

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

June 9, 2015 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES

1. Approval of the April 14, 2015 regular meeting minutes, and the May 4, 2015 joint public hearing minutes.
2. Zoning/Subdivision Ordinance Review – Site Plans
3. Information/Discussion Items
 - a) Report on Development Activity
 - b) PC Work Plan for 2015
 - c) Flood Information Service
4. Commission Members Announcements or Comments

ADJOURN

Next Regular Meeting: August 11, 2015

PLANNING COMMISSION MEETING
14 April 2015
MINUTES

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Mollie Cherrix, Vice Chairperson
Mr. Ben Ellis, Councilman

Mr. Steve Katsetos
Mr. Jeff Potts

Members Absent:

Mr. Michael Dendler

Mr. Spiro Papadopoulos

William Neville, Planning Director
Kenny Lewis, Zoning Administrator

CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 pm in the Council Chambers. The invocation was provided by Councilman Ellis, followed by the Pledge of Allegiance led by Chairman Rosenberger.

PUBLIC PARTICIPATION

One (1) member of the public was present.

AGENDA REVIEW/DISCLOSURES

Chairman Rosenberger asked for a review of the Agenda. Commissioner Katsetos moved approval of the agenda, seconded by Commissioner Potts. The agenda was unanimously approved.

- 1. Approval of the March 10, 2015 meeting minutes**
Commissioner Potts proposed a correction. Councilman Ellis moved approval of the minutes as corrected, seconded by Commissioner Katsetos, and unanimously approved.

- 2. Zoning Ordinance Review – Building Height**
Chairman Rosenberger reported on the Town Council request for a recommendation on amendments to the measurement of building height as a result of adopting new flood maps. Town Planner Neville reviewed the recent adoption of a 2 foot freeboard requirement above the base flood elevation for new construction within the special flood hazard areas of Chincoteague Island. New areas located outside the floodplain will no longer have a base flood elevation. The issue for consideration is how to amend the definition of ‘building height’ which currently measures from the base flood elevation.

Proposed zoning ordinance revisions were reviewed by the Commission to establish a method for measuring building height from either established grade, base flood elevation, or the 2 foot freeboard elevation whichever applies. Several examples were discussed with Zoning Administrator Lewis.

Existing ordinance limitations on building height to 3 stories or 36 feet were not generally considered to limit residential construction according to Mr. Lewis, however for commercial buildings which often require 10 feet between floors, building height limits result in a flat roof without a decorative top. Councilman Ellis commented that the overall character of the community is based on following the height limit of 36 feet and the flood elevation should not significantly change that basic relationship to the ground elevation.

Staff proposed a change for areas located out of the floodplain to measure building height from 'established grade' since this was a term defined in the building code and would be based on final site elevations after fill was provided for positive drainage away from the building foundation. Mr. Lewis suggested that only one option for measuring building height would apply on each site.

The upper limit of building height was considered by reviewing standard zoning criteria from other communities. A change was proposed by Staff to measure to the mid-point of a sloped roof rather than the highest point in order to provide more flexibility in architectural design. Roof area extending above 3 stories or 36 feet may not be finished as habitable space. Mr. Lewis described the current limitations on finished attic space. Chairman Rosenberger asked about a new provision that would exclude up to 4 feet in height for a parapet wall.

Based on the recommended changes the definition of 'building height' would be modified as follows:

Town Code Appendix A – Zoning (Section 2.24)

Article II. Definitions - Sec. 2.24. Building Height

The vertical distance measured at the site of the structure from one of the following: base flood elevation, two (2) foot freeboard, or established grade, whichever is greater, to the highest point of the:

- a) surface of a flat or sloping roof; or*
- b) average height between eaves and ridge line of a gable, hip or gambrel roof; or*
- c) deck line of a mansard roof.*

Mr. Neville advised that this set of changes may have the effect of discouraging voluntary elevation of structures above the 2 foot freeboard required, particularly at the north end of the Island where FEMA base flood elevations have changed the most. Commissioners felt that most residential structures are not built to 3 stories and it would not be a problem.

Staff reviewed the proposed changes to standard height regulations contained in each of the Town zoning districts as follows:

All Zoning Districts (R1, R2, R3, R4, A, C1, C2, C3, C4, PSP, POS, RC)

Height Regulations

(1) Buildings may be erected up to 36 feet in height in accordance with Section 2.24 (definition of building height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Roof area extending above the maximum three story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.

(4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

(6) Parapet walls shall not extend more than four feet above the maximum building height for non-residential structures.

Commissioner Katsetos motioned, seconded by Vice Chairperson Cherrix to recommend the proposed amendment of the general definition of ‘building height’ and changes to the Height Regulations in all zoning districts as modified in this meeting. The motion passed unanimously.

Commissioners continued to discuss the option for voluntary elevation of structures above the recommended minimum standards. Mr. Lewis answered several questions about variance applications.

3. Zoning/Subdivision Ordinance Review – Sketch Plans, Site Plans, Sidewalks

Town Planner Neville summarized the ongoing concern of the Planning Commission that there should be some method of review for future land development applications to make sure they are in conformance with the Comprehensive Plan, and whether there should be a role for the Commission to play in addition to the review of major subdivisions.

Mr. Neville pointed out the current subdivision review process in Section 14 of the LSDO which begins with submittal of a sketch plan (optional) with review by the zoning administrator. He suggested that this process could be modified simply to add a mandatory review that includes the Planning Commission’s consideration of the Comprehensive Plan if that was desired.

He also recommended adding a new section that outlines a process for review of site plans.

Chairman Rosenberger described how the Planning Commission had been involved in major land development projects in the past to assist in plan review. Mr. Lewis commented that the County Planning Commission seems to have been granted more authority to approve certain plans and commercial uses. Mr. Neville confirmed that the Commission's main concern was to make use of the recently updated and approved Comprehensive Plan. Commissioners discussed with Mr. Lewis the special use permit process that is currently administered by the Board of Zoning Appeals and the sketch plan review that normally occurs with new development proposals.

Councilman Ellis asked about the sample site plan review standards from Orange, VA and whether a clear list of types or sizes of development should be reviewed by the Commission. There was a concern that a technical review would exceed the Commission's advisory role. Mr. Neville suggested that connecting a Commission review to the sketch plan phase would be the most appropriate place to consider Comprehensive Plan recommendations. Discussion continued and publication of a checklist for plan review was proposed. Mr. Lewis suggested this process would be appropriate for major subdivisions, commercial (over X square feet) and multi-family development (over X units).

Administrative and Review Procedures listed on page 23 of the staff report were discussed. A non binding pre-application review listed on page 19 of the staff report was considered. Commissioners proposed various sizes and types of development that should be required to go through the sketch plan review process. Mr. Neville asked about a possible review of demolition and redevelopment plans.

Staff will work with this direction to prepare a draft recommendation for amending the Land Subdivision and Development Ordinance (LSDO) to include an expanded sketch plan review and a new site plan review process. Mr. Neville mentioned other possible amendments such as the construction standards for sidewalks currently listed in the 'sidewalk policy', or new standards for private utilities in public right of way.

4. Information/Discussion Items

- Gateway property notice (Historic District)
Chairman Rosenberger presented a letter from Ms. Payne regarding her commercial property located at the corner of Main Street and Maddox Boulevard. Vice Chairperson Cherrix confirmed that the Town does not have an historic district because of concerns for the restrictions that come with it and this issue was clearly addressed in the approval of the Comprehensive Plan. Town Planner Neville mentioned private listing of

the Timothy Hill House on the State Historic Register. Commissioners stated that this house is no more or less historic than any other in Town. There was discussion of historic districts in Onancock, Snow Hill, Berlin, and Winchester.

Commissioner Potts motioned, seconded by Commissioner Katsetos to send a recommendation to Town Council that a historic district should not be proposed for any area of Main Street at this time because of the restrictions and limitations which come with it. The motion passed unanimously.

- Next Phase of Drainage Master Plan

Town Planner Neville stated that Phase Three of the Drainage Master Plan has not been completed and could be considered under the Planning Commission work plan. This phase would develop recommendations and design standards for site drainage on an individual lot basis. Chairman Rosenberger agreed that the Town Code should require that drainage be directed toward a system of basins, ditches and storm water pipes rather than directly onto your neighbor's property.

- Report on Development Activity

No further discussion.

- PC Work Plan for 2015

Staff will provide an updated work plan for the next meeting.

5. Commission Members Announcements or Comments

Councilman Ellis reported on comments by Barry Abell at the last Council meeting regarding the Chincoteague Island Watermans Memorial at Mariners Point. One request was to revise page 513 of the updated Comprehensive Plan to read: 'the addition of the Chincoteague Island Watermans Memorial in 2013 is a part of...'. The topic was discussed and it was agreed that this change to the adopted Plan would require direction and approval from Town Council.

A regular Planning Commission meeting will be held on May 12, 2015 at 7pm.

ADJOURN

Commissioner Katsetos moved to adjourn the meeting, seconded by Vice Chairperson Cherrix. The motion was unanimously approved.

Mr. Raymond R. Rosenberger Sr., Chairman

MINUTES OF THE MAY 4, 2015
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 7:00 p.m.

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr announced that this is Student Government Day. He asked Miss Emily Haugh the Student Government Mayor to introduce each participant.

Student Government Mayor Haugh introduced the participants and their titles in the Student Government Day:

Miss Emily Haugh, Mayor
Mr. Jacob Rickman, Town Manager
Mr. Larry Harper, Chief of Police
Mr. Matthew Lindsey, Public Works Director
Mr. Seth Owens, Councilman
Mr. Mason Marshall, Councilman
Mr. Joseph Mills, Councilman
Mr. Hunter Leonard, Councilman
Mr. Reid Thornton, Councilman
Miss. April Zell, Councilwoman

Student Government Mayor Haugh advised that they took the day to discuss and decide what they would like to see changed.

Student Government Councilman Leonard stated that a matter was brought to their attention by the local businesses. He explained that the local businesses feel that during inclement weather they should prohibit on-street parking because it impedes the snow plows during snow removal. He stated that they feel this should be brought to Council's attention because it is regarding public safety.

Student Government Councilman Thornton suggested a water-waste treatment plant. He explained that they could start along Main Street and Maddox Boulevard. He added that there are Sunations everywhere and probably should be another small business. He then continued that having a water-waste treatment plant could open the door for other restaurants to come to the Island and taking over buildings already there instead of waiting for a restaurant to close up. He stated that Town Manager Ritter advised that it is something that will happen eventually and it is ultimately up to the Town Council.

Student Government Councilman Thornton also stated that in 10 or 20 years it's going to happen. He feels that it would be easier to have the businesses start using it and then phasing in the residential homes. He added that it is something to think about.

Student Government Public Works Director Lindsey explained that since the bridge moved, the downtown businesses feel that there should be signage for the downtown area. He stated that in Berlin and Onancock there are big signs that say "Historic Downtown". He feels this would be a good addition for the downtown area.

Student Government Town Manager Rickman feels there should be bike paths along Maddox Boulevard from Deephole Road to Main Street. He stated that tourist and students ride their bikes on the sidewalk and this isn't permitted. He also explained that when driving along Maddox Boulevard from Main Street to Deep Hole Road there are cars parked along the side of the road. He feels that there should be no parking along Maddox Boulevard because of the higher volume of vehicle and bike traffic. He stated that it would be safer. He also mentioned the snow plow issues due to on street parking there.

Student Government Mayor Haugh requested recycling bins beside the trash cans in the downtown area and parks. She feels this will give people the opportunity to recycle. She thanked Council for the opportunity as they have learned a great deal. She also thanked them for lunch and dinner.

Mayor Tarr advised that their suggestions will be referred to the proper committees for review. He asked them to come forward for pictures.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. John Richstein, owner of Sundial Books, thanked the Town for putting in the temporary parking signs. He would like better signage for the parking area behind the old bank building on Main Street and behind the American Legion as tourists don't know parking is there.

- Mr. Barry Abell approached Council again about the Waterman's Memorial. He stated that he has met with several Councilmen and the Mayor since the last Council meeting. He handed out copies. He stated that this affected the Boy Scouts, the Methodist Church and the Memorial. He wants to make sure the Waterman's Memorial gets it's just due and the Boy Scouts can get a chance to get their projects completed. He suggested taking out the advertising photo on the sign adding a non-descriptive waterman there along with the verbiage of

“Chincoteague Island Waterman’s Memorial at Mariner’s Point at the Curtis Merritt Harbor, Chincoteague Virginia”. He added that this will work until they get enough money to put the statue downtown. He added that they want to do what is right and asked Council to consider and vote on this tonight.

Mayor Tarr advised that this isn’t on the agenda and couldn’t be voted on this evening.

Councilman Ellis asked if this could be added to the agenda to be voted on.

Mayor Tarr stated that they could, but there may be others that didn’t get the opportunity to come out about this matter.

There was brief discussion.

Mayor Tarr stated that it violates the Dill Rule passed about 20 years ago that it has to be on the agenda and properly advertised before it is voted on. He suggested putting it on the agenda for May 21st.

Mr. Abell thanked Council for all the interaction.

- Mr. Elva Whealton came before Council asking for help with Beacon Street, Cakey Lane and Whealton Court. He asked Council for free millings from the Town to use on his private roads. He stated that there are 19 people that are connected to these roads. He advised that he asked the Town for the millings and was told they don’t sell or give millings away which is why he came to Council. He asked if there was any way that 19 taxpayers could have some help with their road. He added that this is at no expense to the Town. He pleaded with Council to give him millings for those roads to support those 19 people.

Mayor Tarr asked Town Manager Ritter how the contract was written about the millings.

Town Manager Ritter advised that the millings are an asset and stored in the Public Works area. He stated that those roads go along with all the privately owned roads on the Island. He asked how Council feels about using public assets on private roads. He reminded them that this has not been done in the past.

Councilman Frese asked Town Manager Ritter if they use the millings.

Town Manager Ritter advised that they are stored in the Public Works area and used by the Town.

Councilman Frese stated they are being used as fill or base. He stated that by law the millings cannot be put on private roads. He added that it is an asset and the Town can’t do this.

Mr. Whealton advised that the road is terrible and he’s asking for help for 19 taxpayers. He was advised in the office that millings aren’t given away or sold.

Public Roads Supervisor Fitchett stated that they use it as base. He stated that he has had several requests for it. He also stated that there are so many private roads on the island he wouldn't know where to start. He added that there isn't enough to go around and asked who decides which roads get it and which don't. He stated that he lives on a private road also and if they need stone, some will pay for it. He also stated that as far as giving it away they haven't done it so far.

Mayor Tarr advised that the Public Works Director has been working on a Private Roads Policy. He stated that it isn't complete because of the legal issues. He stated that the Town has a rough draft. He added that there are approximately 26 miles of private roads on the Island. He advised that they are working on it.

Mr. Whealton asked if a contractor could purchase millings from the Town legally.

Mayor Tarr stated that if there is surplus it would be put out on bid.

Mr. Whealton asked to be put on the bidders list.

Town Manager Ritter advised that he could purchase millings from Branscome Eastern Shore.

Mayor Tarr asked staff to get Branscome's number for Mr. Whealton.

- Mrs. Linda Ryan, President of the Chincoteague Island Library Board of Directors, advised that the Chincoteague Island Library is celebrating their 20th year of serving the community. She stated that she is before Council to issue the whole community an invitation to the Open House on June 13th at 3:00 p.m. – 5:00 p.m. She stated that there will be refreshments, slide shows, tours, music and some things outside for the kids. She added that it's going to be a fun day and a chance for people to check out the library. She asked everyone to get the word out for the big celebration.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the report with a brief summary included in the packet. He reported that he received an email from Mr. Charlie Banks, the State Coordinator letting us know that all the hard work on the Floodplain Ordinance has been approved by FEMA and the Town has been taken off the suspension list.

Police Department

Chief Mills stated that the Police Department has received 347 calls for service in April. He reported that he and Officer Butler participated with the EMS in the mock motor vehicle crash last week at the high school. He added that Paramedic Kevin Holloway headed this up and did a good job. He stated that they try to drive home issues that the kids going to the prom need to be careful and not drive distracted.

Mayor Tarr and Vice Mayor Richardson thanked the Police Department and EMS for doing this for the kids.

Public Works Department

Supervisor Fitchett stated that in addition to the monthly report they finished the paving on South Main Street and will finish the patches around town tomorrow.

General Government

Town Manager Ritter reported that the Chincoteague Volunteer Fire Company has approved the financing of the special shift of EMS from Memorial Day to June 30th and after that the Town will pick up the expense to Labor Day. He stated that Hurricane Preparedness Week is May 24th - 30th adding that it is a tax free week on preparedness items. He reported that the Robert Reed Park extension has begun and should be completed by June 28th. He explained that they would like to add an extension going to the existing sidewalk not leaving a void in the current sidewalk to the new sidewalk. He also stated that they are still dealing with water leaks. Town Manager added that staff has been training on new software with Southern Software. He advised that staff is working on debt setoff for delinquent conversions.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr asked to add item 3b. Robert Reed Park Sidewalk which is in addition to the current sidewalk contract with Branscome Eastern Shore. He added this would be separate. He asked Town Manager Ritter if it is in such a time frame that it be put on the agenda this evening.

Town Manager Ritter stated that now is the appropriate time to be able to get the concrete trucks there to pour. He added that if they wait they can't drive across the sprinkler system and lawn.

Mayor Tarr asked about the procurement policy and sole source.

Town Manager Ritter advised that it is sole source for this portion because they are already doing work on the old Vesley property.

Mayor Tarr asked if it was in the best interest of the community to get them in there while they're doing work.

Town Manager Ritter advised that it is.

Councilman Ellis asked what the difference is between this and the signage vote at Mariner's Point.

Mayor Tarr stated that the difference is that this is an emergency procurement to be able to get the contractor out before the summer months. He added that he doesn't believe that the signage is of an urgent nature.

Councilman Frese feels that this is urgent because of the sprinkler system installation that can't be driven across by the concrete truck. He stated that it should be put in before.

Councilman Jester stated that there are enough leaks from the events there.

Mayor Tarr stated that if they don't put it on the agenda it will be addressed on the 21st.

Town Manager Ritter stated that they want to get this done before the pavers because they will put the sprinklers in after that.

Mayor Tarr asked Council's pleasure.

Councilman Jester motioned, seconded by Councilman Ellis to adopt the agenda adding item 3b. Robert Reed Park Sidewalk. Motion carried.

Ayes: Jester, Ellis, Richardson, Taylor, Frese

Nays: Leonard

Absent: None

Town Attorney Burge advised that you can't add an agenda item without all members of Council present. She is unsure of any procedures unique to this Council. She stated that if an amendment is presented to a full Council then they can make that decision. She explained that looking at the procurement section this is an ongoing and related to a competitive negotiation with an existing contractor on the property they have. She stated that the vote on the matter with all Councilmembers present stands.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of April 6, 2015**
- **Council Budget Workshop Meeting of April 8th & 14th, 2015**

Councilman Frese advised that he has made corrections at the office adding that he was present at the 8th and 14th Budget Workshops.

Town Manager Ritter advised that those changes have been made.

Councilman Frese motioned, seconded by Councilman Jester to adopt the minutes of the April 2, 2015, Regular Council Meeting and April 8th and 14th, 2015 Council Budget Workshop Meetings as changed. Unanimously approved.

2. Joint Public Hearing on the Zoning Ord.-Building Height, Result of Freeboard

Planning Commission Chairman Rosenberger called the Planning Commission meeting for the purpose of a joint public hearing on the Zoning Ordinance – Building Height as a result of Freeboard.

Town Planner Neville explained that the information is in the packet and they have found that the problem is in both the definition of building height and the height regulations in both of the zoning districts measuring building height from the base flood elevation. He stated that with the new FEMA flood maps they have areas with no base flood elevation because they're outside the special flood hazard areas. He added that they also have areas where new construction would meet new freeboard standards. He explained that what happens is the method of measuring building height needs to respond to those 3 basic conditions.

Town Planner Neville advised that they looked at other communities that addressed this matter and made an additional staff recommendation to model an ordinance change based on Deal Island, SC. He stated that they feel the language helps adopt the different choices for building heights necessary to allow for flexibility for residential and commercial structures. He explained that it starts at the midpoint of a sloped roof to allow for this flexibility. He also stated that another issue to the commercial buildings is typically for a hotel. He also explained this revision.

Town Planner Neville read and explained the redline recommendations. He stated that they took a conservative approach to spell out the freeboard specifications. He also stated that they maintain the height regulations at 36 feet.

Planning Commission Chairman Rosenberger feels that Town Planner Neville explained the process and intent well. He feels it is a change that provides the commercial establishments the ability to have a mechanical device that will not impact the 36' height. He added that there is concurrence with the Commission members.

Mayor Tarr opened the public hearing.

Mr. Elva Whealton asked if there were two different elevations that they are shooting from. He asked where he measures from.

Town Planner Neville advised that the method for any existing structure is measured by the FEMA base flood elevation. He added that for new structures it is measured by the FEMA base flood elevation plus 2 feet. He explained that this is a change that was adopted by Council. He also stated that areas outside of the floodplain should be measured from the existing elevation of the land and not the proposed elevation.

There were a few comments.

Mayor Tarr closed the public hearing. He asked Town Planner Neville if the Planning Commission reviewed the updated staff recommendations.

Town Planner Neville advised that they have. He referred to the agenda packet advising that they adopted that with changes. He added that it is a little more conservative maintaining control over different conditions that may be invented.

Councilman Frese asked about the base elevation being at +2 feet at freeboard. He continued that it is from the new flood elevation +2 feet.

Town Planner Neville advised it was discussed and they were unsure how many people would use the full 36 feet. He stated that in the north end of the island it doesn't provide an incentive to build higher. He added that the idea was so that they couldn't sneak a 4th story in there.

There were further comments.

Town Manager Ritter asked if an elevator shaft could be exempt like a chimney.

Town Planner Neville advised that it is as well as church steeples.

The Planning Commission recommended that Council approve the changes as presented in the agenda packet.

Mayor Tarr advised that Council has 2 recommendations. He stated that 1 is from the Planning Commission and the other is an updated version from staff and either would work with one being stricter.

Town Planner Neville stated they are both similar one is more stringent than the other. He elaborated further. He stated that they were more interested in the areas outside of the floodplain. He recommended that Council approve the 1st redline change.

Councilman Leonard motioned, seconded by Councilman Ellis to accept the Planning Commission's recommendation of the Zoning Ordinance, Section 2.24, Building Height as a result of the Freeboard addition. Unanimously approved.

Town Code Appendix A – Zoning (Section 2.24)

Article II. Definitions - Sec. 2.24. Building Height

The vertical distance measured at the site of the structure from one of the following: base flood elevation, two (2) foot freeboard, or established grade, whichever is greater, to the highest point of the:

- a) surface of a flat or sloping roof; or*
- b) average height between eaves and ridge line of a gable, hip or gambrel roof; or*
- c) deck line of a mansard roof.*

All Zoning Districts (R1, R2, R3, R4, A, C1, C2, C3, C4, PSP, POS, RC)

Height Regulations

(1) Buildings may be erected up to 36 feet in height in accordance with Section 2.24 (definition of building height). No structure shall exceed three stories in height.

Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Roof area extending above the maximum three story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.

(4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

(6) Parapet walls shall not extend more than four feet above the maximum building height for non-residential structures.



STAFF REPORT

To: Planning Commission
From: Bill Neville, Director of Planning
Date: April 14, 2015, **Revised June 9, 2015**
Subject: Land Subdivision and Development Ordinance Review

- ❖ **Sketch Plan Review**
 - ❖ **Site Plan Standards**
-

Sketch Plan Review - Following the completion of a 5 year update to the Town of Chincoteague Comprehensive Plan, the Planning Commission discussed how and when development activity on the Island will be reviewed for conformance with the goals and policies contained in the Plan. One idea presented at the last regular meeting was to review the current 'sketch plan' provision in the Land Subdivision and Development Ordinance (Town Code Appendix B) to see if a Planning Commission review process could be added.

The following section of a Virginia planning reference manual provides some background information about implementing Comprehensive Plan goals, objectives and strategies:

Tools for Managing the Form and Location of Growth - "2232" Review

As noted in Section II of this report, the comprehensive plan is considered advisory and it serves as a guide for the physical development of the territory within the locality's jurisdiction. However, according to § 15.2-2232 of the Code of Virginia, the comprehensive plan "shall control the general and approximate location, character, and extent of each feature shown." Thus, while the comprehensive plan itself does not directly regulate land use, the plan does have status as a fundamental instrument of land use control once it is adopted by the local governing body.

Section 15.2-2232 provides that unless a feature is already shown on the adopted plan, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation, whether publicly or privately owned, shall be constructed, established or authorized until its location has been approved by the local

planning commission as being substantially in accord with the adopted comprehensive plan. As of 2009 localities are required to show on the transportation plan map of the comprehensive plan transportation corridors of statewide significance upon notification by the Commonwealth Transportation Board that such a corridor has been designated in the Statewide Transportation Plan.

Authority

Provided by § 15.2-2232 of the Virginia Code.

Implementation

A “2232 review” is required whenever a project is proposed to construct, establish or authorize a public facility not shown on the comprehensive plan. The local planning commission, if it holds a public hearing, is required to communicate its findings to the governing body. The governing body is not required to follow the planning commission’s recommendation. However, if the proposed facility does not conform to the comprehensive plan, it may not be constructed. Many localities combine preliminary subdivision plan approval by planning commissions with the “2232” review with respect to street conformity. Similarly, CIP reviews often include “2232” language in the planning commission recommendation with respect to the projects contained within the CIP.

Limitations

A primary limitation associated with the 2232 review centers on what activities prompt or require a review. To date, Virginia case law has clearly identified privately constructed wireless facilities in VDOT rights-of-way, sanitary landfills, school sites, parks and water impoundment facilities as activities requiring a 2232 review. Another 2232 issue involves the lack of specific code procedures that localities are to follow when conducting and administering a review. Note that unless there is clearly contrary language or depiction in the adopted comprehensive plan, the plan does not have to be amended as part of the “2232” review.

Enhancements

Making sure all localities conduct the 2232 review is essential. Many do not consistently do so. In addition, strong consideration should be given to mandating that all local planning commissions, when needed, hold a public hearing when conducting a 2232 review. At present, a planning commission is not required to hold a hearing unless directed to do so by the governing body. Thus, some planning commissions hold hearings and some do not. This lack of consistency has produced some confusion on the part of localities and citizens alike. Finally, by not conducting a 2232 review, a locality is shortchanging the planning process by denying itself the opportunity to use the limited but specific legal status or power the code gives the plan. Sponsorship of a 2232 review means the locality, even if it is the applicant, is following the plan. This sends a strong message that the plan is a critical tool of public policy.

(Managing Growth and Development in Virginia, APA Virginia Chapter, October 2011)

Selected Ordinance Section with possible revision (in red). This item is ready for further revision or recommendation by the Commission.

TOWN CODE – Appendix B Land Subdivision and Development Ordinance

Section 13. Subdivision defined.

13.01. The division of a parcel of land and the establishment of any condominium regime, into four or more lots or parcels less than three acres each for the purpose of transfer of ownership or building development, or if a new street or road **(public or private)**, is involved in such division any division of a parcel of land. The term includes resubdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided; except that the following division of land shall not be deemed a subdivision:

- (a) The sale and exchange of parcels between adjoining landowners where such separation does not create additional building sites.
- (b) The release of a portion of the security of any mortgage or deed of trust, provided that any sale of property presented to any mortgage or deed of trust which would otherwise constitute a subdivision of land shall be subject to the provisions of this ordinance.
- (c) The division of any parcel occasioned by an exercise of eminent domain by any public agency.
- (d) The division of land made solely for bona fide agricultural or natural resource conservation purposes.
- (e) The division of land for sale or gift to a member of the owner's immediate family.

13.02. *Major subdivision defined.* A "major subdivision" is a subdivision as defined in subsection 13.01 above which complies with the following:

- (a) Creates 11 or more lots from a parcel or parcels of land.

13.03. *Minor subdivision defined.* A "minor subdivision" is a subdivision as defined in subsection 13.01 above, which does not meet any of the conditions of a major subdivision as defined in subsection 13.02 above.

13.04. Division of land. Any division of a parcel of land, up to and including 3 lots must be reviewed and approved by the Zoning Administrator for minimum conformance with zoning regulations.

Section 14. Major subdivision.

14.01. *Purpose.* The purpose of the major subdivision review process is to ensure that larger scale developments are fully reviewed by the planning commission for compliance with the **Comprehensive Plan (authority provided by § 15.2-2232 of the Virginia Code)**, provisions of this ordinance and other applicable county and state regulations.

14.02. *Procedure for review of a subdivision.*

- (a) **Submittal of sketch plan (~~optional~~mandatory), planning commission review and zoning administrator approval.**

(b) Submittal of preliminary (mandatory), planning commission review and zoning administrator approval.

(c) Submittal of final (mandatory), planning commission approval.

Before the preparation of a subdivision plat or plan, a subdivider shall confer with the zoning administrator for the town council, relative to the regulations contained in this ordinance, the comprehensive plan, the zoning ordinance, and other applicable ordinances. The purpose of such a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of the existing ordinance, plus any amendments which are pending at the time of the plan or plat preparation. A sketch plan for discussion purposes ~~may~~ shall be submitted at the conference, and presented at the next regular planning commission meeting, and shall be optional at the developer's discretion and shall not be a prerequisite for with the understanding that any information provided by the Town or subdivider shall be advisory and non-binding on any final approvals.

Section 15. Minor subdivisions

15.01. *Purpose.* The purpose of the minor subdivision is to insure that every new lot created receives at least administrative review to insure that it meets applicable town and state regulations. It is the intent of the minor subdivision review process to keep the town abreast of development activity and to prevent the creation of unusable, hazardous, unsanitary, inconvenient or uneconomical lots.

15.02. *Procedure for review of minor subdivisions.*

(a) The procedure for review shall be the same as that for major subdivision, except that the final approving authority shall be the zoning administrator.

(b) The requirement for the preliminary plat approval is waived; however drafting and surveying requirements of the preliminary plat will be required in addition to the requirements for plat submittal for final approval.

Site Plan Standards - On a related note, it would be beneficial to review and recommend improvements to the Zoning and Subdivision Ordinances which provide clear standards for both subdivision and site plan review criteria. These ordinances are the tools that are used to implement the Comprehensive Plan.

The following section of an online planning reference provides some background information about adopting standards for site plans:

Site Plans and Subdivision Plats Distinguished

Site plans are creatures of the zoning act. Local governments are authorized to require site plans (also known as "plans of development") pursuant to §15.2-2286(A)(8) of the Code of Virginia. A local government may adopt a zoning ordinance. §15.2-2280. In order to engage in site plan review, a local government must have adopted a zoning ordinance. Va. Atty. Gen. Ops. No. 05-011 (2005)

The requirements for site plans have become more sophisticated as local governments have come to require greater detail to be disclosed on the site plan.

Where once a crude drawing, which proved compliance with the setback requirements of the zoning ordinance satisfied local government's requirement for site plans; today, site plans are required to incorporate plans and profiles of water lines, sewer lines and storm drains, as well as storm water management ponds, parking lot detail, including the size of spaces and travel aisles, driveway apron detail, parking area profiles, curb detail, sidewalk specifications and landscaping plans, with individual plant species identified.

Frequently, the preparation of a site plan will include the preparation of a dedication or easement plat, which, when recorded, will transfer to the local government utility easements and the fee interest in widened right-of-ways. See §15.2-2270.

The Subdivision Act is set out in Title 15.2, Chapter 22, Article 6, §15.2-2240 through §15.2-2279 of the Virginia Code. Pursuant to §15.2-2251 of the Virginia Code, the planning commission shall prepare and recommend a subdivision ordinance to the governing body for adoption after a public hearing for which notice has been given pursuant to §15.2-2204. The subdivision ordinance and any amendments thereto are to be recorded among the land records of the circuit court in which the local government is located. §15.2-2252.

Only the planning commission and the governing body may initiate amendments to its subdivision ordinance. §15.2-2253. When the governing body refers a proposed amendment, the planning commission is to adopt its recommendation regarding the proposed amendment within 60 days of the governing body's referral of the proposed amendment to the planning commission. §15.2-2253.

The end product of the subdivision process is the recordation of a plat among the land records of the circuit court, dividing a larger tract of land into smaller tracts of land, most typically house lots, and dedicating the streets and utility easements to the local government. Once the local government has adopted a subdivision ordinance, no plat subdividing land may be recorded among the land records without evidence that such plat of subdivision has been approved by the local government. §15.2-2254(2). No person may subdivide land without the approval of the subdivision plat by the local government. §15.2-2254(1).

While subdivisions and site plans are creatures of separate portions of the Virginia Code and separate ordinances, site plans and subdivisions are subject to similar review and appellate procedure. §15.2-2246 and §15.2-2258 both provide that site plans are to be treated as subdivision plats, mutatis mutandis.

***(VIRGINIA SUBDIVISION AND SITE PLAN LAW John W. Farrell,
McCandlish & Lillard, P.C., Fairfax, Virginia)***

Sample Ordinances

Review of other rural community ordinances provides a good idea of the standard format and content of a site plan or site development ordinance. In most cases, the site plan review requirements are included as a section within the Zoning Ordinance, although site design/development standards are also included in the Subdivision Ordinance.

- ❖ Town of Orange, VA (included in April PC packet)
- ❖ Town of Hamilton, VA
- ❖ Town of Onancock, VA
- ❖ Town of Cape Charles, VA (**included in PC packet**)
- ❖ Town of Berryville, VA

The sample site plan ordinance from Cape Charles, VA is included in the June packet for review and discussion at the regular meeting.

Town of Cape Charles

APPENDIX B

Site Plan Ordinance

Section 1 Purpose of Article

The purpose of these requirements is to provide for the orderly development of certain activities in the Town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. To achieve these ends and to assure compliance with all applicable requirements of this chapter, site plans for certain uses of land shall be submitted to and reviewed by the Zoning Administrator.

Section 2 Developments and Uses Requiring a Site Plan

- A. All development which exceeds 2,500 square feet of land disturbance, including single-family residential development, shall submit either a plot plan or site plan prior to the initiation of the development process. Land-disturbing activities shall not include minor activities such as home gardening, individual home landscaping, and home maintenance, nor shall it include access or staging areas provided they do not result in land disturbance.
- B. Any changes to an existing multi-family, commercial, and industrial use that increase the improved square footage by more than 100 square feet or as deemed necessary by the Zoning Administrator or increase the number of units within the previously approved site plan.
- C. Churches, church schools, public and private schools, hospitals, nursing homes, and government offices.

Section 3 Procedures for Preparation

- A. Site plans or any portion thereof involving engineering, architecture, landscape architecture, or land surveying shall be certified by an engineer, architect, or land surveyor authorized by the Commonwealth to practice as such.
- B. Site plans shall be prepared to a scale of not more than one inch equals 100 feet (1" = 100') or other scale acceptable to the administrator.
- C. A site plan may be prepared in one or more sheets to show clearly the information required by the Article and to facilitate the review and approval of the site plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join.
- D. All horizontal dimensions shown on the site plan shall be in feet and decimal fractions to a foot to the closest one-hundredths of a foot (.00), and all bearings in degrees, minutes, and seconds to the nearest ten seconds.

- E. Every site plan shall show the name and address of the owner or developer, the north point, the date, the scale of drawing, and the number of sheets. In addition, it shall reserve a blank space at least three inches wide and five inches for the approving authority.
- F. Six copies of the site plan shall be submitted to the Zoning Administrator for administrative review.

Section 4 Required Information

A. Plot Plans. One copy of a plot plan, drawn to scale, for individual single-family dwellings or accessory structures for single-family residences or for commercial development which results in a land disturbance less than 5,000 square feet and which will result in an area of impervious surface of less than 16 percent of any lot or parcel shall be submitted to the Zoning Administrator for review and approval. Any encroachment into an RPA shall require an applicant to prepare a site plan as outlined in Subsection B below including the submission of a water quality impact assessment in accordance with Subsection 7.11 of the Chesapeake Bay Preservation Ordinance.

- 1. At a minimum, the plot plan shall be drawn to scale and contain the following information:
 - a. a boundary survey of the site drawn to scale or site drawing showing the north arrow and property line boundaries and distances;
 - b. area of the lot/parcel;
 - c. location, dimension, and use of proposed and existing structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be removed must be indicated;
 - d. location of all building restriction lines, setbacks, easements, covenant restrictions, and rights-of-way;
 - e. dimensions and location of all existing driveways, parking areas, or other impervious surfaces;
 - f. limits of clearing and grading;
 - g. specifications for the protection of existing trees and vegetation during clearing, grading, and all phases of construction;
 - h. location of Resource Protection Area (RPA) boundary, as specified in Subsection 7.4.A of the Chesapeake Bay Preservation Ordinance, including any additional required buffer areas and RPA maintenance and use restrictions;
[revision adopted by Town Council 12/2010]
 - i. location of all erosion and sediment control devices;
 - j. amount of impervious surface proposed for the site.

Adopted
December
2010

B. A site plan shall be required for any single-family, residential, or commercial development which results in 5,000 square feet or more of land disturbance or for any multi-family or industrial development or for development specified in Subsections 2.B and 2.C or for any other development deemed necessary by the Zoning Administrator. All site plans shall contain the following information:

1. Location of the tract by an insert map at a scale of not less than one inch equals two thousand feet (1" = 2,000'), unless otherwise acceptable to the administrator, indicating the scale, the north arrow, and such information as the names and numbers of the adjoining roads, streams and bodies of water, railroads, subdivisions, or other landmarks sufficient to clearly identify the location of the property.
2. A boundary survey of the tract by bearings and distances certified by a licensed land surveyor.
3. Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.
4. All existing property lines; existing streets and easements, their names, numbers, and width; the location and sizes of existing sanitary and storm sewers, gas lines, water mains, culverts, and other utilities and their easements; existing buildings; existing watercourses, waterways, or lakes and their names; and other existing physical features in or adjoining the project.
5. Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties, including all Resource Protection Area and Resource Management Area boundaries, and present use of adjoining tracts.
6. Existing topography with a maximum of two-foot contour levels. Where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations where necessary but not more than fifty feet apart in both directions.
7. The location, dimensions, and materials proposed for the construction of proposed streets, alleys, driveways, and the location, type, and size of vehicular entrance(s) to the site.
8. The location and amount (in square feet) of all existing and proposed impervious surface including but not limited to all off-street parking, loading spaces, and walkways. The type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided should also be indicated.
9. All proposed water and sanitary sewer facilities indicating all pipe sizes, types, and grades and where connection is to be made to town or to other utility system; all proposed gas lines and other utilities and their easements.
10. The proposed location, general use, number of floors, height and floor area for each building, accessory and main, and where applicable, the number, size, and type of dwelling units.
11. Proposed finished grading by contours supplemented where necessary by spot elevations.
12. The location, sizes, types, and grades of ditches, catch basins, and pipes and connections to existing drainage system.
13. Provisions for the adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.
14. Delineation of any floodplain limits.
15. Location, type, size, and height of fencing, retaining walls, and screen planting where required under the provisions of the chapter.
16. A landscape plan, drawn to scale, delineating dimensions and distances and the location, type, size, and description of all existing and proposed plant materials. Any required buffer area and all existing trees on site six inches or greater DBH shall be clearly shown on the landscape plan. Where there are groups of trees, stands may be outlined instead. Trees to be removed to create a desired construction footprint

shall be clearly delineated on the plan. The landscape plan will include specifications for the protection of existing trees and buffer areas during clearing, grading, and all phases of construction.

17. The location and dimensions of proposed recreation, open space, and required amenities and improvements including details of disposition.
 18. A storm water management plan to include maps, graphs, tables, narrative descriptions, and citations to support references as appropriate to communicate the information required by the Town Code. At a minimum, the storm water management plan shall contain: (a) location and design of all planned storm water control devices; (b) procedures for implementing non-structural storm water control practices and techniques as applicable; (c) pre- and post-development non-point source pollutant loadings with supporting documentation of all utilized coefficients and calculations; and (d) for facilities, verification of structural soundness including a Professional Engineer or Class IIIB Surveyor Certification. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Local Assistance Manual, the Virginia Erosion and Sediment Control Handbook, or the Virginia Department of Transportation Drainage Manual.
- B. All features and elements of the site plan required by this Article shall in all respects conform to all applicable provisions and standards of the Code of Virginia and this Code, including, but not limited to: The Cape Charles Comprehensive Zoning Ordinance, Subdivision Ordinance, Erosion and Sediment Control Ordinance, or any PUD zoning ordinance approved by Town Council.

Section 5 Procedure for Processing

- A. All applicants for site plan review shall submit to the Zoning Administrator a site plan for the proposed development. The site plan review fee, as established by the Council, shall be paid at this time.
- B. The Zoning Administrator shall review all site plans which are submitted to him pursuant hereto. The administrator shall check the site plan for general completeness and compliance with all applicable requirements. The administrator shall circulate the site plan to the relevant town departments, agencies, and officials for written comments as to the proposed development's conformance to all applicable standards and requirements and whether approval of the site plan is recommended.
- C. Except under abnormal circumstances, within 45 days from the receipt of the site plan in his office, the Zoning Administrator shall approve, approve subject to conditions, or disapprove the site plan and notify the applicant in writing of the action taken. If the site plan is denied approval, the administrator, in notifying the applicant of the decision, shall set forth in detail the reasons for the denial, which shall be limited to any defect in form or required information, any violation of any provision or standard of this chapter or any other ordinance, or the inadequacy of any utility and shall state any changes which would make the site plan acceptable.

Section 6 Time for Obtaining Building Permit After Approval; Extension of Time

Approval of a site plan submitted under the provisions of this Article shall expire five years after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant to the Zoning Administrator and Town Manager made within ninety days before the expiration of the approved site plan. The Zoning Administrator and Town Manager shall acknowledge the request and shall make a decision regarding the requested extension within thirty days after receipt of the request.

Section 7 Revision of Site Plan; Waiver of Requirements of Article

The Zoning Administrator may approve minor revisions to an approved site plan, providing that Town requirements and specifications are not affected. Major revisions shall require that a new site plan be drawn, and the review and approval process begun anew. Any revision to an approved site plan that does not change the proposed use and which exceeds the ordinance requirements of the previously approved plan shall be approved by the Zoning Administrator.

Section 8 Appeals

Any applicant aggrieved of any decision of the Zoning Administrator on a site plan review may, within ten days of such decision, appeal to the Town Council. The Town Council shall act upon such an appeal by the owner at its next regularly scheduled meeting. The applicant may appeal Town Council's decision to the Northampton County Circuit Court as provided by law.

Section 9 Building Permits to Comply with Site Plans

No permit shall be issued for any structure in an area covered by the site plan that is required under the provisions of this Article in conformity to such a plan which has been duly approved or revised as provided in Section 7.

Section 10 Agreement and Bond for Construction of Certain Improvements; Establishment of Fees for Examination and Issuance of Building Permits

- A. Prior to the issuance of any building permits for which an approved site plan is required, there shall be executed by the owner, developer, or their contractor, an agreement to construct the agreed-upon physical improvements that are located within the public right-of-way or public easements in a form approved by the Town. Such agreements shall be in accordance with this ordinance and be accompanied by a letter of credit, escrow, or a bond with surety acceptable to the Town (hereinafter "security") in the amount of the estimated cost of the required physical improvements as determined by the town departments, divisions, or agencies responsible for such improvements.
- B. Such security shall remain in force until the completion of the secured improvements within the public right-of-way or public easements shown on the approved site plan. Such security shall be partially and proportionally released within thirty days of receipt by the Town of written notice from the contractor certifying completion of a distinguishable part

of the secured improvements. If the Town notifies the contractor in writing of any defects or deficiencies in the secured improvements within this 30-day period, then corrective measures must be taken by the contractor prior to any partial or complete release of the security.

- C. Such security shall be with a firm or bank acceptable to the Town Manager which approval shall not be unreasonably withheld.
- D. "Best Management Practices" imposed by these regulations that require regular or periodic maintenance in order to continue their function shall be regulated by a maintenance agreement submitted to the Town by the owner, developer, homeowner association, or other entity responsible for said BMPs and, where approved by the Town, shall run with the land and be binding upon the entity that assumes responsibility for said BMPs.

Section 11 Compliance with Approved Site Plan

- A. Unless otherwise specifically provided in this chapter, the construction standards for all offsite improvements and site improvements required by this Article shall comply with approved site plan.
- B. Inspections during the installation of the offsite improvements and required onsite improvements shall be made by the department responsible for such improvements as are required to certify compliance with the approved site plan.
- C. The owner shall notify the Town Manager in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.
- D. The owner or owner's contractor shall provide adequate supervision on the site during the installation of all required improvements within the public right-of-way or public easements and have a responsible superintendent or foreman, together with one set of approved plans, profiles, and specifications, available at the site at all times when work is being performed.
- E. Upon satisfactory completion of the installation of the required improvements, the owner shall receive a certificate of approval from the Zoning Administrator. The Town Manager will authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof upon notice by the Zoning Administrator that the improvements have been satisfactorily completed.
- F. The installation of improvements as required in this Article shall in no case serve to bind the Town except such improvements for the maintenance, repair, or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement. Upon acceptance, the Town shall assume all ownership, maintenance, and repair obligations of the dedicated improvements.

Section 12 Occupancy Certificates

A final occupancy permit may be issued for any appropriately completed building or part of building located in a part of the total area of an approved site plan, such part of the total area to be known as a section provided that:

1. The other onsite construction and improvements included in the approved site plan for the section have been completed and have been inspected and accepted by the Zoning Administrator, the Town Manager, and the county health officer or their agents.
2. The offsite improvements related to and necessary to service the section has been completed, inspected, and accepted by the Town Manager or his agents, or the developer has provided surety acceptable to the Town.

This ordinance was adopted by the Town Council of Cape Charles, Virginia, on July 14, 1992, amended July 11, 1995, and ratified and confirmed on June 16, 1997.

Section 4.A, Item 1.h. was amended and adopted by the Town Council of Cape Charles, Virginia on December 9, 2010.



MEMORANDUM Town of Chincoteague Inc.

Date: June 9, 2015
To: Planning Commission
From: William Neville, Planning Director
Subject: Report on Development Activity – Marina Hotel

The Planning Commission requested information on major development activity on a regular basis. During the first quarter of the year, the Town processed 80 building permit applications for property improvements, including 5 new residences.

One major development application was received for a 78 room Hotel proposed on the property between the Anchor Inn and the US Coast Guard Station on Main Street. This site plan will be reviewed under the new FEMA flood elevations and will be subject to the 2 foot freeboard requirement recently adopted by Town Council. General information is attached for informal Planning Commission review and use in discussion proposed amendments to the Town LSDO regarding sketch plan review procedures.



Google Earth now provides up to date aerial views of Chincoteague Island as well as street level views. These images can help during project review to understand relationships of new development to adjacent properties, and to document existing site infrastructure needs.

SITE DATA

OWNER / DEVELOPER

Chincoteague Investments
19804 Winding Trail Dr.
Ocean City, MD 21842
Attn: Mr. Tauhid Islam
Ph. 443-373-1789

LANDSCAPE ARCHITECT, ENGINEER & SURVEYOR

Vista Design, Inc
11634 Worcester Hwy
Showell, Md 21862
Ph 410-352-3874
Fax 410-352-3875

TAX MAP

Tax Map #30A3-A-12
#30A3-A-13
#30A3-A-14

FLOOD ZONE

This property is Located Within Flood Zone's AE (EL. 7) and AE (EL. 8)
Per Firm Map # 5100020275F Dated March 16, 2009

ZONING INFORMATION

Existing Zoning:	C-2 Old Town Commercial
Proposed Zoning:	C-2 Old Town Commercial
Required Setbacks:	
Front	10' From the ROW Line
Sides	5'
Rear	N/A - Waterfront Properties
Maximum BLDG Height	38' (Taken from the 2' Freeboard Elevation of 6.0")
Land Use:	Hotel

LAND USE

SITE AREA

Total Site Area	±3.69 Acres
Limits of Disturbance	±2.04 Acres

TOTAL BUILDING COVERAGE

Proposed Marina Hotel	±17,543 sq.ft.	78 Rooms
Existing Anchor Inn Hotel	±4,915 sq.ft.	20 Rooms
Proposed Pool & Pool Deck	±4,720 sq.ft.	
TOTAL	±27,178 sq.ft.	98 Rooms

OFF STREET PARKING REQUIREMENTS

REQUIRED

Proposed Hotel

78 Rooms (1 Space per Room)	78 Spaces
5 Employees (1 Space per Employee)	5 Spaces
Total	85 Spaces

Existing Anchor Inn Hotel

20 Rooms (1 Space per Room)	20 Spaces
2 Employees (1 Space per Employee)	02 Spaces
Total	22 Spaces

Marina

44 Existing Boat Slips (10 slips to be abandoned)	
34 Boats slips for Hotel Use Only (1 per 2 slips)	17 Spaces

TOTAL REQUIRED	124 Spaces
-----------------------	-------------------

PROPOSED

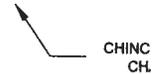
9'x18' Spaces	96 Spaces
8'x18' Spaces (20% of total, max)	24 Spaces
ADA Accessible Spaces	04 Spaces
TOTAL	124 Spaces

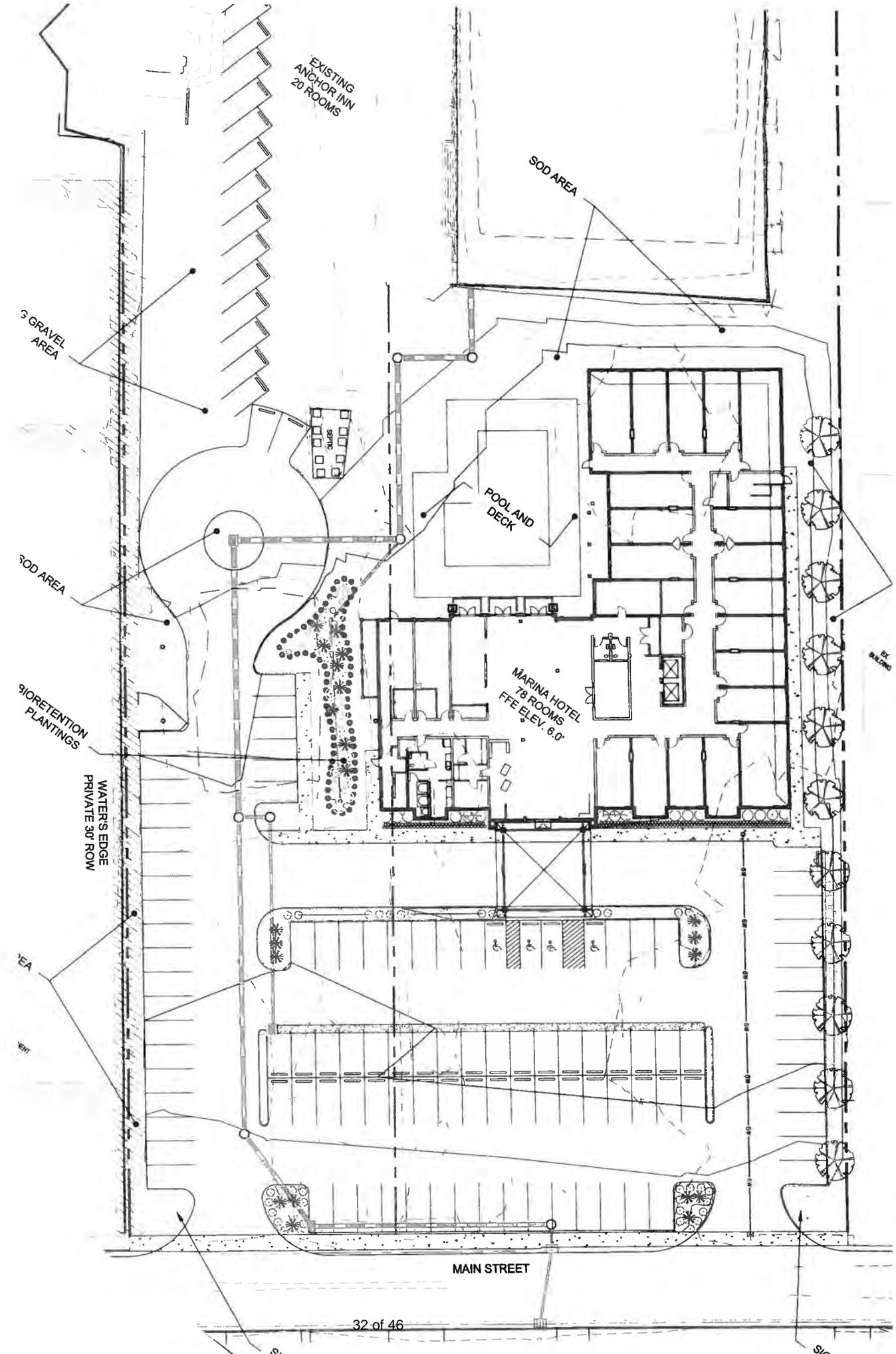
SEWER PROVIDER

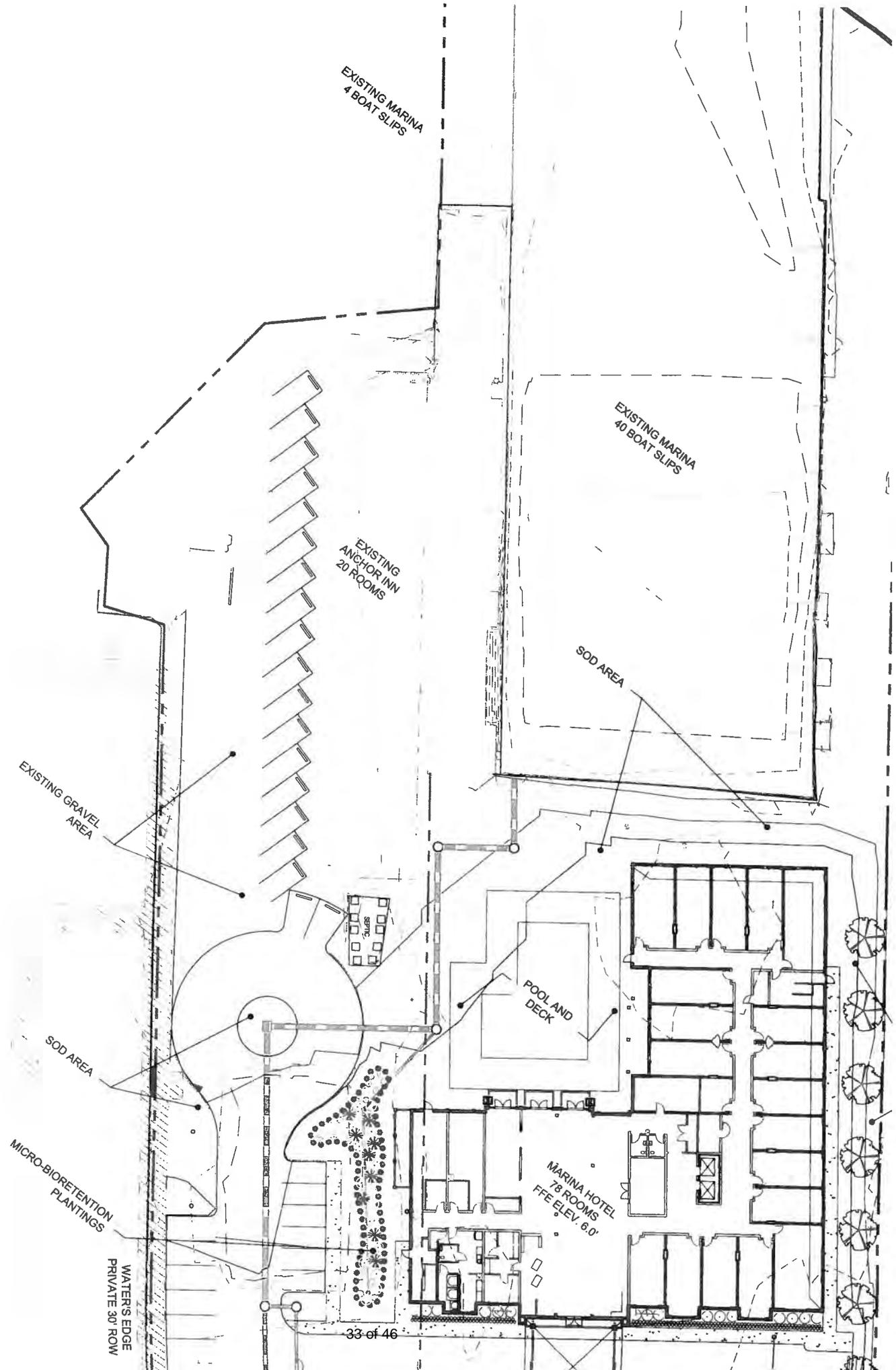
On-site Wastewater Treatment Facility

WATER PROVIDER

Town of Chincoteague







EXISTING MARINA
4 BOAT SLIPS

EXISTING MARINA
40 BOAT SLIPS

EXISTING
ANCHOR INN
20 ROOMS

SOD AREA

EXISTING GRAVEL
AREA

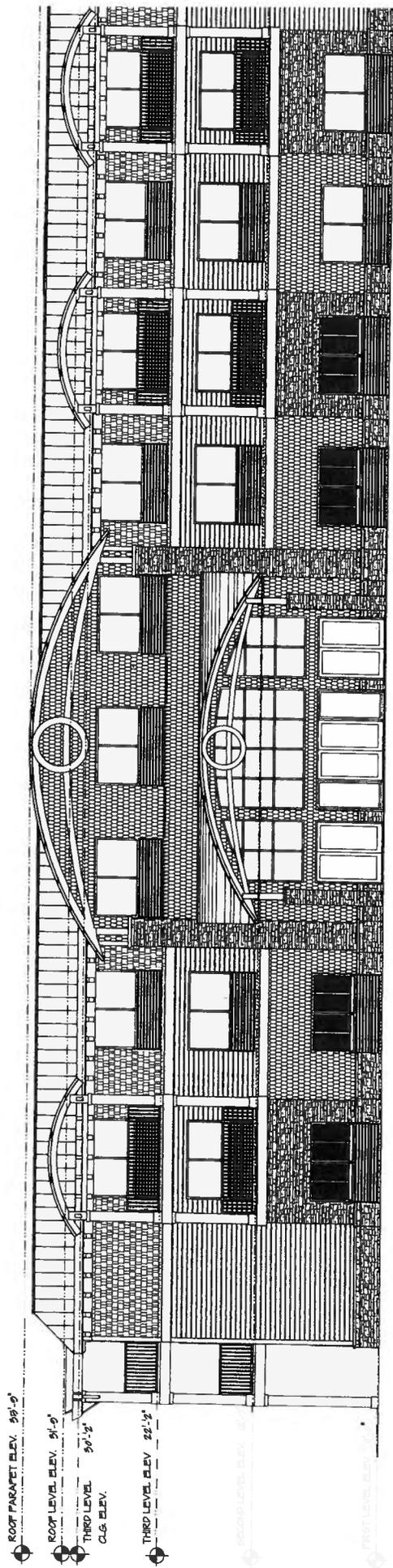
SOD AREA

POOL AND
DECK

MICRO-BIORETENTION
PLANTINGS

MARINA HOTEL
78 ROOMS
FFE ELEV. 6.0'

WATERS EDGE
PRIVATE 30' ROW



1 FRONT ELEVATION
SCALE 1/8" = 1'-0"

May 20, 2015

Steve Engel, RLA
Vista Design, Inc.
11634 Worcester Highway
Showell, MD 21862
sengel@vistadesigninc.com

RE: Marina Hotel at Chincoteague
Site Plan Review – 1st Submittal

Dear Mr. Engel:

The Town of Chincoteague has completed a preliminary review of the Site Plan application (dated May 1, 2015) for a proposed 78 room hotel including site improvements as well as the existing 20 room Anchor Inn and 44 slip marina located on South Main Street adjacent to the US Coast Guard Station.

Please respond to the following comments by providing additional information, revisions to the plans and documents and a re-submission letter to resolve any outstanding issues. We are available to meet with you or to schedule a telephone conference if you have any questions.

Site Plan Review

1. **Zoning** – The proposed use is permitted under Section 4.4.13 and 4.4.22 of the Zoning Ordinance.
2. **Building Height** – Please note that the definition of ‘building height’ (Sec. 2.24) and the applicable height regulation (Sec. 4.6.4) were recently revised to allow for a building height of 36 feet from the freeboard elevation (2 feet above base flood elevation for new construction).
3. **Flood Information** – Site Data on sheet G001 should be revised to reflect the current FEMA flood zone information effective May 18, 2015. The correct map #51001C0270G, and flood zone AE with base flood elevation of 5’ along the waterfront and 4’ inland should be noted. General Note #3 indicates that the survey is based on the correct datum (NAVD88) for use in preparing the required Elevation Certificate.
 - Note that a floodplain zoning permit must be approved for the proposed fill of over 10,000 square feet in area and a Letter of Map Revision must be approved by FEMA for any site area raised above the base flood elevation.
4. **Parking** – The parking calculation generally meets or exceeds Zoning Ordinance requirements for the hotel and marina uses as prepared. Parking must be located on the

same lot as the main structure (Sec. 6.6.13) so the site plan should note that the existing property lines between the three tax parcels will be consolidated or vacated.

The site plan does not currently indicate the location of 10 boat slips to be removed as indicated in the Site Data parking tabulation. Please provide this information along with a plan for providing access to the marina.

We are concerned about the illustration of only compact parking spaces (8'x16') for the existing Anchor Inn. These spaces are not served by an adequate width travel aisle (Sec. 6.6.19) and appear to block the required fire access (Sec. 6.6.21) to the existing hotel. Section 6.6.9 of the Zoning Ordinance requires 1 parking space for every two (2) boat slips or moorings and additional parking for boat ramps.

Please provide information and a narrative/note on the plan regarding the intended use of the existing boat ramp serving the existing Anchor Inn dock and the offsite property so that the parking requirement can be evaluated.

- Several site plan approval conditions may be necessary such as: restriction of boat trailer parking or other long term storage of vehicles, equipment or dumpsters.

The site plan shows plantings located in the travel way near Main Street.

5. **Fire protection** – Zoning Ordinance Section 6.6.21 requires reasonable access to at least 3 sides of the hotel structure.

- Please consider providing a minimum 8 foot wide stabilized surface for emergency access between the building and the property line adjacent to the US Coast Guard Station.
- Please provide a design solution for providing access between the proposed turnaround and the marina which would provide emergency access to the waterfront, pool and rear of both hotels.

6. **Main Street** – The site plan proposes to remove and reconstruct the existing entrances onto Main Street, remove and reconstruct existing water and stormwater utility lines and reconstruct a new sidewalk along the street frontage.

The proposed entrances should be constructed to meet VDOT low volume commercial entrance design standards, however modifications may be approved by the Director of Public Works by an entrance permit application which should account for the existing Water's Edge private entrance offsite to the south.

- If access rights to the existing boat ramp adjacent to the Anchor Inn are retained by the adjacent property owner, this should be noted on the site plan.

7. **Stormwater** – Review and approval of stormwater and sediment/erosion control measures must be completed by Accomack County and the Virginia DEQ. The Applicant must make these submissions independently from Town site plan review and provide the necessary documentation that the required permit is approved.

- Please provide a permanent solution that prevents surface runoff from the filled site from draining onto the US Coast Guard property.
- Please provide additional storm drain inlets to prevent parking lot runoff from draining onto Main Street at the two site entrances
- Please provide additional information on the proposed 'simple disconnect'

- Please add a brief narrative to sheet C201 describing BMP measures for the parking lot area (Sec. 6.6.22) and what controls if any will prevent high tides and flood events from regularly following the path of the proposed storm sewer to flood Main Street at the mid-point of the site frontage.
 - Provide a narrative describing how stormwater flow from Main Street will be accommodated during site construction.
 - Provide a profile sketch to illustrate how the gravity sewer line between the proposed hotel and the wastewater treatment facility will cross the proposed bio-retention facility.
8. **Water system** – Fire flow test results and calculations must be submitted that indicate adequate water supply capacity from the existing 8 inch water main located in South Main Street. The Town is concerned that the proposed increase of water use for the 78 room hotel may require offsite improvements to meet demand and maintain an acceptable level of service to neighboring properties during periods of peak use.
- The applicant is requested to provide a water model analysis of the Town water system to demonstrate adequate system capacity for the hotel use and to identify any required system improvements necessary to maintain or improve current service levels. Please contact Andy Landrum at Whitman Reqhardt & Associates, LLP (757.599.5101) for use of the existing water model.
 - Water use estimates should include irrigation and swimming pool demands for both the existing and proposed hotels.
 - Site plan should be modified to illustrate a backflow preventer between the building(s) and the public water supply, as well as any proposed fire protection systems, hydrants, and connection for the wastewater treatment facility or marina.
 - Please illustrate water service connections to the existing Anchor Inn.
 - Please illustrate water line connection into the proposed hotel.
 - Plantings located in the Town’s waterline easement for Waters Edge is prohibited.
9. **Sewer system** – Design and approval of the onsite wastewater treatment facility is an important part of the site plan review process. Without evidence of pending approval of this facility, adequate site area would have to be provided and Health Department approval granted for an engineered septic treatment system. The site plan indicates that the existing Anchor Inn would not be connected to the new wastewater treatment system and it would continue to use existing an septic field. This combination of treatment solutions within a single site plan/parcel seems unlikely to be approved by the Health Department without a commitment to connect the existing Anchor Inn to the new treatment facility. We recommend this solution.
- Provide preliminary design and narrative on the site plan to confirm that the proposed onsite wastewater treatment facility and any proposed above grade structures will meet the required setbacks, buffers and screening requirements.
 - Confirm that adequate setback and reserve areas are provided for the existing septic drainfield area serving the existing Anchor Inn
10. **Lighting** – Section 6.6.15 of the Zoning Ordinance requires that site lighting of the parking areas shall be directed away from the street and adjoining residential properties.

- Please provide a site lighting plan and indicate whether the fixtures will control for directional lighting.
11. **Enterprise Zone** – The property is currently located within a Virginia Enterprise Zone that encourages new construction investment and job creation.
- Please review attached information for possible grants and incentives.
12. **Miscellaneous** – Minor corrections and additions to the site plan and submission documents have been suggested below:
- Proposed signs must meet required 10 foot setback to the Main Street right of way at the back of the sidewalk – only 5’ is shown on the site plan.
 - Show all adjacent structures (approx location) on site plan, including structures across Main Street
 - Provide a copy of any related parking, access or utility easements
 - Provide note on site plan regarding sanitary sewer service connection to a private utility and letter from the approving authority stating that adequate capacity is available
 - Illustrate sight distance triangles at entrances onto South Main Street
 - Modify grading plan to illustrate final grades around the proposed pool deck and proposed vehicle/pedestrian/emergency access to the marina
 - Landscape plan relies on a single species of tree (redbud). Please consider providing more than one tree type.
 - Site plan must illustrate all of the proposed open decks/balconies as a part of the building footprint.
 - Site plan must be sealed and signed by a registered professional engineer licensed in Virginia.
13. **Review process** – In addition to site plan approval, the following documents or steps may be required prior to construction.
- Lot consolidation plat
 - Easement plat for access/public utilities
 - Bonding of public improvements
 - Construction Inspection
 - Fence Permit
 - Demolition Permit for existing structures
 - Signage permit
 - Building permit
 - Floodplain Zoning Permit
 - US Coast Guard review

The above items are from a preliminary review of your project. Once the required documents

are revised, there may be other issues that will need to be addressed.

If you have any questions please give me a call.

Sincerely,

Kenny L. Lewis
Zoning Administrator



MEMORANDUM
Town of Chincoteague Inc.

Date: June 9, 2015
 To: Planning Commission
 From: William Neville, Planning Director
 Subject: PC Work Plan for 2015/2016

The Planning Commission requested an update to the Work Plan for 2015/2016. Priorities for research, study, ordinance amendments and development review were prepared in 2013/2014 however; most of the regular meetings over the last year were dedicated to completing the 5 year update to the Comprehensive Plan.

The attached work plan has been revised to track the work completed since January regarding adoption of the new FEMA flood risk maps and associated ordinance changes to the definition of ‘building height’. At this point in time, the Commission has received several information reports on the Sketch Plan review process and the need to amend the Land Subdivision and Development Ordinance (LSDO) to include standards for Site Plan review.

Proposed agendas for future meetings will be based on these work plan tasks or other priorities identified by the Commission or Town Council.

2015 PC Meeting	Agenda Item	Notes
January	<ul style="list-style-type: none"> • Joint Hearing with TC – Comprehensive Plan 5 year update • Action – public hearing revisions to CP 5 year update 	Recommendation to TC
February	<ul style="list-style-type: none"> • Information ‘freeboard’ • Information ‘wayside stands’ 	
March	<ul style="list-style-type: none"> • Action ‘wayside stands’ minimum parking requirement • Information on list of potential zoning/subdivision ordinance revisions 	Recommendation to TC
April	<ul style="list-style-type: none"> • Action ‘building height’ • Information ‘sketch plan’ and ‘site plan’ review process 	Recommendation to TC
May	<ul style="list-style-type: none"> • Joint Hearing with TC – Building Height 	Regular meeting canceled

June	<ul style="list-style-type: none"> LSDO – Sketch Plan, Site Plan review 	
July		
August		
September		
October		
November		
December		

Planning Commission Work Plan - 2015/2016

Updated through June 9, 2015

		Comprehensive Plan Reference	Begin Date	End Date	Notes
1	Comprehensive Plan Update				
a	Final recommendations for the 5-year update to the Comprehensive Plan		Feb 11 2014 workshop to begin chapter review	Jan 13th - forward final recommendations to Town Council	5-year Comprehensive Plan update approved by Town Council on February 2, 2015
2	FEMA Flood Risk Maps				
a	Review and discuss options for higher standards to qualify for CRS flood insurance discounts including a possible 'freeboard' requirement	Flood Insurance Pg 5-9/10, Implementation Strategy Pg 5-14	Information Review - Feb 10th	PC recommendation re: freeboard to TC work session Mar 19th	FPO revisions incl. 2 foot freeboard approved by Town Council on April 6, 2015
b	Prepare recommendation to Town Council regarding amendment of the 'building height' definition and revisions to Height Regulations in all districts	Primary Goal Pg 2-1, Land Use Objectives Pg 2-2,	Information Review - Mar 10th	PC recommendation re: building height definition and height regulations to TC Apr 14th	Public hearing and approval by Town Council on May 5, 2015
3	Ordinance Review				
a	Identify minimum parking standards for wayside stands	Primary Goal Pg 2-1, Land Use Objectives Pg 2-2, 3, 4	PC recommendation April 2013	PC recommendation re: minimum parking requirements (ZO Sec. 6.6.11) to TC Mar 10th	TC approval to advertise for joint public hearing
b	Storm water Draft Regulations – coordinate with Clark-Nexsen consultant to prepare a draft 'fill ordinance' and drainage standards/regulations if approved by Town Council				
c	Sidewalk and Lighting Policy/Subdivision Regulations – Implement 'Walkability Workshop' ideas				
d	Wastewater treatment systems – review Zoning, Land Subdivision and Development Ordinance to address current WAC planning for advanced septic systems, private treatment system expansion, service areas, design criteria, bonding, useable yard area, setbacks, screening, etc.				
e	Wastewater Advisory Committee recommendations: Complete a full zoning and subdivision ordinance review for any area proposed within a wastewater utility service district, and prepare recommendations for amended site development criteria if necessary				

f	LSDO Section 13 Subdivision defined, Section 14 Major Subdivision, Section 15 Minor Subdivision – revise procedure for review to require sketch plan submittal, review by zoning administrator for technical conformance (and Planning Commission for conformance with the Comprehensive Plan) for any division of land.				
g	LSDO Section 14.06(d)(4) Procedures for the review of the final plat, consider possible revision to resolve conflict between Health Department approval and Town approval of a final subdivision plat (who signs first).				
h	LSDO Section 16 Design Standards, consider adding site plan review requirements, checklist and land development standards				
i	Clarification of Special Exception, Special Use and Conditional Use permits: Article VIII and Article IX generally, and Section 3.8, R-3 District to specifically define which uses are permitted by which process				
4	Economic Development				
a	Review the Baseline Economic Impact Analysis prepared by USFWS and identify additional research, tracking tools or studies necessary to evaluate elements of the Town economy.				
b	Recommend specific actions or projects which the Town could participate in to provide greater year round activity and balance to recreational tourism.				
c	Consider recommendations from Virginia DCR in the Virginia Outdoors Plan				
5	Hazard Mitigation				
a	Improve map information with LIDAR elevations and analysis of areas impacted by storm and high tide events/coastal flooding				
b	Coordinate with Virginia DEQ regarding shoreline management plans.				
6	Priorities of the Comprehensive Plan				
a	Transportation and Parking – VDOT update to Urban Area Plan, complete parking study				
b	Community Facilities and Services – Update the comprehensive plan as necessary to anticipate new community facilities for Capital Improvement Program				

c	Water Quality – Stormwater and Drainage Master Plan				
d	Architectural Design Guidelines				
e	Private Roads – Prepare an inventory and standards for maintenance and improvement of private roads to public streets.				
f	Maddox Boulevard – C-3 District zoning and subdivision site design standards: Consider overlay district along the ‘gateway corridor’ and new commercial business district				
7	Commissioner Priorities				
a	Proffer study and guidelines - research and prepare report with assistance from Town Attorney				
b	Downtown Revitalization – consider next phase areas for detailed planning and design				
c	Capital Improvement Program, review and plan for the Council’s 5 year budget priorities				
d	Parking Study – adequate parking for certain uses, percentage of permeable surface for large areas (research status of new energy code/building code for requirement), Church Street restrictions				
e	Route 175 zoning map revision showing revised Town/County boundary: Coordinate meeting between Accomack County and Town of Chincoteague officials to amend the Town/County boundary based on the new alignment of Route 175 and amend the official maps accordingly				
f	Review and propose implementation strategies for accessory rental homes on larger lots for affordable housing				
8	Other Priorities				
a	USFWS Comprehensive Conservation Plan/EIS				
b	NPS General Management Plan				
c	Accomack County/NASA Joint Land Use Study				Section 6.9 of the zoning ordinance may need to be modified to reference a 4 mile 'stand-off zone' for wind energy systems from the north end of Wallops Island proposed in the draft JLUS document
d	NASA Wallops Flight Facility PEIS/SCSC Rail Gun				

e	Development Review Process - develop informational brochure/checklist for plan and permit review of development activity				
9					
10					
11					
12					



_____ (Date)

TO WHOM IT MAY CONCERN

RE: **Flood Hazard Information**

_____ (Property Owner)

_____ (Address)

Chincoteague Island, Virginia 23336

The property located at _____, also known as tax parcel _____ has been located on the Town's Flood Insurance Rate Map (FIRM). The following information is provided:

Community ID or NFIP number	510002
The property is located on panel number	51001C0_____
Effective date of the FIRM	May 18, 2015
The property is located in Flood Zone:	_____

The main building on the property:

_____ **IS** located in a Special Flood Hazard Area. The base flood elevation at the property is _____ (NAVD88 datum). Federal law requires that a flood zone determination be done as a condition of a federally backed grant or loan to determine if the structure is in a SFHA and if so, to require flood insurance. This letter is to be considered a flood zone determination. It is up to the lender to determine whether flood insurance is required for a property.

_____ **IS NOT** located in a Special Flood Hazard Area. However, the property may still be subject to local drainage problems or other unmapped flood hazard. Flood insurance from the National Flood Insurance Program (NFIP) is available at non-floodplain rates. A flood insurance policy can still be required by a lender.

_____ A decision about the building's exact location cannot be made on the FIRM. A copy of the FIRM is attached for your information along with other map information available at <http://accomack.mapsdirect.net> and/or <http://maps.riskmap3.com/VA/AccomackCo/> .

Flood Insurance from the NFIP is available for any property in the Town of Chincoteague and is qualified for discount under the CRS program. More information on flood insurance is available at www.floodsmart.gov . This office has copies of FEMA Elevation Certificates for buildings constructed in the SFHA since 1989. Questions about this letter or about the Town's floodplain management program are welcome at this office by calling 757-336-6519.

Sincerely,

Kenny L. Lewis
Zoning Administrator

Note: This information is based on the Flood Insurance Rate Map for the Town of Chincoteague (CID #510002). This letter does not imply that the referenced property will or will not be free from flooding or damage. A property not in a SFHA may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map.