

### 13. FIRST READING RECREATIONAL RESIDENTIAL DISTRICT

Because the lots in Nottoway Shores and its immediate environs (Dockside area) were platted prior to the County's adoption of any development standards, they do not meet the width or area requirements of the current county code. Since they were platted prior to October 1, 1968, they're considered legal non-conforming lots (i.e., "grandfathered"), but the owners are still required to meet the current setback requirements when constructing buildings.

With the lots being only 50' - 60' wide, and most of them currently zoned A-1, it is difficult for property owners to meet the established side yard requirements (must be a combined 35'). In addition, many owners want to construct buildings and piers immediately adjacent to the canals or the river to facilitate launching of their boats - currently prohibited by a 35' rear yard setback requirement.

This has led to a significant number of variance requests to the BZA over the years. The Planning Commission, which reviews all variance requests, has recommended establishment of a totally new zoning district for this area, with more liberal and reasonable setbacks, given the recreational character of the area.

A copy of the first draft of the ordinance establishing the new zoning district (Recreational Residential District) is attached for your review. It is my understanding that the Planning Commission has already recommended some changes to this draft, which Mr. Railey has not yet had time to incorporate.

However, I wanted to go ahead and make you aware of the Planning Commission recommendation and provide the Board with an opportunity for some early feedback as well.

If you're satisfied with the draft, subject to the Planning Commission recommendations, this may be advertised for public comment at your December 15 meeting. Or, if you'd prefer not to rush, you may defer action until you've had the opportunity to review the revised draft in December, before advertising for public comment in January 2015.

#### **MOTION REQUIRED:**

**If the Board is so inclined, a motion is required to advertise the proposed ordinance for public comment on December 15; otherwise, the Board may wait to review a second draft in December before advertising for public comment in January 2015.**

## Mike Johnson

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**From:** Beth Lewis <blewis@franklinva.com>  
**Sent:** Friday, November 14, 2014 1:21 PM  
**To:** Mike Johnson  
**Subject:** Nottoway Shores ordinance amendment

Mike,

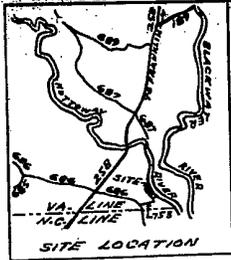
Last night the Planning Commission made a recommendation to forward to the BOS an ordinance amendment that seeks to clean up the nonconforming issues in Nottoway Shores. I've sent the changes to Richard for him to amend in the ordinance he prepared.

Since the December BOS meeting is early, will this proposed text amendment have to wait till January for the BOS public hearing? Or does Richard have a couple of weeks to make the changes and still have time for it to be advertised for the December meeting?

Thanks,  
Beth

Beth Lewis, AICP  
Community Development Deputy Director  
Franklin Southampton Community Development Department  
207 West Second Avenue  
Franklin, VA 23851

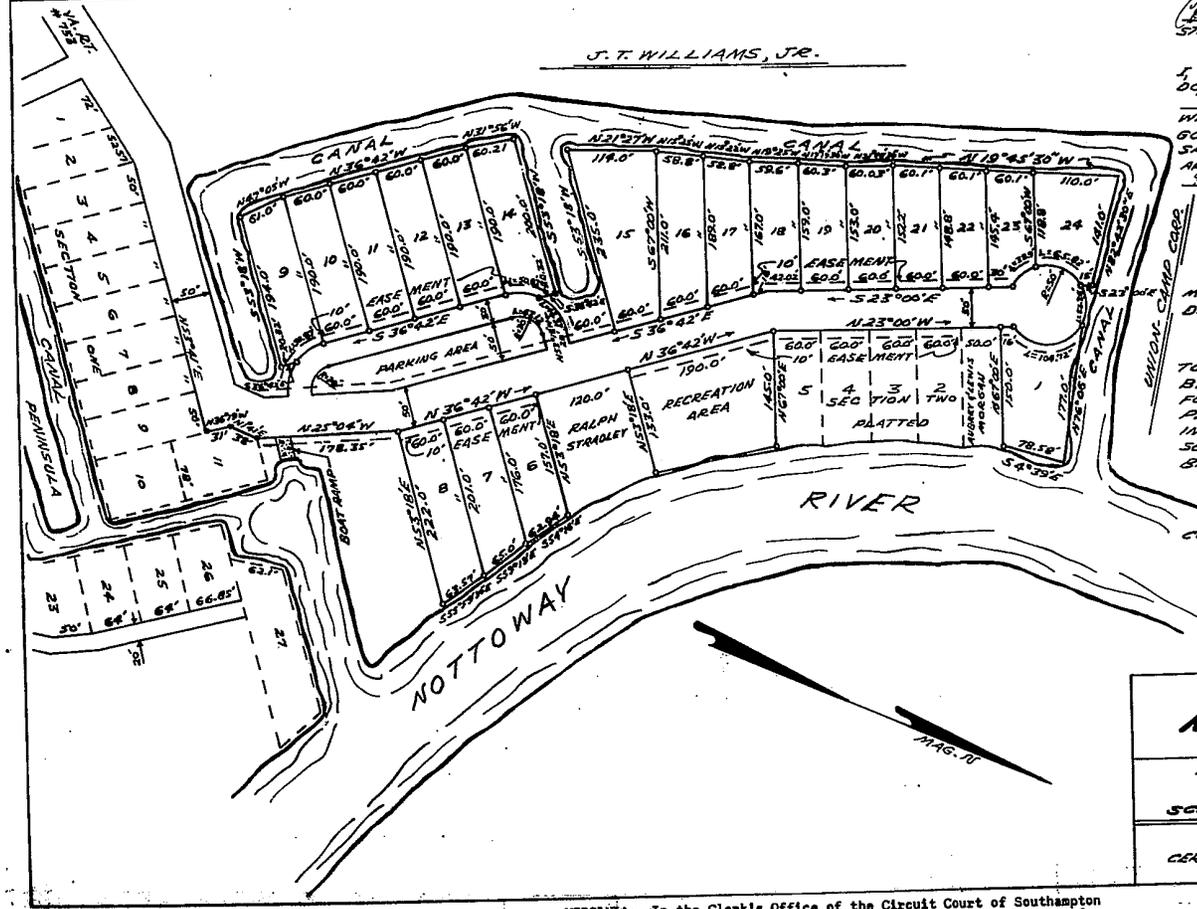
138  
48-56



APPROVED BY: \_\_\_\_\_  
SOUTHAMPTON COUNTY HEALTH OFFICER  
APPROVED BY: Richard A. Cant - 7-8-68  
SOUTHAMPTON COUNTY PLANNING COMMISSION

LEGEND  
0- DENOTES IRON PIPE

J. F. WILLIAMS, JR.



THIS PLAT OF SUBDIVISION IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNER AND PROPRIETOR. THE DEDICATION OF THE STREETS AND EASEMENTS WITHIN THE LIMITS OF THIS SUBDIVISION ARE OF THE WIDTH AND EXTENT SHOWN ON THIS PLAT. THE EASEMENTS SHOWN HEREON ARE SUBJECT TO THE RIGHT OF THE OWNER AND DEVELOPER TO ESTABLISH ALLEYS DRAINAGE AND UTILITIES AS SHOWN ON SAID EASEMENTS AT ANY FUTURE TIME WITHOUT COST FOR PROPERTY INVOLVED.

J. F. Williams, Jr.

County of Southampton  
STATE OF VIRGINIA

I, Richard A. Cant A NOTARY PUBLIC,  
DO HEREBY CERTIFY THAT J. F. Williams, Jr.

WHOSE NAME IS SIGNED TO THE FORE-  
GOING WRITING HAS ACKNOWLEDGE THE  
SAME BEFORE ME IN MY CITY AND STATE  
ADDRESS SAID GIVEN UNDER MY HAND THIS  
8th DAY OF July, 1968.

Richard A. Cant  
NOTARY PUBLIC

MY COMMISSION EXPIRES ON THE 4th  
DAY OF July, 1969.

TO THE BEST OF MY KNOWLEDGE AND  
BELIEF ALL OF THE REQUIREMENTS ASSET  
FORTH IN THE ORDINANCE FOR RECORDING  
PLOTS OF SUBDIVISION FOR RECORDATION  
IN CLERK'S OFFICE OF CIRCUIT COURT OF  
SOUTHAMPTON COUNTY, VIRGINIA HAVE  
BEEN COMPLIED WITH.

S. K. Camp III  
CERTIFIED LAND SURVEYOR

COURTLAND, VA.  
JUNE 19, 1968

SUBDIVISION PLAT  
SECTION II  
**NOTTOWAY SHORES**  
OWNER - J. F. WILLIAMS, JR.  
LOCATED IN NEWSOMS MAG. DIST.  
SOUTHAMPTON COUNTY, VA.  
SCALE: 1"=100' JUNE 19, 1968  
S. K. CAMP III & ASSOCIATES  
CERTIFIED LAND SURVEYOR - COURTLAND, VA.

VIRGINIA: In the Clerk's Office of the Circuit Court of Southampton County; the 8th day of July, 1968. This Plat, showing property of Nottoway Shores, owned by J. F. Williams, Jr. in Newsoms Magisterial district was this day received and admitted to record.

Tests: J. F. Williams, Jr. Clerk

**ARTICLE IIA**  
**RECREATIONAL RESIDENTIAL DISTRICT, RCR**

**BE IT ORDAINED** by the Board of Supervisors of Southampton County, Virginia, that the Southampton County Building Code be, and hereby is, amended as follows:

**ARTICLE IIA**  
**RECREATIONAL RESIDENTIAL DISTRICT, RCR**

**Sec. 18-52. Purpose of the District.**

The purpose of the Recreational Residential district, RCR, is to acknowledge the existence of small-lot, waterfront subdivisions platted prior to the October 1, 1968 adoption of zoning regulations in Southampton County. The district regulations are intended to permit the development of existing vacant parcels and the redevelopment of residences should they be destroyed in these existing subdivisions. This district only applies to platted lots that were in existence prior to October 1, 1968 and are bound by both existing rights-of-way and a water body that meets the definition of "waters of the United States" as defined by the United States Environmental Protection Agency. This section does not apply to any properties not within a platted subdivision in existence October 1, 1968.

**Sec. 18-53. Permitted uses.**

In the Recreational Residential district, RCR, structures to be erected or land to be used shall be for one (1) or more of the following uses:

- (1) General agriculture, farming and forestry, including tilling the soil, raising of crops, truck gardens, field crops, orchards or nurseries for growing or propagation and harvesting of plants, turf, trees and shrubs and in general uses commonly classed as general agriculture and including use of heavy cultivating and tree harvesting machinery, spray planes and irrigating machinery, but not the commercial raising, commercial slaughtering or processing of animals or poultry.
- (2) Detached single-family dwellings.
- (3) Modular home as herein defined.
- (4) Bed and breakfast inn with a conditional use permit.
- (5) Camps, day or boarding, church camp, scout camp or similar camp involving permanent commercial or noncommercial facilities, with a conditional use permit.

(6) Camping area or campgrounds for tents and tent campers, travel trailers or other recreational vehicles with a conditional use permit.

(7) Cemeteries not accessory to a church with a conditional use permit.

(8) Churches and Sunday schools, rectories, parish houses, convents and monasteries, temples and synagogues and cemeteries accessory thereto.

(9) Country inn with more than four (4) guest rooms with a conditional use permit.

(10) Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service, but not including buildings, treatment plants, water storage tanks, pumping or regulator stations, major transmission lines, storage yards and sub-stations which are permitted with a conditional use permit.

(11) Fish farming with a conditional use permit.

(12) Home occupation, urban.

(13) Hunting club, commercial or private, provided that any pens or open kennels shall be located at least two hundred (200) feet from any dwelling not on the same property with a conditional use permit.

(14) Hunt club kennel, as an accessory use, as specified in section 18-51, development standards for hunt club kennels with a conditional use permit.

(15) Marina or yacht club with a conditional use permit.

(16) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, playgrounds and public boat landings except those which have been approved as a part of the subdivision plan, with a conditional use permit.

(17) Recreational uses or facilities, commercially operated or for a private membership, such as golf courses, game courts, swimming pools, archery range, fishing or boating lakes, camping areas, picnic grounds, dude ranch or similar activities, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment, with a conditional use permit.

(18) Restaurant with a conditional use permit

(19) Stable, private, for keeping of horses, ponies or other livestock for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least one hundred (100) feet from any side or rear lot line, with a conditional use permit.

(20) School bus passenger shelter without advertising.

(21) Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than twice a year on the same lot, are not conducted for more than three (3) days, and include items assembled only from households in the immediate neighborhood.

(22) Accessory buildings and uses, including but not limited to accessory private garages, accessory farm buildings and other structures, servants or caretakers quarters, guest houses, boathouses, swimming pools, accessory storage and accessory off-street parking and loading spaces and accessory nonilluminated or indirectly illuminated signs as follows:

(a) A name plate or directional sign, limited in area to two (2) square feet, to identify the owner or occupant of a dwelling or building.

(b) A sign limited in area to thirty-two (32) square feet for identification of a permitted home occupation.

(c) No trespassing or no hunting signs, without limitations on number or placement, limited in area to two (2) square feet.

(d) A sign, limited in area to twelve (12) square feet advertising products raised or made on the premises.

(e) A sign, limited in area to thirty-two (32) square feet for identification of a farm or estate or a subdivision or its occupants.

(f) A sign, limited in area to thirty-two (32) square feet, for a church bulletin board or identification of permitted public or semi-public uses, wildlife reservations, recreational uses, or clubs.

(g) Temporary nonilluminated signs, limited in area to four (4) square feet, directing the way to premises which are for sale or rent.

(h) A temporary, nonilluminated sign, limited in area to thirty-two (32) square feet, advertising real estate for sale or lease or announcing contemplated improvements of the real estate on which it is placed.

(i) A temporary sign, limited in area to thirty-two (32) square feet, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.

(j) Temporary signs at appropriate locations, on or off the premises, for direction of the traveling public, truck deliveries and employees to an activity or event, a church, school, historic place, subdivision or community, a construction site or excavation, airport, or other center of employment or visitor center or recreation facility in an isolated area of the county, limited in area to thirty-two (32) square feet and subject to approval of location, design, and wording, by the administrator. This permitted sign is not intended as an ordinary advertising device.

(k) Temporary nonilluminated paper signs.

**Sec. 18-54. Minimum lot area.**

Except as provided elsewhere in this chapter, the minimum lot area for permitted uses shall be 6,250 square feet.

**Sec. 18-55. Setback regulations.**

Except as provided elsewhere in this chapter, structures shall be at least 35 feet from any street right-of-way or watercourse, except that where an addition is planned to an existing nonconforming structure, such addition may extend or project into the required front yard provided such addition does not extend or project any closer to the street right-of-way than the original structure and provided that such addition does not exceed fifty (50) percent of the gross floor area of the existing structure.

**Sec. 18-56. Minimum lot frontage.**

(a) Except as provided elsewhere in this chapter, the minimum lot frontage shall be fifty (50) feet.

**Sec. 18-57. Minimum lot width.**

Except as provided elsewhere in this chapter, the minimum lot width shall be fifty (50) feet.

**Sec. 18-58. Yard regulations.**

(a) *Side.* The minimum side yard for each main structure shall be ten (10) feet and the total width of the two (2) required side yards shall be twenty (20) feet or more.

(b) *Rear.* Each main structure shall have a rear yard of thirty-five (35) feet or more. The rear yard of property that abuts a watercourse shall be provided to the same standard as the front setback. However, boathouses and other water-related accessory structures are permitted in the rear yard setback if the accessory structure abuts the water's edge or the seawall structure.

**Sec. 18-59. Height regulations.**

Buildings in the RCR district may be erected up to thirty-five (35) feet in height; except, that:

(1) A public or semi-public building such as a school, church, library or general hospital may be erected to a height of sixty (60) feet from grade; provided, that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

(2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, and television antennae and radio aerials less than one hundred twenty-five (125) feet in height, are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

(3) No accessory building which is within twenty (20) feet of any party lot line shall be more than one (1) story or fifteen (15) feet in height.

**Sec. 18-60. Special provisions for corner lots.**

(a) Of the two (2) sides of a corner lot in an A-1 district, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

(b) The minimum side yard on the side facing the side street shall be thirty-five (35) feet for both main and accessory building.

(c) Each corner lot shall have a minimum width at the setback line of one hundred fifty (150) feet.

(d) Landscaping of corner lots shall be limited to plantings, fences or other landscaping features of no more than three (3) feet in height within the space between the setback line and the property line on the street side of the lot.

The effective date of this ordinance shall be \_\_\_\_\_.

State law reference: §15.1-486, et. seq. of the 1950 Code of Virginia, as amended.

Secs. 18-61-18-70 – Reserved.