

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

April 13, 2010 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES:

1. Approval of March 9, 2010 minutes
2. Old Business
 - Home Occupation Regulations/Signs
3. New Business
 - Work Plan – Zoning Ordinance (Historic Downtown)
 - Virginia Certified Planning Commissioner Program Questionnaire
4. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN



STAFF REPORT

To: Chairman Ray Rosenberger and Planning Commissioners

From: Bill Neville, Director of Planning

Date: April 9, 2010

Subject: Draft Home Occupation Regulations

In response to the work session discussion held on March 23, 2010, an Alternate B draft version of the home occupation regulations has been prepared that simplifies the standards to match the basic elements of the sample ordinances reviewed.

This alternate proposes to delete Limited Home Occupations so that there are not two sets of standards to administer. Section 6.10.2(a) paragraph #6 would be unique to Chincoteague in an effort to permit home occupation uses in a variety of zoning districts.

In addition to the current practice of requiring an annual business permit, Alternate B proposes the use of a one-time zoning permit as well. This would require a \$30 fee for certification of new home occupations and the submission of a plan to document the approved site conditions at the time of the permit. Staff time would be required to prepare documents for existing 'grandfathered' home occupations that currently have a business permit.

Since this is a new format, please review carefully and compare to Alternate B. Several issues should still be discussed and resolved including:

1. Sales, service or display of products visible from the street or adjacent dwellings (current ordinance allows maximum of 16 square feet)
2. Business vehicle and equipment storage
3. Signage
4. Size and scale of home occupation in proportion to size of property
5. Grandfathering or Vested Rights

Proposed Home Occupation Regulation

Alternate A

April 2010

Zoning Ordinance

Article II

Definitions

(Revised through April 13, 2010)

Sec. 2.79. Home occupation.

An occupation carried on by the occupants of a dwelling as a secondary use in connection with which there are no more than 16 square feet of display of products or inventory for sale visible from the road or adjacent dwellings. Such occupation must be a use permitted by right as defined in this ordinance. A current town business license is required. (See article VI, section C for parking regulations and section G for use regulations.) See "Limited home occupation."

Sec. 2.88. Limited home occupation.

An occupation carried on by the occupants of a dwelling as a secondary use in connection with which there is no exterior {visible from the road or adjacent dwellings) display of products or inventory for sale, on-site customer visitation is severely limited to the point where neighbors are not disturbed, and no one is employed other than members of the family residing on the premises. A current town business license is required. (See article VI, section C for parking regulations and section G for use regulations.) See "Home occupation."

Article III

Residential Districts

Sec. 3.4. Uses permitted by right.

The following uses shall be permitted in residential district R-2 subject to all other provisions of this ordinance:

- 3.4.1. Single-family dwelling.
- 3.4.2. Two-family dwelling.
- 3.4.3. Limited Home occupation.
- 3.4.4. Tourist rental homes.
- 3.4.5. Tourist homes.
- 3.4.6. Accessory building/structure.

Article VI

Limited Home Occupations and Home Occupations

Section G. Limited Home Occupations and Home Occupations

Sec. 6.10 Limited Home Occupations

The purpose of the limited home occupation provisions of this ordinance is to allow for home occupations that are compatible with the neighborhood in which they are located.

Sec. 6.10.1 Permit procedures.

- (a) Limited home occupations complying with the permitted uses established in section 288.1(b) shall be considered minor in character and permitted by right. The zoning administrator may issue a zoning permit for such uses upon application and evidence of payment of the appropriate business license. So long as the business remains in compliance with the criteria set forth in section 288.1(a), it may continue. Such continuing compliance shall be certified annually to the town manager in such manner as the town manager may require.
- (b) Limited Home Occupations not listed in section 288.1(b) shall commence only after the receipt of a conditional use permit issued by the Mayor and Town Council.

Sec. 6.10.2 Criteria for Limited Home Occupations.

- (a) Uses classified as a limited home occupation shall be permitted in all zoning districts which allow single-family residences. The following regulations shall apply to all limited home occupations:
 - 1. No person other than family members residing on the premises and one non-family member shall be engaged in such operation.
 - 2. The limited home occupation shall be clearly incidental and subordinate to the primary use of the dwelling as a residence; not more than 25 percent of the gross floor area of the dwelling shall be used in conjunction with the limited home occupation or combination of limited home occupations.
 - 3. There shall be no change in the outside appearance of the dwelling and surrounding property and no display of goods or business-related items of any kind visible from the street or from adjoining property. excluding one 4 square foot sign,
 - 4. No limited home occupation shall be conducted in any accessory building.
 - 5. There shall be no outside display, or storage of equipment or materials associated with the home occupation. No more than one vehicle with the business name on it may be parked so as to be visible from the street or

from adjoining properties and no vehicle which is to be parked so as to be visible from the street or from adjoining property may contain signage in excess of ten square feet for the entire vehicle.

6. No traffic shall be generated by a limited home occupation or combination of limited home occupations in greater volumes than would normally be expected in a residential neighborhood.
7. No installation or use of mechanical or electrical equipment is permitted which could endanger surrounding persons or property or which can be heard outside of the dwelling.
8. No on-site use, parking or storage of cargo trailers, trucks or vans with a length in excess of 20 feet, tractor trailers, semi-trucks, or heavy equipment, such as construction equipment, used in connection with the limited home occupation is permitted, unless garaged.
9. No limited home occupation shall produce noise, obnoxious odors, vibrations, glare, fumes, or electric interferences detectable to normal sensory perception beyond the property line; nor shall such home occupation produce electric emissions or signals which interfere with normal radio and television reception in the surrounding neighborhood.
10. A limited home occupation shall comply with all applicable local, state or federal regulations.
11. Parking generated by the conduct of such home occupation shall be on-premises, off-street and in designated driveway areas.
12. Deliveries from commercial suppliers may not be made more than once each week and shall not restrict traffic circulation.
13. No illegal discharges of any materials, fluids or gases will be permitted to enter the drainage or sewer system.

(b) Permitted limited home occupations are limited to the following:

1. Architectural support service.
2. Artist, Sculptor, Crafter such as but not limited to decoy's, crafts, art work, jewelry, embroidery, silk screening, souvenirs, novelties.
3. Art restoration.
4. Authors and composers.
5. Consulting services.
6. Data processing.
7. Direct sale product distribution (including, but not limited to; Amway,
8. Avon, Tupperware, etc.).
9. Drafting and graphic services.
10. Dressmaking, sewing, tailoring and contract sewing.
11. Electronic assembly.
12. Engineering support service.
13. Financial planning, and investment services.
14. Flower arranging.

15. Grass Cutting provided no more than two pieces of equipment is visible from the adjoining properties.
16. House cleaning service.
17. Interior design.
18. Jewelry design.
19. Locksmith.
20. Mail order, excluding retail sales from site.
21. Music lessons except for amplified instruments or drums and not more than four students at a time.
22. Photographer.
23. Preserving and cooking for sale off-site.
24. Security service, security systems, auto security systems, provided no equipment is visible on the premises.
25. Tax service.
26. Telephone answering, switchboard, and call forwarding.
27. Tutoring; classes of not more than four students.
28. Typing and word processing service.
29. Writing, and computer programming.
30. Any other similar business clearly meeting the criteria listed in subsection (a) of the section.

Sec. 6.10.3 Home Occupations

- (a) Uses classified as a home occupation shall be permitted in Residential R-3, Commercial C-1 and Commercial C-2 zoning districts. The following regulations shall apply to all home occupations:
 1. No person other than family members residing on the premises and two non-family members shall be engaged in such operation on the property.
 2. The home occupation shall be clearly incidental and subordinate to the primary use of the dwelling as a residence; not more than 30 percent of the gross floor area of the dwelling shall be used in conjunction with the home occupation or combination of home occupations.
 3. There shall be no change in the outside appearance of the dwelling and surrounding property and no display of goods or business-related items of any kind greater than 16 square feet in area visible from the street or from adjoining property.
 4. Home occupation may be conducted in one accessory building.
 5. The maximum permitted signage allowed for a home occupation shall not exceed 8 square feet in area. The 8 square feet of signage can be a single banner, sign(s), flag, or sandwich board sign not exceeding 8 square feet or combination of such. In no case can the total combined area of all signs, banner, flags or sandwich boards exceed 8square feet in area. All signs, banners, and flags must comply with Article VII of this code.

6. There shall be limited storage of equipment or materials associated with the home occupation. No more than two vehicles with the business name on it may be parked so as to be visible from the street or from adjoining properties.
7. A minimum of two parking spaces for the home occupation must be provided in addition to two parking spaces for the residence. See section 6.6 for requirements.
8. No installation or use of mechanical or electrical equipment is permitted which could endanger surrounding persons or property or which can be heard beyond the property line.
9. No on-site use, parking or storage of large trucks or vans with a length in excess of 20 feet, tractor trailers, semi-trucks, or heavy equipment, such as construction equipment, used in connection with the home occupation is permitted, unless garaged.
10. No home occupation shall produce noise, obnoxious odors, vibrations, glare, fumes, or electric interferences detectable to normal sensory perception beyond the property line; nor shall such home occupation produce electric emissions or signals which interfere with normal radio and television reception in the surrounding neighborhood.
11. A home occupation shall comply with all applicable local, state or federal regulations.
12. Deliveries from commercial suppliers may not be made more than three times each week and shall not restrict traffic circulation.
13. No illegal discharges of any materials, fluids or gases will be permitted to enter the drainage or sewer system.

Any use not listed subsection 6.10.2(b) and/or not clearly meeting the criteria listed in subsection 6.10.2(a) shall not be considered a home occupation and shall not be permitted without a conditional use permit granted under procedures set forth in Article IX.:

(b) Permitted home occupations are limited to the following:

1. Appliance repair.
2. Art & photography studio.
3. Babysitting, including day care for not more than five children.
4. Barbershop or beauty shop
5. Catering service, off premise.
6. Contracting, plumbing, electrician, hvac, etc., provided that no equipment or supplies are visible from adjoining properties.
7. Gardening, landscape maintenance, provided that no equipment is visible on the premises.
8. Home crafts, including ceramics with a kiln up to six cubic feet, for sale on-site.
9. House cleaning service.
10. Interior decorating.

11. Insurance sales or broker.
12. Laundry and ironing service.
13. Mail order, including retail sales from site.
14. Massage therapist
15. Professional Office
16. Retail Sales of minor nature such as but not limited to decoy's, crafts, art work, jewelry, embroidery, silk screening, souvenirs, novelties.
17. Sales representative.
18. Sign painting.
19. Swimming pool cleaning, provided that no equipment is visible on the premises.
20. Taxi cab
21. Wallpapering, drywall installers.
22. Washing or cleaning of automobiles
23. Any other similar business clearly meeting the criteria listed in subsection (a) of the section.

Proposed Home Occupation Regulation Alternate B (simplified)

April 2010

Zoning Ordinance Article II Definitions (Revised through April 13, 2010)

Sec. 2.79. Home Occupation.

An occupation, profession, enterprise, or business activity conducted within a dwelling, or accessory structure, by a member of the household who occupies the dwelling. Such occupation must be clearly incidental and subordinate to the use of the dwelling as a residence, and must meet all of the minimum land use criteria for home occupations. (See Article VI, section C for parking regulations, section G for land use criteria, and Article VII Section 7.3 Signs)

Sec. 2.88. Limited home occupation. *Repealed (Revise R-1 district regulations)*

Article VI Home Occupation Use

Section G. Home Occupation

Sec. 6.10 Statement of Intent

In order to preserve and protect the primarily residential character of Chincoteague Island neighborhoods, and to accommodate the economic self-sufficiency of all citizens, limited commercial uses will be allowed within residential dwellings as permitted in this section.

Sec. 6.10.1 Permit procedures for Home Occupations.

- (c) Home Occupations complying with all of the minimum land use criteria, and approved by the Zoning Administrator, shall be permitted by right. A zoning permit, in conformance with Section 6.1, is required for such uses upon application and with evidence of payment of the appropriate business license.
- (d) Home Occupations that do not meet all of the land use criteria shall be permitted only after approval of a conditional use by the Mayor and Town Council.
- (e) Existing Home Occupations are granted a zoning permit under the conditions of their use at the time this ordinance is adopted or their business license is obtained. Change of use will require application for a new zoning permit concurrently with a new business license.

Sec. 6.10.2 Land Use Criteria

- (b) Home occupation uses shall be permitted in zoning districts which allow one-family residences, and must meet all of the following criteria:
14. The home occupation shall be clearly incidental and subordinate to the primary use of the dwelling as a residence; not more than 25 percent of the gross floor area of the dwelling, or the equivalent area within an accessory structure, shall be used in conjunction with the home occupation or combination of home occupations.
 15. Not more than one person, other than members of the family residing in the dwelling, shall be employed in the conduct of the home occupation.
 16. There shall be no exterior evidence of the home occupation visible from the street or adjoining property, other than one permitted sign in accordance with Section 7.3.
 17. Traffic, deliveries, or business vehicle parking generated by a home occupation shall be no greater in volume than would normally be expected in the immediately adjacent neighborhood, and the need for parking generated by the conduct of such home occupation shall be off the street and in designated driveway areas.
 18. No home occupation use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the immediately adjacent neighborhood if no home occupation use existed.
- (c) Permitted home occupations are limited to the following general uses defined by Chapter 18 of the Town Code:
1. Business Service
 2. Contractors and contracting
 3. Personal Service
 4. Professional
 5. Repair Service
 6. Any other limited business clearly meeting the criteria listed in subsection (a) may be approved by the Zoning Administrator.
- (d) The following specific uses are excluded:
1. Group health care, group assisted living or group instruction
 2. Vehicle repair shops, small engine repair, outboard motor repair

3. Kennels
4. Activity including use of weapons, hazardous materials, illegal drugs or associated equipment
5. Sexually oriented business or business activities
6. Any other use that would significantly change the traditional residential character of the property and surrounding neighborhood as determined by the Zoning Administrator

Any use not listed subsection (b), excluded in (c) and/or not clearly meeting the criteria listed in subsection (a) shall not be considered a home occupation and shall not be permitted without a conditional use permit granted under procedures set forth in Article IX.:

ARTICLE VII. SIGNS

SECTION A. PURPOSE AND INTENT

7.2.25 Home occupation sign. A sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

7.2.6. Home occupation signs. Such signs shall not exceed eight (8) square feet in area and shall contain only the name of the business and/or business owner. There shall not be more than one sign permitted per dwelling.

7.2.6. Menu and sandwich board signs. Sign of not more than eight square feet shall be displayed on private property. Per this ordinance this sign type shall not constitute a “portable sign”. Only one sandwich board allowed per business or home occupation.



STAFF REPORT

To: Chairman Ray Rosenberger and Planning Commissioners
From: Bill Neville, Director of Planning
Date: April 9, 2010
Subject: Work Plan – Zoning Ordinance (Historic Downtown)

The Planning Commission Work Plan that was reviewed at the last meeting identifies those zoning districts, recommended by the Comprehensive Plan 2010, which must be created or modified.

A strategy is proposed to prepare the zoning revisions over the next year and to update the Official Town Zoning Map so that the proposed land use policies of the Plan will be implemented. The public will be kept informed and encouraged to participate. The approach will be to only make minimum incremental changes to each district rather than to completely revise the zoning ordinance.

There seems to be consensus that this process should begin with a focus on the Downtown Commercial district along Main Street. This planning area is referred to as “historic downtown” and “town center” in the Plan. There are a range of policies, objectives and implementation strategies that are recommended:

- Zoning standards similar to the C-2 district, plus permitted residential use above the first floor of commercial use in mixed use buildings
- Business retention and economic development
- Redevelopment, infill and limit conversion of use from business to residential
- Process and guidelines for architectural appearance and design

Attached to this report is an example of how the C-2 zoning district ordinance could be re-named with very small changes made to implement the Plan recommendations. The adoption and use of design guidelines for new construction or renovations should be accomplished more gradually. Beginning with a design awards program, good examples should be documented and assembled into a guideline that is unique to Chincoteague (see

example from Easton). Mapping of the new zoning district(s) must be accomplished comprehensively as illustrated by the number of changes necessary just in the downtown area (see map exhibits)

Before work begins on this effort, several questions should be answered by the Commission.

1. How will participation by business and property owners as well as the public be incorporated into this planning effort?
2. Should each district be considered separately or grouped by all commercial/residential/other districts?
3. Are there overall or new sections of the zoning ordinance that will need to be reviewed or adopted?
4. What approach will allow an efficient and comprehensive update to the zoning ordinance and adoption of a new zoning map?
5. Will this approach address the unique characteristics of the Chincoteague waterfront, the important views of Town from the new bridge, and the need to encourage new tourist destination uses and programs that will keep the Town Center healthy?

Example (for discussion purposes only):

SECTION B.

~~COMMERCIAL-DOWNTOWN~~ DISTRICT ~~C-2~~

Statement of intent. Generally this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than those occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, restaurants and taverns, and garages and service stations.

Sec. 4.4. Uses permitted by right.

The following uses shall be permitted in ~~commercial-Downtown~~ district ~~C-2~~, subject to all other provisions of this ordinance:

- 4.4.1. Health clubs, spas and gyms.
- 4.4.2. Retail stores, retail sales.
- 4.4.3. Flower shops.
- 4.4.4. Bakeries.
- 4.4.5. Restaurants.
- 4.4.6. Dry cleaners.
- 4.4.7. Laundries.
- 4.4.8. Wearing apparel stores.

- 4.4.9. Drugstores.
 - 4.4.10. Barber and beauty shops.
 - 4.4.11. Auto and home appliance services.
 - 4.4.12. Theaters, assembly halls.
 - 4.4.13. Hotels, motels.
 - 4.4.14. Office buildings.
 - 4.4.15. Funeral homes.
 - 4.4.16. Service stations.
 - 4.4.17. Lumber and building supply.
 - 4.4.18. Plumbing and electrical supply.
 - 4.4.19. Auto, motorcycles, trucks, mobile home sales and service.
 - 4.4.20. Wholesale and processing not objectionable because of dust, noise, or odors with a conditional use permit.
 - 4.4.21. Machinery sales and service.
 - 4.4.22. Waterfront businesses such as wholesale and retail marine activities, boats, docks, piers, small boat docks, yacht club and servicing facilities for the same, docks and areas for the receipt, storage and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.
 - 4.4.23. Public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement.
 - 4.4.24. Light industry.
 - 4.4.25. Caterers.
 - 4.4.26. Gift shops.
 - 4.4.27. Professional offices.
 - 4.4.28. Home occupations.
 - 4.4.29. Tailgate sales, wayside stands.
 - 4.4.30. Accessory structures.
 - 4.4.31. ~~Reserved.~~Residential uses above first floor commercial use
- (Amended 05-03-04)*
- 4.4.32. Signs, see article VII.
 - 4.4.33. Pony Penning sales, yard sales.
 - 4.4.34. Public utilities.
 - 4.4.35. Churches, schools.
 - 4.4.36. Libraries.
 - 4.4.37. Hospitals.
 - 4.4.38. Clubs and lodges.
 - 4.4.39. Fences.

(1) All fences located from a point even with the front, for commercial uses, [or] rear, for residential uses, of the main structure extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. Open decks and open porches are exempted from being considered the rear of the main structure for residential uses. A fence

previously in compliance with this section may remain in place if a new addition is constructed to the existing residential main structure.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Containment fences of solid construction may be erected to enclose fuel storage tanks, dumpsters and aboveground sewage disposal systems. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of eight feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than five feet from the front lot line.

4.4.40. Single-family dwelling.

4.4.41. Two-family dwelling.

4.4.42. Townhouse.

4.4.43. Condominiums.

4.4.44. Rooming and boarding houses.

4.4.45. Tourist home.

4.4.46. Multifamily dwelling.

4.4.47. Vacation rental cottages.

4.4.48. Boardinghouse.

4.4.49. Bed and breakfast.

4.4.50. Rest home.

4.4.51. Site Trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.

4.4.52. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

Area and setback requirements for 4.4.40 thru 4.4.50 shall use R-3 area regulations.

(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999)

(Amended 06-02-03) (Amended 09-02-03)

Sec. 4.5. Special exceptions; specialConditional use permits.

4.5.1. Cemetery.

4.5.2. Power generating windmills.

4.5.3. The use of semi-trailers or trailers as accessory structures for storage.

5.5.4. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

5.5.5. Demolition or conversion of commercial structures to residential use

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 09-02-03, 05-03-04*)

Sec. 4.6. Area regulations.

4.6.1. Lot size. No minimum lot size for permitted uses shall be required, with the exception that all residential uses must comply with R-3 requirements.

4.6.2. Setback. Structures shall be located a minimum of ten feet from any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots.

4.6.3. Open space.

(1) The minimum side yard for each main structure or accessory structure shall be five feet.

(2) Each main structure or accessory structure shall have a minimum rear yard of five feet except waterfront properties would have no required setbacks for both residential and commercial structures.

4.6.4. Height regulations.

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

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

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

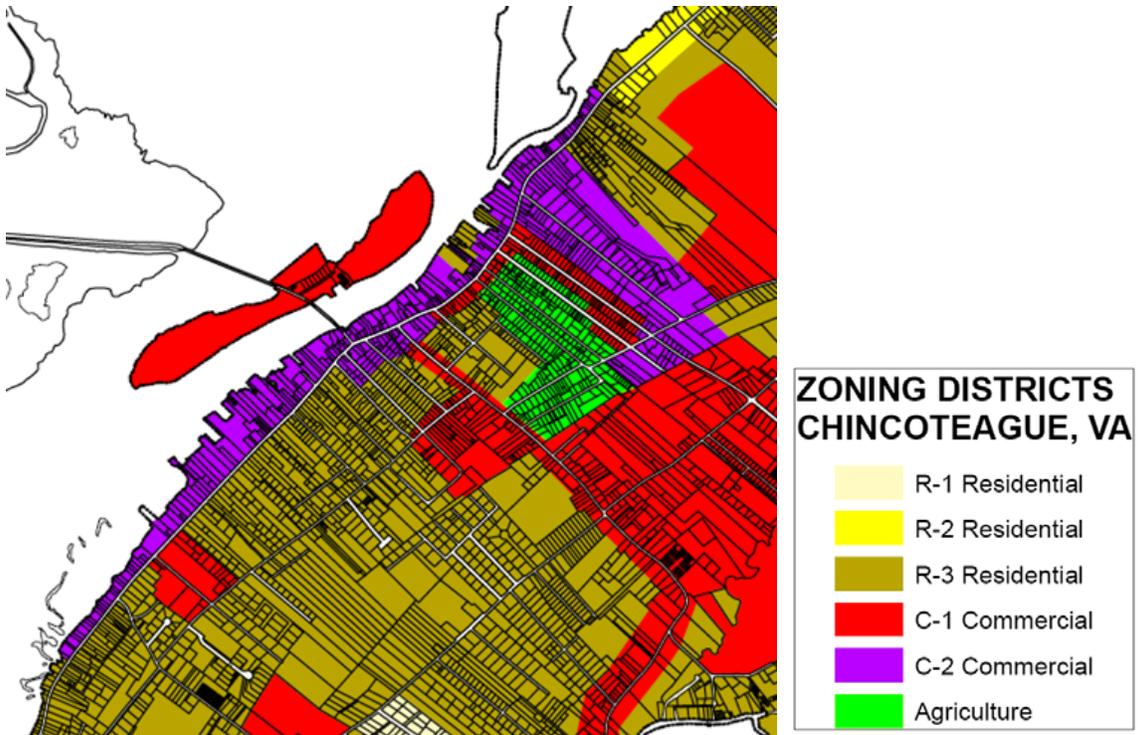
(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

4.6.5. Corner lots.

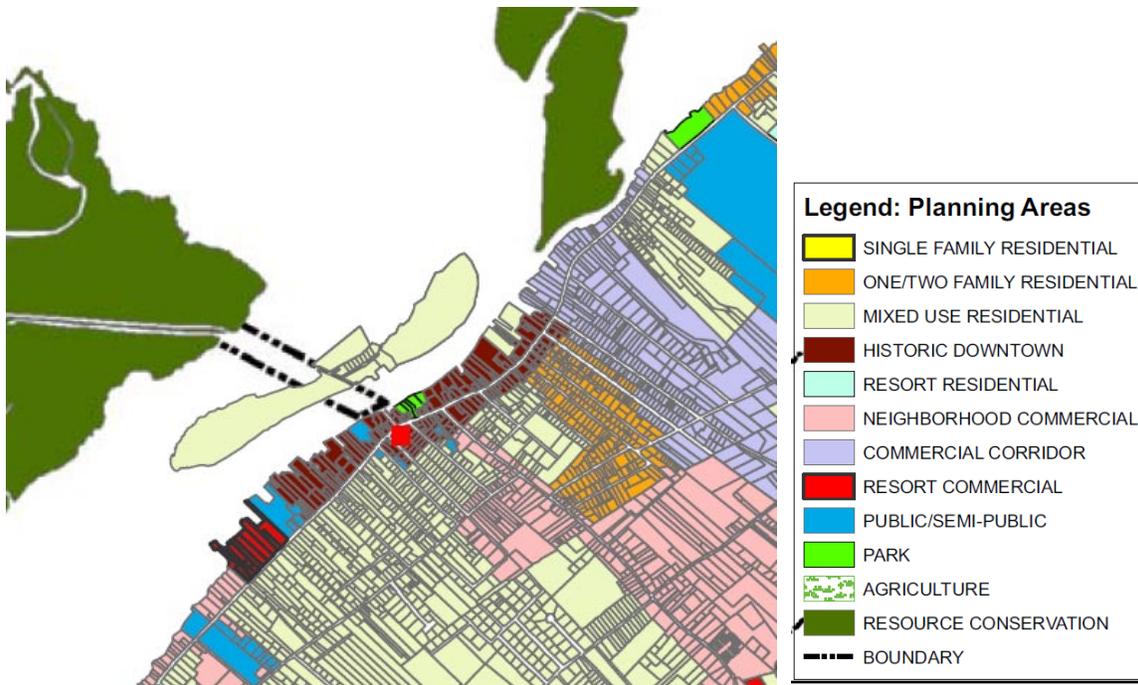
(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard abutting or next to the street shall be ten feet for both the main and accessory buildings/structures.

(Ord. of 5-18-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. of 5-17-2001)

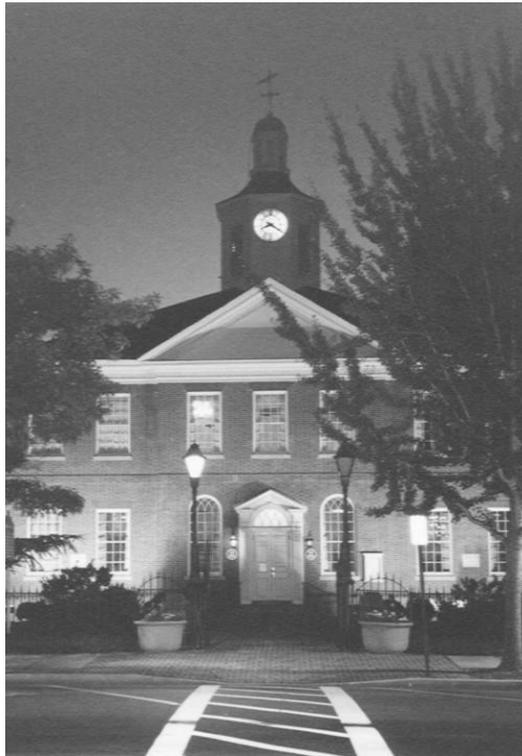


Existing zoning districts C-2, C-1 and R-3



Proposed re-mapping of 3 districts into 7 districts

Design Guidelines for New Development



Easton, Maryland

Acknowledgements:
William T. Hunter & Cookes Hope

Copyright 2005, Town of Easton, Maryland

*The Design Guidelines for New Development: Easton, Maryland was written by
David H. Gleason Associates, Inc.
Baltimore, Maryland*

Table of Contents

Introduction	1
Design Principles for New Development	3
Design Principles for New Residential and Commercial Buildings	4
Setback	5
Orientation	6
Scale	6
Proportion	7
Rhythm	8
Massing	9
Height	10
Materials	11
Roof Shape	12
Details and Ornamentation	13
Color	14
Design Principles for Public Space, Street Furniture and Landscapes	15
Streets and Sidewalks	16
Parking Lots	17
Street Furniture	17
Landscape Design	18
Auxiliary Buildings and Structures	19
Fences and Walls	19
Transitions Between Districts	20

Introduction

The citizens of Easton have long been interested in the appearance of their community. In the 1920s, members of the Talbot County Garden Club began civic beautification projects, including Courthouse Square. In the years immediately following World War II, community leaders began discussing how to preserve and enhance the older and historic areas of town. In the 1970s, the Town Council created the Easton Historic District Commission to “enhance the quality of life and safeguard the historic and cultural heritage of Easton”. At the beginning of the 21st century, the Commission adopted *The Easton Historic District Design Guidelines* to assist property owners in protecting the architectural significance of their properties when making alterations or additions. In 2005, these *Design Guidelines for New Development* were created to guide the appearance of new commercial and residential developments within the town.

Over the past quarter century, the town adopted a number of comprehensive plans, all of which stressed the need to improve the appearance of the community. For example, the *1997 Comprehensive Plan* noted:

“...Easton’s planning and development regulations need to be ... more design oriented. That is tastefully designed with good site planning, including landscaping and architecture.... In order to accomplish this, a set a Design Principles needs to be adopted, and existing landscape regulations need to be strengthened and reinforced.”



Five years later the town adopted the following Design Principles:

- Mixed use development that encouraged “old-fashioned, neighborhood-style development” that mixes housing, retail, offices, and civic and open spaces with a pedestrian orientation.
- Site planning should be based on the natural environment and incorporate the concepts of Maryland’s Smart Growth program.
- Vehicles, streets, and parking areas should be subservient to the architectural and natural environments.
- Neighborhood development must incorporate significant open spaces, contain a variety of housing types and be “interesting places” to live.

- New development should respect Easton's historic architecture, particularly those buildings constructed prior to 1940.
- Signs should inform but not dominate.

Recently the Town Council adopted the *Town of Easton Comprehensive Plan 2004*, which incorporated the above principles to guide the future development of the community. The *Plan* is based on a growth management strategy that includes containing sprawl and increasing the density of new development on vacant land or underutilized older parcels. To accomplish its goals, the *Comprehensive Plan 2004* states that new development on vacant or underutilized parcels should reinforce the traditional architectural and townscape character of Easton in overall plan, site design, appearance of buildings, and design of public improvements. It also recommends developing Traditional Neighborhood Zones, altering existing subdivision regulations to encourage more density and neighborliness, and creating Design Guidelines for all new development.

These Design Guidelines apply to all New Development in Easton that is not within the historic districts. New Development is defined as any new construction that requires a building permit located on a vacant parcel or new construction that is replacing in part or in whole an existing building.

The key to designing new buildings and structures that meet these Design Guidelines is a detailed understanding of the existing architectural and urban character of the community's traditional residential neighborhoods and commercial districts as well as their landscapes. Understanding the existing character is accomplished through observing and analyzing existing setbacks, scale, proportion, materials, details and other architectural and urban elements that make up the buildings, streetscapes, and landscapes. Once the existing character is understood, new buildings and structures that are compatible with Easton's traditional character can be designed. Compatibility does not mean exact duplication. New buildings and structures should be seen as products of their own time. To reproduce an historic neighborhood, or a portion of the downtown or exactly copy an existing building, will create a false sense of history. Rather new buildings and structures should seek to show Easton's continuing evolution, tied to its past while creating its future. In short, new development should be a good neighbor, changing Easton for the better.

Design Principles for New Development

New development that is compatible with the traditional architecture and town character of Easton should be based on the character-defining features of the buildings, public space, and landscapes found in the town's older and historic residential neighborhoods and commercial district. Typically these character-defining features include a building's setback, orientation, scale, proportion, rhythm, massing, height, materials, roof shape, details and orientation, and color. In addition, analysis of the design of public spaces such as streets, sidewalks, and parking areas, along with existing street furniture, landscape features, auxiliary buildings, fences, walls, and transitions between neighborhoods are important to understanding the traditional urban character Easton wishes to continue in all new development.



Design Principles for New Residential and Commercial Buildings

New development in Easton should be based on the existing architectural and urban character of similar building types. That is, the buildings in a new large single-family residential development should be based on the design principles found in existing large traditional single-family residential neighborhoods. New commercial development should incorporate design principles found in the town's historic commercial district. New mixed-use developments, which are encouraged in Easton's *Comprehensive Plan 2004*, should incorporate design principles from both traditional residential neighborhoods and the central business district.

The following sections begin to define the existing character of traditional residential and commercial buildings and districts in Easton, as well as provide design principles based on that character that should be used in all new construction. However, the definitions of the existing character, and their articulation as design principles is not meant to be exhaustive. Rather it is meant to provide architects, contractors, building owners, developers and others involved in designing and constructing new buildings with insight into the character of new developments that will meet the goals of the *Comprehensive Plan*.



Setback

A building's setback is the distance it is located inside property lines.



Front facades of new commercial buildings should be built to the front setback line

Existing Character Most traditional commercial buildings in Easton are zero lot line buildings; that is they are built on the front and side property lines with only a small open space at the rear. In some areas, where existing commercial buildings have small front yards, they are aligned with their neighbors.

Most traditional residential buildings in Easton are free standing with setbacks on all four sides, the exception being a few early to mid 19th century residences that are built on the front property line.

Design Principles The location of new buildings should respect the established setbacks of traditional buildings in Easton. Typically this means that new commercial buildings should be aligned with neighboring buildings, built to the front setback line established in the Town of Easton's Zoning Ordinance, with parking to the sides and rear.



Front facades of new residential buildings should respect existing setbacks

Residential buildings should typically be free standing, with their front facades facing the street. The distance that new residential buildings are setback from the front and side property lines should be based on similar size residential buildings found in the traditional neighborhood. For example, existing small single family homes are often located within five to ten feet of the front property line with minimum side setbacks, while larger single family homes may be setback 25 or 30 feet from the front property lines centered on relatively large parcels.

As with commercial buildings, new residential development must comply with the town's Zoning Ordinance. They should be built as close to the front setback line as possible.

Orientation

Orientation is the direction a building faces a street.



Existing Character Most primary facades of historic commercial and residential buildings in Easton face the principal street, with their main entrance in full view. In a few cases, a residential building is oriented to a side yard or placed at an angle to a street.

Design Principles New buildings should be oriented to the principal street with their main entrance in full view.

New buildings should reflect traditional orientations to principal streets

Scale

Scale is the relative or apparent size of a building in relation to its neighbors, typically perceived through the size of building elements, such as windows, doors, storefronts, porches, cornices, surface materials, and other exterior features. Most buildings are designed to be human in scale; that is, they appear to be of a size appropriate for human occupancy and use. Other buildings are designed to be of monumental scale, giving them physical and symbolic importance.



Existing Character With very few exceptions, Easton's traditional commercial and residential buildings are of human scale.

Design Principles The scale of a new residential and commercial buildings should respect the prevailing scale of Easton's traditional residential and commercial buildings; that is, they should be human in scale.

Easton's traditional buildings are of human scale

Proportion

Proportion is the relation of components of buildings, such as doors, windows, storefronts, porches, and cornices to each other and to their facades. Often proportions are expressed as mathematical ratios, drawn from the architectural theories of ancient Greece and Renaissance Italy. For example, many historic buildings designed in the Classical Revival style use mathematical proportions to locate and size windows, doors, columns, cornices, and other building elements.



Existing Character The facades of Easton's existing residential and commercial buildings often use classical proportions. They are typically seen in the relationship of the height and width of a building, its windows and doors, slope of the roof and other facade components. In the example on this page, note that the facade is symmetrical along a line drawn from the tip of the roof to the ground and the heights of the first, second and attic floors are equal. Also note that the location and proportions of the windows are related to the proportions of the facade.

In commercial buildings, the existing proportional relationships can be seen in the elements that compose storefronts as well as the size and location of upper story windows and cornices.



Design Principles The facade proportions for new commercial buildings should be based on proportions found on the facades of Easton's traditional commercial buildings.

Likewise, the facade proportions for new residential buildings should be based on proportions found on the facades of Easton's traditional residential buildings.

New building facades should be based on traditional proportions

Rhythm

The vertical and horizontal spacing and repetition of facade elements, such as storefronts, windows, doors, belt courses, and the like give a facade its rhythm. The space between free standing residential buildings, or lack of space between party wall commercial buildings, along with the building's height, towers, and other roof projections establishes the rhythm of a street.



Traditional commercial buildings often have regular facade rhythms established by their storefronts and upper floor windows

Existing Character Existing commercial buildings in Easton typically have storefronts with large display windows, transom windows and centrally placed recessed entry doors on the ground floor, and regularly spaced windows on upper floors.

Easton's historic residential buildings have both regularly and irregularly spaced windows and doors. The rhythm of ground floor is also often established by porch elements such as columns, rails and steps.

Commercial buildings are typically party wall structures while residential buildings are typically free standing.



The facade rhythm of Easton's traditional residential buildings may be regular or irregular

Design Principles The facades of new buildings should be based on the facade rhythms of Easton's traditional buildings of similar use.

The spacing between new buildings should reflect the spacing between traditional buildings of similar use.

Typically facade rhythms within a contiguous new commercial block should be similar.

The facade rhythms within a new residential development of similar size houses should be compatible with each.

Massing

A building's massing is derived from the articulation of its facade through the use of dormers, towers, bays, porches, steps and other projections. A building's massing significantly contributes to its character and that of the streetscape, particularly for zero lot line, contiguous commercial blocks.



The massing of Easton's Victorian buildings is typically derived from towers, bays, porches and the like

Existing Character Easton's traditional commercial buildings are typically expressed as a single mass, with large expanses of display windows on the ground floor, and regularly spaced windows on upper floors.

Easton's small early 19th century residential buildings are typically expressed as a single mass, while late 19th and early 20th century residential buildings often have bays, towers, porches and projections giving them complex massing.



Easton's traditional commercial buildings typically have simple massing

Design Principles The massing of the facade of new residential and commercial buildings should be based on the massing found on traditional buildings of similar use in Easton.

Height

The height of facades and their cornices, along with roof ridgelines, and projections such as chimneys, and towers, contributes to the character of buildings and streetscapes.



Existing Character While the heights of Easton’s traditional commercial district located in the same block may vary, they are typically within one or two stories of each other.

The heights of Easton’s traditional residential buildings located in the same block tend to be similar.



Design Principles Designing primary facades of new party wall or contiguous buildings to be similar in height.

Varying the heights of new commercial buildings by no more than two stories in any one block.

Varying the heights of new free standing buildings by a maximum of ten percent of the height of adjacent new buildings.



Using towers and chimneys on residential buildings in a manner similar to their use on Easton’s traditional residential buildings.

Buildings in the same block typically vary in height by only one or two stories

Materials

The type, size, texture, surface finish, and other defining characteristics of exterior materials are important to defining the overall character of a building.

Existing Character Facades of brick, horizontal wood siding, cut stone, and roofs of slate and metal are all common on Easton's traditional commercial and residential buildings.



Easton's traditional commercial buildings also typically have wood storefronts, patterned or colored glass transom windows, and canvas awnings over the storefronts.

Easton's traditional residential buildings often have one story wood porches on the front, one or two story wood porches on sides or rear, and brick chimneys.

Design Principles The materials used for walls, sloped roofs, and other exterior features of new buildings should be based on the materials found on traditional residential and commercial buildings in Easton.



The size, texture, surface finish, and other defining characteristics of new exterior materials should be similar to those found on Easton's traditional residential and commercial buildings.

Non-traditional materials such as stucco, stucco like material (EFIS), vinyl and metal siding, textured plywood, oversized brick, concrete block, texture concrete masonry units (CMU) and the like should not be used for primary facades of new buildings.



New construction should reflect the exterior materials used in Easton's traditional buildings

Roof Shape

The shape and slope of roofs are also important to defining their character.



Existing Character Traditional commercial buildings in Easton typically have flat roofs hidden behind cornices or Mansard roofs. Easton's traditional residential buildings typically have gable or hipped roofs.



Design Principals Roof shapes of new buildings should be based on those found on traditional buildings in Easton.

Roof shapes for new buildings should be compatible with those on adjacent new buildings.

Roofs on new commercial buildings should be flat with pronounced front facade cornices or Mansard.

Roofs on new residential buildings should be primarily gable or hipped.

Roof shapes on new buildings should be based on roofs found on traditional buildings

Details and Ornamentation

Details such as the shape and texture of siding used or types of brick courses used for a wall, and ornamentations such as porch brackets, dentils, scrolls, corbels, and the like, significantly add to the character of a facade.



Existing Character Early 19th century commercial and residential buildings in Easton tend to have plain details and ornamentation.

Mid and late 19th century and early 20th century commercial buildings in Easton tend to have brick details as well as ornamented wood storefronts and window surrounds, or metal cornices.

Mid and late 19th century residential buildings often have elaborate wood details and ornamentation on porches, towers, and window and door surrounds.



Design Principles New buildings should use well scaled and proportioned details and ornamentation on their principal facades.

Details and ornamentation found on existing buildings in Easton may be used as the basis for details and ornamentation on new buildings, but they should not be copied exactly.

Details and ornamentation for new buildings should be based on those found on traditional buildings

Color

A building's color is derived from its exterior materials such as unpainted brick, stone, terra cotta, slate, asphalt shingle, copper, lead, and other naturally colored materials, or from paint, stains or other applied colors.



Existing Character Exterior brick and stone on traditional buildings in Easton are typically left unpainted.

Wood trim, door and window surrounds on commercial buildings are often painted white or other light colors.

Wood residential buildings are typically painted white or a light color.

Usually no more than three painted colors are found on traditional buildings in Easton.



Design Principles The colors of new buildings and structures should be compatible with its overall design and that of neighboring buildings.

Brick and stone should typically be left unpainted.

Traditional color schemes should be used.

No more than three painted colors should be used on new buildings.

Exterior colors of new buildings should be based on traditional colors

Design Principles for Public Space, Street Furniture, and Landscapes

Streets, sidewalks, parking lots, benches, trash receptacles, kiosks, and other elements of public space and street furniture are important to defining the character of residential neighborhoods and commercial districts. So too are trees, shrubs, plantings, walls, fences, and other landscape features. Equally important to defining the character of residential neighborhoods and commercial districts is the transition between districts. Collectively public space, street furniture, and landscapes provide the context for the buildings in new developments.

The design of new public space, street furniture, and landscapes should reflect those found in the traditional residential and commercial districts in Easton. Particular attention should be given to creating safe, pedestrian oriented environments with features designed to reinforce the unique character of Easton as well as fulfill the Design Principles adopted in the *Comprehensive Plan 2004*. At the same time, attention should be paid to using materials that are robust and easily maintained, as well as environmentally sound. The design of public space, streetscapes, and landscapes in new developments should help to create a sense of place within that development as well as link it to the traditional residential neighborhoods and commercial districts of Easton.



Streets and Sidewalks

Streets and sidewalks are the primary connective networks within commercial or residential districts. They allow pedestrians and vehicles to flow through and around the development, providing access to businesses, institutions, and residences.



Existing Character Streets in Easton’s traditional commercial and residential districts typically are paved with asphalt, and based on a hierarchical grid pattern. Sidewalks, in residential areas are concrete, separated from the street by a grass medium that often contains trees. Sidewalks in the traditional commercial district are brick or concrete, usually adjacent to the curb, and often contain planters with flowers, shrubs or trees.

Design Principles Basing new street and sidewalk patterns and widths on the hierarchical grid pattern found in Easton’s traditional residential neighborhoods and commercial district.



Terminating vistas along streets or sidewalks with important civic, religious or institutional buildings.

Separating sidewalks in residential areas from streets by grass mediums, typically containing trees.

Using surface materials for streets and sidewalks in new developments similar to those found in Easton’s traditional residential neighborhoods and commercial districts.

Sidewalks and streets in Easton’s traditional districts are organized in an hierarchical grid

Parking Lots

While surface parking lots in commercial areas are necessary, they should not be prominent features in new developments.



Parking lots should be screened from view or located at the rear of new buildings

Existing Character Existing parking lots in the traditional commercial district are located behind buildings or are screened from the public right-of-way by low walls or shrubs.

Design Principles Provide adequate landscaping, walls or fences to screen automobiles from immediate view, but still allow visual access into the lots.

Design parking lots in accordance with the landscape standards contained in the Town of Easton Zoning Ordinance.

Street Furniture

Street furniture is the general term used to describe benches, trash receptacles, parking meters, streetlights, and other elements found in residential and commercial districts.



The design of street furniture should be compatible with the design of the buildings

Existing Character Existing street furniture in Easton's traditional residential and commercial districts is typically functional and compatible with the design of the buildings.

Design Principles Design and locate street furniture in new commercial districts that encourages pedestrians to linger, window shop, as well as provide places to sit, and in residential areas provide street furniture that promotes neighborliness.

Locate street furniture so that it does not impede pedestrian or vehicular traffic.

The design of street furniture in new developments should be compatible with the design of the buildings.

Landscape Design

Landscape design on private property in front of residential buildings, commercial districts, and public spaces is important to defining the character of new developments.



Landscaping in front yards, and in public spaces in residential areas is important to defining their character

Existing Character The front facade of single family homes in Easton's traditional residential districts are typically separated from the public sidewalk or street by lawns, mature trees, and informal planting groups of shrubs and flowers. Foundation plantings are typically found close to the house. Typically the front door or porch is connected to the public sidewalk with a straight concrete or brick walk. Shrubs, trees, flower beds or fences run along side boundary lines separating a property from its neighbors. Driveways are located on the sides of the buildings, sometimes connecting the street to a garage.

In commercial areas, landscapes tend to be street trees, flowers and small shrubs in planters, and lawns fronting and surrounding civic and religious buildings.

Tress, shrubs, and other plantings are typically native, relatively maintenance free, and ecologically sound.



Planters, street trees, and flowerpots are all found in Easton's traditional commercial district.

Design Principles Basing landscapes in new developments on those found in Easton's traditional residential neighborhoods and commercial districts.

Using native and environmentally sound trees and other plant material.

Auxiliary Buildings and Structures

Carriage houses, sheds, and other auxiliary buildings are often important to defining the character of residential buildings.



Existing Character Carriage houses, garages, sheds, and other auxiliary buildings in Easton's traditional residential neighborhoods are usually located on alleys or at the rear of properties. Typically they are constructed of the same materials as the principal dwelling, using similar details and sometimes ornamentation.

Modern auxiliary structures such as TV dishes, swimming pools, and decks are typically located at the rear of properties.

Auxiliary structures in Easton's traditional residential districts are typically compatible in design with the principal dwelling.

Design Principles Base the design of auxiliary buildings on the principal dwelling.

Locating auxiliary buildings and structures so they are not visible from principal streets.

Fence and Walls

Fences and walls are important character defining elements in residential and commercial landscapes.



Existing Character Wood and metal fences can be found throughout Easton's traditional residential neighborhoods. Low brick walls are found in the commercial district. Typically fences and walls are located on side and rear yards, but are also found along front property lines where houses are close to public sidewalks.



Design Principles Using low wood and metal fences in new residential front and side yards, and low brick walls in commercial areas. Taller privacy fences should be only used at the rear of buildings.

Locating and designing fences so they are compatible with the design of the buildings with which they are associated.

Fences and walls are important character defining features

Transitions between Districts

Changes in building appearance and location on a site, as well as changes in streetscape and landscape signal transitions between districts for citizens and visitors alike.



Existing Character The entries to Easton’s traditional residential neighborhoods and commercial district are marked by changes in building design, setback, sidewalks, street furniture, and landscaping. Although subtle, transitions between neighborhoods are easily recognized by citizens and visitors alike.



Design Principles Marking transitions between existing and new developments by changes in landscaping, streets, sidewalks, and street furniture, and not through pillars, gates or signs.

Marking transitions between different districts within large new developments by changes in building design and setback, as well as by differences in landscaping, streets, sidewalks, and the like.

Entries to traditional neighborhoods are marked by subtle changes in building setback, landscaping and the like

**PLANNING COMMISSION MEETING
09 MARCH 2010
MINUTES**

Members Present:

Mr. Ray Rosenberger, Chairman
Vice Mayor John Jester
Mr. Tripp Muth
Mr. Gene Taylor
Mrs. Mollie Cherrix
Mr. Jeff Potts

Members Absent:

Mr. Steve Katsetos

Mr. William Neville, Planning Director

CALL TO ORDER – Chairman Rosenberger called the meeting to order at 7:04 pm and established a quorum.

INVOCATION AND PLEDGE OF ALLEGIANCE – Chairman Rosenberger led the invocation followed by the Pledge of Allegiance.

PUBLIC COMMENT

There were no members of the public who wished to address the Planning Commission.

AGENDA REVIEW/DISCLOSURES

Chairman Rosenberger requested a review and/or requested changes to the Agenda with any disclosures. Mr. Potts disclosed his business relationship with the applicant for Item #3 under Old Business and excused himself from participating or voting on this item.

Vice Mayor Jester motioned, seconded by Mr. Muth to adopt the agenda. The motion was approved.

1. Approval of February 9, 2010 minutes

The minutes as submitted were reviewed and no changes were requested. Ms. Cherrix motioned, seconded by Vice Mayor Jester to approve the minutes of the last meeting. The motion was approved.

2. Old Business

1) Discussion of Bylaws

Chairman Rosenberger began a discussion of the Planning Commission Bylaws and requested that a correction should be made in section 2-2 to replace 'council' with 'commission' in the first sentence.

Mr. Neville identified two additional corrections that were suggested by the Zoning Administrator in section 3-4 to clarify vacancies to be filled by 'Town Council appointment' and section 6-4 to correct that votes shall be by the majority of the members present to be consistent with State Code. A discussion followed and the matter was confirmed by Councilman Frese who was in attendance.

Chairman Rosenberger questioned whether the Planning Commission could approve the Bylaws as permitted by Code or whether the Town Council must approve them. Vice Mayor Jester confirmed that the intent of his comments from the last meeting was to promote peace and harmony by requesting Council approval. This should be the process for other committees as well. It was concluded that the Council should review and confirm the approved document.

Mr. Neville requested the Commission's direction on the wording of section 2-1 and whether this is consistent with the language of the Town Code regarding membership qualifications. Chairman Rosenberger indicated that the current criteria are appropriate for the Bylaws, and other criteria may be used by Council in selecting and appointing members.

Mr. Muth motioned, seconded by Vice Mayor Jester to approve the revised Bylaws subject to review and confirmation by the Town Council. The motion was approved.

2) Home Occupation Regulations/Signs

Chairman Rosenberger opened the consideration of this agenda item and confirmed the Town Council's request to continue work on the proposed regulations.

Mr. Neville noted that a summary of the concerns identified at the Town Council level were included in the Staff Report, however no additional work had been completed on the proposed Ordinance text. In order to assist in the Planning Commission's consideration of these issues, it was recommended that a workshop could be scheduled prior to the next meeting.

Vice Mayor Jester discussed the need to provide greater clarification of the differences between limited and regular home occupation uses. Chairman Rosenberger added the concern for control of impacts to residential neighbors and neighborhoods, particularly with regard to signs.

A discussion followed that focused on the idea that it was never the intent of the ordinance to allow a combination of multiple types of signs and banners and flags to advertise a home occupation use. The biggest problem is what type of signs should be permitted.

Mr. Muth added the idea that signs permitted for limited home occupation use should be different than those permitted for home occupation. Most of the comments he has received also question who decides which use belongs in each list.

Ms. Cherrix expressed the concern over defining uses too closely such as the Beauty Shop that is limited to 2 chairs. Chairman Rosenberger added that limited home occupation would be the type of occupation that would not generate any high levels of traffic/visibility/contact with public, whereas home occupation may have folks come to the home to do business, provided that adequate parking is available and it doesn't impact on the neighborhood.

Mr. Muth reminded the Commission that the structure's primary use is a residence and any home occupation should take on a secondary use only. Some uses, either through signage or the way the structure is laid out, may cross this line.

Chairman Rosenberger suggested a worksession that would allow public participation to continue the work on this ordinance. It was noted that the Town faces a challenge given the existing mix of zoning districts that place residential uses next to commercial uses rather than in a PUD where uses are often separated. Vice Mayor Jester suggested that care should be taken to limit how much retail use would be allowed before the residential character of an area starts to change.

Vice Mayor Jester motioned, seconded by Mr. Muth to schedule a workshop within the next several weeks to continue work on the home occupation ordinance. The motion was approved.

Vice Mayor Jester requested that the regulations from other similar communities such as Cape Charles, Onancock, or Bethany Beach should be available for review at the workshop.

3) Ettinger Parcel 'E' Rezoning

Mr. Rosenberger began the consideration of the rezoning application by recognizing the efforts of Mr. Poulson, Town Attorney, to address the specific concerns raised by the Commission at the last meeting.

Mr. Neville summarized the Staff Report by reviewing correspondence related to the 4 outstanding issues:

1. Letters from Mr. Poulson indicate that the vacation of plat process is not necessary in order to confirm that the property is owned by the applicant and is not a common parcel of the subdivision
2. A legal opinion from Mr. Poulson confirms that the property is not subject to the Covenants and Restrictions of Oyster Bay II subdivision because Parcel 'E' is not one of the numbered lots named in the Declaration
3. It is reasonable to conclude from the various legal opinions, that Parcel 'E' was a part of the original Oyster Bay subdivision **and** is not subject to the existing Covenants and Restrictions. Mr. Poulson confirms that the property would have the right of access to Hibiscus Drive. Mr. Neville suggested that it may also have a responsibility toward Hibiscus Drive if used for access.
4. A more detailed analysis of the Comprehensive Plan is included in the Staff Report by selecting the policies, statements, goals and objectives that describe the common vision the Town holds for the future. The combined housing and land use policies are balanced and support two positions regarding this application: protection of the R-1 single family neighborhood, or encouraging a diversity of housing types/prices/densities by changing the zoning to R-2. The Land Use Map may be viewed from three perspectives: property, neighborhood or town-wide that encourage different solutions.

Correspondence from Mr. Ettinger included a more detailed statement of his plan for the property and specifically his wish to encourage the construction of two-family homes. Confirmation that the applicant met with the Oyster Bay II Property Owners Association (POA) Board of Directors to discuss the project was included along with a stated intent to make financial contributions or voluntary proffers to the POA if Hibiscus Drive is used for access. This correspondence amends the application and becomes a part of the public record.

Draft Motions are attached for the Planning Commission's reference.

Chairman Rosenberger noted that the proposed voluntary proffers would benefit the POA, not the Town, and therefore would not be enforceable. A discussion followed regarding the Town's ability to accept any proffers associated with a rezoning application.

Ms. George Ann Way, representing the applicant, addressed the Commission and noted the benefits of current real estate activity in the neighborhood.

Ms. Cherrix asked if Parcel 'E' was to be developed as duplexes, would it become a new subdivision that would be reviewed by the Planning Commission? Chairman Rosenberger responded that it would.

Mr. Taylor commented that the property may be subdivided into 3 lots without subdivision review and agrees with Mr. Poulson's opinion that Parcel "E" would be developed in the future.

Chairman Rosenberger stated his opinion that there is so little R-1 zoning that the Town should maintain what it has.

Mr. Muth said that he personally has a problem with the application based on comments received by the Commission from people who expressed a concern for loss of property values and the potential for different density and housing types across the street from each other. The information provided in the Staff Report does answer the previous concerns, however, he is still 'on the fence' over the benefits of the proposed rezoning.

Other Commissioners agreed that this is not an easy decision. Vice Mayor Jester expressed the idea that it would be easier if the Commission knew for sure what would actually be built. Silver Sails was identified as a good example of two-family homes that was a very successful project at a reasonable price.

Ms. George Ann Way requested to make an additional statement in support of the R-2 zoning based on the concept of providing a transition between the R-1 Oyster Bay subdivision and the adjacent R-3 zoned property. This property would provide a 'cushion' between the other districts.

Mr. Taylor stated that the R-2 district is not that bad and there are other locations in Town where single family houses are built next to trailer parks and you just get along with your neighbor.

Mr. Muth added that the recent community meetings for the Comprehensive Plan had included a lot of discussion about preserving the R-1 (single family) zoning of the Town. He agrees that the Plan is a balanced document, however the people that made the effort to participate really wanted to preserve what they could. Agreed that R-2 is not that bad.

Ms. Cherrix commented on the history of the property that started in the County with little control, and then when it was annexed both the prior Town Plan and the current Plan established the R-1. The Town has very little R-1 compared to other districts and this community is important to maintaining the character of Chincoteague.

Chairman Rosenberger recognized the balance required between allowing a property owner the ability to fully develop their property and the rights of a neighborhood to protect its property values.

Mr. Neville noted the difference in lot size requirements for one family homes between the R-1 and R-2 districts. Single family lot size in the R-2 district would match the existing lot sizes in Oyster Bay II. Mr. Muth added that home occupation standards are different between districts and the more intensive uses would currently be allowed in the R-2.

Mr. Taylor asked if certain uses could be proffered out. After discussion, there was sufficient concerns regarding the Town's ability to accept and/or enforce proffered conditions that it was not considered an option.

Mr. Muth expressed his additional concern that Hibiscus Drive should be used as the preferred means of access for development of this parcel. He also observed that the current economy does not create an urgent demand for additional housing density at this time.

Mr. Taylor motioned for the application to be forwarded to Council with a recommendation for approval based on the idea that the status of the parcel was not known at the time it was annexed and zoned to the R-1 district. Given the size of the parcel, and the information provided by the Town Attorney, the property should be allowed to develop as proposed, and to serve as a buffer (transition) to the R-3 district.

Vice Mayor Jester indicated that he would consider a second if it was possible to condition the development of the site. There was discussion again regarding the Town's ability or desire to accept the proffers mentioned in Mr. Ettinger's correspondence. Mr. Neville suggested that a separate formal agreement between the applicant and the Oyster Bay II POA may meet the intended purpose of a proffer if presented at the Town Council hearing. Mr. Taylor suggested amending the motion to include the requirement for a private road maintenance agreement and the removal of home occupation use rights. There was additional discussion regarding the reasons why a developer would choose one type of subdivision over another. The motion failed for lack of a second.

Mr. Muth motioned for the application to be forwarded to Town Council with a recommendation for denial solely based on the inconsistency with

the Comprehensive Plan Land Use Plan (Draft Motion #2), seconded by Ms. Cherrix. The motion was approved by majority vote of those in attendance. (For: Muth, Rosenberger, Jester, Cherrix Against: Taylor Abstain: Potts Absent: Katsetos)

3. New Business

1) Planning Commission Work Plan

Chairman Rosenberger introduced an item of new business that would establish a work plan to prioritize the potential activities of the Planning Commission in 2010.

Mr. Neville reviewed five topics that the Commission may wish to take up.

- Ordinance Control of Fill/Drainage/Flooding Issues
- Ordinance Control of Private Street Maintenance
- Zoning District Conformance with Comprehensive Plan 2010
- Capital Improvements Program
- Hazard Mitigation Plan

It was suggested that each month, one topic would be selected by the Chairman for further consideration by the Commission and that it may be tied to priorities identified by the Town Council.

Chairman Rosenberger identified the strategy for review of the new zoning districts was to allow a few months after adoption of the Comprehensive Plan for distribution, and then take a bite at time with the District that is considered most needed. The Downtown District may be the best place to start based on the current Main Street renovation project providing a focus for re-investment.

4. Planning Director's Report

Mr. Neville reported on one additional item. The Enterprise Zone mapping study reviewed properties that are currently within the zone but would not be able to participate because they are zoned residential, are located in the marsh, or are in public ownership. This area could be swapped for several properties along Eastside Drive that were proposed to be added to encourage existing waterfront/aquaculture businesses.

The Commission was consulted on the best way to engage landowners in this process. Further coordination with Accomack County is necessary.

5. Commission Member Announcements or Comments

There were no further comments.

ADJOURN

Vice Mayor Jester motioned, seconded by Mr. Potts to adjourn the meeting. The motion was approved.

Ray Rosenberger, Chairman