

VIRGINIA: At an Adjourned Meeting of the Board of Supervisors for the County of Accomack, in joint session with the Accomack County Planning Commission, held in the Board Chambers in Accomac on the 13th day of January, A.D., 2010.

Members Present: Laura Belle Gordy, Chair
Donald L. Hart, Jr., Vice Chair
Wanda J. Thornton
Ron S. Wolff
Grayson Chesser
Sandra Hart Mears
Steve D. Mallette
John Charles "Jack" Gray
E. Philip McCaleb

Members Absent: Grayson C. Chesser
Steve D. Mallette

Planning Commission Members Present:
E. Phillip Hickman, Chair
Tammy Parks, Vice-Chair
George Parker
Leander Roberts, Jr.
Herbert Thom
Dave Vaughn

Planning Commission Members Absent:
C. Robert Hickman
William Fallon
E. Bryan Turner

Others Present: Steven B. Miner, County Administrator
Yvonne N. Pennell, Administrative Assistant
Mark B. Taylor, County Attorney
James M. McGowan, Director of Planning
Tanya Taylor, Administrative Assistant
Robert Testerman, Land Use Planner

Call to Order

The meeting was called to order by the Chair

Joint Public Hearing with Accomack County Planning Commission

Chair Gordy opened the Public Hearing for the Board of Supervisors and Chair E. Phillip Hickman opened the Public Hearing for the Planning Commission.

Proposed Planned Unit Development (PUD) Ordinance

Director of Planning James M. McGowan gave a PowerPoint presentation on the Planned Unit Development (PUD) Ordinance and responded to questions from the Board and the Planning Commission.

Proposed Amendment Agricultural Zoning District Ordinances

Director of Planning James M. McGowan gave a PowerPoint presentation on proposed amendments to the Agricultural Zoning District Ordinances.

Comments of support for both Ordinances were offered by Lois Cooper, Pungoteague, VA

A discussion took place with Mr. McGowan responding to questions.

Mr. Thom of the Planning Commission made a motion to recommend to the Board of Supervisors the approval of both the Planned Unit Development (PUD) Ordinance and the Agricultural Zoning District Ordinance amendment. Mr. Roberts seconded the motion. The motion passed unanimously with Mr. C. Robert Hickman, Mr. Fallon and Mr. Turner absent.

Mr. Hart made a motion to adopt the Planned Unit Development (PUD) Ordinance and the Agricultural Zoning District amendment as follows. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Chesser and Mr. Mallette absent.

Planned Unit Development (PUD) Ordinance

ARTICLE XXII. PLANNED UNIT DEVELOPMENTS

Sec. 106-561. Specific conditions for planned unit developments.

(a) Planned unit development districts are intended to provide for variety and flexibility in design necessary to implement the varied goals and objectives of the county as set forth in the comprehensive plan and future land use map. Through a planned unit development approach, these special regulations are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts. In addition, planned unit development regulations are intended to promote: economical and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations. In view of the substantial public advantages of planned unit developments, these regulations are intended to encourage the planned unit development approach in areas appropriate in terms of location and character.

(b) Planned unit development districts shall be developed to provide for the comfort and convenience of residents; to facilitate protection of the character of surrounding neighborhoods; and to lessen traffic impact through a reasonably short travel time between origins and destinations of persons living, working or visiting in such developments. Housing, commercial and service facilities, office and light industrial facilities, places of employment, and parks shall be related either by physical proximity or by adequate street networks so as to promote these objectives.

(c) The following provisions shall apply generally to the establishment and regulation of all planned unit developments districts. Where conflicts occur between the special provisions herein and general zoning, subdivision or other regulations or requirements, these special regulations shall apply in planned unit development districts unless the board of supervisors shall find, in the particular case that:

(1) Provisions in this article do not serve public purposes to a degree exceeding such general zoning, subdivision or other regulations or requirements; or

(2) Actions, designs or solutions proposed by the applicant, although not literally in accord with these special or general regulations, satisfy public purposes to a degree exceeding the county's general regulations. It is specifically provided, however, that where floor area and similar ratios have been established by these regulations, the board shall not act in a particular case to alter such ratios.

(d) Except as provided in subsection (c) of this section, procedures and requirements as set forth in this section and standards adopted by ordinance in approving a particular planned unit development shall apply in such planned unit development.

(e) Applications for planned unit development districts shall be submitted as for other zoning map amendments. Material submitted with the application shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. More specifically, a Planned Unit Development Application Report including the following elements shall be required:

(1) An archeological and historic site literature and map survey.

(2) A traffic impact analysis.

(3) A conceptual storm water management plan.

(4) A solid waste stream impact assessment.

(5) An environmental impact assessment and resource quality protection plan, pursuant to Section 106-235, including the wetlands delineation, and environmental site assessment required for Chesapeake / Atlantic Preservation Areas.

(6) An economic impact assessment.

(7) A school impact assessment.

(8) A parks and recreation impact assessment.

(9) A public safety impact assessment.

(10) A NASA area impact assessment. For proposed planned unit developments located within, or within 500 feet of, the NASA Wallops Airport Accident Potential Zones or Rocket Launch Range Hazard Zones identified in the Comprehensive Plan, the public safety impact assessment shall include an analysis of safety issues and recommendations to mitigate impacts. Issues shall include population density, building height, noise, radio frequency, lighting, electromagnetic interference, and stormwater management pond / waterfowl conflicts. The NASA area impact statement shall be submitted by Accomack County to NASA for review and comments.

(11) A utilities requirement and implementation plan.

(12) The phasing schedule which defines when, within the development of the planned unit development, the proffered or required school sites, library sites, recreation and green space areas, major streets, commuter parking lots, and similar amenities or community facilities will be dedicated or reserved. The phasing schedule shall include the timing of providing all improvements as proffered. The phasing schedule shall also consider the need for future amendments, due to the trend of development in the planned unit development and the county. The director of planning and the director of public works may jointly approve minor revisions to the phasing schedule where it can be shown to be in the best interest of the planned unit development and the county. All other revisions to the phasing schedule may only be approved by an amendment of the planned development.

(13) Existing topography accurately shown with a maximum of five-foot contour intervals at a scale of not less than 100 feet to the inch. Other interval and/or scale may be required or permitted by the director of planning where topographic considerations warrant or to facilitate showing the project on a single sheet.

(14) Floodplain limits and flood zones, which shall be established by current FEMA maps, soil survey, U.S. Army Corps of Engineers survey, and/or engineering methods.

(15) Connection to existing and proposed state department of transportation constructed roads and to comprehensive plan proposed roads when necessary.

(16) A minimum of two data references for elevations to be used on plans and profiles and correlated, where practical, to U.S. Geological Survey or Global Positioning System horizontal and vertical data.

(17) A report identifying all property owners within the proposed district and giving evidence of unified control of its entire area. The report shall state agreement of all present property owners to:

a. Proceed with the proposed development according to regulations existing when the map amendment creating the planned unit development is approved, with such modifications as are set by the board of supervisors and agreed to by the applicant at the time of amendment.

b. Provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the board of supervisors for completion of such development according to approved plans, and for continuing operation and maintenance of such areas, facilities and functions as are not to be provided, operated or maintained at general public expense; and

such dedications, contributions or guarantees as are required for provision of needed public facilities or services; and

c. Bind their successors in title to any commitments made in subsections a. or b. above.

(18) All roads dedicated for the purpose of vehicular access will be built to standards for state-maintained paved roads.

(19) Applications must be submitted on the form provided by the director of planning together with the requisite review fees. In addition to the stipulated fees, the applicant shall be required to reimburse the county for the costs of outside consultants that may be required to assist in the review of the application. The applicant shall remit such reimbursement within 15 days of receiving an invoice from the county; failure to do so shall cause review of the application to cease and have it returned to the applicant as incomplete.

(f) If recreation areas, green space areas, library sites, fire and rescue station sites, streets, commuter parking areas, and other sites for necessary public facilities or services are proffered, provisions should also be proffered for maintenance of such public facilities by an association unless the county has accepted responsibility for the construction and or maintenance of such facilities. Sites proffered for elementary, middle and high schools shall be dedicated to the county.

(g) Subsequent to approval of the planned unit development, all preliminary and final subdivision and site plans shall be submitted to the director of planning unless the approval ordinance shall stipulate otherwise. The submission of these plans must conform to the phasing schedule. These plans shall be reviewed and approved in accordance with applicable state statutes and ordinances of the county. Any required dedications, reservations or required improvements shall be made in accordance with the phasing schedule, and must be provided with the approval of final subdivision or site plans.

(h) Applications for planned unit developments shall proceed in general as for other rezoning applications with special consideration to those aspects of the proposed planned unit development that provide for a clearly superior form of development and demonstrate a unity and cohesiveness of design.

(i) Applicants are required to meet with the planning staff and other qualified officials to review the application plan and original proposal prior to submittal. The purpose of such pre-application conference shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with the regulations of this article and/or other regulations applying in the case, and/or to define specific variations from application of regulations which would otherwise apply which seem justified in view of equivalent service of public purposes of such regulations. Where the director of planning determines that outside consultants or other resources are required to assist or complete the county's review of the development proposed by the application, he or she shall obtain the required services in the most expeditious manner and the applicant shall promptly reimburse the county for all costs associated with such outside review services. These reimbursements shall be in addition to the application review fee paid at the time of application. Applications for planned unit developments shall incorporate a statement to this effect and applicants shall acknowledge and agree as a part of executing the application.

(j) In the course of such pre-application conferences, any recommendations for changes shall be recorded in writing, and shall become part of the record in the case. All such recommendations shall be supported by stated reasons for the proposed changes. Applicants shall indicate, in writing, their agreement to such recommendations, or their disagreement and their reasons therefore. Response by applicants shall also be included in the record.

(k) When the application is deemed complete by the Director of Planning, the staff shall proceed to prepare its recommendations to the planning commission and board of supervisors. The date of the Director of Planning's determination to proceed shall be deemed the formal date of submission of the application. Specifically, recommendations to the planning commission and the board of supervisors shall include findings as to:

(1) The suitability of the tract for the general type of planned unit development proposed in terms of:

- a. Conformity to the comprehensive plan and future land use map;
- b. Physical characteristics of the land;
- c. Relationship to adjacent land uses and surrounding areas;
- d. The supply of zoned land for the proposed uses;
- e. Public facility capacity;
- f. Environmental impact mitigation;
- g. Proffered conditions;

- h. Overall pattern of planned future development;
- i. Density; and
- j. Land use mix.

(2) Relationship to major roads, utilities, public facilities and services.

(3) Adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees or other instruments, or the need for such instruments or for amendments in those proposed; and

(4) Specific modifications in planned unit developments or general regulations as applied to the particular case, based on determination that such modifications are necessary or justified by demonstration that the public purposes of planned unit development or general regulations as applied would be satisfied to at least an equivalent degree by such modifications.

(l) On applications for planned unit developments, the planning commission and board of supervisors shall proceed in general as provided for other map amendments. The planning commission may recommend and board of supervisors may approve the application in accordance with planned unit development and general regulations, may include specific modifications of planned unit development or general regulations, or may deny the application.

(m) Approval of planned developments shall be by ordinance and shall contain all the specific requirements and modifications of general zoning provisions that are to apply to the planned development. In cases of conflict between general zoning provisions and specific provisions contained in the planned unit development approval ordinance, the specific provisions of the planned unit development approval ordinance shall apply.

(n) Unless modification is permitted by the board of supervisors' action, all site plans shall comply with Section 106-226 of this chapter and all subdivision plats shall comply with chapter 78 of this Code. Not less than ten percent of the land area or one acre, whichever is greater, shall be shown on any final plan or plat.

(o) Approval of site plans and subdivision plats shall be based on: compliance with site plan or subdivision regulations applying at the time the land was designated as a planned unit development district; or at the option of the applicant, compliance with such regulations currently in effect; provided that the board of supervisors shall find that application of current regulations would satisfy the public purpose to at least an equivalent degree in the particular case.

(p) Variations in site plans and subdivision plats from approved application plans may be permitted by the board of supervisors upon a finding by the planning commission that such variations are generally in keeping with the spirit and concept of the approved application plans; in accordance with the comprehensive plan; and in accordance with regulations currently in effect. Changes other than permitted in this section shall be made only by rezoning application.

(q) After planned unit development designation, no building permit including special footings and foundation permits and no land disturbing permit shall be issued in such district until such time as approval of site plans or subdivision plats for the development of the area in which such permits would apply has been granted.

(r) The minimum size of any planned unit development shall be 25 acres of contiguous land area, provided however, that the board of supervisors by majority vote may accept a planned unit development application of smaller size for good cause shown. Additions to existing planned unit developments shall have no minimum size requirement and shall be processed as an amendment to the planned unit development.

(s) The preponderance of uses within any planned unit development shall be in accord with the uses envisioned by the comprehensive plan for the general area in which the planned unit development is proposed and shall bear reasonable relationship to the density and activity levels reasonably inferred from the comprehensive plan designations. Usual and typical accessory uses to the principal uses shall be permitted.

(t) Uses, densities, heights, bulk, yards, setbacks, buffers, parking, signage, landscaping, fencing, and other development features and requirements shall be specified in the ordinance approving the planned

unit development and those specifications shall form the zoning requirements for the planned unit development. Subsequent changes to these requirements shall be approved in the same manner as the original application. Architectural and design criteria may be stipulated as a part of the approval ordinance. Development criteria not stipulated in the

approval ordinance shall be accomplished in accord with the relevant provisions of subdivision, zoning and other provisions of the county code.

(u) Planned unit developments shall have no less than 25 percent of the total land area devoted to landscaped open space provided, however, that the board of supervisors may waive this minimum for planned developments with no residential component or where the open space provided is of exceptional quality (e.g. waterfront). Landscaped open space includes natural areas, trails, parks, playing fields, tennis courts and basketball courts within parks, town squares, plazas, and dedicated landscaped common areas outside of the building setbacks required by equivalent zoning districts. Tidal wetlands, velocity flood zones, street landscaping, parking lot landscaping, stormwater ditches, and above ground sewage disposal facilities shall not be credited as required open space. Non-tidal wetlands, slopes greater than 25 percent, and resource protection area 100-foot buffer, may be credited as up to 50 percent of required open space. The area of stormwater management ponds with a minimum 2:1 length/width ratio and 4:1 banked slopes may be credited as up to 50 percent of the required open space. Fifty percent of the area of sub-surface sewage disposal drainfields available for year-round recreational use may be credited as required open space. In planned unit developments with residential components, no less than 7.5 percent of the total area in residential use shall be set aside for active and passive recreation and the development of recreational facilities serving the planned unit development.

(v) Access and circulation within planned unit developments shall be designed to provide safe accommodation of all users of the transportation network including pedestrians and bicyclists. Sidewalks, crosswalks, bicycle lanes and multi-use trails shall be provided where appropriate. Intersections of the internal road system and existing public roads shall be permitted to the extent necessary to provide reasonable access and service to uses contained within the planned unit development and shall be developed using the principles of access management. In planned developments with mixed uses, the circulation system shall be designed to give priority to internal walking and bicycling trips.

(w) Planned unit developments shall be served by public water and sewer, however the ordinance approving the development may provide for public utilities to be phased or for certain specified portions of the development to be served by private utilities. All utilities within a planned unit development shall be placed underground except for necessary above-ground appurtenances.

(x) Unless otherwise stipulated by the ordinance approving a planned unit development, all structures to be located on the outer perimeter of a planned unit development shall conform to the setback and yard regulations of the adjoining district.

Agricultural Zoning District Ordinance Amendment

ARTICLE III. AGRICULTURAL DISTRICT "A"*

***Editor's note:** An ordinance adopted June 29, 2006, amended art. III in its entirety to read as herein set out. Formerly, said article pertained to similar subject matter as enacted by Code of 1982. See the Code Comparative Table for a detailed analysis of inclusion.

Sec. 106-51. Statement of intent.

This district covers portions of the county which are occupied by various open uses, such as marsh lands, beaches, forests, parks and farms. This district is established for the specific purpose of facilitating existing and future farming operations, conserving forests, farmland and other natural resources, conserving ground water resources to serve the current and future population, reducing soil erosion, protecting shellfish waters from pollution, providing safety from flood, fire and storms, facilitating the provision of adequate police and fire protection, reducing or preventing congestion on the public roadways, protecting against undue density of population in relation to the community facilities available, and encouraging desirable rural economic development activities such as farming, forestry, **renewable energy production** and tourism. Uses not consistent with the existing character of this district are not permitted.

(Ord. of 6-29-2006)

Sec. 106-52. Uses permitted by right.

The following uses shall be permitted subject to all the other requirements of this chapter as a matter of right in agricultural district "A":

- (1) Single-family dwellings;
- (2) General farming, agriculture, dairying and forestry;
- (3) Schools, churches, *public libraries* and post offices;
- (4) Game preserves and conservation areas;
- (5) Lodges, hunting clubs, boating clubs, golf clubs and private noncommercial marinas;
- (6) Private and noncommercial small boat docks;
- (7) Cemeteries;
- (8) Home occupations as defined;
- (9) Accessory uses as defined;
- ~~(10) Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewerage facilities; (Former Item 10 was deleted by a Board of Supervisor's amendment on June 20, 2001. Item 13 was added. The deletion of Item 10 was never made by Municode. The corrected deletion is shown here).~~

(10) Public parks and recreational facilities;

- (11) Recreational facilities which are to be used in connection with one-family or two-family dwellings and available only to the family of the householder and his private guest;
- (12) Manufactured homes, ~~19 feet or more in width, as defined (built subject to Federal regulations)~~, on a permanent foundation; and
- (13) *Utility distribution facilities* ~~Public utility relay stations, transformer substations, distribution lines and poles, pipes, meters, drainfields, pumping stations, storage facilities, and other facilities for the provision and maintenance of public utilities, including water and sewer installation.~~

~~(Ord. of 6-29-2006)~~

(14) Small wind energy systems, as defined, on lots one acre or greater in size.

(15) Small solar energy systems, as defined.

Sec. 106-53. Special exceptions--Special use permits.

The following uses shall be permitted in agricultural district A, subject to all the other requirements -of this chapter, only upon the obtaining of a special use permit from the board of zoning appeals:

- (1) Recreational facilities, including main and accessory buildings and parking areas;
- (2) Camping facilities, including travel trailer camps;
- (3) Waterfront businesses, such as wholesale and retails marine activities, commercial marinas, yacht clubs and servicing facilities for the same;
- (4) Docks and areas for the receipt, storage and shipment of waterborne commerce;
- (5) Seafood and shellfish receiving, packing and shipping plants;
- (6) Mobile homes, *as defined (built before June 15, 1976)*. (See section 106-231, "mobile home parks").

~~a. The board of zoning appeals may, in its discretion, not consider any application for a special use permit for the location of a mobile home unless the applicant submits written comments from all the property owners within 500 feet of the boundary lines of the property upon which the mobile home is to be located including the property owners across the street or highway. The board of zoning appeals may require the applicant to submit written comments from additional property owners. This section shall not apply to any application to locate a mobile home in an approved mobile home park.~~

~~b. The board of zoning appeals shall not grant a special use permit to locate a mobile home in agricultural district A unless the applicant agrees to comply and conform with the following terms, conditions and requirements before the mobile home is occupied and has obtained a certificate of occupancy. The mobile home shall be:~~

- ~~1. Located on the site as outlined in the application;~~
- ~~2. Anchored according to the building code;~~
- ~~3. Installed with a set of steps at each exit;~~
- ~~4. Approved by the electrical inspector;~~
- ~~5. Approved by the department of health; and~~
- ~~6. Completely skirted with some type of durable weatherproof material.~~

~~e. The mobile home shall not be occupied before final inspection and the owner or applicant receiving a certificate of occupancy from the building department.~~
~~d. If the board of zoning appeals grants a temporary special use permit, the applicant shall agree in writing to remove the mobile home on or before the period specified in the permit.~~
~~e. If the permit is issued, it will be issued subject to the aforesaid conditions, all other conditions required in this chapter and any other conditions which the board of zoning appeals may prescribe. If the applicant and/or owner fails to comply with these conditions, the permit shall become null and void, whereupon the mobile home shall be removed from the premises to a legal location.~~

(7) Light industry (as defined in section 106-1);

(8) Facilities for grading, packing, marketing and storage of agriculture and horticultural products;

(9) Retail stores and shops including storage facilities;

(10) Restaurants;

(11) Office buildings;

(12) Health care facilities;

(13) Mobile home parks in which lots are rented or sold;

(14) Travel trailers, located outside of travel trailer parks, which are to be occupied for habitation or storage of chattels;

(15) Dwelling, two-family (see section 106-230 "off-street parking");

(16) Apartment house (see section 106-230 "off-street parking");

(17) Banks;

(18) Dry cleaners;

(19) Laundries;

(20) Hotels, motels and tourist homes; and

(21) Printing offices.

(22) Dwelling, accessory, on lots with a minimum area of 5 acres, or on nonconforming lots with a minimum area of 60,000 square feet recorded in the land records as of June 28, 2006. Accessory dwellings shall be 1) limited to one per lot and 2) permitted with an occupied main dwelling.

(Ord. of 6-29-2006; Ord. of 4-18-2007)

(23) Sand and gravel borrow pit operations, including all necessary equipment, up to five acres in area.

(24) Small wind energy systems, as defined, on lots less than one acre in area.

(25) Large solar energy systems, as defined.

Sec. 106-54. Conditional uses/permits.

The following uses shall be permitted in the agricultural district "A" subject to all other requirements of this chapter, only upon the granting of a conditional use permit by the board of supervisors, in accordance with section 106-234 of this chapter:

(1) Residential, recreational or commercial recreational developments specified in section 106-53 creating more than 25 dwelling units or sites;

(2) Retail stores and shops of over 10,000 square feet of interior floor space; or developing a site of greater than two acres;

(3) Commercial facilities specified in section 106-53 with over 10,000 square feet of interior floor space, or developing a site of greater than one acre.

(4) Sports arenas, race tracks, and amusement parks.

(5) ~~Power plants.~~ **Utility plant facilities.**

(6) **Public water and sewer facilities.**

(7) **Central water and sewer facilities.**

(8) **Remote water and sewer facilities, when required to replace failed or failing facilities.**

(9) **Sand and gravel borrow pit operations, including all necessary equipment, greater than five acres in area.**

(10) **Large wind energy systems, as defined, on lots greater than five acres in area.**

~~(11)~~ **Large wind energy systems, Utility Scale, as defined, on lots greater than five acres in area.**

~~(12)~~ **Large solar energy systems, Utility Scale, as defined, on lots greater than five acres in area.**

(Ord. of 6-29-2006)

Sec. 106-55. Area *and density* regulations.

(a) The minimum lot area in the district shall be five acres, unless the cluster option is used, as set forth in subsection 106-55(b). ***Tidal wetlands and non-tidal wetlands shall not be counted toward the calculation of minimum lot area for the purpose of meeting the minimum lot area and density requirements set forth herein.***

(b) Cluster option: Lots may be clustered at an overall base site density of one lot per five acres.

(1) The minimum lot area for a cluster lot shall be 30,000 square feet and the maximum lot area for a cluster lot shall be ~~one~~ ***three acres. Cluster lots larger than 30,000 square feet in area may include additional area, up to a total lot area of three acres, that includes tidal wetlands, non-tidal wetlands, resource protection area, velocity flood zones, and slopes 25 percent or greater.***

(2) If lots are clustered, two additional bonus lots shall be allowed for the parent tract, provided that the remainder lot shall be greater than one acre.

(3) Bonus lots are allowed for parent tracts of less than five acres if the minimum lot sizes are met in accordance with the clustering provisions in subsections 106-55 (b)(1) and (2).

(4) The remainder lot shall not be further divided.

(5) ***One cluster lot, with a minimum area of 30,000 square feet and a maximum area of three acres, may be divided from a parent parcel without submitting a subdivision application. The lot created shall be counted toward any future subdivision of the parent parcel. A deed notice shall be recorded to indicate that a cluster lot has been divided from the parent parcel.***

~~(c) Tidal wetlands and non-tidal wetlands shall not be counted toward the calculation of minimum lot area for the purpose of meeting the minimum lot area and density requirements set forth herein.~~

~~(cd)~~ Notwithstanding the foregoing provisions, the minimum lot area for any lot created pursuant to a family subdivision under section 78-12 of the Subdivision Ordinance shall be 30,000 square feet.

(Ord. of 6-29-2006)

Sec. 106-56. Setback regulations.

Structures on all public rights-of-way shall be set back 50 feet or more from the edge of the right-of-way.

When a structure is to be built in an area where there are existing structures, the minimum setback may be waived and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots.

(Ord. of 6-29-2006)

Sec. 106-57. Frontage regulations.

The minimum frontage for permitted uses shall be 150 feet at the setback line.

(Ord. of 6-29-2006)

Sec. 106-58. Yard regulations.

(a) *Side.* The minimum side yard for each main structure shall be 15 feet and the total width of the two required side yards shall be 30 feet or more. The minimum side yard for accessory structures shall be five feet or more.

(b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. Each accessory structure shall have a rear yard of five feet or more.

(Ord. of 6-29-2006)

Sec. 106-59. Height regulations.

Buildings may be erected up to thirty-five (35) feet in height except that:

(1) Dwellings may be erected to a height of forty-five (45) feet provided that both required side yard setbacks are increased one foot for each foot in height by which the dwelling exceeds thirty-five (35) feet.

(2) A public or semi-public building such as a school or church may be erected to a height of sixty (60) feet provided that required front, side and rear yards shall be increased one foot for every foot in height by which the building exceeds thirty-five

(35) feet.

- (3) *Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt from these height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.*
- (4) *No accessory building which is within ten (10) feet of any lot line shall be more than one-story or twelve (12) feet high.*
- (5) *Small wind energy system towers shall not exceed a height of 65 feet on a parcel of less than 5 acres, or a maximum height of 80 feet on a parcel of five acres or more. Small wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.*

Sec. 106-60. Special provisions for corner lots.

Of the two sides of a corner lot, the front is the shorter of the two sides fronting on streets. See Sec. 78-8-C-3.

Sec. 106-~~59~~61. Sign regulations.
Regulations shall conform to article VIII of this chapter.
(Ord. of 6-29-2006)

Sec. 106-~~60~~62. Off-street parking regulations.
Off-street parking regulations shall conform to section 106-230 of this chapter.
(Ord. of 6-29-2006)

Sec. 106-~~61~~63. Development standards.
(a) Any residential subdivision creating 50 or more lots is subject to resource quality protection plan requirements as specified in section 106-235 of this chapter.
(b) Any commercial or industrial development which creates five acres or more of impervious surface is subject to resource quality protection plan requirements as specified in section 106-235 of this chapter.
(Ord. of 6-29-2006)
Secs. 106-62--106-75. Reserved.

Definitions to add to Article I of Chapter 106:

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.

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, 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.

Adjournment

By consensus, the Chair declared the meeting adjourned.

Chair