

VIRGINIA:

At a recessed meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia, on the 22nd day of May, 2009, at 1:00 p.m.

Present:

Jeff Walker, Chairman

H. Spencer Murray, Vice Chairman

Richard Tankard

Dave Burden

Laurence J. Trala

William A. Hughes

The Chairman was called to order by the Chairman.

Mr. Burden arrived at 1:10 p.m.

County Administrator's Report:

The Chairman recognized Mr. W. T. Nottingham, a resident of Cheapside who was in the audience and who asked the Board to designate two of his parcels near Cheapside as "Village". The Board had earlier discussed this matter and removed the proposed "Village" designation from the subject properties.

No action was taken by the Board at this time.

The Board continued its discussion relative to a spreadsheet which contained recommendations for amendments to the draft zoning ordinance from the Planning Commission as well as individual Board members. This spreadsheet is attached to these minutes for reference. Direction from the Board for each of the items so noted below:

INDIVIDUAL BOARD MEMBER RECOMMENDATIONS:

JW Item #1: Board consensus to move this item forward.

JW Item #2: Board consensus to move this item forward.

JW Item #3: Board consensus to move this item forward.
JW Item #4: Board consensus to move this item forward.
JW Item #5: Board consensus to move this item forward.
JW Item #6: Board consensus to move this item forward.
JW Item #7: Board consensus to move this item forward.

SM Item #1: Board consensus to NOT move this item forward but to change the 25% to 50%.
SM Item #2: Staff to provide additional input.
SM Item #3: Staff to do further research in the Code of Virginia.
SM Item #4: Board consensus to NOT move this item forward.
SM Item #5: Already addressed earlier.
SM Item #6: Make consistent with earlier action
SM Item #7: Already addressed earlier under Planning Commission recommendations
SM Item #8: Board consensus to NOT move this item forward, but to add “where applicable”
SM Item #9: Board consensus to NOT move this item forward, but to add “where applicable”
SM Item #10: Staff to do further review on this item
SM Item #11: Board consensus to move this item forward.
SM Item #12: Board consensus to move this item forward.
SM Item #13: Board consensus to move this item forward.
SM Item #14: Board consensus to NOT move this item forward
SM Item #15: Board consensus to NOT move this item forward
SM Item #16: Board consensus to move this item forward
SM Item #17: Board consensus to NOT move this item forward>
SM Item #18: Board consensus to approve the deletion of “cooking facilities” as well as delete the reference to various time frames (daily, weekly, etc.)
SM Item #19: Board consensus to move this item forward.
SM Item #20: Board consensus to move this item forward.
SM Item #21: Further discussion to be held later

DB Item #1: Staff continues to review this item.
DB Item #2: Staff continues to review this item.
DB Item #3: Further discussions on the use charts will be held later.

At this time, the Board reviewed a new spreadsheet listing parcels off Route 13 which are currently zoned commercial but are proposed to be rezoned. Also included were recommendations from Mr. Murray and Mr. Walker for possible changes to those recommendations. These particular parcels were discussed as follows:

Parcel 105-A-95: Board consensus to change proposed zoning to EB

Parcel 84-A-100: addressed earlier

Parcel 84-A-64: Board consensus to keep the proposed zoning as TE

Parcel 84-A-82: already changed to TE earlier

Parcel 84G-1-E: already zoned TE

Parcel 84-A-80C: already changed to TE

At this time, the Board returned to the first spreadsheet and discussed the items contained in the section entitled “Big Items”.

BI Item #1: Board consensus to go to a density of 1:10 if open space bonus density is used rather than 1:20. Adjustment will also be needed to the “85%”.

BI Item #2: Staff to do further review; administrative waivers are being considered.

BI Item #3: Board consensus to retain the Town Edge district

BI Item #4: Board consensus to provide 1:10 Town Edge density

BI Item #5: Board consensus to NOT move this item forward in light of the above changes to the Town Edge density

BI Item #6: Further adjustments not necessary

BI Item #7: Board consensus that docks are not an accessory use; they have their own use. Staff to develop language regarding a possible addition in the definitions section for accessory use or structure related to wheeled truck bodies not being used as an accessory use or structure.

BI Item #8: Planning Commission and staff to do additional study

BI Item #9: Board consensus to make the change to 32 sq. ft. as indicated in sections 154.190 (C)(3)(h), (i) and (j).

BI Item #10: Staff to provide further review

BI Item #11:

Mr. Murray provided the following written comments. This topic will be discussed at a future meeting.

**Northampton County Board of Supervisors
Proposed Zoning Ordinance Work Session
May 22, 2009**

Comments of H. Spencer Murray, Vice Chairman, Supervisor, District #4

Mr. Chairman and fellow Board Members:

Due to the extreme importance of today's deliberation, I feel it is important that I commit my thoughts to paper and ask that they be entered into the record.

The proposed Zoning Ordinance revisions as received from the Joint Local Planning Commission (JLPC) contains many positive elements for which many citizens have been anxiously awaiting for years. Despite the revised document's length and complexity, the number of primary and secondary districts, as well as its' extensive use of minor and special use permits, I believe many of the revisions are positive for the county and I very much want to be able to vote for passage when all final revisions are made. As a living document, I will work to modify those parts of the ordinance that I feel need improvement as no document will be perfect in everyone's eyes on the day it is adopted.

Over the course of this board's deliberations, I have stated my concern regarding the extensive use of the word "existing" in the revisions and the overall tone of the document which strikes me as restrictive and punitive to our citizens. Though troubling, these concerns are not the fatal flaw in the document that concerns me the most.

As early as September of 2008, I have stated that I believe the absence of a primary commercial district is a fatal flaw in the document. I realize that the use tables list numerous commercial uses in some districts and sub-districts and that the Ag District has a list of "Qualifying Rural Businesses" that can be established with minor and full special use permits. Commercial use #104 is a Yard/Garage Sale, temporary, 3 days or less. This is not the commercial activity that will fund our schools and county operations. Commercial use #79, Regional Commercial Center, up to 20,000 sq. ft. (relatively small) is only allowed in TE-CG with a Special Use Permit and by right in EI, one parcel of which we are downzoning back to Agriculture.

The fatal flaw and question I repeatedly ask is this," Without a primary commercial district and because so many properties are being rezoned to Agriculture/Rural Business, to what district does this BOS rezone a parcel where a commercial activity that is friendly to our natural resources and produces needed revenues is proposed, if the proposed parcel is not in TE-CG?"

I am not suggesting we cover the FLUM with targeted commercial areas, nor do we have to commercialize Rt. 13 from Exmore to Kiptopeke. If, however, we are going to welcome that job producing solar panel or wind turbine assembly plant, our zoning districts must be receptive. I have no issue with 32 low-impact agri-tourism uses and I am pleased that our citizens can have a picnic "by right" (with no catering) in most districts. I have other use table concerns that can be addressed in the future, but I do not believe this Zoning Ordinance should be approved without a primary commercial zone and I hope this BOS will send the ordinance back to a new County Planning Commission after July 1, 2009 to have this fatal flaw rectified and other needed changes reviewed.

Thank you, Mr. Chairman.

Respectfully submitted,

H. Spencer Murray
Vice Chairman, Supervisor, District #4

BI Item #12: Board consensus to NOT move this item forward.

BI Item #13: Staff to do further research on this topic.

The Chairman asked the Board members for comments relating to the discussion earlier in the evening concerning Mr. W. T. Nottingham's properties in Cheapside. It was the consensus of the Board to leave Mr. Nottingham's properties near the Cheapside Village as "Agriculture" rather than rezone them to a Village designation.

Mr. Hughes left the meeting at this time.

At this time, the Board returned to the first spreadsheet and discussed items contained in the section entitled, "Clarifying Issues".

Clarifying Item (SM Item #1): This request is already being considered.

Clarifying Item (SM Item #2): Board consensus to leave the Planning Commission recommendation as is, noting that only redundancies were being eliminated.

The Board indicated that its next work session regarding the draft zoning ordinance amendments would be held at 9:00 a.m., Thursday, May 28, 2009 in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia.

Recess:

Motion was made by Mr. Trala that the meeting be recessed until 6:00 p.m., Tuesday, May 25, 2009, in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia, in order to conduct the regular work session including a public hearing on the FY 2010 County

budget. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR