

**Accomack County Industrial (“I”) Zoning District Ordinance
Enacted February 23, 2011**

ARTICLE VI. INDUSTRIAL DISTRICT "I"

Sec. 106-126. Statement of intent.

The primary purpose of the industrial district “I” is to establish regulations for and the location of certain compatible industrial uses of the land, which may create some nuisance including noise, heavy traffic, smoke, odors, and negative visual impacts, and which are not properly associated with, nor particularly compatible with residential, commercial, or agricultural uses. This includes alternative energy production, biofuels production, recycling, manufacturing, food processing, seafood processing, bulk materials storage including petroleum, natural gas and agricultural chemicals, transportation terminals, warehouses, and aerospace manufacturing, repair, and maintenance.

(Ord. of 6-20-2001(4))

Sec. 106-127. Uses permitted by right.

The following uses shall be permitted subject to all the requirements of this chapter as a matter of right in industrial district “I”:

- (1) Antennas and towers up to 100 feet in height;
- (2) Assembly of any product from pre-manufactured components other than hazardous chemicals;
- (3) Blacksmith, welding, metal fabrication, and machine shops;
- (4) Boat manufacturing;
- (5) Cabinet making and furniture manufacturing;
- (6) Computer programming, data processing, and other computer related services;
- (7) Contractors offices and contractor equipment yards (under cover);
- (8) Cotton gins;
- (9) Facilities for grading, packing, marketing, and storage of agricultural and horticultural products;
- (10) Fire and rescue squad stations;
- (11) Manufacturing of apparel and other finished products made from fabrics and similar materials;
- (12) Manufacture of building components, such as trusses;
- (13) Manufacture, compounding, and packaging of bakery goods, beverages (including bottling plants), candy, cosmetics, and perfumes;
- (14) Manufacture of electrical and electronic equipment and machines including parts and components;
- (15) Manufacture of musical instruments, toys, and novelties;
- (16) Manufacturing of paperboard containers and boxes (excluding manufacturing of materials);
- (17) Manufacture of pottery, figures, or ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
- (18) Mobile home and manufactured home fabrication;
- (19) Off-street parking, as required by this chapter;
- (20) Photo finishing laboratories;
- (21) Post offices;
- (22) Printing and publishing;

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- (23) Production of arts and crafts;
- (24) Publishing and printing facilities;
- (25) Repair, maintenance, and modification of aircraft and spacecraft;
- (26) Research and development establishments, including testing laboratories and prototype manufacturing where hazardous chemicals are not required;
- (27) Sand and gravel borrow pits operations, including all necessary equipment;
- (29) Seafood and shellfish receiving, packing, and shipping plants;
- (30) Self storage centers;
- (31) Truck terminals;
- (32) Waterfront businesses such as wholesale and retail marine activities such as boat docks, piers, small boat docks, yacht clubs, and service facilities for the uses; docks and areas for the receipt, storage, and shipment of waterborne commerce; seafood and shellfish;
- (33) Wholesale businesses and warehousing, except petroleum products, explosives, chemicals and similar products;
- (34) Accessory uses such as, but not limited to, child care facilities, office and administrative facilities, cafeterias, classrooms, dormitories, lunchrooms and snack shops, recreational facilities for employees, non-retail motor fuel facilities, company vehicle service facilities, central heating and power plants, and outside storage (not to exceed 20 percent of the total lot area);
- (35) Up to 20 percent of the floor area of a manufacturing, processing, wholesaling, warehousing, or assembly business otherwise permitted in this district may be devoted to retail sales of products made or stored on the premises;
- (36) Utility distribution facilities.
- (37) Small wind energy systems, as defined.
- (38) Small solar energy systems, as defined.

Sec. 106-127.5. Uses permitted by special use permit.

- (1) Antennas and towers in excess of 100 feet in height;
- (2) Manufacture of engines and turbines;
- (3) Manufacture of motor vehicles, aircraft and spacecraft (including parts and components);
- (4) Meat, poultry, or fish processing;
- (5) Mobile home and manufactured home fabrication;
- (6) Radio, communication, or broadcast towers greater than 100 feet in height;
- (7) Sawmills, planing mills, and wood yards;
- (8) Vocational schools;
- (9) Any other manufacturing, processing or wholesale use not involving hazardous chemicals and not otherwise permitted by this chapter.
(Ord. of 6-20-2001(4))
- (10) Remote water and sewer facilities, when required to replace failed or failing facilities.
- (11) Large solar energy systems, as defined.
- (12) Large wind energy systems, as defined.

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Sec. 106-128. Conditional uses; permits.

The following uses shall be permitted in the industrial district “I” subject to all other requirement of this chapter, only upon the granting of a conditional use permit by the board of supervisors, in accordance with section 106-10:

- (1) Manufacturing, production, fabrication, assembly, or other industrial, commercial or public facility developing or utilizing a site of more than ten acres;
(Ord. of 6-20-2001(3); Ord. of 6-20-2001(4))
- (2) Utility plant facilities;
- (3) Pulp and paper mills.
- (4) Public water and sewer facilities.
- (5) Central water and sewer facilities.
- (6) Airports.
- (7) Large wind energy systems, Utility Scale, as defined.
- (8) Large solar energy systems, Utility Scale, as defined.
- (9) Uses involving the storage, use, processing, production of hazardous chemicals including, but not limited to, biofuels production, fuel storage for sale, chemicals recycling, hydrocarbon processes, fertilizer and pesticide storage and manufacture, solvent storage, pulp and paper mills, rocket fuel and oxidizer manufacture and storage. Applications for these uses may be required to provide the conclusions of preliminary HAZOP Study for the proposed facility focused on community impacts and personnel safety. Facility features included in the design to mitigate the risks should be identified (e.g.: containment structures, fencing, separation, safety systems, community alarms, process selection, operator training, fire protection, water curtains, release systems, and instrumentation.)
- (10) Uses where objectionable odors and airborne irritants outside the facility boundary may occur including but not limited to food processing facilities, incinerators, pulp and paper manufacture, and chemicals and fuels manufacturing facilities. Information on potential irritants and mitigation features may be required.
- (11) Uses where the potential for dust explosions exists, such as grain storage, sugar refineries, and other uses or processes where organic or combustible materials form dust.

Sec. 106-129. Requirements for permitted uses.

- (a) Before a zoning permit shall be issued or construction commenced on any permitted uses in the industrial district “I”, or a permit issued for new use, the plans, in sufficient detail to show the operation and processes, shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for their recommendation. Modification of the plans may be required.
- (b) Permitted uses in the industrial district “I” shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, or an evergreen hedge six feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical considerations necessary for proper operation may be exempt from this provision. This exception does not include the storing of any materials.
- (c) Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may

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be permitted up to a height of three feet, and to within 50 feet from the corner of any intersection streets.

(d) Sufficient area shall be provided:

(1) To adequately screen permitted uses from adjacent business and residential districts; and

(2) For off-street parking of vehicles incidental to the industry, its employees and clients.

(e) The administrator shall act on any application received within 30 days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a ten-day period. Failure on the part of the administrator to action the application within established time limit shall be deemed to constitute approval of the application.

(Ord. of 6-20-2001(4))

Sec. 106-130. Area regulations.

For permitted uses utilizing individual sewage disposal system in industrial district “I”, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

(Ord. of 6-20-2001(4))

Sec. 106-131. Setback (yard) regulations.

Buildings in industrial district “I” shall be located 50 feet or more from any street right-of-way, which is 50 feet or greater in width, or 75 feet or more from the centerline of any street right-of-way less than 50 feet in width. This shall be known as the setback line.

When a structure fronts on Route 13, the building shall be located 100 feet or more from the highway right-of-way. The minimum side yard adjoining or adjacent to a residential, commercial, or agricultural district shall be twenty-five ~~ten~~ feet. The side yard of corner lots shall be 20 feet or more. The minimum rear yard shall be twenty-five feet. Off-street parking in the industrial district “I” shall conform to section 106-230. Off-street parking shall be set back ten feet or more from any street right-of-way.

(Ord. of 6-20-2001(4))

Sec. 106-132. Frontage regulations.

For permitted uses in the industrial district “I” there shall be no minimum frontage requirement, other than that required for safe access by the Virginia Department of Transportation. Off-street parking in the industrial district “I” shall conform to section 106-230.

(Ord. of 6-20-2001(4))

Sec. 106-133. Height regulations.

(a) Buildings in the industrial district “I” may be erected up to a height of 35 feet. For buildings over 35 feet in height, approval shall be obtained from the administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers, or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

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(Ord. of 6-20-2001(4))

(b) No accessory structure which is within ten feet of any lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

(Ord. of 6-20-2001(7))

(c) Small wind energy systems shall not exceed a height of 65 feet on a parcel of less than one acre, or a maximum height of 100 feet on a parcel of one acre or more. Small wind energy systems shall be set back one and one-half feet from adjacent property lines for every one foot of tower height.

Sec. 106-134. Coverage regulations.

Buildings or groups of buildings with their accessory building in industrial district “I” may cover up to 70 percent of the area of the lot.

(Ord. of 6-20-2001(4))

Sec. 106-135. Sign regulations.

Sign regulations in industrial district “I” shall conform to article VIII of this chapter.

(Ord. of 6-20-2001(4))

Sec. 106-136. Off-street parking regulations.

Off-street parking regulation in the industrial district “I” shall conform to section 106-230.

(Ord. of 6-20-2001(4))

Sec. 106-137. Development standards.

Any commercial or industrial development which creates five acres of more of impervious surface is subject to resource quality protection plan requirements as specified in section 106-235 of this chapter.

Sec. 106-138. Landscape regulations.

Landscape regulations in the industrial district “I” are as follows:

(a) Landscape areas shall be provided within required setbacks along the front lot line, the rear lot line of double-frontage lots, and the side lot line of corner lots except where driveways or other openings may be required. A landscape buffer shall be required wherever industrial development abuts a residential district, existing residential development, or residentially platted property. The required landscape buffer shall be a minimum of twenty feet (20’) in width and shall include a minimum eighty percent (80%) opaque wall or fence that is a minimum of six feet (6’) in height. The required wall or fence shall be located twenty (20’) from the abutting property line. Plantings consisting of a minimum of three (3) trees per one-hundred linear feet, or portion thereof that is greater than twenty feet (20’) in length, shall be installed between the wall or fence and the abutting property line.

(b) Landscape areas shall be designated and dimensioned to scale on all site plans. Landscape areas shall be a minimum width of 10 feet and shall be located adjacent to the property line and outside of any existing road or utility easement. Landscape areas shall

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consist of a combination of grass, ground cover, flowering plants, shrubs, and trees, and the area between plants shall be completely covered with grass or mulch.

(c) Landscape area planting requirements for large development projects five acres or greater in area, such as shopping centers, shall apply to the full perimeter of the project, but not to internal property lines.

(d) Landscape Area Planting Requirements. Linear feet guidelines below are to be used to calculate the number of required plantings; they do not require that plantings be uniformly spaced. Rather, grouping of plants consistent with accepted landscape practice is encouraged. A minimum of 50 percent of plants shall be native plants. Specific requirements are as follows:

1. At least 1 tree for each 50 linear feet, or portion thereof that is greater than 10 feet in length.
2. At least 1 shrub for each 10 linear feet, or portion thereof that is greater than 5 feet in length.
3. At least 1 large deciduous tree for every 10,000 square feet of lot area, or portion thereof that is greater than 5,000 square feet. Large trees shall be installed outside of the landscape areas required in (a), (b), and (c) above.

(e) Minimum size standards:

1. Deciduous trees – Deciduous trees shall be of a species having ~~an average~~ minimum mature crown spread of greater than 12’. A minimum caliper of 2 ½” at the time of planting shall be required.
2. Large deciduous trees – Large deciduous trees shall be of a species having an average minimum mature crown spread of greater than 30’. A minimum caliper of 2 ½” at the time of planting shall be required.
3. Evergreen trees – Evergreen trees shall have a minimum height of 5’ at the time of planting.
4. Shrubs – Shrubs shall have a minimum height of 2’ at the time of planting.

Sec. 106-139. Lighting regulations.

Lighting regulations in the industrial district “I” are as follows:

The following lighting standards shall apply to all exterior lighting sources, including but not limited to lighting for parking, access drives, walkways, gasoline canopy lighting, and internally and externally illuminated signs. Site plans shall include a lighting plan, drawn at the same scale as the site plan, to demonstrate compliance with the following standards.

(a) All lighting shall be designed, located, and arranged so as not to direct glare on adjoining streets or residential properties. The intensity at adjoining streets or residential properties shall not exceed 0.5 foot candles.

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(b) Lighting fixtures shall comply with the shielding requirements of the table below. Excepted from these requirements are: roadway and airport lighting, lighting activated by motion sensor devices, temporary circus, fair, carnival, or civic uses, construction or emergency lighting, temporary lighting, and lighting associated with agricultural pursuits.

(c) For the purposes of this ordinance, a fully shielded fixture shall be defined as an outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture.

Table of Shielding Requirements

<u>Fixture Lamp Type</u>	<u>Shielding Requirement</u>
Low/High Pressure Sodium, Mercury Vapor	Fully Shielded
Metal Halide and Florescent - over 50 watts	Fully Shielded
LED - over 25 watts	Fully Shielded
Incandescent - over 160 watts	Fully Shielded
Incandescent - 160 watts or less	None required
Any LED light source of 25 watts or less, or any other light source of 50 watts or less	None required

Note: Incandescent includes tungsten-halogen (quartz) lamps.

Secs. 106-140--106-150. Reserved

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Definitions to add to Article I of Chapter 106:

Biofuels, means a mixture of volatile, flammable hydrocarbons derived from plant material or animal waste and used as fuel. Biofuels include wood, sugars and starches from sugarcane, corn, and high-cellulose plants (such as switchgrass) that can be converted into ethanol. Biofuels also include oils from plants, such as the soybean or oil palm, and oils from animals, that can be chemically processed and blended with petroleum fuel to make biodiesel.

Hazardous chemical, means one which is a physical hazard or a health hazard. (see OSHA Standard 1910.1200 (the OSHA Haz-com standard)).

Chemical, means an element, chemical compound or mixture of elements and/or compounds.

Physical hazard, means a chemical for which there is a scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

Health hazard, means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed people. The term “health hazard” includes chemicals which are carcinogens, toxic, or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

Hazardous processes or facilities, means systems that contain or may normally or accidentally create a hazardous chemical and where safe containment of the chemical may be lost.

HAZOP study (hazard and operability study), means structured and systematic examination of a planned or existing process or operation in order to indentify and evaluate problems that may represent risks to personnel, the environment, or surrounding community.

(Note: The following definitions were adopted with the Agricultural Zoning District Amendment on January 13, 2010 and the Rural Residential Zoning District Amendment on November 18, 2009. They are shown here for reference.)

Solar Energy System, Small, means a private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics that has a maximum power of not more than 15 kW, which will be used primarily to reduce on-site consumption of utility power for residential, non-commercial, small commercial, and small industrial applications.

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Solar Energy System, Large, means a private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics that has a maximum power of not more than 999 kW, which will be used primarily to reduce on-site consumption of utility power for commercial and industrial applications.

Solar Energy System, Utility Scale, means a solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics, which has a rated capacity more than 1 MW or greater to provide electricity to the local utility provider.

Utility Plant Facilities means power plants, major relay stations, tank farms, and other major facilities for the generation or bulk distribution of utilities.

Utility Distribution Facilities means pipes, poles & wires, transformers, minor relay stations, meters, pump stations, switching stations, antennae, and other minor facilities for the distribution of utilities.

Water and sewer facilities, central means a privately owned and privately operated water and/or sewage treatment system integrated within and not separated from the development wherein it serves more than one lot or customer.

Water and sewer facilities, public means a water or sewage treatment system owned and operated by a municipality or county, serving more than one lot or customer.

Water and sewer facilities, remote means a privately owned and privately operated water or sewage treatment system, serving more than one lot or customer, and including well(s), drainfield(s), and/or other components located on property that is not within or contiguous to any lot, parcel, or portion of the development which it serves.

Wind Energy System, Small: A private wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of not more than 10kW and a maximum height of 100 feet, which will be used primarily to reduce on-site consumption of utility power.

Wind Energy System, Large, means a wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 999 kW.

Wind Energy System, Utility Scale, means a wind energy conversion system consisting of more than one wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than 1 MW or greater.

Wind Energy System, Height, means the distance measured from grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

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