
Planning Commission: Jeffrey Adler, Katherine Grier, Cynthia Holdren, John Labadie, Jim McGowan, Paul Weitzel
Mayor: Fletcher Fosque | Town Manager: Matt Spuck

Planning Commission
5 May 2025.
6:00 PM Town Council Chambers
Agenda

Call to order.

Attendance.

Approval of 8 April minutes

OLD BUSINESS

- By-laws revisions (red line and “accepted” version attached)
- FOIA training – who needs to do it?
- Timeline for the Comprehensive Plan: draft calendar
- Process for sharing early information on proposed developments, zoning requests, etc. (deferred from March meeting)
- Public comment

NEW BUSINESS

- Discussion of maps in the existing plan and the current zoning map
- Defining an “official map” (legislation)
- Data fields for maps – what other information should be represented and how?
- Rezoning application
- Special Use Permit
- Public comment

Assignments of responsibility for plan topics

Town manager report

General public comment

Commissioner comment

Adjourn

**Town of Onancock
Planning Commission Meeting
Monday, April 7, 2025
6:00 PM**

- 1) **Call to Order** – Chairperson Grier called the meeting to order at 6:00 PM.
- 2) **Attendance/Establish Quorum** – Commissioners Jeff Adler, John Labadie, Jim McGowan, Paul Weitzel and Chairperson Grier were present. Commissioner Cindy Holdren was not present. Town Manager Matt Spuck and Town Clerk Debbie Caton were also present. A quorum was established.
- 3) **Approve minutes from March 3, 2025, meeting** – Commissioner Adler moved to approve the meeting minutes. Commissioner Weitzel seconded the motion. The motion passed with a 4-0 vote.
- 4) **New Business**
 - a. **Review and Discuss the Comprehensive Plan Process** – Chairperson Grier read an opening statement about the purpose of the Comprehensive Plan. (see full statement attached). The Planning Commission discussed the strengths of the current comprehensive plan and how to build on it for the future.
- 5) **Old Business**
 - a. None
- 6) **Public Comments** –
 - Greg Temple – Mr. Temple is a Master Gardner and had a discussion with Town Manager Spuck about storm water management. Town Manager Spuck’s suggested working with the Planning Commission on the comprehensive plan. Mr. Temple plans to apply for the empty seat on the Planning Commission. Mr. Temple spoke to the storm water drainage issues at the Queen Street parking lot. He suggested the Planning Commission work with the Town Council to pause the project until water management can be addressed.
 - Patsy Felthousen – Mrs. Felthousen thinks the residents of the town should be listened to before considering the residents outside of town.
- 7) **Town Manager update** - Town Manager Spuck reported he was working on the FY206 budget and fielding applications for interest in empty seat on the Planning Commission.

**Town of Onancock
Planning Commission Meeting
Monday, April 7, 2025
6:00 PM**

8) **Commissioner comments –**

- Commissioner McGowan asked Commissioner Adler if the Onancock Main Street board would have an issue with a few members of the Planning Commission attending meetings to help align the goals of the Comprehensive Plan. Commissioner Adler stated this would not be an issue.

9) **Adjourn –** Commissioner Labadie moved to adjourn the meeting. Commissioner McGowan seconded the motion. The motion passed with 5-0 vote. The meeting adjourned at 6:56 PM.

Opening statement about Comprehensive Plan, PC 7 April 2025 GRIER

With this meeting, the Onancock Planning Commission begins its work updating and revising the 2021 Comprehensive Plan, following Virginia law. This process will take place over the next 12 months, and the final product is intended to help the municipality, and its citizens look further down the road than the day -to-day demands of governance typically permit.

Thanks ^{you} to previous Planning Commission for their good work in creating the ~~plan~~ 2021 plan.

What is a “comprehensive plan”? Under the Virginia Code, Chapter 22, Article 3, each municipality’s “local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.” The plan is a POLICY DOCUMENT that must be approved by, in this case, our Town Council. Its purpose is to enable the Town of Onancock to “anticipate and deal constructively with changes occurring within the community.” (*Managing Growth and Development in Virginia*, p. 11.).

Comprehensive plans have several required elements including official maps, analysis of local demographics, a transportation plan (required by VDOT) and analysis of local zoning, including “designated areas” for affordable housing, along with strategies for broadband (which we have achieved). However, the plan also may contain elective elements which are listed in the Code. These include planning for groundwater protection and other environmental issues, historic areas, various land uses including recreation, capital improvement needs and economic development. Each policy discussion may conclude with a set of recommendations for action on the part of the municipal government. These may include recommendations for revisions to zoning, but the plan is more than that. For

example, I take it that policies may also include explicit recommendations for working with non-governmental partners on important issues.

Once the plan is drafted, the Town Council must approve it, or it can send the plan back to the commission for revisions. My reading on comprehensive plans also makes a point of recommending that, once a plan has been submitted, revised as necessary, and accepted, planning commissions undertake an annual evaluation of the plan, with the possibility of revisions. I see this as a high priority.

Tonight, the members of the planning commission, who are just getting to know one another, will begin a conversation about the strengths of the 2021 plan and the topics that are either missing from the plan or are not strong statements of policy. We will also begin to work on developing a process and a schedule for seeking input from a wide and diverse cross-section of citizens of our town. I don't want to speak for my colleagues, but my goal as chair of the Planning Commission is to create a working and evolving document that our town government will adopt as its own policy guide to setting priorities and planning at a time when resources of time and treasure need to be monitored with care.

TOWN OF ONANCOCK
PLANNING COMMISSION BYLAWS

DIVISION 3: PLANNING COMMISSION

The name of this Board shall be the Town of Onancock Planning Commission.

Code of Virginia § 15.2-2210. Create local planning commissions and participate in planning districts or joint local commissions. By resolution or ordinance, every locality shall create a local planning commission to promote the orderly development of the locality and its environs. In accomplishing the objectives of § 15.2-2200, the local planning commissions shall serve primarily in an advisory capacity to governing bodies on land use, zoning, and community development matters. Its primary purpose is to guide orderly growth, protect public interests, and implement the community's vision for development.

3-250. Authorization

This Commission was established by a resolution adopted by the Onancock Town Council on April 17, 1961, and with the provisions of the application section(s) of the Commonwealth of Virginia Code.

3-251. Membership

The Commission shall consist of five to seven (5-7) members, one of whom shall be a member of the Town Council. The remaining hereinafter referred to as Commissioners, shall be residents of Onancock. At least half of the members shall be real property owners.

In all cases, the Town Council of Onancock shall fill any vacancy in membership, and such appointments, in the case of the appointed members, shall be for the unexpired term. The Town Council may remove any appointed member for malfeasance in office, provided such removal is made only after a public hearing at which said member appears and addresses the charge against them. The Planning Commission may request the Town Council to replace any member who has missed three (3) consecutive meetings within twelve (12) months. All members of the Planning Commission shall serve without compensation.

3-252. Officers

1. The officers of the Planning Commission shall consist of a Chairperson and Vice Chairperson. Their terms of office shall be for one (1) year. Officers may succeed themselves if a majority of the Commission so votes.
2. The Chairperson shall preside at all Planning Commission meetings and hearings and shall have the duties usually conferred by parliamentary usage of such office.
3. The Vice Chairperson shall act for the Chairperson in his/her absence.
4. The Town Clerk shall keep the commission's minutes and records. The Town Manager provides notice of all meetings to all Commission members, arranges proper and legal notice of public hearings, attends to the Commission's correspondence, and performs such other duties as necessary.

3-253. Election of Officers

1. An organizational meeting shall be held during the February meeting of each year. Elections will take place at this time.
2. Vacancies in office shall be filled immediately by regular election procedure.

3-254. Meetings

1. Meetings will be held monthly beginning in January of each year at the town office on the first Monday of each month at 6:00 p.m. in the Council Chambers at 15 North Street, Onancock.
2. A majority of the members shall constitute a quorum. No action of the Commission shall be valid unless a quorum is present. A majority vote must authorize action by the commission.
3. Special meetings may be called by the Chairperson or two (2) members upon written request to the Town Manager. In writing, the Town Manager shall notify all members and the general public at least five (5) days before a special meeting. All notices of the special meeting shall include the purpose of the meeting.

Written notice of the special meeting is not required if the time of the special meeting

has been fixed at a regular meeting.

4. Remote participation.

A member of Commission may participate electronically if he or she cannot attend due to: (i) a temporary or permanent disability, other medical condition, that prevents the members physical attendance, (ii) a medical condition of a family member that prevents the member's physical attendance or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance; (iii) the members principal residence is more than 60 miles from the meeting location, or (iv) a personal matter and the public records (minutes) reflect that fact. The remote location of the Commission member does not need to be open to the public. The minutes shall record the reason for the member's absence and the general location from which the member participated. All persons at the primary meeting location must hear the remote participant. The ability to attend meetings remotely is available equally to all members of the Commission. A member's remote attendance may be disapproved by a vote of the members attending the meeting in the physical location if the remote attendance violates this policy in any material way. The disapproval must be noted in the meeting minutes. An individual may participate electronically in no more than two or 25% of the normally scheduled meetings per year if the reason is for a personal matter. The body must maintain a physical quorum for the meeting. All votes made when a member attends electronically must be by individual roll call.

(Ord. of 10-26-2020(1))

State law reference(s)-Meetings held through electronic communications; situations other than declared states of emergency.,

Code of Virginia,§2.2-3708.3.

5. All meetings shall be open to the public.

3-255. Order of Business

The order of business at regular meetings may include:

Call to order

Roll call and introduction.

Vote on minutes

Public comment - items not on the agenda

Old business - public comment first, then Commissioners

New business - public comment first, then Commissioners

Town Manager update

Commissioner comments
Adjournment

3-256. Hearings

1. The scheduling and advertisement of public hearings required by law comply with the appropriate provisions of the Code of Virginia.
2. In addition to those required by law, the Commission may hold special public hearings when it decides that such hearings are in the public interest.
3. A member designated by the Chairperson presents in summary the issue, given adequate preparation time. Parties of interest shall have the privilege of the floor.
4. No record or statement shall be recorded or sworn to as evidence for any Court of Law without notice to the parties.
5. The Commission shall record all speakers before the hearing. Detailed comments are available by video on the town's website.

3-257. Amendments

1. The meeting minutes reflect any proposed by-law amendments.
2. A majority vote of the entire membership of the commission may amend these bylaws.

Adopted this date:

Attested:

Chairperson

Vice-Chairperson

TOWN OF ONANCOCK
PLANNING COMMISSION BYLAWS

DIVISION 3: PLANNING COMMISSION

The name of this Board shall be the Town of Onancock Planning Commission.

Code of Virginia § 15.2-2210. Creation of local planning commissions; participation in planning district commissions or joint local commissions.

Every locality shall by resolution or ordinance create a local planning commission to promote the orderly development of the locality and its environs. In accomplishing the objectives of § 15.2-2200 the local planning commissions shall serve primarily in an advisory capacity to the governing bodies on matters related to land use, zoning, and community development. Its primary purpose is to guide orderly growth, protect public interests, and implement the community's vision for development.

3-250. Authorization

This Commission was established by a resolution adopted by the Onancock Town Council on April 17, 1961, and with the provisions of the application section(s) of the Commonwealth of Virginia Code.

3-251. Membership

The Commission shall consist of ~~five to~~ seven (5-7) members, one of whom shall be a member of the Town Council. The remaining ~~six (6)~~ hereinafter referred to as Commissioners, shall be ~~residents qualified voters~~ of Onancock. At least half of the members shall be real property owners.

In all cases, the Town Council member's term shall correspond with their tenure of office. The town Council of Onancock shall initially appoint ~~two~~ seats for one year each, ~~two~~ seats for two years each, and ~~two~~ seats for three years each. After these terms, the next members shall serve for four years with alternating expiration dates of their terms. The Town Council of Onancock shall fill any vacancy in membership, and such appointments, in the case of the appointed members, shall be for the unexpired term. The

Commented [DP1]: Consistent with state law

Commented [CH2]: Do we want all to be real property owners?

Commented [MS3R2]: I think a renter should be able to serve as long as they meet the residency requirement

Commented [CH4]: Doesn't accommodate seven members.

Commented [MS5R4]: Six appointments plus the one TC rep. I think labeling each seat would be helpful, identifying the terms, especially if the headcount falls below 7.

Town Council may remove any appointed member for malfeasance in office, provided such removal is made only after a public hearing at which said member appears and addresses the charge against them. The Planning Commission may request the Town Council to replace any member who has missed three (3) consecutive meetings within twelve (12) months. All members of the Planning Commission shall serve without compensation.

Commented [DP6]: YOU can have a public hearing if you want, but state law does not require a public hearing

3-252. Officers

1. The officers of the Planning Commission shall consist of a Chairperson and Vice Chairperson. Their terms of office shall be for one (1) year. Officers may succeed themselves if a majority of the Commission so votes.
2. The Chairperson shall preside at all Planning Commission meetings and hearings and shall have the duties usually conferred by parliamentary usage of such office.
3. The Vice Chairperson shall act for the Chairperson in his/her absence.
4. The Town Clerk shall keep the commission's minutes and records. The Town Manager provides notice of all meetings to all Commission members, arranges proper and legal notice of public hearings, attends to the Commission's correspondence, and performs such other duties as may be necessary.

3-253. Election of Officers

1. An organizational meeting shall be held during the February meeting of each year. Elections will take place at this time.

2. Vacancies in office shall be filled immediately by regular election procedure.

Commented [CH7]: ?

Commented [MS8R7]: Add "following Robert's Rules of Order in process with a motion and proper second with a quorum of support naming the officer"??

Commented [DP9]: Vacancies are filled by appointment by Council

3-254. Meetings

1. Meetings will be held monthly beginning in January of each year at the town office on the first Monday of each month at 6:00 p.m. in the Council Chambers at 15 North Street, Onancock.

2. A majority of the members shall constitute a quorum, (4). No action of the Commission shall be valid unless a quorum is present. A majority vote must authorize action by the commission.

3. Special meetings may be called by the Chairperson or two (2) members upon written request to the Town Manager. In writing, the Town Manager shall notify all members, and the general public, at least five (5) days before a special meeting. All notices of the special meeting shall include the purpose of the meeting.

Written notice of the special meeting is not required if the time of the special meeting has been fixed at a regular meeting.

4. Remote participation.

A member of Commission may participate electronically if he or she cannot attend due to: (i) a temporary or permanent disability, other medical condition, ~~that prevents the members physical attendance,~~ (ii) ~~a medical condition of a family member that prevents the member's physical attendance or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance;~~ (iii) ~~the members principal residence is more than 60 miles from the meeting location,~~ or (iv) ~~due to an emergency or a~~ personal matter and the public records (minutes) reflect that fact. The remote location of the Commission member need not be open to the public. The minutes shall record the reason for the member's absence and the ~~remote-general~~ location from which the member participated. The remote participant must be heard by all persons at the primary meeting location. The ability to attend meetings remotely is available equally to all members of Commission ~~and the mayor~~. A member's remote attendance may be disapproved by a vote of the member's attending the meeting in the physical location if the remote attendance violates this policy in any material way. The disapproval must be noted in the meeting minutes. An individual may participate electronically no more than ~~two-three~~ two or 25% of the normally scheduled meetings per year if the reason is for ~~a personal-emergency or~~ personal matter. The body must maintain a physical quorum for the meeting. ~~A member attending electronically may vote but may not be considered in the meeting's quorum.~~ All votes made when a member attends electronically must be by individual roll call.

Commented [CH10]: Why include the mayor who isn't a member?

Commented [MS11R10]: Good catch. We took the language directly from the town's ordinance.

Commented [CH12]: "2 or 25% whichever is greater"

Commented [MS13R12]: Good idea

(Ord. of 10-26-2020(1))

State law reference(s)-Meetings held through electronic communications; ~~situations other than declared states of emergency~~. Code of Virginia ~~§2.2-3708.23~~.

Commented [CH14]: Incorrect reference as this section applies only in the event of an emergency. Correct reference is 2.2-3708.3

Commented [MS15R14]: Civic Plus corrects all Virginia Code references

45 All meetings shall be open to the public.

3-255. Order of Business

The order of business at regular meetings may include:

Call to order

Roll call and introduction.

Vote on minutes

Public comment - items not on the agenda

Old business - public comment first, then Commissioners

New business - public comment first, then Commissioners

Town Manager update

Commissioner comments

Adjournment

3-256. Hearings

1. The scheduling and advertisement of public hearings required by law comply with the appropriate provisions of the Code of Virginia.

2. ~~Besides~~ In addition to those required by law, the Commission may hold special public hearings when it decides that such hearings are in the public interest.

3. A member designated by the Chairperson presents in summary the issue given adequate preparation time. Parties of interest shall have the privilege of the floor.

4. No record or statement shall be recorded or sworn to as evidence for any Court of Law without notice to the parties.

5. The Commission shall record all speakers before the hearing. Detailed comments are available by video on the town's website.

3-257. Amendments

1. The meeting minutes reflect any proposed by-law amendments
2. A majority vote of the entire membership of the commission may amend these bylaws.

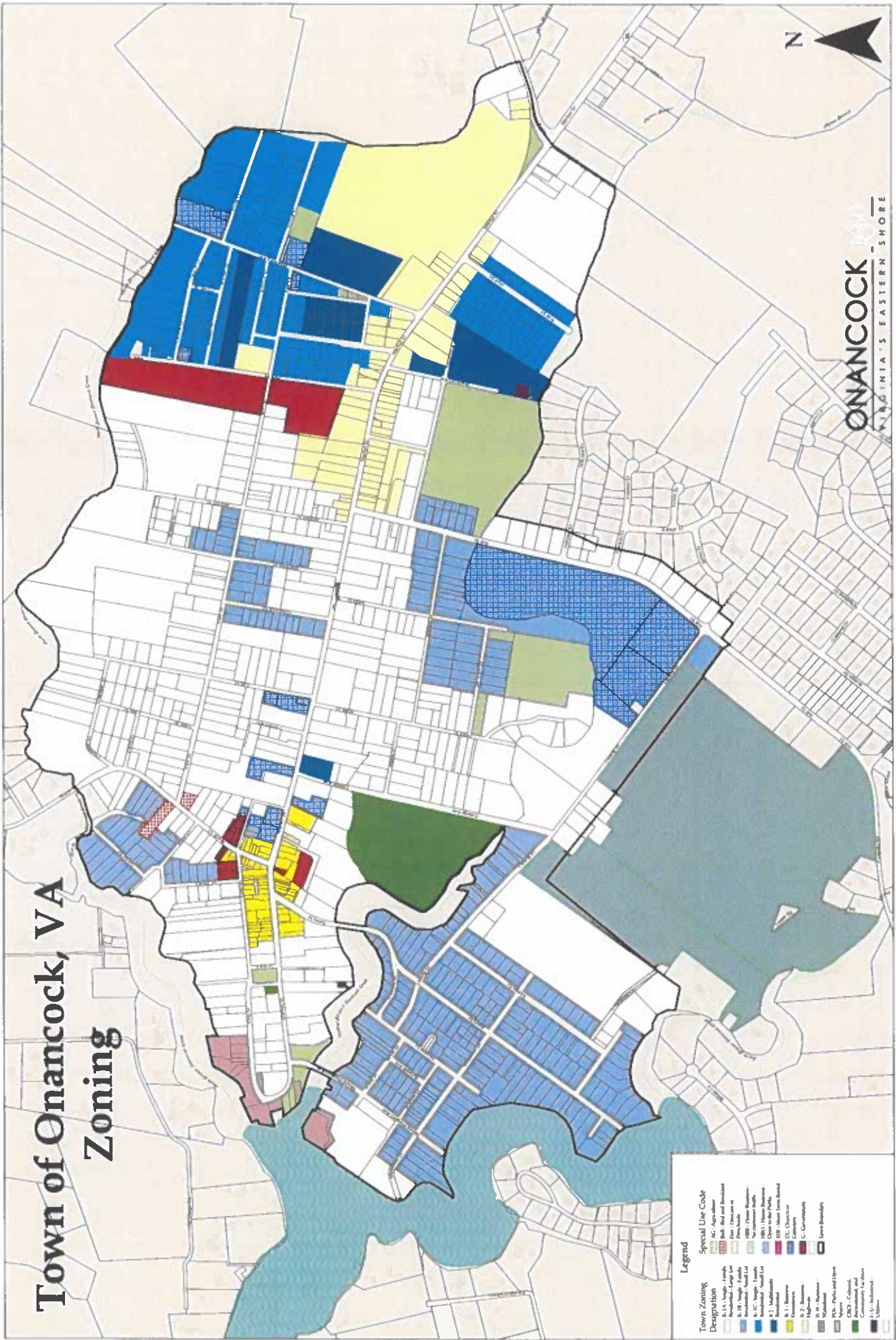
Adopted this date: _____

Attested:

Chairperson

Vice-Chairperson

Town of Onancock, VA Zoning



Legend

Town Zoning Designation	Special Use Code
R-1A Single Family Residential Large Lot	AG Agriculture
R-1C Single Family Residential Small Lot	BBB Bed and Breakfast
R-2 Single-Family Detached	DD Day Care
R-3 Medium Density Residential	EE Entertainment
R-4 Medium Density Residential	FF Farm Structures
R-5 Single-Family Detached	GG Gas Station
R-6 Single-Family Detached	HH Homebased Business
R-7 Single-Family Detached	II Homebased Business
R-8 Single-Family Detached	JJ Homebased Business
R-9 Single-Family Detached	KK Homebased Business
R-10 Single-Family Detached	LL Homebased Business
R-11 Single-Family Detached	MM Homebased Business
R-12 Single-Family Detached	NN Homebased Business
R-13 Single-Family Detached	OO Homebased Business
R-14 Single-Family Detached	PP Homebased Business
R-15 Single-Family Detached	QQ Homebased Business
R-16 Single-Family Detached	RR Homebased Business
R-17 Single-Family Detached	SS Homebased Business
R-18 Single-Family Detached	TT Homebased Business
R-19 Single-Family Detached	UU Homebased Business
R-20 Single-Family Detached	VV Homebased Business
R-21 Single-Family Detached	WW Homebased Business
R-22 Single-Family Detached	XX Homebased Business
R-23 Single-Family Detached	YY Homebased Business
R-24 Single-Family Detached	ZZ Homebased Business
R-25 Single-Family Detached	AAA Homebased Business
R-26 Single-Family Detached	BBB Homebased Business
R-27 Single-Family Detached	CCC Homebased Business
R-28 Single-Family Detached	DDD Homebased Business
R-29 Single-Family Detached	EEE Homebased Business
R-30 Single-Family Detached	FFF Homebased Business
R-31 Single-Family Detached	GGG Homebased Business
R-32 Single-Family Detached	HHH Homebased Business
R-33 Single-Family Detached	III Homebased Business
R-34 Single-Family Detached	LLL Homebased Business
R-35 Single-Family Detached	MMM Homebased Business
R-36 Single-Family Detached	NNN Homebased Business
R-37 Single-Family Detached	OOO Homebased Business
R-38 Single-Family Detached	PPP Homebased Business
R-39 Single-Family Detached	QQQ Homebased Business
R-40 Single-Family Detached	RRR Homebased Business
R-41 Single-Family Detached	SSS Homebased Business
R-42 Single-Family Detached	TTT Homebased Business
R-43 Single-Family Detached	UUU Homebased Business
R-44 Single-Family Detached	VVV Homebased Business
R-45 Single-Family Detached	WWW Homebased Business
R-46 Single-Family Detached	XXX Homebased Business
R-47 Single-Family Detached	YYY Homebased Business
R-48 Single-Family Detached	ZZZ Homebased Business
R-49 Single-Family Detached	AAA Homebased Business
R-50 Single-Family Detached	BBB Homebased Business
R-51 Single-Family Detached	CCC Homebased Business
R-52 Single-Family Detached	DDD Homebased Business
R-53 Single-Family Detached	EEE Homebased Business
R-54 Single-Family Detached	FFF Homebased Business
R-55 Single-Family Detached	GGG Homebased Business
R-56 Single-Family Detached	HHH Homebased Business
R-57 Single-Family Detached	III Homebased Business
R-58 Single-Family Detached	LLL Homebased Business
R-59 Single-Family Detached	MMM Homebased Business
R-60 Single-Family Detached	NNN Homebased Business
R-61 Single-Family Detached	OOO Homebased Business
R-62 Single-Family Detached	PPP Homebased Business
R-63 Single-Family Detached	QQQ Homebased Business
R-64 Single-Family Detached	RRR Homebased Business
R-65 Single-Family Detached	SSS Homebased Business
R-66 Single-Family Detached	TTT Homebased Business
R-67 Single-Family Detached	UUU Homebased Business
R-68 Single-Family Detached	VVV Homebased Business
R-69 Single-Family Detached	WWW Homebased Business
R-70 Single-Family Detached	XXX Homebased Business
R-71 Single-Family Detached	YYY Homebased Business
R-72 Single-Family Detached	ZZZ Homebased Business
R-73 Single-Family Detached	AAA Homebased Business
R-74 Single-Family Detached	BBB Homebased Business
R-75 Single-Family Detached	CCC Homebased Business
R-76 Single-Family Detached	DDD Homebased Business
R-77 Single-Family Detached	EEE Homebased Business
R-78 Single-Family Detached	FFF Homebased Business
R-79 Single-Family Detached	GGG Homebased Business
R-80 Single-Family Detached	HHH Homebased Business
R-81 Single-Family Detached	III Homebased Business
R-82 Single-Family Detached	LLL Homebased Business
R-83 Single-Family Detached	MMM Homebased Business
R-84 Single-Family Detached	NNN Homebased Business
R-85 Single-Family Detached	OOO Homebased Business
R-86 Single-Family Detached	PPP Homebased Business
R-87 Single-Family Detached	QQQ Homebased Business
R-88 Single-Family Detached	RRR Homebased Business
R-89 Single-Family Detached	SSS Homebased Business
R-90 Single-Family Detached	TTT Homebased Business
R-91 Single-Family Detached	UUU Homebased Business
R-92 Single-Family Detached	VVV Homebased Business
R-93 Single-Family Detached	WWW Homebased Business
R-94 Single-Family Detached	XXX Homebased Business
R-95 Single-Family Detached	YYY Homebased Business
R-96 Single-Family Detached	ZZZ Homebased Business
R-97 Single-Family Detached	AAA Homebased Business
R-98 Single-Family Detached	BBB Homebased Business
R-99 Single-Family Detached	CCC Homebased Business
R-100 Single-Family Detached	DDD Homebased Business

**Town of Onancock
REZONING APPLICATION**

All requests for land use changes or development require this application.

Project Name: Eller Property

Street address: _____

Parcel ID (all): 85A3-A-29A

Current Zoning Classification: (B-2)

Proposed Zoning Classification: R-2

Project Description

Include location of request, Tax Map Number(s), parcel size, ingress/egress, infrastructure description, and any other pertinent information. Attach additional documents if necessary.

Rezone approximately 27.33 acres from B-2 to R-2. Owner/Applicant also seeks a minimum lot size variance to accommodate more appropriate lot sizes as illustrated on the concept plan.

Property Owner (Applicant) Information:

Owner Name: Matt Odachowski

Mailing Address: 201 Belt Street Snow Hill, MD 21863

Phone No: 443.783.1373

E-mail: matt@royalplus.com

Representative Information :

Firm Name: Atlantic Group & Assoc. Inc

Main Office No: 410.629.1160

Address: 10044 Old Ocean City Blvd. Berlin MD 21811

On-Site Supervisor:

Cell:

Business License #: _____

E-mail: _____

Est. Start Date: _____

Est. Finish Date: _____

Advertising Details

<input type="checkbox"/>	1	Eastern Shore Post – First Date Advertised - _____
<input type="checkbox"/>	2	Eastern Shore Post – Second Date Advertised - _____

Planning Commission Hearing Details

<input type="checkbox"/>	1	<p>Planning Commission Hearing</p> <p>Date: _____</p> <p>Planning Commission Action</p>
--------------------------	---	---

Town Council Hearing Details

<input type="checkbox"/>	1	Town Council Hearing
		Date: _____
		Town Council Action

For Town Use ONLY:

Facility Charge Information

The fee for a rezoning application and process is \$250 plus advertising costs.

Project Submittal Application

I, _____, certify that this office has received the required survey plat and/or site plans attached to this application for the referenced property, and they are currently under review and being field verified.

Name: _____

Position Title: _____

Signature: _____

Date: _____

Permit Approval

I, _____, certify that the application and its submittals have been reviewed against current code and field verified and I approve the application for the Town of Onancock to begin its building permit and inspection process.

Name: _____

Position Title: _____

Signature: _____

Date: _____

Jurisdiction: _____

Permit Denial

I, _____, certify that the application and its submittals have been reviewed against current code and field verified and I deny the application for the reasons detailed below.

Name: _____

Position Title: _____

Signature: _____

Date: _____

Jurisdiction: _____

Reason for denial:

[Empty box for Reason for denial]

Submittal Signature

Applicant

Representative

Name Atlantic Group & Assoc. Inc.

Name Chris Carbaugh

Address 10044 Old Ocean City Blvd Berlin, MD

Address 10044 Old Ocean City Blvd Berlin MD

Title Managing Partner

Title Managing Partner

Signature 

Signature 

Date 4/28/2025

Date 4/28/2025



Site Data
 Tract ID: 0000000000
 Address: 10044 Old Ocean City Boulevard
 City: Ocean City, MD
 State: MD
 Zip: 21842
 Project Name: BAYSIDE VILLAGE
 Project Number: 0000000000
 Date: 08/20/2008
 Prepared by: JTB
 Checked by: JTB
 Approved by: JTB
 Client: Atlantic Group & Associates, Inc.
 Drawing Date: 08/20/2008

Conceptual Residential Site Plan
 C-100

Atlantic Group & Associates, Inc.
 Civil Engineer
 Land Planner
 Landscape Architect
 Surveyor

10044 Old Ocean City Boulevard
 Berlin, Maryland 21811
 Ph: (410) 628-1180
 Fax: (410) 628-1718
 www.theatlanticgrp.com

BAYSIDE VILLAGE
 Onancock, Virginia
 Accomack County

NO.	REVISION	DATE

Accomack County, Virginia

Legend

Parcels

Map Printed from AccoMap
<https://parcelviewer.geodecisions.com/Accomack>



Title: Parcels

Date: 4/28/2025

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Accomack County is not responsible for its accuracy or how current it may be.

Accomack County, Virginia

Tax Map #:

85A3-A-29A

Parcel ID:

085A3A0000029A0

The assessment information is obtained from the total value of these tax map numbers...

85A3-A-29A

Summary

<p>Owner's Name ELLER,RANDY E SOLE DIRECTOR AND TR <i>No Data</i></p> <p>Mailing Address 5620 ROCKBRIDGE CT ROANOKE, VA 24018-0000</p> <p>Base Zoning Incorporated Town</p> <p>Overlay Zoning</p> <p>Tax District 14</p>

Sale Information		Assessment Information		
Transfer Date:	5/9/2022 12:00:00 AM		New 2022 Assessment	Prior Assessment
Sales Price:	\$0	Land Value	\$223,700	\$223,700
Grantor:	LANCE J ELLER INC	Improvement	\$0	\$0
Deed Reference:	2200 02400	Total Value	\$223,700	\$223,700
Additional Ref:	Book	The assessment information is obtained from the total value of these tax map numbers... 85A3-A-29A		
Additional Ref:	Page			

Land

Property Class:	500-Agricultural(20-100) ac	Electricity:	No Data
Legal Description:	SNEAD 27.33 AC	Gas:	No Data
Land Description:	COMMERCIAL	Sewer:	No Data
Street Type:	Paved	Water:	No Data

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as Accomack County expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

ARTICLE IV. MULTIFAMILY RESIDENTIAL DISTRICT (R-2)

Sec. 38-110. Statement of intent.

The Multifamily Residential District (R-2) is composed of certain quiet residential areas plus certain open areas. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children. To these ends development is of a relatively high concentration and permitted uses include multiple-unit dwellings and apartments. This district is basically residential in character. It is the further intent of this district to promote economical and efficient land use, appropriate and harmonious variety in physical development, creative design, and a better environment, as recommended by the town plan, by providing for clustering of townhouse, garden style and multifamily apartment dwelling units through open space designation.

(Code 1989, § 24-23; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-111. Principal permitted uses and structures.

The following uses and structures are permitted withing the Multifamily Residential District (R-2):

- (1) Townhouse dwellings.
- (2) Garden style dwellings.
- (3) Multifamily apartment dwellings.
- (4) Accessory buildings.
- (5) Home occupations, provided that:
 - a. No person other than members of the family residing on the premises shall be engaged in such occupation.
 - b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit, or 25 percent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation.
 - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated.
 - d. There shall be no sales to the general public other than items handcrafted or improved on the premises. Items purchased for resale on the premises are considered retail business and not allowed as a home occupation.
 - e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the front yard.
 - f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the

occupation is conducted in a single-family dwelling, or outside the dwelling unit, if conducted in other than a single-family dwelling. In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

- (6) **Public utilities.** Poles, distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities. Transmission lines, transmission towers and electrical substations are not deemed necessary facilities under this section.

(Code 1989, § 24-24; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-112. Area regulations.

The following area regulations shall apply in the Multifamily Residential District (R-2):

- (1) *Townhouse dwellings.* For residential lots, the minimum lot area shall be 16,000 square feet.
- (2) *Multifamily apartment dwellings.* For residential lots containing or intending to contain a multifamily apartment dwelling with six dwelling units, the minimum lot area shall be 20,000 square feet.

(Code 1989, § 24-25; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-113. Setback regulations.

The following setback regulations shall apply in the Multifamily Residential District (R-2):

- (1) Buildings shall be located 35 feet or more from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived by the zoning administrator to allow the setback line to be the average setback of the structures fronting on either side.
- (2) Accessory buildings shall be located 35 feet or more from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived by the zoning administrator to allow the setback line to be the average setback of the structures fronting on either side.

(Code 1989, § 24-26; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-114. Frontage regulations.

The following frontage regulations shall apply in the Multifamily Residential District (R-2):

- (1) *Townhouse dwellings.* For townhouse dwellings with four dwelling units there shall be a minimum lot width at the setback line of 100 feet and a minimum frontage on a public street of 100 feet. All lots shall front on a public street to be used for any uses permitted in this district.
- (2) *Multifamily apartment dwellings.* For multifamily apartment dwellings with six dwelling units there shall be a minimum lot width at the setback line of 120 feet and a minimum frontage on a public street of 120 feet. All lots shall front on a public street to be used for any uses permitted in this district.

(Code 1989, § 24-27; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-115. Yard regulations.

The following yard regulations shall apply in the Multifamily Residential District (R-2):

- (1) *Main buildings.*
 - a. *Side.* The minimum side yard shall be ten feet and the total width of the two required side yards shall be 25 feet or more.
 - b. *Rear.* Each main building shall have a rear yard of 25 feet or more.
 - c. *Buildings.* Each main building shall have a setback from the street 35 feet.
- (2) *Accessory buildings.*
 - a. *Side.* The minimum side yard shall be three feet.
 - b. *Rear.* Each accessory building shall have a rear yard of three feet or more.
- (3) *Fence regulations.*
 - a. All fences may be erected to within inch of the property line except that a fence or wall must be two feet from any sidewalk, alley or public right-of-way.
 - b. All fences closer to the front lot line than a point even with the front of the main structure shall have a maximum height of four feet.
 - c. All fences closer to the front lot line than a point even with the front of the main structure shall be at least 30 percent open space.

(Code 1989, § 24-28; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 1-10-2000; Amd. of 5-22-2000)

Sec. 38-116. Height regulations.

Buildings in the Multifamily Residential District (R-2) may be erected up to 2 ½ stories and 35 feet in height, except that:

- (1) Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennas and radio aeriels are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (2) No accessory building which is within ten feet of any part of a lot line shall be more than one story high. All accessory buildings shall be less than the main buildings in height.

(Code 1989, § 24-29; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-117. Special provisions for corner lots.

The following provisions shall apply to corner lots in the Multifamily Residential District (R-2):

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets with frontage setback line, side yard and rear yard requirements to be determined accordingly.
- (2) The side yard on the side facing the side street shall be ten feet or more for both main and accessory building. Television antennas, including satellite dish antennas and other types of communications

antennas and/or towers and similar structures shall not be closer to the side street than the minimum side yard line or the portion of the main structure, not including porches, nearest to the side street, whichever is the greatest distance.

- (3) All fences in side yard exceeding four feet in height closer to the side street than the main structure shall require a special use permit, as set out in article XV of this chapter, from the town council. All property owners contiguous to the applicant's property or immediately across any street abutting the applicant's property shall be notified of the public hearing by certified mail mailed at least ten days prior to the public hearing to the last known address as shown on the town's real estate tax records.

(Code 1989, § 24-30; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 5-22-2000)

Secs. 38-118—38-147. Reserved.

Chapter 32 SUBDIVISIONS¹

ARTICLE I. IN GENERAL

Sec. 32-1. Purposes of chapter.

The purpose of this chapter is to establish certain subdivision standards and procedures for the town and such of its environs that come under the jurisdiction of the town council as provided for by the Code of Virginia. These are part of a long-range plan to guide and facilitate the orderly beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public responsibility, in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This chapter assists the community in meeting these responsibilities.

(Code 1989, § 20-1; Amd. of 11-9-1981, § 1)

Sec. 32-2. Short title.

This chapter is known and may be cited as the "Subdivision Ordinance of the Town of Onancock, Virginia."

(Code 1989, § 20-2; Amd. of 11-9-1981, § 1)

Sec. 32-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the town manager.

Alley means a permanent service way providing a secondary means of access to abutting properties.

Building setback line means a line showing the minimum distance by which any structure, exclusive of signs, must be separated from the front lot line of a lot, or from the centerline of the surveyed right-of-way on which the lot fronts.

Commission means the planning commission of the town.

¹State law reference(s)—Land subdivision and development, Code of Virginia, §§ 15.2-2200 to 15.2-2209; duty of town to adopt subdivision ordinance, Code of Virginia, § 15.2-2240; required provisions of subdivision ordinance, generally, Code of Virginia, § 15.2-2240.

Cul-de-sac means a street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Developer means an owner of property being subdivided, whether or not represented by an agent.

Easement means a grant by a property owner of the use of land for a specific purpose.

Engineer means an engineer licensed by the state.

Governing body means the town council.

Health official means the health director or sanitarian for the county.

Jurisdiction means the area or territory subject to the legislative control of the town

Lot means a numbered and recorded portion of a subdivision intended for transfer of ownership, lease, rental or building development.

Lot, corner, means a lot abutting upon two or more streets at their intersection means The shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Lot, depth of, means the mean horizontal distance between the front and rear lot lines.

Lot, double frontage, means an interior lot having frontage on two streets.

Lot, interior, means a lot other than a corner lot.

Lot of record, means a lot which has been recorded in the office of the clerk of the circuit court of the county.

Lot, width of, means the mean horizontal distance between the side lot lines.

Operator in charge means the town employee who is responsible for the operation and maintenance of the water and wastewater facilities within the town.

Plat means a map or plan of a tract or parcel of land which is to be, or which has been, subdivided. The term "plat" also includes the terms "map," "plan," "plot," "replat" or "replot". When used as a verb, "plat" is synonymous with "subdivide."

Property means any tract, lot or parcel, or several of the same collected together for the purpose of subdividing.

Resident highway engineer means the resident engineer employed by the state department of transportation.

Resubdivide means to make any change in any dimension of any lot as shown on a recorded plan, except in the case of a plat recorded for the purpose of a security release to a lending agency.

Street means the principal means of access to abutting properties. The term "street" includes the terms "road," "lane," "drive," "place," "avenue," "highway," "boulevard" or any other public thoroughfare for a similar purpose.

Street, major, means any existing or future street designated as a major street on the adopted town comprehensive plan or any heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic exceeding 500 vehicles per day.

Street, minor, means a street that is used primarily as a means of public access to the abutting properties, with anticipated traffic of less than 500 vehicles per day.

Street or alley, public use of, means the unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

Street, service drive, means a public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating haphazard ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

Street width means the total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

Subdivider means an individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, representing or executing the legal requirements of the subdivision. The term "subdivide" and any derivative thereof shall have reference to the term "subdivider."

Subdivision means the division of any tract, lot or parcel of land into more than four parts, regardless of whether the individual lots or tracts are sold, leased or rented; except, that the following divisions of land shall not be considered subdivisions:

- (1) Divisions ordered by a court of competent jurisdiction;
- (2) Divisions made solely for agricultural or timber purposes;
- (3) Divisions by deed of gift or will;
- (4) Divisions whereby a parcel is separated in order to become a permanent part of an adjoining tract;
- (5) Divisions creating building sites for family members of the owner of the property, provided the lots satisfy the minimum lot size requirement of this chapter; and
- (6) Divisions in which each single parcel contains three or more acres.

Substandard division means a division of land not in conformity with this chapter, which may be resubdivided and redeveloped in whole or in part, but only under the provisions of this chapter.

Surveyor means a certified land surveyor, as licensed by the state.

(Code 1989, § 20-3; Amd. of 11-9-1981, § 2)

Sec. 32-4. Mutual responsibility of subdivider and town.

There is a mutual responsibility between the subdivider and the town to divide the land so as to improve the general use pattern of the land being subdivided.

(Code 1989, § 20-4; Amd. of 11-9-1981, § 5)

Sec. 32-5. Land to be suitable for subdivision.

The town manager shall not recommend approval of the subdivision of land to the town council and planning commission, if, from adequate investigations conducted by public agencies concerned, it has been determined that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. In connection with this investigation, the town manager may require the subdivider to furnish topographical maps, elevations, flood profiles or other relevant data.

(Code 1989, § 20-5; Amd. of 11-9-1981, § 5)

Sec. 32-6. Land subject to flooding, etc., not to be platted for residential occupancy.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger of health, life or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

(Code 1989, § 20-6; Amd. of 11-9-1981, § 5)

Sec. 32-7. Exceptions.

Where the subdivider can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the town manager, a departure may be made without destroying the intent of such provisions, the town manager may authorize an exception, if approved by the town council following receipt of the recommendation of the planning commission. Any exception thus authorized is to be stated in writing in the report of the town manager, with the reasoning on which the departure was justified set forth. No variance may be granted by this chapter which is opposed in writing by the town or highway engineer or health official.

(Code 1989, § 20-7; Amd. of 11-9-1981, § 7)

Sec. 32-8. Amendments.

This chapter may be amended, in whole or in part, by the town council, provided that any such amendment shall either originate with or be submitted to the planning commission for recommendation; provided, further, that no such amendment shall be adopted without a public hearing having been held by the town council. Notice of the time and place of the hearing shall have been given in accordance with Code of Virginia, § 15.2-2204.

(Code 1989, § 20-8; Amd. of 11-9-1981, § 7)

State law reference(s)—Advertisement of plans, etc.; hearing, Code of Virginia, § 15.2-2204.

Sec. 32-9. Violations and penalties.

- (a) Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable as provided for in section 1-14. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
- (b) The clerk of the circuit court of the county shall not file or record a plat of a subdivision, under the penalties provided by Code of Virginia, § 17.1-223, until such plat has been approved as required in this chapter.

(Code 1989, § 20-9; Amd. of 11-9-1981, § 7)

State law reference(s)—Duty of clerk in recording documents, Code of Virginia, § 17.1-223.

Secs. 32-10—32-34. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Secs. 32-35—32-56. Reserved.

DIVISION 2. TOWN MANAGER

Sec. 32-57. Authority, generally.

The town manager is hereby delegated to administer this chapter. In so doing, the town manager shall be considered the agent of the town council. The town manager shall also consult with the planning commission on matters contained in this chapter.

(Code 1989, § 20-10; Amd. of 11-9-1981, § 3)

Sec. 32-58. Duties, generally.

The town manager shall perform his duties regarding subdivisions and subdividing in accordance with this chapter and Code of Virginia, title 15.2, ch. 7, art. 2.

(Code 1989, § 20-11; Amd. of 11-9-1981, § 3)

Sec. 32-59. Consultation with other departments.

In the performance of his duties, the town manager may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat.

(Code 1989, § 20-12; Amd. of 11-9-1981, § 3)

Sec. 32-60. Establishment of administrative procedures.

In addition to the regulations contained in this chapter for the platting of subdivisions, the town manager may, from time to time, recommend to the town council the establishment of additional reasonable administrative procedures deemed necessary for the proper administration of this chapter.

(Code 1989, § 20-13; Amd. of 11-9-1981, § 3)

Secs. 32-61—32-78. Reserved.

ARTICLE III. PLATS

DIVISION 1. GENERALLY

Sec. 32-79. Required; appeal from disapproval.

- (a) Any owner or developer of any tract of land situated within the town who subdivides the land shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the circuit court of the county. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the town council in accordance with the regulations set forth in this article. No lot shall be sold in any such subdivision before the plat shall have been recorded.
- (b) In the event a plan for subdivision is disapproved by the town manager, the subdivider may appeal to the town council, which after receipt of the recommendation of the planning commission may then override the decision of the town manager and approve such plat.

(Code 1989, § 20-14; Amd. of 11-9-1981, § 4)

Sec. 32-80. Drawing and certification requirements.

- (a) Every plat shall be prepared by a surveyor or engineer duly licensed by the state who shall endorse upon each plat a certificate signed by him, setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an inset block or by means of a dotted boundary line upon the plat.
- (b) Each such plat shall carry a notation indicating that only water dependent facilities or redevelopment may occur within the resource protection area (RPA), as defined by section 38-286; and a notation indicating a requirement to retain an undisturbed and vegetated 100-foot wide buffer area in such RPA. In addition, each such plat shall delineate the buildable areas allowed on each lot show on such plat or site plan, as well as depict the resource protection area (RPA) boundaries, as that term is defined by section 38-286.

(Code 1989, § 20-15; Amd. of 11-9-1981, § 4; Ord. No. O-02-2013, § 20-15(B), 6-24-2013)

Sec. 32-81. Owners' statement.

Every plat, or the deed of dedication to which such plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in the plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any," which shall be signed by the owners, proprietors and trustees and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed and approved as herein specified, shall be filed and recorded in the office of the clerk of the circuit court of the county and indexed under the names of the landowners signing such statement and under the name of the subdivision.

(Code 1989, § 20-16; Amd. of 11-9-1981, § 4)

Sec. 32-82. Compliance with chapter.

No person shall subdivide any tract of land that is located within the town, except in conformity with the provisions of this article.

(Code 1989, § 20-17; Amd. of 11-9-1981, § 4)

Sec. 32-83. Applicability of article to private contracts, etc.

This article bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contracts, the provisions of this article shall control.

(Code 1989, § 20-18; Amd. of 11-9-1981, § 4)

Sec. 32-84. Changes, etc., on approved plats.

No changes, erasures or revisions shall be made on any preliminary or final plat, or on accompanying data sheets, after approval of the town manager has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the town council.

(Code 1989, § 20-19; Ord. of 11-9-1981, § 4)

Sec. 32-85. Fees.

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the town manager. At the time of filing the preliminary plat, the subdivider shall deposit with the town manager, checks payable to the town, in the amount as provided for in the fee schedule on file in the town clerk's office.

(Code 1989, § 20-20; Amd. of 11-9-1981, § 4; Amd. of 11-27-2006)

Sec. 32-86. Subdivision plat approval required prior to sale of lots.

Whenever any subdivision of land is proposed and any application shall be made for a permit for the erection of a structure, the subdivider or his agent shall submit five copies of the preliminary plat, including the lot, street and utilities layout to the town manager, who shall review the subdivision plat as proposed and send two copies of the proposed subdivision plat materials to the planning commission for review. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded as provided in this article.

(Code 1989, § 20-21; Amd. of 11-9-1981, § 6)

Sec. 32-87. Preliminary sketch.

(a) The subdivider may, if he so chooses, submit to the town manager a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plate. The purpose of such preliminary sketch is to permit the town manager to advise the subdivider whether his plans in general are in accordance with the requirements of this chapter. The town manager, upon submission of any preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary. The town manager may mark the preliminary sketch, indicating necessary changes, and any such marked sketch shall be returned to the commission with the preliminary plat. The preliminary sketch shall be as follows:

- (1) It shall be drawn on white paper, or on a print of a topographic map of the property.
- (2) It shall be drawn to a scale of 100 feet to the inch.
- (3) It shall show the name and location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

-
- (b) Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the town council.

(Code 1989, § 20-22; Amd. of 11-9-1981, § 6)

Secs. 32-88—32-117. Reserved.

DIVISION 2. PRELIMINARY PLAT

Sec. 32-118. Form and contents.

The subdivider shall present to the town manager five prints of a preliminary layout, at a scale of 100 feet to the inch, as a preliminary plat. The town manager shall then send two copies of the preliminary plat to the planning commission for review. The preliminary plat shall include the following information:

- (1) Name of subdivision (the name shall not duplicate, or too closely approximate, that of any existing subdivision in the county or neighboring counties), owner, subdivider, surveyor or engineer, date of drawing, number of streets, north point and scale. If true north is used, the method of determination must be shown.
- (2) Location of proposed subdivision by an insert map at a scale of not less than two inches equal one mile, showing adjoining roads, their names and number, towns, subdivisions and other landmarks, if any, within 2,000 feet.
- (3) The boundary survey or existing survey of record; provided, that such survey shows a closure with an accuracy of not less than one in 2,500; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- (4) All existing, platted and proposed streets, their names and widths; existing utility or other easements, public areas and parking spaces; culverts, drains and watercourses, their names and other pertinent data.
- (5) The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well-defined open stream, which is considered natural drainage.
- (6) A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
- (7) A profile or contour map showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerlines of streets, together with proposed grade lines connecting therewith.
- (8) Location of each proposed lot line, showing dimensions.
- (9) The proposed building setback lines shown as dotted lines, to scale with dimensions to front property or street centerlines.
- (10) Proposed block and lot numbers and the area of each lot.
- (11) Proposed deed covenants, by reference to outlines of the same, which shall accompany the preliminary plat.

-
- (12) A location map tying the subdivision into the present road system, either by aerial photographs or topographic maps of the U.S. Department of the Interior.
 - (13) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply within the corporate limits.
 - (14) All parcels of land to be dedicated for public use and the conditions of such dedication.

(Code 1989, § 20-23; Amd. of 11-9-1981, § 6)

Sec. 32-119. Accompanying information.

The following items shall accompany the preliminary plat at the time the latter is submitted to the town manager or planning commission or, in any event, not later than 12 days thereafter:

- (1) A statement by the health official that the subdivider has consulted with him with respect to the certificate which will be required before the final plat can be approved.
- (2) A statement by the subdivider acknowledging that any percolation tests, topographic studies or other requirements of the health official will be carried out at the expense of the subdivider.
- (3) If streets, parking areas or drainage systems are included in the subdivision, a written statement by the resident highway engineer certifying that these proposed subdivision improvements conform to the current minimum VDOT standards and specifying any special treatment which will be required in their construction.
- (4) If it is proposed to dedicate or reserve land, other than for streets, for public use, or for the common use of future property owners in the subdivision, a statement by the subdivider to that effect, giving an outline of the terms proposed and the acreage involved.
- (5) If town water or sewerage is to be provided, a written statement from the operator in charge certifying that these proposed improvements conform to the current standards as required by the state department of environmental quality, the Accomack County Health Department and any other agencies with relevant jurisdictional authority. Such written statement may require that certain specifications be met as a condition to furnishing or operating town water or sewerage. The town manager shall attach the written statement to the final plat when that is filed.
- (6) A statement by the subdivider as to whether any part of the proposed subdivision lies within the area of applicability of any other effective subdivision ordinance.
- (7) An outline of deed covenants, if any, pertaining to the subdivision.
- (8) A check payable to the town to cover fees required.

(Code 1989, § 20-24; Amd. of 11-9-1981, § 6)

Sec. 32-120. Review procedure.

- (a) The town manager, or his appointed representative, shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of this chapter and of the zoning ordinance. The subdivider shall then be advised in writing within 30 days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made and estimates of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat.

(Supp. No. 7)

Created: 2025-04-08 13:33:06 [EST]

-
- (b) In determining the cost of required improvements and the amount of the performance bond, the town manager may consult with a duly licensed engineer, who shall prepare such data for the town manager, or, preferably, may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.
 - (c) The town manager shall give notice of a public hearing, which may be held jointly or separately by the planning commission and the town council to consider the preliminary plat of any proposed subdivision. Such notice shall be given once in a newspaper published or having a general circulation in the town, giving the date, time and place of the hearing, the magisterial district and a brief identification and location of the proposed subdivision. At such hearing, all interested persons may appear and state their views.

(Code 1989, § 20-25; Amd. of 11-9-1981, § 6)

Sec. 32-121. Approval not to constitute guarantee of final plat approval.

Approval by the town manager of the preliminary plat does not constitute a guarantee of approval of the final plat by the town council.

(Code 1989, § 20-26; Amd. of 11-9-1981, § 6)

Sec. 32-122. Time limit for filing final plat.

The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the town manager a final subdivision plat in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The town manager may, upon a finding of good cause, on written request by the subdivider grant an extension of this time limit.

(Code 1989, § 20-27; Amd. of 11-9-1981, § 6)

Secs. 32-123—32-142. Reserved.

DIVISION 3. FINAL PLAT

Sec. 32-143. Form and contents.

The subdivision plat submitted for final approval by the town council and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth or mylar, at a scale of 100 feet to the inch, on sheets having a size of 15 inches by 20 inches or the size of the plat book. In addition to the requirements of the preliminary plat, the final plat shall include the following:

- (1) A blank, oblong space three inches by five inches shall be reserved for the use of the approving authority.
- (2) Certificates signed by surveyor or engineer, setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- (3) A statement to the effect that the subdivision, as it appears on the plat, is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

-
- (4) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat.
 - (5) The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines, and centerlines of streets; boundaries of all proposed or existing easements; parks; school sites; all existing public and private streets, their names, numbers and widths; existing utilities, and those to be provided, such as sanitary sewers, storm drains and water mains; manholes and underground conduits; including their size and type; watercourses and their names; and names of owners and their property lines, both within the boundaries of the subdivision and adjoining such boundaries.
 - (6) Distances and bearings must balance and close with an accuracy of not less than one in ten thousand.
 - (7) The data of all curves along the street frontage shall be shown in detail on the curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.

(Code 1989, § 20-28; Amd. of 11-9-1981, § 6)

Sec. 32-144. Approval and recordation.

- (a) The final plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this article, and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the town manager. Approval of the final plat by the town council shall be written on the face of the plat by the town manager. The subdivider shall record the plat within six months after final approval; otherwise, the town manager shall mark the plat "void" and return the same to the subdivider.
- (b) Within 30 days after recordation of the approved final plat, the subdivider shall file a copy thereof in the office of the county commissioner of revenue, pursuant to the Virginia Land Subdivision and Development Act.
- (c) Recordation of the final plat of a subdivision shall not be deemed to be the acceptance by the town of any street or road or other public place shown on the plat for maintenance, repair or operation thereof.

(Code 1989, § 20-29; Amd. of 11-9-1981, § 6)

Secs. 32-145—32-171. Reserved.

ARTICLE IV. IMPROVEMENTS

Sec. 32-172. Generally.

- (a) All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established, either by the state department of transportation for streets, curbs, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the requirements of this article.
- (b) The town may require the subdivider to pay the pro-rata share of the cost of providing reasonable and necessary sewerage, water and drainage handling and processing facilities, located outside the property boundaries of the land owned or controlled by the subdivider, but necessitated or required, at least in part,

Created: 2025-04-08 13:33:06 [EST]

(Supp. No. 7)

by the construction improvement of the subdivision or development, pursuant to the provisions of the Code of Virginia, § 15.2-2243.

(Code 1989, § 20-30; Amd. of 11-9-1981, § 5)

Sec. 32-173. Streets.

- (a) All streets in the proposed subdivision shall be designed and constructed by the subdivider, at no cost to the town, in accordance with the minimum current standards for such streets as required by the Virginia Department of Transportation.
- (b) Where required by the highway engineer, a drainage system shall be provided for by means of culverts, ditches, catch-basins and any other facilities that are necessary to provide adequate drainage and disposal of surface and stormwaters from or across all streets and adjoining properties.
- (c) Curb and gutter and sidewalks shall be required for all new subdivisions within the town limits, in accordance with the minimum current standard specifications of the Virginia Department of Transportation.
- (d) Street signs shall be installed at all street intersections in any subdivision by the subdivider.
- (e) Private streets and reserve strips. There shall be no private streets platted in any subdivision. Every subdivision property shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets.
- (f) Names. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names, irrespective of the use of the suffix "street," "avenue," "boulevard," "drive," "way," "place," "lane" or "court." Street names shall be indicated on the preliminary and final plats and shall be approved by the town council. Names of existing streets shall not be changed, except by approval by the town council.
- (g) Identification signs. Street identification signs of a design approved by the town manager shall be installed at all intersections, readable from either side.

(Code 1989, § 20-31; Amd. of 11-9-1981, § 5)

Sec. 32-174. Lots.

In addition to the area and width requirements already specified in this chapter and in chapter 38, lots shall be arranged in order that the following considerations are satisfied:

- (1) *Shape.* The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and conform to the requirements of this chapter. Lots shall not contain peculiarly shaped elongation solely to provide necessary square footage of area which would be unusable for normal purposes.
- (2) *Location.* Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not 50 feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of 50 feet.
- (3) *Corner lots.* Corner lots shall have extra width sufficient for maintenance of any required lines on both streets, as determined by the town manager.
- (4) *Side lines.* Side lines of lots shall be approximately at right angles, or radial to the street line.

-
- (5) *Remnants.* All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of, rather than allowed to remain as unusable parcels.
 - (6) *Separate ownership.* Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Such deed is to be deposited with the clerk of the circuit court of the county and held with the final plat until the subdivider is ready to record the same, and they both shall then be recorded together.
 - (7) *Business or industrial use.* Lots intended for business or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.

(Code 1989, § 20-32; Amd. of 11-9-1981, § 5)

Sec. 32-175. Blocks.

Where created by the subdivision of land, all new blocks shall be of modern design and shall comply with the following general requirements:

- (1) *Length.* Generally, the maximum length of blocks shall be twelve hundred feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.
- (2) *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the town manager may approve a single tier of lots of minimum depth.
- (3) *Orientation.* Where a proposed subdivision will adjoin a major road, the town manager may recommend to the town council and planning commission that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

(Code 1989, § 20-33; Amd. of 11-9-1981, § 5)

Sec. 32-176. Monuments—Generally.

As required by this chapter, all monuments must be installed by the subdivider and shall meet the current minimum standard specifications of the Virginia Department of Transportation. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the town are clearly visible for inspection and use. Such monuments shall be inspected and approved by the town manager before any improvements are accepted by the town council.

(Code 1989, § 20-34; Amd. of 11-9-1981, § 5)

Sec. 32-177. Monuments—Concrete.

Concrete monuments four inches in diameter or square, two feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision and at right angle points and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set six inches above finished grade.

(Code 1989, § 20-35; Ord. of 11-9-1981, § 5)

Sec. 32-178. Monuments—Iron pipe.

All lot corners other than those of lots specified in section 32-176 shall be marked with iron pipe not less than three-fourths-inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod one-half-inch in diameter, the top of which shall be flush with the finished grade line.

(Code 1989, § 20-36; Amd. of 11-9-1981, § 5)

Sec. 32-179. Water facilities, generally.

Public water service (water meter box and accessories), including fire hydrants, shall be extended to all lots within a subdivision by the subdivider, at his cost, in accordance with the design standards and specifications for water, construction and improvement in the town and meeting the approval of the town manager and town council.

(Code 1989, § 20-37; Amd. of 11-9-1981, § 5)

Sec. 32-180. Sewerage facilities, generally.

Public sewerage service shall be extended, with the laterals and clean outs installed to the property lines on all lots within a subdivision by the subdivider, at no cost to the town, according to current design specifications and shall meet the approval of the town manager and town council. Septic tanks will not be permitted.

(Code 1989, § 20-38; Amd. of 11-9-1981, § 5)

Sec. 32-181. Storm drainage facilities.

The subdivider shall, at no cost to the town, provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The subdivider shall also provide plans for all such improvements, together with a properly qualified certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer.

(Code 1989, § 20-39; Amd. of 11-9-1981, § 5)

Sec. 32-182. Streetlights.

The subdivider shall, at no cost to the town, provide streetlights in accordance with design and specification standards as deemed appropriate by the town manager.

(Code 1989, § 20-40)

Sec. 32-183. Fire hydrants.

The subdivider shall, at no cost to the town, provide adequate fire hydrants in accordance with design and specification standards as deemed appropriate by the town manager. The location of the fire hydrants shall meet or exceed the National Board of Fire Underwriters Specifications.

(Code 1989, § 20-41; Amd. of 11-9-1981, § 5)

Sec. 32-184. Easements.

The town manager shall require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than twelve feet in width shall be provided for water, sewer, power lines and other utilities in the subdivision, when required by the town manager and town council. A larger easement width may be required, if determined necessary by the town manager and town council.

(Code 1989, § 20-42; Amd. of 11-9-1981, § 5)

Sec. 32-185. Performance bond or check.

- (a) The subdivider shall furnish a cash bond or equivalent, a letter of credit, a surety bond of a surety company or a certified check payable to the town, in an amount equal to the total cost, as determined by the town manager, of such improvements, so as to guarantee they will be installed within a designated reasonable length of time in a manner acceptable to the town manager. Such bond or check shall accompany the final plat when it is submitted to the town manager.
- (b) In the absence of a performance bond or check, no final plat shall be approved or recorded until the required improvements have been installed and approved by the town manager.

(Code 1989, § 20-43; Amd. of 11-9-1981, § 5)

Sec. 32-186. Plans and specifications.

Five blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by a certified engineer and shall be submitted to the town manager for distribution to the planning commission and town council for review, which review shall be within 30 days.. If at that time the town manager, town council and planning commission do not have any comments, the town manager shall advertise for a public hearing, which may be held jointly or separately, at the earliest convenient date. If the subdivision is approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider, with the reason for disapproval in writing. In the event no action is taken in 60 days, such subdivision shall be deemed approved.

(Code 1989, § 20-44; Amd. of 11-9-1981, § 5)