

# PLANNING COMMISSION MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

**September 13, 2016 - 7:00 P.M.** – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES

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1. Approval of the August 9, 2016 regular meeting minutes. 2 of 33
2. Public Hearing / Discussion for Alteration to Zoning Ordinance, Tattoo Parlor/Body Piercing Salon. 6 of 33
3. Public Hearing / Discussion for Alteration to Zoning Ordinance, C-4 Zoning and Permitted Uses. 16 of 33
4. Discussion of Amendment to Provide a Development Review Process for Commercial Development 21 of 33
5. Review Planning Commission Work Plan 29 of 33
6. Commission Members Announcements or Comments

ADJOURN

Next Regular Meeting: October 11, 2016

# MINUTES OF THE PLANNING COMMISSION MEETING

TOWN OF CHINCOTEAGUE, VIRGINIA

August 9, 2016 - 7:00 P.M. – Council Chambers - Town Hall

## **Commission Members Present:**

Ray Rosenberger, Chairman  
Mollie Cherrix, Vice-Chairman  
Ben Ellis, Town Council  
Jeff Potts  
Michael Dendler

## **Additional Staff Present:**

Robert Ritter, Town Manager  
Ronald Marney, Planning Director  
Billy Fox, Town Attorney

## **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. Hogan spoke regarding the possible change to C-4 Zoning District. She believes it could result in the development of marshland and that this would be bad for the community. She would like to see the marshland on the Maddox Campground zoned Resource Conservation.

Tina Zoler Commented on seeing an individual in a wheelchair struggling on Maddox Boulevard. She would like to see cross walks installed along the road to make it safer and more accessible.

Mr. Norris stated he was part of the East Piney Island Community Association and that they are opposed to the development of marshland.

Mrs. Etna was also concerned with the potential development of marshland and the impact on various species (turtles, etc.).

Mrs. Sackrite commented on traffic at the intersection of Chicken City Road & Maddox Boulevard. She believes it should be addressed as it poses a risk to public health and safety.

Mrs. More discussed her issues with the New Maddox owners / staff. She reviewed how they blocked through traffic at Piney Island Road and how everyone she has spoken to is disappointed in the turn of events.

Mrs. Conner stated that she is for the waterpark proposed on the Maddox Campground stating that it would be good for the community and economy.

Mr. Rupert stated that he is opposed to the water park. He believes it may have some economic benefit but that the negatives outweigh the positives.

Chairman Rosenberger clarified that the Maddox Campground was not up for discussion at tonight's meeting. They were in fact discussing the C-4 Zoning District and Zoning Process.

Mrs. Mason said the owners of Maddox had spoken with hotel owners and they stated they will build a water park and were offering discounts to their guests. She would like a public hearing regarding Maddox Campground and doesn't want Chincoteague to end up like Ocean City. She also questioned if there was adequate infrastructure for that scale of development.

Mrs. Wagner discussed the Maddox campground. She feels that impacts to marshland are very bad and doesn't like the concept / proposed beach area. She added that she is not opposed to the waterpark provided it doesn't impact any marshland.

Mrs. Bowden stated she had no comment on the marsh or Maddox but was instead concerned with parking at the post office. There is only one handicap space and there are too few spaces in general which are all difficult to get out of. She would like to see this addressed.

Chairman Rosenberger closed public comments.

### **Agenda Review/Disclosures**

Commissioner Dendler made a motion to approve the agenda which was seconded Commissioner Potts and unanimously approved.

#### **1. Approval of the June 14, 2016 Regular Meeting Minutes**

Councilman Ellis made a motion to approve the minutes which was seconded Commissioner Potts and unanimously approved.

#### **2. Discussion of Zoning / Sign Ordinance – Flags – Commercial (Teardrop Flags)**

Mr. Marney reviewed the topic stating it was broached by Mr. Lewis (Zoning Administrator). He stated that there is a consistent issues with people / businesses purchasing teardrop flags only to have to cut them down do to our current size limitation of 15 square feet. The average teardrop flag sold is much larger as shown in the provided material. Mr. Lewis requests through Mr. Marney that the Planning Commission considered enlarging the permissible size for flags – commercial. After discussion the planning commission tabled the motion and forwarded back to Mrs. Lewis.

#### **3. Discussion of Zoning Ordinance, Tattoo Parlor/Body Piercing Salon**

Mr. Marney led the discussion explaining that after an interest in making tattoo parlors permissible within the Town of Chincoteague was expressed to Town Staff, review of the Town

Code regarding tattoo parlors was undertaken. The review was intended to determine where and how tattoo parlors appear in the code. Based on the review tattooing and businesses related to tattooing are only addressed in Section 18.2, which states that it shall be unlawful for any person in the town to operate a tattoo establishment or engage in the practice or business of tattooing, as a tattoo operator or as a tattoo artist.

After the review was completed a memo was generated to bring the possible amendment before the Ordinance Committee. The amendment presented to the Committee only addressed the issue from a permissibility standpoint. Inspections and other health requirements were omitted until additional review in conjunction with the Town Attorney could be conducted. After discussion and review the Ordinance Committee forwarded the issue to the Planning Commission with the understanding that the concerns regarding health and inspections would be addressed and the 18.2 amendment forwarded back to the committee after review and approval of applicable zoning modifications by the Planning Commission.

Mr. Marney stated that the complete code including all health requirements, inspections, etc. was present in the agenda packet. Chairman Rosenberger stated the Code amendment was very thorough and well done. The topic was discussed and then established a public hearing for the next planning commission meeting.

#### **4. Discuss C-4 Zoning / Permitted Uses**

Chairman Rosenberger reiterated that this was covering the C-4 Zoning District & Zoning Process not Maddox Campground. Mr. Marney outlined the issue stating that this was not just about addressing a specific use but that the review and potential change were in regards to the intentions for the commercial districts expressed by the Mayor and Council at the time of the Comprehensive Plan / Zoning Ordinance rewrite. The materials provided in the packet (minutes, etc.) were reviewed. It was stated that the minutes do not explicitly state that all zoning should cascade but that C-4 should be the most permissive of all the commercial districts. The topic was discussed and then established a public hearing for the next planning commission meeting.

#### **5. Review Planning Commission Work Plan**

Chairman Rosenberger reviewed the work plan going over the various changes / updates that were done. Questions regarding flood gates and lighting along Maddox Boulevard were requested to be taken to Mr. Spurlock. Chairman Rosenberger also requested that the item regarding development review be addressed. Mr. Marney stated he would have something drafted for the next meeting. The base line economic impact study conducted by US Fish & Wildlife was requested to be obtained as well.

#### **6. Planning Commission Members Announcements or Comments**

Mr. Potts informed the commission that he would not be at the next meeting (September 13<sup>th</sup>). Chairman Rosenberger stated that a letter / comment that was requested to be read into the record was missed. Mr. Marney read the letter from Louisa Flaningam & Paul Brzozowki (owners and restorers of the Captain Timothy Hill House). They oppose expanding the permitted uses within the C-4 district fearing it will negatively impact the museum. They state that the character and beauty of the Town / Island draw visitors and new residents. No additional announcements or comments were made.

**Adjourn**

Councilman Ellis motioned, which was seconded, to adjourn the meeting.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Attest:      Town Manager

DRAFT



## MEMORANDUM

Town of Chincoteague, Inc.

Date: September 13, 2016  
To: Planning Commission  
From: Ronald Marney, Planning Director  
Subject: Potential Code Amendment to Allow Tattoo Parlors & Body-piercing Salons

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After an interest in making tattoo parlors permissible within the Town of Chincoteague was expressed to Town Staff, review of the Town Code regarding tattoo parlors was undertaken. The review was intended to determine where and how tattoo parlors appear in the code. Based on the review tattooing and businesses related to tattooing are only addressed in Section 18.2, which states that it shall be unlawful for any person in the town to operate a tattoo establishment or engage in the practice or business of tattooing, as a tattoo operator or as a tattoo artist.

After the review was completed a memo was generated bring the possible amendment before the Ordinance Committee. The amendment presented to the Committee only addressed the issue from a permissibility standpoint. Inspections and other health requirements were omitted until additional review in conjunction with the Town Attorney could be conducted. After discussion and review the Committee forwarded the issue to the Planning Commission with the understanding that the concerns regarding health and inspections would be addressed and the 18.2 amendment forwarded back to the committee after review and approval of applicable zoning modifications by the Planning Commission. The modification was reviewed by the Planning Commission at the August 9, 2016 Meeting. After discussion it was decided to be reviewed further and a public hearing held.

The purpose of this memo is to provide an alternative / code modification that would make body piercing salons, tattoo parlors, and permanent cosmetic tattoo salons permissible while insuring no adverse impacts are incurred by the community. The following draft amended ordinance modifies Section 18.2 and adds a definition referencing Section 18.2 to the Zoning Code. The modification to Section 18.2 makes body piercing salons, tattoo parlors, and permanent cosmetic tattoo salons permissible and addresses body-piercings at the same time in reflection of the Code of Virginia. The modification of Section 18.2 also adds in additional subsections covering additional definitions, licensing requirements, client guidelines, health

requirements, disclosure guidelines, inspections, etc. All modifications reflect the Code of Virginia and reference the appropriate sections.

This approach to the code modification is recommended by Town staff because it would make the desired use permissible, better reflect the Code of Virginia, and would do this without defining specific districts in which the use is permitted by right. By doing this a Conditional Use Permit (CUP) shall be required in order for any tattooing establishment to operate with the Town of Chincoteague. This is important for multiple reasons. The CUP process provides a comprehensive review of the use, a forum for public input, and final approval and condition setting by the Mayor & Town Council. By doing this it allows the use associated with tattooing with set guidelines protecting public health and allowing for inspections with the flexibility for the Mayor and Town Council to add any additional conditions that the individual case may require. This is done while ensuring that the existing character of the Town receives a level of protection and provides an essential outlet for public comments and concerns. Your review and recommendations regarding the amendment to the Zoning Ordinance are requested.

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**Sec. 18-2. Tattooing; operating tattoo establishment parlor & Body-piercing; body-piercing salon.**

**(a) Definitions:**

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

*Body piercer* means any person who practices body piercing.

*Body-piercing salon* means any place in which the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature is performed. Body-piercing does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

*Master permanent cosmetic tattooer* means any person practices permanent cosmetic tattooing known in the industry as advanced permanent cosmetic tattooing including but not limited to cheek blush, eye shadow, breast and scar re-pigmentation or camouflage.

*Permanent cosmetic tattoo salon* means any place in which permanent cosmetic tattooing is offered or practiced.

*Permanent cosmetic tattooer* means any person who practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing including but not limited to eyebrows, eyeliner, lip coloring, lip liners, or full lips.

*Permanent cosmetic tattooing* means placing marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin on the face, including but not limited to eyebrows, eyeliner, lip coloring, lip liners, full lips, cheek blush, eye shadow, and on the body for breast and scar re-pigmentation or camouflage; also known as permanent make-up or micropigmentation.

*Tattoo* means to mark or color the skin by pricking in coloring matter so as to form indelible marks or figures or by the production of scars.

*Tattooer* see tattoo artist & tattoo operator

*Tattoo artist* means any person who actually performs the work of tattooing.

*Tattoo ~~establishment~~ parlor* means any room or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof.

*Tattoo operator* means any person who controls, operates, conducts or manages any tattoo establishment, whether actually performing the work of tattooing or not.

(b) It shall be unlawful for any person in the town to operate a tattoo & or body-piercing establishment or engage in the practice or business of tattooing & body-piercing, as a tattoo and/or body-piercing operator or as a tattoo and/or body-piercing artist as a commercial application only as permitted within the Zoning Code.

(c) Licensing:

Pursuant the Code of Virginia § 41-50 and § 41-60 any individual wishing to practice as a body piercer, tattoo operator, tattooer, master permanent cosmetic tattooer, permanent cosmetic tattooer, or artists shall be licensed as a body piercer, tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in compliance with § 54.1-703 of the Code of Virginia and must meet all qualifications set in § 41-50-20 and § 41-60-20 of the Code of Virginia.

Pursuant the Code of Virginia § 41-50-160 and § 41-60-120 all licensed body piercers, tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall be required to satisfactorily complete a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, first aid and CPR during their licensed term.

Pursuant the Code of Virginia § 41-50-80 any individual wishing to operate a tattoo parlor, or permanent cosmetic tattoo salon shall obtain a tattoo parlor license or permanent cosmetic tattoo salon license in compliance with § 54.1-704.1 of the Code of Virginia. Operation of a tattoo parlor or permanent cosmetic tattoo salon in a temporary location is prohibited.

Pursuant the Code of Virginia § 41-60-80 any individual wishing to operate a body-piercing salon shall obtain a salon license in compliance with § 54.1-704.1 of the Code of Virginia. Operation of a body-piercing salon in a temporary location is prohibited.

(d) Display of license:

Pursuant the Code of Virginia § 41-50-380 and § 41-60-180 each body piercing salon owner, tattoo parlor owner, or permanent cosmetic tattoo salon owner shall ensure that all current licenses issued by the Board for Barbers and Cosmetology shall be displayed in the reception area of the parlor or salon or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor or salon or location where the licensee provides services. Each body piercing salon owner, tattoo parlor owner, or permanent cosmetic tattoo salon owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license. Each body piercing salon owner, tattoo parlor owner, or permanent cosmetic tattoo salon owner shall offer to licensees the full series of Hepatitis B vaccine. Each body piercing salon owner, tattoo parlor owner or permanent cosmetic tattoo salon owner shall maintain a record for each licensee of one of the following: 1. Proof of completion of the full series of Hepatitis B vaccine; 2. Proof of immunity by blood titer; or 3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine. All licensees shall operate under the name in which the license is issued.

(e) Body piercer, tattooer, tattoo artist, permanent cosmetic tattooer or master permanent cosmetic tattooer responsibilities:

Pursuant the Code of Virginia § 41-50-400 and § 41-60-200 all body piercers, tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall provide to the owner one of the following: 1. Proof of completion of the full series of Hepatitis B vaccine; 2. Proof of immunity by blood titer; or 3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

Pursuant the Code of Virginia § 41-50-400 and § 41-60-200 all body piercers, tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. All body piercers, tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants. All body piercers, tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing. Each time there is an interruption in the service, each time the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised. 1. Gloves shall be removed and disposed of; and 2. Hands shall be cleaned and a fresh pair of gloves used.

Pursuant the Code of Virginia § 41-50-400 and § 41-60-200 body piercers, tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall use standard precautions while tattooing. A body piercers, tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers diagnosed with a communicable disease shall provide to the Health Department & Board for Barbers and Cosmetology a written statement from a health care practitioner that the body piercer's, tattooer's, permanent cosmetic tattooer's, or master permanent cosmetic tattooer's condition no longer poses a threat to public health. Body piercers, tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.

Pursuant the Code of Virginia § 41-50-400 and § 41-60-200 the area of the client's skin to be body pierced and/or tattooed shall be cleaned with an approved germicidal soap according to label directions. In the case of oral piercings, the operator shall provide the individual with antiseptic mouthwash in a single-use cup and shall ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret or cheek piercing, procedures described in this subsection for both skin and oral piercings shall be followed. Tattooing inks and dyes shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of. If shaving is required, razors shall be single-use and disposed of in a puncture resistant container. Each body piercer, tattooer, permanent cosmetic tattooer, and master permanent cosmetic tattooer performing any procedures in the parlor or salon shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of blood borne pathogens. All procedures shall be performed using aseptic technique.

Pursuant the Code of Virginia § 41-50-400 and § 41-60-200 a set of individual, sterilized needles shall be used for each client receiving a tattoo. An individual, single-use, pre-sterilized piercing needle shall be used for each client receiving a body piercing. Single-use disposable instruments shall be disposed of in a puncture-resistant container Single-use disposable instruments shall be disposed of in a puncture resistant container. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

Pursuant the Code of Virginia § 41-50-400 and § 41-60-200 used, nondisposable instruments shall be kept in a separate, puncture resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container; Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving. The ultrasonic unit shall be sanitized daily with a germicidal solution. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them. The manufacturer's written instructions of the autoclave shall be followed.

(f) Physical facilities:

Tattoo parlors, permanent cosmetic tattoo salons, and body-piercing salons shall only be permitted as commercial applications where / as permitted within the Town of Chincoteague Zoning Ordinance. All facilities shall be maintained in accordance with § 41-50-390 and § 41-60-190 of the Code of Virginia.

(g) Client guidelines, qualifications, disclosures, and records:

Pursuant the Code of Virginia § 41-50-410, § 41-60-210 and § 18.2-371.3, no person shall tattoo or perform body piercing for hire or consideration on a person less than eighteen (18) years of age, knowing or having reason to believe such person is less than eighteen years of age except in the presence of the person's parent or guardian, or when done by or under the supervision of a medical doctor, registered nurse or other medical services personnel licensed pursuant to Title 54.1 in the performance of their duties.

Pursuant the Code of Virginia § 41-50-410 and § 41-60-210, all clients shall present at the time of the body piercing, tattooing or permanent cosmetic tattooing a valid, government issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth. The body piercer, tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

Pursuant the Code of Virginia § 41-50-410 and § 41-60-210, no person may be body pierced, tattooed or permanent cosmetic tattooed who appears to be under the influence of alcohol or drugs. Body piercing, tattooing or permanent cosmetic tattooing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions. Pursuant the Code of Virginia § 18.2-371.3, no person shall body pierce, tattoo or permanent cosmetic tattoo on any client unless they comply with the Centers for Disease Control and Prevention's guidelines for "Universal Blood and Body Fluid Precautions" and provides the client and client's parent or guardian, if applicable, both verbally and in writing with the following disclosure for each tattoo or body piercing:

1. Tattooing and body piercing are invasive procedures in which the skin is penetrated by a foreign object.

2. If proper sterilization and antiseptic procedures are not followed by tattoo artists and body piercers, there is a risk of transmission of blood borne pathogens and other infections, including, but not limited to, human immunodeficiency viruses and hepatitis B or C viruses.

3. Tattooing and body piercing may cause allergic reactions in persons sensitive to dyes or the metals used in ornamentation.

4. Tattooing and body piercing may involve discomfort or pain for which appropriate anesthesia cannot be legally made available by the person performing the tattoo or body piercing unless such person holds the appropriate license from a Virginia health regulatory board.

Signatures of both the client and the tattooer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.

Pursuant the Code of Virginia § 41-50-410 and § 41-60-210, the body piercing salon, tattoo parlor or permanent cosmetic tattoo salon shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the Health Department and Town of Chincoteague authorized agent(s). Records shall be maintained at the tattoo parlor or permanent cosmetic tattoo salon for at least two years following the date of the last entry. The permanent records shall include the following: 1. The name, address, and telephone number of the client; 2. The date body piercing, tattooing or permanent cosmetic tattooing was performed; 3. The client's age, date of birth, and a copy of the positive identification provided to the body piercer, tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer; 4. The specific color or colors of the tattoo or permanent cosmetic tattoo and, when available, the manufacturer's catalogue or identification number of each color used or the specific type of jewelry used for the piercing and, when available, the manufacturer's catalogue or identification number for the type of jewelry used; 5. The location on the body where the body piercing, tattooing or permanent cosmetic tattooing was performed; 6. The name of the body piercer, tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer; 7. A statement that the client has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and 8. The signature of the client and if applicable parent or guardian.

(h) Inspections:

Pursuant the Code of Virginia Section 15.2-912, the Town of Chincoteague shall conduct unannounced inspections by appropriate personnel. Enforcement of compliance of Centers for Disease Control and Prevention guidelines are pursuant the Code of Virginia Section 18.2-371.3.

In addition, pursuant the Code of Virginia Section 54.1-705, inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect any tattoo parlor / salon and/or body-piercing salon in the Commonwealth regularly for compliance with regulations promulgated by the Board. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action. Enforcement of compliance of Centers for Disease Control and Prevention guidelines including unannounced inspections by appropriate personnel are pursuant the Code of Virginia Section 18.2-371.3.

(i) Any person who shall violate this section shall be guilty of a misdemeanor.  
(Code 1977, § 13-4)

## Article II. Definitions

For the purpose of this ordinance, certain words and terms are defined as follows (words used in the present tense include the future, words in the singular include the plural, and the plural includes the singular):

### Sec. 2.1. Accessory structure/use.

A structure or use incidental or secondary to the principal structure or use on the same lot. An accessory building/structure shall be detached from the main structure. May be considered a main structure if meeting the required front setback for the area. See "Main use." (Ord. of 4-1994)

### Sec. 2.2. Addition.

An extension or increase in floor area, living/use space, height, or bulk space of a building or structure.

### Sec. 2.3. Administrator (building).

See "Building administrator."

### Sec. 2.4. Administrator (zoning).

See "Zoning administrator."

### Sec. 2.5. Agriculture.

The tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies or similar use.

### Sec. 2.6. Alteration.

Any change in the use, adaptability or external appearance of an existing structure. Alterations do not necessarily affect the total square footage or bulk space of a structure.

### Sec. 2.7. Amendment (zoning).

See "Rezoning."

### Sec. 2.8. Amusements.

Any type of amusement device that does not create excessive noise, either singularly or in connection with such other or similar devices and/or other noise emanating activities on the subject property in violation of the Town of Chincoteague's noise ordinance. (Ord. of 1-3-1996) Amended 02/19/04)

### Sec. 2.9. Apartment house.

A building which is owned by an individual person, firm or corporation which is to be leased as the residence of three or more families living independently of each other.

### Sec. 2.10. Area requirements.

The spatial standards (lot width, depth, area, setback requirements, etc.) established for a lot or yard in a particular zone.

Sec. 2.11. Awning.

Any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Sec. 2.12.

Repealed 6/19/08.

Sec. 2.13.

Repealed 6/19/08.

Sec. 2.14. Bed and breakfast.

A building, usually a residential structure with only one complete dwelling unit, arranged for shelter, sleeping accommodations and at least one meal per day. The occupants are primarily transient in nature, making use of the facilities for a period of less than 30 days. Such a use shall be considered a commercial enterprise, and a residential manager shall be required. Sec.

2.15.

Repealed 6/19/08.

Sec. 2.16. Board of zoning appeals.

A seven-member body appointed to hear appeals from decisions of the zoning administrator and to consider requests for variances and special exceptions from provisions of the zoning ordinance. Cross reference—Board and commissions, § 2-106 et seq.

Sec. 2.17. Boardinghouse.

A building, usually a residential structure with only one complete dwelling unit, arranged for shelter, sleeping accommodations and at least one meal per day. The occupants are long term (more than 30 days) in nature. Such a use shall be considered a commercial enterprise, and a residential manager shall be required.

Sec. 2.18.

Repealed.

Sec. 2.19. Body-piercing salon.

Any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. Body-piercing does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

Sec. 2.20. Buffer strip.

A strip of land located so that it separates and protects one type of land use from the undesirable effects of another. Trees or other vegetation, as well as manmade screening, may be placed on buffer strips.

Sec. 2.21. Building.

Any structure used or intended for supporting or sheltering any use or occupancy.

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

**Sec. 2.163. Subdivision.**

The division of any tract, lot or parcel of land into four parts or more, regardless of whether the individual lots or tracts are sold, leased or rented. Cross reference–Land subdivision and development, app. B.

**Sec. 2.164. Tailgate sales.** Sales of retail or wholesale merchandise products sold from the area of a vehicle or mobile unit without the placement of any type structure.

**Sec. 2.165.**

Repealed 6/19/08.

**Sec. 2.166. Tattooing; operating tattoo business.**  
**See Chapter 18 Section 18.2 Code of the Town of Chincoteague**

**Sec. 2.167. Through lot.**

An interior lot having frontage on two streets.

**Sec. 2.168. Tourist court, auto court, motel, tourist rental housing, tourist rental home, cabins or motor lodge.**

One or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit. (Ord. of 4-5-1999)

**Sec. 2.169. Tourist home.**

A residential structure in which rooms are rented for short periods (less than 30 days) of time to individuals who are generally transient or tourist in nature. APPENDIX A–ZONING  
CDA:31

**Sec. 2.170. Townhouse.**

At least three single-family dwellings that are connected to each other by common sidewalls, having individual ownership of unit and property, having fee simple title, and with open space on at least two sides and meeting setbacks as required.

**Sec. 2.171. Travel trailer.**

A portable structure built on a chassis, designed to be towed behind a motor vehicle and used as a temporary occupancy for travel, recreation or vacation, being less than 40 feet in length.

**Sec. 2.172. Travel trailer park/sold lots.**

Premises where travel trailers are parked in conjunction with travel, recreation or vacation. Permanent additions may not exceed the square footage of the original mobile unit. Any accessory building on the lot may not be more than 96 square feet. Minimum five-foot setback required for all structures.

**Sec. 2.173. Two-family dwelling (duplexes).**

Chincoteague Island VA: x (4) Chincoteague Chamber of Commerce x

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Chincoteague Chamber of Commerce Evelyn Home 5

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I just read where Chincoteague is con... 1
- Emily Krushinsky Tue  
You are very welcome.
- Lynn Forrest Mon  
I am sorry for your inconvenience recen...
- Tiffany Langkam Aug 4  
Product Inquiry · Like
- Cerena Westphal Aug 3  
Availability · Thank you I just saw that...
- Melinda Dovre Aug 1  
ok thanks

Away Write a reply...

**Belva Barnhart Parsons** View Profile Actions

I just read where Chincoteague is considering allowing tattoo and piercing parlors. Please, please don't do this. I do not live in Chincoteague but visit there all the time and do hope to live there one day. While I do not have a problem with either tasteful tattoos or piercings, the presence of those places also brings in a certain drug element sad to say. The places in the Ohio Valley where I live that have the parlors are eaten up with heroin and other illegal drugs. It seems the higher number of these establishments the worse the drug problem. Just my two cents worth. Thanks for listening.

**About**

- Local time 3:41 PM
- Liked since Oct 16, 2014
- Lives in Saint Marys, West Virginia
- From Raven Rock, West Virginia

**Labels** Add & Manage

Apply a label...

Add labels to help track and find conversations. Only admins can see labels.

**Your Notes** Add Notes

Notes help you keep track of your conversations. Only admins can see notes.

Chat (20) 3:41 PM 8/11/2016



MEMORANDUM  
Town of Chincoteague, Inc.

Date: September 13, 2016  
To: Planning Commission  
From: Ronald Marney, Planning Director  
Subject: Potential Code Amendment to Address Permitted Uses within Commercial Districts

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After inconsistencies with existing Town Code and the Code intended by Town Council were expressed to Town Staff, review of the Town Code regarding permitted uses within commercial districts was undertaken. The review was intended to determine what Council's intent for commercial zoning and what if any modification was necessary to insure consistency between the Code and this intent. Based on the review it appears that Town Council intended the rezoning to not alter / take rights from properties and that based on the district that rights would be added.

After the review was completed a memo was generated bring the possible issue before the Planning Commission at the August 9, 2016 Meeting. After discussion it was decided to be reviewed further and a public hearing held.

The purpose of this memo is to provide an alternative / code modification that would make the C-4 Zoning District contain all uses permitted with the other commercial districts. The modification adds the language "this district shall be permitted to contain all the uses of the lesser commercial district except where stated otherwise within this Code". This approach to the code modification would make C-4 the most permissive as desired by the Mayor & Council at the time of the rewrite of the Comprehensive Plan / Zoning Ordinance. Your review and recommendations regarding the amendment to the Zoning Ordinance are requested.

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## ARTICLE IV. COMMERCIAL DISTRICTS

### Section B. C-4 RESORT COMMERCIAL

Sec.4.10. Uses Permitted by right.

The C-4 Resort Commercial District shall be permitted to contain all uses permitted within the C-1 Neighborhood Commercial District, C-2 Old Town Commercial District, & C-3 Corridor Commercial District except where otherwise stated within this Code. The following uses shall be permitted in the C-4 Resort Commercial District, subject to all other provisions of the ordinance:

DRAFT

**MINUTES OF THE SEPTEMBER 18, 2009**  
*Joint Council/ Planning Commission Workshop*

**Council Present**

John H. Tarr, Mayor  
John N. Jester, Vice-Mayor  
Ellen W. Richardson, Councilwoman  
James Frese, Councilman  
Terry Howard, Councilman

**Council Not Present**

John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman

**Planning Commission Present**

Gene Wayne Taylor, Commissioner  
Ray Rosenberger, Chairman  
Bob Behr, Commissioner  
Mollie Cherrix, Commissioner  
Tripp Muth, Commissioner  
Steve Katsetos, Commissioner

**Staff Present**

Jared Anderson, Town Planner  
Robert G. Ritter Jr., Town Manager

**Call to Order**

Mayor Tarr called the meeting to order at 6:04 PM.

**Invocation**

There was an invocation by Councilman T. Howard.

**Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

**Adoption of Agenda**

Vice-Mayor Jester motioned, seconded by Councilman Frese to “adopt the agenda as presented.” Unanimously approved.

**1. Update on the 2009 Comprehensive Plan Update**

Mr. Anderson went through a brief explanation of why there is a need to review the Comprehensive Plan. He also went through each chapter of the Comprehensive Plan and explained the significance of each section.

The Committee went through and explained each of the amendments that were made from the last meeting.

They indicated that the second paragraph on page 3-11 should be removed along with the 5<sup>th</sup> bullet on page 3-11 should also be removed in its entirety.

Mr. Burton of Tom’s Cove Campground was worried that the Town might be taking away rights from property owners. Mayor Tarr indicated that for the Resort-Commercial Land Use Area there was no intention for the properties designated Resort-Commercial to lose any rights they currently have. He feels that under the proposed Comprehensive Plan Update it is recommended that a few rights be added.

Commissioner Taylor questioned whether the Town could produce the Zoning Ordinance Amendments and the Comprehensive Plan update side by side, so that property owners would know exactly what rights they would have. Mr. Anderson stated that the Zoning Ordinance must follow the Comprehensive Plan. Since the Comprehensive Plan update would not have been adopted, the Zoning Ordinance could not follow it. He added that the amendments to the Comprehensive Plan should be adopted before the Zoning Ordinance changes.

There was discussion about Planned Unit Developments or PUDs. A PUD was described as being a development package that the developer presents to the Town. The developer will include the roads and infrastructure, typically in doing so they would request a density bonus. PUDs are typically found on larger (>100 acres) parcels of land. However, Mr. Anderson suggested that we include language in the Comprehensive Plan, so that at a later date if we find that a PUD may be feasible on a larger parcel of land on the Island we could adequately address it through proper zoning provisions.

The Joint Committee would like Mr. Anderson to come up with language at the end of the Resort-Commercial Land Use Area section to indicate that this land use would follow current (as of 10/15/09) permitted uses, plus any subsequent provisions provided by this chapter.

Mr. Travis Thornton would like to see all of the Maddox Family Campground parcels under the same land use area (Resort-Commercial).

The Joint Committee decided to add an Agricultural Land Use Area after speaking with several citizens during the previous stakeholder meetings. They feel that this area would mirror the current Agriculture Zoning District. They also felt that this land, which was previously in Resource Conservation Land Use Area, had distinct characteristics from the other lands in Resource Conservation and needed to be in its own land use area.

The chart on page 3-1 needed to be removed because it was not correct. The language that references the chart also needs to be removed from each of the land use area sections.

The next meeting will probably be in November, or when Mr. Anderson can return to Chincoteague.

## **2. Adjourn**

Councilman T. Howard motioned, seconded by Vice-Mayor Jester to adjourn. Unanimously approved.

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Mayor

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Attest: Town Manager

## November 9 2010 Planning Commission Meeting Minutes

different construction standards. Commissioner Potts noted that neighborhood real estate value and density are often based a similar residential number system. The implications of the new districts should be discussed with the County Assessor's office to make sure there are no unintended changes or consequences in terms of property value.

Chairman Rosenberger asked about the C-2 Historic Downtown district to make sure that wayside stands were still allowed and to reconsider the proposed limitation on conversion of commercial structures to residential use.

Commissioner Papadopoulus inquired about small wind energy systems.

A continuation of the prior Commission review included:

- ✓ R-4 Resort Residential district should be described in the Purpose and Intent section to make it unique from the R-3 mixed use district even though the zoning requirements will remain the same. Mr. Taylor asked about the area regulations for R-4 and whether they would refer back to the R-3 district (Section 4.1.40). Review additional standards that may be required for mobile homes or camper/travel trailer parks.
- ✓ C-3\* Neighborhood Commercial district (based on C-1 ordinance) should also include additional Purpose and Intent description and clarification of area regulations for any permitted residential uses. (\*suggested as C-1 district following meeting)
- ✓ C-4 Commercial Corridor district is a combination of the existing C-1 and C2 district. Mr. Neville identified this as the most permissive district and at the same time the one the Town may be most concerned about in the future as the entry corridor into the community. Without revising the district regulations, the Planning Commission may want to consider other voluntary programs such as an architectural awards program or design guidelines that promote good site planning and design solutions. Chairman Rosenberger identified a Town sponsored landscape improvement program as another example of non regulatory action that is possible. Mr. Papadopoulus questioned why the Purpose and Intent includes a reference to 'heavy trucking' and suggested that the description should address the specific activities expected along the entry corridor. Mr. Taylor asked about where contractor yards will be permitted. (neighborhood and resort commercial)
- ✓ C-5 Resort Commercial district needs clarification of the PUD option in the second paragraph and remove reference to public sewer. Chairman Rosenberger asked for clarification about proffers and whether the Town of Chincoteague can accept them by State Code. Determination from the Town Attorney and a policy by Town Council may be required.



## MEMORANDUM

Town of Chincoteague, Inc.

Date: September 13, 2016

To: Planning Commission

From: Ronald Marney, Planning Director

Subject: Potential Code Amendment to Provide a Development Review Process for Commercial Development.

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After an interest in drafting a development review process was expressed to Town Staff, review of the Town Code regarding current regulations was undertaken. The review was intended to determine where and how development review appeared in the Code. Based on the review no review existed beyond what is found in Appendix B Land Subdivision & Development and what is required for the Conditional Use and Special Use Permits. Based on the desires expressed by citizens and the Planning Commission this was found to be inadequate in providing public comment or staff review for Code compliance

The purpose of this memo is to provide two alternative code modifications that would add in a review process for commercial development in Appendix B. In both alternatives the development review process would be applicable when there is modification of a use on a property, when a new use is added, and for all new commercial development. Alternative one outlines requirements and covers the review process within the proposed new section of Appendix B. It also requires a public hearing through the planning commission to serve as the forum for public comment. The second alternative applies the code as is and states that site plan review follows the same process as is done for minor subdivision review. This alternative also requires a community input meeting be held and the attendance and minutes be provided with the application materials submitted to town Staff for review. The development review processes proposed **Do Not** function as an approval or denial process as seen within the Special Use & Conditional Use Permit Processes. No conditions or special requirements would be applied. These two processes as written are intended to provide an appropriate time and place for public comment and to more formally outline Town Staff review of new commercial development for compliance with Town Code. All modifications reflect the Code of Virginia and reference the appropriate sections.

The use of a development review process for commercial development is recommended by Town staff because it would provide a mechanism for public input into the future /

development of the Town of Chincoteague that does not currently exist. The lack of public input has been expressed repeatedly by citizens. This need was also expressed by the former administration as well as the current Mayor & Council. The proposed modification will alleviate this need while ensuring that no property owner loses rights and that all review is impartial without the worry of improper approval or denial of any request. **No development that is legal and in full conformance with the Town Code would ever be denied under either of the proposed Development Review Processes .** Your review and recommendations regarding the amendment to the Zoning & Subdivision Ordinances are requested.

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## APPENDIX A

### Sec. 2.162. Subdivision.

~~—The division of any tract, lot, or parcel of land into four parts or more, regardless of whether the individual lots or tracts are sold, leased, or rented.~~

The division of any tract, lot, or parcel of land for the purpose of transfer of ownership, lease, rent, or building development, or, if a new street 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 and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258 of the Code of Virginia. (Pursuant § 15.2-2201 of the Code of Virginia)

**Cross Reference** – Land Subdivision and Development Appendix B

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## APPENDIX B (Option #1)

### SEC. 2. DEFINITIONS

Unless otherwise stated/defined herein, definitions shall be per Appendix A Article II (Definitions) of the Town of Chincoteague Zoning Code, as amended.

~~Plat. A map or plan of a tract or parcel of land which is to be or which has been subdivided.~~ or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of the Code of Virginia §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes. When used as a verb “plat” is synonymous with “subdivide”.

"Preliminary Plan/Plat" means the proposed schematic representation of development or subdivision that establishes how the provisions of the Code of Virginia §§ 15.2-2241 and 15.2-2242, and other applicable statutes will be achieved.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by this ordinance. (Pursuant § 15.2-2201 of the Code of Virginia)

## **SEC. 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 is involved in such division, any division of a parcel of land.~~ **The division of any tract, lot, or parcel of land for the purpose of transfer of ownership, lease, rent, or building development, or, if a new street 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

## **SEC. 16. SITE PLAN**

### **16.01 Purpose.**

**The purpose of the site plan review process is to ensure that commercial developments are fully reviewed for compliance with the provisions of this ordinance and other applicable county and state regulations.**

### **16.02 Applicability.**

**Site plans or plans of development are required for all new commercial development and all new or altered uses of land. These shall be submitted and approved prior to issuance of any building permits in accordance with subdivision A 8 of 15.2-2286 of the Code of Virginia. All site plans or plans of development shall be subject to the provisions of 15.2-2241-15.2-2245 of the Code of Virginia, mutatis mutandis. (Pursuant 15.2-2246 of the Code of Virginia)**

### **16.03 Site Plan / Development Plan Standards.**

**Any plan submitted in accordance with this section shall be to the same size, and standards of a preliminary plan/plat and shall include the following information:**

- (1) Location of the lot or parcel by vicinity map. Site plans / development plans shall also contain a north arrow, original date, revision dates, and graphical scale.**
- (2) Property lines of the parcel proposed for development. If only a portion of a parcel is proposed for development, the limits of development line shall also be shown.**
- (3) The tax parcel identification numbers of parcels proposed for development.**

(4) The name and address of the property owner and name and address of the developer, if different from the owner. The name and address of the person or firm preparing the plan shall be on the plan.

(5) The name of adjacent property owners and the owners of any property on which any utility or drainage easement may be required in conjunction with the development. The tax parcel number for each of these properties shall also be provided.

(6) The zoning district designation of the property/properties proposed for development, and the zoning designation and current land use of adjacent parcels.

(7) The nature of the land use(s) proposed for the site.

(8) The names, route numbers, and locations of existing and proposed public and private streets, alleys and easements on or adjacent to the site. The centerlines or boundary of adjacent rights-of-way shall also be shown.

(9) The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures.

(10) The location of existing and proposed septic systems on the site.

(11) The location, type, and size of site access points such as driveways, curb openings, and crossovers. Distances to neighboring access points, median openings, intersections, and traffic signals shall be provided. If new median cuts are proposed, their location shall also be shown.

(12) Off-street parking areas and parking spaces including handicapped spaces, loading spaces, and walkways indicating types of surfacing, size, angles of stalls, width of aisles, and a specific schedule showing the number of spaces provided and the number required by this ordinance. Internal traffic circulation shall be addressed.

(13) The location of existing and proposed signs on the property.

(14) The location and type of proposed exterior lighting, including the height of poles, and type and wattage of fixtures.

(15) An erosion and sediment control plan, where required.

(16) A stormwater management plan, where required.

(17) Any additional information requested by the Zoning Administrator and/or Planning Director.

#### 16.04 Procedures

(A) The developer shall submit four paper copies of the site plan and supporting documents, a digital copy of the plat and supporting documents, and three copies of the application along

with the any applicable fees to the zoning administrator. The Zoning Administrator and/or Planning Director may request additional copies of the submission. The Zoning Administrator and/or Planning Director shall check the submission for compliance with the requirements of this ordinance and other applicable ordinances. If deficiencies are found, the Zoning Administrator and/or Planning Director shall return the submission to the developer with notations of the additions or corrections needed. Upon receipt of a complete submission, the Zoning Administrator and/or Planning Director shall distribute copies of the submission to such agencies as the Zoning Administrator and/or Planning Director believes appropriate, either for comment or information purposes. All abutting property owners shall be notified.

(B) At the time of submission a Public Hearing will be scheduled for the next regularly scheduled Planning Commission meeting. Notice in accordance with Code of Virginia, §15.2-2204, as amended shall be required. In the event that the submittal cannot the requirements in the Code of Virginia, §15.2-2204 in time for the next regularly scheduled Planning Commission meeting then it shall be scheduled for the following regularly scheduled meeting.

(C) At the scheduled public hearing the developer shall present their proposal and Town Staff shall provide their comments / results of the review. After Town Staff comments and any comments by the Planning Commission the floor shall be opened for public comment and participation.

(D) Upon satisfactory completion of the requirements of this ordinance and the minimum requirements of the Town Code and any other applicable regulations have been met the site plan shall receive approval and a letter of approval generated and signed by the Town Representative & counter signed by the Property Owner and Developer (if different).

#### 16.05 Final Site Plan

(A) A site plan shall be considered final once approved by the Town of Chincoteague. All applicable permits must be obtained and construction begun prior to expiration of the final site plan.

An approved final site plan shall be valid for a period of not less than five (5) years from the date of approval. Date of approval shall be defined as the date of the counter signed approval letter is returned to the Town of Chincoteague. (Pursuant the Code of Virginia 15.2-2261)

(B) Upon application of the property owner and developer (if different) filed sixty days prior to expiration of a final site plan, the Town of Chincoteague may grant a onetime two (2) years extension to the approval. (Pursuant the Code of Virginia 15.2-2261)

(C) For so long as the final site plan remains valid in accordance with the provisions of this section no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat or final site plan shall adversely affect the right of the developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the final site plan unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare. (Pursuant the Code of Virginia 15.2-2261)

(D) Application for minor modifications to final site plans made during the periods of validity of such plans established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats or plans. (Pursuant the Code of Virginia 15.2-2261)

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## APPENDIX B (Option #2)

### SEC. 2. DEFINITIONS

Unless otherwise stated/defined herein, definitions shall be per Appendix A Article II (Definitions) of the Town of Chincoteague Zoning Code, as amended.

*Plat.* ~~A map or plan of a tract or parcel of land which is to be or which has been subdivided, or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of the Code of Virginia §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes.~~ When used as a verb "plat" is synonymous with "subdivide".

"Preliminary Plan/Plat" means the proposed schematic representation of development or subdivision that establishes how the provisions of the Code of Virginia §§ 15.2-2241 and 15.2-2242, and other applicable statutes will be achieved.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by this ordinance. (Pursuant § 15.2-2201 of the Code of Virginia)

### SEC. 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 is involved in such division, any division of a parcel of land.~~ **The division of any tract, lot, or parcel of land for the purpose of transfer of ownership, lease, rent, or building development, or, if a new street 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

## **SEC. 16. SITE PLAN**

### **16.01 Purpose.**

The purpose of the site plan review process is to ensure that commercial developments are fully reviewed for compliance with the provisions of this ordinance and other applicable county and state regulations.

### **16.02 Applicability.**

Site plans or plans of development are required for all new commercial development and all new or altered uses of land. These shall be submitted and approved prior to issuance of any building permits in accordance with subdivision A 8 of 15.2-2286 of the Code of Virginia. All site plans or plans of development shall be subject to the provisions of 15.2-2241-15.2-2245 of the Code of Virginia, mutatis mutandis. (Pursuant 15.2-2246 of the Code of Virginia)

### **16.03 Site Plan / Development Plan Standards.**

The procedure for review shall be the same as that for major subdivision, except that the final approving authority shall be the zoning administrator and a Community Input Meeting shall be required as outlined below.

#### **(1) Community Input Meetings. (Pursuant 2.2-4007.02 of the Code of Virginia)**

A. Prior to submission of a site plan as required in this Appendix B the property owner and developer (if different) shall hold a community meeting.

B. The community meeting shall be held near the site of the proposed development, preferably in a public or institutional building with adequate parking. The meeting shall be scheduled to start between 6:00 p.m. and 8:00 p.m. on a weekday evening, or scheduled between 9:00 a.m. and 5:00 p.m. on a Saturday. The meeting shall not be scheduled within 5 calendar days before or after a Federal holiday.

C Notice in accordance with Code of Virginia, §15.2-2204, as amended shall be required.

D. The purpose of the community meeting is for the developer to provide information to the community regarding the proposed development and to allow citizens to ask questions and to make comments and suggestions.

E. At the community meeting, the developer shall present draft plans for the site layout.

F. The developer shall ensure that a certification of mailed meeting notices and a certification of the newspaper advertisements are included with the site plan when the plan is submitted to the Town of Chincoteague.

G. The developer shall submit the materials presented, a list of attendees, a transcript prepared of the community meeting, and the developer's response to the Town of Chincoteague as part of the site plan submittal.

J. If the developer does not submit a site plan to the Town of Chincoteague within 1 year of the community meeting, or if the plan submitted is substantially different from the plan presented at the community meeting, another community meeting and notification, as specified under this section, shall be required.

#### 16.05 Final Site Plan

(1) A site plan shall be considered final once approved by the Town of Chincoteague. All applicable permits must be obtained and construction begun prior to expiration of the final site plan.

An approved final site plan shall be valid for a period of not less than five (5) years from the date of approval. (Pursuant the Code of Virginia 15.2-2261)

(2) Upon application of the property owner and developer (if different) filed sixty days prior to expiration of a final site plan, the Town of Chincoteague may grant a onetime two (2) years extension to the approval. (Pursuant the Code of Virginia 15.2-2261)

(3) For so long as the final site plan remains valid in accordance with the provisions of this section no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat or final site plan shall adversely affect the right of the developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the final site plan unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare. (Pursuant the Code of Virginia 15.2-2261)

(4) Application for minor modifications to final site plans made during the periods of validity of such plans established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats or plans. (Pursuant the Code of Virginia 15.2-2261)

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# Planning Commission Work Plan - 2016

Updated through August 23, 2016

		Comprehensive Plan Reference	Begin Date	End Date	Notes
<b>1</b>	<b>Comprehensive Plan Update</b>				
<b>a</b>	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
<b>2</b>	<b>FEMA Flood Risk Maps</b>				
<b>a</b>	Review and discuss options for higher standards to qualify for CRS flood insurance discounts including a possible 'freeboard' requirement	<b>Flood Insurance</b> Pg 5-9/10, <b>Implementation Strategy</b> 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>b</b>	Prepare recommendation to Town Council regarding amendment of the 'building height' definition and revisions to Height Regulations in all districts	<b>Primary Goal</b> Pg 2-1, <b>Land Use Objectives</b> 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
<b>3</b>	<b>Ordinance Review</b>				
<b>a</b>	Identify minimum parking standards for wayside stands	<b>Primary Goal</b> Pg 2-1, <b>Land Use Objectives</b> 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>b</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				
<b>c</b>	Sidewalk and Lighting Policy/Subdivision Regulations – Implement 'Walkability Workshop' ideas				
<b>d</b>	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		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. <b>2nd Fee &amp; Scoping Negotiation Meeting to be scheduled.</b>
<b>e</b>	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

# Planning Commission Work Plan - 2016

Updated through August 23, 2016

		Comprehensive Plan Reference	Begin Date	End Date	Notes
<b>f</b>	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
<b>g</b>	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
<b>h</b>	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. <b>Site plan review and public participation in development to be discussed at 09/13/16 meeting.</b>
<b>i</b>	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
<b>j</b>	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
<b>4</b>	<b>Economic Development</b>				
<b>a</b>	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>b</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
<b>c</b>	Consider recommendations from Virginia DCR in the Virginia Outdoors Plan				Provide copy of current DEQ shoreline plan information to PC
<b>5</b>	<b>Hazard Mitigation</b>				
<b>a</b>	Improve map information with LiDAR elevations and analysis of areas impacted by storm and high tide events/coastal flooding				

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		Comprehensive Plan Reference	Begin Date	End Date	Notes
<b>b</b>	Coordinate with Virginia DEQ regarding shoreline management plans.				
<b>6</b>	<b>Priorities of the Comprehensive Plan</b>				
<b>a</b>	Transportation and Parking – VDOT update to Urban Area Plan, complete parking study				
<b>b</b>	Community Facilities and Services – Update the comprehensive plan as necessary to anticipate new community facilities for Capital Improvement Program				
<b>c</b>	Water Quality – Stormwater and Drainage Master Plan				
<b>d</b>	Architectural Design Guidelines				
<b>e</b>	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
<b>f</b>	Maddox Boulevard – C-3 District zoning and subdivision site design standards: Consider overlay district along the ‘gateway corridor’ and new commercial business district				
<b>7</b>	<b>Commissioner Priorities</b>				
<b>a</b>	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>b</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
<b>c</b>	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
<b>d</b>	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				

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<b>e</b>	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			
<b>f</b>	Review and propose implementation strategies for accessory rental homes on larger lots for affordable housing			
<b>8</b>	<b>Other Priorities</b>			
<b>a</b>	USFWS Comprehensive Conservation Plan/EIS			Final Draft CCP/EIS has been published September 11, 2015. Council response letter October 9
<b>b</b>	NPS General Management Plan	1/29/2016	5/1/2016	Public meeting held 03/31/2016 Town Council has drafted a response letter
<b>c</b>	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 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. <b>Town staff attended AWWG meeting 08/24/16.</b>
<b>d</b>	NASA Wallops Flight Facility PEIS/SCSC Rail Gun			
<b>e</b>	Development Review Process - develop informational brochure/checklist for plan and permit review of development activity			Develop support documents concurrently with Item 3h
<b>f</b>	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
<b>g</b>	Update ordinance sections to incorporate reference to current Virginia stormwater management requirements administered by Accomack County			Review Parking Section 6.6.22
<b>h</b>	C-4 Resort Commercial / Maddox Campground	5/10/2016		Conditional Use Permit for waterpark withdrawn 06/06/16 <b>Permitted uses for C-4 and other commercial districts discussed at 08/09/16 meeting. Concept of cascading uses with the commercial district to go to public hearing on 09/13/16.</b>

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		Comprehensive Plan Reference	Begin Date	End Date	Notes
<b>9</b>					
<b>10</b>					
<b>11</b>					
<b>12</b>					