



**Northampton County Board of Supervisors
County Ordinance No. 2025-004**

AN ORDINANCE, NO. 2025-004

Amending §§ 154.2.00, 154.2.003, 154.2.081, 154.2.082, Appendix A: Use Regulations, and Appendix B: Densities, Lot sizes, and Dimensions of Chapter 154.2 of the Northampton County Code, and adding § 154.2.123 to that Chapter, to establish provisions governing development in the Town Edge zoning district and to update permitted, special, and accessory uses and related development standards in the Town Edge and Commercial General zoning districts.

DRAFT

Referral to Planning Commission by Board of Supervisors: _____, 2025
Review by Planning Commission: _____, 2025
Public Hearing by Planning Commission: _____, 2025
Public Hearing by Board of Supervisors: _____, 2025

That Sections 154.2.002, 154.2.003, 154.2.081, and 154.2.082 of Chapter 154.2 of the Northampton County Code be and hereby are amended, as follows:

§ 154.2.002 INTENT AND PURPOSE.

(A) Intent. This chapter is intended to encourage the improvement of public health, safety, convenience and general welfare of citizens and to plan for future development of communities. It seeks to implement the goals, objectives and policies set forth in the Comprehensive Plan of Northampton County adopted by the Board of Supervisors of Northampton County and as set forth in the Code of Virginia, including but not limited to VA Code §§ 15.2-2200, 15.2-2283, 15.2-2284, and 15.2-2223.

(B) Purposes. ~~The regulations that follow are part of~~ County zoning ordinance is integral to the county's County's comprehensive program to guide and facilitate the orderly and economical growth of the community and to promote the public health, safety, convenience, comfort,

prosperity and general welfare. More specifically, the ~~purpose of these regulations is~~ provisions of the zoning ordinance are to:

- (1) Provide for adequate light, air, convenience of access and safety from fire, flood, impounding structure failure, crime, and other dangers;
- (2) Reduce or prevent congestion in the public streets;
- (3) Facilitate the creation of a convenient, attractive and harmonious community;
- (4) Assure that residential areas be provided with healthy surroundings for family life;
- (5) Facilitate the provision of adequate police and fire protection, medical services, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- (6) Protect against destruction of or encroachment upon historic areas and working waterfront development areas;
- (7) Protect against the following: overcrowding of land, undue density of population in relation to the community facilities or natural resources existing or available, including soil and groundwater supply, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, panic or other dangers;
- (8) ~~Assure~~ Ensure that the growth of the community ~~be~~ is consonant with the efficient and economical use of public funds;
- (9) Encourage economic development activities that provide desirable employment and enlarge the tax base;
- (10) Provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment, by measures including, but not limited to, the following: reducing and preventing sedimentation and soil erosion that may harm citizens or the natural environment; protecting the marine environment for the preservation of the waters of the Chesapeake Bay, the Atlantic Ocean, and the seafood industry; providing for the orderly development of the county in order to conserve valuable natural resources including farmland, forests, dunes, wetlands, waters and wildlife; and allowing for the safe and unobtrusive excavation or mining of soil or other natural resources;
- (11) Protect surface water and ground water by means consistent with applicable state water quality standards;
- (12) Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the planning district within which the locality is situated;
- (13) Protect approach slopes and other safety areas of licensed airports and landing areas, including United States government and military air facilities.
- (14) To provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131 et seq.) or state and federal fair housing laws, as applicable. Such chapter may also include reasonable provisions not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in VA Code § 62.1-255.

(C) Small Area Plans. Small area plans are detailed analyses of the development needs and

potential of specific physical areas of the County which have been identified by the County or a prospective developer. The County shall establish a process for developing small area plans as a valuable long range planning tool that incorporates the voices and visions of community members and leaders throughout the County.

(1) Small area plans shall be developed in a collaborative process with the Town nearest the focus area so as to ensure that the proposed development aligns with each Town's vision and plans for infrastructure enhancements or expansions.

(2) The process shall include (i) a geographic and descriptive delineation of the specific physical area of focus rendered by a current and accurate land survey, (ii) an initial inventory of the area's topography, structures, and infrastructure, and (iii) identification of suitable areas for the different types of development being proposed, including, for example, multi-family homes, commercial, and light industrial uses.

(3) The small area plan shall identify density requirements, lot coverage, setbacks, and vegetated buffers tailored to the subject physical area of focus, and shall indicate which of those represent deviations from requirements in the County Zoning Ordinance, and why such deviations are necessary to effective development.

§ 154.2.003 DEFINITIONS.

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LOT, AREA. The total horizontal area included within the rear, side and front lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. Lot areas shall not include portions under water except where the total area of a body of water is within a lot.

LOT, CLUSTER. The type of lot formed when in a smaller size such that they can be "clustered" onto a portion of the tract, leaving the remainder of the tract in open space or in lots that are larger than the average size.

LOT, CONVENTIONAL. The type of lot formed when a tract is divided into roughly uniform-sized lots that meet the minimum requirements for lot size.

LOT, CORNER. A lot abutting two or more roads, rights-of-way, or access easements at their intersection on the two sides of a corner lot; the front of the lot shall be the shorter of the two sides fronting on such roads, rights-of-way or access easements.

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§ 154.2.081 ZONING DISTRICTS CREATED.

~~For purposes of this chapter, the following classes of districts and sub-districts are created:~~

County zoning districts may be designated as primary or secondary.

(A) *Primary zoning districts.* The entire territory under the jurisdiction of Northampton County, exclusive of the incorporated towns, is classified into primary zoning districts to be known and cited as:

- (1) Conservation District (C);
- (2) Agriculture/Rural Business District (A);
- (3) Hamlet/Residential District (H/R);
- (4) Waterfront Hamlet/Residential District (WH/R);
- (5) Village District (V);
- (6) Waterfront Village District (WV);
- (7) Existing Cottage Community/ Residential District (ECC/R);
- (8) Town Edge District (TE~~1~~);
- (9) Existing Business District (EB);
- (10) Existing Industrial District (EI);
- (11) Existing Subdivision/Residential District (ES/R);
- (12) Commercial District (C-1).
- (13) Town Edge – Commercial General District (TE-CG).

(B) *Secondary zoning districts.* The Village District (V), Waterfront Village District (WV), ~~Town Edge District (TE)~~, and Existing Subdivision/ Residential District (ES/R) are further classified into secondary zoning districts.

(1) The Village District (V) is sub-classified into three secondary zoning districts to be known and cited as:

- (a) Village - 1 District (V-1);
- (b) Village/Residential District (V/R);
- (c) Village - Neighborhood Business District (V-NB).

(2) The Waterfront Village District (WV) is sub-classified into four secondary zoning districts to be known and cited as:

- (a) Waterfront Village - 1 District (WV-1);
- (b) Waterfront Village/Residential2 District (WV/R);

- (c) Waterfront Village - Neighborhood Business District (WV-NB);
- (d) Waterfront Village - Waterfront Commercial District (WV-WC).

(3) ~~The Town Edge District (TE) is sub-classified into four secondary zoning districts to be known and cited as:~~

- ~~— (a) Town Edge 1 District (TE-1);~~
- ~~— (b) Town Edge/Residential District (TE/R);~~
- ~~— (c) Town Edge Neighborhood Business District (TE-NB);~~
- ~~— (d) Town Edge Commercial General District (TE-CG).~~

~~— The TE/R, TE-NB, and TE-CG Districts are available upon approval by the Board of Supervisors of a rezoning application in areas zoned TE-1.~~

~~— (4) The Existing Subdivision District/Residential (ES/R) is sub-classified into eight secondary districts to be known and cited as:~~

~~.... [no further changes to this Code section]~~

§ 154.2.082 STATEMENTS OF INTENT FOR PRIMARY AND SECONDARY ZONING DISTRICTS.

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(G) *Existing Cottage Community/Residential District (ECC)*. The intent of this District is to recognize existing rural residential development located on or near the water, predating the county's adoption of a zoning ordinance or developed under old zoning standards, and which are not served by public utilities. It is the intent of Northampton County not to create any new Existing Cottage Community/ Residential Districts, and the presence of an Existing Cottage Community/Residential shall not serve as justification for expansion of the District into surrounding Agriculture/Rural Business or Conservation Districts.

(H) (1) *Town Edge District (TE-1)*. The intent of this primary district is to provide potential development areas adjacent to incorporated towns which may, in the future, be served by extensions of public water and sewer services from the towns. Growth and increased development ~~are intended to~~ may occur simultaneously with the provision of public infrastructure, including, but not limited to, public sewer and water, to support such growth and development, but on-site provision of utilities also may be used. ~~Four secondary districts are provided:~~ Development may provide for a mix of farming activities, residential, home business, low-impact commercial and community service uses at a density or intensity similar to that of the adjacent town, taking into consideration the feasibility of, and impacts from, infill development within the town. The growth should be a compatible mix of neighborhood-scale commercial, community service, very light industrial, and residential uses, at a density higher than other County residential districts

~~— (1) *Town Edge 1 District (TE-1)*. The intent of this secondary district is to provide for a mix of farming activities, low density residential, and other low-impact uses at a~~

density/intensity higher than that of the surrounding agricultural areas, but lower than may be appropriate in the TE/R district.

~~—(2) *Town Edge/Residential District (TE/R)*. The intent of this secondary district is to provide for a mix of residential, home business, low impact commercial and community service uses at a density/intensity similar to that of the adjacent town, taking into consideration the feasibility of, and impacts from, infill development within the town.~~

~~—(3) *Town Edge-Neighborhood Business (TE-NB)*. The intent of this secondary district is to provide for a compatible mix of neighborhood scale commercial, community service, very light industrial, and residential uses at a density higher than that in the Town Edge-1 District and similar to that of the adjacent town.~~

—(4) (2) *Town Edge - Commercial General (TE-CG)*. The intent of this secondary primary district is to provide for a mix of commercial, community-service, and light manufacturing/industrial uses adjacent to incorporated towns and at a density similar to that of the adjacent town.

Uses, development standards, and density provisions for the Town Edge Districts are detailed in Section 154.2.122.

(I) *Existing Business District (EB)*.

(1) The intent of this District is to recognize commercial uses and zones outside of Village, Waterfront Village, Hamlet/Residential, Waterfront Hamlet/Residential, and Town Edge Districts which already exist, but in areas which are not recommended by the Comprehensive Plan for such use(s) or for further development or expansion of such use(s) on adjacent sites. The Existing Business designation shall apply to all parcels (or the portions thereof) that:

.... [no further changes to this Code section]

§ 2. That Section 154.2.123 is added to Chapter 154.2 of the Northampton County Code, as follows:

§ 154.2.123 Standards for Development in the Town Edge District (TE-1)

(A) *Uses Permitted in Town Edge (TE-1)*.

(1) The uses allowed in the TE-1 District are those listed in Appendix A to the Northampton County Zoning Ordinance (Use Regulations). Such uses shall be subject to the requirements of Sections 154.2.60 – 66, 154.2.100 – 121, 154.2.125 – 128, 154.2.140 -147, 154.2.190 – 199, and 154.2.205 – 213, except that the Board may consider deviations from such requirements in accordance with the special use process detailed in Section 154.2.042. In ruling on any special use permit, the Board shall consider whether provisions in derogation of those referenced above should be added to this section to facilitate development in the Town Edge District.

(2) Certain uses shall be further regulated in the TE-1 District in accordance with the following requirements:

(a) Accessory structures shall be (1) limited to one per lot; and (2) permitted with an occupied principal dwelling.

(b) Residential developments specified in section 154.2.122(B)(1)(b) – Cluster Development.

(c) Apartments; deviations from lot size and density requirements may be permitted by the Board of Supervisors through a Major Special Use Permit in accordance with Section 154.2.042 (B)(1)(a).

(B) Area and Density Regulations, Residential Lots

(1) Lots in the Town Edge (TE-1) district may be conventional lots or cluster lots. Tidal wetlands and nontidal wetlands shall not be counted toward the calculation of the minimum lot area for the purposes of meeting the density requirements set forth herein.

(a) Conventional lots:

(i) For lots served by central water and sewage disposal, the minimum lot area shall be 10,000 square feet subject to approval of a major special use permit.

(ii) For lots served by central water but not central sewage disposal, the minimum lot area shall be 15,000 square feet subject to approval of a major special use permit.

(iii) For lots not served by central water and sewage disposal, the minimum lot area shall be 20,000 square feet.

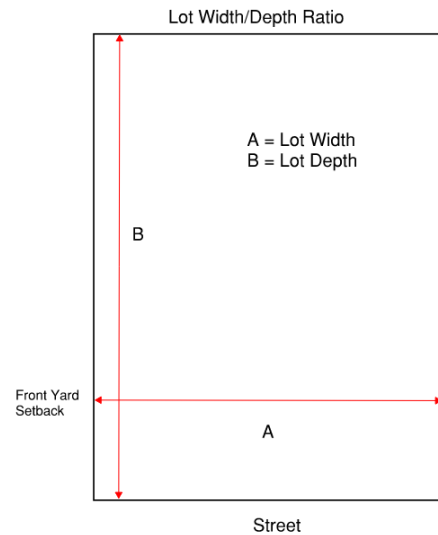
(b) Cluster Development:

(i) A maximum of 60 percent of the total uplands area may be established as cluster lots, as defined herein, including all internal roads, streets, and alleys.

(ii) The minimum lot area for each cluster lot is 10,000 square feet. Any lot of 10,000 square feet shall have on-site sewage and water supply systems approved by the Virginia Health Department and are subject to approval of a Major Special Use Permit in accordance with Section 154.2.042.

(iii) The maximum width/depth ratio of a cluster lot is 1:5, as measured by the average length and width of the lot at front setback.

(iv) If adjacent land is zoned agricultural, cluster lots shall be located adjacent to the common open space and the cluster lots shall be fronted on a right of way that meets the standards of the subdivision ordinance section 156.096, so as to maintain the connection of the non-common open space to surrounding agricultural lands such that common open space is located more distant from surrounding agricultural lands than non-common open space. All land not included within lots or required for public or private streets shall be maintained as common open space except as expressly permitted herein.. Common open space land shall generally be designed to constitute a contiguous and cohesive unit of land which may be used for recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development. Regulations for Common and Non-Common open space are established in § 154.2.104 Standards for Open Space Preservation.



(C) Notwithstanding any other provision of this section, the impervious portion of any lot shall not exceed the following: (i) 20 percent maximum impervious area for a minimum 20,000 square foot lot; (ii) 25 percent maximum impervious area for a minimum 15,000 square foot lot; and (iii) 40 percent maximum impervious area for a minimum 10,000 square foot lot.

(D)General Yard Regulations

- (1) The requirements set forth below shall apply to developments in the Town Edge district and shall supersede any conflicting provisions in this section:
- a. For Modifications to Yard regulations See § 154.2.141 General Modifications to Yard Regulations.
 - b. For Front Yard Regulations see § 154.2.142 Front Setback/Yard Regulations.
 - c. For Side Yard Regulations see § 154.2.143 Side Yard Regulations.
 - d. For Rear Yard Regulations see § 154.2.144 Rear Yard Regulations.

(E)Height Regulations

(1) The requirements set forth in § 154.2.145 Height and Bulk Regulations shall apply to developments in the Town Edge district and shall supersede any conflicting provisions in this section.

(F) Submission Requirements

(1) See Chapter 156: Subdivision Code.

(G) Special Use Permits. In addition to the criteria detailed in Section 154.2.042, the Board shall consider the extent to which a development in the Town Edge District displays the following characteristics:

- Compact development patterns, including cluster and traditional neighborhood development.
- A scale, size, proportion, and character complementary of existing uses, structures, and development in adjacent Towns.
- Preservation, renovation, reuse, and adaptive use of existing structures.
- Open space which provides community spaces well-defined by streets and adjacent buildings.

§ 3. That Appendix A: Use Regulations Chapter 154.2 of the Northampton County Code be and hereby is amended as shown in the attachment.

§ 4. That Appendix B: Densities, Lot Sizes and Dimensions of Chapter 154.2 of the Northampton County Code be and hereby are amended as follows (strikethrough indicates deletions; underline indicates additions)

See the attachment for the proposed amendments.

§ 5. That this ordinance shall be in force and effect upon adoption.

Adopted this ____ day of _____, 2025.

John Coker, Chairman
Northampton County Board of Supervisors

ATTEST:

Charles Kolakowski, Clerk
Northampton County Board of Supervisors

Ayes _____

Nays _____

Abstentions _____