

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

November 8, 2016 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES

- | | |
|---|----------|
| 1. Approval of the October 11, 2016 Regular Meeting Minutes. | 2 of 35 |
| 2. Discussion of Historic Districts and Update on Contact with VDHR | 8 of 35 |
| 3. Discussion of Current Stormwater Regulations | 12 of 35 |
| 4. Zoning Code Amendment | 17 of 35 |
| 5. Discussion of Maddox Campground Conditional Use Permit Application | 19 of 35 |
| 6. Review Planning Commission Work Plan | 31 of 35 |
| 7. Commission Members Announcements or Comments | |

ADJOURN

Next Regular Meeting: January 10, 2017

MINUTES OF THE PLANNING COMMISSION MEETING

TOWN OF CHINCOTEAGUE, VIRGINIA

October 11, 2016 - 7:00 P.M. – Council Chambers - Town Hall

Commission Members Present:

Ray Rosenberger, Chairman
Ben Ellis, Town Council
Jeff Potts
Michael Dendler
Steve Katsetos
Spiro Papadopoulos

Additional Staff Present:

Robert Ritter, Town Manager
Ronald Marney, Planning Director

Call to Order

Chairman Rosenberger called the meeting to order at 7:00 p.m.

Invocation

Councilman Ellis offered the invocation.

Pledge of Allegiance

Chairman Rosenberger led in the Pledge of Allegiance.

Public Participation

Chairman Rosenberger opened the floor for public participation.

Mrs. Gagneux first thanked the Planning Commission for its review of public participation in the development process. She then asked about the format of meetings within the proposal (when/where). Mr. Marney reviewed the options for the current proposal. Both Mr. Marney & Chairman Rosenberger stated that nothing was decided however since the item in question is up for discussion this evening.

Mrs. Moore stated that she was interested in the trees impacted by the Maddox Campground water park. She added that per the plan shown by Burbage at the September 29, 2016 meeting called for the removal of 12 trees but that she observed 32 marked for removal on site.

Chairman Rosenberger closed public comments.

Agenda Review/Disclosures

Commissioner Katsetos motioned to approve the agenda as is which was seconded by Commissioner Papadopoulos and approved.

1. Approval of the August 9, 2016 Regular Meeting Minutes

Commissioner Potts noted that he is marked present when he was in fact absent from the September 13, 2016 meeting. Commissioner Katsetos made a motion to approve the minutes as amended which was seconded Commissioner Potts and unanimously approved.

2. Discussion for Alteration to Zoning Ordinance, Tattoo Parlor/Body Piercing Salon

Chairman Rosenberger opened the discussion reviewing the issue. Mr. Marney then outline the history of the ordinance from its proposal through the previous meeting. He reviewed his correspondence with the Town attorney and the Virginia Municipal League and their recommendation that the current Code be amended. The contents of the potential amendment both to the Zoning Ordinance and Town Code. Chairman Rosenberger added that the issue was originally broached by the Ordinance Committee. Mr. Marney & Mr. Ritter stated that the amendment to section 18.2 of the Town Code was set to go to the Ordinance Committee on October 13, 2016.

Commissioner Katsetos inquired if this would be allowed by Condition Use Permit only. Mr. Marney stated that it would be as currently written and added that the 18.2 amendment states that it would be a commercial application only relegating it to commercial districts. Mr. Katsetos then asked if it could be set to a specific district (ex. C-1). Mr. Marney stated that once it is specified in a district it must either be by special use permit or permitted by right and that Conditional Use Permits are for all non-designated uses within a district.

Commissioner Potts stated that he has no opinion on tattoo parlors specifically but that the nature C-2 Old Town Commercial would generate strong opposition to the placement of this use. He added that he had no objection to allowing it in the other three (3) commercial districts.

Commissioner Katsetos inquired into the addition of language to prevent tattoo parlors within set distances of schools, churches, etc. Mr. Marney stated it could be done but if the Conditional Use Permit was required it would be a moot point since you could make that determination at any time. Commissioner Katsetos then asked for clarification as to if the proximity to these other uses would be adequate for rejection of an application. Mr. Marney stated that it is since the protection of general public safety and welfare is the primary role of the permit.

Councilman Ellis reviewed the topic of why the change was necessary. He stated that it wasn't due to changes in State Code but due to Case Law. He then covered what was in the 18.2 amendment comparing it to the State Code. Councilman Ellis Mr. Marney who was responsible for the inspections / compliance. Mr. Marney reviewed the amendment stating that both the Town and County Health Department would have the ability to inspect per the ordinance and referenced State Code. Councilman Ellis then asked for clarification as to who in the Town staff would be responsible. Mr. Marney stated that per the current amendment it would be the authorized personnel appointed by the Mayor & Council but that it would most likely fall to the Zoning Administrator since he currently handles Code Enforcement for the island.

Commissioner Papadopoulos asked since this is caused by case law not State law why it was being changed. Councilman Ellis & Chairman Rosenberger stated if the Town was sued with the current Code in place they would lose thus the necessity of the change. Mr. Marney added that he had clarified with the Town Attorney that the current proposed amendment was adequate and that it was indeed confirmed to hold up.

Commissioner Papadopoulos motioned not to forward the tattoo parlor change to the ordinance committee this was seconded by Commissioner Katsetos and passed.

Mr. Ritter reminded the commission that the amendment was twofold and inquired if now that the 18.2 amendment was forwarded to the Ordinance Committee if the commission would address the Zoning Ordinance amendment. Chairman Rosenberger stated that they would wait for the Ordinance Committee to forward the issue to Town Council and after the 18.2 amendment was approved by Town Council the Planning Commission would review and forward Zoning Ordinance amendments.

3. Discussion of Amendment to Provide Development Review Process for Commercial Development

Mr. Marney reviewed the material outlining the two proposed alternatives. He stated that this is not an approval or denial process as seen with a conditional use permit but a means for defining our existing review process while providing for public participation which doesn't currently exist in the Code. Mr. Marney stated that Option 1 mimics the requirements set forth in the Conditional Use Permit process and that it has a public hearing held by the Commission after the submittal. The second option keeps the current procedure / requirements which mimic the major subdivision review process and that a Community Input Meeting would be required to be held prior to submittal. Mr. Marney stated that he recommended option 2 since it required the meeting prior to submittal thus having the input at the start of the process. He added that this was the least intrusive amendment since the review process was virtually unchanged. Mr. Marney also clarified the subdivision definition revision found in both amendments.

Commissioner Potts stated that he recently went through the review process with Mr. Lewis to split one lot into two and he found it to be a quick and easy process. He added that it didn't lengthen the process. Commissioner Potts then inquired if this was strictly commercial or if it impacted residential. Mr. Marney stated that other than the definition change none of the material applies to residential development.

Commissioner Katsetos inquired into when this would apply. Mr. Marney stated it was intended to be applicable not to minor changes / expansions of an existing use but to new development and changes of use. Commissioner Katsetos stated he had mixed feeling about the amendment since he felt that if permitted by right that you should be able to do what you want. Mr. Marney clarified that he still would and that nothing in these amendments would or could stop that.

Commissioner Dendler and Councilman Ellis raised concerns over how option 2 has the developer hosting and turning in the minutes. Mr. Marney stated we could easily amend it to require the submission of audio thus insuring that the material submitted was free of bias.

Chairman Rosenberger stated that the issue originated from the new hotel and it's placement of sewage treatment within 50 feet of the front door of townhomes.

Councilman Ellis asked about the responsibility of the public input between the two options. Mr. Marney reviewed the two options outlining differences. Councilman Ellis then inquired into the advantage of relinquishing this authority over the meeting as seen in option 2. Mr. Marney didn't feel it was a loss but that it reduced cost and provided more flexibility in the dates. He then suggested that if this was an issue that item 1B on page 22 could be adjusted making the input

meetings held at regularly scheduled planning commission meetings. Councilman Ellis then asked if that since the commission is intended to act in an advisory capacity how they could do this when the input meetings were beyond their control. Mr. Marney stated that this covers basic submittals which are permitted by right since those not permitted by right would be subject to either a conditional use or special use permit and thus reviewed by the commission or BZA anyway. With that in mind the uses permitted by right would not be within the purview of the commission and thus no review, comment or advice, necessary. The options presented were not intended to add extra steps of review but to better define what already occurs. Mr. Marney added that if the community input meeting as written was not desired that as he stated before it would be a minor substitution to have it done at planning commission meetings in option2 instead.

Commissioner Papadapolous stated that since the commission played no part in the forwarding of a plan or its review that who held the meeting was a moot point.

Commissioner Potts then compared the issue at hand to the meeting held on September 29th for the developer presentation for the Maddox campground water park.

Mr. Marney inquired if the amendment to item 1B on page 22 which sets the time table and location requirements for option 2 were to be changed to being held at the regularly scheduled planning commission meeting would this be more preferable? Chairman Rosenberger also asked the commission if this would be more palatable. Commissioner Dendler stated that it would be more palatable since it would reduce the risk of bias and put ore control into the process.

Commissioner Papadopoulos reviewed the purpose of a public and stated that he saw no value in turning the community input over to the developer. He then stated he would go for option 1.

Commission Katsetos inquired into if after receiving comments the developer would then be required to make amendments to their plan. Mr. Marney stated that was not the case that they could only be held to the requirements of the Code. Chairman Rosenberger added that the only hope in this was that it would open dialogue.

Commission Papadopoulos motioned for Option 1 to be forwarded to the Town Council which was seconded by Commissioner Dendler and passed.

4. Update from the Wastewater Advisory Committee

Commissioner Papadopoulos led the discussion reviewing the efforts of the Wastewater Advisory Committee, the meeting held October 6th, and the proposal / contract reviewed and forwarded by the committee to the Planning Commission.

Chairman Rosenberger clarified that the proposal was for the obtaining of a permit since it was the most logical first step.

Councilman Potts discussed an email he received that state that discharge into the inlet was possible. He stated he finds this hard to believe. Commissioner Papadopoulos inquired into who sent the email and when but Commissioner Potts was unsure. Mr. Ritter added that the contract is time card based and that upon meeting with DEQ and if informed that no permit would be issued then the work and thus cost would stop. Mr. Marney added that this was the first step the firm stated they would take so that DEQ's position would be know early on. Commissioner

Papadopoulos expanded on this detailing the work involved clarifying that the meeting with DEQ would be supported with appropriate data and modeling.

Commissioner Katsetos stated that this was essential in light of the recent storms and flooding and that it would aid businesses and the Community.

Commissioner Papadopoulos reviewed a letter of support which Mr. Marney had received and handed out to the commission

Commissioner Katsetos made the motion which was seconded by Commissioner Potts and approved.

5. Discussion of BZA Appeal 16-10-1

Chairman Rosenberger opened the discussion stating that this was added to the agenda since the BZA often asks if the Planning Commission has comments on appeals. He then reviewed the application and the issue was discussed.

A similar variance which was previously passed for a temporary construction fence was discussed and compared to the current request.

Chairman Rosenberger stated that the primary reason for the application was due to the proximity / view of the cemetery.

Commissioner Potts reviewed complaints / issues with grass cutting and maintenance of cemeteries within the Town. Mr. Marney added that a Code amendment to address this was set for review by the Ordinance Committee at the October 13, 2016 meeting.

Commissioner Papadopoulos questioned if the same effect could be achieved through plantings as opposed to a solid fence.

Due to the appeal being the purview of the BZA no motion was necessary.

6. Review Planning Commission Work Plan

Chairman Rosenberger reviewed the work plan going over the various changes / updates that were done.

Chairman Rosenberger stated that he had previously requested that review of the commercial districts and resort commercial district be added to the work plan but that he did not ask if this was the desire of the commission. He then asked if the commission was in agreement with this to which they stated yes. Mr. Marney added that it was already added under 6g of the Work Plan. For informational purposes Chairman Rosenberger added that no Conditional Use Permit has been received by the Town at this time for the Maddox Campground water park.

7. Planning Commission Members Announcements or Comments

Commissioner Papadopoulos addressed the ongoing update to the Accomack County Comprehensive Plan. He stated that there is new demographic data available for the County which may be of value to the Town and that the Planning Commission should be aware of this.

Chairman Rosenberger stated that Mr. Marney may wish to review the SAGE Report for applicability to the Town.

Adjourn

Commissioner Potts motioned, which was seconded by Commissioner Katsetos, to adjourn the meeting. (Approximately 8:20PM)

Chairman

Attest:

Town Manager

DRAFT



MEMORANDUM

Town of Chincoteague, Inc.

Date: November 8, 2016
To: Planning Commission
From: Ronald Marney, Planning Director
Subject: Discussion of Historic Districts and Update on Contact with VDHR

After Town staff received comments expressing interest in the development of a Historic District a review of the topic was conducted and contact was made with the Virginia Department of Historic Resources (VDHR). The purpose of this memo is to provide an overview of the types of Historic Districts as found in the review and to provide an update on contact with VDHR.

The review of Historic Districts within Virginia found four (4) different types of districts which are permitted. These Historic District types are Locally Designated, National Historic Landmarks, National Register of Historic Places, and Virginia Landmarks Register. Locally Designated Historic Districts are designated by the locality. The National Park Service (NPS) manages the National Historic Landmarks and National Register of Historic Places programs; in Virginia, though VDHR is authorized to administer the National Register on behalf of NPS. VDHR also manages the Virginia Landmarks Register.

Each Historic District type has a different legal basis. Locally Designated Historic Districts are enabled by the Code of Virginia 15.2-2306. National Historic Landmarks are enabled by the Historic Sites Act of 1935 and the Code of Federal Regulation 36CFR65.5. The National Register of Historic Places is enabled by the National Historic Preservation Act of 1966 and the Code of Federal Regulation 36CFR60. The Virginia Landmarks Register is enabled by the Code of Virginia 10.1-2206.

All four (4) types of Historic District are intended to provide a way to encourage preservation of significant historic resources, but how they function and their regulatory authority are not identical. Attached is a comparison chart provided by VDHR which covers the basics of each or the Historic District types in a side by side comparison.

While conducting the review of Historic Districts I contacted VDHR requesting that one of their staff attend a meeting to answer question regarding Historic Districts, their implementation, and the general process for establishing them. The primary points of contact for the VDHR for the eastern region are Marc Wagner and Elizabeth Lipford. VDHR staff confirmed that they would come to the island to review materials and answer questions. Due to scheduling conflicts they were not able to attend the November 8th Planning Commission meeting. Mr. Marney is currently awaiting confirmation that they will be able to attend the next regularly scheduled meeting on January 10, 2017.

DRAFT

Comparison Chart of Four Types of Historic Districts in Virginia

	National Historic Landmark District	National Register Historic District	Virginia Landmarks Register Historic District	Locally Designated Historic District
Legal Authorization	Historic Sites Act of 1935; Code of Federal Regulations - 36 CFR 65.5	National Historic Preservation Act of 1966, as amended; Code of Federal Regulations - 36 CFR 60	§10.1-2206 of the Code of Virginia	§15.2-2306 of the <i>Code of Virginia</i> <u>and</u> local ordinance
Program Administrator	National Park Service (NPS)	National Park Service, in partnership with Virginia Department of Historic Resources (DHR)	Virginia Department of Historic Resources (DHR)	Local government
Application Process	Property owner(s) apply directly to NPS	Property owner(s) apply first to DHR, then NPS	Property owner(s) apply only to DHR	Property owner(s) apply only to local government
Process for Objecting to or Supporting District Designation	Yes – managed by NPS	Yes – managed by NPS in partnership with DHR	Yes – managed by DHR	Yes – managed by local government
Eligible for Preservation Incentives	Yes – Federal and State Historic Rehabilitation Tax Credits; State Historic Preservation Easements	Yes – Federal and State Historic Rehabilitation Tax Credits; State Historic Preservation Easements	Yes – Federal and State Historic Rehabilitation Tax Credits; State Historic Preservation Easements	Yes – incentives are authorized by the <u>local</u> government; may include signage, plaque programs, tax abatements, heritage tourism, enterprise zone designation, or other programs
Historic District can be Designated at More than One Level	Yes	Yes	Yes	Yes
Boundaries of Historic Districts Must Match at all Levels of Designation	No	No	No	No
Same Criteria are Used at All Levels of Designation	No	National Register and VLR Criteria often match, but are not required to do so	National Register and VLR Criteria often match, but are not required to do so	No
Designation of One Type of Historic District Automatically Leads to Other Designations	No	No	No	No
Requires Federal Government to Take into Account Impacts Caused by Federally Licensed, Permitted, or Funded Projects	Yes	Yes	Yes	No

Comparison Chart of Four Types of Historic Districts in Virginia

	National Historic Landmark District	National Register Historic District	Virginia Landmarks Register Historic District	Locally Designated Historic District
Provides Automatic Protection from Any or All Development, Demolition, or Other Threats	No	No	No	No
Automatically Results in Higher Taxes or Higher Property Values	No	No	No	No
Can Include Regulations on Private Property	No	No	No	Yes – typically through planning, zoning, and permitting processes. All regulations are created by the <u>local</u> government.
Can Restrict Private Property Owner’s Use of Property	No	No	No	Yes – by local government
Can Require Oversight of Private Property by an Architectural Review Board	No	No	No	Yes – typically to implement design guidelines and review proposed changes within the district. ARB duties are determined only by the <u>local</u> government.
Can Require a Property Owner to Maintain or Repair Property to a Certain Standard	No	No	No	Yes – typically through design guidelines and an architectural review board (ARB)
Places Regulatory Limits on a Private Property Owner’s Ability to Buy, Sell, or Lease Private Property	No	No	No	No
Places Regulatory Limits on a Private Property Owner’s Ability to Develop their Property	No	No	No	Property development is governed at the local level and typically includes planning, zoning, permitting, and inspection processes, <u>regardless</u> of whether the property is historic. A locally designated district also may be subject to review by an ARB, subject to local government ordinance.



MEMORANDUM
Town of Chincoteague, Inc.

Date: November 8, 2016
To: Planning Commission
From: Ronald Marney, Planning Director
Subject: Current Stormwater Regulations

Chincoteague as with a majority of coastal communities has issues with drainage. In light of recent storms the issue of drainage and stormwater management was brought up with Town Staff and the request made that the current Town & State regulations be discussed. The purpose of this memo is to provide the results of the review of current Code and to facilitate a discussion of the topic.

The Code review covered the Town Code looking for all existing stormwater regulations as well as a review of the State Code checking for the most up to date regulations / enabling legislation. The review of the Town Code found that no stormwater regulations are currently in place. At this time all stormwater management is handled by Soil & Sediment Control within Accomack County. While not directly related to stormwater management the Town does have an ordinance addressing maintenance of ditches within Town limits under the nuisances ordinance Sec. 22-62(a)(10). This ordinance has been provided for reference. Review of the Code of Virginia found that there is enabling legislation providing for localities to enact stormwater management programs. This can be found in the Code of Virginia 15.2-2114, which has been provided for reference. Your review and recommendations regarding the topic of stormwater on the island are requested.

Article III Nuisances

Sec. 22-62(a)(10)

- a. The filling or placing, or permitting the filling or placing, or allowing to remain and/or the maintaining of, any material or substance, whether manmade or natural, in any creek, basin, canal, ditch, or any other drainage way, whether on public property or private property, which in anyway impedes, obstructs, blocks, adversely alters, or otherwise detrimentally affects the volume or flow of water through such creek, basin, canal, ditch, or other drainage way.

As to any such creek, basin, canal, ditch, or other drainage way on private property, this provision shall only apply to those creeks, basins, canals, ditches, or other drainage ways which, when connected to other such creeks, basins, canals, ditches or other drainage ways constitute the system, or a part thereof, that drains public lands or improvements within the town, or otherwise assists in the removal of stagnant water from such private property whereon such creek, basin, canal, ditch, or other drainage way is situated. Prior to performing any work, such private owner shall seek a determination by the director of public works as to whether such creek, basin, canal, ditch, or other drainage way is subject to or exempt from this provision. (Ord. of 5-6-2002)

- b. Notwithstanding the provisions hereinabove any private land owner, if otherwise in compliance with all other provisions of law, may place piping and suitable fill in any such canal, ditch, or other drainage way situated on such owner's private property, expressly provided such is installed in accordance with a plan approved by the town director of public works, which plan shall specify such pipe size and type, the fill material, and all other specifics required by the director of public works to ensure that the existing volume or flow of water is not adversely affected, or adversely affects the drainage of any adjacent properties. The director of public works shall issue a permit for the work and such work shall be completed in strict accordance therewith. Such work shall be inspected by the director of public works upon its completion. The fee for any such permit shall be as specified by the town council from time to time. (Ord. of 5-6-2002)
- c. Whenever any such material or substances is caused to be deposited into any such creek, basin, canal, ditch, or other drainage way on private property by Acts of God, or other natural causes, such material or substance may be removed by the town at no cost to the landowner. (Ord. of 5-6-2002)

§ 15.2-2114. Regulation of stormwater

A. Any locality, by ordinance, may establish a utility or enact a system of service charges to support a local stormwater management program consistent with Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 or any other state or federal regulation governing stormwater management. Income derived from a utility or system of charges shall be dedicated special revenue, may not exceed the actual costs incurred by a locality operating under the provisions of this section, and may be used only to pay or recover costs for the following:

1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;
2. The cost of administration of such programs;
3. Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;
4. Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;
5. Monitoring of stormwater control devices and ambient water quality monitoring;
6. Contracts related to stormwater management, including contracts for the financing, construction, operation, or maintenance of stormwater management facilities, regardless of whether such facilities are located on public or private property and, in the case of private property locations, whether the contract is entered into pursuant to a stormwater management private property program under subsection J or otherwise; and
7. Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

B. The charges may be assessed to property owners or occupants, including condominium unit owners or tenants (when the tenant is the party to whom the water and sewer service is billed), and shall be based upon an analysis that demonstrates the rational relationship between the amount charged and the services provided. Prior to adopting such a system, a public hearing shall be held after giving notice as required by charter or by publishing a descriptive notice once a week for two successive weeks prior to adoption in a newspaper with a general circulation in the locality. The second publication shall not be sooner than one calendar week after the first publication. However, prior to adoption of any ordinance pursuant to this section related to the enlargement, improvement, or maintenance of privately owned dams, a locality shall comply with the notice provisions of § 15.2-1427 and hold a public hearing.

C. A locality adopting such a system shall provide for full waivers of charges to the following:

1. A federal, state, or local government, or public entity, that holds a permit to discharge

stormwater from a municipal separate storm sewer system, except that the waiver of charges shall apply only to property covered by any such permit; and

2. Public roads and street rights-of-way that are owned and maintained by state or local agencies, including property rights-of-way acquired through the acquisitions process.

D. A locality adopting such a system shall provide for full or partial waivers of charges to any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings. The locality shall base the amount of the waiver in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility. No locality shall provide a waiver to any person who does not obtain a stormwater permit from the Department of Environmental Quality when such permit is required by statute or regulation.

E. A locality adopting such a system may provide for full or partial waivers of charges to cemeteries, property owned or operated by the locality administering the program, and public or private entities that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.

F. Any locality may issue general obligation bonds or revenue bonds in order to finance the cost of infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system. The procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ 15.2-2600 et seq.).

G. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the locality until such time as the overdue payment and interest are paid. Charges and interest may be recovered by the locality by action at law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. The locality may combine the billings for stormwater charges with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which payments will be applied to the different charges. No locality shall combine its billings with those of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2, unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

H. Any two or more localities may enter into cooperative agreements concerning the management of stormwater.

I. For purposes of implementing waivers pursuant to subdivision C 1, for property where two adjoining localities subject to a revenue sharing agreement each hold municipal separate storm sewer permits, the waiver shall also apply to the property of each locality and of its school board that is accounted for in that locality's municipal separate storm sewer program plan, regardless of whether such property is located within the adjoining locality.

J. Any locality that establishes a system of charges pursuant to this section may establish a

public-private partnership program, to be known as a stormwater management private property program, in order to promote cost-effectiveness in reducing excessive stormwater flow or pollutant loadings or in making other stormwater improvements authorized pursuant to this section. A locality that opts to establish a stormwater management private property program pursuant to this subsection shall:

1. Promote awareness of the location, quantity, and timing of reductions or other improvements that it determines appropriate under this program;
2. Seek the voluntary participation of property owners;
3. Accept the participation of property owners on both an individual and a group basis by which multiple owners may collaborate on improvements and allocate among the multiple owners any payments made by the locality;
4. Enter into contracts at its discretion to secure improvements on terms and conditions that the locality deems appropriate, including by making payments to property owners in excess of the value of any applicable waivers pursuant to subsections D and E; and
5. Require appropriate operation and maintenance of the contracted improvements.

K. Any locality that establishes a stormwater management private property program pursuant to subsection J may procure reductions and improvements in accordance with the Public-Private Education Facilities and Infrastructure Act (§ 56-575.1 et seq.) or other means, as appropriate. Subsection J shall not be interpreted to limit the authority of a locality to secure reductions of excessive stormwater flow or pollutant loadings or other stormwater improvements by other means.

1991, c. 703, § 15.1-292.4; 1994, cc. 284, 805; 1997, cc. 331, 587; 1998, c. 182; 2003, c. 390; 2004, c. 507; 2005, c. 313; 2006, c. 11; 2009, c. 703; 2011, c. 452; 2013, cc. 756, 793; 2015, c. 683; 2016, c. 587.



MEMORANDUM

Town of Chincoteague, Inc.

Date: November 8, 2016
To: Planning Commission
From: Ronald Marney, Planning Director
Subject: Zoning Code Amendment

During the review of the existing Zoning Ordinance a need to address Sec. 2.24 Building Height and the Height Regulations found in the Zoning Districts was identified. The wording in the Sec. 2.24 definition doesn't clearly indicate how to determine height for all structures. The wording found focuses on roofs. The height regulations address structures and permitted heights but lack clarity. The purpose of the memo is to propose a modification of the Zoning Code to correct / clarify these issues. The existing Code with alterations is included with this memo. Your review and recommendations regarding the modification of this ordinance are requested.

ARTICLE II. DEFINITIONS

Sec2.24 Building & Structure 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, **or for a structure not required to be built to flood elevation such height shall be measured from the lowest undisturbed natural grade**, whichever is greater, to the highest point of the: *of the structure; or surface of a flat or sloping roof; or average height between eaves and ridge line of a gable, hip, or gambrel; or deck line of a mansard roof.*

(Ord. of 2-5-2001)(**Amended 5/4/15 xx/xx/16**)

ARTICLES 111, IV, & V

(This Code is the same in all Zoning Districts.)

Height Regulations.

- 1) Buildings **and other structures** may be erected up to 36 feet in height in accordance with Sec. 2.24 (definition of building **& structure** height). No Structure shall exceed three (3) 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 height restriction still applies.
(Ord. of 2-5-01)
- 2) No accessory building **or structure** shall be more than 25 feet in height.
- 3) Roof area extending above the maximum three (3) 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 (6) feet above the height of the main buildings upon which the 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.
(Amended 5/4/15 xx/xx/16)



MEMORANDUM
Town of Chincoteague, Inc.

Date: November 8, 2016
To: Planning Commission
From: Kenny Lewis, Zoning Administrator
Through: Ronald Marney, Planning Director
Subject: Maddox Campground Conditional Use Permit Application

On October 27, 2016 the Town of Chincoteague received an application for a Conditional Use Permit (CUP) for the construction of a waterpark on the Maddox Campground property. The total property area is 97.222+/- acres with a site area for the waterpark of 5.20 acres. The waterpark consists of a series of pools and waterslides and associated structures. The full content of the waterpark can be viewed on the site plan. The submittal was reviewed by the Zoning Administrator and has been approved to move forward with the CUP process. The purpose of this memo is to forward the CUP application for review and comment by the Planning Commission and to have a date for the public hearing set. Attached to this memo are the submittal documents and letter from the Zoning Administrator. Your review and comments on the CUP application are requested.



TOWN OF CHINCOTEAGUE, INC.

November 2, 2016

Custis, Dix, Lewis & Custis, L.L.P.
John P. Custis, Esq.
P.O. Box 577
Accomac VA 23301

RE: Oceanside Resort, LLC

Dear Mr. Custis,

I have completed my preliminary review of the proposed waterpark and structures to be built on the property know as Maddox Family Campground.

The following requested information needs to be submitted and/or responded to:

1. Complete construction documents and specifications for the body slides, splash pools, kiddie pool, lazy river, adult pool and slide towers must be submitted.
2. Construction documents for the proposed cabins along with Health Department approval must be submitted.
3. Required approvals from the Accomack Co. Wetlands Board, Accomack Co. Soil and Sediment Control and the Corps of Engineers for the proposed land disturbance for the waterpark, the proposed beach area and the location of the cabins.
4. Construction documents for the Tiki bar near the proposed beach.
5. Need the proposed occupant load for the waterpark.
6. Health Department approval for the proposed structures located at the waterpark.
7. Need the number of employees per shift that will be working at the waterpark.
8. Complete set of plans for the proposed pavilion.
9. The Tiki bars, cabins, retail store, bath houses and pump house must be placed 2' above base flood elevation. Need preliminary flood elevation certificates.
10. Building permit applications must be submitted for waterpark and other structures.
11. Identify the method of disposal of the water from the amusement devices.
12. The height limit for the devices is 36' or as identified in section 2.24 of the Town's zoning ordinance. The Mayor and Town Council will have to specifically approve the requested 45.6' height of the body slides. The Mayor and Council may require you to apply for a variance to the Board of Zoning Appeals for a variance of the height requirements.
13. Contact Mark Bowden, Building Official of Accomack County to see if his amusement device inspector needs a complete set of plans for the waterpark rides.

I am forwarding your Conditional Use Permit application to the Planning Commission on November 8, 2016. At that meeting the Commission will make a determination when to hold the public hearing on this matter.

If you have any questions regarding this matter, please give me a call.

Sincerely,

A handwritten signature in blue ink that reads "Kenny L. Lewis". The signature is written in a cursive style with a large initial 'K'.

Kenny. L. Lewis
Building and Zoning
Administrator

Cc: Planning Commission
Mayor & Town Council

CUSTIS, DIX, LEWIS & CUSTIS, L.L.P.

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JOHN P. CUSTIS

TELEPHONE
757-787-2770
TELECOPIER
757-787-2352

October 27, 2016

Mr. Kenny L. Lewis
Building & Zoning Administrator
Town of Chincoteague, Inc.
6150 Community Drive
Chincoteague Island, Virginia 23336

**RE: Application for a Zoning Permit
Application for a Conditional Use Permit
Oceanside Resort, LLC, Tax Map #31-A-47
Use of Campground Amenity (Waterpark) as a Public Waterpark (Primary Use)**

Mr. Lewis:

As you know, this law firm and the undersigned represent Oceanside Resort, LLC, a Virginia limited liability company, with respect to the Maddox Family Campground. Please accept this letter as our formal application of the attached submissions for a Zoning Permit for the use of a portion of the Maddox Family Campground as a public waterpark. This letter shall serve as the application for a zoning permit to operate such public waterpark as an additional main use of the property (in addition to the campground).

As we have discussed, this use is not a permitted use in the C-4 Zoning District, therefore I have also attached an application for a Conditional Use Permit for the waterpark. I, on behalf of my client, do hereby respectfully request that the Town grant a Conditional Use Permit to my client to permit it to open a waterpark amenity to the public for community use.

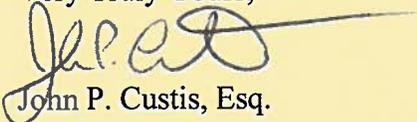
Attached hereto are the following for your review:

- A Set of the Proposed Island Water Park Building Plans
- A Boundary Line Survey of the Campground
- A Site Plan, including Landscape Architecture and Feasibility features
- A Sanitary Sewer Collection and Onsite Disposal Plan
- A Storm Water Management and Erosion and Sediment Control Plan
- An application for a conditional use permit
- A check in the amount of One Thousand Five Hundred and 00/00 Dollars (\$1,500.00) as the filing fee for the Conditional Use Permit

We respectfully request your review of the attached plans to permit this application to be approved. We also respectfully request that the attached conditional use application be placed on the agenda for the next available Planning Commission Meeting. We respectfully request, at such time, that the Town Council and the Planning Commission hold a joint public hearing on the application.

I, along with my client, are ready, willing and able to meet with the Town to discuss any aspects of the proposed public use. Many thanks for your consideration of this application and I look forward to hearing from you shortly. We sincerely appreciate your time and attention to this important matter.

Very Truly Yours,



John P. Custis, Esq.

Enclosures



CHINCOTEAGUE, VIRGINIA

APPLICATION TO THE MAYOR & TOWN COUNCIL FOR A CONDITIONAL USE PERMIT

CASE NUMBER: _____

FEE: \$ 1500.00

I, John P. Custis, Esq _____,

AGENT FOR Oceanside Resort, LLC, A Virginia LLC WOULD LIKE TO FILE AN
APPLICATION FOR A CONDITIONAL USE PERMIT WITH THE MAYOR & TOWN COUNCIL
BASED UPON THE NOTED TOWN CODE:

Article IX, Town of Chincoteague Zoning Ordinance (AS AMENDED)

REQUEST FOR A CONDITIONAL USE PERMIT.

MAYOR & TOWN COUNCIL USE ONLY:

MEETING DATE: _____

APPEAL ACTION:

() APPROVED

() DENIED

() CONDITIONAL: _____

TOWN MANAGER

DATE: _____

(1.) RULES AND REGULATIONS TO FILE FOR APPEAL:

- (A). APPLICANTS OR THEIR AGENTS SHALL NOT CONTACT ANY COUNCIL MEMBER TO DISCUSS THE CASE PRIOR TO THE SCHEDULED PUBLIC HEARING OF THEIR APPEAL.
- (B). FAILURE OF APPLICANT OR AGENT TO APPEAR BEFORE THE COUNCIL MAY BE REASON FOR DENIAL.
- (C). APPLICANT SHALL SUBMIT A PLOT PLAN, TO SCALE, OF THE SAID PROPERTY IDENTIFYING THE FOLLOWING:
1. ALL EXISTING STRUCTURES LOCATED ON SAID PROPERTY.
 2. PROPOSED NEW STRUCTURES.
 3. SETBACKS FROM FRONT, SIDES AND REAR PROPERTY LINES.
 4. LOCATION OF EXISTING SEPTIC, DRAIN FIELDS OR CESSPOOLS.
 5. LOCATION OF EASEMENTS, RIGHT-OF-WAYS AND PUBLIC ROADS THAT ADJOIN OR ENTER SAID PROPERTY.
- (D). THE CHINCOTEAGUE TOWN COUNCIL, INCLUDING THE MAYOR HAS SEVEN (7) MEMBERS, TO OBTAIN APPROVAL FOR A CONDITIONAL USE PERMIT, A MAJORITY OF MEMBERS PRESENT MUST VOTE IN YOUR FAVOR.

(2.) NOTIFICATION OF PROPERTY OWNERS:

ALL APPLICATIONS SHALL BE ACCOMPANIED BY WRITTEN COMMENTS FROM OWNERS OF REAL ESTATE AS FOLLOWS:

(A). CONDITIONAL USE PERMITS:

APPLICANTS SHALL SUBMIT WRITTEN COMMENTS FROM OWNERS OF REAL ESTATE WITHIN 500 FEET OF THE BOUNDARY LINES OF THE PROPERTY UPON WHICH ACTION IS TO BE TAKEN. IF MORE THAN 15 PROPERTY OWNERS WITHIN 500 FEET THEN ONLY THE ADJOINING PROPERTY OWNERS ARE REQUIRED TO BE NOTIFIED.

(B). WRITTEN NOTIFICATION OF APPEAL:

PROPERTY OWNERS NOT AVAILABLE FOR WRITTEN COMMENT SHALL BE NOTIFIED OF THE PROPOSED REQUEST BY CERTIFIED OR REGISTERED MAIL.

A COPY OF THE REGISTERED MAIL AND THE REGISTERED RECEIPT MUST BE SUBMITTED AT THE TIME OF FILING THE APPLICATION.

RETURN RECEIPT OF THE REGISTERED MAIL MUST BE GIVEN TO THE ZONING ADMINISTRATOR A MINIMUM OF 5 DAYS PRIOR TO THE MEETING DATE.

PLEASE PRINT

THE PROPERTY IN WHICH THIS APPEAL IS SUBMITTED IS LOCATED AT (911 ADDRESS)

6742 Maddox Blvd., Chincoteague, VA 23336, TAX MAP # 31-A-47

THIS PROPERTY IS OWNED BY:

NAME: Oceanside Resort, LLC

ADDRESS: 9428 Stephen Decatur Highway

CITY, STATE, ZIP: Berlin, MD 21811

PHONE: 410-213-1900 WORK PHONE: Same

HAS ANY PREVIOUS APPLICATION FOR A VARIANCE OR AN APPEAL TO THE BOARD OF ZONING APPEALS FOR A SPECIAL USE PERMIT BEEN FILED IN CONNECTION WITH THESE PREMISES?

() NO

(X) YES, EXPLAIN; Same application was withdrawn prior to hearings

IS THIS APPLICATION FOR A CONDITIONAL USE PERMIT FILED DUE TO A ZONING VIOLATION IDENTIFIED BY THE ZONING ADMINISTRATOR?

(X) NO

() YES, IF THE VIOLATION HAS NOT BEEN CORRECTED,

EXPLAIN WHY: _____

ARTICLE AND SECTION # THAT APPLIES TO YOUR CONDITIONAL USE PERMIT APPLICATION:

(1.) ARTICLE: IV + IX

SECTION: 4.11.4 (requiring procedure set out in Article IX)

REQUIRES: Conditional Use Permit

REASON FOR YOUR APPLICATION: To construct + operate a public waterpark as part of Maddox Family Campground

**Conditional Use Permit Application
Oceanside Resort, LLC**

Owner: Oceanside Resort, LLC, A Virginia limited liability company
Property Address: 6742 Maddox Blvd, Chincoteague, Virginia
Zoning: C-4, Resort Commercial
Proposed Use: Waterpark open to the Public

I. Introduction

This application for a conditional use permit is being submitted by Oceanside Resort, LLC, a Virginia limited liability company, for the operation of a waterpark to be open to the public on a portion of the property currently being utilized as the Maddox Family Campground. The application is seeking the conditional use permit under Section 4.11.4 of the Chincoteague Zoning Ordinance, and pursuant to the requirements of Article IX of the same Ordinance.

Oceanside Resort, LLC recently purchased the Maddox Family Campground from the Maddox family in April of this year. The Owner intends to continue the tradition of operating a first class campground at this location, just as the Maddox Family has accomplished for decades. The Owner plans on upgrading the campground facility in the near future, and as part of that process, the Owner will be constructing an onsite waterpark as an amenity for its campers. The Owner is applying for the conditional use permit to open the waterpark to the public so that the local community too may use the amenity rather than keeping it as an exclusive use for campers only. The conditional use permit is required for the public's use of the waterpark.

Waterparks (including pools, splash parks, waterslides and the like) are a common amenity in campgrounds throughout the country. In Virginia alone, one can find a number of campgrounds that have waterparks or waterpark-like amenities for their campers (i.e. Bethpage Camp-Resort in Urbanna, Virginia, and Lake Ridge RV Resort in Hillsville, Virginia, to name two). As the industry grows, individual campgrounds are required to meet the changing demands of their customers. More and more amenities are required to keep visitors coming back. Oceanside Resort, LLC will be building the waterpark as an amenity to its campground, but in the interest of not being exclusive and opening its doors to the local community, the Owner is respectfully requesting that the Town grant it a conditional use permit so that the local community too can share in the fun of the waterpark.

II. Impacts On Community

As previously stated, the waterpark will be constructed on the Property as an additional amenity. From an economic standpoint, the Owner anticipates the waterpark to create up to an additional fifty (50) jobs, seasonal in nature, which will add to the economic base of the Town. The waterpark will increase the real estate value of the Property for assessment purposes as well, thereby directly increasing both the Town's and County's revenue stream through increased real estate taxes. Finally, it is common for such waterparks to be made available for local non-profit groups to hold fundraisers and benefit the community in general. The Owner is fully committed to partnering with local non-profits for such events.

With respect to the actual park, the amenity was planned to have absolutely no impact on any wetlands whatsoever, as is shown on the attached sketch. The waterpark was strategically placed on the Property to avoid wetlands all together. **The Owner is in the process of working with the US Army Corps of Engineers to determine the wetlands line and, should such line be different than that shown on the sketch, the Owner will ensure that the plans will be changed so that there is absolutely no impact on the wetlands.** In addition, both wastewater and storm water plans have been developed to mitigate any impact of the new amenity as well. All utilities and access are already available onsite, so no further facilities or utilities will need to be provided for the amenity. Further, the Owner acknowledges the extreme importance of vegetation on the Island as a stabilizing force in maintaining the integrity of the land mass that is the Island. The Owner, as is shown on the submitted plan, intends to maintain and/or plant vegetation to maintain and to further the goal of stabilizing the Property. In fact, the Owner, even though only owning the Property for a few weeks as of the submission of this application, has spent significant resources in surveying every tree on the entire Property to ensure that the stabilization of the Property is maintained in the future.

Any negative impact from the proposed public waterpark will be minimal for surrounding neighbors. The planned hours of operation are from 10 AM to 6 PM seasonally (which shall be for a season consisting of Memorial Day to Labor Day, and be open less than 90 total days per year), consequently there will be no adverse lighting impact at night, as the waterpark would be shut down prior to dusk. Statistics for other campgrounds with waterparks open to the public show that between seventy and ninety percent (70-90%) of the users are campers at the site. The Owner is planning for the same for this project. Due to the low percentage of users from the public, any traffic from additional guests will be relatively small at best and is expected to be from local community traffic already present on the Island. That being said, the Owner has committed to adding an additional ingress lane that will mitigate any traffic congestion entering the Property, although any traffic congestion is not anticipated to be significant due to the use of the amenity primarily by already existing campers on-site. There are currently planned approximately 155 parking spots for the waterpark.

Overall, the positive impact of the amenity to the Maddox Family Campground will assist in maintaining a healthy occupancy rate at the Campground, and opening the amenity to the public will do nothing but help the local economy directly through an increased tax base and increased economic activity and indirectly through supporting the local community.

III. Zoning/Comprehensive Plan

The current zoning for the property is C-4, Resort Commercial. As stated in the Zoning Ordinance, the primary purpose of this zoning designation is “to encourage the continuation of seasonally and permanently occupied homes, campground facilities, and resort commercial uses.” See *Chincoteague Zoning Ordinance, Article 4, Section D*. The purpose of this zoning district is to support and further the Town’s desire to be a visitor destination, ultimately supporting the local economy. *Id.* A campground is a permitted use in the C-4 zoning district, therefore adding amenities such as a lazy river and water slides are permitted as amenities for the campground. It is the Owner’s desire to open such amenities to the public that requires a conditional use permit

under Section 4.11.4 of the Zoning Ordinance. The public's use of the waterpark as proposed will not change or alter the character or development of this property or neighborhood because the waterpark is a resort commercial use that will enhance the Maddox Family Campground, and will support the Town's desire to be a visitor destination. The proposed public waterpark is a permitted use under the zoning district's provisions with a conditional use permit. The public's use of the waterpark amenity will not change the character of the district as it is complementary to its stated primary purpose and intent of resort commercial uses and will be in conformance with all other provisions of the C-4 Zoning District, with the exception of the water slides. The waterslides are currently planned to be 35 feet tall at the platform (in compliance with the zoning ordinance), but the Owner is seeking approval to add safety features such as rails and sunshades that will increase the height by approximately eight (8) feet. Approval for this increase in height is part of the request to the Town in this application.

The Comprehensive Plan for the Town of Chincoteague creates the long range recommendations for general development of the Town. The proposed waterpark amenity to the Maddox Family Campground is in compliance with the current Chincoteague Comprehensive Plan because resort commercial uses are encouraged in this District. The current Plan acknowledges and encourages the continuation of campgrounds on the Island to support the overall economic base of the Island as a tourist destination. Such campgrounds, including Maddox Family Campground, are part of the overall economic drivers of the Town's economy. Specifically, the Comprehensive Plan recognizes the commercial corridor in which the Maddox Family Campground lies as critical to the role of continuing the Town's goal of being such a tourist destination. For decades, the Maddox Family Campground promotes and supports tourism, which is Chincoteague's primary economic engine. The proposed use of a portion of the Property as a public water park furthers this purpose by improving the amenities of the Campground as a tourist destination, maintaining and improving occupancy at the campground, and increasing the Town's economic base through increased economic activity, both on the campground and for local merchants.

IV. Conclusion

Oceanside Resort, LLC respectfully requests the Town to grant it a conditional use permit to make public the waterpark amenity the Owner will be constructing at the Maddox Family Campground. The waterpark as a recreational attraction for the Campground will provide a resort vacation attraction that is open to the community for its use as well. The proposed use of the Campground amenity by the public will be in compliance with the purpose and intent of the C-4 zoning district, and is in compliance with the stated goal in the Comprehensive Plan of furthering and supporting tourist destinations as the economic engine for the Town. The waterpark will have no impact on wetlands, all wastewater and storm water impacts will be mitigated, and any increase in traffic by the local community will be mitigated by the addition of an ingress traffic lane off Maddox Boulevard. Given (i) that the proposed public use is in furtherance of the stated goal of the C-4 district, (ii) that the proposed use is in compliance with all other aspects of the Zoning Ordinance; (iii) that the proposed use will have no adverse effect on the health or safety of persons residing or working in the neighborhood; (iv) that the proposed use does not change the character of, or the established pattern of development within the C-4 Zoning District; (v) that all utilities, access roads, drainage and other necessary facilities have been or are being provided; and (vi) that

adequate measures have been taken to provide ingress and egress from the proposed use, we do hereby respectfully request approval of the public use of the waterpark amenity to be constructed at Maddox Family Campground by issuing a Conditional Use Permit to Oceanside Resort, LLC.

Planning Commission Work Plan - 2016

Updated through November 1, 2016

		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	Council approved on 10.05.15
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				Current Regulations and State Code / Enabling Legislation to be Reviewed November 8, 2016.
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.		PC Discussion November 10, 2015		<p>Joint meeting with the Wastewater Advisory Board 01.12.16 Council Approved Sub Committee By-Laws of the WAC Meeting held 03/23/2016 RFQ developed and sent out / posted 04/19/2016 Meeting held 06/01/2016 RFQ responses reviewed / Meetings arranged 06/20/16 - 06/23/16 1st Fee & Scoping Negotiation Meeting held 08/11/16.</p> <p style="color: red;">WAC recommended approval of Duffield proposal / contract which was forwarded to Mayor and Council by the Planning Commission on 10/11/16. The issue is to be reviewed at the 11/07/16 Council meeting, which was advertised in the Beacon on 11/03/16.</p>

Planning Commission Work Plan - 2016

Updated through November 1, 2016

	Comprehensive Plan Reference	Begin Date	End Date	Notes
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	PC Discussion November 10, 2015		Joint meeting with the Wastewater Advisory Board 01.12.16 Council Approved Sub Committee By-Laws of the WAC
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.	PC public hearing August 11, 2015		Possible recommendation to Town Council in September. The definition of subdivision was altered to ensure all divisions of land are reviewed as a part of the development review process submitted to Mayor and Council by the Planning Commission at the 10/11/16 meeting. The topic is to be discussed by Council in November.
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).	PC Discussion Oct 13, 2015	PC public hearing November 10, 2015	Planning Commission vote on floor died because of majority Nay vote
h	LSDO Section 16 Design Standards, consider adding site plan review requirements, checklist and land development standards	PC discussion August 11, 2015		Draft modification of Cape Charles, VA ordinance presented by staff. Site plan review and public participation in development discussed at 10/11/2016 meeting and forwarded to Council.
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			Reviewed 05/10/2015
j	Review Changes to Zoning per the new State code dealing with the BZA	PC Discussion Oct 13, 2015	PC public hearing November 10, 2015	Council approved on 12.07.15
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.			PC to provide support for Chamber of Commerce and Main Street Merchants actions and projects
c	Consider recommendations from Virginia DCR in the Virginia Outdoors Plan			Provide copy of current DEQ shoreline plan information to PC

Planning Commission Work Plan - 2016

Updated through November 1, 2016

		Comprehensive Plan Reference	Begin Date	End Date	Notes
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.				Coordinate with P/W Committee to develop new policy regarding private roads
f	Maddox Boulevard – C-3 District zoning and subdivision site design standards: Consider overlay district along the ‘gateway corridor’ and new commercial business district				
g	Review all Commercial Districts and Resource Conservation District				Added to the Work Plan at 09/13/2016 Meeting.
7	Commissioner Priorities				
a	Proffer study and guidelines - research and prepare report with assistance from Town Attorney				Review need for adequate capital facilities studies to support capacity of Town infrastructure and mitigate new development impacts
b	Downtown Revitalization – consider next phase areas for detailed planning and design				Opportunity to implement improvements between Church Street and Maddox Boulevard with redevelopment of Landmark Plaza
c	Capital Improvement Program, review and plan for the Council’s 5 year budget priorities		8-Feb-16		Reviewed at 03/08/2016 meeting Awaiting more direction / info from Town Council

Planning Commission Work Plan - 2016

Updated through November 1, 2016

		Comprehensive Plan Reference	Begin Date	End Date	Notes
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				Final Draft CCP/EIS has been published September 11, 2015. Council response letter October 9
b	NPS General Management Plan		1/29/2016	5/1/2016	Public meeting held 03/31/2016 Town Council has drafted a respons letter
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 norht end of Wallops Island proposed in the draft JLUS document Per 03/08/2016 meeting the Town is giving out the # to call for flyovers outside the designated areas Accomack Wallops Work Group (AWWG) first meeting 05/25/16 Town Staff attended. AWWG will meet on the 4th Wednesday of each month. Town staff attended a meeting 08/04/16 regarding the DEA for increased restricted airspace and learned that it should not increase risk airtraffic, or otherwise impact residents. Town staff attended the 10/26/16 AWWG meeting. Progress towards review of goals and recommendations to the board of supervisors continues. Clear line of communication between NASA EOC and Chincoteague's was dicussed.
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				Develop support documents concurrently with Item 3h

Planning Commission Work Plan - 2016

Updated through November 1, 2016

		Comprehensive Plan Reference	Begin Date	End Date	Notes
f	Revise fence regulations to allow secure temporary construction fence in a front yard		PC discussion October 13, 2015	PC public hearing November 10, 2015	Council approved on 12.07.15
g	Update ordinance sections to incorporate reference to current Virginia stormwater management requirements administered by Accomack County				Review Parking Section 6.6.22
h	C-4 Resort Commercial / Maddox Campground		5/10/2016		Conditional Use Permit for waterpark withdrawn 06/06/16 Change to C-4 Zoning removed from 09/13/2016 agenda at meeting. Review of all commercial zoning added to plan.
9					
10					
11					
12					