

COUNCIL WORKSHOP MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

March 15, 2012, 5:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Comprehensive Zoning Map Amendment – Resolution of Outstanding Issues
2. Pony Penning Permit Application Form – Proposed Revision
3. Town Decorative Banner Project – Update
4. Committee Member Comments

ADJOURN:



STAFF REPORT

To: Mayor Tarr and Town Council

Through: Robert Ritter, Town Manager

From: Bill Neville, Director of Planning

Date: March 1, 2012 (Updated March 12, 2012)

Subject: Zoning Map and District Update
Town Council Workshop

- ❖ **Town Council Public Hearing was held on February 6, 2012 and the record was kept open for written comments for 25 days.**
 - ❖ **A summary of the comments received was presented for possible Town Council action to accept or modify the proposed Zoning Map and District Regulations at the regular meeting on March 5, 2012**
 - ❖ **Outstanding issues will be considered at the Council Workshop scheduled for March 15th**
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A description of the planning process for adoption of a new Town of Chincoteague Zoning Map was included in the February 2012 Public Hearing Staff Report. Please refer to that document for more information about the following issues:

- 1) Commercial zoning of salt marsh areas surrounding the Island
 - a. 88 acres east of Maddox Campground
 - b. 20 acres at south end of Marsh Island
- 2) R-4 Resort Residential District – existing campground use expansion permitted by right
- 3) Proposed zoning district boundaries along North Main Street
 - a. R-2 District along North Main Street
 - b. Reconsider proposed expansion of commercial zoning along east side of North Main Street

- 4) Landowner requests or suggestions for proposed zoning changes
 - a. Rauth – Request to revise the R-3 zoning district regulations so that Public Piers and Boat Ramps would require special permit approval
 - b. Ullmann – Request to include Redman Cemetery in the POS Parks and Open Space zoning district along with other cemetery parcels on the Island
 - c. Potts – Suggestion that the existing Fire House on the corner of Main Street and Cropper Street should be included in the proposed C-2 commercial district
 - d. Conklin – Request that an existing seafood business/former barber shop building on Ridge Road to be included in a commercial zoning district
 - e. Meals/Seaman – Suggestion that existing subdivided lots on Bay Street currently in residential use should be included in the Resort Commercial District
 - f. Neeley – Suggestion that several parcels along the east end of Ocean Boulevard currently in residential use should be zoned to the R-2 district in order to preserve the residential character of the street.

Each of these issues will be presented for a possible decision by Town Council to accept the Planning Commission recommendation or modify portions of the overall Draft Zoning Map and District Regulations, as presented at the February 6th public hearing, prior to taking action on the Comprehensive Zoning Amendment.

PUBLIC COMMENT

1) Commercial zoning of salt marsh areas surrounding the Island

Two speakers and 11 written comments have requested use of the RC Conservation district on the Island to protect natural features and water quality, particularly the salt marsh areas located on either side of Beach Road leading to Assateague Channel. One landowner has requested that a privately owned salt marsh area located at the south end of Marsh Island should not be rezoned.

- A)** 88 acres of marsh land are currently zoned R-3 Residential and are reported to be under contract to the USFWS. The proposed Zoning Map was prepared to illustrate the C-4 Resort Commercial recommendation of the adopted 2010 Comprehensive Plan.
- B)** 20 acres of marsh land are currently zoned C-1 Commercial. The proposed Zoning Map was prepared to illustrate the R-3 Mixed Use Residential recommendation of the adopted 2010 Comprehensive Plan

PC recommendation: Forward this issue to the Town Council showing the recommended land use from the adopted Comprehensive Plan as it was

advertised for public hearing. The Planning Commission has generally applied the following approach and principles:

- Apply the RC Conservation district only to parcels that are in public ownership and/or are under permanent conservation easement
- Retain the existing zoning for parcels in private ownership unless otherwise shown in the Comprehensive Plan
- Apply zoning districts that follow property lines not natural features
- Recommend the appropriate zoning district that does not significantly change a property owners permitted uses or zoning district standards when the public has objected to the recommendations of the Comprehensive Plan. (example – Resort Commercial use along North Main Street was revised to Resort Residential)

Staff recommendation: Maintain a consistent, ‘comprehensive’ approach that would propose (A) to retain its existing R-3 residential zoning until or unless it is purchased by the USFWS, and (B) to retain its existing C-1 commercial zoning while allowing the remainder of Marsh Island to be mapped as R-3 Mixed Use Residential based on its existing land use.

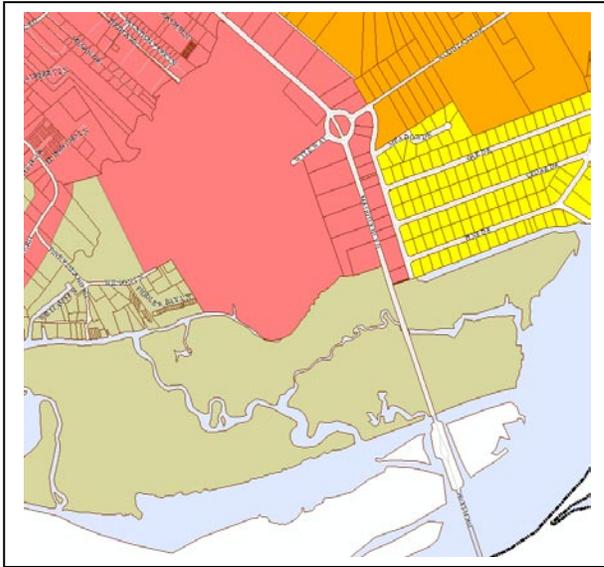
Motion: To accept the proposed zoning of marsh lands surrounding Chincoteague Island as recommended by the adopted 2010 Comprehensive Plan land use map and the Planning Commission, or

Motion: To modify the proposed Zoning Map as described in the Staff recommendation

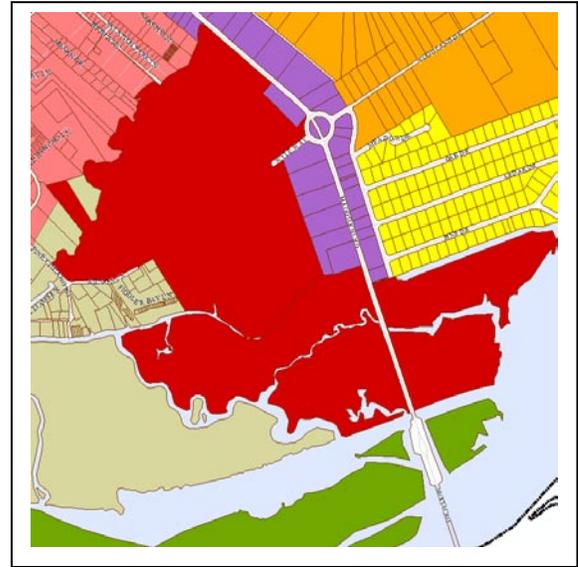
<See following Map Exhibit>

Zoning Topic 1(A)

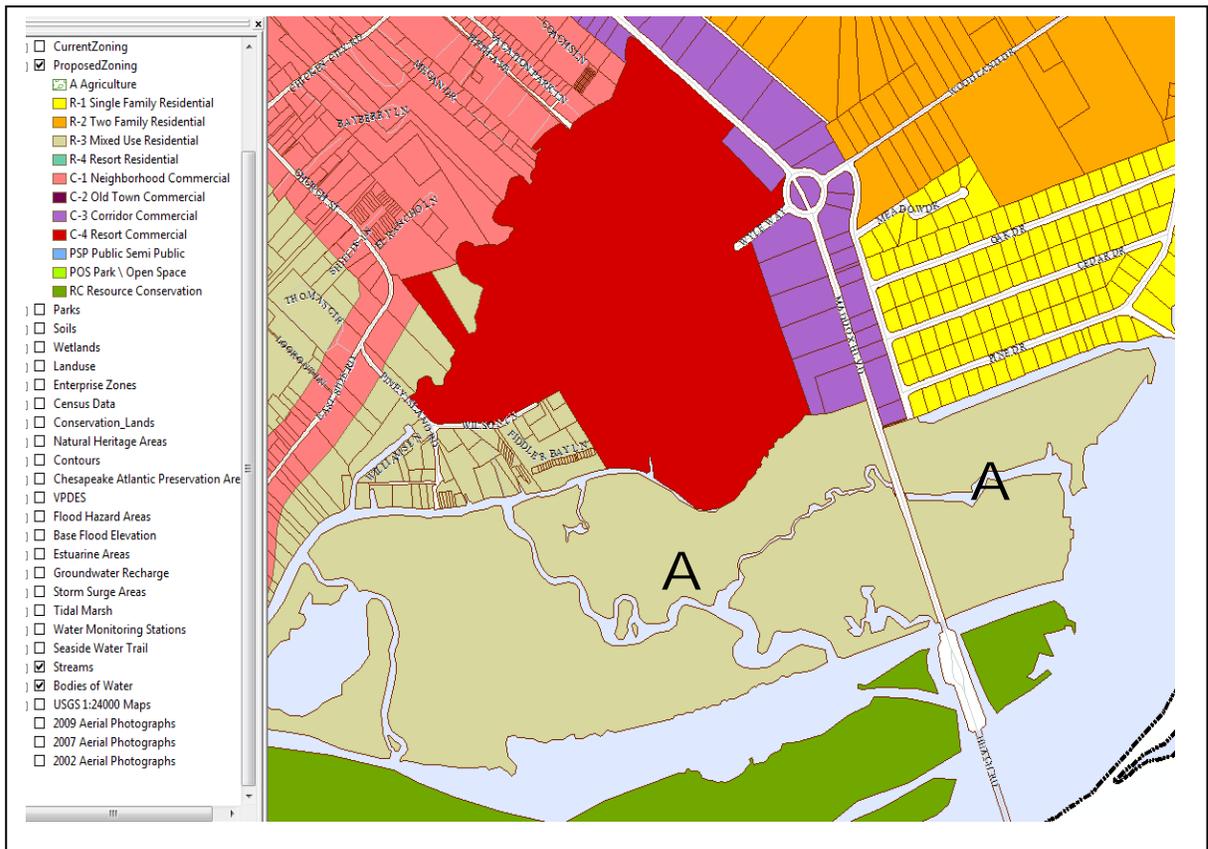
Worksheet – C-4 Commercial District (Marsh land)



Existing Zoning Districts

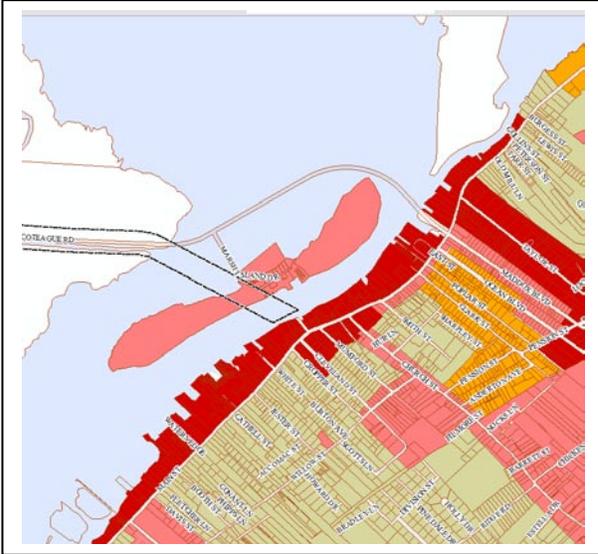


Public Hearing Draft

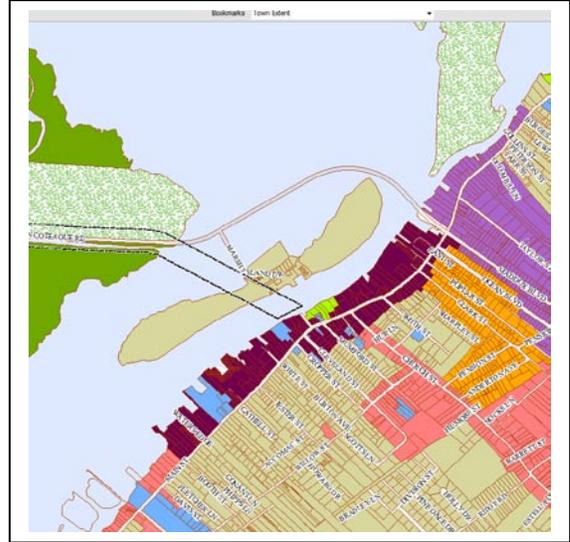


Staff Alternate Draft Zoning Districts

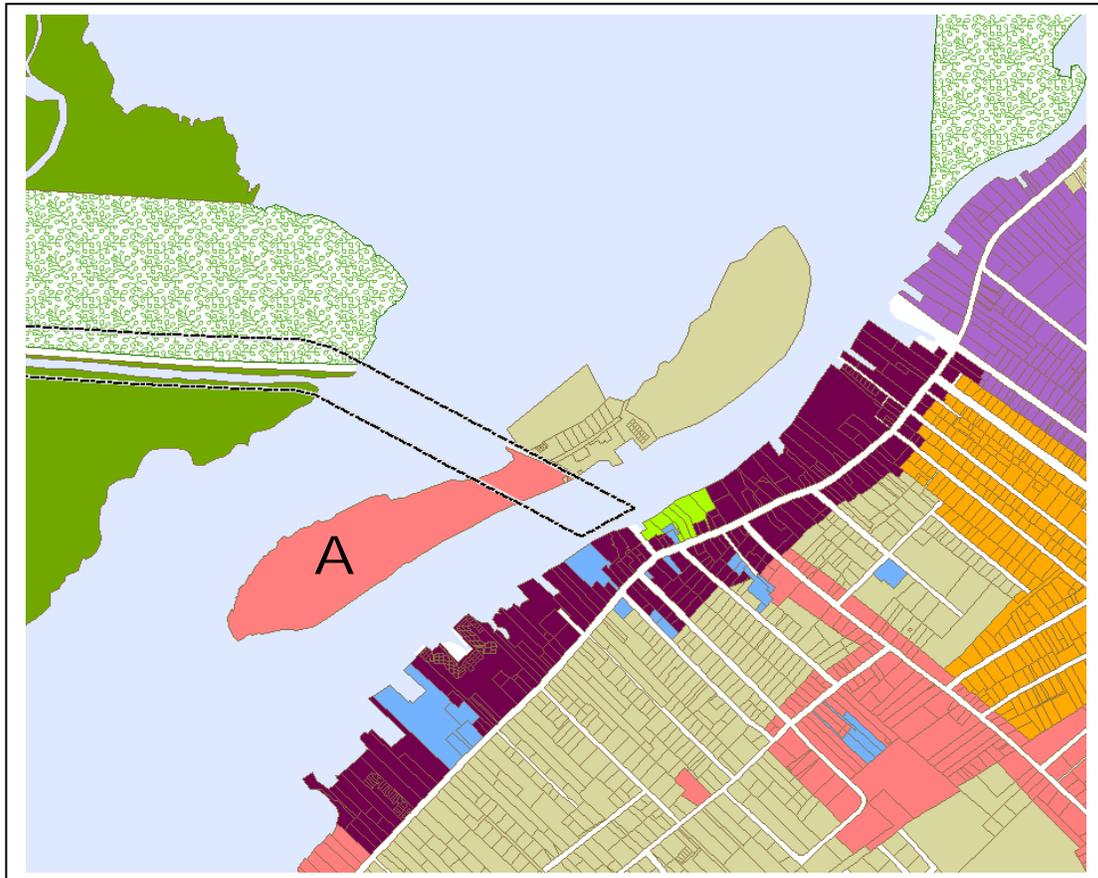
Zoning Topic 1(B)
Worksheet – R-3 Residential District (Marsh Island)



Existing Zoning Districts



Public Hearing



Staff Alternate Zoning Districts

PUBLIC COMMENT

2) **R-4 Resort Residential District uses permitted by right if contiguous to an existing campground, mobile home or travel trailer park use**

Concern for the possible expansion of commercial uses in the Resort Residential and Resort Commercial districts has been expressed by property owners at the north end of the Island. This led to a revised Zoning Map that reduced the size of the proposed C-4 Resort Commercial district.

One property owner of an existing campground (C-4) has requested that adjacent property currently under the same ownership (R-4) should be allowed to develop as an expansion of the campground use without having to obtain a special use permit.

PC recommendation: Within the proposed R-4 district, new Campground and Camper/ Travel Trailer Park uses will continue to be permitted by Special Exception/ Special Use Permit approval. Existing Campground uses may be expanded as a permitted use on a contiguous parcel.

*Sec. 3.10.25 – Campgrounds, camper/travel trailer parks.
Expansion area for campground use may be permitted if contiguous to an existing campground or camper/travel trailer park.*

Additional public comment has been presented with a concern for the potential traffic impact to North Main Street if all of the ‘contiguous’ undeveloped land (approximately 80 acres) was to be developed as a campground.

Staff recommendation: The potential development of 80 acres as any one of the permitted uses in the R-4 district will have implications for the surrounding neighbors and public infrastructure. Campgrounds are supported by the Comprehensive Plan land use policies. Staff supports both proposed motions.

Motion: To accept the proposed R-4 district amendment as proposed by the Planning Commission, or

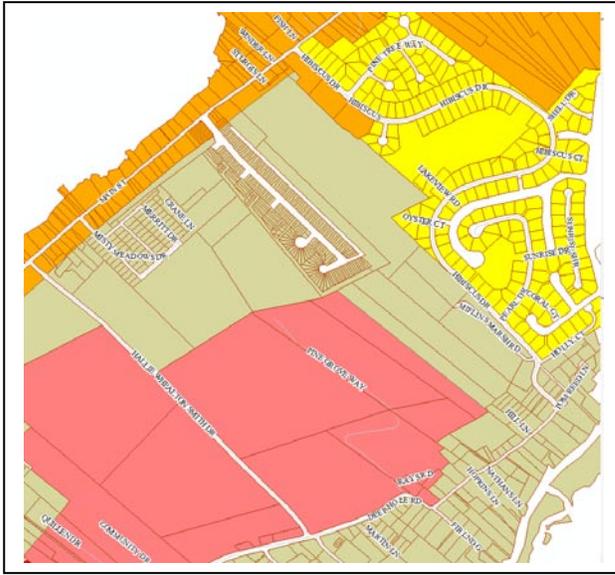
Motion: Modify the proposed Ordinance Section 3.10.25, or

Motion: (to be determined at Workshop)

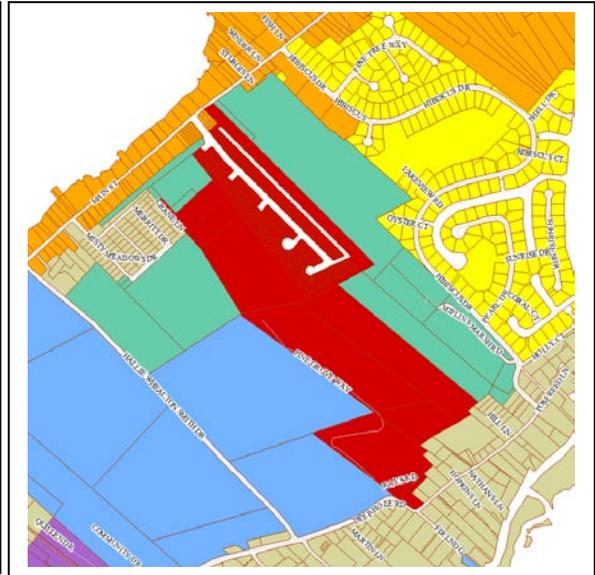
<See following Map Exhibit>

Zoning Topic 2

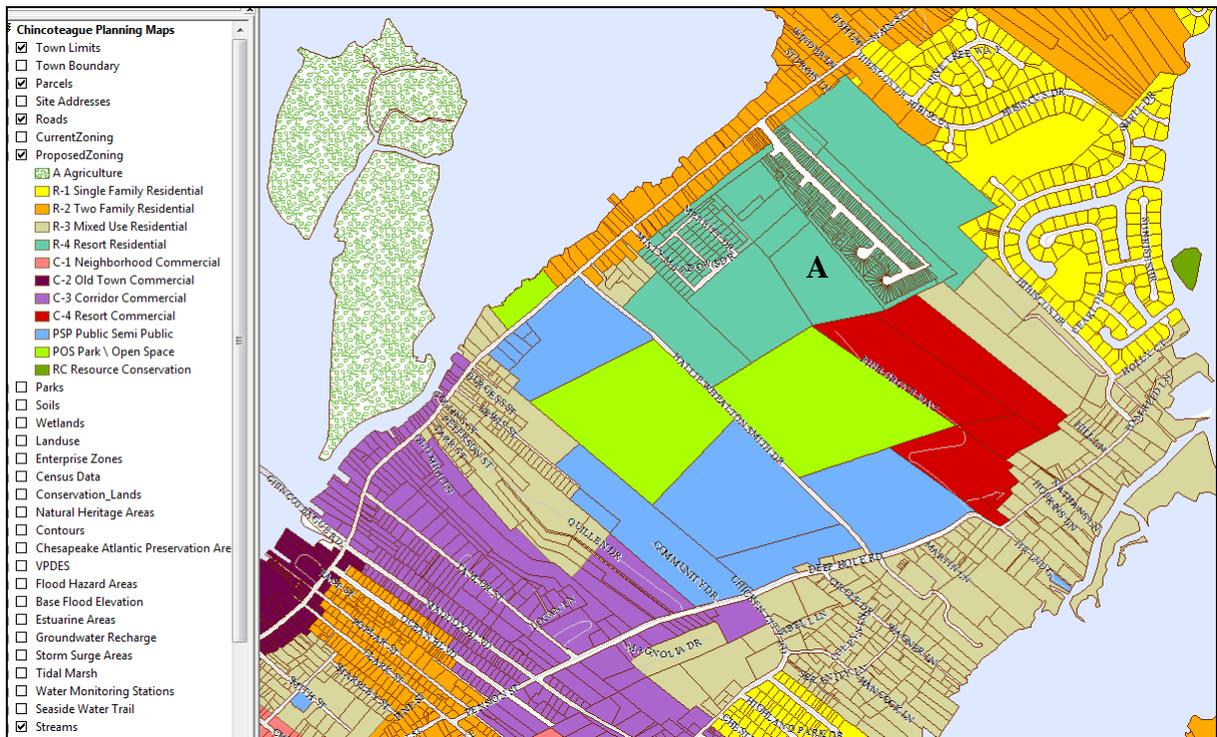
Worksheet – R-4 Resort Residential District (North)



Existing Zoning Districts



Planning Commission Public Hearing



Town Council Public Hearing

PUBLIC COMMENT

3) Proposed zoning district boundaries along North Main Street

One property owner has proposed the amendment of both existing and commercial zoning districts along Main Street north of the Island Motor Inn to a residential district. Five written comments have been received, both for and against the zoning of existing 'Island Village Subdivision' lots to the R-2 zoning district.

PC recommendation: Maintain the R-2 zoning along the Main Street frontage to a depth of approximately 125 feet and map the remainder of the 'Island Village' property to the R-4 district.

The Planning Commission has not reviewed the proposed residential zoning amendment for lots to the north of Island Motor Inn, however, this proposal would not be consistent with the following principles adopted for this project:

- Propose zoning districts that align with the adopted 2010 Comprehensive Plan land use map.
- Retain the existing zoning for parcels in private ownership unless otherwise shown in the Comprehensive Plan
- Recommend the appropriate zoning district that does not significantly change a property owners permitted uses or zoning district standards.

Staff recommendation: Staff supports both motions

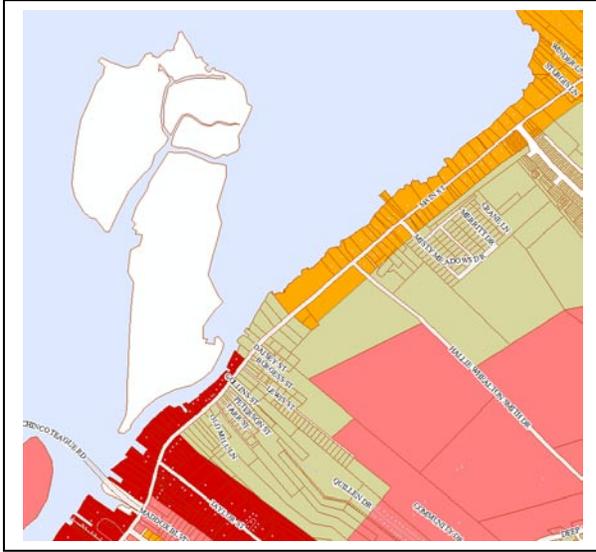
Motion: To accept the proposed Zoning Map amendment as recommended by the Planning Commission, or

Motion: To modify the proposed zoning of the Island Village subdivision so that all lots are included in the R-4 Resort Residential district.

<See following Map Exhibit>

Zoning Topic 3(A) and (B)

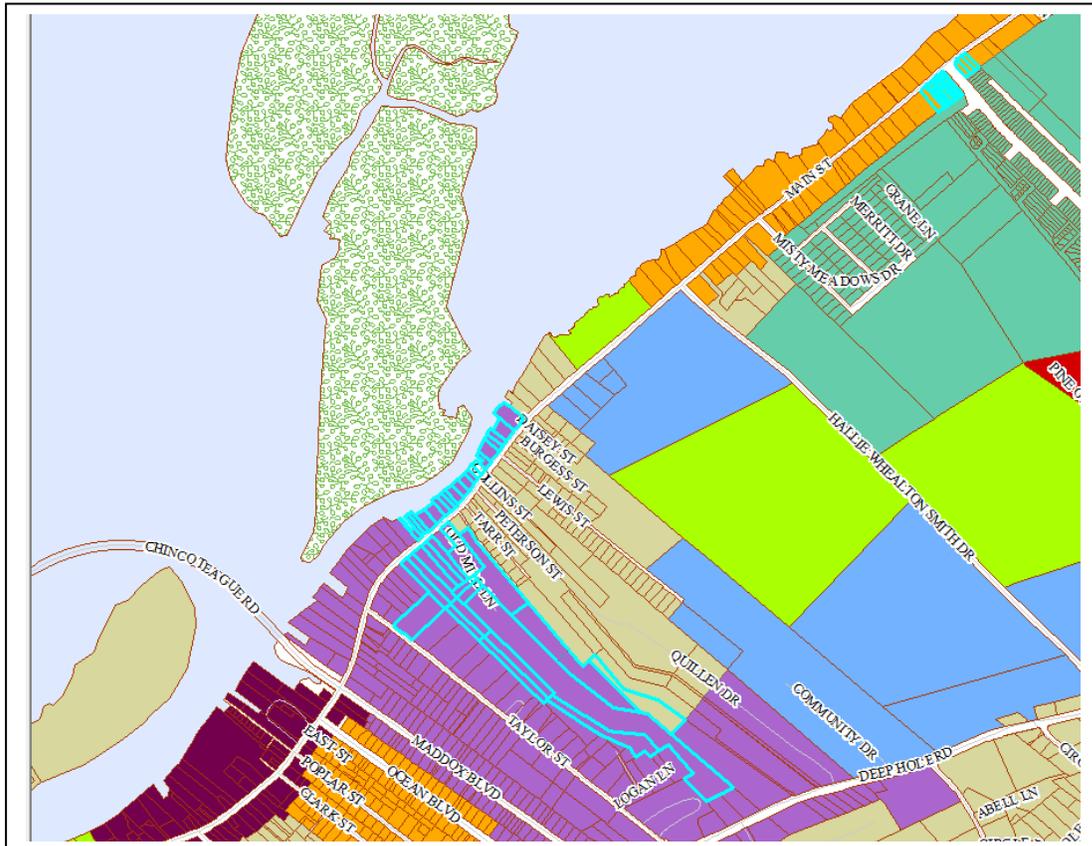
Worksheet – North Main Street Districts



Existing Zoning Districts



Town Council Public Hearing



Areas highlighted subject to public comment/questions

PUBLIC COMMENT

4) Landowner requests for proposed zoning changes

Individual landowner requests and suggestions for changes to the proposed Zoning Map and Zoning Districts have been evaluated on whether they meet the intent of the comprehensive zoning amendment. Lot specific proposals were not generally encouraged at this time unless there was an error, or if the proposed change could improve on the implementation of the Comprehensive Plan.

The Town Council may wish to consider the following requests in more detail prior to taking action on the overall amendment.

- A) Rauth – Request to revise the R-3 zoning district regulations so that Public Piers and Boat Ramps would require special permit approval
- B) Ullmann – Request to include Redman Cemetery in the POS Parks and Open Space zoning district along with other cemetery parcels on the Island
- C) Potts – Suggestion that the existing Fire House on the corner of Main Street and Cropper Street should be included in the proposed C-2 commercial district
- D) Conklin – Request that an existing seafood business/former barber shop building on Ridge Road to be included in a commercial zoning district
- E) Meals/Seaman – Suggestion that existing subdivided lots on Bay Street currently in residential use should be included in the Resort Commercial District
- F) Neeley – Suggestion that several parcels along the east end of Ocean Boulevard currently in residential use should be zoned to the R-2 district in order to preserve the residential character of the street.

PC recommendation: These issues were generally not considered by the Planning Commission because they were parcel specific or because they have been submitted recently as a result of the Town Council public hearing.

Staff recommendation: Maintain a consistent, ‘comprehensive’ approach that implements the Comprehensive Plan and adopts the Zoning Map as presented in the public hearing. Only (B) or (E) above could be accomplished as a ‘correction’ to the Zoning Map prior to adoption.

Motion: To accept the proposed comprehensive zoning amendment as presented at the public hearing, or

Motion: To modify the proposed Zoning Map including specific corrections including _____.

ERRORS/CORRECTIONS: Final corrections to the proposed Zoning Map and Zoning Districts as a result of Town Council motions or as listed below will become a part of the final document.

- Remove Town zoning from inside the Route 175 right of way
 - Add existing boundary line of the Assateague Island National Seashore to the Zoning Map
 - Amend the map legend to note the existing Floodplain Overlay District that applies to the entire Island
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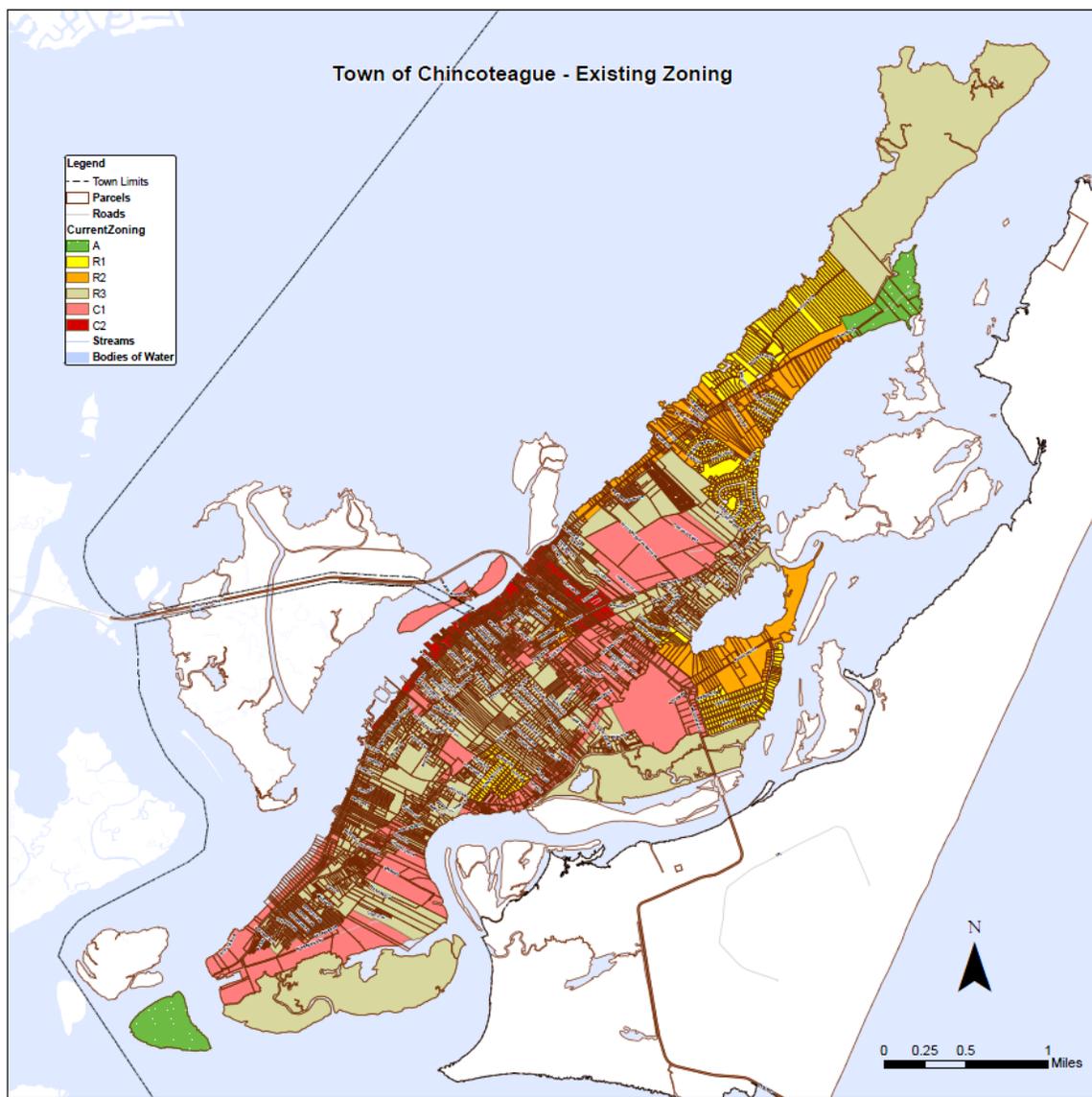
OUTSTANDING ISSUES: Several involve a broader policy decision by Town Council, these issues will be presented by Staff at the Council meeting and may need to be resolved prior to final action.

- Consider a grandfather clause that clearly establishes the status of existing uses, zoning with conditions, and any exceptions (if any) to the applicability of new zoning map boundaries and zoning district standards.
 - Route 175 Right of Way/Annexation Boundary
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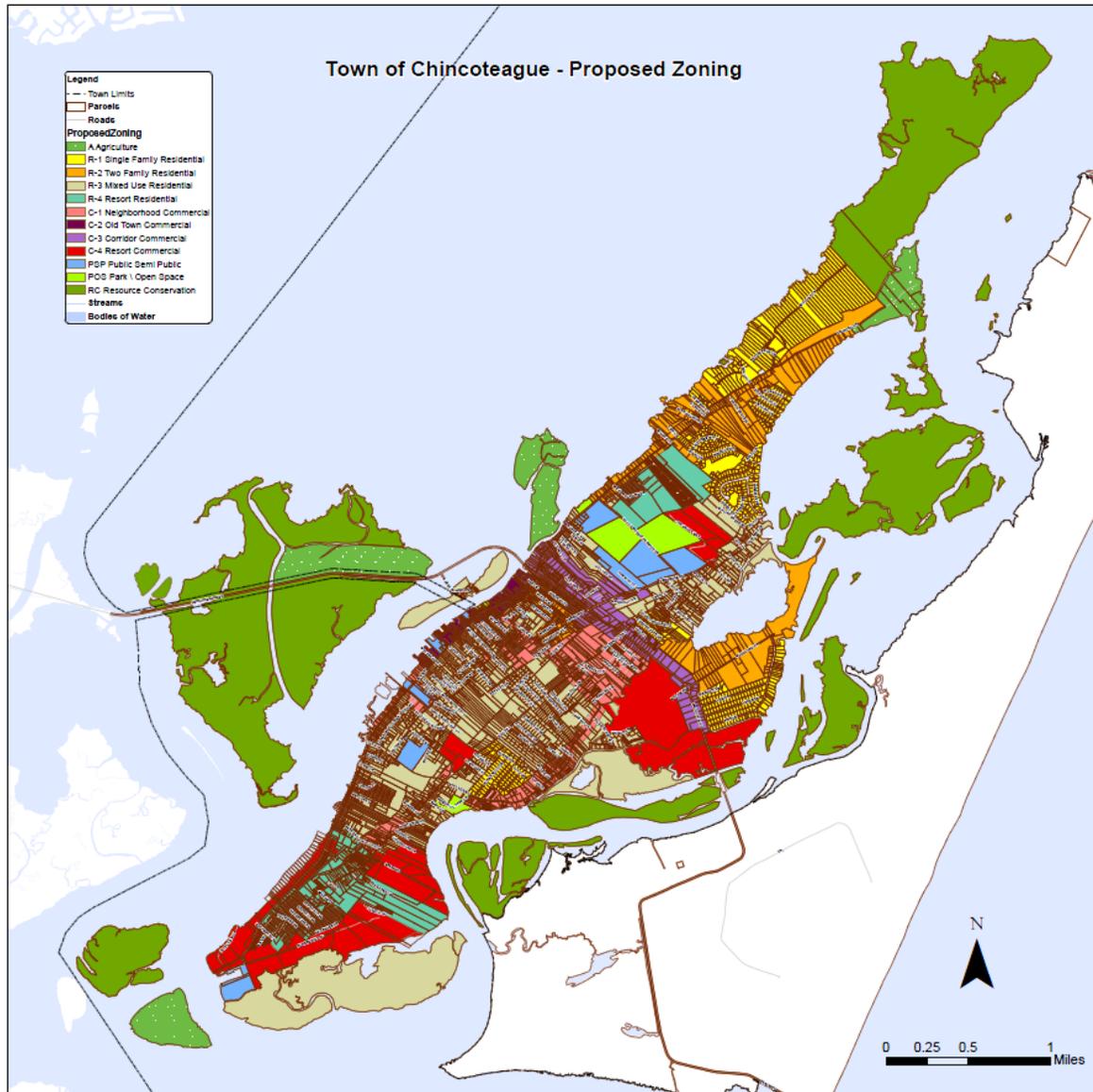
PROPOSED ACTION: Consider public comment at the regular Council meeting, or a Council workshop, to take action on any final revisions and prepare the Comprehensive Zoning Map and District Amendments for a vote at the next regular Town Council meeting.

Following review of this staff report, the Town Council and the Public may have questions or comments that can be resolved at the regular Council meeting or during a Council workshop.

- Maps illustrating the Current Zoning and Proposed Zoning, and Redline Changes to the Zoning Ordinance are available in the lobby and on the website for public review prior to the Town Council meeting.
- A Summary of Public Comment from 2012 is attached.



Existing Zoning Map



Proposed Zoning Map



PONY PENNING SALES APPLICATION

YARD SALES ARE PROHIBITED DURING THIS TIME PERIOD

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

Pony Penning Sales as herein defined in this ordinance to mean and include all general sales within the town, open to the public.

PERMIT:

A permit is required for conducting Pony Penning Sales within the town and must be secured eight (8) days prior to the Saturday preceding Pony Penning. The Permit shall be displayed at the sale location for the entire length of the sale.

PERMIT FEE: The permit fee shall be \$300.00.

A. Anyone with a valid town business license is exempted from the permit fee.

B. 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.

C. 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 and the remaining balance of the deposit, if any, shall be refunded to permittee at the end of such period upon computation of the actual tax due and payable as determined by such sales. ~~Anyone conducting such food sales who has for a period of three (3) years preceding this permit, complied with all applicable reporting and payment procedures as otherwise required, is exempt from this deposit requirement.~~ (Deleted March 15, 2012)

DURATION OF SALE; HOURS OF OPERATION; FREQUENCY:

Sales conducted under this article 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 article will not be considered Pony Penning Sales and will be in violation of is article and will be considered a business and must comply with all applicable zoning and business licensing requirements.

SIGNS - GENERALLY:

SIGNS of not more than four (4) square feet (two feet by two feet) shall be permitted to be displayed, no more than three (3) days prior to such sale, to be located on private property only and shall not be placed on the public right-of way, without requiring any permits.

SIGNS displayed under this article must be removed within forty-eight hours of the close of the sale activities.

THIS PERMIT MAY BE REVOKED IN CASES OF ANY FALSE STATEMENT OR MISREPRESENTATION OF FACT IN THE APPLICATION ON WHICH THE PERMIT OR APPROVAL WAS BASED.

DATE OF APPLICATION: _____ **PERMIT #** _____

APPLICANT: _____

ADDRESS: _____

TELEPHONE #: _____

LOCATION OF PONY PENNING SALE: _____

PROPERTY OWNER: _____

DATE (S) OF SALE: _____

ITEMS BEING SOLD: _____

FEE: \$ _____ **DEPOSIT FOR FOOD SALES: \$** _____

APPLICANT'S SIGNATURE: _____

| |
|----------------------------------------------|
| APPROVED BY: _____ DATE: _____ |
|----------------------------------------------|