves an implementation tool for several policies of the County's Comprehensive Plan, *Envisioning the Isle*, including:

- Studying the locations and demands of the elderly and low income populations of the County to inform transit decisions.
- Examining the impact of changing demographics and recreational needs on parks, facilities and programming;
- Continuing to improve access to parks, trails, and other facilities in order to serve all citizens, regardless of ability;
- Supporting life-long learning through schools, libraries, continuing and higher education programs, community-based education programs, and recreation programs for all age groups;
- Identifying regulatory changes that provide opportunities for housing for persons with special needs in proximity to supporting community services and activities;
- Reviewing and revising regulations to support housing types that allow the elderly to remain in their community as their needs change;
- Increasing opportunities within the development service districts (DSDs) for residences to be in close proximity to retail, employment, and public facilities; and
- Identifying possible incentives to encourage the development of a range of housing choices near major activity centers such as employment, commercial areas, schools, and recreation areas.

ORDINANCE REVIEW:

The study will result in policy recommendations which may include revisions to the County's ordinances in order to implement the policies.

AGENCY REVIEW:

Staff will also present the study overview to the Commission on Aging and the Board of Supervisors for their information prior to beginning the community survey.

STAFF RECOMMENDATION:

The report is for the Planning Commission's information only. No action is required.

ATTACHMENTS:

Description	Type	Upload Date
Study on Aging Overview 112420	Backup Material	11/17/2020

ISSUE:

Proposed Revisions to the Isle of Wight County Zoning Ordinance

BACKGROUND:

The proposed ordinance changes are suggested by Planning and Zoning staff as a result of their annual review and daily administration of County Ordinances.

The Board of Supervisors has previously held a public hearing on the proposed changes at its regular meeting on November 19, 2020 and continued discussion of the revisions at its regular meeting on December 10, 2020.

Staff previously recommended an alternative definition for the word "junk" proposed in Article II, the definitions section of the Zoning Ordinance.

The new proposed new definition of the term "junk" is as follows:

Junk.\ "Junk" shall mean any worn, cast off, or discarded article or material which is ready for destruction and has been collected or stored for salvage or conversion to some use. (See also "scrap and salvage services" in section 3-7000.)

A redlined copy of the proposed changes and full copy of the draft Ordinance are provided for the Board's review.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

The Planning Commission recommended approval of the proposed Zoning Ordinance amendments by a vote of ten in favor with none in opposition at its regular meeting on October 27, 2020. Staff also recommends approval of the proposed changes.

ATTACHMENTS:

Description	Type	Upload Date
Zoning Ordinance Revision Overview 120220	Backup Material	12/2/2020

2020 Annual Review of Proposed Zoning Ordinance Revisions Revised 12/2/20

The proposed changes are listed by article below. New, proposed language is in red underlined text and proposed deleted text is in ~~red struck-through~~ text.

Article II. Interpretations and Basic Definitions.

The following suggested revisions are meant to update the ordinance with terms that are more commonly used today.

1. Remove definition of “automobile wrecking yard.”
2. Remove the definition of “junkyard” and replace it with a definition of “junk” as follows:

Junk.\ "Junk" shall mean any worn, cast off, or discarded article or material which is ready for destruction and has been collected or stored for salvage or conversion to some use. (See also "scrap and salvage services" in section 3-7000.)

3. Include the words, “watercraft” and “trailer” in recreational vehicle definition as follow:

Recreational vehicle.\ A vehicle designed to be self-propelled or permanently towable; and not designed for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use. This term shall also include watercraft and trailers.

4. Include new definition of “watercraft” as follows:

Watercraft.\ Any vessel that is used or capable of being used as a means of transportation on water and is propelled by machinery, whether or not the machinery is the principal source of propulsion, as defined by the Code of Virginia.

Article III. Use Types.

The following changes are proposed for Section 3-6000, “Commercial use types”:

1. Include in the use type definition of “Motor vehicle/outdoor storage” that this definition shall apply to those establishments with ten (10) or more vehicles for clarity with an exemption for bonafide agricultural operations. Revise the definition as follow:

Motor vehicle/outdoor storage.\ The outdoor storage of ten (10) or more operable motor vehicles, and/or watercraft boats, 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 boats, motor homes, or RVs. This use shall specifically include vehicle impound areas for operable vehicles.

2. Add Peddler and Itinerant merchants as a commercial use for clarity.

Itinerant Merchant.\ A person who shall engage in, do or transact any temporary or transient business in the county, either in one 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 year, for the exhibition of or sale of such goods, wares or merchandise..

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."

3. Revise the following definition to combine the multiple definitions of “junkyard,” “automobile wrecking yard,” and “scrap and salvage yard” into one use type to simplify the ordinance. All three uses are of a similar nature, and common siting considerations include such concerns as noise, dust, odor, and unsightliness. Below is the draft of a general definition for a “scrap and salvage service” use type to include automobile wrecking yards, junkyards, and scrap and salvage service uses:

Scrap and salvage service.\ Any lot or place engaged in the storage, sale, dismantling or other processing of previously used materials. Typical uses include paper and metal salvage, the outdoor storage of more than five (5) inoperable vehicles to include retail and/or wholesale sales of such vehicles, used automobile parts and supplies, used tire storage, and the storage and/or sale of other items generally defined as “junk” as defined in Article II.

Article IV. – Zoning Districts and Boundaries.

1. Revise Sec. 4-14006.D under “Regulations pertaining to all planned developments” to clarify that the applicant has the right to revised supplementary use criteria with the approval of their master plan as follows:
 - D. ~~{Development standards and architectural guidelines.}~~ Development standards and architectural guidelines in a master development plan approved by the board of supervisors that are designated as controlling over standards and guidelines for the highway corridor overlay (HCO) district, ~~or~~ the Newport development service overlay (NDSO) district or supplemental use regulations, specifically identified as conflicting by the applicant, shall be effective with respect to the related planned development. Standards and guidelines for the HCO district, ~~or~~ the NDSO district or the supplemental use regulations that are not specifically identified as conflicting and supplanted in the approved master development plan shall be effective with respect to the planned development.

2. Staff requests an amendment to Section 4-2004.A, “Required zoning,” in the RAC zoning district to establish a maximum lot size for “homestead” lots similar to what is already required in the Rural Residential (RR) zoning district for consistency with standards for new lots in the rural areas. According to the Ordinance, the purpose of the RR district is to provide for limited and low-density residential development within the rural agricultural conservation (RAC) as designated in the comprehensive plan, while being protective of the county's rural character and preserving open space and productive farm and timberlands.

In order to create a new lot in the RAC zoning district, you must first apply to rezone the property to RR. Currently, new lots in the RR zoning district must have a minimum lot area of one acre and a maximum lot area of ten acres.

A. A single tract of land may be permitted one (1) "by-right" division of land around an existing residence without rezoning, in accordance with the Rural Residential Zoning District standards and shall count toward the total number of divisions permitted per the Sliding Scale Development option in Section 4-3004.A. that the minimum lot size and setback requirements are met for the newly created lot, the residual tract meets all minimum lot size requirements, and all applicable provisions of the subdivision ordinance are met. Existing residence shall mean any residence in existence as of the date of adoption of the zoning ordinance August 30, 2005.

3. Revise Section 4-3004.B.3 under, “Sliding scale development in the rural residential (RR) district,” to apply to properties with frontage on roads not designated as local roads by VDOT as follows:
 - B. In addition to the base density permitted above, the following standards shall be met:
 - 1.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.
 - 2.Lots shall be located to maximize continued use of the residual parcel for agricultural and silvicultural purposes.
 - 3.Unless otherwise approved by the board of supervisors, the first two (2) lots shall be located on private shared driveways that serve no more than two (2) residences, with no frontage on the public road that does not have a local road functional classification as designated by VDOT.
4. Amend Table of Permitted uses accordingly to include Peddler and Itinerant Merchant uses added to Article III.

Article V. - Supplementary Use Regulations.

1. Add clarification that the keeping of inoperable watercraft, similar to inoperable vehicles is prohibited unless they meet certain conditions.

Sec. 5-1001. - Prohibited uses.

The following uses are specifically excluded from all districts:

- A. Unless otherwise expressly permitted, the use of a recreational vehicle as a temporary or permanent residence.
- B. Unless associated with a bonafide agricultural use, the use of a motor vehicle permanently parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. (7-18-19; 3-19-20.)
- C. It shall be unlawful for any person, firm or corporation to keep on any property any watercraft which is inoperable, except within a fully enclosed building or structure or otherwise shielded or screen from view, subject to the following:
 - 1. On property less than two acres, one inoperable watercraft may be parked or stored outside of a fully enclosed building if such watercraft is shielded or screened from view by covers; provided that up to two inoperable watercraft may be parked or stored outside of a fully enclosed building if the owner of such watercraft demonstrates that they are actively restoring or repairing one of the watercraft, the second watercraft is being used for the restoration or repair, and each watercraft parked or stored outside a fully enclosed building is shielded or screened by covers;
or
 - 2. On property two acres and larger, two inoperable watercraft, may be parked or stored outside of a fully enclosed building if such watercraft are shielded or screened from view by covers; or
 - 3. The inoperable watercraft is kept at a commercial business in compliance with the County's zoning regulations covering such business and/or a conditional use permit has been issued for the operation of such business; or
 - 4. An inoperable watercraft being repaired at a permitted repair business may be kept at such property for no more than sixty continuous days.
 - 5. As used in this section:
 - (i) Inoperable watercraft means any watercraft
 - (a) Which is not in operating condition; or
 - (b) Which, for a period of sixty days or longer, has been partially or totally disassembled by the removal of the engine, or other essential parts required for operation of the watercraft; or
 - (c) On which there are displayed no valid state license and /or registration;
 - (ii) Shielded or screened from view means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.
- 2. Proposed changes to Section 5-2000.H, "Supplementary density and dimensional regulations" clarifies that propane tanks and generators shall meet the setback requirements as is required for similar structures. The proposed language would be as follows:
 - H. ~~[Architectural features, chimneys, air conditioners, cornices, eaves, belt courses, sills, canopies, or other similar architectural features.]~~ Architectural features, chimneys, air conditioners, generators, fuel tanks, cornices, eaves, belt courses, sills, canopies, or

other similar architectural features (but not including bay windows or vertical projections) may project into a required side yard not more than eighteen (18) inches, but not closer than three (3) feet to the side lot line, and may not exceed thirty-six (36) inches. Chimneys and air conditioners may project into any yard not more than eighteen (18) inches, but air conditioners rated at twenty-four thousand (24,000) BTU or less shall not be so placed as to discharge air within five (5) feet of side yard lines, and those rated over twenty-four thousand (24,000) to discharge air within twelve (12) feet of side yard lines, other than side yard lines adjacent to streets.

3. Remove items 1 under Section 5-4000.B, “Net developable area,” which exempts lots in the RAC zoning district to ensure consistency with subdivision requirements as follows:

B. Applicability. The net developable area shall be used for determining the density and building coverage of development permitted on a particular parcel or area. This approach shall apply to all forms of land development, with the exception of the following:

~~1. The RAC zoning district.~~

~~1.~~ 2. Single-family lots subdivided and approved for development prior to the adoption of this ordinance.

~~2.~~ 3. Single-family lots shown on a preliminary subdivision plat in compliance with the provisions of subsection 1-1014.B.2.

4. Add clarification that the “accessory” dwelling unit is to be insubordinate and incidental to the principal structure in Section 5-5002. - Supplementary use regulations for residential use types:

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

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

1. Residential accessory apartment.Where allowed as a permitted or a conditional use in the underlying zoning district, the following shall apply:

c. Apartment size.

- i. Maximum floor area: The maximum floor area of an accessory apartment in a primary dwelling shall not exceed one thousand (1,000) square feet or thirty-five percent (35%) of the living area of the primary dwelling, excluding garages, breezeways, etc., whichever is less. The maximum floor area of an accessory apartment in an accessory building shall not exceed fifty percent (50%) of the floor area of the accessory building, fifty percent (50%) of the gross floor area of the principal dwelling or 1,200 square feet in area, whichever is less.
5. Since multifamily uses include apartments and condominiums, it is necessary to remove the reference to apartments in Section 5-5002.O, “O. Multifamily dwelling/congregate housing,” as follows:
 1. Districts permitted. Multifamily apartments and congregate housing uses are permitted as indicated in the zoning district regulations. The following standards for such ~~apartment~~-uses are intended to supplement, and in some cases, supersede those outlined in the schedule of zone regulations district regulations.
 2. Density controls for multifamily ~~apartment~~-development.
 - a. Lot area and dimensions.
 - b. Minimum frontage:One hundred (100) feet in continuous frontage.
 - c. Minimum lot depth:One hundred (100) feet.
 - d. Minimum setbacks:
 - i. Front: Thirty (30) feet.
 - ii. Side: Fifteen (15) feet.
 - iii. Rear: Twenty (20) feet.
 3. Buffers and special setback requirements.
 - a. An additional setback of one (1) foot for each one (1) foot of height in excess of thirty-five (35) feet shall be required from all public streets and any property line adjacent to single-family residential districts or property used for single family dwellings. No parking or refuse containers should be located within the required setback area between single family and multifamily.
 - b. The minimum distance between multifamily structures shall be no less than the height of the taller of the two (2) adjacent structures.
 4. Maximum density:Fourteen (14) dwelling units per acre.
 5. Lot coverage:The maximum lot coverage shall be sixty (60) percent of the total tract area.
 6. Open space:
 - a. A minimum of seven hundred and fifty (750) square feet per unit shall be maintained as open space. This required open space shall not be devoted to service driveways, off-street parking, or loading spaces.
 - b. Each such recreational space shall be at least fifty (50) feet in the least dimension.
 7. ~~[Multifamily apartments:]~~Multifamily apartments uses shall be provided with public water and public sewerage systems constructed in accordance with county standards and specifications for such systems and be approved by all appropriate agencies.

8. Private streets shall meet the design, material and construction standards established by the Virginia Department of Transportation. A maintenance plan shall be prepared and submitted as part of the site development plan approval process.
9. Landscaping:For the purpose of landscaping, multifamily dwellings shall be treated as a commercial use type and required to submit a landscaping plan meeting all of the guidelines and specifications of article VIII pertaining to such use types.
10. Management of common and open spaces in multifamily ~~and condominium~~ developments:
 - a. All common and open spaces shall be preserved for their intended purpose as expressed on the approved site plan.
 - b. A management structure consisting of a nonprofit association, corporation, trust, or foundation for all owners of residential property within the development shall be established to insure the maintenance of open space and other facilities.
 - c. The management structure shall be established prior to final site plan or construction plan approval.
 - d. Membership in the management structure shall be mandatory for all residential property owners, present or future, within the development.
 - e. The management structure shall manage all common and open spaces, recreational and cultural facilities, and private streets, and shall provide for the maintenance, administration and operation of said land and improvements, and secure adequate liability insurance on the land.
 - f. The management structure and organization shall comply with the Condominium Act, Code of Virginia (1950), as amended.
11. Architectural treatment:The following architectural treatments shall be incorporated into all multifamily developments:
 - a. Developments shall possess architectural variety but enhance an overall cohesive residential character. This character shall be achieved through the creative use of design elements such as balconies and or/terraces, articulation of doors and windows, varied sculptural or textural relief of facades, and architectural ornaments, varied rooflines or other appurtenances such as lighting fixtures and/or plantings, and where applicable varied placement of front entryways.
 - b. Pedestrian pathways shall be used to link all buildings, greenspaces, and recreational areas within the development. Buildings shall be linked to sidewalks and to each other as appropriate. These walkways shall be landscaped and lighted.
 - c. Open space areas shall be considered an organizing element of the site plan. Courtyards or greens shall be utilized within the development. In such instances, residential buildings shall front on these open spaces.
6. The following changes to Section 5-5005, Supplementary use regulations for commercial use types, are proposed to help reduce potential negative impacts to adjacent residential areas from motor vehicle or watercraft sales.

V. Motor vehicle dealership, new.

1. General standards:

- ~~a. The minimum area required for a motor vehicle dealership, new, shall be two (2) acres.~~
- ~~b. Minimum frontage on a public street shall be two hundred (200) feet.~~
- ~~c. All facilities associated directly with the motor vehicle dealership, whether indoors or outdoors, shall be located not less than the minimum required building setback one hundred (100) feet from the nearest residence residential district on an adjoining lot, and shall meet the screening zone requirements as specified in article VIII.~~
- d. Outdoor display areas in conjunction with automobile sales shall be constructed of the same materials required for off-street parking areas and shall be clearly designated by the use of borders around the perimeter of the display lot using fences, walls, wooden timbers, brickwork, or other similar treatment.
- e. The storage and/or display of motor vehicles in the required frontage zone, buffer, or planting strip along a right-of-way shall be prohibited and shall be limited to the designated display area only.
- f. Exterior display or storage of new or used automobile parts is prohibited.
- g. All repair services shall take place within an enclosed structure.
- h. Body and fender repair services are permitted provided:
 - i. The area devoted to such services does not exceed twenty percent (20%) of the floor area.
 - ii. The repair facilities are at least one hundred fifty (150) feet from any adjoining residential district.
 - iii. Any spray painting takes place within a structure designed for that purpose and approved by the department of building inspections.
 - iv. Any vehicle awaiting body repair or painting, or is missing major mechanical or body parts, or has been substantially damaged shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential district, in addition to meeting the landscaping zone requirements of article VIII.

W. Motor vehicle dealership/used.General standards:

- ~~1. The minimum area required for a motor vehicle dealership, used, shall be two (2) acres.~~
- ~~2. Minimum frontage on a public street shall be two hundred (200) feet.~~
- ~~1. All facilities associated directly with the motor vehicle dealership, whether indoors or outdoors, shall be located not less than the minimum required setback for a principal structure one hundred (100) feet from the nearest residence residential use or district on an adjoining lot, and shall meet the screening zone requirements as specified in article VIII.~~
- 2. Outdoor display areas in conjunction with automobile sales shall be constructed of the same materials required for off-street parking areas and shall be clearly

designated by the use of borders around the perimeter of the display lot using fences, walls, wooden timbers, brickwork, or other similar treatment.

3. The storage and/or display of motor vehicles in the required frontage zone, buffer, or planting strip along a right-of-way shall be prohibited and shall be limited to the designated display area only.
4. Exterior display or storage of new or used automobile parts is prohibited.
5. All repair services shall take place within an enclosed structure.
6. Any vehicle which is missing major mechanical or body parts or has been substantially damaged shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential district, in addition to meeting the landscaping zone requirements of article VIII.

Y. Motor vehicle/rental.General standards:

- ~~1. The minimum area required for motor vehicle rental shall be one (1) acre.~~
1. All facilities associated directly with the motor vehicle dealership, whether indoors or outdoors, shall be located not less than the minimum required setback for a principal structure one hundred (100) feet from the nearest residence residential use or district on an adjoining lot, and shall meet the screening zone requirements as specified in article VIII.
2. Unless otherwise permitted and approved, the conducting of any major repairs, spray paint operation, body or fender repair, or sale of gas shall be prohibited, except that not more than one (1) gasoline pump shall be permitted, but only for the fueling of rental vehicles.
3. Vehicles shall be stored or parked in areas constructed of the same materials required for off-street parking areas and shall meeting the landscaping requirements for parking zones.
4. When such a use abuts a residential zone or civic use, the use shall be screened by a solid vinyl or wooden fence, or masonry wall not less than six (6) feet in height.
5. Signs, product displays, parked vehicles, and other obstructions that would adversely affect visibility at any intersection or driveway shall be prohibited.
6. Lighting, including permanent illuminated signs, shall be arranged so as not to reflect or to cause glare into any residential zone.

Article VI. Overlay Districts.

This proposed change is to clarify the intent of this section to reduce the required setback to no less than twenty feet. Due to the already short building setbacks in the more intense zoning districts, staff recommends that front setbacks be reduced to no less than 25 feet subject to review and approval by the zoning administrator after consideration of necessary utility, landscaping and pedestrian corridors.

Section 6-2009.E.

E. All vehicular movement and parking areas requiring twenty or more spaces shall be paved with concrete, asphalt, or other similar material.

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.

Article VIII. Landscaping and Screening Standards.

Proposed amendments include increasing the amount of required native landscaping materials.

Sec. 8-1003. - Landscaping and screening requirements and design guidelines.

A. Overall site design. The following overall site layout and design standards shall apply to all landscaping plans:

1. Landscaping design and planning are to be integrated within the overall site design.
2. Natural appearing landscape forms are strongly encouraged. Straight rows of plantings are discouraged and trees, shrubs, flower beds, and other material types shall be interspersed with one another.
3. Landscape materials and designs are to be appropriate for the specific characteristics of the site.
4. Native plants, as identified by the Virginia Department of Conservation and Recreation (DCR), and materials indigenous to the region are desirable and are encouraged, particularly because of their adaptation to local climate, disease resistance, soils, hydrology, and adverse weather conditions. As a resource for developing landscape plans, the zoning administrator shall maintain and make available to the public a list of desirable native trees, shrubs and perennials based on their adaptability to the climate of eastern Virginia.
5. Invasive species, as identified by the Virginia Department of Conservation and Recreation (DCR), shall be prohibited.
6. Landscape plantings located within the sight triangle of roadway or driveway intersection shall conform to Virginia Department of Transportation (VDOT) guidelines for height .
7. Landscaped areas shall require protection from vehicular encroachment by such means as, but not limited to, wheel stops, concrete or bituminous curbs, or decorative walls or fencing.
8. No more than fifty percent (50%) of the required trees or shrubs in a single landscaping zone shall be of a single species. This subsection shall not apply to existing trees preserved on the site or to single-family residential lots which are regulated by subsection 8-1005.F.

9. Existing and viable trees and areas of significant vegetation are to be preserved and protected, in accordance with section 8-1009. Existing shrubs and trees which are suitable for use in required landscaping zones shall be preserved and used to the maximum extent practicable. In no case shall any viable, mature, heritage, or significant tree eight (8) inches or more in diameter measured at breast height (four and one-half (4½)) feet from ground level) be removed from any landscaping zone except to accommodate necessary entrances, utility easements, or where such preservation would create or perpetuate demonstrable hazards to public health, safety, or welfare, subject to the approval of such removal by the zoning administrator.
10. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible. Trees and vegetation which are to be preserved shall be clearly marked in the field.
11. Decorative walls, fences, berms and/or other earthforms may be integrated into any landscaping program subject to setback and sight triangle requirements, and the materials and construction standards in section 8-1009.
12. Where sidewalks, or other pedestrian, bike, and/or equestrian trails are proposed in the landscaped area, such paths shall be meandering, if necessary, in order to preserve the existing trees.
13. To the greatest extent possible, stormwater management structures and facilities shall be placed outside of the landscaping zones identified in this article. When placement of stormwater management structures and facilities in a landscaping zone is demonstrated as unavoidable by the applicant, and is not prohibited elsewhere in this ordinance, such structure or facility shall be landscaped in a naturalized pattern utilizing native species and the landscaping point required for the area encompassed by the stormwater management structure or facility shall be disbursed throughout the remaining area of the landscaping zone. The zoning administrator may allow points to be distributed to areas immediately adjacent to the landscaping zone affected in order to allow for a more naturalized appearance and prevent overplanting within the remaining landscaping zone area.

B. Landscaping points. All plants, fences, walls, berms, or other landscaping elements in a development plan are assigned a landscaping points value in table 8-1004. Each applicable landscaping zone, as defined in section 8-1005, on a development plan has a required landscaping points value and required design guidelines which must be met by the landscaping plan.

1. All landscaping plans are required to have at least twenty-five percent (25%) of the total landscaping points for the site as evergreen species.
2. All landscaping plans are required to have at least fifty percent (50%) of the total landscaping points for the site as native species.
3. In addition to the points required for each landscaping zone, all multifamily, civic, commercial, industrial, and miscellaneous uses are required to achieve a minimum fifteen percent (15%) landscape surface ratio (LSR) for the total project site.
 - a. Plantings within the frontage zone, buffer zone, parking zone, foundation zone, and screening zone may be included as landscape area in the LSR calculation.

- b. Undisturbed, delineated wetlands and riparian buffers may be included as landscape area in the LSR calculation.

Sec. 8-1005. Landscaping zones.

F. Zone requirements.

1. Frontage zone. The frontage zone is a landscaping area located along the entire frontage of the parcel with a width equal to the width of the required front setback or visual buffer for the parcel, as defined by the zoning district or appropriate overlay district.
 - a. There are two (2) frontage zone classifications.
 - i. Rural frontage zone applies to all properties which are outside of the designated development service districts and village centers of the county comprehensive plan.
 - (A) In the rural frontage zone, properties can, regardless of the required setback, provide one (1) of the following:
 - (1) Return the zone to native vegetation and leave the zone untouched. Native vegetation shall be defined as a minimum of one and one-quarter (1.25) points of landscaping per linear foot of lot frontage using species native to southeastern Virginia.
 - (2) If the existing vegetation within the zone is deemed adequate to meet the required landscaping points, as determined by the zoning administrator or his designee, the existing vegetation may be maintained, leaving the zone area untouched.
 - (B) In the rural frontage zone, sixty percent (60%) of landscaping points are required to be non-ornamental species of trees. No more than fifty percent (50%) of trees may be evergreen species. ~~Native species are required.~~

Article IX. - Signs.

The proposed change in this section is to make language consistent throughout the article.

Sec. 9-1004. - Exemptions.

- A. The following signs are exempt from regulation under this article without a zoning permit so long as such signs are located a minimum of ten (10) feet from any property line, are located outside of VDOT right-of-way and are located outside of any sight triangles related to public or private roadways, driveways, or other points of ingress or egress:
 8. No more than four (4) temporary signs not more than four (4) square feet in area or one (1) temporary sign not more than sixteen (16) square feet in area in residential and agricultural ~~zones~~ zoning districts and which are removed within ninety (90) days after being erected.

Sec. 9-1006. - Permitted signs.

A. Temporary signs. ~~Each nonresidential or nonagricultural establishment~~ Each parcel in nonagricultural or nonresidential zoning districts shall be allowed the following temporary signage.

**Amending and Reenacting the Following Articles of Appendix B, Zoning:
Article II (Interpretations and Basic Definitions), Article III (Use Types),
Article IV (Zoning Districts and Boundaries), Article V (Supplementary Use
Regulations), Article VI (Overlay Districts), Article VIII (Landscaping and
Screening Standards), and Article IX (Signs)**

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 II. - Interpretations and Basic Definitions.

Sec. 2-1002. - definitions.

When used in this ordinance the following terms shall have a meaning as ascribed herein:

Abutting.\ Having a common border with, or being separated from such common border by right-of-way, alley or easement.

Access, pedestrian.\ The right to cross between public and private property, allowing pedestrians to enter and leave property.

Access, vehicular.\ A means of vehicular approach or entry to or exit from property, from a street or highway.

Accessory building.\ A subordinate building customarily incidental to and located upon the same lot occupied by the principal building. When an accessory building is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered a part of the principal building. An accessory building is no longer considered subordinate if it exceeds the size of the principal building.

Accessory use.\ A use customarily incidental and subordinate to, and on the same lot as a principal use.

Administrator.\ See "zoning administrator."

Alley.\ A right-of-way that provides secondary service access for vehicles to the side or rear of abutting properties.

Alteration.\ Any change or rearrangement of supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one (1) location to another.

Alternate discharge sewage system.\ Any device or system which results in a point source surface discharge of treated sewage with flows less than or equal to one thousand (1,000) gallons per day on a yearly average. These systems are regulated by the Virginia Department of Health and under a general Virginia Pollution Discharge Elimination System (VPDES) permit issued by the Virginia Department of Environmental Quality (DEQ).

Amend\ or amendment. Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a zone or zoning district; or any repeal or abolition of any map, part thereof or addition thereto.

Amenity space.\ Space devoted to such uses as uncovered open space for public enjoyment consisting of such things as, but not limited to: Green areas, gardens, malls, plazas, walks, pathways, promenades, arcades, lawns, fountains, decorative plantings, passive or active recreational areas. Such space shall not include parking or maneuvering areas for vehicles. Area devoted to this purpose shall be easily and readily accessible to the public or residents of the development. In areas where pedestrian walkways are shown on an approved and adopted master plan such area within the percentage required for amenity space as is necessary shall be devoted to the provision of pedestrian walkways or paths for general public use.

Anchor store.\ A store that acts as the major retailer and brings in the majority of business within a shopping center, mall or similar commercial complex.

Antenna.\ A device in which the surface is used to capture an incoming and/or transmit an outgoing radio-frequency signal. Antennas shall include the following types:

1. Omnidirectional (or "whip") antenna.An antenna that receives and transmits signals in a 360-degree pattern.
2. Directional (or "panel") antenna.An antenna that receives and transmits signals in a directional pattern typically encompassing an arc of one hundred twenty (120) degrees.
3. Dish (or parabolic) antenna.A bowl-shaped device, less than two (2) meters in diameter, that receives and transmits signals in a specific directional pattern.

Arcade.\ A covered passage having an arched roof.

Attic.\ The area between roof framing and the ceiling of the rooms below that is not habitable, but may [be] used for storage or mechanical equipment. Improvement to habitable status shall make it a story.

Automobile.\ See "motor vehicle."

Base density.\ The maximum number of dwelling units permitted outright by a particular land-use classification.

Base flood\ The flood having a one-percent chance of being equaled or exceeded in any given year.

Base flood elevation.\ The Federal Emergency Management Agency designated one-percent annual chance water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this ordinance, the base flood is 100-year flood or one-percent annual chance flood.

Basement.\ That portion of a building that is partly or completely below grade. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes. For the purposes of floodplain management, any area of the building having its floor subgrade (below ground level) on all sides.

Billboard.\ See "sign, billboard."

Block.\ That property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets or the nearest intersecting street and railroad right-of-way, river, or between any of the foregoing and any other manmade or natural barrier to the continuity of development.

Board of supervisors.\ Governing body of Isle of Wight County. Also referred to as the board.

Board of zoning appeals.\ The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance. The board of zoning appeals is also authorized to grant variances from provisions of the zoning ordinance in particular circumstances.

Breezeway.\ A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

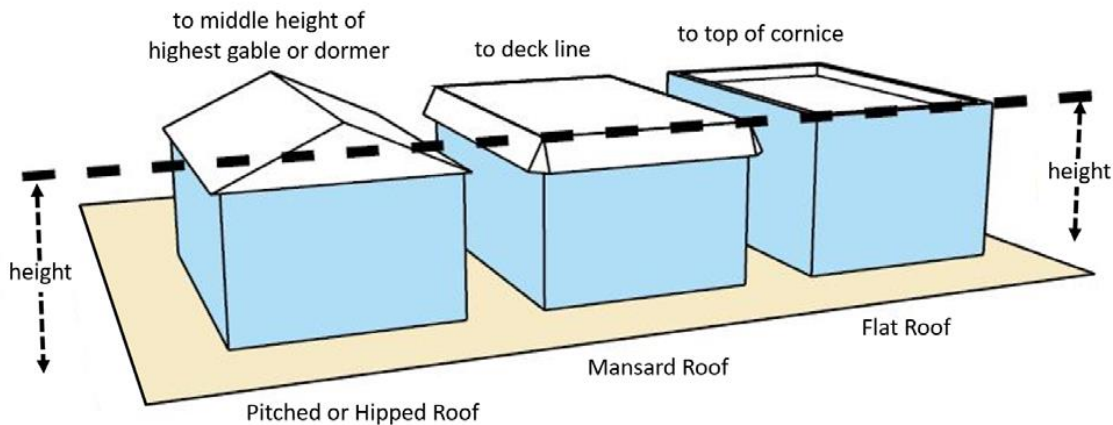
Buffer\ or bufferyard. A natural open space or landscaped area intended to separate and protect adjacent or contiguous uses or properties, including land uses abutting highly traveled highway corridors, from noise, lights, glare, pollutants or other potential nuisances.

Building.\ A structure with a roof designed to be used as a place of occupancy, storage, or shelter.

Building, floor area.\ The total number of square feet area in a building, excluding uncovered steps, and uncovered porches, but including the basement and the total floor area of accessory buildings on the same lot.

Building, height.\ The height of a building is the mean vertical distance from the average established grade in front of the lot or from the average natural grade at the building line, if higher, measured to the roof line, defined as; the average height of the top of the cornice of flat roofs, the deck line of a mansard roof, the middle height of the highest gable or dormer in a pitched or hipped roof. If a building is located on a terrace, the height above the street grade may be increased by the height of the terrace. On a corner lot, the height is the mean vertical distance from the average natural grade at the building line, if higher, on the street of greatest width, or if two (2) or more such streets are of the same width, from the highest of such grades.

Illustration of Building Height



Building line. A line parallel to the front property line of a yard beyond which the foundation wall and/or any enclosed porch, vestibule, or other enclosed portion of a building shall not project, except as provided in subsection 5-2000.D, supplementary density and dimensional requirements.

Building, main. See "principal building or structure."

Building official, superintendent of building inspections. The person designated as the official responsible for enforcing and administering all requirements of the Uniform Statewide Building Code in Isle of Wight County, Virginia.

Bulk regulations. Controls that establish the maximum size of buildings and structures on a lot or parcel and the buildable area within which the structure may be placed, including lot coverage, height, setbacks, density, floor area ratio, open space ratio, and landscape ratio.

Caliper. A measurement, in diameter, of plant material size. All plant material requiring a caliper measurement shall be measured using diameter at breast height (DBH), which is defined as four and one-half (4½) feet above the ground on the uphill side of the tree or plant.

Camping site. Any plot of ground within a campground used or intended for occupation by the camping unit.

Camping unit. A tent, tent trailer, camping trailer, pickup camper, motor home, recreational vehicle or any other commonly used temporary shelter device used as temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel. To qualify as a camping unit, vehicular and mobile units shall be eligible to be currently licensed and registered by a governmental body and shall be legal to travel on Virginia highways without special permits for size, weight or other reasons.

Canopy. A roof-like structure of a permanent nature which may be freestanding or project from a wall of a building or its supports.

Canopy coverage. The percent of a fixed land area covered by the crown of an individual plant exceeding five (5) feet in height and measured fifteen (15) years from the date of installation. Or the percent of a fixed land area covered by the outermost limits of the crown of a cluster of plants exceeding five (5) feet in height, which create one (1) continuous area of coverage, measured fifteen (15) years from the date of installation.

Carport.\ A permanent roofed structure not more than seventy-five percent (75%) enclosed by walls and attached to the main building for the purpose of providing shelter for one (1) or more motor vehicles.

Cellar.\ See "basement."

Certificate of occupancy.\ A document issued by the building official allowing the occupancy or use of a structure and certifying that the structure and/or site has been constructed and is to be used in compliance with all applicable plans, codes and ordinances.

Channel.\ A natural or artificial watercourse with a definite bed and banks to confine and conduct continuously or periodically flowing water.

Child.\ Any natural person under eighteen (18) years of age.

Chord.\ A line segment joining any two (2) points of a circle.

Circulation area.\ That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Co-location.\ The use of a single location structure and/or site by more than one (1) wireless communications service provider.

Coastal A Zone.\ Flood hazard areas that have been delineated as subject to wave heights between one and one-half (1.5) feet and three (3) feet and identified on the flood insurance rate maps (FIRMs) as areas of limits of moderate wave action (LiMWA).

Coastal high hazard area (CHHA).\ The portion of a coastal floodplain having special flood hazards that is subject to high velocity waters, including hurricane wave wash. The area is designated on the flood insurance rate map (FIRM) as zone V1-30, VE or V (V-zones).

Combination use.\ A use consisting of a combination of one (1) or more lots and two (2) or more principal uses separately listed in the district regulations.

Commercial vehicle.\ A vehicle designed to have more than two (2) rear wheels on a single axle. This shall not apply to pickup body type trucks, passenger van type vehicles, or to vehicles essential for an agricultural use associated with the premises.

Community impact statement.\ A document required by the county which outlines the impact a proposed development will have on environmental and cultural resources, and county services, including, but not limited to, schools, fire and rescue, and public utilities.

Conditional use.\ A conditional use is a use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review and recommendation by the planning commission and the granting of conditional use approval by the board of supervisors imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

Deck.\ A structure, without a roof or walls, directly adjacent to a principal building, which has an average elevation of thirty (30) inches or greater from finished grade.

Development.\ Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and

other paving, utilities, filling, grading: excavation, mining, dredging, drilling operations, or storage of equipment or materials.

Display lot.\ An outdoor area where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one (1) of the following specific uses must occur: motor vehicle sales, boat sales, recreational vehicle sales, gardening or nursery sales. Any other use must be approved as display lot uses by the zoning administrator.

Dock or pier.\ Any structure extending into a body of water and used for landing or launching watercraft, for fishing or for otherwise providing access to the water.

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

Driveway.\ A roadway providing access for vehicles to a parking space, garage, dwelling, or other structure. A driveway serves only one (1) or two (2) lots.

Dwelling.\ A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multifamily dwellings, but do not include, hotels, motels, boarding and rooming houses, bed and breakfast establishments, and the like.

Dwelling unit.\ One (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one (1) family with toilets and facilities for cooking and sleeping separate from any other dwelling unit.

Earthcraft certified construction.\ An environmentally friendly, residential building program developed by the Southface Energy Institute which requires certified builders to meet guidelines for energy efficiency, water conservation, and other environmental practices on single-family and multifamily unit construction. Similar to the LEED certification program, but focused specifically on residential development.

Earth tone.\ A color scheme that draws from a color palette of browns, tans, grays, greens, and some reds. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks. Many earth tones originate from clay earth pigments, such as umber, ochre, and sienna. Colors such as orange and blue are not considered earth tones because they are not found naturally on pieces of land even though they can be found within nature.

Elevation.\ A vertical distance above or below a fixed reference point.

Environmental assessment.\ An analysis of the beneficial or detrimental effects of a development on the natural resources and characteristics of the property, including resources such as, but not limited to, wetlands, flora and fauna, and other ecosystems.

Equipment enclosure.\ A small building, cabinet, or vault used to house and protect electronic or mechanical equipment. Associated equipment may include, but is not limited to, air conditioners and emergency generators.

Expansion to an existing manufactured home park or subdivision.\ For the purposes of floodplain management means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Facade.\ That portion of any exterior elevation of the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Family.\ An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons, occupying a single-family dwelling.

Flood.\ A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source;
3. Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

A flood may be further defined as the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding.

Flood hazard zone.\ The delineation of special flood hazard areas into insurance risk and rate classifications on the flood insurance rate map (FIRM) published by the Federal Emergency Management Agency (FEMA) and which include the following zones and criteria:

1. Zone A:On the FIRMs accompanying the flood insurance study (FIS) shall be those areas for which no detailed flood profiles or elevations are provided, but the one-percent annual chance floodplain boundary has been approximated.
2. Zone AE:On the FIRMs accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has not been delineated.
3. Zone VEorZone V:On the FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast or other areas subject to high velocity waves.
4. Zone X:Areas located above the 100-year flood boundary and having moderate or minimal flood hazards.
5. Floodway district:Is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying waters of the one-percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in Table 4 of the FIS and shown on the accompanying FIRM.
6. Coastal A zone:Is labelled as AE on the FIRMs and is those areas that are seaward of the limit of moderate wave action (LiMWA) line. As defined by the Virginia Uniform Statewide Building Code, these areas are subject to wave heights between one and one-half (1.5) feet and three (3) feet.

Flood insurance rate map (FIRM).\ An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood insurance study.\ An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, mudslide hazards and/or flood-related erosion hazards.

Floodplain.\ A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; an area subject to the unusual and rapid accumulation or runoff of surface water from any source.

Floodprone area.\ Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodproofing.\ Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, sanitary facilities, structures and their contents.

Floodway.\ The channel of a river or other watercourse and the adjacent land areas required to carry and discharge the 100-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

Floor area.\ The square feet of floor space within the outside lines of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or unfinished space in a basement or attic.

Floor area ratio (FAR).\ The total floor area of all buildings or structures on a lot divided by the net developable area of the lot.

Freeboard.\ A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.

Frontage.\ The linear measurement in feet of the front property line abutting a street.

Functionally dependent use.\ A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Garage, private.\ An accessory building which is designed or used for the storage of vehicles owned and used by the occupants of the building to which it is accessory and which is not operated as a separate commercial enterprise.

Garage or yard sale.\ A sale of used household or personal articles which are normally and customarily used or kept on a residential premises (such as furniture, tools, or clothing) held on the seller's own premises. Such items shall not have been specifically purchased or crafted for resale.

Gazebo.\ A detached, covered freestanding, open-air or screened accessory structure designed for recreational use only and not for habitation.

Glare.\ The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light.

Green roof.\ The roof of a building which is partially or completely covered with vegetation and soil or other growing medium planted over a waterproof membrane.

Habitable floor.\ Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

Highest adjacent grade.\ For the purposes of floodplain management, the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic landmark/area/structure.\ Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been listed in the county's comprehensive plan or certified:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home garden.\ An accessory use in a residential district for the production of vegetables, fruits and flowers generally for use or consumption, or both, by the occupants of the premises.

Impervious surface.\ A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces may include, but are not limited to, buildings, roofs, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Intelligent siting.\ The practice of building placement which gives high consideration to environmental aspects such as solar orientation, seasonal shading, prevailing winds, etc., in order to allow for increased energy efficiency.

Internet Sweepstakes Café.\ Any principal business enterprise, where persons utilize electronic machines including, but not limited to, computers and gaming terminals to conduct games of chance (including sweepstakes) and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This definition includes, but is not limited to,

internet sweepstakes, video sweepstakes, electronic gaming operations, internet cafes, and/or cybercafés.

Junk.\ "Junk" shall mean any worn, cast off, or discarded article or material which is ready for destruction and has been collected or stored for salvage or conversion to some use. (See also "scrap and salvage services" in section 3-7000.)

Kiosk.\ A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted. Commercial transactions do not take place here.

Landscape.\ An expanse of natural scenery or the addition or preservation of lawns supplemented by, shrubs, trees, plants or other natural and decorative features to land.

Landscape surface ratio (LSR).\ A measure, expressed as a percentage, of the area to be landscaped on a site determined by dividing the landscaped area of the site by the total project area.

LEED certified.\ Leadership in energy and environmental design (LEED) certification program administered by the U.S. Green Building Council, which requires designers to meet guidelines for energy efficiency, water conservation, and other environmental practices.

Light trespass.\ Light from an artificial light source that is intruding onto adjacent properties and is a nuisance.

Livestock.\ Swine, sheep, cattle, poultry or other animals or fowl which are being produced primarily for food, fiber, or food products for human consumption.

Loading and unloading area.\ The area on a lot designated for bulk pickup and deliveries of merchandise and materials directly related to the use on said lot.

Lot.\ A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivision or as otherwise permitted by law.

Lot, corner.\ A lot abutting on two (2) or more streets at their intersection.

Lot, depth of.\ The shortest horizontal distance between the front and rear lot lines.

Lot, double frontage.\ An interior lot having frontage on two (2) streets.

Lot, flag.\ A lot not fronting on or abutting a public roadway or having limited frontage necessary for access and where access to the public roadway is essentially limited to a narrow private right-of-way.

Lot, interior.\ A lot other than a corner lot.

Lot, through.\ A lot having its front and rear yards each abutting on a street.

Lot area.\ The total horizontal area in square feet within the lot lines of a lot excluding designated future public rights-of-way.

Lot coverage.\ A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete or asphalt.

Lot line.\ A line dividing one (1) lot from another lot or from a street or alley.

Lot line, front.\ On an interior lot, the lot line abutting a street or right-of-way; or, on a corner lot, the shorter lot line abutting a street or right-of-way; or, on a through lot, the lot line abutting the street or right-of-way providing the primary access to the lot.

Lot line, rear.\ The lot line located opposite the front line.

Lot line, side.\ Any boundary of a lot, which is not a front lot line or a rear lot line.

Lot of record.\ A lot which has been legally recorded in the clerk's office of the Circuit Court of Isle of Wight County.

Lot width.\ The horizontal distance between the side lot lines, measured at the required front setback line.

Low impact development (LID).\ A site design approach to managing stormwater runoff which emphasizes conservation and use of on-site natural features to protect water quality. This approach implements small-scale hydrologic controls to replicate the pre-development hydrologic patterns of watersheds through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

Lowest floor.\ For the purpose of floodplain management, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR § 60.3.

Luminary.\ A lighting fixture assembly or source of artificial illumination including, but not limited to, bulbs, lamps, reflectors, refractors, and housing associated with them.

Manufactured home.\ A structure constructed to federal standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width and is forty (40) feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured home park, existing.\ A parcel of land divided into two (2) or more manufactured home lots for rent or sale existing prior to August 19, 1991.

Manufactured home park or subdivision, new.\ A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 19, 1991.

Mean sea level.\ National Geodetic Vertical Datum (NGVD) of 1929, to which all elevations on the FIRM (flood insurance rate map) and within the flood insurance study are referenced.

Mixed-use structure.\ A building or other structure containing a combination of two (2) or more different principal uses.

Motor vehicle.\ Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

Net developable area.\ The land deemed suitable for development within a given area or parcel. It is calculated by subtracting the sensitive environmental areas within the area or parcel that should be protected from development and the estimated right-of-way requirements and existing regional transmission line easements and rights-of-way from the total gross area. The result is the net developable area, which provides a realistic measure of land holding capacity for an area or parcel in the county. Refer to section 5-4000, net developable area, for additional information on net developable area.

New construction.\ For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (flood insurance rate map), August 19, 1991, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Nonconforming activity or use.\ The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Nonconforming building or structure.\ An otherwise legal building or structure that does not conform with the yard, height, maximum density or other bulk regulations, or is designed or intended for a use that does not conform to the use regulations, of this ordinance for the district in which it is located, either at the effective date of this ordinance or as result of subsequent amendments.

Nonconforming lot.\ An otherwise legally platted lot that does not conform to the minimum area or width requirements for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

Nonconforming site.\ An otherwise legal site for which existing improvements do not conform to the lot coverage, bufferyard, landscaping, parking and other site requirements set forth in the zoning or special overlay district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

Office park.\ A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

Official zoning map.\ The map or maps, together with all subsequent amendments thereto, which are adopted by reference as a part of this ordinance and which delineate the zoning district boundaries.

Open space.\ An area that is intended to provide light and air, and is designed, depending upon the particular situation, for environmental, scenic or recreational purposes. Open space may include, but need not be limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include structures, driveways, parking lots or other surfaces designed or intended for vehicular traffic.

Open space, common.\ Open space that is accessible to all occupants of a particular development and is not restricted to use by occupants of an individual lot or structure.

Open space ratio (OSR).\ A measure, expressed as a percentage, of site open space determined by dividing the gross open space area of a lot, parcel or tract of land by the total area of that lot, parcel or tract of land.

Parking area aisle.\ That portion of the parking area consisting of lanes providing access to parking spaces.

Parking area, lot or structure.\ An off-street area for parking or loading and unloading, whether required or permitted by this ordinance, including driveways, access ways, aisles, and maneuvering areas, but not including any public or private street right-of-way.

Parking space.\ A portion of the parking area set aside for the parking of one (1) vehicle.

Patio.\ A level surfaced area, directly adjacent to a principal building, without walls or a roof intended for outdoor lounging, dining, and the like, which has an average elevation of less than thirty (30) inches from finished grade.

Permeable materials.\ A variety of product alternatives to traditional, impervious surface materials which allow for the infiltration of stormwater through the soil to more naturally reduce runoff volumes and filter pollutants. Increased infiltration occurs either through the paving material itself, or through void spaces between individual paving blocks (also called pavers). Materials may include, but are not limited to: Pervious concrete, pervious asphalt, block and concrete modular pavers, and grid pavers.

Permit, building.\ An official document or certification permit that is issued by the building official and which authorizes the construction, alternation, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. This permit should not be a substitute for a zoning permit.

Permit, conditional use.\ A permit issued by the county board of supervisors authorizing the operation of a use under certain conditions and standards.

Permit, special use.\ A permit issued by the county board of supervisors authorizing a use not otherwise provided for in this ordinance as a permitted or conditional use.

Permit, zoning.\ A permit issued by the zoning administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

Phase I archeological study.\ A survey of archaeological resources undertaken in accordance with the Secretary of the Interior's Standards and Guidelines (48 FR, 44742) as may be amended and the Guidelines for Conducting Cultural Resource Survey in Virginia prepared by the Virginia Department of Historic Resources, as may be amended.

Photometric plan.\ A diagram consisting of lines showing the relative illumination in foot candles from a light source or group of light sources.

Planning commission.\ The Isle of Wight County Planning Commission.

Porch.\ A projection from a main wall or a building which can be covered, with a roof, or uncovered. The projection may or may not use columns or other ground supports for structural purposes.

Portable on demand storage units.\ Also known as a POD, a large container used for temporary storage. A POD is hauled to the property, loaded with items, hauled from the property and stored in a storage yard.

Poultry.\ Domestic fowl normally raised on a farm such as chickens, ducks, geese and turkeys.

Preliminary and final site development plan.\ Site development plans prepared by a certified or licensed engineer, surveyor, architect or landscape architect, that is required for development proposals outlined in section 7-2004, preliminary and final site development plan requirements.

Principal building or structure.\ A building or structure in which the primary or main use of the property on which the building is located is conducted and distinguished from an accessory or secondary building or structure on the same premises.

Principal use.\ A use which represents the primary or main use of the land or structure which is distinguished from an accessory use on the same premises.

Proffer.\ A condition voluntarily offered by the applicant and owner for a rezoning that limits or qualifies how the property in question will be used or developed.

Public water and sewer system.\ A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the state corporation commission or other applicable agency, and subject to special regulations as herein set forth.

Public way.\ Any sidewalk, street, alley, highway or other public thoroughfare.

Recreation, active.\ Leisure activities, usually organized and performed with others, often requiring equipment and constructed facilities, taking place at prescribed places, sites, or fields. The term active recreation includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

Recreation, passive.\ Recreation that involves existing natural resources and has a minimal impact. Such recreation does not require development of the site nor any alternation of existing topography. Such passive recreation shall include, but not be limited to, hiking, picnicking, and bird watching.

Recreational vehicle.\ A vehicle designed to be self-propelled or permanently towable; and not designed for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use. This term shall also include watercraft and trailers.

Redevelopment.\ The process of using land that contains or previously contained development.

Required open space.\ Any space required in any front, side or rear yard.

Residential plot plan.\ A plan submitted for the construction or location of all new single-family detached dwellings or two-family dwellings on an existing or platted lot. This plan shall meet the requirements of section 7-2002, residential plot plan.

Right-of-way.\ A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Road.\ See "street."

Satellite dish antenna.\ See "antenna."

Screening.\ The act of visually shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, walls, berms, or required planted vegetation.

Screen material.\ Materials that have been outlined in article VIII for the screening of service structures, equipment, and/or outdoor storage yards.

Seasonal shading.\ The practice of using plant material to capitalize on solar energy and light for heating and interior lighting purposes. An example would be using deciduous trees near windows to shade afternoon sun in the summer, but allow afternoon sun for heat and light through in the winter.

Service building.\ A building used to house stationary or movable service equipment and mechanical equipment for the maintenance and function of onsite machinery.

Setback.\ The required minimum horizontal distance between the building line and the related front, side, or rear property line. A setback is meant from a street not a driveway.

Setback line.\ A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

Shopping center.\ A grouping of architecturally unified and related retail establishments which are planned, developed, owned, and managed as a single operating unit, and which share interconnected walkways and parking areas. The establishments contained within a shopping center are related to each other and the market area served in terms of size, type, location, and market orientation.

Shrub.\ A relatively low growing, woody plant typified by having several permanent stems instead of a single trunk.

Shrub, deciduous.\ Any shrub which sheds its foliage during a particular season of the year.

Shrub, evergreen.\ Any shrub which retains its foliage throughout the entire year.

Simplified site plan.\ A plan submitted for a change or expansion of a commercial, civic, office or industrial use on an existing site and meets the requirements of section 7- 2003.

Site development plan, preliminary/final.\ A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations pertaining to site plans in this ordinance. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and manmade, and any other requirements outlined by article VII.

Slope.\ The degree of deviation of a surface from the horizontal, usually expressed as a percentage. Slope shall be measured as the vertical rise or fall to horizontal distance of terrain measured perpendicular to the contour lines at horizontal intervals of more than ten (10) feet.

Solar orientation.\ The practice of using building placement and design to capitalize on solar energy and light for heating and interior lighting purposes.

Special flood hazard area.\ The land in the floodplain subject to the one-percent or greater chance of being flooded in any given year.

Specified anatomical area.\ Such areas include less than completely and opaque covered human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola, and human male genital in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activity.\ Such activity includes human genitals in a state of sexual stimulation or arousal, an act of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Start of construction.\ For the purpose of floodplain management, other than new construction and substantial improvement, under the Coastal Barriers Resource Act, means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of pipes, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Storage.\ The keeping, either indoors or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession.

Stormwater management.\ For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by manmade changes to the land; and for qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

Stormwater management practice, nonstructural.\ A stormwater management technique that utilizes the ecological and environmental aspect of a site or area for the collection, conveyance, channeling, holding, retaining, detaining, infiltration, diverting, treating or filtering of surface water, and/or runoff.

Stormwater management practice, structural.\ A stormwater management technique that utilizes a manmade facility and/or apparatus for the collection, conveyance, channeling, holding, retaining, detaining, infiltration, diverting, treating or filtering of surface water, and/or runoff.

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

Story, half.\ A space under a sloping roof, which has the line of intersection of roof decking and wall not more than three (3) feet above the top floor level, and in which space more than two-thirds ($\frac{2}{3}$) of the floor area is finished off for use other than storage.

Street.\ A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. A street serves three (3) or more lots. The word "street" shall include the words "road", and "highway".

Street, arterial.\ 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 shall include all U.S. Highways, state primaries with one-, two- or three-digit numbers, and any other street which the subdivision agent determines is functionally equivalent to these transportation department classifications.

Street, collector.\ 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.

Street, public.\ A public street or street with respect to which an offer of dedication has been made and improvements completed which are consistent with the Isle of Wight County Subdivision Ordinance and the requirements of the Virginia Department of Transportation or a street or portion thereof which is included in the state primary or secondary road system.

Structure.\ Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. Among other things, structures include buildings, mobile and manufactured homes, walls, fences, signs, piers, and swimming pools, etc. For the purpose of floodplain management, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as manufactured home.

Subdivision.\ The division or resubdivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. The term subdivision shall also mean the following:

1. Any development of a parcel of land which involves installation of sanitary sewers, water mains, gas mains or pipes, or other appropriate facilities for the use, whether immediate or future, of the owners or occupants of the land, or of the building abutting thereon.
2. Any development of a parcel of land involving two (2) or more principal structures or involving shopping centers, multiple dwelling projects and the like which require the installation of streets and/or alleys, even though the streets and alleys may be not dedicated to public use and the parcel may be divided for purposes of conveyance transfer or sale.
3. Any development of a parcel of land involving two (2) or more principal structures or involving shopping centers, multiple dwelling projects and the like which require the installation of streets and/or alleys, even though the streets and alleys may not be dedicated to public use and the parcel may not be dedicated to public use and the parcel may not be divided for purposes of conveyance, transfer or sale.
4. The term "subdivision" includes re-subdivision, and as appropriate in this ordinance, shall refer to the process of subdividing the land or to the land subdivided.

Substantial damage.\ Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement.\ Damage of any origin sustained by a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. For the purpose of floodplain management, the term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as historic structure; or
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Tower.\ Any structure that is intended for transmitting or receiving television, radio, telephone, digital, or other similar communications or is used to support a communication antenna or other similar device.

Tract.\ See "lot."

Traffic impact analysis (TIA).\ An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

Tree, deciduous.\ Any tree which sheds its foliage during a particular season of the year.

Tree, evergreen.\ Any tree which retains its foliage throughout the entire year.

Tree, heritage.\ Any tree or shrub which has been designated by ordinance of the Isle of Wight County Board of Supervisors as having notable historic or cultural significance to any site or which has been so designated in accordance with an ordinance adopted pursuant to Section 15.2-503 of the Code of Virginia, as amended.

Tree, mature.\ Any deciduous or evergreen tree with a minimum diameter of fourteen (14) inches when measured four and one-half (4½) feet above ground level.

Tree, significant.\ Any deciduous or evergreen tree with a minimum diameter of twenty-two (22) inches when measured four and one-half (4½) feet above ground level.

Trip generation.\ The number of trip ends caused, attracted, produced, or otherwise generated by a specific land use, activity, or development in accordance with the latest edition of the trip generation manual, published by the institute of transportation engineers.

Use.\ The purpose or activity, for which a piece of land or its buildings is designed, arranged or intended, or for which it is occupied or maintained.

Use, permitted.\ A use, which may be lawfully established in a particular district or districts, provided it conforms with all regulations, requirements, and standards of this ordinance.

Utility facility.\ Any above or below ground structure or facility (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas oil, or electromagnetic signals.

Variance.\ A waiver of the dimensional and numeric requirements of this ordinance approved by the board of zoning appeals in accordance with section 1-1019 of this ordinance.

Vehicle.\ See "motor vehicle."

Vehicle moving area.\ Any area on a site where vehicles park or drive.

Video arcade.\ See "commercial indoor amusement" listed under commercial use types.

Violation.\ For the purpose of floodplain management, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance as outlined in the floodplain management overlay district regulations.

Watercourse.\ Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any area adjacent thereto which is subject to inundation by water.

Watercraft.\ Any vessel that is used or capable of being used as a means of transportation on water and is propelled by machinery, whether or not the machinery is the principal source of propulsion, as defined by the Code of Virginia.

Wooded area.\ An area of contiguous wooded vegetation where trees are at a density of at least one (1) six-inch or greater diameter at breast height (DBH) tree per three hundred twenty-five (325) square feet of land and where the branches and leaves form a contiguous canopy.

Xeriscaping.\ Site design and/or gardening techniques which may include the use of native and/or drought tolerant plants to create a landscape or environment which does not require any form of supplemental irrigation after twenty-four (24) months from the time of installation.

Yard.\ An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground up, except as otherwise permitted in this ordinance.

Yard, corner side.\ A side yard adjoining a public or private street.

Yard, front.\ A yard extending along the full width of the front lot line between the side lot lines and from the front lot line to the front building line in depth.

Yard, interior side.\ A side yard, which is located immediately adjacent to another lot or to an alley separating such yard from another lot.

Yard, rear.\ A yard extending along the full length of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

Yard, side.\ A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

Zero lot line.\ The location of a structure on a lot in such a manner that one (1) of the structure's sides rest directly on a lot line.

Zoning administrator.\ The person designated as the official responsible for enforcing and administering all requirements of the Isle of Wight County Zoning Ordinance, or his duly authorized designee.

Zoning, base district.\ Those base underlying zoning districts other than special overlay districts set forth in article IV.

Zoning, planned development district.\ Land area of minimum size, as specified by district regulations, to be planned and developed using a common master zoning plan, and containing one (1) or more uses and appurtenant common areas.

Zoning, special overlay district.\ A district, which is placed over the existing base zoning and imposes additional restrictions and includes all those districts listed as special overlay zoning districts in article IV.

Zoning, underlying district.\ See "zoning, base district." (7-7-05; 8-20-09; 11-4-09; Ord. No. 2013-1-C, 4-18-13; 3-20-14; 5-19-14; 8-21-14; 11-19-15; 8-18-16; 11-17-1

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 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 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.

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. (7-7-05; 8-21-08; 12-18-08; Ord. No. 2012-10-C, 10-18-12; Ord. No. 2013-4-C, 4-18-13; 6-19-14; 7-17-14; 5-19-16; 11-17-16; 7-19-18; 11-15-18.)

Sec. 3-7000. - Industrial use types.

Abattoir or livestock processing.\ The use of land for the slaughter of livestock, including cattle, sheep, swine, goats and poultry, as a service, and from which there is sold no meat or other product of such slaughter other than materials generally considered inedible for humans and which are generated as waste and/or by-products of such slaughter, including, but not limited to, blood, bones, viscera, hides, etc., which may be sold for purposes of removal from site.

Asphalt or concrete plant.\ An establishment engaged in manufacturing or mixing of paving materials derived from asphaltic mixtures of tar or establishments primarily engaged in:

- (1) Manufacturing Portland, natural, masonry, pozzolanic, and other hydraulic cements;
- (2) Acting as batch or mixing plants, producing concrete to be delivered to the customer in a plastic and unhardened state;
- (3) Manufacturing concrete pipe brick, and block; and

(4) Manufacturing other concrete products (except block, brick, and pipe).

Brewery, distillery, cidery.\ An establishment for the production and packaging of alcoholic beverages, such as beer, liquor, cider, mead, etc., for distribution, retail or wholesale, on-premises or off-premises, and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other accessory uses such as retail sales, tasting rooms, restaurants, etc., as permitted in the district and as long as the accessory uses do not exceed the primary use in floor area or value.

Construction yard.\ Establishments housing facilities of businesses primarily engaged in construction activities, including the outside storage of materials and equipment used for the business operations. Typical uses may include site work companies to include excavating and grading activities, roadway construction and utility infrastructure companies, and other heavy construction companies.

Custom manufacturing.\ Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, and the use of mechanical equipment commonly associated with residential or commercial uses or a single kiln. Typical uses would include pottery, cabinet or woodwork shops.

Industry, Type I.\ Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Included would be assembly of electrical appliances, bottling and printing plants, and the manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemicals, production of items made of stone, metal or concrete.

Industry, Type II.\ Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw material such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

Industry, Type III.\ An establishment which has the potential to be dangerous or extremely obnoxious. Included are those in which explosives are stored, petroleum is refined, natural and liquid and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides, fertilizers and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity.

Landfill, industrial.\ The use of land for the legal disposal of specific industrial waste which is a by-product of a manufacturing or production process.

Landfill, rubble.\ The use of land for the legal disposal of construction and demolition wastes consisting of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, metals and plastic associated with construction and wastes from land-clearing operations consisting of stumps, wood, brush, and leaves.

Landfill, sanitary.\ The use of land for the legal disposal of municipal solid waste derived from households, business and institutional establishments, including garbage, trash, and rubbish, and from industrial establishments, other than hazardous wastes as described by the Virginia Hazardous Waste Regulations.

Meatpacking.\ The processing of meat products and by-products directly from animals or offal from dead animals.

Recycling center.\ A privately operated facility for the collection and storage of recyclable materials designed and labeled separately for citizens to voluntarily take source materials for recycling.

Refuse and recycling center.\ A government-operated facility used for the collection of trash, garbage, and rubbish, including receptacles for the collection and storage of recyclable materials.

Resource extraction.\ A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

Sawmill, commercial.\ A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products for sale.

Scrap and salvage service.\ Any lot or place engaged in the storage, sale, dismantling or other processing of previously used materials. Typical uses include paper and metal salvage, the outdoor storage of more than five (5) inoperable vehicles to include retail and/or wholesale sales of such vehicles, used automobile parts and supplies, used tire storage, and the storage and/or sale of other items generally defined as “junk” as defined in Article II.

Shipping container.\ Primarily a metal container used to pack, ship and store goods. On land they are kept in shipping or storage yards.

Transfer station.\ Any storage or collection facility which is operated as a relay point for municipal solid waste which ultimately is transferred to a landfill.

Towing service storage yard.\ An outdoor area or yard used by a tow service for the storage of inoperable, junk, or wrecked motor vehicles, with or without consent of the owner.

Warehousing and distribution.\ Uses including storage, warehousing and dispatching of goods within enclosed structures, or outdoors. Typical uses include storage warehouses, truck terminals and moving/storage firms. (7-7-05; 12-18-06; Ord. No. 2012-10-C, 10-18-12; 6-19-14; 9-18-14; 4-21-16; 5-19-16; 7-19-18; 11-15-18.)

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					
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			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	
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	
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	

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	C		C						C	P	P	P			C		P

Center																	
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
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/Structur								C	C	C	C	C			C	C	P

e																	
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

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

Sec. 4-2004. - Required zoning.

All proposed residential subdivisions on properties zoned RAC, other than those expressly exempted in the Isle of Wight County Subdivision Ordinance, shall require rezoning to one (1) of the following zoning classifications prior to final approval of the subdivision plat by the subdivision agent: Rural residential (RR), suburban estate (SE), suburban residential (SR), urban residential (UR), village center (VC), planned development residential (PD-R), planned development manufactured home (PD-MH), planned development mixed-use (PD-MX).

A. A single tract of land may be permitted one (1) "by-right" division of land around an existing residence without rezoning, in accordance with the Rural Residential Zoning District standards and shall count toward the total number of divisions permitted per the Sliding Scale Development option in Section 4-3004.A. Existing residence shall mean any residence in existence as of the date of adoption of the zoning ordinance August 30, 2005.

Part 3. - Rural Residential (RR) District.

Sec. 4-3004. - Sliding scale development in the rural residential (RR) district.

- A. Under the sliding scale development provision, a tract of land twenty (20) acres in size may be allowed one (1) division. 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-acre tract will yield four (4) 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 residential (RR) district.
- B. In addition to the base density permitted above, the following standards shall be met:
1. 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.
 2. Lots shall be located to maximize continued use of the residual parcel for agricultural and silvicultural purposes.
 3. Unless otherwise approved by the board of supervisors, the first two (2) lots shall be located on private shared driveways that serve no more than two (2) residences, with no frontage on the public road that does not have a local road functional classification as designated by VDOT.

Part 9. - Limited Commercial (LC) District.

Sec. 4-9002. - Permitted uses.

E. Commercial uses:

Business support service

Car wash

* Commercial indoor sports and recreation

* Construction office, temporary

Event center

* Funeral home

* Garden center

* Golf course

* Golf driving range

Itinerant merchant

Lawn and garden services

* Motor vehicle parts/supply, retail

Peddler

Personal improvement service

Personal service

Retail sales

Studio, fine arts

Veterinary hospital/clinic

Wholesale sales

F. Miscellaneous uses:

* Amateur radio tower

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

Part 10. - General Commercial (GC) District.

Sec. 4-10002. - Permitted uses.

E. Commercial uses:

Auction establishment

Business support service

Business or trade school

Car wash

Catering

Commercial indoor amusement

Commercial indoor entertainment

* Commercial indoor sports and recreation

* Construction office, temporary

Construction sales and service

* Contractor office and storage facility

Event center

* Funeral home

* Garden center

* Golf course

* Golf driving range

Hospital

Hotel/motel/motor lodge/inn

Itinerant merchant

Lawn and garden services

* Marina

Medical clinic

* Micro-brewery, distillery, cidery

* Motor vehicle dealership/new

* Motor vehicle parts/supply and retail

- * Motor vehicle/ rental
- * Motor vehicle repair service/major
- * Motor vehicle repair service/minor
- Pawn shop
- Peddler
- Personal improvement service
- Personal service
- * Restaurant, drive-in fast food
- Restaurant, general
- Retail sales
- Studio, fine arts
- Tattoo parlor
- Taxidermy
- Veterinary hospital/clinic
- Wholesale sales

Sec. 4-14000. - Planned development districts.

Sec. 4-14006. - Regulations pertaining to all planned developments.

- D. Development standards and architectural guidelines in a master development plan approved by the board of supervisors that are designated as controlling over standards and guidelines for the highway corridor overlay (HCO) district, the Newport development service overlay (NDSO) district or supplemental use regulations specifically identified as conflicting by the applicant, shall be effective with respect to the related planned development. Standards and guidelines for the HCO district, the NDSO district or supplemental use regulations that are not specifically identified as conflicting and supplanted in the approved master development plan shall be effective with respect to the planned development. (11-17-16; 7-19-18; 11-15-18)

Part 17. - Planned Development Commercial Park (PD-CP) District.

Sec. 4-17002. - Permitted uses.

D. Commercial uses:

Auction establishment

Boating and fishing facilities

Business support service

Business or trade school

Car wash

Catering

Commercial indoor entertainment

- * Commercial indoor sports and recreation
- * Construction office, temporary
- * Contractor office and storage facility

Event center

- * Funeral home

Garden center

- * Golf course
- * Golf driving range

Hotel/motel/motor lodge/inn

Itinerant merchant

- * Marina
- * Micro-brewery, distillery, cidery
- * Mini-warehouse
- * Motor vehicle dealership/new
- * Motor vehicle parts/supply, retail
- * Motor vehicle/rental

Peddler

Personal improvement service

Personal service

- * Restaurant, drive-in fast food

Restaurant, general

Retail sales

Studio, fine arts

Tattoo parlor

Veterinary hospital/clinic

Wholesale sales

Part 18. - Planned Development Mixed Use (PD-MX) District.

Sec. 4-18002. - Permitted uses.

E. Commercial uses:

* Antique shop

Business support service

* Construction office, temporary

Event center

Garden center

* Golf course

Itinerant merchant

* Micro-brewery, distillery, cidery

* Motor vehicle parts/supply, retail

Peddler

Personal improvement service

Personal service

Real estate office, temporary

* Restaurant, drive-in fast food

Restaurant, general

Retail sales

Studio, fine arts

Veterinary hospital /clinic

Wholesale sales

Article V. - Supplementary Use Regulations.

Sec. 5-1001. - Prohibited uses.

The following uses are specifically excluded from all districts:

- A. Unless otherwise expressly permitted, the use of a recreational vehicle as a temporary or permanent residence.
- B. Unless associated with a bonafide agricultural use, the use of a motor vehicle permanently parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. (7-18-19; 3-19-20.)
- C. It shall be unlawful for any person, firm or corporation to keep on any property any watercraft which is inoperable, except within a fully enclosed building or structure or otherwise shielded or screen from view, subject to the following:
 - 1. On property less than two acres, one inoperable watercraft may be parked or stored outside of a fully enclosed building if such watercraft is shielded or screened from view by covers; provided that up to two inoperable watercraft may be parked or stored outside of a fully enclosed building if the owner of such watercraft demonstrates that they are actively restoring or repairing one of the watercraft, the second watercraft is being used for the restoration or repair, and each watercraft parked or stored outside a fully enclosed building is shielded or screened by covers; or
 - 2. On property two acres and larger, two inoperable watercraft, may be parked or stored outside of a fully enclosed building if such watercraft are shielded or screened from view by covers; or
 - 3. The inoperable watercraft is kept at a commercial business in compliance with the County's zoning regulations covering such business and/or a conditional use permit has been issued for the operation of such business; or
 - 4. An inoperable watercraft being repaired at a permitted repair business may be kept at such property for no more than sixty continuous days.
 - 5. As used in this section:
 - (i) Inoperable watercraft means any watercraft
 - (a) Which is not in operating condition; or
 - (b) Which, for a period of sixty days or longer, has been partially or totally disassembled by the removal of the engine, or other essential parts required for operation of the watercraft; or
 - (c) On which there are displayed no valid state license and /or registration;
 - (ii) Shielded or screened from view means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

Article V. - Supplementary Use Regulations.

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

H. Projections and yard setback modifications.

4. Architectural features, chimneys, air conditioners, generators, fuel tanks, cornices, eaves, belt courses, sills, canopies, or other similar architectural features (but not including bay windows or vertical projections) may project into a required side yard not more than eighteen (18) inches, but not closer than three (3) feet to the side lot line, and may not exceed thirty-six (36) inches. Chimneys and air conditioners may project into any yard not more than eighteen (18) inches, but air conditioners rated at twenty-four thousand (24,000) BTU or less shall not be so placed as to discharge air within five (5) feet of side yard lines, and those rated over twenty-four thousand (24,000) to discharge air within twelve (12) feet of side yard lines, other than side yard lines adjacent to streets.

Sec. 5-4000. - Net developable area.

B. Applicability.The net developable area shall be used for determining the density and building coverage of development permitted on a particular parcel or area. This approach shall apply to all forms of land development, with the exception of the following:

1. Single-family lots subdivided and approved for development prior to the adoption of this ordinance.
2. Single-family lots shown on a preliminary subdivision plat in compliance with the provisions of subsection 1-1014.B.

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

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

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

1. Residential accessory apartment.Where allowed as a permitted or a conditional use in the underlying zoning district, the following shall apply:
 - a. [Minimum lot size requirement.]Accessory apartment shall not be permitted on any lot which does not have one hundred percent (100%) of the minimum lot size requirement for the zoning district in which the use is located.
 - i. An accessory apartment may be located either in a primary dwelling unit or in an accessory structure on the same lot or parcel as the primary dwelling.

- ii. The owner of the residential dwelling unit shall occupy at least one (1) of the dwelling units on the premises.
- [b. Reserved.]
- c. Apartment size.
 - i. Maximum floor area: The maximum floor area of an accessory apartment in a primary dwelling shall not exceed one thousand (1,000) square feet or thirty-five percent (35%) of the living area of the primary dwelling, excluding garages, breezeways, etc., whichever is less. The maximum floor area of an accessory apartment in an accessory building shall not exceed fifty percent (50%) of the floor area of the principal dwelling or 1,200 square feet, whichever is less.

ISSUE:

Staff Report - Impact of Trails and Sidewalks on Home Values

BACKGROUND:

At the request of Isle of Wight County, the Hampton Roads Transportation Planning Organization recently provided information regarding a study of the impact of trails and sidewalks on nearby home values. Staff will provide a brief summary of the findings of the study.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ATTACHMENTS:

Description	Type	Upload Date
HRTPO Study on the Impact of Trails and Sidewalks on Home Values	Backup Material	1/4/2021

Impact of Trails and Sidewalks on Home Values



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IMPACT OF TRAILS AND SIDEWALKS ON HOME VALUES

PREPARED BY:



NOVEMBER 2020

T20-16

REPORT DOCUMENTATION

TITLE

Impact of Trails and
Sidewalks on Home Values

ORGANIZATION

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Planning Org.
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REPORT DATE November 2020

ABSTRACT

As a result of various benefits that trails have to offer to communities (social, aesthetic, health, recreational, alternative ways of transportation, reducing congestion), it can be argued that trails likely increase nearby property values and augment property tax revenues. However, negative externalities (invasion of privacy of residents adjacent to trails, strangers passing through the neighborhood, fear of increased noise, littering, trespassing, and vandalism) arguably could reduce property prices and the property tax base may be adversely affected.

The purpose of this report is to estimate the impact of trails on residential property values. With the help of the Project Steering Team, HRTPO staff selected a segment of the Virginia Capital Trail in James City County, obtained house characteristics data and sale data from James City County, and used a regression model to estimate the impact of the proximity of the Virginia Capital Trail segment in James City County on property values.

PROJECT STEERING TEAM

This study was prepared by the Hampton Roads Transportation Planning Organization (HRTPO) with the help of the following steering committee:

Jamie Oliver	Isle of Wight County
Tom Leininger	James City County
Helen Gabriel	Suffolk
Paul Filion	Norfolk

ACKNOWLEDGMENT & DISCLAIMERS

Prepared in cooperation with the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), and Virginia Department of Transportation (VDOT). The contents of this report reflect the views of the Hampton Roads Transportation Planning Organization (HRTPO). The HRTPO is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the FHWA, VDOT or Hampton Roads Planning District Commission. This report does not constitute a standard, specification, or regulation. FHWA or VDOT acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

NON-DISCRIMINATION

The HRTPO assures that no person shall, on the ground of race, color, national origin, handicap, sex, age, or income status as provided by Title VI of the Civil Rights Act of 1964 and subsequent authorities, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity. The HRTPO Title VI Plan provides this assurance, information about HRTPO responsibilities, and a Discrimination Complaint Form.

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Executive Summary

The purpose of this study is to find the impact of trails and sidewalks on nearby home values in Hampton Roads. This study was requested by Jamie Oliver of Isle of Wight County and was included in the FY20 UPWP. A trail segment selected for this study was the Virginia Capital Trail (VCT) segment (in James City County) from Chickahominy River Bridge to Jamestown Settlement.

Trails may increase nearby property values due to various trail benefits to communities: social, aesthetic, health, recreational, alternative ways of transportation, reducing congestion and carbon footprint. On the other hand, negative aspects such as the invasion of privacy of residents adjacent to trails, fear of increased noise, littering, trespassing, and vandalism may reduce property prices. To better understand this, staff conducted a literature review of studies concerned with the impact of trail on property values. Most studies reviewed show a positive impact of trails on property values; one study reported that bike facilities lower property values, while one study reported no relationship between bike facilities proximity and property values.

Linear regression, in which a researcher finds the line that most closely fits the data, was used to infer the relationship between property values (independent variable) and property characteristics/trail proximity (dependent variables). Staff found that the proximity to trail variables were not statistically significant, i.e., we are not sure that proximity to the VCT influences property values. Considering that the literature shows a positive impact of trail proximity on home values, the above Virginia Capital Trail result may be due to any positive impact of the trail being negated by the negative impact of proximity to the John Tyler Highway adjacent to the trail.

Based on the regression results, staff cannot conclude that proximity to the Virginia Capital Trail impacts home value. Possible next steps include obtaining data from Suffolk or Norfolk to test the impact of the Seaboard Trail or Elizabeth River Trail (respectively).

Literature Review

Neighborhood walkability and trails have been promoted by transportation planners and policymakers to reduce carbon-intensive travel and encourage health and smart growth. The links between the former and the latter have been widely known. On the other hand, the relationship between trails and sidewalks (on the one hand) and residential property values (on the other hand) are still being explored and not fully understood.

Sidewalks

Urban sprawl, global warming and the health and social effects of an automobile-dominated transportation system have rekindled interest in sidewalks and walkability in the United States in the past 15 years. Researchers have often studied the impact of sidewalks on property value in conjunction with the impact of general walkability.

Research conducted by Sohn et al. (2012) shows that improving neighborhood sidewalk coverage can potentially lead to increased property values for single-family homes that will result in increased revenues from property taxes. However, results show that the largest home value (and tax) payoff will be in neighborhoods that already have sidewalks. The authors summarize “that allocating funding for pedestrian infrastructure and encouraging mixed-use developments in a neighborhood where walking is likely, will yield the greatest dividends for cities.”

Li et al. (2015) reported that pedestrian infrastructure was found to be positively related to property values:

- Bus stops proximity contributed to an increase in rental multifamily residential property values
- Better sidewalk coverage was positively linked with increasing property values of rental multifamily residential and retail services uses.

The walkability index is a measure of how walkable an area is. The concept of a walkable neighborhood is the main parameter of modern urban theories. Experts argue that building walkable neighborhoods can relieve traffic congestion, air pollution, and the destruction of natural resources (Paumier, 2004).

Hess and Lombardi (2004), Handy (2005), Dorn (2004) and Shapiro et al. (2002) asserted that combining residential and commercial land uses in walkable neighborhoods will help produce affordable housing, cleaner air and water and lower car dependency. Other experts have doubted the viability of the walkable neighborhood. They argued that consumers do not care about such benefits, favoring more room, spacious yards, and the traditional car-oriented suburban development space, consumers are accustomed to auto-oriented suburban space.

Li et al. (2015) used the Street Smart Walk Score (SSWS) as the primary walkability measure and Sidewalk Density (SWD) as a supplemental measure. They analyzed 21,686 single-family home sale transactions between January 2010 and November 2012 and used the hedonic pricing method to estimate the impact of walkability on sale prices. Reported results show that “improving walkability through increased access to neighborhood amenities such as retail and shopping in car-dependent neighborhoods does not appear to increase property values; adding sidewalks in these neighborhoods leads to a minimal increase in property values.” On the other hand, investments in neighborhood amenities such as retail and shopping and sidewalks will yield a higher increase of home prices in an already walkable neighborhood than in a car-dependent neighborhood.

Sohn et al. (2012) investigated the benefits of the walkable neighborhood via different land-use models using the hedonic pricing method. The assessed property value was used as a measure of economic value. Authors randomly selected by the sampling process:

- 2,289 single-family residential units,
- 837 samples of rental multifamily residential units
- 738 samples of retail service properties
- 586 samples of office parcels

Authors reported that “better sidewalk coverage in their neighborhood was positively related to increasing property values of rental multifamily residential and retail services uses.”

Pivo et al. (2009) examined the effects of walkability on property values and investment returns. The authors used real estate performance information from the National Council of Real Estate Investment Fiduciaries (NCREIF) and walkability data from Walk Score, with ordinary least square regression analysis. On a 100-point scale, a 10-point increase in walkability increases property values between 5 and 8 percent, depending on the property type.

Guo et al. (2017) used the Ordinary Least Square regression model to measure the link between property’s walk accessibility and property value. The authors used a dataset of 2,700 single-family residential properties selected for this study in the Eastern Adelaide region, Australia. Authors found that three properties walk accessibility variables (walk accessibility to education location, walk accessibility to a retail location, and walk accessibility to social and recreational locations) have a statistically significant correlation with the single-family residential property value per equivalent square meter, indicating that walk accessibility has a positive impact on property value.

Trails

Table 1 summarizes a literature review of studies concerned with the impact of trails on property values.

The majority of the reviewed studies that assessed the impact of trails on home values reported a positive impact.

However, some authors claim that invasion of privacy of residents adjacent to trails, strangers passing through the neighborhood, fear of increased noise, littering, trespassing, and vandalism could potentially lower the property values. Two papers reviewed report either a negative impact or no impact. A thesis by Szatmary (2014) asserts that bike facilities lower property values while Lindsey et al. (2016) state that there is no relationship between the proximity of trails and property values.

Name of the study/report	Author(s), year	Sample size	Data range	Methodology	Buffer	Policy Variable	Independent Variables	Results/findings
Omaha Recreational Trails: Their Effects on Property Values and Public Safety	Donald L. Greer, University of Nebraska at Omaha (2000)	149 houses	N/A	Telephone survey	One-block	Purchase decision	N/A	"The clear majority of residents (63.6%) who bought their homes after the construction of the trails reported that the trail had positively influenced their purchase decision"
Property Value/Desirability Effects of Bike Paths Adjacent to Residential Areas	David P. Racca, Amardeep Dhanju (2006)	909 properties	One year	Hedonic pricing model	Approximately 165 feet	Sale price	Parcel identification number, city, zip code, acreage of property, land value in \$, building value in \$, total assessment in \$, latest sale price, latest sale date of property, year property was built, number of stories, total number of rooms, number of bedrooms, age of building at latest sale price	There is a positive impact of proximity to a lake path on property prices, controlling for the number of bedrooms, acres, land, buildings, total number of rooms, total assessment. The properties within the buffer of the bike path show a difference of at least \$8,800
Property Values, Recreation Values, and Urban Greenways	Lindsey, et al. (2004)	9348 residential property transactions	One year (1999)	Hedonic price model	1/2 mile	Sale price	Structural variables: Square feet in structure, number of bathrooms in house, dummy variable for A/C, age, number of car bays in garage, dummy variables (base ment porch, lot less than 1/2 acre, lot less than 1 mile). Tax and neighborhood variables. Effective tax rate, median household income, employment accessibility index, etc. Dummy variables for distances from the trail	Some greenways, but not all, have positive impacts on property values. Location within one-half of the Monon Trail has a positive, significant effects on sales price

TABLE 1 Literature review of articles concerned with the impact of trails on property values (continued)

Source: *HRTPO analysis of literature*

IMPACT OF TRAILS AND SIDEWALKS ON HOME VALUES

Name of the study/report	Author(s), year	Sample size	Data range	Methodology	Buffer	Policy Variable	Independent Variables	Results/findings
The Impact of Bicycle Facilities on Single Family Residential Property Values: Evidence from Alachua County, Florida	Kevin Szatmari, thesis, (2014)	50309 single family properties	N/A	Hedonic price model	Distances of 500 ft., 1,000 ft., 2,000 ft., 1/4 mile, 1/2 mile	Just (market) value	Parcel number, area of parcel in acres, amount of most recent sale, year of most recent sale, number of bedrooms, number of bathrooms, year structure was constructed, presence or absence of air condition and/or heating, total floor area of structure, distance to nearest applicable bicycle facility in meters	Bike facilities lower property value. For a distance of 1,000 feet the value of property increases by \$4.20 for every foot one moves away from the facility. For 2,000 ft. the value of property increases by \$1.62 for every foot one moves away from the facility. For 1/4 mile, property values increase in value by \$3.66 for every foot one moves away. For 1/2 mile, property values increase \$1.30 per foot
The Impact of Central Ohio Trails	Lindsey, et al. (2005)	46167 property sales	Three years (2011-2013)	Hedonic price analysis	Between 1/4 and 1/2 mile	Sale price	Number of bedrooms, neighborhood characteristics, access to trails, etc.	"No relationships between property values and proximity to trails were observed"
The Impact of Greenways on Property Values: Evidence from Austin, Texas	Nicholls, Crompton (2005)	700 property sales	Three years (1999-2001)	Hedonic price analysis	Bands: 0-1/4 miles, 1/4-1/2 miles, 1/2-3/4 miles, 3/4-1 miles, 1-5/4 miles	Sale price	Lot size, age of house at time of sale, heated area of house, number of stories, number of bedrooms, bathrooms, fireplaces, garages, location on greenbelt, view of greenbelt, distance to greenbelt entrance, greenbelt entrance within 1/2 mile etc. (for full list, consult the study)	Greenbelt adjacent to property is associated with significant value premiums in two of three neighborhoods. However, property with a view of the greenbelt, but not adjacent to it saw no significance rise in value. Distance to the nearest greenbelt entrance had a statistically significant impact on sales price in one neighborhood.

TABLE 1 Literature review of articles concerned with the impact of trails on property values (continued)

Source: *HRTPO analysis of literature*

IMPACT OF TRAILS AND SIDEWALKS ON HOME VALUES

Name of the study/report	Author(s), year	Sample size	Data range	Methodology	Buffer	Policy Variable	Independent Variables	Results/findings
The Relative Impact of Trails and Greenbelts on Home Prices	Asaberre, Huffman (2007)	9710 sales observations	April 2001-March-2002	Hedonic framework	N/A	Sale price	Various dummy variables, house age, total number of bedrooms and bathrooms, size of the house in square feet, etc.	"The implication of this study is that while trails, and greenbelts per se, add to home value, the value of the home would be further enhanced when greenbelts are used to buffer trails thus enhancing greenways." The study shows that trails, greenbelts, and greenways add 2%, 4% and 5% to price premiums respectively
The Value of Trail Access on Home Purchases	Mogush, Krizek, Levinson (2005)	35002 home sales	One year (2001)	Hedonic price analysis	Radii of 10, 20, 50, 100, 200, 400, 800, and 1600 meters	Sale price	Number of bedrooms, bathrooms, finished square feet of floor space, size of lot, age of house, number of fireplaces, garage stalls, neighborhood accessibility, distance to nearest CBD, major highway, busy street, open space, bicycle lane, non-roadside bicycle trail, on-roadside bicycle trail, etc. For full list consult the study	Study results suggest that off-street bicycle trails add value to home sale prices in the city, possibly because of its contribution to social livability. For other types of facilities in either city or suburb no positive or significant relationship is found, suggesting that urban planners and advocates need to be aware that the change in welfare is not necessarily positive for all homeowners
Understanding the Impact of Trails on Residential Property Value in the Presence of Spatial Difference	Parent vom Hofe (2011)	1762 single-family residential properties	One year (2005)	Hedonic price model	10,000 feet	Assessed value	Market value of land, network distance between each property and the nearest trail, median household income, finished square footage of the house, age of house, lot size of the property, dummy variables (full basement, exterior brick wall, fireplace), gross tax rate by school district, shortest distance to Downtown Cincinnati	According to the study, access to Little Miami Scenic Trail has a significant impact on residential property values as long as properties lie within 10,000 feet network distance to one of the trail entrances. Study also states that: "for every foot a property is closely located to a trailhead its value would increase by \$3.98"

TABLE 1 Literature review of articles concerned with the impact of trails on property values (continued)

Source: *HRTPO analysis of literature*

Highways

The proximity of John Tyler Highway to the VCT trail segment in James City County could have a negative impact on property values. Therefore, the staff conducted a literature review of studies that assessed the impact of highways on property values.

Carey (2011) prepared a case study for the Superstition Freeway (US60) corridor in Mesa and Gilbert, Arizona. This study attempted to estimate how freeway impacts are distributed among parcels at various distances from the freeway. An impact area was constrained to a strip of land extending ½ mile on either side of the freeway. The findings of the study were:

- Non-users see access benefits from the highway through changes in property values. Freeway construction may have an adverse impact on some properties, but overall, property values tend to increase with freeway development.
- The level of traffic on any major roads in the proximate area is a significant factor in determining adverse effects on property values. This could imply that regional traffic growth is more significant than the presence of a freeway.

A study by Neelawala et al. (2010) examined the impact of two major transport corridors on nearby property values: Everton Park to Kedron and the Everton Park to Albany Creek road corridors within Western Brisbane Transport Network in Australia. The authors used a Hedonic Property analysis of the spatial effects of externalities (pollutant emissions, noise, vibration, visual-aesthetics, community cohesion, equity and land use justice) on property values. The regression analysis using 630 observations from the two corridors covering nine suburbs exhibited increased property value by 2.82% more per kilometer distance from the existing road corridor. The regression results show that the magnitude of the impact varies according to the size of the corridor expansion, suggesting that the proposed larger corridor project has a more significant impact on property prices than the proposed smaller project.

Study Area

The study area, initially, included two counties and one independent city in Hampton Roads: James City County, Suffolk, and the City of Norfolk.

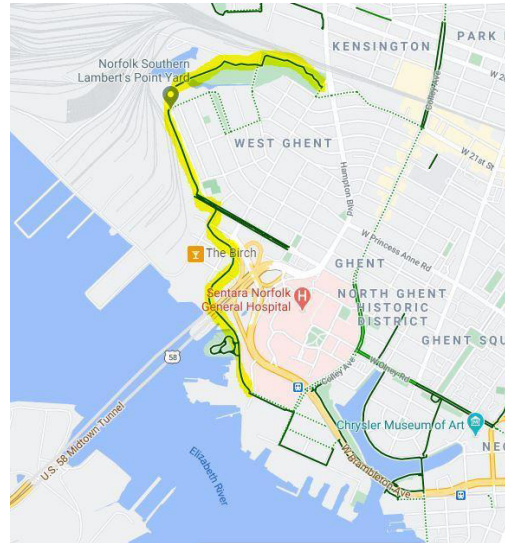
During the discussion with the members of the PST, one trail segment per locality was identified (marked in yellow):

- Elizabeth River Trail (Norfolk)
- Seaboard Trail (Suffolk)
- Virginia Capital Trail (VCT)

The staff received complete data from James City County, so the rest of the study is concerned with the Virginia Capital Trail segment in James City County. The James City County data went through a process of data preparation outlines above

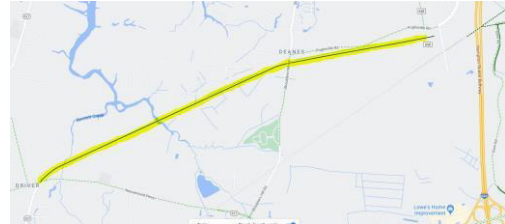
The Virginia Capital Trail segment that was studied runs from Chickahominy River Bridge to Jamestown Settlement.

Map 1 shows the segment of the VCT and 381 houses in James City County. The next chapter outlines the process how this number was obtained.



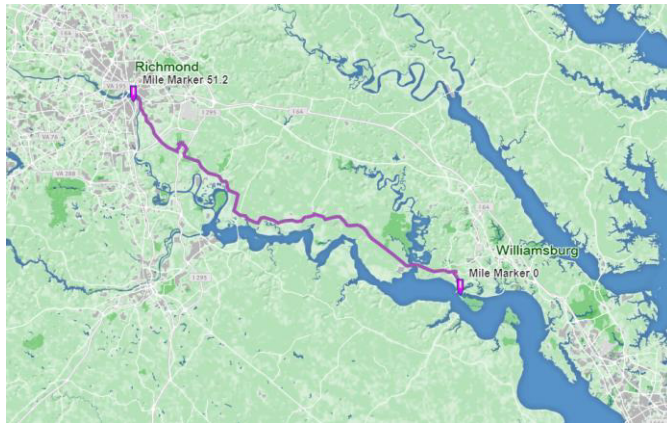
Elizabeth River Trail segment (Norfolk)

Source: Google maps



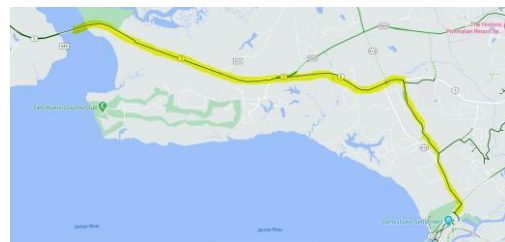
Seaboard Trail segment (Suffolk)

Source: Google maps



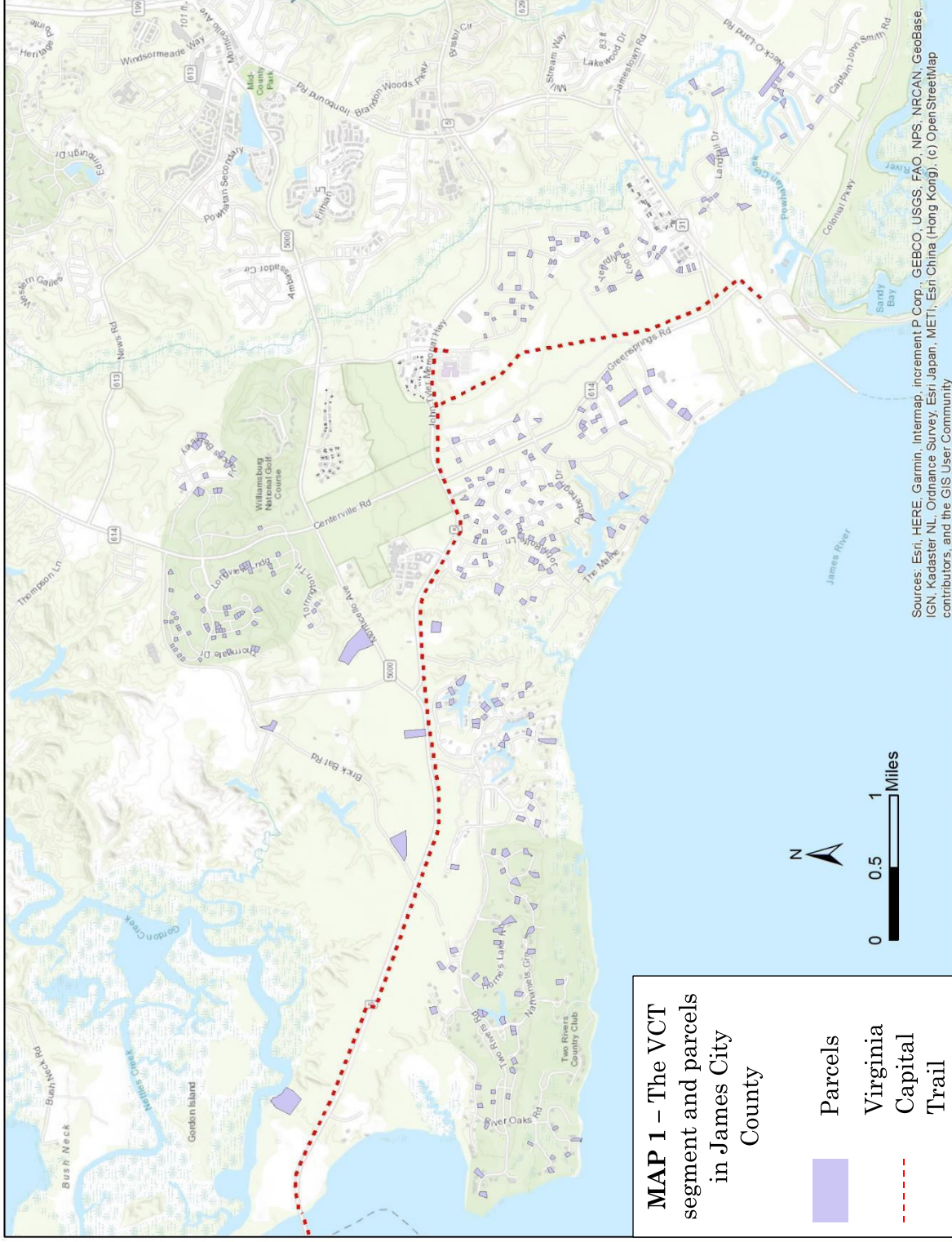
Virginia Capital Trail

Source: The Virginia Capital Trail Foundation



Virginia Capital Trail segment (James City County)

Source: Google maps



Data Preparation

Data preparation is an essential step before processing and analysis. It involves reformatting data, making corrections to data, cleaning and transforming the data. Cleaning up the data is traditionally the most time-consuming part of the data preparation process, but it is crucial for removing faulty data entries. Important steps include:

- Removing extraneous data and outliers
- Filling in missing values
- Conforming data to a standardized pattern
- Deleting incomplete or illogical data entries

Requested data included:

- Last sale data
- House characteristics (square footage, etc.)
- Assessed value
- Lat., Long. (if available)
- GIS layer

Variables included in the initial database that was sent to HRTPO Staff are:

- *Stories* – Structure stories
- *Age* – Structure age (years)
- *FinSize* – Structure finished square footage
- *NumRms* – Structure room count
- *NumBdRms* – Structure bedroom count
- *Num2Baths* – Structure half bath count
- *Num3Baths* – Structure full bath count
- *CentrlAC* – Structure central air conditioning (Yes=1/No=0)
- *BsmtFin* – Structure finished basement square footage
- *AttGarSF* – Attached garage square footage
- *DetGarSF* – detached garage square footage
- *AttCpSF* – Attached carport square footage
- *EnclPSF* – Enclosed porch square footage
- *OpenPSF* – Open porch square footage
- *DeckSF* – Deck square footage 9+
- *Other* – Other structure square footage
- *Sale1Amt* – Most recent sale amount

Another variable needed for the regression model is a variable calculated by HRTPO staff in ArcMap: NearDist, representing the distance from the property (parcel) to the nearest trail segment in feet.

Recent sales were analyzed (1-3-2018 thru 10-18-2019). Entries with 0 values for variables *Stories*, *Sale1Amt*, and *FinSize* were deleted from the dataset. Variables *DetGarSF*, *AttCpSF* were deleted from the dataset because they had no data. Moreover, staff removed records with 0 values for *Age* variable because, for some of these, the purchase covered the lot only (no house). Finally, 381 data entries remained.

The staff calculated descriptive statistics for James City County data, shown in Table 2. Descriptive statistics of the regression variables are essential to show the spread of variables around their corresponding mean values. A high variation of values can be observed for the *Finished Squared Foot* variable. The *Age* variable shows a variation between 3 years and 54 years.

IMPACT OF TRAILS AND SIDEWALKS ON HOME VALUES

Unpaved Driveway (0,1)		Waterfront w View of Large Water (0,1)		Other Natural Waterfront (0,1)		Other Waterfront (lake, marsh, canal) (0,1)	
Mean	0	Mean	0	Mean	0	Mean	0
Standard Error	0	Standard Error	0	Standard Error	0	Standard Error	0
Median	0	Median	0	Median	0	Median	0
Mode	0	Mode	0	Mode	0	Mode	0
Standard Dev.	0.3	Standard Dev.	0.1	Standard Dev.	0.1	Standard Dev.	0.2
Sample Var.	0.1	Sample Var.	0	Sample Var.	0	Sample Var.	0.1
Range	1	Range	1	Range	1	Range	1
Minimum	0	Minimum	0	Minimum	0	Minimum	0
Maximum	1	Maximum	1	Maximum	1	Maximum	1
Sum	33.0	Sum	7	Sum	3	Sum	23
Count	381	Count	381	Count	381	Count	381
Acreage up to 2 acres		Acreage in Excess of 2 acres		Large Lot (2+ acres) (0,1)		Age, years	
Mean	0.4	Mean	0.06	Mean	0.02	Mean	20.9
Standard Error	0	Standard Error	0.03	Standard Error	0.01	Standard Error	0.5
Median	0.3	Median	0	Median	0	Median	19
Mode	0	Mode	0	Mode	0	Mode	18
Standard Dev.	0.3	Standard Dev.	0.6	Standard Dev.	0.13	Standard Dev.	9.8
Sample Var.	0.1	Sample Var.	0.3	Sample Var.	0.02	Sample Var.	96.2
Range	2	Range	8	Range	1	Range	51
Minimum	0	Minimum	0	Minimum	0	Minimum	3
Maximum	2	Maximum	8	Maximum	1	Maximum	54
Sum	142.8	Sum	21	Sum	7	Sum	7,966
Count	381	Count	381	Count	381	Count	381
Finished Square Footage		Half Baths		Finished Basement Square Footage		Open Porch Square Footage	
Mean	2,635.1	Mean	0.8	Mean	25.0	Mean	109.3
Standard Error	59.9	Standard Error	0.0	Standard Error	9.0	Standard Error	8.6
Median	2,485	Median	1	Median	0	Median	41
Mode	1,210	Mode	1	Mode	0	Mode	0
Standard Dev.	1,169.2	Standard Dev.	0.5	Standard Dev.	176.4	Standard Dev.	167.7
Sample Var.	1,367,010.6	Sample Var.	0.3	Sample Var.	31,114.1	Sample Var.	28,109.2
Range	6,849	Range	3	Range	1,574	Range	1,187
Minimum	1,160	Minimum	0	Minimum	0	Minimum	0
Maximum	8,009	Maximum	3	Maximum	1,574	Maximum	1,187
Sum	1,003,957	Sum	298	Sum	9,515	Sum	41,641
Count	381	Count	381	Count	381	Count	381
Other Square Footage							
Mean	67.2						
Standard Error	9.8						
Median	0						
Mode	0						
Standard Dev.	192.0						
Sample Var.	36,882.1						
Range	1,553						
Minimum	0						
Maximum	1,553						
Sum	25,587						
Count	381						

TABLE 2 Descriptive statistics for dependent variables

Source: HRTPO analysis of data

In the following chapter, the regression analysis applied to the James City County data is presented.

Regression

Regression analysis is a well-known statistical procedure used to infer relationships between a dependent variable Y and p independent variables X . Regression estimates Y in terms of X using n observations. Via linear regression, the most common regression form, a researcher finds the line that most closely fits the data according to specific mathematical criteria. Linear regression can be expressed as follows:

$$Y = \beta_0 + \beta_1 x_1 + \cdots + \beta_p x_p$$

where $\beta_0, \beta_1, \beta_p$ are the regression coefficients estimated by the ordinary least square method.

The policy variable is the distance from home to Virginia Capital Trail, while control variables are home characteristics. Initial regression produced coefficients indicating that proximity to trail decreased home value. Given that the literature review shows a positive impact of trail proximity on home values, staff examined (in the field) key houses which generated these results – i.e., houses which sold for much less than expected (based on characteristics, excluding distance to the trail), and houses which sold for much more than expected – looking for missing as-yet-unmeasured characteristics may explain the low or high values.

This list of key houses was prepared by running the regression without the distance variable, calculating residuals (the difference between the actual sale price and modeled sale price), identifying those homes with the highest residuals and those homes with the lowest residuals.

Based on the field visit, the staff did the following:

- Subdivided the *Waterfront* variable into the following binary variables:
 - *Waterfront with View of Large Water*
 - *Other Natural Waterfront*
 - *Other Waterfront – lake, marsh, canal*
- Subdivided the *Acreage* variable, assuming, for example, that the half-acre difference between $\frac{1}{4}$ and $\frac{3}{4}$ acres is more valuable than the half-acre difference between $5\frac{1}{4}$ and $5\frac{3}{4}$ acres:
 - *Acreage up to 2 acres*
 - *Acreage in Excess of 2 acres*
- Included more variables from James City County’s real estate database (“JCC Parcel Data”):
 - Type of house (single-family detached vs. single-family attached vs. condo)
 - School district
 - Note: these variables proved not to statistically explain sales price, so staff dropped them from future regressions

Following these adjustments, regression still produced coefficients indicating that proximity to trail decreased home value. In response, staff examined in the field the 9 houses within $\frac{1}{4}$ mile of the trail, looking for more as-yet-unmeasured characteristics, which may explain the lower value of these houses.

Based on this field visit:

- Thinking that houses near the end of cul-de-sacs are more desirable because they have lower traffic volume in front of them, staff prepared a “Near End of cul-de-sac, (0,1)” variable (using Google Maps). This proved not to be statistically significant.
- Prepared an “Unpaved Driveway (0,1)” variable (using Google maps). This also did not have significance at the standard 0.05 level.
- Noticing that several of the 9 houses had large lots, staff prepared a “Large Lot (2+ acres) (0,1)” variable.

Regression of this database produced coefficients indicating that proximity to trail did not have a statistically-valid impact on home value.

Final Results and Discussion

This chapter presents the final results of the regression analysis for the James City County data in Tables 3 and 4. First, regression statistics are shown in Table 3.

<i>Regression Statistics</i>	
Multiple R	0.94
R Square	0.89
Adjusted R Square	0.89
Standard Error	89,906
Observations	381

TABLE 3 Regression Statistics

Source: HRTPO analysis of JCC and HRTPO data

The first three rows in Table 3 represent different variation of the correlation coefficient R. The Adjusted R Square is the R Square adjusted for the existence of multiple dependent variables. Having a maximum value of 1.00, the 0.89 value (bolded) indicates that the model fits the data very well.

Table 4 exhibits values of coefficients, standard error and P-value for dependent variables. The shading cells represent the variables statistically significant at 95% level ($P < 0.05$).

<i>Dependent Variables</i>	<i>Coefficients</i>	<i>Standard Error</i>	<i>P-value</i>
Intercept	\$26,199	\$19,502	0.18
Unpaved Driveway (0,1)	-\$15,275	\$20,796	0.46
Waterfront w View of Large Water (0,1)	\$618,879	\$38,036	0.00
Other Natural Waterfront (0,1)	\$494,659	\$58,139	0.00
Other Waterfront (lake, marsh, canal) (0,1)	\$22,654	\$22,367	0.31
Acreage up to 2 acres	\$69,876	\$24,649	0.00
Acreage in Excess of 2 acres	\$26,951	\$11,970	0.02
Large Lot (2+ acres) (0,1)	-\$271,707	\$66,533	0.00
Age, years	-\$2,010	\$645	0.00
Finished Square Footage	\$122	\$7	0.00
Half Baths	\$35,337	\$10,402	0.00
Finished Basement Square Footage	\$71	\$27	0.01
Open Porch Square Footage	\$242	\$33	0.00
Other Square Footage	\$141	\$29	0.00
Distance to VCT <0.25mi vs. 1mi+ (0,1)	-\$32,702	\$34,988	0.35
Distance to VCT 0.25-0.50mi vs. 1mi+ (0,1)	\$9,484	\$22,787	0.68
Distance to VCT 0.50-1mi vs. 1mi+ (0,1)	-\$4,107	\$10,637	0.70

TABLE 4 Values of Coefficients, Standard Error and P-value

Source: HRTPO analysis of JCC and HRTPO data

Coefficients of the independent variables tell us how much the dependent variable is expected to increase (if the coefficient is positive) or decrease (if the coefficient is negative) when that independent variable increases by one (Table 4). For example, considering *Age, Years*, all other things being equal, a 9-year-old house is expected to have a sale price \$2,010 less than an 8-year-old house. Another example is: if the *Finished Square Footage* increases by a foot, the sale price will increase by \$122.

The standard error of the coefficients is an estimate of the standard deviation of the coefficients.

The P-values help determine whether the relationships that one observes in the sample also exist in the larger population. The P-value for each independent variable tests the null hypothesis that the variable does not correlate with the dependent variable. For our regression model, the variables that have a P-value of equal or lower than 0.05 (i.e., less than a 5% chance that they are not significant) are considered statistically significant:

- *Waterfront w View of Large Water (0,1)*
- *Other Natural Waterfront (0,1)*
- *Acreage up to 2 acres*
- *Acreage in Excess of 2 acres*
- *Large Lot (2+ acres)*
- *Age, years*
- *Finished Square Footage*
- *Half Baths*
- *Finished Basement Square Footage*
- *Open Porch Square Footage*
- *Other Square Footage*

The remaining dependent variables have a P-value greater than 0.05, making us unsure of the direction (positive, negative) in which they impact sales price, if at all. Importantly, variables depicting distances to the trail are not statistically significant. Therefore, the above Virginia Capital Trail data shows that proximity to trail does not have a statistically-valid impact on home values.

Given that the literature shows a positive impact of trail proximity—and negative impact of highway proximity—on home values, the above Virginia Capital Trail data may show that proximity to the trail has no statistically-valid impact on home value because any positive impact of the trail is negated by a negative impact of proximity to John Tyler Highway.

In conclusion, based on the above regression, staff cannot conclude that proximity to the Virginia Capital Trail impacts home value. Possible next steps include obtaining data from Suffolk or Norfolk to test the impact of the Seaboard Trail or Elizabeth River Trail (respectively).

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ISSUE:

Anticipated Revenues/Expenditures of the County Fair

BACKGROUND:

At its regular meeting on July 16, 2020, the Board expressed its desire to discuss the Fair's expenditures/revenue flow at the Board's January 7, 2021 meeting.

The 2020 County Fair was cancelled due to COVID-19, so the Board may wish to provide direction relative to the 2021 County Fair.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's discussion.

ISSUE:

Staff Update - CARES Act Funding

BACKGROUND:

The County recently received correspondence from the Commonwealth of Virginia Secretary of Finance advising that the deadline for expenditure of CARES Act Funding has been extended until December 31, 2021. Staff will provide an update relative the County's use of CARES Act Funding.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ATTACHMENTS:

Description	Type	Upload Date
Correspondence from the Commonwealth of Virginia Secretary of Finance	Backup Material	1/4/2021



COMMONWEALTH of VIRGINIA

Aubrey L. Layne, Jr., MBA, CPA
Secretary of Finance

P.O. Box 1475
Richmond, Virginia 23218

December 30, 2020

To: County and City Elected Officials

Delivered Via: Chief Executive Officer, Manager, or Administrator

From: Aubrey L. Layne, Jr.
Secretary of Finance

Subject: Extension of Expenditures of Coronavirus Relief Funds

On December 23, 2020, I sent you a memorandum titled, "*Extension for Expenditures of Coronavirus Relief Funds*." That memorandum announced passage of a new relief bill that extends the federal deadline established in the CARES Act. The President has now signed this legislation. While the details of this legislation have not been fully published, the general information indicates that the December 30, 2020 deadline established in the CARES Act for incurring expenditures will be extended by one year, until December 31, 2021.

It is important for us to see the details of this legislation before providing you with more specific guidance, but I wanted you to be aware that the Commonwealth is extending all previous deadlines. More importantly, you will be able to continue to incur expenditures beyond December 30, 2020.

As these details become available, I will update you with additional guidance. Until then, please continue to follow the guidance issued by the U.S. Department of Treasury regarding what constitutes a qualifying expenditure from the CRF. Other than the extension of the deadline, we have not been informed about any other changes to the requirements of the CARES Act.