

# Zoning Ordinance Update

## Working Draft Remaining Items Discussion

PC / BOS Joint Meeting

August 9, 2022

# Topics

## New Agriculture Uses

1. Agriculture processing
2. Animal slaughter and/or rendering establishment

## District Regs

3. Developments on multiple lots
4. SF-1
5. B-2
6. B-4

## Other

7. Freight containers



# New Agriculture Uses

# New Agriculture Uses

BOS/PC Comments: Lots of discussion related to allowing agriculture operations in the rural residential areas. However, no changes were proposed.

## Use clarified

- **Agriculture operation**  
(clearly state that accessory uses for packing, storing, and treating products, including processing and manufacturing can be done by right – provided they are secondary to the main ag activity)

## New uses added

- **Agriculture processing**
- **Animal slaughter and/or rendering establishment**

Proposed per draft ordinance	Districts											
	Conser	Agriculture		Residential					Mixed Use	Business		Industrial
	C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2/RMX VMX	B-1	B-4	I-1
Agriculture operation	CUP	P	P	SE	SE							
Agriculture processing		CUP	CUP							CUP		P
Animal slaughter...		CUP										CUP



# New Agriculture Uses

**Agriculture processing:** Any commercial operation that processes or manufactures agricultural products as the principal use. This definition excludes the processing or manufacturing of agricultural products deemed accessory to on-site production. The term **does not include seafood processing plants, animal slaughter and/or rendering establishments, or farm livestock markets as defined herein.**

New use to encompass businesses that primarily process agriculture products.

No supplementary regulations are proposed.

Proposed per draft ordinance	Districts											
	Conser	Agriculture		Residential				Mixed Use	Business		Industrial	
	C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	<del>B-2</del> /RMX VMX	B-1	B-4	I-1
Agriculture operation	CUP	P	P	SE	SE							
Agriculture processing		CUP	CUP							CUP		P

# New Agriculture Uses

*Animal slaughter and/or rendering establishment:* A commercial establishment where livestock are killed and/or prepared for distribution to butcher shops and food markets and/or processing waste animal parts and/or products.

New proposed use.

This use is regulated by VA Dept of Agriculture and Consumer Services (VDACS).

Proposed per draft ordinance	Districts											
	Conser	Agriculture		Residential				Mixed Use	Business		Industrial	
	C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2/RMX VMX	B-1	B-4	I-1
Agriculture operation	<b>CUP</b>	P	P	<b>SE</b>	<b>SE</b>							
<b>Animal slaughter and/or rendering</b>		<b>CUP</b>										<b>CUP</b>

# New Agriculture Uses

## Animal slaughter and/or rendering establishment

### Supplementary Regulations

1. A minimum two hundred (200) foot setback shall be provided for structures and animal enclosures with a minimum four hundred (400) foot setback for any enclosure used for slaughtering of animals. Setbacks shall be from any public right of way and from any property line of any property not owned or leased by the establishment.
2. Measures shall be developed to mitigate obnoxious odors, dust, smoke, or similar nuisances.
3. Waste or any decomposable residue from the livestock processing or abattoir operation shall only be disposed of in strict compliance with any applicable state regulations.
4. Design, construction, and operation of the facility must meet or exceed the requirement of all current state and federal regulations. Specifically, the operation must conform to any guidelines or specifications concerning design, construction, and operation as published or otherwise disseminated by the U.S. Department of Agriculture and/or Virginia Department of Agriculture and Consumer Services (VDACS).

# Developments on Multiple Lots

# Developments on Multiple Lots

Where a development is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance.

There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval.

In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required.

Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.

Staff recommends adding these statements to each of the district regulations under the setback table to avoid the creation of non-conforming lots at the time of development.

This also will ensure that future non-conforming lots are not created if one or more lots in a development are sold separately.

# Developments on Multiple Lots

The County Assessor supports this requirement and provided us the following list of benefits with such a requirement.

- Ease of future recordation of Deeds by the County Clerk of those parcels so combined.
- Reduced potential of error by Title searchers, researchers, and other interested parties seeking to identify all the parcels of a particular transaction or of a particular interest.
- Less confusion for the Commissioner of Revenue and the Real Estate Assessment Department when processing parcel updates regarding ownership changes.
- Less confusing allocation of values by the Real Estate Assessment Department, thus establishing a better means of determining equity amongst similar properties.
- Less potential for error by the Treasurer's Department seeking to collect the real estate property tax.
- Greater convenience for the property owner and the County when seeking property/parcel identification to obtain various required Permits.

# SF-1 District Lot Size Clarification

# SF-1 District Lot Size Clarification

## Background – 2019 Code Amendment

- Lot size w public w&s - 10K SF
  - No change
- Lot size w/out public w&s - 30K SF
  - Reduced from 2 acres
- Lot size for minor subdivisions (2-3 lots), family transfers, and division of estate - 30K SF (regardless of public w&s)
  - No change

Changes proposed clarify these regulations.



# SF-1 District Lot Size Clarification

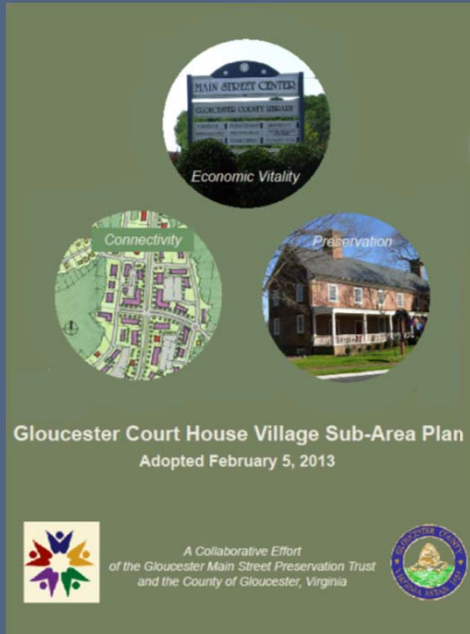
a. Lot size:

- i. Minimum lot area: 30,000 SF without public water and sewer; 10,000 SF with public water and sewer (or as specified in Article 9B Supplementary Use Regulations for specific uses). **However, all divisions of estate, family transfers, and minor subdivisions require a 30,000 SF minimum lot area regardless of the availability of public water and sewer.**
  
- ii. Minimum frontage/average lot width: 100 feet without public water and sewer; 80 feet with public water and sewer (or as specified in Article 9B Supplementary Use Regulations for specific uses). **However, all divisions of estate, family transfers, and minor subdivisions require a 100-foot minimum frontage/average lot width regardless of the availability of public water and sewer.**

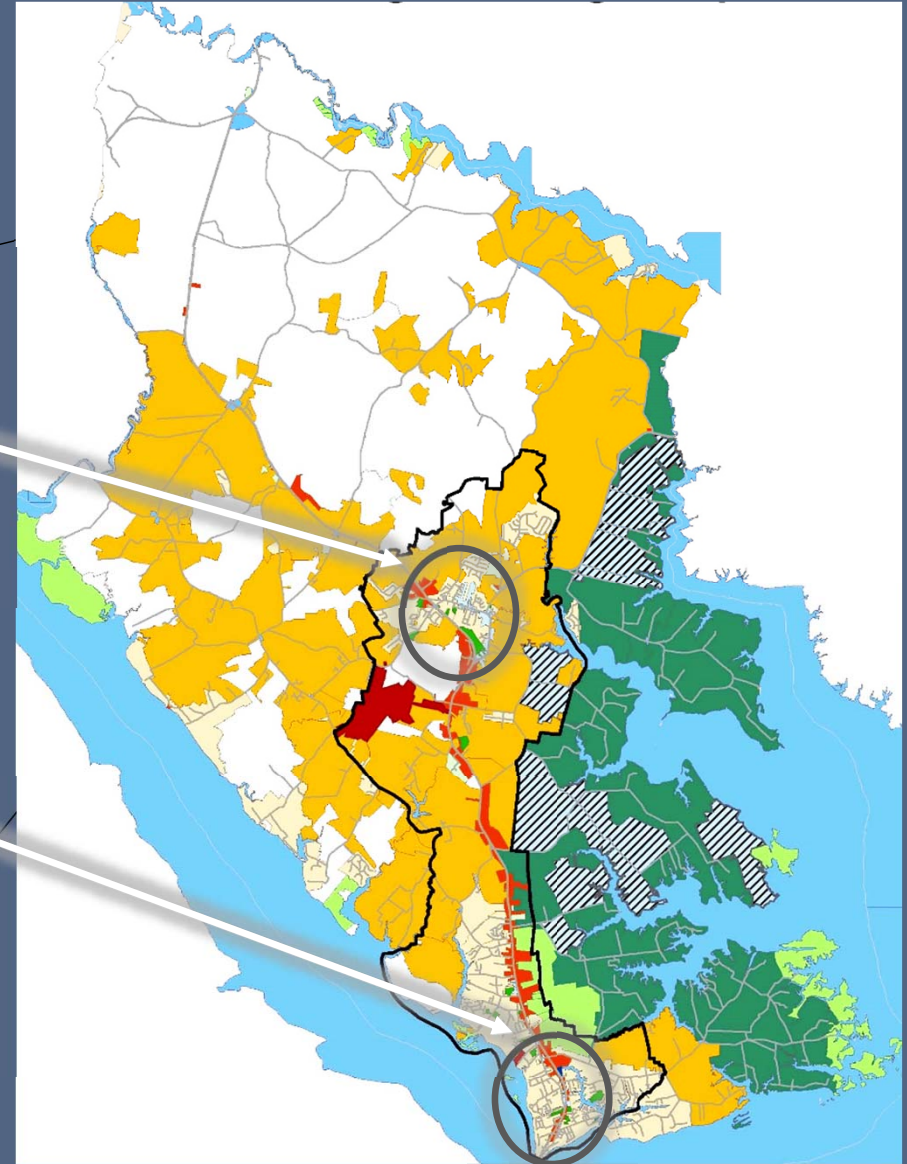
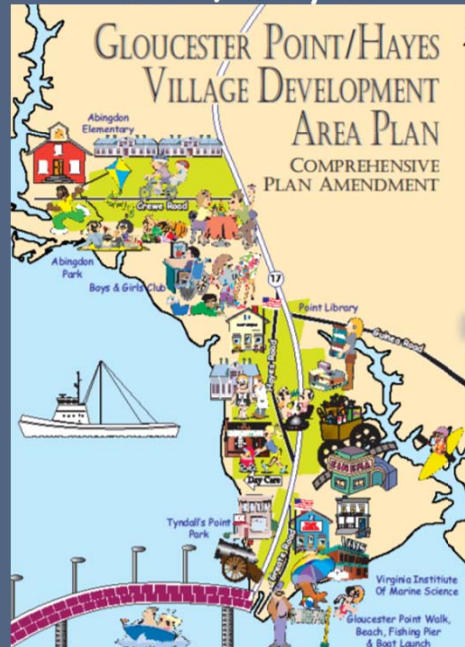
# B-2 Village Business District

# B-2 Village Business District

## Court House



## Point / Hayes



# B-2 Village Business District

## Intent:

To preserve the development pattern and characteristics of the Historic Court House area and expand that pattern into other higher density areas of the county, as appropriate, creating similar pedestrian-oriented buildings and streetscapes that create a sense of place and vitality as called for in the Comprehensive Plan.



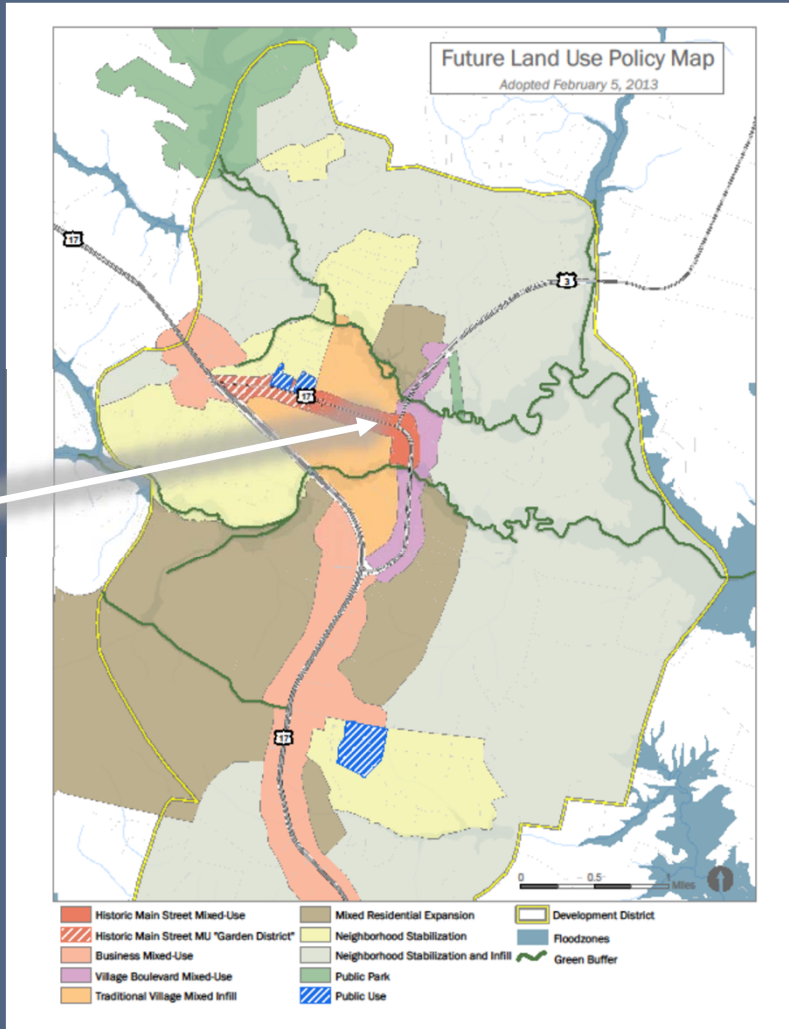


# B-2 Village Business District

## Characteristics:

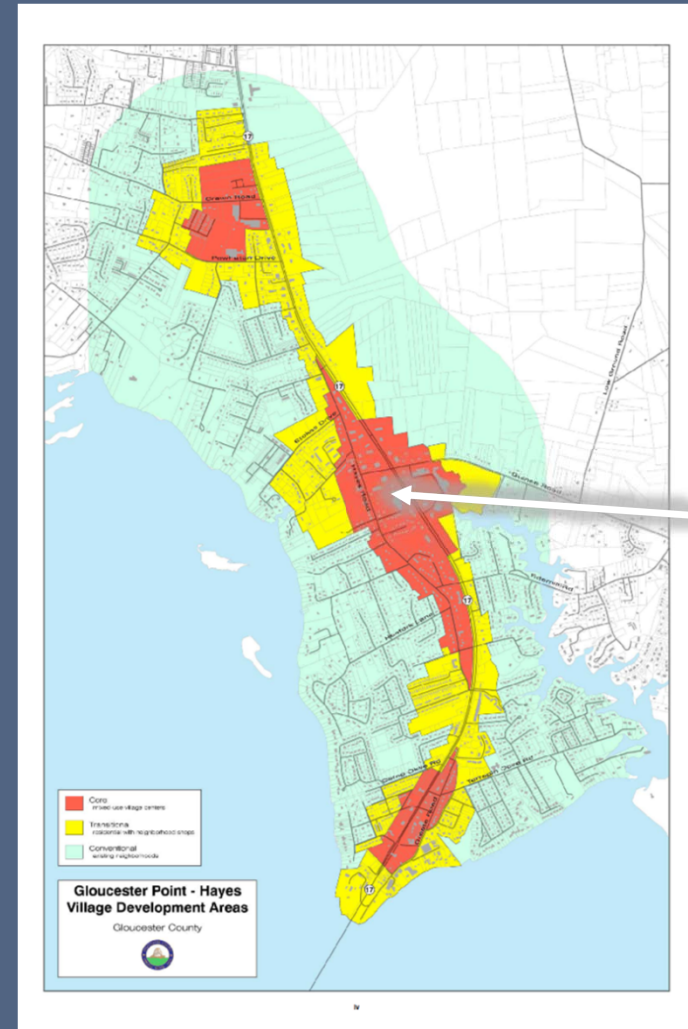
- Theme – Economic Vitality
- Residential density (16 DU / acre)
- Mix of uses in core village areas
- Carefully designed infill development
- Focus on form, scale, design, and sense of place
- Expand flexibility in ordinances
- Promote connectivity- vehicles and pedestrians

# B-2 Village Business District



Historic Main St. mixed use

Court House Village



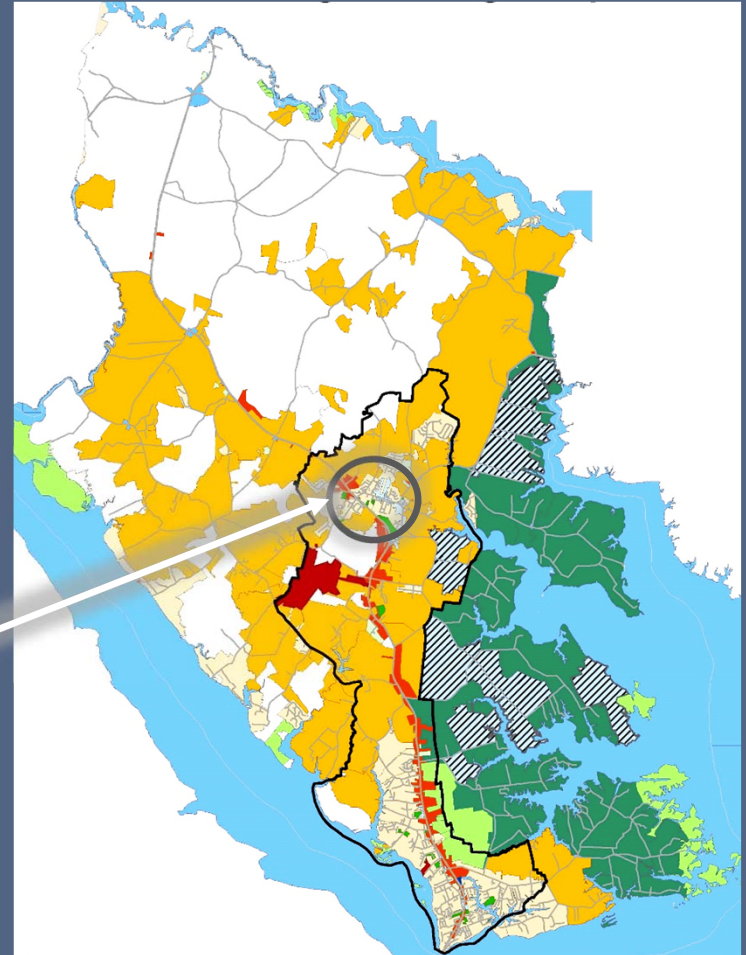
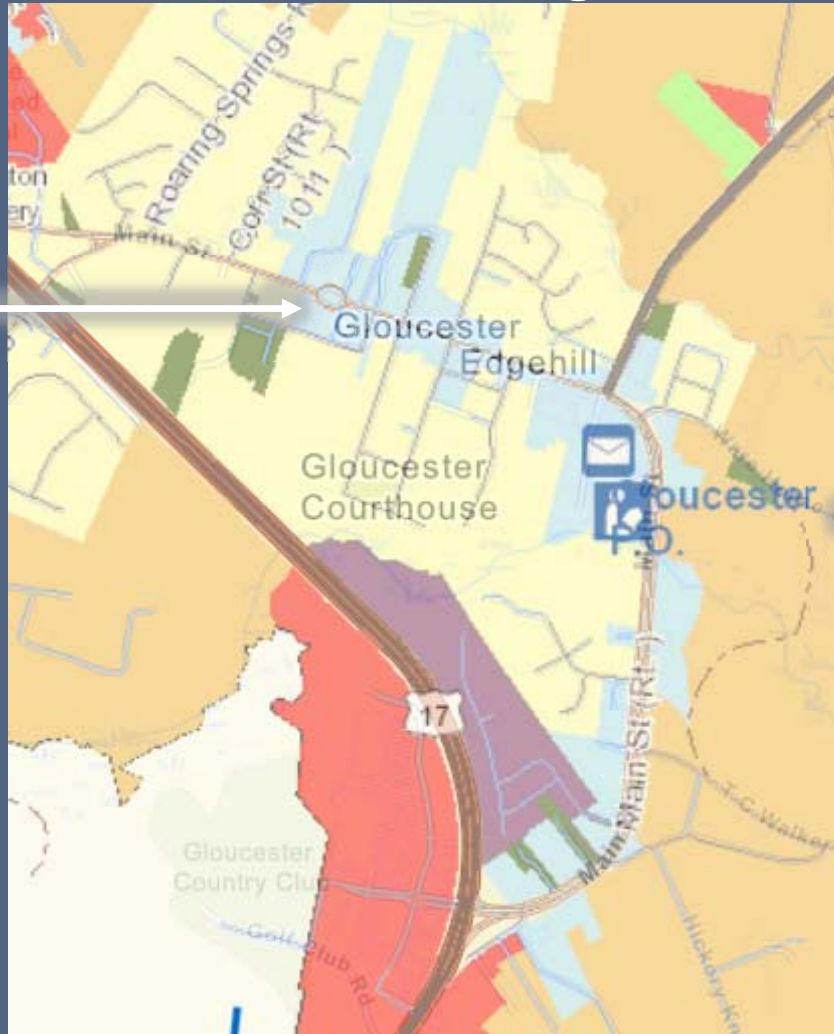
Mixed-use village (typ)

Point / Hayes Village

# B-2 Village Business District

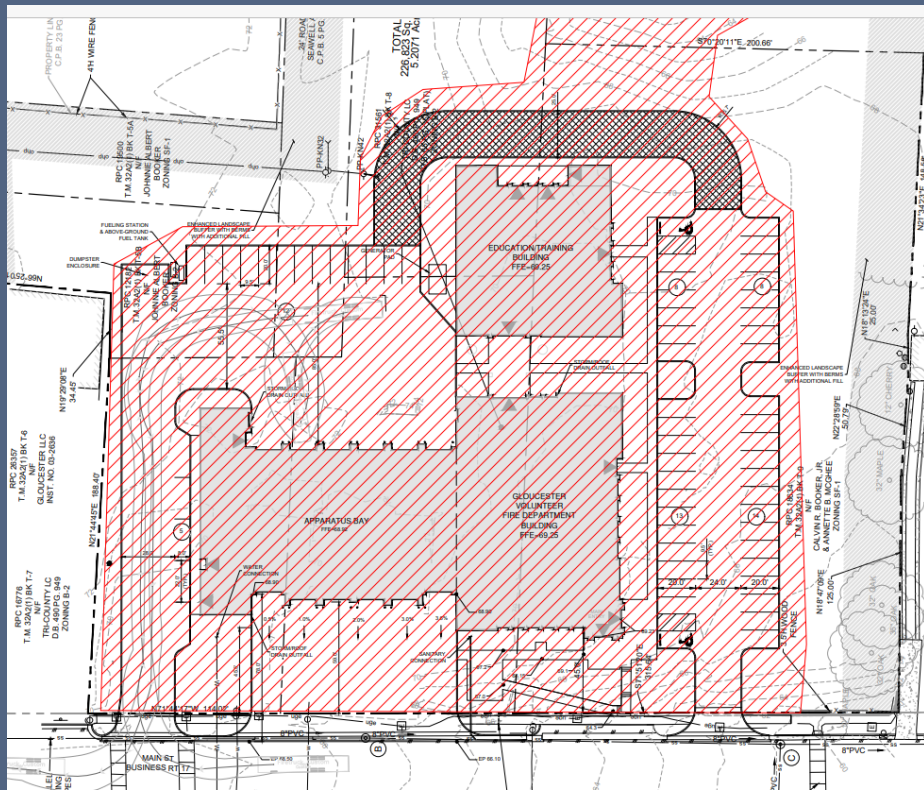
## Court House Village Area

B-2 Zoning





# B-2 Village Business District



GVFR Concept Plan



GVFR parcels

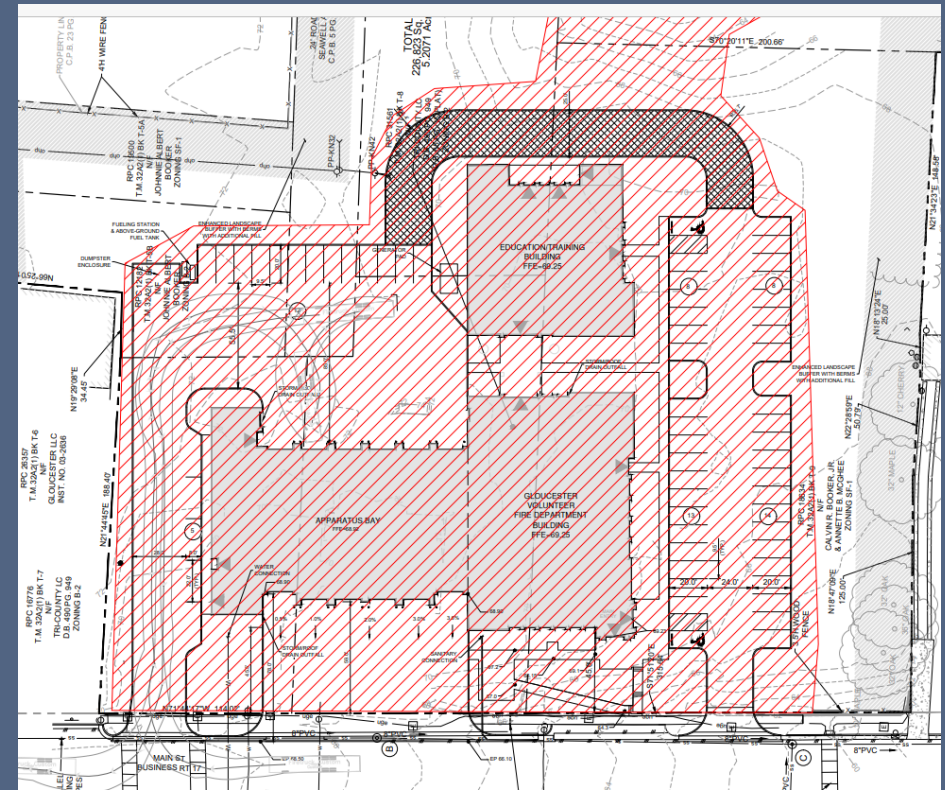


# B-2 Village Business District

BOS/PC Comments:  
The BOS agreed w/  
exempting fire stations  
from certain regulations.

## Proposed District Regulations Review

1. Front setback requirements 5' minimum / 30' maximum – VF&R building is set back 40+ feet
2. Maximum footprint 10,000 SF – VF&R building is approx. 20,000+ SF
3. Front Façade Elements – VR&R may comply
  - Fenestration (doors and windows) of 40% min
  - Entrances – Facades greater than 50' must have an entrance an average of at least every 50 feet
  - Front facade must have a break in the wall surface at least every fifty (50) feet such that the break creates the visual appearance of separate building masses.
4. All garage and carport openings shall face to the rear of side of the lot – VF&R building truck bays face Main Street
5. Off street parking must be located behind the building – VF&R has parking to the side and back of the building



GVFR Concept Plan

Staff recommended exempting fire stations from certain district requirements?

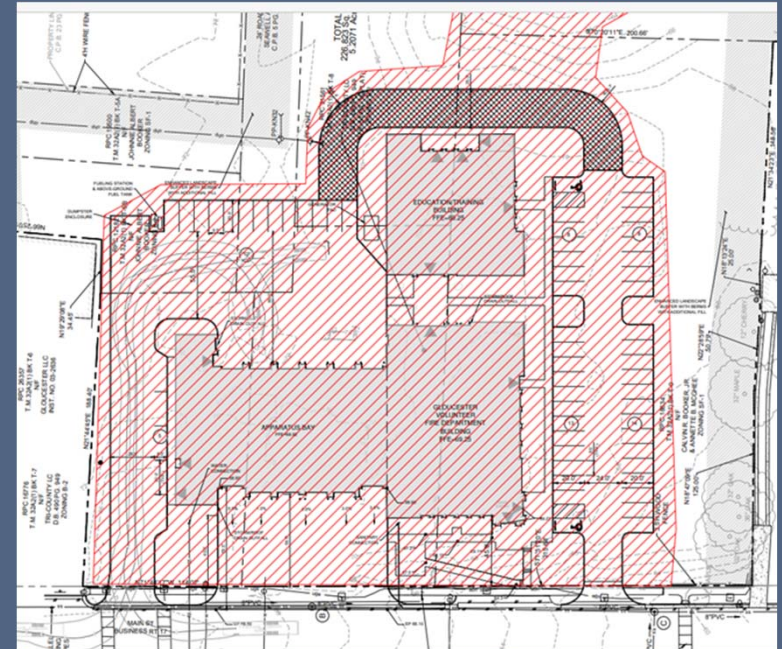
# B-2 Village Business District

## Exemption proposed:

Fire and EMS company stations are exempt from the following regulations:

- the maximum front setback.
- all building / structure regulations except for maximum heights.
- parking and loading item ii. Parking may be located to the rear or side of the principal building, but not in the front yard.

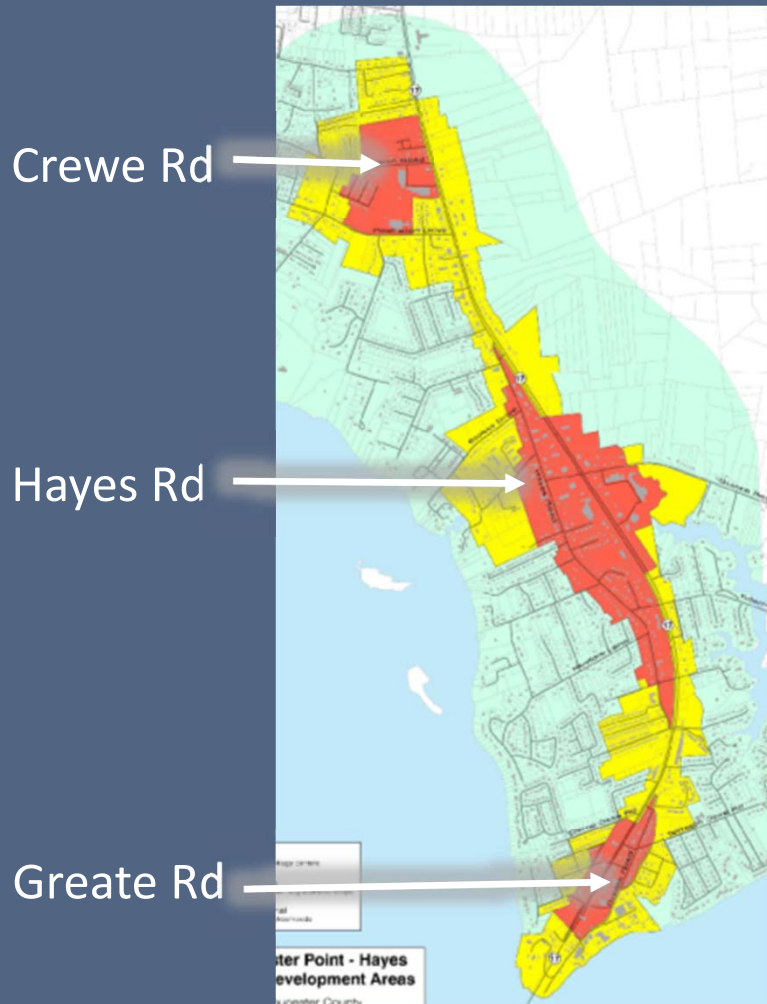
Originally staff proposed flexibility for all uses within certain areas, however County Attorned stated it was too vague and beyond ZA's authority.



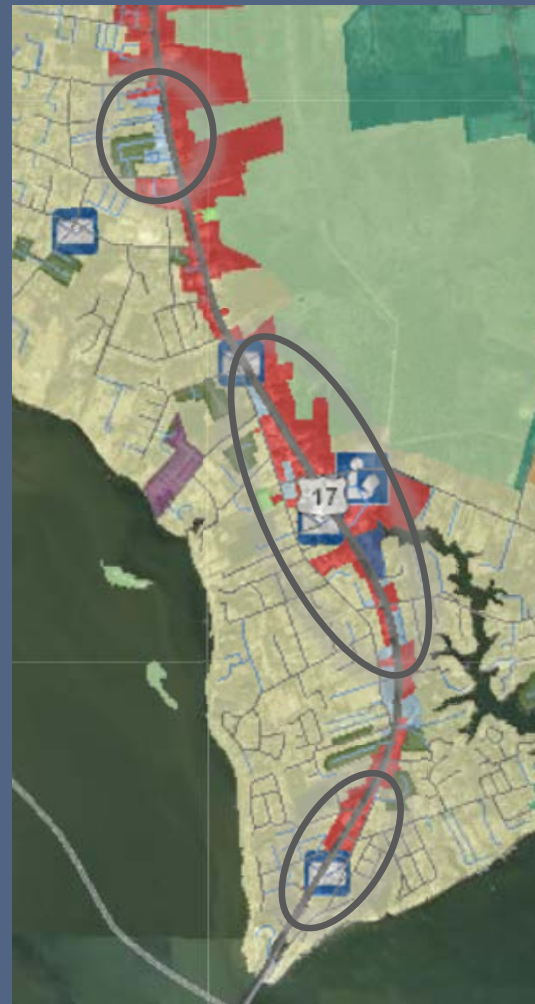
Proposed Fire & EMS Station  
along Main Street



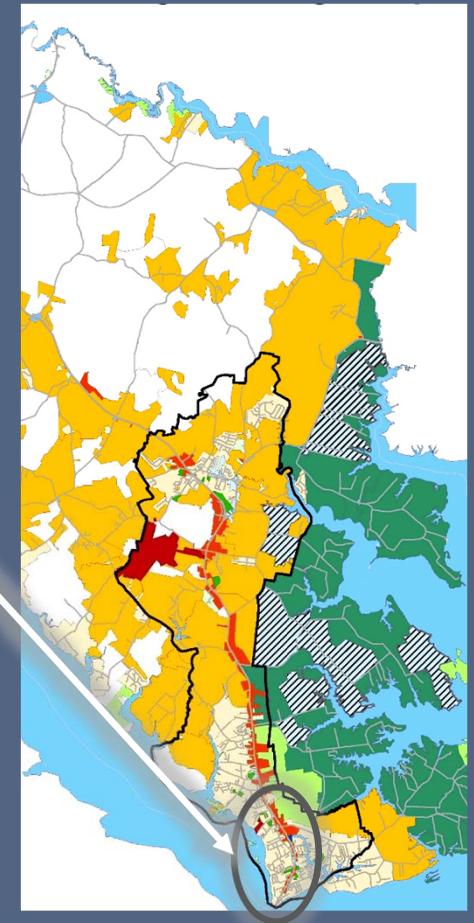
# B-2 Village Business District



Point / Hayes  
Village Areas



Several formally B-3  
areas, rezoned to B-2



# B-2 Village Business District





# B-2 Village Business District



# B-2 Village Business District





# B-2 Village Business District



# Review of B-4 District Uses

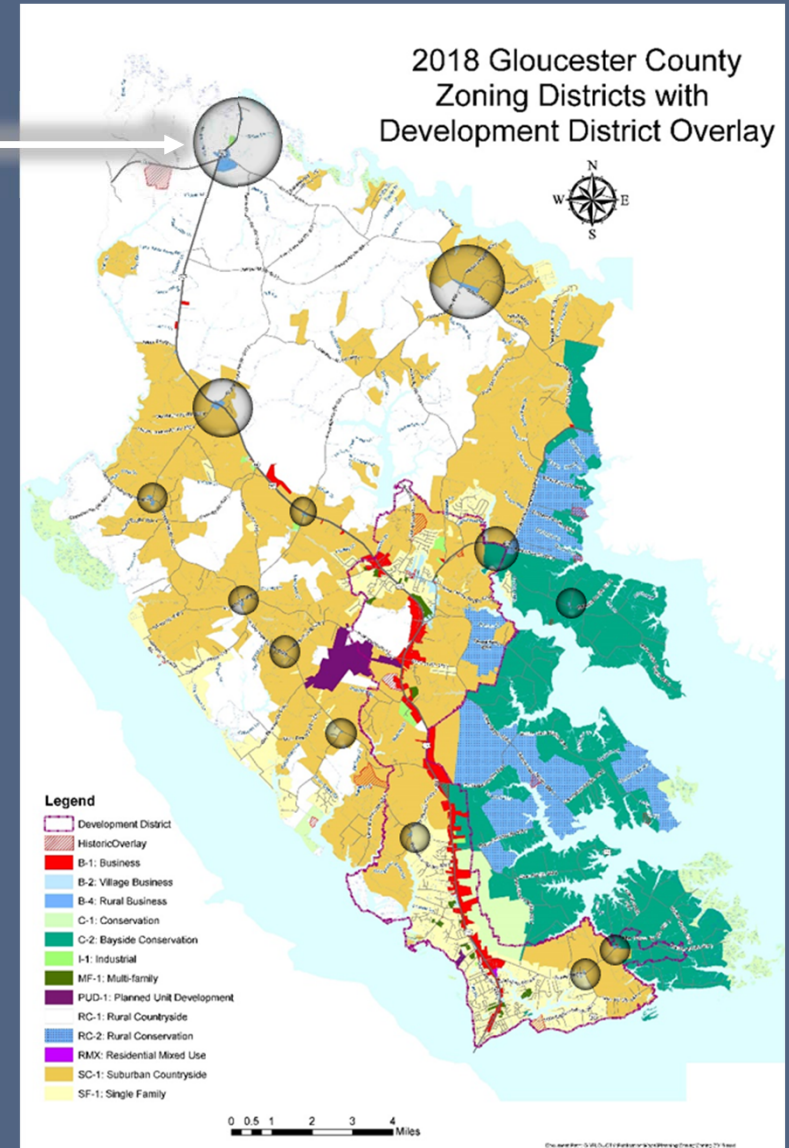


# Review of B-4 District Uses

## Glenns Rezoning Changes:

Staff and PC reviewed the B-4 use table identified several uses to review:

Glenns



# District Regulations – Review of B-4 Uses

Proposed per draft ordinance	Districts											
	Conser	Agriculture		Residential				Mixed Use	Business		Industrial	
	C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Livestock, private use		P	P	P	P						<del>SE</del> P	
Stable, private		P	P	P	P	P					<del>SE</del> P	
Commercial indoor entertainment									P	P	<del>P</del> CUP	
Commercial outdoor enter. major		CUP							CUP	CUP	CUP	
Commercial outdoor enter. minor		SE	SE						SE	P	<del>SE</del> CUP	
Restaurant, drive through										P	P	
Manufacturing, food and beverage		CUP	CUP							P	P	P



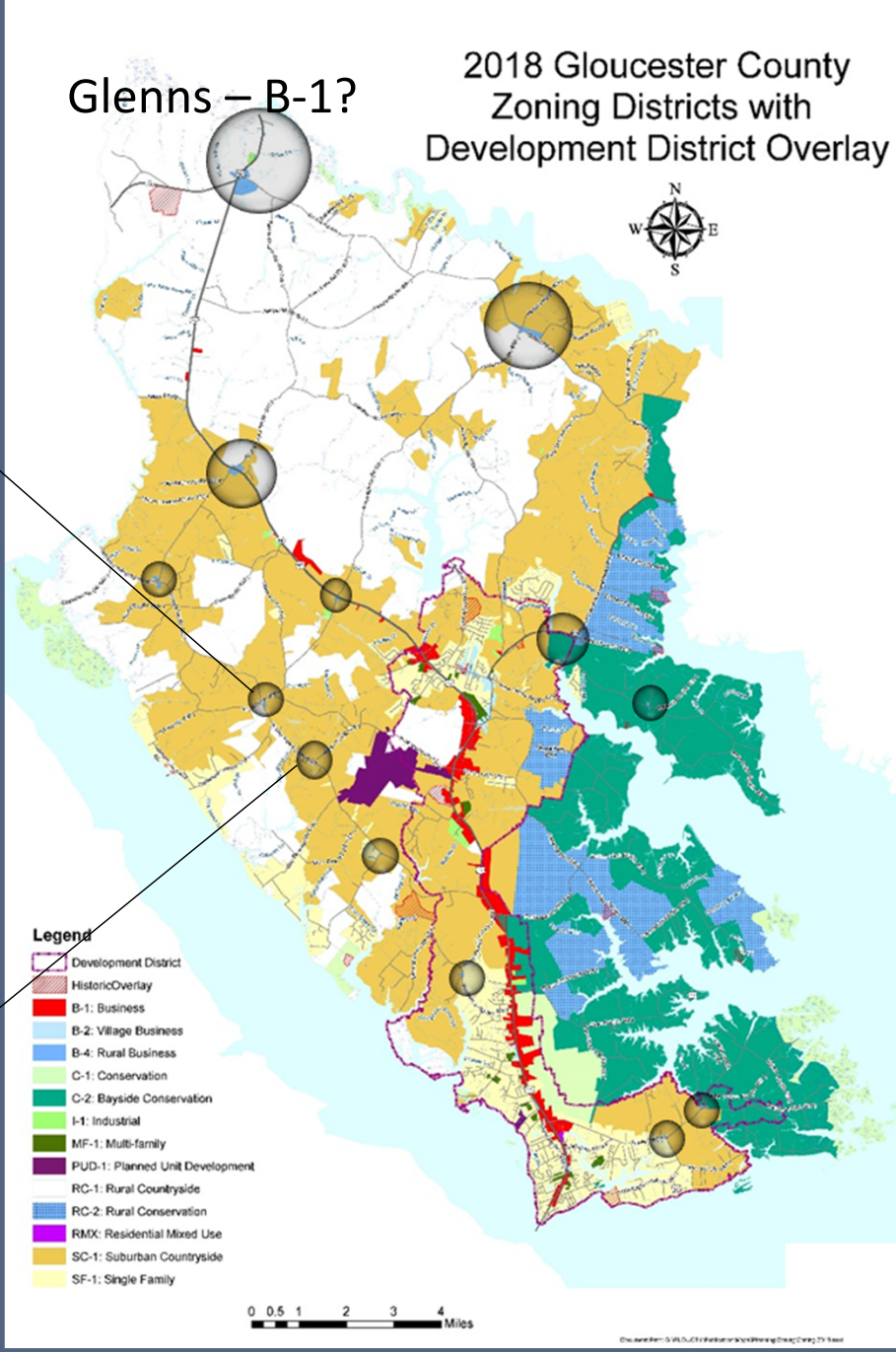




4.81-acres B-4 along Hickory Fork (portion being subdivided and downzoned)

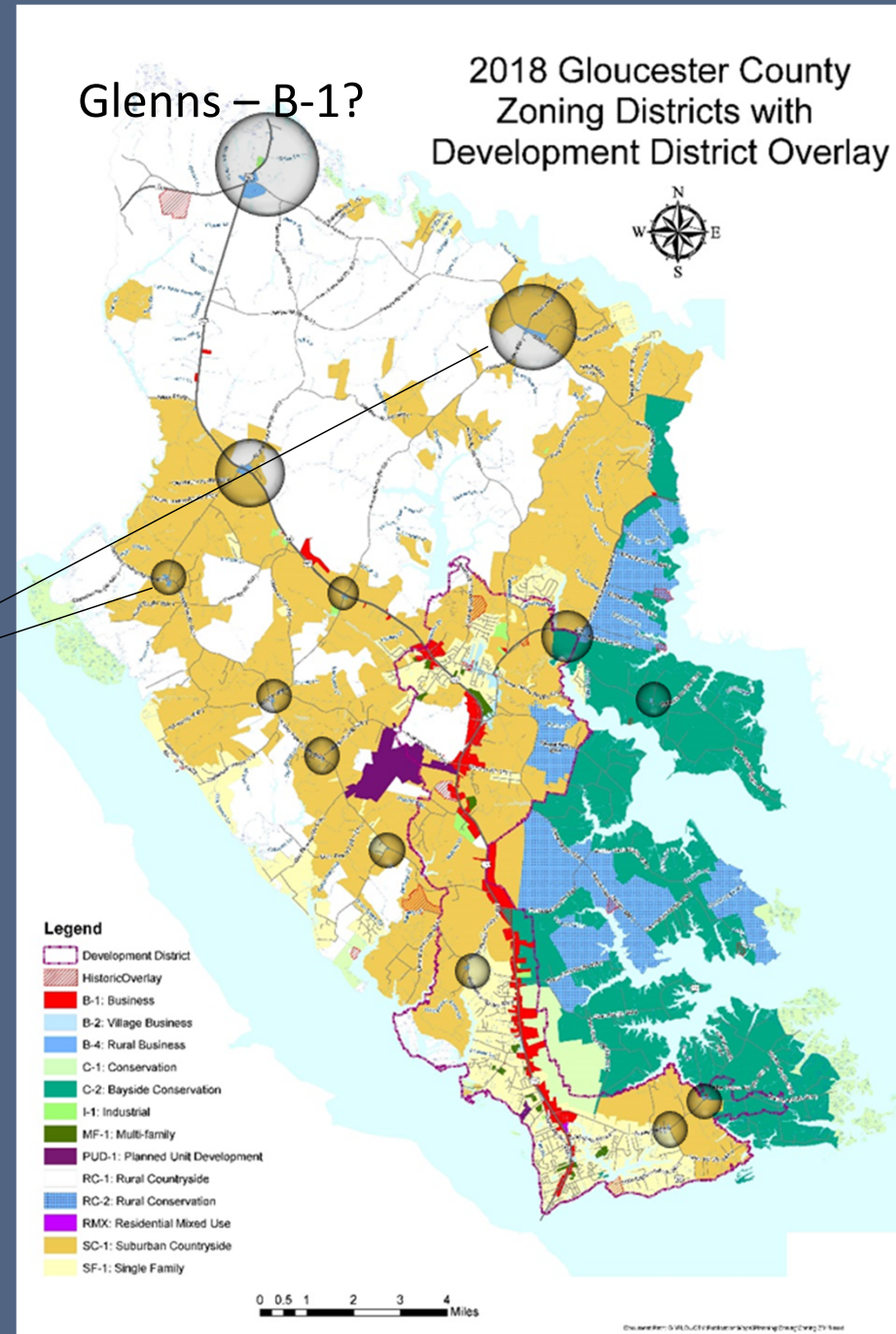


1.04-acres B-4 along corner of Hickory Fork and Belroi Rd.





Location	Largest Abutting B-4 Acreage			
Rte. 17	9	10.5	2.5	2.7
Rte. 14	2	2		
Guinea	4.5	2.13		
Hickory Fork	1.13	4.81	1.04	
Providence	4			
Davenport	9.13	7		
Dutton	30			
Ware Neck	3.64	0.75		



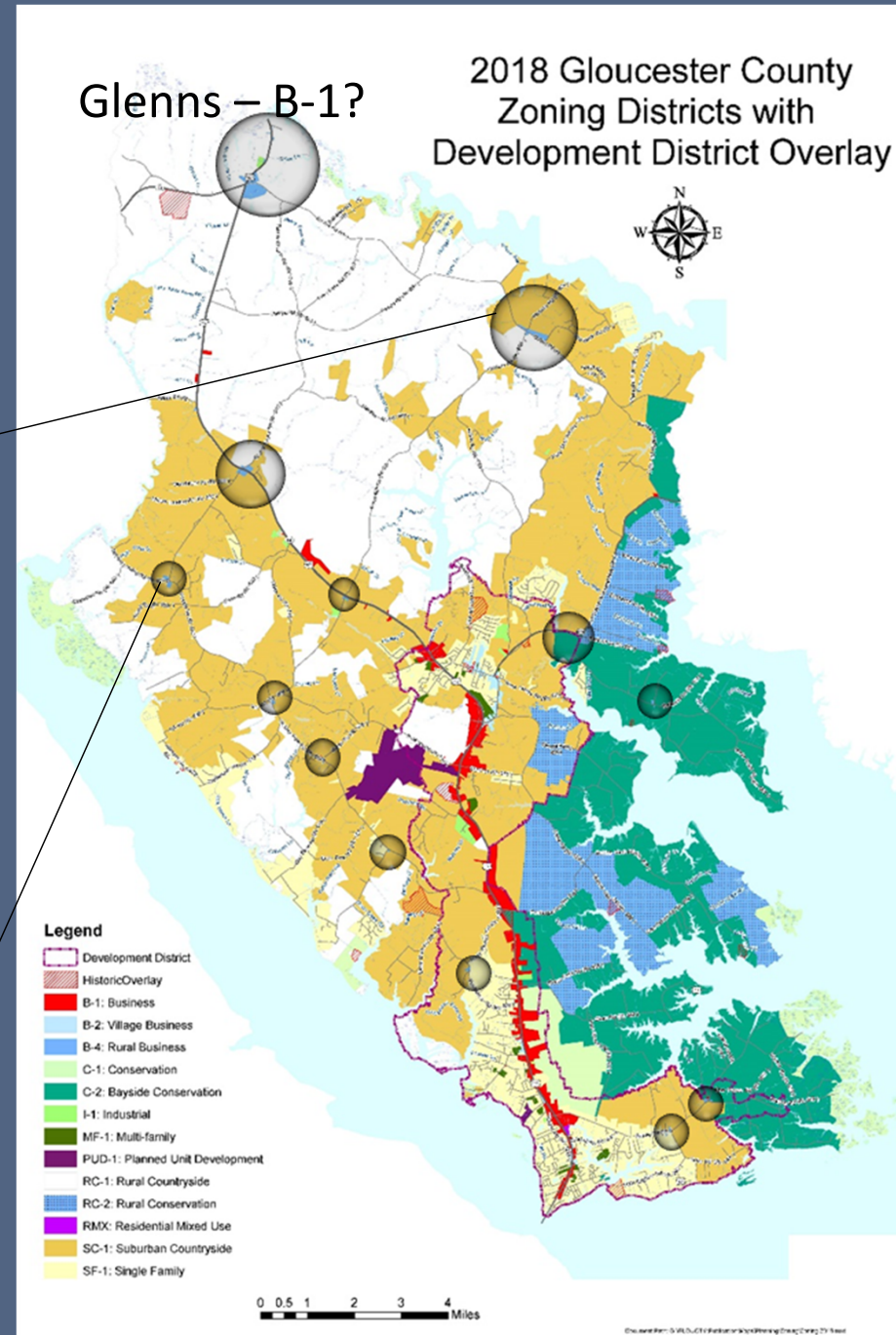




25-acre parcel of Dutton Road



9.13-acres & 7-acre B-4 at end of Davenport Rd.  
(northern access to Werewocomoco)



# District Regulations – B-4 Uses

Review of use table for the B-4 Rural Business District  
(considering the anticipated Glens rezoning to B-1)

Use	Currently proposed to be permitted in B-4 by:	Consider permitting in B-4 by:	Consideration
Livestock, private use or enjoyment	SE	P	Proposed changes to the ordinance allow these uses with or without a residence. These should not require a review process.
Stable, private	SE	P	

# District Regulations – B-4 Uses

BOS/PC Comments: Change use to be permitted by SE and establish a separate use for fitness and wellness centers that is permitted by right in B-4.

Use	Currently proposed to be permitted in B-4 by:	Consider permitting in B-4 by:	Consideration
<i>Commercial indoor entertainment, amusement, or sports</i>	P	<div style="text-align: center;"> <span style="border: 1px solid red; padding: 2px;">SE</span>  <del>CUP</del> </div>	Many are fine, however some such as theaters or concert halls with a large volume of people at one time may not be.

Definition - Participant and/or spectator uses conducted within an enclosed building. Typical uses include game rooms, pool halls, video arcades, bingo parlors, theaters, concert halls, bowling alleys, ice and roller skating rinks, fitness and wellness centers, swimming, and/or indoor racquetball.

Staff Comment: Since this use now requires a public hearing, staff recommended separating out fitness and wellness centers.



# District Regulations – B-4 Uses

Use	Currently proposed to be permitted in B-4 by:	Consider permitting in B-4 by:	Consideration
<i>Commercial outdoor entertainment amusement, or sports, major</i>	CUP	CUP	<p>Considered removing major outdoor uses from B-4, however after discussion no change is proposed.</p> <p>The CUP will allow a case-by-case review.</p>

Definition - Large participant and/or spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, motorized cart and motorcycle tracks, motor vehicle or animal racing facilities, and outdoor amusement parks. These facilities typically, but not always, serve the local community as well as adjacent communities.



# District Regulations – B-4 Uses

Use	Currently proposed to be permitted in B-4 by:	Consider permitting in B-4 by:	Consideration
<i>Commercial outdoor entertainment, amusement, or sports, minor</i>	SE	CUP	PC and staff feel that these uses should be reviewed by the PC and BOS rather than the BZA.

Definition - Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to, driving ranges, miniature golf, wellness and fitness centers, swimming pools, tennis courts, and outdoor racquetball courts. These uses typically, but not always, serve primarily the local community.

# District Regulations – B-4 Uses

Use	Currently proposed to be permitted in B-4 by:	Consider permitting in B-4 by:	Consideration
Restaurant, drive through	P	P	<p>Considered removing this use from B-4 due to the rural location of many of the B-4 properties.</p> <p>However, no change is proposed by the PC.</p>

*Restaurant, drive through:* Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises where ordering and pickup of food may take place from a vehicle within a drive lane specifically designated for that service.

# District Regulations – B-4 Uses

Use	Currently proposed to be permitted in B-4 by:	Consider permitting in B-4 by:	Consideration
<i>Manufacturing food and beverage production</i>	P	P	<p>Reviewed the sizes of currently zoned B-4 properties and the impact a large-scale facility might have on the surrounding area. Considered changing the use to a SE or CUP.</p> <p>However, no change is proposed by the PC.</p>

Definition - An establishment in which food and/or beverages are processed or otherwise prepared for eventual consumption. Such establishments may offer to individuals visiting the premises product samples for on-site consumption.

BOS/PC Comments: There was a long discussion about freight containers with no consensus established. The BOS asked staff to email the BOS with some suggestions given the discussion.

# Freight Containers

# Freight Containers

Heights are typically: 8'6" and 9'6"

## Can be:

- **Used for storage**  
In residential areas they are limited based on lot size – no BP required
- **Modified and/or used for other uses**  
With an appropriate Building Permit

## Can not be:

- **Ancillary structures**



10x8



20x8



40x8

# Freight Containers



Image from Gloucester

	<b>Current Regulations (Use Based)</b>	<b>Proposed Regulations (District based) (post BOS/PC comments)</b>
<b>Agriculture, Industrial, and Commercial</b>	Permitted accessory use – no limitations on number	Permitted accessory use – no limitation on number
<b>Mixed Use (B-2)</b>	Permitted accessory use – no limitations on number	<b>Not permitted</b>
<b>Residential</b>	Permitted limited to: 1 max on lots < 2 acres 2 max on lots 2-5 acres 5 max on lots > 5 acres	<b>Not permitted in SF-1, MF-1, and on lots &lt; 2 acres</b> Permitted in other residential districts limited to: 1 max on lots 2 – 5 acres 3 max on lots > 5 acres



# Freight Containers

## Agriculture / Rural Residential



Image from Gloucester

## Residential



## Commercial / Industrial



Proposed per draft ordinance	Districts											
	Conser	Agriculture			Residential				Mixed Use	Business		Industrial
	C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2 /RMX VMX	B-1	B-4	I-1
Freight containers	P	P	P	P	P	P	P	P	P	P	P	P

# Freight Containers

## Stacking and Modifications:

Modification and/or use of freight containers other than for storage is **permitted provided the proposed modification and use conforms to the requirements of the**

- **USBC**
- **Gloucester County Code and**
- **other applicable local, state, or federal requirements**





# Freight Containers

## PC Comments:

### Screening

- require screening from adj properties and the R-O-W in res.
  - not sure what type of screening, fencing (how tall / what material), planting, etc.
- need to have a good description of screening
- concern over visual appearance of used containers
  - Screen them from public view
- if screening is required in residential lots, then the minimum acreage can be eliminated
- do not see a difference between these and a shed
- if they look good, they do not need to be screened
- require screening or painting
- containers are sold for watertight storage and a coat of paint will do more than screening.
- paint does not cover up rust
- do not think screening is needed if it meets the setbacks (5' rear and side)
- Staff comment: screening is primarily used in the ordinance related to commercial applications



Image from Gloucester

# Freight Containers

## PC Comments:

### Size limitations

- limit the size of containers on either a 1/2 acre or 1-acre residential lot to 20'
- limit them to 20' on lots less than 1/2 acre

### Locations permitted

- allow them by right, they are no different than any other accessory structure
- do not permit in B-2 or SF-1
- can have on 2 acres in SF with increased setback - no screening required
- these do not look like a residential structure - they are different fundamentally

### Other comments

- allow them to be stacked if they meet building code



Image from Gloucester

**Stacking would be limited by the district height requirements.**

# Freight Containers

Do the BOS and PC want to change the below proposed regulations?

	Current Regulations (Use Based)	Proposed Regulations (> Joint Mtg) (District based)
Agriculture, Industrial, and Commercial	Permitted accessory use – no limitations on number	Permitted accessory use – no limitation on number
Mixed Use (B-2)	Permitted accessory use – no limitations on number	Not permitted
Residential	Permitted limited to: 1 max on lots < 2 acres 2 max on lots 2-5 acres 5 max on lots > 5 acres	Not permitted in SF-1, MF-1, and on lots < 2 acres Permitted in other residential districts limited to: 1 max on lots 2 – 5 acres 3 max on lots > 5 acres

Proposed per draft ordinance	Districts											
	Conser	Agriculture		Residential					Mixed Use	Business		Industrial
	C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2 /RMX VMX	B-1	B-4	I-1
Freight containers	P	P	P	P	P	P	P	P	P	P	P	P

# Next Steps

Prepare the draft for 2<sup>nd</sup> County Attorney review

Prepare for public outreach prior to public hearings

- Media releases
- Beehive
- Public open houses (2 minimum)

## Questions?