

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

January 10, 2012 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES:

1. Approval of the November 8, 2011 meeting minutes
Approval of the 2011 Annual Report
2. Old Business
 - Amend Section 2.127 – Pony Penning Sales
 - Draft Design Resource Book
 - Work Plan 2012
3. New Business
 - Review of Wastewater Advisory Committee Status Report
4. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN

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PLANNING COMMISSION MEETING 8 November 2011 MINUTES

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Mollie Cherrix, Vice Chairperson
Mr. Tripp Muth, Councilman
Mr. Gene Wayne Taylor

Members Absent:

Mr. Steve Katsetos

Mr. Jeff Potts

Mr. Spiro Papadopoulos

William Neville, Planning Director

CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 pm and established a quorum with Commissioner Katsetos absent.

The invocation was provided by Chairman Rosenberger, followed by the Pledge of Allegiance.

PUBLIC PARTICIPATION

There was none.

AGENDA

Chairman Rosenberger requested a change to the Agenda to add Item 2A – Recap of the Town Council meeting. Commissioner Papadopoulos moved to approve the agenda as revised, seconded by Councilman Muth. The motion was unanimously approved.

1. Approval of the October 11, 2011 minutes.
Commissioner Potts moved for approval of the minutes, seconded by Vice Chairperson Cherrix. The motion was unanimously approved.
2. Public Hearing - Pony Penning Sales Permit Ordinance Amendment
Planning Director Neville stated that notice was provided for a public hearing this evening to consider an amendment of Section 2.127 of the Zoning Ordinance. The staff report includes the original revisions requested by Town administrative staff, and the recommendations of the Town Ordinance Committee to repeal the permit requirements from the Zoning Ordinance definition and replace them in the Town Code Business Section (Chapter 18).

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Additional revisions proposed by Zoning Administrator Lewis and the Planning Commission from the last meeting have been included.

Commissioner Taylor requested an explanation of Section 2.127(2) regarding the 50% of gross income exemption. Chairman Rosenberger asked if the \$300.00 permit fee was a 'fee' or a 'deposit' if a portion can be refundable. Commissioner Potts recommended that the fee should be reduced to \$50.00 to match the business permit fee, if the \$300 is rarely if ever collected anyway.

Commissioners discussed other exemptions relating to farm produce sales, and water/lemonade sales by kids during pony penning week. At the last meeting, outstanding issues were identified as:

- \$300.00 permit fee
- Delete paragraph #2 (50% of gross income)
- Limitation on yard sales during the entire week or portion

Chairman Rosenberger and Commissioner Taylor discuss the mechanism someone would follow if they paid the \$50.00 business license fee and a \$300.00 deposit for Pony Penning Sales. Councilman Muth asked if the \$300.00 would be forfeited to the Town if someone did not report their sales within the 30 days following Pony Penning Week.

Commissioner Papadopoulos asked how much money is actually being addressed by these ordinance changes, is it hundreds or thousands? Councilman Muth requested more specific information about how much tax revenue is typically collected during this week and how much more may actually be gained by improving the deposit requirements. Councilman Taylor offered a motion to require a \$50.00 business license fee and a \$250.00 deposit as an alternative.

Chairman Rosenberger requested further consideration at the next meeting of other special events throughout the year that may also be covered by this revised code section. Commissioner Papadopoulos suggested referring the Pony Penning Event (with a capital E) and the clearly define when the event occurs within the ordinance. It was agreed this was necessary in order to know when garage sales are actually prohibited.

2. A – Recap of Town Council Meeting

Chairman Rosenberger reported on the Council approval of Sign Ordinance amendments regarding Banners, Flags and Pennants. Several changes to the Planning Commission recommendation were made including: commercial banners defined as temporary and permitted for 2 four week periods anytime during the year and up to 32 square feet in size; home occupation signs limited to 4 square feet.

Mr. Neville noted that the Town Council discussed the understanding that temporary banners were flexible and as soon as they are mounted on a rigid

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structure, they need to be permitted as a permanent sign. Commissioners discussed issues of enforcement regarding removal of banners after eight weeks, and certain banners that have been ‘grandfathered’.

Commissioner Taylor asked whether Town Council considered allowing off-site signage, particularly if the business owns the offsite property. Councilman Muth stated that this was not considered and the amendments that passed were addressing primarily home based business. Commissioner Papadopoulos asked if there was discussion of a ‘sunset’ provision so that grandfathered sign approvals would expire and be allowed only under current requirements. Chairman Rosenberger responded no, and explained the thought that went into the adopted sign ordinance. There was further discussion about grandfathering and permit enforcement.

3. Old Business

- Draft Design Resource Book

Mr. Neville reported on his work to simplify the previous examples of design guidelines from other communities and how it was necessary to find other examples that were developed to be voluntary only.

Additional sample guidelines from New England were presented to illustrate how the review of site and architectural design could be incorporated into the typical Town of Chincoteague sketch plan/pre-application review that occurs today.

Chairman Rosenberger recalled that Councilman Jester had suggested coming up with some design ideas that are in sync with what the Town already has rather than something dramatically different. The question asked was – what is the character of the Island? Mr. Neville suggested that before the guidelines can be prepared, then, maybe we need to pin up pictures on the wall of what everyone thinks best represents Chincoteague.

Councilman Muth and Chairman Rosenberger started a discussion to clearly state the objective of preparing a set of design guidelines:

- To describe the traditional types of development that has occurred over the years
- To encourage those that are visually attractive and valued by both residents and tourists
- To update these types of building for current codes and standards.

Mr. Neville described a community planning technique that encourages people to take a camera and capture 20 or so photos that people think represent their community character. These can be displayed, organized and included in the written documents that are being considered as the best way to describe how meaningful places, buildings and views should guide future

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development on Chincoteague Island. This exercise could be completed by the Planning Commission members or extended to the community to build interest and consensus in what the guidelines are trying to accomplish.

Commissioner Papadopoulos added the need for some objective (or generally accepted) criteria for good design to be used in determining architectural character. An example was given that a high school building should not look like a warehouse that displays all of its mechanical equipment for view to the street. Another example provided by Mr. Neville was a new fire station at a community gateway entrance in Maryland that would provide lasting value as a landmark civic building if building materials, architectural detail and site access were well considered in the design process.

Mr. Neville concluded that specific architectural details and a 'how to' guide for good design may not be as important as capturing the images of town character. Several examples of new development were discussed in terms of building mass and architectural detail that would match the surrounding neighborhood or character of the street.

Commissioner Papadopoulos observed that the guidelines should be as simple as possible, and any architectural terms (like parapet) should be referenced to a standard set of industry definitions so there is no conflict with building codes, etc. It was agreed that the sample guideline should be edited and simplified, with permission granted and credit given at the end to the source document.

Commissioners indicated that the sample guidelines that use images from the community to explain design features are the best and they would like to try the 'pictures on the wall' exercise to identify elements of Chincoteague character.

4. New Business

- None

5. Commission Members Announcements or Comments

Commissioner Taylor requested further consideration of the sign ordinance by the Planning Commission and Town Council in the New Year, specifically, the topic of off-site signage for businesses.

Chairman Rosenberger confirmed that there would not be a December meeting of the Planning Commission. He requested that the appointment or re-appointment of Commissioner Papadopoulos' position should be resolved since the term ends

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on December 31st. Mr. Neville confirmed that this would be on the Council agenda in December.

Mr. Neville updated the Commission on the major projects currently on the Accomack County Planning Commission agenda including the new Hospital and the Atlantic Town Center.

Chairman Rosenberger mentioned the Federal decision to exclude Virginia from current consideration of offshore drilling leases.

ADJOURN

Commissioner Papadopoulos moved to adjourn the meeting, seconded by Councilman Muth. The motion was unanimously approved.

Ray Rosenberger, Chairman

**TOWN OF CHINCOTEAGUE
PLANNING COMMISSION
ANNUAL REPORT
2011**

JANUARY 11, 2011

PUBLIC COMMENT - NONE

WORK PLAN – ZONING. STAFF REVIEW OF FINAL EDITS TO DISTRICT REGULATIONS, DISCUSS LARGE MAPS AND DISPLAY FOR PUBLIC REVIEW, SCHEDULE FOR PRESENTATION TO TOWN COUNCIL PRIOR TO PUBLIC HEARINGS.

WORK PLAN – SIGN REGULATIONS. COMMISSION DISCUSSED CODE COMPLIANCE ISSUES AS PROVIDED BY THE ZONING ADMINISTRATOR AND OTHER CONCERNS TO BE ADDRESSED BY REVISIONS TO THE SIGN ORDINANCE. COMMISSION RECOMMENDED LIMITING REVISIONS TO BANNERS, PENNANTS AND FLAGS AND NOT TO PROPOSE CHANGES TO COMMERCIAL SIGN STANDARDS.

THE COMMISSION DEFERRED CONSIDERATION OF THE NEW STATE CODE PROVISION FOR TEMPORARY HEALTH CARE STRUCTURES UNTIL MORE INFORMATION FROM OTHER COMMUNITIES IS AVAILABLE.

A WORK PLAN FOR 2011 WAS REVIEWED AND AMENDED TO INDICATE A PRIORITY FOR COMPLETING THE ZONING MAP REVISION. SEVERAL NEW PROJECTS WERE IDENTIFIED INCLUDING: RESEARCH ON PROFFERS, LANDSCAPING STANDARDS, ENERGY CONSERVATION/RECYCLING/WATER CONSERVATION.

**MEMBERS PRESENT: ROSENBERGER, CHERRIX, KATSETOS, MUTH,
TAYLOR, POTTS, PAPADOPOULOS**

MEMBERS ABSENT: NONE

JANUARY 26, 2011
WORKSESSION

PUBLIC PARTICIPATION - NONE

COMMISSIONERS DISCUSSED FINAL ISSUES WITH THE ZONING MAP AND DISTRICT REGULATIONS INCLUDING: REVISED NAMING SYSTEM FOR DISTRICTS, FLOODPLAIN ORDINANCE, RC CONSERVATION DISTRICT, SPLIT ZONED PROPERTIES

THE COMMISSION CONTINUED TO DISCUSS PROPOSED CHANGES TO THE SIGN ORDINANCE AND THEIR EFFECT ON COMMUNITY CHARACTER

MEMBERS PRESENT: ROSENBERGER, KATSETOS,
TAYLOR, POTTS, PAPADOPOULOS

MEMBERS ABSENT: CHERRIX, MUTH

FEBRUARY 8, 2011

PUBLIC PARTICIPATION - NONE

REVISIONS TO THE BYLAWS WERE DISCUSSED, NO ACTION TAKEN.

OFFICERS WERE ELECTED AS FOLLOWS:

CHAIRMAN – RAY ROSENBERGER
VICE CHAIRPERSON – MOLLIE CHERRIX
SECRETARY – STAFF TOWN PLANNER

WORK PLAN – ZONING. COMMISSIONERS REVIEWED THE DRAFT VERSION OF THE ZONING MAP AND DISTRICT AMENDMENTS AND DISCUSSED THE JOINT COUNCIL WORKSHOP SCHEDULED FOR FEB 17TH. LARGE FORMAT ZONING MAPS WERE REQUESTED.

WORK PLAN – SIGN REGULATIONS. THE COMMISSION CONTINUED TO DISCUSS PROPOSED CHANGES TO THE SIGN ORDINANCE INCLUDING: 2004 SIGN SURVEY, NON-PROFIT EXEMPTIONS, BANNERS AS TEMPORARY SIGNS, NUMBER OF BANNERS BASED ON ROAD FRONTAGE, HOME OCCUPATION SIGNS, SIGN HEIGHT. DISCUSSION OF PUBLIC ART AS SIGNS WAS DEFERRED.

MEMBERS PRESENT: ROSENBERGER, CHERRIX, KATSETOS, MUTH,
TAYLOR, POTTS, PAPADOPOULOS

MEMBERS ABSENT: NONE

FEBRUARY 17, 2011
JOINT WORKSHOP WITH
TOWN COUNCIL

THE COMMISSION PRESENTED WORK COMPLETED FOR A COMPREHENSIVE ZONING MAP AND ZONING DISTRICT AMENDMENT THAT WOULD ALIGN WITH THE COMPREHENSIVE PLAN ADOPTED IN JANUARY 2010.

TOWN COUNCIL ASKED QUESTIONS AND PROVIDED COMMENTS. DIRECTION WAS GIVEN TO PROCEED WITH A PLANNING COMMISSION PUBLIC HEARING IN ORDER TO OBTAIN PUBLIC COMMENT.

ALL MEMBERS PRESENT.

MARCH 8, 2011

PUBLIC PARTICIPATION– NONE

COMMISSIONERS CONSIDERED QUESTIONS FROM THE TOWN COUNCIL WORKSHOP: 1) HAS THERE BEEN ON THE GROUND VERIFICATION OF THE ZONING DISTRICT AREAS, 2) ARE THERE OTHER RESIDENTIAL NEIGHBORHOODS THAT SHOULD BE INCLUDED IN THE R-1 OR R-2 DISTRICT, 3) SHOULD THE RC CONSERVATION ZONE BE APPLIED TO ALL MARSH AREAS, 4) AND 5) TOWN BOUNDARY AND LAND OWNERSHIP NEAR THE HARBOR, 6) DEFINITION OF TERMS, 7) AND 8) WRITTEN DESCRIPTION OF ZONING DISTRICTS AND PERMITTED USE COMPARISON CHART.

WORK PLAN – SIGNS. COMMISSIONERS APPROVED THE FINAL DRAFT OF THE SIGN ORDINANCE REVISION FOR BANNERS, FLAGS, PENNANTS AND SCHEDULED THE PUBLIC HEARING. AN AMENDMENT TO THE SECTION REGARDING BUILDING MOUNTED SIGN HEIGHT WAS CONSIDERED.

MEMBERS PRESENT: ROSENBERGER, CHERRIX, KATSETOS, MUTH,
TAYLOR, POTTS, PAPADOPOULOS

MEMBERS ABSENT: NONE

APRIL 12, 2011

PUBLIC PARTICIPATION - NONE

PUBLIC HEARING – SIGN ORDINANCE REVISION FOR FLAGS, BANNERS AND PENNANTS. THERE WAS NO PUBLIC COMMENT ON THE PROPOSED REVISIONS AND THE PUBLIC HEARING WAS CLOSED. THE COMMISSION TABLED DISCUSSION AND A VOTE UNTIL THE ALL MEMBERS WERE PRESENT.

WORK PLAN – ZONING. DRAFT ZONING MAPS WERE REVIEWED ALONG WITH THE PROPOSED SCHEDULE FOR PUBLIC NOTICE AND HEARINGS.

DISCUSSION CONTINUED REGARDING THE PROPOSED SIGN ORDINANCE AMENDMENT FOR MAXIMUM HEIGHT OF BUILDING MOUNTED SIGNS.

**MEMBERS PRESENT: ROSENBERGER, CHERRIX, KATSETOS,
TAYLOR, PAPADOPOULOS**

MEMBERS ABSENT: MUTH, POTTS

MAY 10, 2011

PUBLIC PARTICIPATION – SEE PUBLIC HEARING BELOW.

PUBLIC HEARING – COMPREHENSIVE ZONING MAP AND ZONING ORDINANCE AMENDMENT. STAFF PRESENTED THE BACKGROUND AND PURPOSE BEHIND THE REVISED MAP AND DISTRICTS. A LIST OF 22 COMMENTS AND 7 EMAILS WERE INCLUDED IN THE PUBLIC RECORD. PUBLIC COMMENT WAS RECEIVED FROM 7 INDIVIDUAL PROPERTY OWNERS. THE RECORD WAS LEFT OPEN FOR COMMENT UNTIL A SECOND HEARING ON JUNE 14TH.

WORK PLAN – SIGN HEIGHT. DISCUSSION CONTINUED REGARDING THE PROPOSED SIGN ORDINANCE AMENDMENT FOR MAXIMUM HEIGHT OF BUILDING MOUNTED SIGNS. STAFF WAS REQUESTED TO PREPARE PHOTO SIMULATIONS OF THE VISTA FROM THE NEW BRIDGE IN ORDER TO EVALUATE THE IMPACT OF ADDITIONAL SIGN HEIGHT. COMMISSIONERS MOVED TO SCHEDULE A PUBLIC HEARING ON THIS MATTER.

MEMBERS PRESENT: ROSENBERGER, CHERRIX, KATSETOS, MUTH,
TAYLOR, POTTS, PAPADOPOULOS

MEMBERS ABSENT: NONE

JUNE 14, 2011

PUBLIC PARTICIPATION – SEE PUBLIC HEARING BELOW.

PUBLIC HEARING #2– COMPREHENSIVE ZONING MAP AND ZONING ORDINANCE AMENDMENT. STAFF PRESENTED THE BACKGROUND AND PURPOSE BEHIND THE REVISED MAP AND DISTRICTS, ALONG WITH PUBLIC COMMENTS TO DATE ORGANIZED INTO 6 MAIN LAND USE ISSUES. SEVERAL CORRECTIONS WERE NOTED BASED ON THE LAST PUBLIC HEARING COMMENTS.

PUBLIC COMMENT WAS RECEIVED FROM 37 INDIVIDUAL SPEAKERS. THE PUBLIC HEARING WAS CLOSED. COMMISSIONERS SET A WORK SESSION DATE FOR JULY 12TH TO CONSIDER THE COMMENTS RECEIVED.

WORK PLAN – SIGN HEIGHT. DISCUSSION CONTINUED REGARDING THE PROPOSED SIGN ORDINANCE AMENDMENT FOR MAXIMUM HEIGHT OF BUILDING MOUNTED SIGNS. COMMISSIONERS VOTED TO APPROVE A HEIGHT LIMIT EXCEEDING THE CURRENT 12 FEET. THE MOTION PASSED ON A 4:2:1 VOTE AND A JOINT HEARING WAS SCHEDULED FOR JULY 11TH.

THE PLANNING COMMISSION HEARD A PRESENTATION AND REQUEST BY THE CHINCOTEAGUE VOLUNTEER FIRE COMPANY TO INCLUDE THE PROPERTY AT THE CORNER OF DEEP HOLE ROAD AND CHICKEN CITY ROAD IN THE C-3 COMMERCIAL ZONING DISTRICT. COMMISSIONERS VOTED UNANIMOUSLY TO RECOMMEND TO TOWN COUNCIL THAT THIS PROPERTY SHOULD BE INCLUDED IN THE C-3 DISTRICT AS A PART OF THE COMPREHENSIVE ZONING MAP AMENDMENT.

MEMBERS PRESENT: ROSENBERGER, CHERRIX, KATSETOS, MUTH,
TAYLOR, POTTS, PAPADOPOULOS

MEMBERS ABSENT: NONE

JULY 12, 2011
WORKSESSION

COMMISSIONERS REVIEWED 7 MAIN TOPICS AND IDEAS THAT WERE SUMMARIZED BY STAFF FROM THE PUBLIC HEARING COMMENTS.

THE COMMISSION DISCUSSED EACH TOPIC AND RECOMMENDED REVISIONS THAT WOULD BE PREPARED FOR ACTION AT THE AUGUST 9TH MEETING.

THE PROPOSED SIGN ORDINANCE AMENDMENT TO PERMIT WALL MOUNTED SIGNS TO EXCEED 12 FEET WAS DEBATED AND REVISED SEVERAL TIMES BEFORE COMMISSIONERS UNANIMOUSLY APPROVED A FINAL VERSION FOR RECOMMENDATION TO TOWN COUNCIL.

ALL MEMBERS PRESENT EXCEPT KATSETOS.

AUGUST 9, 2011

PUBLIC PARTICIPATION – JOHN JESTER SPOKE TO THE COMMISSIONERS ABOUT PREPARING A DOCUMENT TO PROMOTE GOOD ARCHITECTURAL DESIGN PRINCIPLES SIMILAR TO THE ONE ADOPTED BY THE TOWN OF EASTON, MD.

WORK PLAN – COMPREHENSIVE ZONING MAP AND ZONING ORDINANCE AMENDMENT. STAFF PRESENTED ORDINANCE AND MAP REVISIONS AND HIGHLIGHTED REMAINING ISSUES REGARDING CAMPGROUND USES IN THE R-4 AND C-4 DISTRICTS FOR RESOLUTION. COMMISSIONERS APPROVED A MOTION (5:1:1) TO FORWARD THE AMENDMENTS TO TOWN COUNCIL WITH A RECOMMENDATION FOR APPROVAL.

WORK PLAN – SIGN ORDINANCE REVISION FOR FLAGS, BANNERS AND PENNANTS. COMMISSIONERS REVISED THE MAXIMUM SIZE OF A HOME OCCUPATION SIGN TO 12 SQUARE FEET AND APPROVED A MOTION (3:2:1:1) TO FORWARD THE AMENDMENTS TO TOWN COUNCIL WITH A RECOMMENDATION FOR APPROVAL.

MEMBERS PRESENT: ROSENBERGER, CHERRIX, KATSETOS, MUTH, TAYLOR, POTTS

MEMBERS ABSENT: PAPADOPOULOS

SEPTEMBER 13, 2011

PUBLIC PARTICIPATION - NONE

WORK PLAN – A LIST OF PROJECTS WAS REVIEWED BY COMMISSIONERS TO ESTABLISH PRIORITIES FOLLOWING THE COMPLETED ZONING AMENDMENTS.

PONY PENNING SALES PERMIT ORDINANCE AMENDMENT – A REQUEST FROM THE ORDINANCE COMMITTEE TO MOVE RULES FROM THE ZONING ORDINANCE DEFINITIONS TO CHAPTER 18 OF THE TOWN CODE WAS CONSIDERED BY COMMISSIONERS.

ARCHITECTURAL DESIGN GUIDELINES WERE DISCUSSED WITH LIMITATIONS RECOMMENDED BY COMMISSIONERS TO MAKE THEM APPROPRIATE, VOLUNTARY AND SIMPLE.

MEMBERS PRESENT: ROSENBERGER, KATSETOS, MUTH,
TAYLOR, POTTS

MEMBERS ABSENT: PAPADOPOULOS, CHERRIX

OCTOBER 11, 2011

PUBLIC PARTICIPATION - NONE

WORK PLAN – UPDATED TO INCLUDE COORDINATION WITH THE WASTEWATER ADVISORY COMMITTEE, AND CONSIDERATION OF THE CAPITAL IMPROVEMENT PROGRAM FOR COMMUNITY FACILITIES AND INFRASTRUCTURE.

PONY PENNING SALES PERMIT ORDINANCE AMENDMENT – A DRAFT AMENDMENT TO THE ZONING ORDINANCE WAS REVIEWED BY THE COMMISSION. COMMISSIONERS VOTED TO SCHEDULE A PUBLIC HEARING.

ARCHITECTURAL DESIGN GUIDELINES WERE DEFERRED TO THE NEXT MEETING IN ORDER TO ALLOW MORE TIME FOR STAFF TO PREPARE A DRAFT DOCUMENT FOR REVIEW.

MEMBERS PRESENT: ROSENBERGER, CHERRIX, KATSETOS, MUTH,
TAYLOR, POTTS, PAPADOPOULOS

MEMBERS ABSENT: NONE

NOVEMBER 8, 2011

PUBLIC COMMENT - NONE

PUBLIC HEARING - PONY PENNING SALES PERMIT ORDINANCE AMENDMENT – REVISIONS TO THE ZONING ORDINANCE DEFINITION IN SECTION 2.127 WERE ADVERTISED. THERE WAS NO PUBLIC COMMENT. COMMISSIONERS QUESTIONED SEVERAL OF THE PERMIT REQUIREMENTS THAT WERE PROPOSED FOR RELOCATION TO CHAPTER 18 OF THE TOWN CODE. ACTION WAS DELAYED TO ALLOW FURTHER CONSIDERATION AT THE NEXT MEETING.

SIGN ORDINANCE AMENDMENT – BANNERS, FLAGS AND PENNANTS. TOWN COUNCIL ACTION WAS REVIEWED SO THAT ALL COMMISSIONERS WERE INFORMED OF THE ADOPTED CHANGES MADE TO THE PLANNING COMMISSION RECOMMENDATIONS.

ARCHITECTURAL DESIGN GUIDELINES - SAMPLE VOLUNTARY GUIDELINES WERE REVIEWED FROM OTHER COMMUNITIES. COMMISSIONERS DISCUSSED CLEAR OBJECTIVES, CONSIDERED A POSSIBLE PHOTO SURVEY OF COMMUNITY CHARACTER EXERCISE, AND INDICATED A PREFERENCE FOR A GRAPHIC RATHER THAN WRITTEN SET OF DESIGN GUIDELINES.

MEMBERS PRESENT: ROSENBERGER, CHERRIX, MUTH,
TAYLOR, POTTS, PAPADOPOULOS

MEMBERS ABSENT: KATSETOS

DECEMBER 13, 2011

NO MEETING



STAFF REPORT

To: Planning Commission

From: Bill Neville
Planning Director

Date: November 8, 2011 (revised January 9, 2012)

Subject: Post - Public Hearing Review
Pony Penning Sales Permit Ordinance Amendment

The Town of Chincoteague Planning Commission held a public hearing on November 8, 2011 for an amendment to the Pony Penning Sales Permit Ordinance that would relocate requirements for permits and reporting from the Zoning Ordinance to the Business section of the Town Code. The main purpose of the proposed revision is to encourage all vendors to report their sales income in a timely matter or risk forfeiting a deposit. There was no public comment.

The Planning Commission identified several items that required additional consideration before preparing a recommendation to the Town Council for action.

- explanation of Section 2.127(2) regarding the 50% of gross income exemption.
- Consider deleting paragraph #2 (50% of gross income)
- is the \$300.00 permit fee a 'fee' or a 'deposit' if a portion can be refundable.
- \$300.00 permit fee is too much for small business to pay for this event
- require a \$50.00 business license fee and a \$250.00 deposit as an alternative.
- Limitation on yard sales during the entire week or portion
- Identify how much tax revenue is currently lost or delayed due to the deposit exemptions
- consideration of other special events throughout the year that may also be covered by this revised code section.
- clearly define when the event occurs within the ordinance.

Revisions have been proposed in the draft amendment for consideration by the Commission

Proposed Definition to remain in the Zoning Ordinance:

Sec. 2.127. Pony Penning sales.

Pony Penning sales is herein defined in this ordinance to mean and include all general sales within the town, ~~that are~~ open to the public during the period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. ~~, for the purpose of disposing of any personal property.~~ A permit is required for conducting Pony Penning sales within the Town in accordance with Chapter 18 of the Code.

Proposed Amendment to Chapter 18 of the Town Code:

Chapter 18. Businesses

Article II. Licenses

Division 2. Specific Businesses and Occupations

Sec. 18-96 Pony Penning Sales (Merchants)

- (a) *Generally.* *Pony Penning sales* is herein defined in this ordinance to mean and include all general sales within the town, that is open to the public during the event, ~~for the purpose of disposing of any personal property.~~
- (b) *Permit.* A permit is required for conducting Pony Penning sales within the town and must be secured eight days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale. Yard sales are prohibited during the event.
- (c) *Permit fee and deposit.* The permit fee shall be \$300.00, 50.00.
- (1) Anyone with holding a valid town business license, or who is otherwise exempted from the business license fee, is exempted from the permit fee.
- ~~(2) — Any person who produces documentary evidence to the reasonable satisfaction of the Town Manager that said person derives less than 50% of their gross income from the sale of such merchandise is exempt from the permit fee.~~
- (2) — All Pony Penning sales permittees, unless exempt under (1), must submit a deposit to the town manager in a minimum amount of \$250.00, or anyone
- ~~(3) — Anyone~~ selling prepared food as defined in the town's meal tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted ~~by August 20,~~ within 30 days from the end of the event. Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to permittee upon computation of the actual tax due and payable as determined by such sales.
- (d) *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered Pony Penning sales and will be in violation of this section and will be considered a business and must comply with all applicable zoning and business licensing requirements.

(Amended xx/xx/11)



STAFF REPORT

To: Planning Commission

From: Bill Neville
Planning Director

Date: January 10, 2012

Subject: Design Guidelines

For reference, a copy of the recently proposed 'simplified design guidelines' for Ocean City Maryland are attached for your review.

At the last meeting we discussed a Planning Commission project to take 20 pictures around Chincoteague that you feel identifies the community character. This can be architecture, open spaces, landmarks, or views. Please bring any photos along that you have taken, or think about buildings and locations that you would like to capture for this project.

Staff will provide an update on the preparation of draft guidelines at the meeting.

DESIGN GUIDELINES

Planning Commission Proposal

INTRODUCTION. The Comprehensive Plan for Ocean City calls for the establishment of flexible guidelines for development appearance that encourage quality in architectural design. Guidelines should reflect the existing character of distinct neighborhoods or contribute to a better definition of character where it may be absent. As a resort, the town's appearance has a major impact on its economic mainstay, tourism. For this reason, it is in the town's interest to oversee the visual quality of development.

Future development in Ocean City will primarily consist of infill within established neighborhoods. Some existing neighborhoods, such as single-family areas, are comprised of compatible buildings, while other neighborhoods are a mix of different uses and architectural styles. These design guidelines do not require that new development mimic existing buildings, but they do require that the designer ensure that new development complements and enhances the character of the existing neighborhood.

These guidelines do not constitute absolute rules and regulations. They are meant to convey to the developer and design professional the town's desire for quality appearance and to set forth the design elements that should be addressed during the site plan review process.

APPLICATION AND RELATIONSHIP TO OTHER ORDINANCES AND PLANS. These design guidelines are meant to implement the Comprehensive Plan for Ocean City. They apply to all of the corporate limits of the Town of Ocean City except those areas subject to the Downtown Design Overlay Zone (Chapter 110, Article 23) and the Upper Downtown Design Overlay Zone (Chapter 110, Article 26).

The design guidelines address only the architectural design and appearance of buildings. Other regulations concerning permitted uses, density, bulk, parking, landscaping, signs, etc., shall supercede when inconsistencies may arise.

DESIGN REVIEW PROCESS. The application of these guidelines is but one part of the site plan review process. The applicant for site plan approval should submit adequate plans and elevations to illustrate and explain to the Planning Commission how the intent and purpose of these guidelines are being addressed. The Planning Commission shall consider the design and its relation to the guidelines as part of its site plan review duties.

DESIGN ELEMENTS TO BE CONSIDERED. The following design elements should be considered by the applicant for site plan approval.

1. Neighborhood sensitivity
 - a. In a neighborhood where visual character is clearly defined, that character should be respected. Elements that establish character include

- i. Building height
 - ii. Architectural style
 - iii. Roof style
 - iv. Architectural massing
 - v. Finish materials, ornamentation and detail
 - vi. Landscaping
 - vii. Windows and doors
 - viii. Siding materials
 - b. In a neighborhood that does not reflect a clear visual character, the designer may have the opportunity to set the standard for future development.
- 2. Siting and location of the building on the site.
 - a. Setbacks. Underlying zoning will control setbacks in most cases. In instances where existing setbacks (especially streetside setbacks) differ from those permitted by zoning, the existing pattern should be followed as closely as possible.
 - b. Corners. Corner lots are particularly important to the visual character of a neighborhood. The same level of interesting architectural treatment (windows, projections, ornamentation, etc.) should be given to all street sides.
 - c. Shadows. Attention should be paid to the impacts of shadows cast by a new building on existing neighbors. Orientation and stepped-back upper stories can be used to minimize shadows.
 - d. Building and lot orientation. New buildings and lots should be oriented similar to the existing nearby development. The relationship of buildings to buildings and buildings to streets should be consistent.
 - e. Parking. When possible, parking should be located within or to the rear of the building. When parking is located between a street and building, it should be screened from view by landscaping and/or fencing.
 - f. Garages. Ideally, garages should not open to the front or streetside. When they must, architectural practices such as recessing the garage or the imaginative use of color or trim should de-emphasize the garage.
 - g. Mechanical systems, dumpsters and other refuse collection items should be hidden or screened from view.
- 3. Architectural envelope.
 - a. Orientation. Building orientation should reflect that of the neighboring properties. For example, where the predominant pattern in a block is gable ends of buildings oriented perpendicular to the street, infill development should be so oriented.
 - b. Roofs. Infill development and rebuilds should have roof styles, pitches and architectural details that are complementary to the existing neighboring development.

- c. Massing and proportions. Massing and proportion of established nearby buildings should be reflected in new development. Massing relates to the overall bulk and size of a building. Proportion has to do with how the parts or elements of a building relate to each other. When similar massing is not possible to achieve, the building facade can be broken into smaller elements creating an illusion of a smaller building more in scale with its neighbors.
4. Openings.
- a. Entryways. The principle entry into a building should be apparent and easily identified. It should most often be placed on the front facade. When possible, the height of the entry should reflect that of its neighbors. Ground level entries in a block of raised entries could disrupt visual continuity. Stairs to a principle entry should be interesting from the street. They could be wide, include planters, intermediate landings, decorative banisters, and lighting.
 - b. Windows. The proportion, size, and detailing of windows should relate to that of neighboring buildings. The ratio of window openings to solid wall should be appropriate. Careful arrangement, placement, proportioning and detailing of windows and trim can add interest, balance and order to the exterior facade. When possible, window placement should respect the privacy of neighboring buildings.
 - c. Porches. Porches are encouraged in locations where they have traditionally been part of the streetscape.
5. Finishes and materials.
- a. The choice and mix of finishes and materials is important in providing an attractive streetscape environment. Exterior finishes and materials should be consistent and compatible with those existing in the neighborhood.
 - b. The choice of materials can help express the proportions and massing of a building. Different materials can help define different parts of the building such as the base or an entry.
 - c. Ornamentation. Structures should have finished architectural facade treatment on all sides visible from a public way or adjoining property. Long facades should incorporate recesses and projections to break up the facade. Architectural interest can be added to large structures by introducing the use of a repeating pattern of change in color, texture and material modules at regular intervals. Ornamentation should be consistent with the predominant style of the neighborhood.
6. Roof detail.
- a. Pitched and gabled roofs are encouraged. When this is not practical, false gables and mansards can achieve a similar appearance.
 - b. Mechanical fixtures on roofs should be hidden from view.

- c. For larger structures, variations in rooflines should be incorporated to reduce the scale and add visual interest.
 - d. Elements such as dormers, eaves, and secondary roof elements over bay windows and porches are encouraged to reduce the impact of large roof areas.
7. Color. Color schemes should be compatible with the existing structures in the neighborhood. Facades should use subtle or neutral colors with accent applied to trim elements. More vibrant colors should be used sparingly and with discretion.

ADDITIONS. Additions should pay careful attention to the architectural style of the existing structure so as not to dramatically change the appearance of the structure and the character of the neighborhood.

- 1. The scale and mass of the addition should be in keeping with the original structure.
- 2. Additions should only be constructed on the side or rear of the original building so as not to disrupt the established setback.
- 3. The roof of an addition should match or complement the design of the original structure.
- 4. Architectural elements such as windows should respect the prevailing geometry of the original structure.
- 5. Materials used in the addition should be consistent with the original structure.

APPEALS. Appeals to decisions of the Planning Commission would follow same process as appeals to a site plan decision (Board of Zoning Appeals).

Planning Commission Work Plan - 2011

■ Zoning District Conformance with Comprehensive Plan 2010

- Review comparison chart between existing zoning districts and land use planning areas.
- Develop strategy for preparation of new zoning classifications recommended by the Plan
- Historic Downtown (based on C-2)
- Resort Residential (new mixed use master planned development)
- Neighborhood Commercial (based on C-1)
- Commercial Corridor (possible overlay district)
- Resort Commercial (based on C-1 plus new PUD option for redevelopment of R-3)
- Prepare revised zoning map, district regulations and hold public hearings

■ Ordinance Review

- Signs: Banners, Flags, Pennants
- Storm water Draft Regulations
- Sidewalk Policy/Subdivision Regulations

■ Other Priorities of the Comprehensive Plan

- Economic Development
- Transportation
- Community Facilities and Services
- Housing

■ Commissioner Priorities

- Energy use, recycling of material, water conservation
- Proffer study and guidelines
- Coordination with Accomack County Planning
- Capital Improvement Program

■ Town Council Priorities

- Beach Access/Maddox Campground
- Wastewater Advisory Committee Study
- Landscaping standards
- Architectural Design Guidelines

January 3, 2012

STATUS REPORT TO THE TOWN OF CHINCOTEAGUE COUNCIL

BY

The Wastewater Advisory Committee

Background:

The Wastewater Advisory Committee was established by the Council's unanimous vote during a Special Council meeting on May 19, 2011. This Committee is to serve in an advisory capacity and any recommendation made is to be referred to the full Council for action.

An organizational meeting of the Committee was held on July 15, 2011 and the Committee structure was defined along with identifying material for review by the members. Specifically:

1. The CLARK-NEXSEN Preliminary Engineering Report for Sanitary Sewer, Phase I of March 2011.
2. The Town of Chincoteague Comprehensive Plan of January 4, 2010.
3. The Town of Chincoteague Water Master Plan of October 2003.

The Committee has five members, Spiro Papadopoulos (chair), Mike Tolbert (vice chair), Scott Chesson, Kelly Conklin and Tommy Clark.

Committee Meetings:

1. July 21, 2011. Presentation of the Atlantic Town Center Wastewater Treatment Plant by Christopher Carbaugh of The Atlantic Group.
2. October 26, 2011. Presentation of the Waste Water Treatment Package Plant by Todd Burbage of Blue Water Development Corp.
3. December 1, 2011. Discussion on identifying issues that this Committee should be focusing on, review of Wastewater studies to date (1976, 1988, 2007 and 2011), defining options, regulations, capacities of wastewater treatment plants, various combinations (residential on-site WTP, commercial on-site WTP, phase I commercial central WTP and island wide central WTP).

Other Activities:

1. December 7, 2011. Attendance at the Chesapeake Bay TMDL (Total Maximum Daily Load) meeting at the Eastern Shore Community College.
2. December 14, 2011. Attendance at the Accomack County Planning Commission in order to learn "first-hand" status of Atlantic Town Center Wastewater Treatment Facility CUP Application and Zoning Ordinance Text Amendment.

Current Committee recommendation to Council:

The Town to enter discussions with Blue Water to develop terms of agreement and to allow a sewer main to be constructed between the existing WTP at Sunset Bay and Landmark Plaza that would also serve existing commercial properties that wish to connect to such sewer main.

Proposed future plan of actions by the Committee:

1. Research and review regulations applicable to wastewater systems for Chincoteague Island.
2. Schedule and meet with senior representatives of Virginia's appropriate agencies/departments (Department of Health and Department of Environmental Quality) in order to clarify applicable regulations and compliance with the Clean Water Act.
3. Review actions by communities similar to Chincoteague Island and their solutions to the wastewater issue.
4. Summarize and evaluate options on actions and alternatives regarding possible waste water plans.
5. Develop ideas and suggestions for the Town Council on areas to be served with waste water system.
6. Develop recommendations for consideration by the Town Council.
7. Develop approach for the Committee to serve as liaison to the Public and Town Council.

Respectfully submitted by: Spiro Papadopoulos, Chair Wastewater Advisory Committee