

Article 3.A:

C-C, Community Conservation District

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**C-C, Community Conservation
(Agriculture, Forestry and Conservation District)**

A. Purpose and Intent:

The C-C Community Conservation District is created to provide a vehicle by which agricultural, forestry, open space and other lands of rural character within the Town may be maintained in their current use on an interim basis until such point in time when development consistent with the adopted Future Land Use Plan may be pursued through a zoning amendment. It is the intent of this district to preserve existing natural features and vegetation, promote interim agricultural and forestry activities and production and encourage the conservation and maintenance of sensitive environmental areas.

The C-C District represents the base district to be applied to the land formerly zoned RAC in Isle of Wight County which was incorporated into the Town subject to the Town of Smithfield/Isle of Wight County annexation agreement. The C-C, Community Conservation District shall be applied to the tracts currently located within the Town which were subject to the annexation as well as other qualifying land which may be comprehensively rezoned by the Town Council to the C-C District pursuant to the Comprehensive Plan.

New residential subdivisions shall not be permitted in the C-C District, except by special permit for subdivisions with not more than five lots. All proposed subdivisions for residential purposes must be individually rezoned to a residential zoning district compatible with the Comprehensive Plan and pursuant to the provisions of the Zoning Ordinance. As minimum improvements, the C-C District shall require public water and sewer for all uses. No lots shall be permitted with private domestic well and septic utilities except by special permit for temporary service.

B. Permitted Uses:

1. General farming, agriculture, dairying and forestry.
2. Conservation areas.
3. Single family detached dwellings (with public water and sewer facilities).
4. Accessory uses to residential structures, limited to detached carport and garages, tool sheds, children's playhouses and play structures and doghouses.
5. Yard sale and/or garage sale.
6. Public parks and playgrounds.

7. Public schools and colleges.
8. Private swimming pools and tennis courts.
9. Noncommercial outdoor recreational activities, including hiking, hunting, boating, horseback riding, swimming, skeet and trap shooting, shooting preserves and fishing subject to other provisions of the Town Code relating to these activities.
10. Private horse stables.
11. Home occupations.
12. Irrigation wells, wells for ground source HVAC systems, and wells for agricultural purposes.

(Ord. of 2020-09-01)

C. Uses Permitted by Special Use Permit:

1. Single family detached dwellings (with temporary, private water and sewer systems).
2. Residential subdivisions (not to exceed five residential lots).
3. Churches and places of worship.
4. Boating, country, and/or hunt clubs.
5. Public uses.
6. Libraries, museums, historic sites and shrines.
7. Plant nurseries, with no sale of products permitted on premises.
8. Child day care centers.
9. Adult day care centers.
10. Nursery schools.
11. Private schools and colleges.
12. Commercial swimming pools and tennis courts.
13. Bed and breakfast lodgings.
14. Public facilities, utilities and emergency services.
15. Temporary sawmills.
16. Dog kennels.
17. Guest houses.
18. Veterinary clinics and hospitals.
19. Cupolas, spires and steeples for public and semi-public uses.
20. Accessory apartments within a residential dwelling.
21. Group homes and nursing homes.
22. Commercial horse stables.
23. Antique shops.
24. Private boat docks serving a single residential dwelling.
25. Golf courses and golf driving ranges.
26. Public recreation and leisure establishments.

27. Drive-in movie and other open air theaters.
 28. On-site commercial operations for agricultural and forestry product sales and services.
 29. Borrow pits and resource extraction.
 30. Sanitary and industrial landfills.
 31. Transfer stations and recycling stations.
 32. Livestock sales facilities.
 33. Open air markets and stands for farm, horticulture, craft, and produce sales.
 34. Cemeteries.
 35. Temporary real estate marketing office for new subdivisions.
 36. Waiver of Parking and Loading Requirements
 37. Child Day Care as a Home Occupation (6-11 Children)
 38. Event facilities (principal and accessory uses).
 39. Civic, fraternal, and/or social organization halls.
- (Ord. of 10-3-2000, Ord. of 9-2-2008, Ord. of 11-4-2014, Ord. of 2019-09-03)

D. Maximum Density:

1. Conventional Subdivisions: One (1.0) unit per net developable acre
(by special permit only, for not more than five (5) residential lots.)
2. Cluster Subdivisions: Not permitted.

E. Lot Size Requirements:

1. Minimum district size: per Official Zoning Map,
otherwise 10 acres.
2. Minimum lot area: 40,000 square feet
3. Minimum lot width:
 - A. Interior lot: 150 feet
 - B. Corner lot: 200 feet
4. Minimum lot depth: 200 feet

F. Bulk Regulations:

1. Height
 - A. Residential building height: 35 feet
 - B. Public or semi-public building: 45 feet,
provided that required front, rear and side yards shall be
increased by 1 foot for each foot of height over thirty-five feet.
 - C. Cupolas, spires and steeples: 90 feet,
by special permit.
 - D. Accessory buildings: 16 feet,
provided that accessory building heights may be increased to
twenty-four feet in accordance with Article 2, Section P of the
Zoning Ordinance.

2. Minimum yard requirements:
 - A. Front yard: 60 feet
 - B. Side yard: 25 feet
 - C. Rear yard: 60 feet
15 feet (accessory structure and uses)
 - D. In addition to the above regulations, the yard requirements for
uses and structures other than residential dwellings and
residential accessory uses shall be further regulated by floor
area ratio and lot coverage ratios. A maximum floor area ratio
equal to 0.25 shall apply to such uses and structures, with a
maximum percentage of lot coverage equal to 20%. The
location of all such uses shall be subject to site plan approval.
(Ord. of 5-4-2004)

G. Landscaping, Open Space and Recreation Areas:

1. All buffer areas, landscaping and open space in the C-C District shall be further regulated by Article 9.

2. In cases where common open space is to be provided within land zoned "C-C", such open space shall be preserved for its intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat. Common open space and other common properties shall be owned, administered, and maintained by a not-for-profit, property owners association, provided, however, that a portion or all of such properties may be dedicated to the Town subject to and at the sole discretion of the Town for acceptance at time of plat recordation. The property owner's association by-laws, articles of incorporation and restrictive covenants shall be submitted with any application for subdivision plat approval. Prior to final approval of a subdivision plat which includes properties to be owned by a property owners' association, the Town Attorney shall review and approve the bylaws, articles of incorporation and restrictive covenants.

3. For common properties to be retained by the property owners' association, the developer/owner must establish the owners association as a bona fide legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all subsequent owners. The property owners' association shall own all common open space and recreational facilities and shall provide for their maintenance, administration and operation.

H. Residential Subdivisions: Net Developable Area Calculation

1. Notwithstanding governing lot size and yard regulations, the maximum number of lots for any subdivision and the density for any other land use shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.

2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. *(Refer to illustrative example of net developable area calculation in the Appendix of the Zoning Ordinance.)*

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes less than 10%:</i>	<i>100%</i>

<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for existing or planned public rights of way, private streets, travelways and combined travelways and parking bays. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.
4. No C-C District residential lot shall be designed in which an area more than 25% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or greater, (b) wetlands, (c) 100-year floodplains and (d) water features.
(Ord. of 8-1-2001)

I. Additional Regulations:

1. Refer to Floodplain Overlay Zoning District, where applicable.
2. Refer to Chesapeake Bay Preservation Area Overlay District.
3. Refer to Landscaping and Screening, Article 9, for additional open space, screening and buffer yard provisions.
4. Refer to Parking and Loading Requirements, Article 8, for parking regulations.

5. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. No private domestic well and septic systems shall be permitted. Irrigation wells, wells for ground source HVAC systems, and wells for agricultural purposes are permitted by right.
7. Refer to the Town's Design and Construction Manual for additional residential design standards and subdivision development criteria.
8. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
9. Refer to Sign Regulations, Article 10, for signage provisions.
10. Private stables for the keeping of horses, ponies or other livestock for personal enjoyment and not as a business are allowed by right, provided that the lot shall be three (3) acres or greater. Any building used for the keeping of such animals shall be located in the rear yard of the lot and shall conform to the side and rear minimum lot requirements established for non-accessory structures and uses in the C-C District. No more than one such animal shall be kept per each acre of land on the lot.
(Ord. of 9-5-2000; Ord. of 9-01-2020)