

**Accomack County Agricultural ("A") Zoning District Ordinance Amendment
Enacted January 13, 2010**

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 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, as defined (built subject to Federal regulations), on a permanent foundation; and
- (13) Utility distribution facilities.
- (14) Small wind energy systems, as defined, on lots one acre or greater in size.
- (15) Small solar energy systems, as defined.

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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").
- (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;

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- (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) 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 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.

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(c) 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

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

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

Sec. 106-63. 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.

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Definitions added 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.