

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board of Supervisors Chamber in Accomac, Virginia on the 18th day of January, A.D., 2017 at 5:00 p.m.

Members Present: Robert D. Crockett, Chair
Laura Belle Gordy, Vice Chair
William J. “Billy” Tarr
Grayson C. Chesser
Ron S. Wolff
Harrison W. Phillips, III
Paul E. J. Muhly
Donald L. Hart, Jr.
C. Reneta Major

Others Present: Michael Mason, Finance Director
Cela J. Burge, County Attorney
Shelia West, Administrative Assistant

Other Absent: Steven B. Miner, County Administrator

Call to Order

The meeting was called to order by the Chair and opened with a prayer by Ms. Major, after which, the Pledge of Allegiance to the Flag was recited.

Adoption of the Agenda

Ms. Major made a motion to adopt the Agenda. Mr. Wolff seconded the motion. The motion to adopt the Agenda was unanimously approved.

Public Comment

County Attorney Cela Burge read the rules governing conduct during the public comment period.

Comment(s) were offered by the following persons:

Ms. Shawn Coyte, Post Office Box 191, Mappsville, VA – requested that the Board reconsider implementing a “No Tethering” Ordinance which would require dog owners to bring chained dogs in from dusk until dawn. She referenced an incident in which a dog had frozen during harsh weather conditions.

Mr. Steve Mallette, 24471 Seagull Lane, Locustville, VA - Chairman of Board of the E. S. of Virginia Chamber of Commerce – extended a personal invitation to Board members to attend a meeting hosted by the Chamber on February 13, 2017 at 5:30 p.m. at the Eastern Shore Community College/Workforce Development Center. He gave details of the event and informed members that the Author of “Extremes of Virginia” would be present to discuss economic challenges in rural areas of Virginia.

Minutes

Mr. Hart made a motion to approve the minutes of the December 21, 2016 meeting. Mr. Phillips seconded the motion. The motion was unanimously approved.

Consent Agenda

Mr. Phillips made a motion to approve the following items under Consent Agenda. Mr. Tarr seconded the motion. The motion was unanimously approved.

4.2 – Authorized application for \$230,000 in additional VPA grant funds for Greenbackville Harbor improvements with a required local match of \$100,000 in addition to funds previously allocated by the Committee and County in FY17.

Also authorized application for \$150,000 in VPA grant funds for Quinby Harbor Improvements with a required local match of \$50,000.

4.3 – Approved award of RFP 287 to CSI Environmental in the amount of \$63,445 for the dredging and dewatering of the landfill leachate lagoon.

4.4 – Approved award of IFB 697 for Printing Services to the low bidder, Eastern Shore Printers, for the term of February 1, 2017 to January 31, 2019 with renewal options for three additional two-year terms in accordance with the provisions of IFB 697.

4.5 – Approved award of RFP 288 to farm Accomack County properties to W. Carter Crabbe subject to final resolution of minor items related to the Lease Agreement that are familiar to the County Attorney as designated:

- Property: 1 - Tax Map Portion of 101-5-C (12.1 Acres+/-)
- Property: 2 – Tax Map Portion of 101-5-C (17.3Acres+/-)
- Property: 3 - Tax Map Portion of 101-5-C (15.6 Acres+/-)
- Property: 4 - Tax Map Portion of 101-5-B (19.6 Acres+/-)
- Property: 5 - Tax Map Portion of 1015- D (35.6 Acres+/-)

4.6 - Approved award of RFP 289 for Electronics Recycling to East Coast Dismantling, LLC for a one-year term with an option to extend the term of the contract for four (4) one-year extensions.

4.7 - Directed the Planning Commission to begin the process to amend the Confined Poultry Ordinance to remove consideration of Special Use Permits in the Residential and General Business Zoning Districts.

Appointments

Local Finance Board

Following a brief clarification from Finance Director Michael Mason regarding the structure of the Local Finance Board, Ms. Major made a motion to appoint Beth Onley to the Local Finance Board for another 2-year term to commence immediately and expire on July 31, 2018. Mr. Wolff seconded the motion. The motion was unanimously approved.

The Chairman's Fire and EMS Committee

Chairman Crockett stated that for the past several years, Saxis Volunteer Fire Department and the Greenbackville Fire Department had expressed a need to have day-time staff at both stations and therefore, as Chair, he was appointing a committee.

He informed members that a request for funding had been made through the Public Safety Department in the FY18 budget for six (6) additional positions to be assigned at Saxis and Greenbackville.

Chairman Crockett explained the mission of the committee was to:

- 1) Examine the request
- 2) Hold 1 to 2 work sessions
- 3) Invite Aubrey from Saxis and Barry from Greenbackville to attend the meeting and present their plans for the request
- 4) The committee will present a PowerPoint showing the response time and determine if there is an issue that needs to be identified/addressed and upon completion, the committee will compile the population with response time, etc.
- 5) After review of the request and study with data, the committee will make a presentation during the budget work session.

He discussed the following options that would be considered within the committee's report/presentation:

- 1) Leave as is because no issues were identified
- 2) Not to act on the request until the hospital has been in operation for at least a year in order to evaluate the reduced response time because of the closer proximity of the hospital in Accomack County
- 3) To show the Board what effect the request would have if the positions were funded

Chairman Crockett requested that the following staff attend the meeting:

C. Ray Pruitt, Public Safety Director
 Kathy Carmody, Human Resources Director
 Michael Mason, Finance Director
 Tom Brockenbrough, GIS Coordinator

The following Board members were appointed to the Chairman's Fire and EMS

Committee:

Mr. Ron S. Wolff, representing E. D. 2 - Greenbackville
 Mr. Paul Muhly, representing E. D. 4 - Saxis
 Mr. William "Billy" Tarr, representing E. D. 1 – depth of knowledge in deploring resources and having served 40 years with Chincoteague Fire Department
 Mr. Robert Crockett, Chairman

A discussion continued regarding related matters.

Dates to Receive the County Administrator's Recommended FY18 Budget and Department/Agency Presentations

Finance Director Michael Mason presented information to Board members regarding the proposed calendar dates for the County Administrator's Recommended FY18 Budget and Department/Agency Presentations.

Following discussion, Mr. Hart made a motion to hold FY18 Budget work sessions on Monday, February 6 and Wednesday, February 8, 2017 at 5:00 p.m. in the Board Chambers. Mr. Wolff seconded the motion. The motion was unanimously approved.

Update on DEQ Public Hearing regarding North Landfill Permit Modification

Mr. Mason gave an informational update on the Department of Environmental Quality Public Hearing regarding the North Landfill Permit process. He informed members that a Public Hearing had been held and no public comments had been received.

He stated that the permit expired on January 19, 2017 and DEQ had thirty (30) days to receive public comments. He noted that the permit was imperative in bringing the new cell at the North Landfill into operation.

Options for Making Board Agenda Packets Available Earlier

Mr. Mason informed members that after conferring with staff, it appeared that a small adjustment could be made in making the Board Agenda packet available earlier as had been suggested at the Board's Organizational meeting.

He stated that an option would be to make the full electronic version of the Agenda, i.e., Boarddocs, available online one (1) day earlier and everyone would have access to it, with the hard copies being delivered on the following day.

A discussion ensued with Board in consensus with the option presented.

Environmental Program Director Introduction

Mr. Mason introduced Mr. Chris Guvernator, Environmental Program Director and offered a brief bio.

The Board welcomed Mr. Guvernator and wished him well.

County Attorney's Report

County Attorney Cela Burge updated the Board regarding the “draft clean up” Joint Resolution for the Eastern Shore Regional Navigable Waterways Committee that created a joint agreement with Accomack and Northampton Counties and told members that the Resolution was in proper form.

Mrs. Burge requested that the Board review and consider adoption of the Resolution and upon adoption inform the Army Corps of Engineers of same.

Following a brief discussion, Mr. Hart made a motion to approve the Resolution and move forward. Mr. Tarr seconded the motion. The motion was unanimously approved.

The Board directed staff to send a copy of the Resolution to the Corps of Engineers.

Board of Supervisors Comment Period

Supervisor Grayson Chesser

Mr. Chesser informed members that he attended and had the pleasure of speaking to the Teacher's Association. He urged members to visit and speak to them as well. He briefed members regarding some of the concerns that were addressed.

Supervisor Donald L. Hart, Jr.

Mr. Hart offered an update on the dredging at the harbor at Quinby which is scheduled to be completed by the end of the month. A brief discussion continued.

Supervisor Harrison Phillips, III

Mr. Phillips advised members that the DMV Select office in Parksley would be opening the week of January 23rd. A brief discussion transpired regarding the location and other related matters.

Supervisor C. Reneta Major

Ms. Major apprised members and the public of the homelessness within Accomack County and gave information regarding a study that is being done on January 25th which was a collaborative effort of different agencies to get an accurate account of how many homeless people are on the Eastern Shore and especially within Accomack County.

Supervisor Paul E. Muhly

Mr. Muhly offered comments regarding his review of the County's payables and inquired about the inmate health insurance costs. Mr. Crockett and Mr. Tarr responded to Mr. Muhly's observation. A discussion continued.

Mr. Hart advised members about a prescription discount card that was available through a program with NACo and VACo that every Accomack County citizen was entitled to. A discussion continued regarding same.

Mr. Hart directed staff to contact NACo to obtain cards so that the program could be more utilized.

Supervisor Ron S. Wolff

Mr. Wolff reported that his regular monthly District Meeting was held and Dr. Miner was the guest speaker. He commented on the great job he had provided in relaying information to the public during his tenure as County Administrator.

He informed members that he had attended the Eggs and Issues in the stead of Chairman Crockett due to him being unable to attend and briefed the Board regarding the poultry issues in the County, in particular, comments from State Legislators regarding regulations imposed on applications for building chicken houses.

Chairman Robert D. Crockett

Chairman Crockett offered expressions of gratitude to Supervisors Wolff and Major for attending Eggs and Issues due to his absence because of a scheduling conflict.

He informed members that Dr. Miner had been recognized at the Wallops Island Regional Alliance meeting and noted that he would have attended if he had been made aware of it.

Payables

Upon certification by Finance Director Michael Mason, Mr. Wolff made a motion to approve the payables. Ms. Major seconded the motion. The motion was unanimously approved.

Closed Meeting

Mr. Tarr made a motion that the Board go into closed meeting pursuant to Section 2.2-3711. (A) (1), and (A) (3), of the Code of Virginia of 1950, as amended, for the following purposes. Mr. Wolff seconded the motion. The motion was unanimously approved.

1. For the purpose of discussion of personnel issues related to the completion of an annual performance review for the County Attorney and discuss replacement of the County Administrator.
2. For the purpose of discussion or consideration of the disposition of publicly held real property located at Hermitage Road, Onancock, Virginia and review of appraisal where discussion in an open meeting would adversely affect the position and strategy of the public body.

Open Session

The Chair declared the meeting open to the public.

Mr. Hart made a motion, seconded by Mr. Wolff to reconvene in Open Meeting and to Certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, that to the best of each member's knowledge the only matters heard, discussed, or considered during the Closed Meeting were (i) public business matters lawfully exempted

from Open Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened.

Ayes:	Mr. Tarr	Mr. Wolff	Mr. Chesser	Nays: None
	Mr. Muhly	Mr. Phillips	Mr. Crockett	Absent: None
	Ms. Major	Mrs. Gordy	Mr. Hart	

County Attorney’s Salary Increase

Mr. Wolff made a motion to follow the action the Board had taken in giving the County employees a 2% salary increase and that the County Attorney be given a 2% salary increase. Mrs. Gordy seconded the motion. The motion was unanimously approved.

Mr. Wolff made a motion that the salary increase be effective January 1, 2017. Mr. Muhly seconded the motion. The motion was unanimously approved.

Recess

The Chair, by consensus, declared the meeting in recess.

Call to order

The Chair called the meeting back to order.

Public Hearing – Conditional Use Permits by SunTec Solar ESVA One LLC (Agricultural and General Business)

County Attorney Cela Burge read the rules governing conduct during Public Hearings for the three (3) Public Hearings.

Mr. Rich Morrison, Planning and Community Economic Development Director, gave a general overview to the Board regarding the request from SunTec Solar ESVA One LLC to allow for the development of a large utility scale solar energy system on the portions of parcels zoned Agricultural and General Business on tax map #'s 85-A-61, 85-A-63, 86-A-131 & 86-A-132 in the general vicinity of the existing Tasley electrical substation on Greenbush and Merry Branch Roads. Mr. Morrison responded to questions regarding matters relating to same.

Mr. Dennis Norstrom – Bayford, VA - Applicant and Sponsor of the project appeared before the Board and gave a detailed presentation regarding the proposed project. He offered expressions of gratitude to the staff for their assistance in working on the proposed project. He discussed the following:

- the formation of SunTec Solar (a family-owned company)
- the principal reason for its formation
- goals and focus
- key project facts
- presented and discussed an Ag and Solar video

Mr. Norstrom responded to questions regarding various matters pertaining to the proposed project. A discussion ensued.

The Chair opened the public hearing to afford interested persons the opportunity to be heard or to present written comments concerning Conditional Use Permits by SunTec Solar ESVA One LLC (Agricultural) and (General Business).

Public Hearing – Comment Period

The following persons offered comments:

Logan Nordstrom – Bayford, VA – Project Development Director, offered comments of support regarding the proposed SunTec Solar project and its benefits.

John Van Kesteren – 23920 Acorn Drive, Onancock, VA – offered comments of support regarding the proposed SunTec Solar project.

Katrina VanKesteren Nordstrom – Bayford, VA - offered comments of support regarding the proposed SunTec Solar project and the family business.

Kelly Watson – Bayford, VA – offered comments of support and the benefits of the proposed SunTec Solar project.

The Chair closed the Public Hearing.

Inquiries and comments were offered by Board members regarding the proposed

project. Ms. Major offered congratulatory comments to the family in its endeavor.

Conditional Use Permits by SunTec Solar ESVA One LLC (Agricultural and General Business)

As recommended by the Planning Commission, Mrs. Gordy made a motion to grant the conditional use permit by SunTec Solar ESVA One LLC in the Agricultural Zone. Mr. Wolff seconded the motion. The motion was unanimously approved.

Mrs. Gordy made a motion to grant the conditional use permit by SunTec Solar ESVA One LLC in the General Business Zone. Mr. Wolff seconded the motion. The motion was unanimously approved.

Public Hearing – Agriculture Zoning District Ordinance Amendment: Remove Utility-Scale Solar and Utility-Scale Wind Energy Systems

Mr. Rich Morrison, Planning and Community Economic Development Director gave a brief summary of the findings of the Planning Commission per the Board's directive at its meeting on April 20, 2016 for the Planning Commission to review the utility-scale solar energy facility impacts on agricultural lands and give an analysis of recent changes to State law relative to taxation of utility-scale solar projects in the County. He informed members that the Commission was working on a replacement that would allow solar under certain conditions under a different form than the County currently has. A discussion continued and Mr. Morrison responded to questions.

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Agricultural Zoning District Ordinance Amendment: Utility-Scale Solar and Utility-Scale Wind Energy Systems.

Public Hearing – Comment Period

Sue Mastyl – 14329 Mears Circle - Harborton, VA – spoke as a strong advocate in support of solar energy but was concerned about the direction that the County was taking with regard to Solar Farms for the current recommendation for removing Utility-

Scale and Utility-Scale Wind and Solar from Agricultural Zoning. She urged the Board to reconsider the taking action on the recommendation of the Planning Commission.

Tony Picardi – Belle Haven, VA – urged the Board to table the motion to remove large scale solar as conditional use in the Agricultural Zone. He noted six (6) reasons why he felt the motion to remove large scale solar utilities from the Agricultural Zone was a mistake.

The Chair closed the Public Hearing.

Mr. Morrison responded to questions regarding the alternative location for removal of solar from the Agricultural Zone.

Mr. Chesser made a move to follow the Planning Commission’s recommendation to remove Utility-Scale Solar and Utility-Scale Wind Energy Systems from the Agriculture Zoning District Ordinance and to adopt the following Resolution and Ordinance Amendment. Mr. Muhly seconded the motion.

A discussion ensued with members offering comments regarding various comments regarding the recommendation of the Planning Commission.

The Vote:

Ayes: Grayson C. Chesser, Harrison W. Phillips, III, Paul E. Muhly, Ron S. Wolff, William “Billy” Tarr, Laura Belle Gordy, Robert D. Crockett.

Nays: C. Reneta Major, Donald L. Hart, Jr.

Abstentions: None Absent: None

ORDINANCE OF THE BOARD OF SUPERVISORS OF
ACCOMACK COUNTY, VIRGINIA TO AMEND
CHAPTER 106, ZONING, ARTICLE III,

AGRICULTURAL DISTRICT 'A',
TO ELIMINATE LARGE SOLAR ENERGY SYSTEMS, UTILITY SCALE;
LARGE WIND ENERGY SYSTEMS, UTILITY SCALE; AND REMOVE
'RENEWABLE ENERGY PRODUCTION' FROM THE STATEMENT OF
INTENT

WHEREAS, the Planning Commission of Accomack County recommended to the Board of Supervisors that the Agricultural District ordinance of Accomack County should be amended because utility scale solar and wind are more industrial in nature than originally believed and that utility scale solar and wind are not traditional agricultural land uses; and

WHEREAS, the Board of Supervisors concurs with the recommendation of the Planning Commission; and

WHEREAS, after public hearing held on January 18, 2017, the Board of Supervisors desires to amend Chapter 106, Zoning, Article III, Agricultural District 'A' Section 106-51, remove 'renewable energy production' from the statement of intent; Section 106-54 (11) 'Large Wind Energy Systems, Utility Scale'; and Section 106-54 (12) 'Large Solar Energy Systems, Utility Scale'; and

NOW, THEREFORE, be it enacted as follows:

****Proposed Changes are shown in bold, stricken, and highlighted
in yellow.
See pages two (2) and
four (4)****

****Draft Date September 27, 2016****

ARTICLE III. AGRICULTURAL DISTRICT "A"

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 1-13-2010(1))

**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 wellings;
- (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;
- (13) Utility distribution facilities;
- (14) Small wind energy systems, as defined, on lots one acre or greater in size; and
- (15) Small solar energy systems,
as defined. (Ord. of 1-13-2010(1))

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 retail 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;
 - (21) Printing offices;
 - (22) Dwelling, accessory, on lots with a minimum area of five 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 one (limited to one per lot and two) permitted with an occupied main dwelling;
 - (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.
- (Ord. of 1-13-2010(1))

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) 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 1-13-2010(1))~~

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 (b). Tidal wetlands and nontidal 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, nontidal 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 (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) 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 1-13-2010(1))

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 1-13-2010(1))

Sec. 106-57. Frontage regulations.

The minimum frontage for permitted uses shall be 150 feet at the setback line. (Ord. of 1-13-2010(1))

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 1-13-2010(1))

Sec. 106-59. Height regulations.

Buildings may be erected up to 35 feet in height except that:

- (1) Dwellings may be erected to a height of 45 feet provided that both required side yard setbacks are increased one foot for each foot in height by which the dwelling exceeds 35 feet.
- (2) A public or semi-public building such as a school or church may be erected to a height of 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 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 feet of any lot line shall be more

than one- story or 12 feet high.

- (5) Small wind energy system towers shall not exceed a height of 65 feet on a parcel of less than five 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.

(Ord. of 1-13-2010(1))

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 subsection 78-8(c)(3).

(Ord. of 1-13-2010(1))

Sec. 106-61. Sign regulations.

Regulations shall conform to article VIII of this Chapter.

(Ord. of 1-13-2010(1))

Sec. 106-62. Off-street parking regulations.

Off-street parking regulations shall conform to section 106-230 of this chapter. (Ord. of 1-13-2010(1))

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 1-13- 2010(1))

Secs. 106-64—106-75. Reserved.

I hereby certify that the foregoing is a true and correct copy of the Ordinance approved at the January 18, 2017, meeting of the Accomack County Board of Supervisors, Accomack County, Virginia.

A COPY TESTE:

Steven B. Miner,
County Administrator and Clerk to the Board

Date

Adjournment

Mr. Phillips made a motion to adjourn the meeting to the Board's Budget work session on Monday, February 6, 2017. Mr. Wolff seconded the motion. The motion was unanimously approved. The meeting adjourned at 8:42 p.m.