

# PLANNING COMMISSION MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

April 12, 2011 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES:

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1. Approval of March 8, 2011 meeting minutes
2. Public Hearing – Sign Ordinance revisions for Flags, Banners and Pennants
3. Old Business
  - Work Plan - Zoning Map/Districts
    - Review Map Revisions
    - Approve Schedule and Advertising
  - Work Plan - Sign Ordinance
    - Review proposed Ordinance revisions for building mounted signs and set public hearing date
4. New Business
5. Commission Members Announcements or Comments  
*(Note: Roberts Rules do not allow for discussion under comment period)*

ADJOURN

**PLANNING COMMISSION MEETING**  
**8 March 2011**  
**MINUTES**

Members Present:

Mr. Ray Rosenberger, Chairman  
Mrs. Mollie Cherrix, Vice Chairperson  
Mr. Tripp Muth, Councilman  
Mr. Gene Wayne Taylor  
Mr. Steve Katsetos  
Mr. Jeff Potts  
Mr. Spiro Papadopoulos

Members Absent:

William Neville, Planning Director

CALL TO ORDER – Chairman Rosenberger called the meeting to order at 7:02 pm and established a quorum with all members in attendance.

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

PUBLIC COMMENT

There were no speakers. Chairman Rosenberger closed the public comment portion of the meeting.

AGENDA

Commissioner Papadopoulos requested that the agenda include a discussion of the term ‘historic’ as it relates to the downtown zoning district. It was agreed that this was already included under Item #2a. Following review of the agenda, Councilman Muth moved for approval as prepared, seconded by Vice Chairperson Cherrix. The motion was passed.

1. Approval of January 26, 2011 work session minutes and the February 8, 2011 meeting minutes.

The minutes as submitted were reviewed with no corrections. Commissioner Papadopoulos moved to approve the minutes, seconded by Councilman Muth. The motion was unanimously approved.

2. Old Business
  - a. Work Plan – Zoning Ordinance

An update on the zoning map revisions was provided by Town Planner Neville. GIS data that was needed to update parcel information and allow for the revision of the zoning layer has just been provided to the Town. Edits will be completed and the large maps will be plotted out before the next PC meeting. Proposed project schedules will be discussed later to allow for adequate time to review the maps before public presentation.

Council input that was provided at the Workshop on February 17<sup>th</sup> has been summarized in the staff report for consideration by the Commission. The first question was considered regarding 'on the ground' verification of the proposed zoning districts.

Chairman Rosenberger stated that for most of questions and issues, the large maps will be necessary. He said that the edges between commercial and residential use are the most important areas that should be reviewed by walking or driving areas of Town to confirm the proposed zoning district mapping.

Commissioner Potts noted that the comprehensive plan land use maps were based largely on existing zoning lines, and that some revisions may be justified. Councilman Muth asked if the new map could be overlaid with the current aerial photograph so that actual physical features could be seen as well. Mr. Neville responded that it could.

Commissioner Papadopoulos requested a current 'official map' of Chincoteague Island that would show streets, buildings and parcels. The information provided by Accomack County is generally updated quarterly. The color aerial photograph is current to 2009 and will not be updated next until 2013.

The second question was discussed about other single family neighborhoods that should be included in the R-1 or R-2 districts. Commissioner Potts identified three large subdivisions along Ridge Road including Rosedale, Pinedale and Holly Drive that are zoned R-3 and have developed as single family homes. Chairman Rosenberger added that there is a mix of public and private roads in this area. Commissioner Potts raised the question about whether these areas should be remapped to the R-1 or R-2 district.

Mr. Neville advised that any consideration of zoning changes should be evaluated by several criteria:

- Does the proposed change help to implement the goals of the Comprehensive Plan more than the existing district,
- Has there been a significant change since the Comprehensive Plan was adopted, or

- was there an oversight at the time the Comprehensive Plan was developed.

The Planning Commission should apply these standard tests before any change is proposed. Expansion of adjacent districts would be preferred rather than creating isolated areas of different zoning.

Commissioner Taylor also identified the corner of Deep Hole Road and Chicken City Road as a possible extension of commercial zoning to meet future public needs. Commissioner Potts proposed that several lots at the end of Sunset Drive in the Burke/Andrews subdivision should be reviewed by the Commission for R-1/R-3 zoning as an extension of Sunnywood Manor.

Mr. Neville reviewed the Commission process of implementing the comprehensive plan that began with 1) considering existing zoning and trying not to change development potential, 2) matching zoning districts with patterns of common land use, and 3) considering changes when there could be a better edge treatment between two different districts.

Councilman Muth identified the concern of making recommendations for zoning changes that would potentially increase or decrease development potential without agreement of the affected landowner. He stated the need for public input that is scheduled in a way so that everyone feels they have been represented fairly and justly.

Chairman Rosenberger agreed that this issue will come up on Marsh Island with the proposed zoning change and that the public hearing process is the appropriate method of considering any changes. If any specific changes are proposed that would reduce development potential, the Commission will be obligated to inform landowners in advance of the regular public input process. He believes that the Town Council supports the idea of minimizing any change to individual landowners.

Councilman Taylor noted that in the case of Marsh Island, the Commission should meet with Mr. Mason to discuss the proposed change from C-1 Commercial to R-3 Mixed Use Residential. If he purchased the property as commercial and wishes to continue commercial use, he has that right. Commissioner Potts added that the goal of minimizing traffic on the new bridge spur still remains as a strong reason to limit commercial use.

The third question was discussed about resource conservation areas and the goal of protecting the marsh areas surrounding Chincoteague Island. Chairman Rosenberger repeated the previous conclusion reached by the Planning Commission that any development within marsh areas or tidal waters was ultimately regulated by the State VMRC and other agencies so

that the zoning district does not need to add a layer of protection at the Town level.

Commissioner Taylor provided an example of how the RC zone needs to be carefully defined so that it does not apply to small inland areas that may just be a map error. Landowners should have the ability to apply for building or wetland permits under their existing zoning if they would otherwise qualify.

Mr. Neville agreed that the only areas to be mapped as resource conservation would be public ownership or properties already under conservation easement. The only remaining question is whether there are other areas that are publicly owned or owned by a homeowners association that may have been missed. Several Town owned properties at the Harbor and along Route 175 were discussed.

Questions #4 and #5 from the Council workshop were reviewed. The perimeter of the Town boundary will be checked to make sure it is accurate and matches the Annexation Agreement information. The potential overlapping jurisdiction of VMRC, NPS and USFWS along the eastern boundary will be considered. Additional research or survey of land/parcel ownership near the Harbor was determined to be necessary.

Question #6 identified several terms that may need explanation in the staff report and at the public hearing so that the meaning is clear. Commissioner Papadopoulos was concerned about the careful use of the term 'historic' so that requirements for conservation and preservation from State agencies do not automatically apply to all structures within the Downtown area.

Chairman Rosenberger provided information about Cape Charles, Blacksburg and Manteo. The alternate term 'old town' was discussed for the main street business district. Councilman Muth agreed that 'historic' means 'This Old House' type renovations with multiple code enforcement officers reviewing every step. The merits of an historic district and the need to develop architectural review guidelines and regulations were debated.

Councilman Muth commended the investment that downtown business owners have voluntarily made to restore and maintain the structures that define Main Street. He suggested that at some point there may need to be a means to encourage restoration rather than tearing down to rebuild for certain structures that are important to the Town. Commissioner Papadopoulos noted that there is a difference between historic and historic character.

The Commission voted and approved the name Old Town Commercial District for the current C-2 downtown zoning district. Mr. Neville asked the Commission about Mayor Tarr's comment that all of the proposed zoning districts appear to have the same or better zoning standards except the downtown area. There was discussion about encouraging residential use above first floor commercial use and it was agreed to retain this change to the C-2 district for public hearing comment.

Mr. Neville also reviewed the reasons for having both Parks and Public/Semi Public zoning districts. The term Resource Conservation was confirmed to be acceptable.

Question #7 regarding a written description of all zoning district boundaries was confirmed that there is no longer a need now that mapping techniques are more accurate.

Work needs to be completed by Staff on the Use Comparison Chart referenced in Question #8 prior to a final review by Town Council and presentation to the public.

Commissioner Papadopoulos reported to the Commission information about the Freedom of Information Act that requires public notice before more than 2 Commissioners could meet to review the zoning boundaries in the field. He requested that a copy of FOIA be provided to each Commission member.

Mr. Neville handed out and reviewed an updated schedule for the next several months with several options for open house information sessions and public hearings for the Zoning Map/District update process. Although the Town Council direction seemed to be that public input was necessary before moving further, Councilman Muth asked about how many 'gray areas' or potential landowner concerns remained to be resolved.

It was agreed to get started on Schedule Option B following Commission review at its April 12<sup>th</sup> meeting and adjust the schedule as necessary to address public comments. Commissioner Taylor commented that taking the time to advertise and provide information before the public hearing is just as important. Commissioner Potts suggested that it was important to provide opportunities to review the information during both the day and evening hours.

b. Work Plan - Sign Regulations (Banners, Flags, Pennants)

Mr. Neville handed out several comments received from the Town Zoning Administrator and reviewed the Staff Report including several color pictures of sample signage.

Revision to Sec. 7.4.1 Temporary Signs to include ‘for the purpose of advertising home occupation use’ was accepted by the Commission.

Revision to Sec. 7.2.5 Banner was returned to the original definition and amended to include ‘and vinyl or similar material’. Mr. Lewis identified the flexible material currently being used on the billboard signs along the Causeway and building mounted banners as potential enforcement questions. The Commission confirmed its earlier interpretation that once a banner is fixed to a rigid surface so that it does not flap in the wind, it should be treated as a regular sign.

Chairman Rosenberger asked about whether a Sign Ordinance revision to control the total number of signs permitted would address this concern. It was agreed that the scope of review had been limited so that the entire Ordinance was not going to be revised at this time. The focus of this amendment was primarily about the character of signage for home occupation uses in residential areas.

Commissioners voted on and approved a motion to send this item to public hearing on April 12, 2011.

c. Work Plan – Sign Regulations (Building Mounted Signs)

Mr. Neville reviewed the Staff Report regarding the allowable height for Building Mounted Signs. A redline change to the Ordinance that would allow an increase from the maximum permitted height from 12 feet to some other minimum height or provide flexibility to consider applications under certain conditions.

Sample photos of building mounted signage from commercial structures in Chincoteague were reviewed as examples of the range of sign heights in place today.

Chairman Rosenberger suggested that the Commission should consider this information and look around prior to the next meeting. There was some discussion and Vice Chairperson Cherrix suggested that an application for variance to the BZA would provide a means to address individual situations.

Councilman Muth asked about the definition of ‘roofline’ and requested clarification before a decision is considered. He also requested a consideration of roof mounted signs to either eliminate that option or confirm whether it also meets a criteria of ‘below the roofline’. Several other questions about mansard roof signs, hanging signs, awning signs, or other building mounted signs were raised to see if the height limits would also apply to them.

Commissioner Papadopoulos made the case for setting sign height based on a pedestrian scale rather than a vehicle scale of visibility. Chairman Rosenberger appealed for moderation that will keep the Town visitor friendly and not trend toward over commercialization. Commissioner Taylor added that new regulations that require first floor elevations above flood level, plus 8’ ceiling height can cause a problem with the 12’ height limit above surrounding grade. Commissioner Katsetos suggested that the decision should be made based on the building architecture.

More information will be presented at the next Planning Commission meeting.

3. New Business

- None

Mr. Neville informed the Commission that the Ordinance Committee may be considering an amendment to the Town Code regarding commercial dumpsters and that a corresponding change may also be required in the Zoning Ordinance to address landscaping, fencing or setback requirements.

4. Commission Member Announcements or Comments

Commissioner Papadopoulos provided a review of his recent attendance at the Virginia Certified Planning Commissioner training program.

ADJOURN

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

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Ray Rosenberger, Chairman



## STAFF REPORT

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To: Chincoteague Planning Commission

From: Bill Neville, Director of Planning

Date: April 12, 2011 – Public Hearing

Subject: Sign Ordinance Revision - Banners, Flags and Pennants

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The Planning Commission has included a review of the Sign Ordinance (as amended 6/19/08 and 4/6/09) in its current Work Plan as a result of concerns expressed by business owners and residents. Following discussions at the November, January and February Planning Commission meetings, a strategy for reviewing the Sign Ordinance was proposed.

*Minor corrections to the Sign Ordinance may be necessary based on a review of violations and community requests from the last 3 years. A comprehensive review may create as many problems as it would solve, so it was determined to narrow the current review to only Banners, Flags and Pennants as requested by Town Council, and to consider a list of compliance issues provided by the Zoning Administrator.*

Commissioners voted on a motion that banner signs (or any temporary signs) not be permitted in residential areas for home occupation uses. It was generally agreed that small permanent signs meet the intent of home occupations, while banners, flags, etc. change the residential character of an area. The motion passed by a majority vote with two opposed. Clarification was provided that Pony Penning signage, and other flags or decorations that do not promote home occupation business use would not be restricted by this change

Commissioners have agreed by consensus that the Ordinance should be revised as follows:

- the maximum size permitted for banners would be increased from 30 square feet to 32 square feet.
- the time limit/permit fee for banner use would be amended to allow a single permit for the extended tourist season of 16 weeks or May 15<sup>th</sup> to September 15<sup>th</sup>.
- the type of material used for banners would be revised in section 7.2.5. to include vinyl and other similar materials.
- pennants would be restricted in residential areas, and there would be no change for commercial areas
- the number of banners permitted for commercial uses should be tied to the number of businesses or the linear feet of road frontage.

The following proposed ordinance revisions have been shown as 'redline' corrections based on Commission direction and are scheduled for a public hearing to consider public comment on April 12, 2011.

# Zoning Ordinance

## Article VII

### Signs

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#### Sec. 7.2 Definitions

7.2.5. *Banner.* A sign that is mounted on or attached to ~~a~~ any non-rigid surface such as cloth, fabric, paper, vinyl or similar material.

7.2.53. *Temporary sign.* ~~Temporary signs shall be permitted~~ A sign for the purpose of advertising ~~any event held by any nonprofit or charitable organization during a limited period of time.~~ See Section 7.4 for permitted signs.

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7.3.6.1 Limited home occupation signs. Such sign shall not exceed four (4) square feet in area and shall only identify business information and/or the business owner. There shall not be more than one sign permitted per dwelling. The sign shall be non-illuminated.

7.3.6.2 Home occupation signs. Such sign shall not exceed ~~four square feet a total of~~ sixteen (16) square feet in area and shall ~~contain only the name of the business only~~ identify business information and/or the business owner. There shall not be more than one sign permitted per dwelling. The sign shall be non-illuminated.

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#### Sec. 7.4 Temporary Signs

7.4.1. Permitted by right. The following temporary signs shall be permitted as a matter of right and no sign permit is required, subject to the conditions specified, and the other provisions of Article VII, as applicable. Use of banners, flags and pennants for the purpose of advertising home occupation business is prohibited in residential zoning districts.

7.4.4 Banners. On-premises banners shall not be more than ~~30~~ 32 square feet in area. Total banners shall not exceed one per residence and one per business, or one per building lot for each 100 linear feet of public road frontage. Such placement shall not exceed 4 times per calendar year not to exceed 4 consecutive weeks for each placement. Such placement shall not exceed 2 times per calendar year not to exceed 4 consecutive weeks for each placement. Non-profit organizations are exempt from the above time limit provided the banner is removed within 7 days after the event has ended. Placement of such banners must comply with Article VII of the ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required.

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## STAFF REPORT

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To: Chincoteague Planning Commission

From: Bill Neville, Director of Planning

Date: April 12, 2011

Subject: Work Plan – Zoning Map and District Update

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**OBJECTIVE: To update the Official Zoning Map and Zoning Districts for the Town of Chincoteague as recommended by the adopted Comprehensive Plan.**

The Town of Chincoteague Comprehensive Plan, adopted on January 4, 2010, is required by the Code of Virginia for the purpose of guiding the general development of the Town. A community typically uses an official zoning map, a zoning ordinance, a subdivision ordinance, and other measures in order to implement the goals and objectives contained in the Plan.

Specific recommendations were adopted in the 2010 Comprehensive Plan to designate twelve (12) land use planning areas that considered existing use, established settlement patterns, and opportunities for growth and redevelopment. Within most areas, the existing zoning district regulations would continue to apply without change. Several new zoning categories are proposed that require the consideration of a comprehensive update to the official zoning map and district regulations.

**APPROACH: Expand Town zoning districts from 6 to 12 with boundaries to match planning areas. Rename the existing zoning districts to limit any change in property development rights.**

The Planning Commission proposed a strategy to prepare the zoning revisions, hold public hearings, and to recommend to the Town Council an update of the Official Town Zoning Map. The approach has been to make only minimum incremental changes to each

district rather than to completely revise the zoning ordinance. Revisions to the district regulations have been tracked by redline changes and permitted uses within each district included in a comparison chart.

The process began with a focus on the Old Town Commercial district along Main Street as the heart of Town. (See May 2010 PC packet). The next area reviewed was the Commercial Corridor district along Maddox Boulevard (see June 2010 PC packet). The Resort Residential and Resort Commercial districts generally located at the central and south ends of the Island were reviewed together. (see August 2010 PC packet) The review of Public-Semi Public, Resource Conservation and Agriculture districts followed next. (see September 2010 PC packet). The remaining districts were discussed along with land use issues affecting all districts. (see October 2010 PC packet). A Workshop was advertised and held on November 3, 2010 to begin review of all zoning districts. Strategies for providing public information and a review of specific properties that were recommended for a change in zoning district by the Comprehensive Plan were reviewed at workshops and meetings with public participation. (see November, December and January PC packets).

Planning Area #	Proposed Zoning District	Existing Zoning District	Proposed Zoning Abbreviation
1	Single Family Residential	R-1	<b>R-1 Single Family Residential</b>
2	One & Two Family Residential	R-2	<b>R-2 One &amp; Two Family Residential</b>
3	Mixed Use Residential	R-3	<b>R-3 Mixed Use Residential</b>
4	Old Town Commercial	C-1, C-2 and R-3	<b>C-2 Old Town Commercial</b>
5	Resort Residential	R-3	<b>R-4 Resort Residential</b>
6	Neighborhood Commercial	C-1	<b>C-1 Neighborhood Commercial</b>
7	Commercial Corridor	C-1 and C-2	<b>C-3 Corridor Commercial</b>
8	Resort Commercial	C-1	<b>C-4 Resort Commercial</b>
9	Public-Semi Public	C-1, C-2 and R-3	<b>PSP Public Semi-Public</b>
10	Park & Open Space	R-2 and R-3	<b>POS Park and Open Space</b>
11	Resource Conservation	R-3	<b>RC Resource Conservation</b>
12	Agriculture	A	<b>A Agriculture</b>

\* Note: Town Code Chapter 30 Floods creates a zoning overlay district for the entire Chincoteague Island that corresponds with the FEMA 100 year floodplain mapping. This information will be added to the Official Zoning Map.

**PROJECT STATUS: A first draft of Planning Commission work on the proposed zoning changes has been completed and reviewed by Town Council. The draft schedule is attached for public information and hearings.**

The proposed implementation of a zoning map and zoning districts that match with the planning areas of the Comprehensive Plan has raised several policy questions. The Town Council suggested going ahead with presentations and hearings so that public opinion may be incorporated into their consideration of the zoning map change.

**POLICY ISSUES:**

1. Changes in property zoning – Several properties were recommended by the Comprehensive Plan Land Use Map to change from one zoning district to another based on existing use or characteristics. For example: Marsh Island is recommended to change from C-1 Commercial to R-3 Mixed Use Residential. With regard to other comprehensive changes, the Planning Commission has proposed to
  - a. Maintain the edges of existing zoning districts;
  - b. Revise zoning district edges to match the areas adopted in the 2010 Comprehensive Plan;
  - c. Limit the application of Resource Conservation to only those parcels that are currently in protected public ownership;
  - d. Apply the Agriculture zoning district to previously un-zoned marsh surrounding Chincoteague Island that is included within the Town boundaries;
  - e. Consider specific requests by property owners as a result of public testimony during public hearings
2. Split zoned properties – The zoning ordinance currently allows the property owner of a split zoned property the option to select which zone may be used for the entire property. For example: properties along commercial corridors with residential neighborhoods to the rear. This option will remain.

**PROPOSED SCHEDULE:**

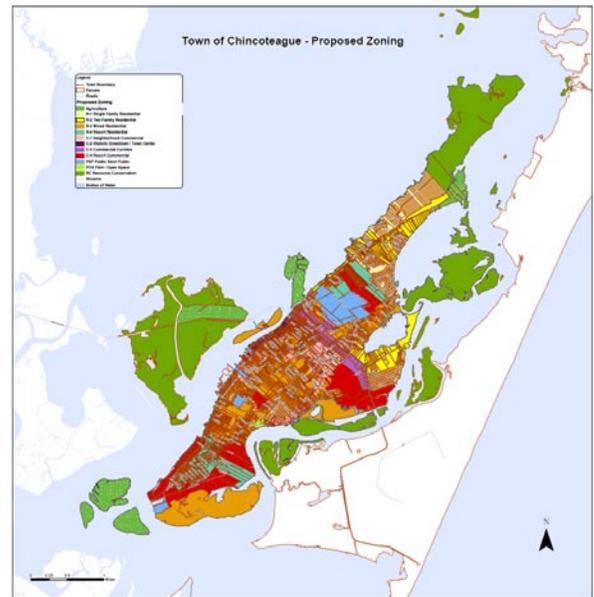
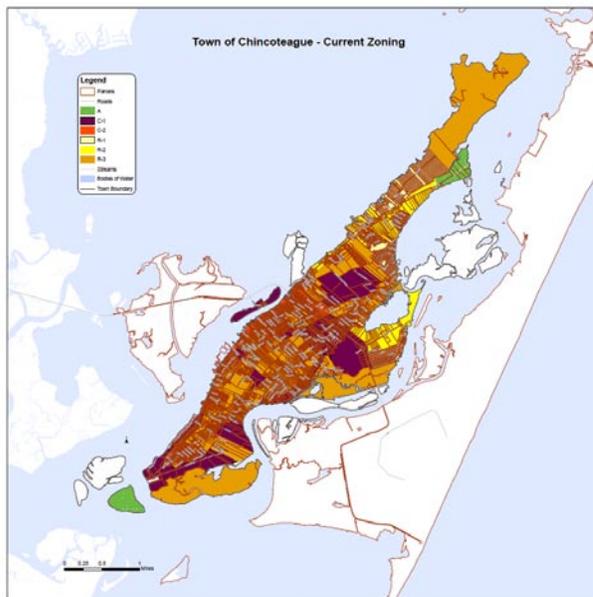
Coordination between Planning Commission and Town Council	March 2011
Resolution of questions or issues/Peer Review	March/April 2011
Public information display, presentations, advertisement	April/May 2011
PC Public hearing	May 2011*
TC Public hearing	June/August 2011*

\*allows for participation by seasonal residents

**PROPOSED ACTION: Approve Draft Zoning Maps, Amended Zoning Ordinance, and Schedule**

Following review of this staff report, the Planning Commission may determine that additional information or revision is required before requesting public review and comment, or move to advertise public information meetings and a public hearing according to the attached project schedule.

- Maps illustrating the Current Zoning and Proposed Zoning are available for review at the Town Office.



- Redline Changes to the Zoning Ordinance are attached.

# Zoning Map/District Update 2011

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## Revised Project Schedule

Resolution of questions/issues and Map Review	April 12, 2011
Public information display, presentations, advertisement	April/May 2011
- PC regular meeting	April 12 <sup>th</sup>
- Website information available	April 18 <sup>th</sup>
- <i>(Town Council Workshop Report</i>	<i>April 21<sup>st</sup>)</i>
- Open House #1	week of April 25 <sup>th</sup> 
- Open House #2	week of May 2 <sup>nd</sup> 
- <i>Presentation to Chamber of Commerce, Downtown Merchants, Realtors, others?</i>	
PC Public hearing	May 10, 2011
- PC review and recommendation	June 14 <sup>th</sup> *
TC Public hearing	June 6, 2011 or August 1, 2011*

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\*Adjust schedule as necessary to address questions and concerns from public review

**THE CODE OF  
THE TOWN OF  
CHINCOTEAGUE, VIRGINIA**

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# Draft Copy (for Planning Commission Public Hearing):

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## ENVIRONMENT

### **ARTICLE I. IN GENERAL** **Secs. 22-1—22-25. Reserved.**

### **ARTICLE II. NOISE** **Sec. 22-26. Definitions.**

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:

*ANSI* means the American Standards Institute or its successor bodies.

*Daytime hours* means 7:00 a.m. to 12:00 a.m. midnight, local time.

*dB(A)* is the abbreviation for the sound level in decibels determined by the A-weighting network of a sound-level meter or by calculation from octave band or one-third octave band data.

*Decibel (dB)* means a unit of measure, on a logarithmic scale, or the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this article, 20 micropascals shall be the standard reference pressure.

*Nighttime hours* means 12:00 a.m. midnight of one day through 7:00 a.m.

*Noise* means the intensity, frequency, duration and character of sound, including sound and vibration of subaudible frequencies.

*Person, firm or entity* means any individual, group of individuals, lessee, lessor, guest, licensee, firm, partnership, voluntary association or private or public corporation, specifically including any person in charge of or supervising any property owned or possessed by any such person, firm or entity.

*Sound level* means, in decibels, the weighted sound-pressure level measured by the use of a sound-level meter satisfying the requirements of ANSI S1.4, 1971, Specifications for Sound-Level Meters. The terms "sound level" and "noise level" are synonymous.

*Sound-level meter* means an instrument meeting ANSI S1.4, 1971, Specifications for Sound-Level Meters, comprising a microphone, an amplifier, an output meter and frequency weighting networks, that is used for the measurement of sound-pressure levels in a specified manner.

*Source* means any person or property, real or personal, contributing to noise.

(Code of 1977, § 12-10; Ord. of 6-21-2001)

**Cross reference**—Definitions generally, § 1-2.

### **Sec. 22-27. Authority.**

This article is adopted pursuant to the authority contained in the Charter, chapter 2, section 1(48), (49) and (5), and Code of Virginia, § 15.2-1102.

(Code 1977, § 12-22; Ord. of 5-15-1999)

### **Sec. 22-28. Exemptions for nonprofit organizations.**

This article shall not apply to any function or activity and the noise emanating therefrom conducted by any nonprofit organization which secures a permit from the town manager, who may issue such a permit if, in his reasonable discretion, the public health and safety will not be impaired by the function or activity.

(Ord. of 5-15-1999, § 12-14)

### **Sec. 22-29. Exemptions for governmental functions.**

This article shall not apply to the use of any machines or the noise emanating from the use thereof when operated or utilized by the town while performing municipal functions, such activities and noises being expressly exempted from this article.

(Ord. of 5-15-1999(1), § 12-15)

**Sec. 22-30. Measurement of noises.**

(a) Wherever in this article any noise level is prohibited by or is to be determined by decibel level, the measurement of such emanating sound shall be conducted at the nearest corner of the main structure on the real estate owned, possessed, or being lawfully used by any affected party who makes complaint thereof. Such measurement shall be conducted at a height of at least three feet above ground and at least three feet from any reflecting surface. Any such prohibited decibel level will be exceeded when the sound level meter set for FAST response, using the A-weighting network, exceeds the specified level

*(Amended 02/19/04)*

(b) Measurement equipment shall be sound-level meters complying with ANSI SI.4, 1983, American National Standard Specifications for Sound-Level Meters, ANSI SI.4a-1985, and amendment to ANSI SI.4, or IEC 651-1979, "Sound Level Meters", of at least type 2 quality and sensitivity, comprising a microphone, amplifier, output meter and frequency weighting network. The meter operation shall be as prescribed by the equipment manufacturer, from time to time.

*(Amended 02/19/04)*

(c) Measurement equipment operators shall be officers of the police department who have been trained in the proper use of the sound-level meter by the equipment manufacturer. Representatives of the manufacturer may also train those department officers who are certified instructors, as designated by the Commonwealth Department of Criminal Justice Services, who may then train other officers within the department.

(Ord. of 5-15-1999(1), § 12-16)

**Sec. 22-31. Cease and desist.**

No prosecution shall be initiated under this article unless and until there has been a complaint by any affected person, firm or entity, excepting noises emanating from publicly used and/or owned property and as described in Sec. 22-35(3)(b) and (4), and such violating person, firm or entity has been advised of the violation of this article and such person, firm or entity has failed to cease and desist such unlawful noise. For the purposes of this section, any such warning to any such violating person, firm or entity shall be continuous and sufficient for the 30-day period then following as to the same noise or the same type or similar or like noise, and no further warning shall be required during such period.

(Ord. of 5-15-1999(1), § 12-17) *(Amended 02/19/04)*

**Sec. 22-32. Violation and penalties.**

Any violation of this article shall constitute a misdemeanor and shall be punishable by confinement in jail for a period not to exceed 12 months and/or a fine of not more than \$500.00. (Ord. of 5-15-1999(1), § 12-18)

**Sec. 22-33. Injunctive relief.**

In addition to any criminal penalty for the violation of this article, the town manager is further authorized on behalf of the town to initiate and seek injunctive relief in the circuit court of the county to prohibit any such unlawful noises as provided for in this article.

(Ord. of 5-15-1999(1), § 12-19)

**Sec. 22-34. Unreasonably loud noises prohibited.**

(a) It shall be unlawful for any person to make, continue or cause to be made any unreasonably loud noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the corporate limits.

(b) It shall be unlawful for any person, firm or entity to knowingly permit the making of any such unreasonably loud noise or any noise which annoys, disturbs, injures or

endangers the comfort, health, peace or safety of others upon any premises owned, possessed or under the control of any such person, firm or entity within the corporate limits.

(Ord. of 5-15-1999(1), § 12-11)

**Sec. 22-35. Certain prohibited noises enumerated.**

The following acts and/or noises are declared to create and/or constitute unreasonably loud noises prohibited by this article, and it is expressly provided that such enumeration shall not be exclusive, and the failure to enumerate a specific act and/or noise shall not be deemed to exclude any such act and/or noise from this article:

(1) Generally, district levels. The making of any noise at a sound/noise level exceeding that level permitted in decibels in the applicable zoning district of the town within the specified period, measured as follows, excepting such noises as are either expressly regulated by other sections of this article or exempted:

<i>District</i>	<i>Daytime Level (dBA)</i>	<i>Nighttime Level (dBA)</i>
R-1	65	55
R-2	65	55
R-3	65	55
<b>R-4</b>	<b>65</b>	<b>55</b>
<b>A</b>	<b>65</b>	<b>55</b>

<i>District</i>	<i>Daytime Level (dBA)</i>	<i>Nighttime Level (dBA)</i>
C-1	70	60
C-2	70	60
<b>C-3</b>	<b>70</b>	<b>60</b>
<b>C-4</b>	<b>70</b>	<b>60</b>

<i>District</i>	<i>Daytime Level (dBA)</i>	<i>Nighttime Level (dBA)</i>
<b>PSP</b>	<b>70</b>	<b>60</b>
<b>POS</b>	<b>70</b>	<b>60</b>
<b>RC</b>	<b>70</b>	<b>60</b>

**(Amended 02-19-04)**

(2) *Horns, signaling devices, etc.*

- a. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any town street, way, avenue or alley, or other public place, except as a danger warning;
- b. The creation by means of any such horn or signaling device of any unreasonably loud or harsh sound;
- c. The sounding of any such horn or signaling device for an unnecessary or unreasonable length of time;
- d. The use of any horn or signaling device operated by engine exhaust; and
- e. The use of any horn or signaling device when traffic is for any reason stopped and such horn or signaling device is not being reasonably utilized as a danger warning.

(3) *Radios, phonographs, musical instruments, loudspeakers, etc.*

- a. Use of, operation of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound on private property that is above the permitted decibel level as measured in a zoning district as specified in this section.
- b. Use of, operation of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for

the producing of sound on the public streets or other public ways in such a manner as is unreasonably loud so as to disturb the peace, quiet and comfort of other persons or at a louder volume than is necessary for the convenient hearing of the individual carrying the instrument, machine or device or those individuals immediately adjacent thereto and who are voluntary listeners thereto.

c. Using, operating or permitting to be played, used or operated any radio, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any location.

(4) *Yelling, shouting, hooting, whistling and singing.* Yelling, shouting, hooting, whistling, or singing on the public streets or public areas or from private property at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, motel, hotel, residence, business, or in the vicinity of any such noise.

(5) *Operation of boats and other water vessels.* The operation of any boat or other water vessel with an outboard motor or with an inboard motor, unless equipped with an adequately muffled exhaust system. The use of any siren or other noise-producing or noise-amplifying instrument or mechanical device on a boat in such a manner as the peace and good order of the neighborhood is disturbed; provided, however, that nothing in this article shall be construed to prohibit the use of whistles, bells, or horns as signals as required by any state or federal law for the safe navigation of motorboats or vessels.

(6) *Animals, birds, etc.* The maintaining of any animal or bird which, by causing frequent or long noise, shall disturb the comfort or repose of any person in the vicinity.

(7) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper town authorities.

(8) *Exhausts.* The discharge in the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(9) *Defect in vehicle or equipment.* The operation of any automobile, motorcycle or vehicle so out of repair, so equipped, or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(10) *Loading or off-loading of vehicle or vessel.* The loading or off-loading of any vehicle or vessel creating loud and disturbing noise between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and between 6:00 p.m. and 7:00 a.m. on weekends, with the exception of the loading or off-loading of perishable products, and except when a permit is granted by the town manager, in a bona fide emergency to life or property, and the public health and safety will not be impaired by such work, as reasonably determined by the town manager.

(11) *Schools, courts, churches, hospitals, etc.* The creation of excessive noise on any street adjacent to any school, institution of learning, church, hospital, clinic, or public building, when such is in use, which unreasonably interferes with the workings of such institution or building, provided that conspicuous signs are displayed on such streets indicating that such is a school, church, hospital, clinic or other public building.

(12) *Hawkers, peddlers, etc.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(13) *Grasscutters, tillers or other similar mechanical devices.* The operation of any

grasscutter, tiller or other similar mechanical device utilizing a gasoline or diesel powered engine creating an emanating sound plainly audible beyond the property line of the property at which the device is being utilized, except between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, inclusive.

(Ord. of 5-15-1999(1), § 12-12)

**Sec. 22-36. Construction noises.**

(a) The erection, excavation, demolition, alteration, or repair of any building or other improvement other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, inclusive, is prohibited, except when a permit is granted by the town manager, in a bona fide emergency to life or property, and the public health and safety will not be impaired by such work, as reasonably determined by the town manager.

(b) The making of any noises at a sound/noise level exceeding 89 decibels from any construction site, as measured as provided in this article, is prohibited at any time.

(Ord. of 5-15-1999(1), § 12-13)

**Secs. 22-37—22-60. Reserved.**

# *Draft Copy (for Planning Commission Public Hearing):*

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## **APPENDIX A ZONING\***

### **Article I. General**

Section A. Introduction

### **Article II. Definitions**

- Sec. 2.1. Accessory structure/use.
- Sec. 2.2. Addition
- Sec. 2.3. Administrator (building).
- Sec. 2.4. Administrator (zoning).
- Sec. 2.5. Agriculture.
- Sec. 2.6. Alteration.
- Sec. 2.7. Amendment (zoning).
- Sec. 2.8. Amusements.
- Sec. 2.9. Apartment house.
- Sec. 2.10. Area requirements.
- Sec. 2.11. Awning.
- Sec. 2.12. Repealed.
- Sec. 2.13. Repealed.
- Sec. 2.14. Bed and breakfast.
- Sec. 2.15. Repealed.
- Sec. 2.16. Board of zoning appeals.
- Sec. 2.17. Boardinghouse.
- Sec. 2.18. Repealed.
- Sec. 2.19. Buffer strip.
- Sec. 2.20. Building.
- Sec. 2.21. Building administrator.

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**\*Note**—Printed herein is the zoning ordinance, as adopted by the council on January 4, 1994, and effective as provided in section 12.6. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

**Charter reference**—Zoning, ch. 4.

**Cross references**—Any ordinance relating to zoning, rezoning or zoning maps, or subdivisions or plats of subdivisions, and amendments and additions thereto saved from repeal, § 1-6(a)(10); planning commission, § 2-131 et seq.; buildings and building regulations, ch. 14; environment, ch. 22; floods, ch. 30; streets, sidewalks and other public places, ch. 50; vegetation, ch. 66; water access facilities, ch. 70; land subdivision and development, app. B.

**State law reference**—Zoning, Code of Virginia, § 15.2-2280 et seq.

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## CHINCOTEAGUE CODE

- Sec. 2.22. Building code.
- Sec. 2.23. Building frontage.
- Sec. 2.24. Building height.
- Sec. 2.25. Building line.
- Sec. 2.26. Building official.
- Sec. 2.27. Repealed.
- Sec. 2.28. Repealed.
- Sec. 2.29. Campground.
- Sec. 2.30. Camping trailer.
- Sec. 2.31. Camping unit.
- Sec. 2.32. Campsites.
- Sec. 2.33. Canopy.
- Sec. 2.34. Repealed.
- Sec. 2.35. Caterer.
- Sec. 2.36. Cemetery.
- Sec. 2.37. Certificate of occupancy.
- Sec. 2.38. Repealed.
- Sec. 2.39. Comprehensive plan.
- Sec. 2.40. Conditional zoning.
- Sec. 2.41. Condominium.
- Sec. 2.42. Comer lot.
- Sec. 2.43. Cottages.
- Sec. 2.44. Covenant.
- Sec. 2.45. Cul-de-sac.
- Sec. 2.46. Day care facilities.
- Sec. 2.47. Decorative entrance.
- Sec. 2.48. Development.
- Sec. 2.49. Direct sales.
- Sec. 2.50. Repealed.
- Sec. 2.51. Repealed.
- Sec. 2.52. District.
- Sec. 2.53. Double frontage lot.
- Sec. 2.54. Down zoning.
- Sec. 2.55. Duplex.
- Sec. 2.56. Dwelling.
- Sec. 2.57. Dwelling unit.
- Sec. 2.58. Easement.
- Sec. 2.59. Eminent domain.
- Sec. 2.60. Euclidean zoning.
- Sec. 2.61. Family.
- Sec. 2.62. Fence.
- Sec. 2.63. Fence height.
- Sec. 2.64. Final subdivision plat.
- Sec. 2.65. Repealed.
- Sec. 2.66. Front setback.
- Sec. 2.67. Front setback line.
- Sec. 2.68. Frontage.

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## APPENDIX A–ZONING

- Sec. 2.69. Frontage (building).
- Sec. 2.70. Frontage, lot.
- Sec. 2.71. Garage, private.
- Sec. 2.72. Garage, public.
- Sec. 2.73. Governing body.
- Sec. 2.74. Guestroom.
- Sec. 2.75. Hardship.
- Sec. 2.76. Health clubs, spas and gyms.
- Sec. 2.77. Health official.
- Sec. 2.78. Height (of building).
- Sec. 2.79. Home occupation.
- Sec. 2.80. Hospital.
- Sec. 2.81. Hospital, special care.
- Sec. 2.82. Hotel.
- Sec. 2.83. Repealed.
- Sec. 2.84. Repealed.
- Sec. 2.85. Interior lot.
- Sec. 2.86. Land.
- Sec. 2.87. Light industry.
- Sec. 2.88. Limited home occupation.
- Sec. 2.89. Lot.
- Sec. 2.90. Lot depth.
- Sec. 2.91. Lot frontage.
- Sec. 2.92. Lot lines.
- Sec. 2.93. Lot of record.
- Sec. 2.94. Lot width.
- Sec. 2.95. Main structure/building.
- Sec. 2.96. Main use.
- Sec. 2.97. Manufacture and manufacturing.
- Sec. 2.98. Manufactured home.
- Sec. 2.99. Marina, commercial or club type.
- Sec. 2.100. Marina, private noncommercial.
- Sec. 2.101. Marquee.
- Sec. 2.102. Repealed.
- Sec. 2.103. Mobile home.
- Sec. 2.104. Mobile home park.
- Sec. 2.105. Modular home.
- Sec. 2.106. Repealed.
- Sec. 2.107. Motel.
- Sec. 2.108. Motor home.
- Sec. 2.109. Multiple-family dwelling.
- Sec. 2.110. Natural undisturbed grade.
- Sec. 2.111. Nonconforming activity.
- Sec. 2.112. Nonconforming lot.
- Sec. 2.113. Repealed.
- Sec. 2.114. Nonconforming structure.
- Sec. 2.115. Nonconforming use.

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## CHINCOTEAGUE CODE

- Sec. 2.116. Occupancy load.
- Sec. 2.117. Repealed.
- Sec. 2.118. Off-street parking area.
- Sec. 2.119. Open space.
- Sec. 2.120. Park.
- Sec. 2.121. Parking space.
- Sec. 2.122. Permitted use.
- Sec. 2.123. Planning commission.
- Sec. 2.124. Planning, subdivision of land and zoning enabling legislation.
- Sec. 2.125. Playground.
- Sec. 2.126. Repealed.
- Sec. 2.127. Pony Penning sales.
- Sec. 2.128. Repealed.
- Sec. 2.129. Principal use.
- Sec. 2.130. Private garage.
- Sec. 2.131. Professional office.
- Sec. 2.132. Repealed.
- Sec. 2.133. Public garage.
- Sec. 2.134. Public utility.
- Sec. 2.135. Public water and sewer systems.
- Sec. 2.136. Rear lot lines.
- Sec. 2.137. Rear yard.
- Sec. 2.138. Rear yard setback.
- Sec. 2.139. Recreational park.
- Sec. 2.140. Restaurant.
- Sec. 2.141. Retail store/shop.
- Sec. 2.142. Rezoning.
- Sec. 2.143. Right-of-way.
- Sec. 2.144. Road.
- Sec. 2.145. Sanitary landfill.
- Sec. 2.146. Septic system.
- Sec. 2.147. Setback.
- Sec. 2.148. Side yard setback.
- Sec. 2.149. Repealed.
- Sec. 2.150. Repealed.
- Sec. 2.151. Repealed.
- Sec. 2.152. Repealed.
- Sec. 2.153. Single-family dwelling.
- Sec. 2.154. Site plan.
- Sec. 2.155. Site plan review.
- Sec. 2.156. Special exception.
- Sec. 2.157. Special use permit.
- Sec. 2.158. Store.
- Sec. 2.159. Street.
- Sec. 2.160. Street line.
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- Sec. 2.163. Tailgate sales.
- Sec. 2.164. Repealed.
- Sec. 2.165. Through lot.
- Sec. 2.166. Tourist court, auto court, motel, tourist rental housing, tourist rental home, cabins or motor lodge.
- Sec. 2.167. Tourist home.
- Sec. 2.168. Townhouse.
- Sec. 2.169. Travel trailer.
- Sec. 2.170. Travel trailer park/sold lots.
- Sec. 2.171. Two-family dwelling (duplexes).
- Sec. 2.172. Vacation rental cottages.
- Sec. 2.173. Variance.
- Sec. 2.174. Virginia Uniform Statewide Building Code (VUSBC).
- Sec. 2.175. Repealed.
- Sec. 2.176. Water and sewage disposal facilities, individual.
- Sec. 2.177. Water and sewer system, public or central.
- Sec. 2.178. Waterfront seafood industry, light.
- Sec. 2.179. Wayside stand/market, roadside stand.
- Sec. 2.180. Yard.
- Sec. 2.181. Yard sale.
- Sec. 2.182. Zoning.
- Sec. 2.183. Zoning administrator.
- Sec. 2.184. Zoning amendment.

### **Article III. Residential Districts**

#### Section A. R-1 Single Family Residential District

- Sec. 3.1. Uses permitted by right.
- Sec. 3.2. Special exceptions; special use permits.
- Sec. 3.3. Area regulations.

#### Section B. R-2 One & Two Family Residential District

- Sec. 3.4. Uses permitted by right.
- Sec. 3.5. Special exceptions; special use permits.
- Sec. 3.6. Area regulations.

#### Section C. R-3 Mixed Use Residential District

- Sec. 3.7. Uses permitted by right.
- Sec. 3.8. Special exceptions; special use permits.
- Sec. 3.9. Area regulations.

#### Section D. R-4 Resort Residential District

- Sec. 3.10. Uses permitted by right.
- Sec. 3.11. Special exceptions; special use permits.
- Sec. 3.12. Area regulations.

#### Section E. A Agricultural District

- Sec. 3.13. Uses permitted by right.
- Sec. 3.14. Special exceptions; special use permits.
- Sec. 3.15. Area regulations.

### **Article IV. Commercial Districts**

#### Section A. C-1 Neighborhood Commercial District

- Sec. 4.1. Uses permitted by right.
- Sec. 4.2. Special exceptions; special use permits.
- Sec. 4.3. Area regulations.

Section B. C-2 Old Town Commercial District

- Sec. 4.4. Uses permitted by right.
- Sec. 4.5. Special exceptions; special use permits.
- Sec. 4.6. Area regulations.

Section C. C-3 Corridor Commercial District

- Sec. 4.7. Uses permitted by right.
- Sec. 4.8. Special exceptions; special use permits.
- Sec. 4.9. Area regulations.

Section D. C-4 Resort Commercial District

- Sec. 4.10. Uses permitted by right.
- Sec. 4.11. Special exceptions; special use permits.
- Sec. 4.12. Area regulations.

**Article V. ~~Noneonforming Uses~~Public Use Districts**

- ~~Sec. 5.1. Continuation.~~
- ~~Sec. 5.2. Previously approved permits.~~
- ~~Sec. 5.3. Repairs and maintenance.~~
- ~~Sec. 5.4. Changes in district boundaries.~~
- ~~Sec. 5.5. Expansion or enlargement.~~
- ~~Sec. 5.6. Noneonforming lots.~~
- ~~Sec. 5.7. Restoration or replacement.~~

Section A. PSP Public/Semi Public District

- Sec. 5.1. Uses permitted by right.
- Sec. 5.2. Special exceptions; special use permits.
- Sec. 5.3. Area regulations.

Section B. POS Parks & Open Space District

- Sec. 5.4. Uses permitted by right.
- Sec. 5.5. Special exceptions; special use permits.
- Sec. 5.6. Area regulations.

Section C. RC Resource Conservation

- Sec. 5.7. Uses permitted by right.
- Sec. 5.8. Special exceptions; special use permits.
- Sec. 5.9. Area regulations.

**Article VI. General Provisions**

**Section A. Zoning Permits**

- Sec. 6.1. Zoning permits.
- Sec. 6.2. Certificate of occupancy.
- Sec. 6.3. Uses not specifically covered by ordinance.
- Sec. 6.4. Widening of highways and streets.

**Section B. Mobile Home Parks and Camper Parks**

- Sec. 6.5. Permanent mobile home parks.

**Section C. Parking**

- Sec. 6.6. Parking.

**Section D. Camping Units**

Sec. 6.7. Camping Units.

**Section E. Open-sided Shelter Roofs, Open-sided Roof to Shelter A Single Boat Slip and/or Boat Lift, and Gazebo-type Structures**

Sec. 6.8. Open-sided shelter roofs, open-sided roof to shelter a single boat slip and/or boat lift, and gazebo-type structures.

**Section F. Wind Energy Systems**

Sec. 6.9 Wind Energy Systems.

**Section G. Nonconforming Uses**

Sec. 6.10. Continuation.

Sec. 6.11. Previously approved permits.

Sec. 6.12. Repairs and maintenance.

Sec. 6.13. Changes in district boundaries.

Sec. 6.14. Expansion or enlargement.

Sec. 6.15. Nonconforming lots.

Sec. 6.16. Restoration or replacement.

**Article VII. Signs**

**Section A. Purpose and Intent**

Sec. 7.1. Introduction.

Sec. 7.2. Definitions.

Sec. 7.3. Signs as a matter of right.

Sec. 7.4. Temporary signs.

Sec. 7.5. Construction and maintenance.

Sec. 7.6. Prohibited signs.

Sec. 7.7. Nonconforming signs.

Sec. 7.8. Protection of First Amendment rights.

Sec. 7.9. Removal.

Sec. 7.10. Variances.

**Section B. Standards and Criteria**

Sec. 7.11. Generally.

Sec. 7.12. Residential districts.

Sec. 7.13. Commercial districts.

**Article VIII. Board of Zoning Appeals**

Sec. 8.1. Board of zoning appeals (BZA).

Sec. 8.2. Powers of the board of zoning appeals.

Sec. 8.3. Rules and regulations.

Sec. 8.4. Appeal to the board of zoning appeals.

Sec. 8.5. Appeal procedure.

Sec. 8.6. Procedure on appeal.

Sec. 8.7. Certiorari to review decision of board.

**Article IX. Conditional Use Permits**

Sec. 9.1. General.

Sec. 9.2. Requirements of conditional use permits.

Sec. 9.3. Procedures, standards, and conditions.

Sec. 9.4. Site development plan.

Sec. 9.5. Certiorari to review decision of Town Council.

**Article X. Violation and Penalty**

Sec. 10.1. Permits and licenses to conform to ordinance.

Sec. 10.2. Penalties for violation.

**Article XI. Amendments**

Sec. 11.1. Provisions regarding amendments.

**Article XII. Administration and Interpretation**

Sec. 12.1. Fees.

Sec. 12.2. Enforcement by zoning administrator.

Sec. 12.3. Exemptions.

Sec. 12.4. Provisions for official zoning map.

Sec. 12.5. District boundaries.

Sec. 12.6. Effective date.

Sec. 12.7. Severability.

Sec. 12.8. Conflicting ordinances.

# Zoning Conformance Worksheet 1

## R-1 to R-1 Single Family Residential District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	November 3, 2010	Copy R-1 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	November 9, 2010	Retain (R-1) as the district name	Planning Commission
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

*Draft Copy - (for Planning Commission Public Hearing):*

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Article III Residential Districts

SECTION A. R-1 SINGLE FAMILY RESIDENTIAL-DISTRICT

Statement of intent. This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit most activities of a commercial nature. To these ends, development is limited to relatively low concentration of single-unit dwellings providing homes for the residents, as well as commercial activities conducted in such a manner as to not disturb the peace and harmony of the district. This district requires that public streets, utilities and drainage be installed prior to approval.

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**Sec. 3.1. Uses permitted by right.**

The following uses shall be permitted in the R-1 Single Family residential district ~~R-1~~ subject to all other provisions of this ordinance:

3.1.1. Single-family dwelling.

3.1.2. Limited home occupation.

3.1.3. Tourist rental homes.

3.1.4. Accessory building/structure.

(1) No accessory building/structure may be closer than five feet to any side or rear property line. No accessory building/structure may be closer than 25 feet from the front property line or more than the average setback of the structures on either side.

(2) The use of semi-trailers, trailers or other types of vehicles or parts of vehicles as storage or accessory structures is not allowed.

3.1.5. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) 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. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(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 thirty 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) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. 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 six 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 15 feet from the front lot line.

3.1.6. Public utilities.

3.1.7. Signs (See Article VII, Signs.)

(1) Street address signs.

(2) Home occupation signs.

(3) Resident identification signs.

(4) Temporary signs.

(5) Business signs only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to four square feet, will be allowed on each lot.

*(Amended 6/19/08.)*

3.1.8. Parks.

3.1.9. Pony Penning sales.

3.1.10. Yard sales.

3.1.11. Other. The temporary location of construction "site trailers" or other protective, storage or other 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 or halted for 30 days or longer.

3.1.12. 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.

(Ord. of 8-1-1994; Ord. of 4-3-1995; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999) *(Amended 6/2/03, 9/2/03)*

### **Sec. 3.2. Special exceptions; special use permits.**

3.2.1. 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.

*(Amended 5/3/04)*

3.2.2. Repealed 3/1/10.

(Ord. of 4-3-1995; Ord. of 5-17-2001)

### **Sec. 3.3. Area regulations.**

3.3.1. *Lot size.* The minimum lot size for permitted uses shall be 15,000 square feet.

(For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

3.3.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 50 feet from any street right-of-way. 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 or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

***(Amended 10/19/07)***

**3.3.3. *Open space.***

(1) The minimum side yard setback for each main structure shall be 15 feet.

(2) Each main structure shall have a minimum rear yard setback of 35 feet except waterfront properties would have no required setback.

**3.3.4. *Height regulations.***

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed 3 stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(Ord. of 2-5-01.)

(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).

**3.3.5. *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 35 feet for both the main and accessory buildings/structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-95; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 4-13-98; Ord. of 4-5-99; Ord. of 5-17-2001) ***(Amended 10/19/07)***

# Zoning Conformance Worksheet 2

## R-2 to R-2 One & Two Family Residential District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	November 3, 2010	Copy R-2 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	November 9, 2010	Retain R-2 as the district name, add Bed & Breakfast to permitted uses	Planning Commission
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

# Draft Copy (for Planning Commission Public Hearing):

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## Article III Residential Districts

### SECTION B. R-2 ONE & TWO FAMILY RESIDENTIAL-DISTRICT

Statement of intent. This district is composed of the basic components of the R-1 single family residential district ~~R-1~~, maintaining the same essential characteristics of that district but with a mix of community facilities and home occupations.

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#### **Sec. 3.4. Uses permitted by right.**

The following uses shall be permitted in the R-2 One & Two Family 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. Home occupation.

3.4.4. Tourist rental homes.

3.4.5. Tourist homes.

3.4.5.1 Bed and Breakfast

3.4.6. Accessory building/structure.

(1) No accessory building/structure may be closer than five feet to any side or rear property line. No accessory building/structure may be closer than 25 feet from the front property line or more than the average setback of the structures on either side.

(2) The use of semi-trailers, trailers or other types of vehicles or parts of vehicles as storage or accessory structures is not allowed.

3.4.7. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) 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. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(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) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. 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 six 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 15 feet from the front lot line.

3.4.8. Public utilities.

3.4.9. Signs (See Article VII, Signs.)

(1) Street address signs.

(2) Home occupation signs.

(3) Resident identification signs.

(4) Temporary signs.

(5) Business signs only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to four square feet, will be allowed on each lot.

(6) Church bulletin boards and identification signs as defined in Article VII.

*(Amended 6/19/08.)*

3.4.10. Parks.

3.4.11. Pony Penning sales.

3.4.12. Yard sales.

3.4.13. Schools.

3.4.14. Churches.

3.4.15. Other. The temporary location of construction "site trailers" or other protective, storage or other 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 or halted for 30 days or longer.

3.4.16. 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.

(Ord. of 8-1-1994; Ord. of 4-3-1995; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999) *(Amended 6/2/03, 9/2/03)*

### **Sec. 3.5. Special exceptions; special use permits.**

3.5.1 Light waterfront seafood industry.

3.5.2. 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.

*(Amended 5/3/04)*

3.5.3. Repealed 3/1/10.

(Ord. of 4-3-1995, Ord of 5-17-2001)

### **Sec. 3.6. Area regulations.**

3.6.1. *Lot size.*

(1) The minimum lot size for permitted uses shall be 12,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 5,000 square feet.

3.6.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. 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 or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

***(Amended 10/19/07)***

3.6.3. *Open space.*

(1) The minimum side yard setback for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard setback of 25 feet except waterfront properties would have no required setback.

3.6.4. *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).

3.6.5. *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 setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) ***(Amended 12/4/06, 10/19/07)***

# Zoning Conformance Worksheet 3

## R-3 to Mixed Use Residential District

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<b>Revision #</b>	<b>Revision Date</b>	<b>Section/Subject of Revision</b>	<b>Revised By</b>
1	May 11, 2010	Copy R-3 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	May 11, 2010	Revise permitted use for mobile homes, and mobile home parks to special permit use	Town Staff for Planning Commission Review
3	September 13, 2010	Update District Regulations to current version on Town website	Town Staff for Planning Commission Review
4	November 9, 2010	Retain R-3 as the district name	Planning Commission
5	January 26, 2011	Confirm Ordinance section numbering system, correct spelling error	Town Staff

# Draft Copy (for Planning Commission Public Hearing):

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## Article III Residential Districts

### SECTION C. R-3 MIXED USE RESIDENTIAL DISTRICT R-3

*Statement of intent.* This district is composed of certain medium to high concentrations of residential uses, ordinarily located adjacent to commercial areas, and/or between residential and commercial areas, plus certain open space areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life ~~composed of a population with some children~~, and to permit, under certain conditions, certain neighborhood commercial uses of a character unlikely to develop extreme concentrations of traffic and crowds of customers, with the ~~strict regulation~~ limitation of permitted outdoor advertising to only 6 sign types. To these ends, retail activity is limited and this district is protected against encroachment of general commercial and industrial uses. Most residential types of structures for both permanent and transient occupancy, including institutions, are permitted. Some structures for commercial uses conforming to the patterns of the district and several low-impact commercial uses are allowed. The positive characteristics of residential neighborhoods shall be maintained while allowing for appropriate infill and redevelopment on vacant and under-utilized parcels. Specific building types will be permitted only by conditional use permit to assure neighborhood compatibility.

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#### **Sec. 3.7. Uses permitted by right.**

The following uses shall be permitted in the R-3 Mixed Use R residential district ~~R-3~~ subject to all other provisions of this ordinance:

- 3.7.1. Single-family dwelling.
- 3.7.2. Two-family dwelling.
- ~~3.7.3. Mobile home.~~
- 3.7.4. Home occupation.
- 3.7.5. Tourist home/tourist rental home.
- 3.7.6. Vacation rental cottages.
- 3.7.7. Boardinghouse.
- 3.7.8. Bed and breakfast.
- 3.7.9. Rest home.
- 3.7.10. Beauty/barber shop.
- 3.7.11. Professional office.
- 3.7.12. Day care facilities.
- 3.7.13. Nursing homes.
- 3.7.14. Municipal facilities.
- 3.7.15. Accessory structure.

(1) No accessory building/structure may be closer than five feet to any side or

rear property line. No accessory building/structure may be closer than 25 feet from the front property line or more than the average setback of the structures on either side.

(2) The use of semi-trailers, trailers or other types of vehicles or parts of vehicles as storage or accessory structures is not allowed.

#### 3.7.16. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) 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. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(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) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. 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 six 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 15 feet from the front lot line.

#### 3.7.17. Public utilities.

#### 3.7.18. Signs (See Article VII, Signs.)

(1) Street address signs.

(2) Home occupation signs.

(3) Resident identification signs.

(4) Temporary signs.

(5) Business signs only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to four square feet, will be allowed on each lot.

(6) Church bulletin boards and identification signs as defined in Article VII.

*(Amended 6/19/08.)*

#### 3.7.19. Recreational parks and playgrounds.

#### 3.7.20. Schools.

#### 3.7.21. Churches.

#### 3.7.22. Public piers, public boat ramps.

#### 3.7.23. Pony Penning sales, yard sales.

#### ~~3.7.24. Mobile home parks.~~

3.7.25. Other. The temporary location of construction "site trailers" or other protective, storage or other 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 or halted for 30 days or longer.

3.7.26. 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.

(Ord. of 8-1-1994; Ord. of 4-3-1995; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999) (*Amended 6/2/03, 9/2/03*)

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### **Sec. 3.8. Special exceptions; special use permits; conditional use.**

3.8.1. Cemetery.

3.8.2. Light waterfront seafood industry.

3.8.3. Townhouse.

3.8.4. Condominiums.

3.8.5. Multifamily dwelling.

3.8.6. Campgrounds.

3.8.7. Camper/travel trailer parks.

3.8.8. Hotels/motels.

3.8.9. Repealed 3/1/10.

3.8.10 Mobile home

3.8.11 Mobile home park

3.8.12~~0~~. 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.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 5/3/04*)

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### **Sec. 3.9. Area regulations.**

3.9.1. *Lot size.*

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

3.9.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. 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 or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(*Amended 10/19/07*)

3.9.3. *Open space.*

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

3.9.4. *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).

#### 3.9.5. *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 setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (*Amended 12/04/06, 10/19/07*)

# Zoning Conformance Worksheet 4

## C-1 and R-3 to R-4 Resort Residential District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	August 12, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	August 12, 2010	Add reference to Mixed Use PUD district	Town Staff for Planning Commission Review
3	November 9, 2010	Rename R-4 as the district name	Planning Commission
4	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

# Draft Copy (for Planning Commission Public Hearing):

## Article III Residential Districts

### SECTION D. R-4 RESORT RESIDENTIAL COMMERCIAL DISTRICT C-1

Statement of intent. The primary purpose of this district is to ~~establish and protect a district that will serve the tourist trade that is vital to the growth of Chincoteague. Of the two commercial districts, C-1 is designed to be a lower density with more open space type activities than C-2. It will also allow for some residential uses which are compatible with certain retailing operations. The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland. encourage the continuation of seasonally and permanently occupied homes, campground facilities, and resort commercial uses. These uses support Chincoteague's role as a visitor destination and improve the local economy.~~

Properties within this district have the potential to be redeveloped with the provision of public sewer and will be eligible for assemblage and rezoning to a planned mixed use development district.

#### **Sec. 3.10. Uses permitted by right.**

The following uses shall be permitted in ~~the R-4 Resort Residential commercial~~ district ~~C-1~~, subject to all other provisions of this ordinance:

- 3.10.1. Health clubs, spas, and gyms.
- 3.10.2. Home occupation.
- 3.10.3. Beauty/barber shop.
- 3.10.4. Professional office.
- 3.10.5. Wearing apparel shops.
- 3.10.6. Gift shops.
- 3.10.7. Motels.
- 3.10.8. Restaurants.
- 3.10.9. Day care facilities.
- 3.10.10. Nursing home.
- 3.10.11. Wayside stands, tailgate sales.

\*Cross reference—Businesses, ch. 18.

- 3.10.12. Retail stores, any retail business.
- 3.10.13. Funeral homes.
- 3.10.14. Caterer.
- 3.10.15. Schools.
- 3.10.16. Municipal facilities.
- 3.10.17. Churches.

- 3.10.18. Light waterfront seafood industry.
- 3.10.19. Light industry.
- 3.10.20. Mobile home parks.
- 3.10.21. ~~Reserved~~ Camper/travel trailer parks

*(Amended 05-03-04)*

3.10.22. Campgrounds, in compliance with state regulations.

3.10.23. Accessory structures.

- (1) No accessory structure may be closer than five feet to any property line.

3.10.24. Public utilities.

3.10.25. Signs; see article VII.

3.10.26. Pony Penning sales, yard sales.

3.10.26.1 Recreational parks and playgrounds

3.10.27. 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 15 feet from the front lot line.

3.10.28. Single-family dwelling.

3.10.29. Two-family dwelling.

3.10.30. Townhouse.

3.10.31. Condominiums.

3.10.32. Rooming and boarding houses.

3.10.33. Tourist home.

3.10.33.1 Mobile Home

3.10.34. Multifamily dwelling.

3.10.35. Vacation rental cottages.

3.10.36. Boardinghouse.

3.10.37. Bed and breakfast.

3.10.38. Rest home.

3.1.039. 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.

3.10.40. 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 4.1.28 thru 4.1.38 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)

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**Sec. 3.112. Special exceptions; special use permits; conditional use.**

3.112.1. Cemetery.

3.112.2. Repealed 3/1/10.

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

3.112.4. 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.

3.112.4.1 Parking garages and other similar structures.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 9/2/03, 5/3/04, 9/18/08*)

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**Sec. 3.123. Area regulations**

**Commercial Use**

3.123.1. Lot size. No minimum lot size for permitted uses shall be required except as noted for 3.10.28 thru 34.10.38.

3.123.2. 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.

3.123.3. Open space.

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

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

3.123.4. 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).

3.123.5. 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 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001}

Residential Use

Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 area regulations.

3.12.6. Lot size.

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

3.12.7. Setback. Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. 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 or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

3.12.8. Open space.

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

3.12.9. 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 maybe no higher than 70 feet above mean sea level (excluding public utilities).

3.12.10. 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 setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (Amended 12/04/06, 10/19/07)

# Zoning Conformance Worksheet 12

## A to A Agriculture District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	September 14, 2010	Copy Agriculture ordinance and maintain current district name, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	November 9, 2010	Revise district name to A Agriculture	Planning Commission
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

## Draft Copy (for Planning Commission Public Hearing):

### Article III Residential Districts

#### SECTION E. A - AGRICULTURE DISTRICT

*Statement of intent.* This district covers those portions of the town occupied by various open spaces, forests, farmlands, beaches and parks. The agricultural district is established for the specific purpose of promoting and encouraging the development of agricultural and forest lands for continuing agricultural operations, and for the purpose of conserving essential lands and open spaces for the protection of natural resources and waters and the reduction of pollution, soil erosion, and hazards from floods, fires and storms. Uses within this district shall be limited to those agricultural and conservation uses expressly permitted by right. Any proposal for the conversion of such lands to another use shall be evaluated for its impact on the town's existing resources and needs, and may be authorized only after reasonable and orderly process in accordance with the review procedures and standards specified in this ordinance.

#### **Sec. 3.130. Uses permitted by right.**

The following uses shall be permitted in the A Agricultural district~~A~~, subject to all other provisions of this ordinance:

- 3.130.1. Single-family dwelling.
- 3.130.2. Home occupation.
- 3.130.3. Horticultural uses including nurseries, truck farming and the cultivation of crops, and including on-site facilities for grading, storing and shipping, and/or sales of items grown or produced on site.
- 3.130.4. Raising, grazing and feeding of animals including dairy cows, livestock, swine and poultry, and the keeping of bees.
- 3.130.5. Game preserves and conservation areas.
- 3.130.6. Fish hatcheries and fish ponds; wildlife/waterfowl ponds.
- 3.130.7. Drainage, erosion and flood control devices.
- 3.130.8. Wells, water reservoirs and water control structures.
- 3.130.9. Public utilities' generating, booster or relay stations, transformer substations, transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.
- 3.130.10. Accessory structures.
- 3.130.11. Schools, churches.
- 3.130.12. Seafood and shellfish landing, receiving, storage and shipping facilities.
- 3.130.13. Aquaculture and mariculture facilities and activities.
- 3.130.14. Commercial kennels.
- 3.130.15. Commercial riding and boarding stables.
- 3.130.16. Public parks, recreational areas, golf courses, yacht and country clubs, marinas

and other public buildings.

3.1~~30~~.17. Facilities for repair and fueling of watercraft.

3.1~~30~~.18. Commercial seafood and shellfish receiving, processing, packing and shipping facilities.

3.1~~30~~.19. Lodges, hunting clubs, boating clubs, golf clubs.

3.1~~30~~.20. Commercial facilities for grading, processing, packing, storage and marketing of agricultural and horticultural products.

3.1~~30~~.21. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) 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. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(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) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. 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 six 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 15 feet from the front lot line.

3.1~~30~~.22. Public utilities.

3.1~~30~~.23. Signs: temporary signs; see Article VII, Signs.

3.1~~30~~.24. Pony Penning sales.

3.1~~30~~.25. Yard sales.

3.1~~30~~.26. Mobile home.

3.1~~30~~.27. 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.

3-1~~30~~.28. 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.

(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-7-1997; Ord. of 4-13-1998; Ord. of 4-5-

1999) (*Amended 06-02-03*) (*Amended 09-02-03*)

**Sec. 3.1~~41~~. Special exceptions; special use permits.**

3.1~~41~~.1. Cemetery.

3.1~~41~~.2. Airports and aircraft landing strips.

3.1~~41~~.3. Radiowave and microwave transmission and relay towers, and appurtenant structures and facilities.

3.1~~41~~.4. Repealed 3/1/10.

3.1~~41~~.5. The use of semi-trailers or trailers as accessory structures for storage.

3.1~~41~~.6. 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.

(Ord. of 4-3-1995; Ord. of 4-7-1997; Ord. of 8-2-1999; Ord. of 5-17-2001)

(*Amended 9/2/03*)

**Sec. 3.1~~52~~. Area regulations.**

3.1~~52~~.1. *Lot size.*

(1) The minimum lot size for permitted residential dwellings shall be five acres, or a minimum individual lot size of one acre as long as the allowable gross density does not exceed one unit per five acres on any given parcel of land.

3.1~~52~~.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 50 feet from the edge of 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 or new subdivisions after enactment of this ordinance.

(*Amended 10/19/07*)

3.1~~52~~.3. *Open space.*

(1) The minimum side yard setback for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more.

(2) The minimum side yard for accessory structures shall be 30 feet or more.

3.1~~52~~.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).

3.1~~52~~.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.

(Ord. of 7-3-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. 5-17-2001)

# Zoning Conformance Worksheet 5

## C-1 to C-1 Neighborhood Commercial District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	May 11, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text, add contractor yard to special use as recommended by CP	Town Staff for Planning Commission Review
2	September 13, 2010	Update District Regulations to current version on Town website	Town Staff for Planning Commission Review
3	November 9, 2010	Update for revised district name to C-1 Neighborhood Commercial	Planning Commission
4	January 26, 2011	Confirm Ordinance section numbering system, add residential bulk regulations	Town Staff

## Draft (for Planning Commission Public Hearing):

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### Article IV Commercial Districts

#### SECTION A. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT C-1

*Statement of intent.* The primary purpose of this district is to provide appropriate areas for retail commercial and service uses catering to year-round residents, while minimizing impacts to existing adjacent residential areas. This district is intended as the location for basic neighborhood, commercial, service and business uses and may also allow one and two family residential uses. establish and protect a ~~district that will serve the tourist trade that is vital to the growth of Chincoteague.~~ Of the ~~two~~ commercial districts, ~~C-1~~ Neighborhood Commercial is designed to be a lower density with more open space type activities than ~~C-2~~ other commercial districts. ~~It will also allow for some residential uses which are compatible with certain retailing operations.~~ The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland.

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#### **Sec. 4.1. Uses permitted by right.**

The following uses shall be permitted in the C-1 Neighborhood Commercial ~~district C-1~~, subject to all other provisions of this ordinance:

- 4.1.1. Health clubs, spas, and gyms.
- 4.1.2. Home occupation.
- 4.1.3. Beauty/barber shop.
- 4.1.4. Professional office.
- 4.1.5. Wearing apparel shops.
- 4.1.6. Gift shops.
- \***Cross reference**—Businesses, ch. 18.
- 4.1.7. Motels.
- 4.1.8. Restaurants.
- 4.1.9. Day care facilities.
- 4.1.10. Nursing home.
- 4.1.11. Wayside stands, tailgate sales.
- 4.1.12. Retail stores, any retail business.
- 4.1.13. Funeral homes.
- 4.1.14. Caterer.
- 4.1.15. Schools.
- 4.1.16. Municipal facilities.
- 4.1.17. Churches.
- 4.1.18. Light waterfront seafood industry.
- 4.1.19. Light industry.
- 4.1.20. Mobile home parks.
- 4.1.21. Reserved
- (Amended 5/3/04)*
- 4.1.22. Campgrounds, in compliance with state regulations.
- 4.1.23. Accessory structures.

(1) No accessory structure may be closer than five feet to any property line.

4.1.24. Public utilities.

4.1.25. Signs; see Article VII, Signs.

4.1.26. Pony Penning sales, yard sales.

4.1.27. 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 15 feet from the front lot line.

4.1.28. Single-family dwelling.

4.1.29. Two-family dwelling.

4.1.30. Townhouse.

4.1.31. Condominiums.

4.1.32. Rooming and boarding houses.

4.1.33. Tourist home.

4.1.34. Multifamily dwelling.

4.1.35. Vacation rental cottages.

4.1.36. Boardinghouse.

4.1.37. Bed and breakfast.

4.1.38. Rest home.

4.1.39. 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.

4.1.40. 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 4.1.28 thru 4.1.38 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 6/2/03, 9/2/03)*

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**Sec. 4.2. Special exceptions; special use permits; conditional use.**

4.2.1. Cemetery.

4.2.2. Repealed 3/1/10.

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

**4.2.4. Small well screened contractor yards or storage facilities**

4.2.5. 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.

4.2.5.1 Parking garages and other similar structures.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) *(Amended 9/2/03, 5/3/04, 9/18/08)*

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**Sec. 4.3. Area regulations.**

**Commercial Use**

4.3.1. *Lot size.* No minimum lot size for permitted uses shall be required except as noted for 4.1.28 thru 4.1.38.

4.3.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet 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.

*(Amended 10/19/07)*

4.3.3. *Open space.*

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

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

4.3.4. *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).

4.3.5. *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 setback abutting a street, road, right-of-way or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001)  
(Amended 12/4/06, 10/19/07)

Residential Use

Area and setback requirements for 5.1.28 thru 5.1.38 shall use R-3 area regulations.

4.3.6. *Lot size.*

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

4.3.7. Setback. Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. 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 or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

4.3.8. *Open space.*

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

4.3.9. *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 maybe no higher than 70 feet above mean sea level (excluding public utilities).

4.3.10. 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 setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (Amended 12/04/06, 10/19/07)

# Zoning Conformance Worksheet 6

## C-2 to C-2 Old Town Commercial District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	April 13, 2010	First draft to revise title, add section 4.4.31 to permit residential uses above first floor commercial use by-right, add section 4.5.5 to make demolition or conversion of commercial structures a conditional use	Town Staff for Planning Commission Review
2	September 13, 2010	Update District Regulations to current version on Town website	Town Staff for Planning Commission Review
3	November 9, 2010	Retain C-2 as the district name	Planning Commission
4	January 26, 2011	Confirm Ordinance section numbering system, add residential bulk regulations	Town Staff
5	March 8, 2011	Rename district to Old Town Commercial, remove conditional use for commercial building demolition	Planning Commission

# *Draft Copy (for Planning Commission Public Hearing):*

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## Article IV Commercial Districts

### SECTION B. C-2 OLD TOWN COMMERCIAL 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.

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#### **Sec. 4.4. Uses permitted by right.**

The following uses shall be permitted in ~~commercial~~ the C-2 Old Town Commercial 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 5/3/04)*

4.4.32. Signs, see Article VII, Signs.

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. Area and setback requirements for 6.4.40 thru 6.4.50 shall use R-3 area regulations.

4.4.41. Single-family dwelling.

- 4.4.4~~21~~. Two-family dwelling.
- 4.4.4~~32~~. Townhouse.
- 4.4.4~~43~~. Condominiums.
- 4.4.4~~54~~. Rooming and boarding houses.
- 4.4.4~~65~~. Tourist home.
- 4.4.4~~76~~. Multifamily dwelling.
- 4.4.4~~87~~. Vacation rental cottages.
- 4.4.4~~98~~. Boardinghouse.
- 4.4.5~~049~~. Bed and breakfast.
- 4.4.5~~10~~. Rest home.
- 4.4.5~~21~~. 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.
- 4.4.5~~32~~. 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 6/2/03, 9/2/03)

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**Sec. 4.5. Special exceptions; special use permits; conditional use.**

- 4.5.1. Cemetery.
- 4.5.2. Repealed 3/1/10.
- 4.5.3. The use of semi-trailers or trailers as accessory structures for storage.
- 4.5.4. 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.
  - 4.5.4.1 Parking garages and other similar structures.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (Amended 9/2/03, 5/3/04, 9/18/08)

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**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 excluding steps, and a landing not greater than 5 feet by 5 feet 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.

(Amended 10/19/07)

#### 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 setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.  
(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) (*Amended 12/4/06, 10/19/07*)

### Residential Use

Area and setback requirements for 6.1.28 thru 6.1.38 shall use R-3 area regulations.

#### 4.6.6. *Lot size.*

- (1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)
- (2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

4.6.7. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. 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 or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.  
(Amended 10/19/07)

#### 4.6.8. *Open space.*

- (1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

4.6.9. 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 aeriels maybe no higher than 70 feet above mean sea level (excluding public utilities).

4.6.10. Corner lots.

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

(2) The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (Amended 12/04/06, 10/19/07)

# Zoning Conformance Worksheet 7

## C-1 and C-2 to C-3 Corridor Commercial District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	June 11, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text, combine with permitted uses from C-2	Town Staff for Planning Commission Review
2	November 9, 2010	Rename district to C-3 Commercial Corridor, revise statement of intent	Planning Commission
3	January 26, 2011	Confirm Ordinance section numbering system, add residential bulk regulations	Town Staff

# Draft Copy (for Planning Commission Public Hearing):

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## Article IV Commercial Districts

### SECTION C. C-3 CORRIDOR COMMERCIAL ~~DISTRICT C-1~~

Statement of intent. The primary purpose of this district is to establish and protect a district that will serve the tourist trade that is vital to the growth of Chincoteague. ~~Of the two~~ Two commercial districts have been combined, C-1 ~~is designed to be a lower density with more open space type activities than and~~ C-2 to create a single district that encourages a context based design review process. 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. It will also allow for some residential uses which are compatible with certain retailing operations. The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland.

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#### Sec. ~~4.71~~. Uses permitted by right. ([back to chapter index](#))

The following uses shall be permitted in the C-3 Corridor C commercial district ~~C-1~~, subject to all other provisions of this ordinance:

- 4.~~71~~.1. Health clubs, spas, and gyms.
- 4.~~71~~.2. Home occupation.
- 4.~~71~~.3. Beauty/barber shop.
- 4.~~71~~.4. Professional office.
- 4.~~71~~.5. Wearing apparel shops.
- 4.~~71~~.6. Gift shops.
- 4.~~71~~.7. Motels/~~Hotels~~.
- 4.~~71~~.8. Restaurants.
- 4.~~71~~.9. Day care facilities.
- 4.~~71~~.10. Nursing home.
- 4.7.11 Hospitals
- 4.~~71~~.~~12~~. Wayside stands, tailgate sales.
- 4.7.13 Pharmacy/Drugstores
- 4.7.14 Auto services/Service Stations
- 4.7.15 Public Amusement
- 4.7.16 Clubs/Lodges
- \*Cross reference–Businesses, ch. 18.
- 4.~~71~~.~~17~~. Retail stores, any retail business.
- 4.~~71~~.~~18~~. Funeral homes.
- 4.~~71~~.~~19~~. Caterer.
- 4.~~71~~.~~20~~~~15~~. Schools.

- 4.~~71.2016~~. Municipal facilities.
- 4.~~71.1721~~. Churches.
- 4.~~71.2218~~. Light waterfront seafood industry.
- 4.~~71.2319~~. Light industry.
- 4.~~71.2420~~. Mobile home parks.
- 4.~~71.251~~. Reserved

*(Amended 05-03-04)*

- 4.~~71.262~~. Campgrounds, in compliance with state regulations.
- 4.~~71.273~~. Accessory structures.
  - (1) No accessory structure may be closer than five feet to any property line.
- 4.~~71.284~~. Public utilities.
- 4.~~71.295~~. Signs; see article VII.
- 4.~~71.3026~~. Pony Penning sales, yard sales.
- 4.~~71.3127~~. 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 15 feet from the front lot line.

- 4.~~71.3228~~. Single-family dwelling.
- 4.~~71.3329~~. Two-family dwelling.
- 4.~~71.3430~~. Townhouse.
- 4.~~71.3531~~. Condominiums.
- 4.~~71.3632~~. Rooming and boarding houses.
- 4.~~71.3733~~. Tourist home.
- 4.~~71.3834~~. Multifamily dwelling.
- 4.~~71.3935~~. Vacation rental cottages.
- 4.~~71.4036~~. Boardinghouse.
- 4.~~71.4137~~. Bed and breakfast.

4.~~71.4238~~. Rest home.

4.~~71.4339~~. 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.~~71.440~~. 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 4.1.28 thru 4.1.38 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)

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**Sec. 4.~~82~~. Special exceptions; special use permits; conditional use.**

4.~~82~~.1. Cemetery.

4.~~82~~.2. Repealed 3/1/10.

4.~~82~~.3. The use of semi-trailers or trailers as accessory structures for storage.

4.~~82~~.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.

4.~~82~~.4.1 Parking garages and other similar structures.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 9/2/03, 5/3/04, 9/18/08*)

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**Sec. 4.~~93~~. Area regulations.**

**Commercial Use**

4.~~93~~.1. Lot size. No minimum lot size for permitted uses shall be required except as noted for 4.~~71.28~~ thru 4.~~71.38~~.

4.~~93~~.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.~~93~~.3. Open space.

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

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

4.~~93~~.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).

4.93.5. 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 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001}

### Residential Use

Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 residential use area regulations.

#### 4.9.6. Lot size.

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

4.9.7. Setback. Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. 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 or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

#### 4.9.8. Open space.

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

#### 4.9.9. 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 maybe no higher than 70 feet above mean sea level (excluding public

utilities).

4.9.10. 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 setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (Amended 12/04/06, 10/19/07)

# Zoning Conformance Worksheet 8

## C-1 to C-4 Resort Commercial District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	August 12, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	August 12, 2010	Add reference to Mixed Use PUD district	Town Staff for Planning Commission Review
3	November 9, 2010	Revised district name to C-4 Resort Commercial	Planning Commission
4	January 26, 2011	Confirm Ordinance section numbering system, add residential bulk regulations	Town Staff

# *Draft Copy (for Planning Commission Public Hearing):*

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## Section IV Commercial Districts

### SECTION D. C-4 RESORT COMMERCIAL DISTRICT C-4

Statement of intent. The primary purpose of this district is to ~~establish and protect a district that will serve the tourist trade that is vital to the growth of Chincoteague. Of the two commercial districts, C-1 is designed to be a lower density with more open space type activities than C-2. It will also allow for some residential uses which are compatible with certain retailing operations. The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland. encourage the continuation of seasonally and permanently occupied homes, campground facilities, and resort commercial uses. These uses support Chincoteague's role as a visitor destination and improve the local economy.~~

Properties within this district have the potential to be redeveloped only with the provision of public sewer and will be eligible for assemblage and rezoning to a planned mixed use development district.

#### **Sec. 4.10. Uses permitted by right.**

The following uses shall be permitted in the C-4 Resort Commercial district C-4, subject to all other provisions of this ordinance:

- 4.10.1. Health clubs, spas, and gyms.
- 4.10.2. Home occupation.
- 4.10.3. Beauty/barber shop.
- 4.10.4. Professional office.
- 4.10.5. Wearing apparel shops.
- 4.10.6. Gift shops.
- 4.10.7. Motels.
- 4.10.8. Restaurants.
- 4.10.9. Day care facilities.
- 4.10.10. Nursing home.
- 4.10.11. Wayside stands, tailgate sales.

\*Cross reference—Businesses, ch. 18.

- 4.10.12. Retail stores, any retail business.
- 4.10.13. Funeral homes.
- 4.10.14. Caterer.
- 4.10.15. Schools.
- 4.10.16. Municipal facilities.
- 4.10.17. Churches.
- 4.10.18. Light waterfront seafood industry.

- 4.10.19. Light industry.
- 4.10.20. Mobile home parks.
- 4.10.21. ~~Reserved~~ Camper/travel trailer parks

*(Amended 05-03-04)*

- 4.10.22. Campgrounds, in compliance with state regulations.
- 4.10.23. Accessory structures.
  - (1) No accessory structure may be closer than five feet to any property line.
- 4.10.24. Public utilities.
- 4.10.25. Signs; see article VII.
- 4.10.26. Pony Penning sales, yard sales.

4.10.26.1 Recreational parks and playgrounds

- 4.10.27. 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 15 feet from the front lot line.

- 4.10.28. Single-family dwelling.
- 4.10.29. Two-family dwelling.
- 4.10.30. Townhouse.
- 4.10.31. Condominiums.
- 4.10.32. Rooming and boarding houses.
- 4.10.33. Tourist home.

4.10.33.1 Mobile Home

- 4.10.34. Multifamily dwelling.
- 4.10.35. Vacation rental cottages.
- 4.10.36. Boardinghouse.
- 4.10.37. Bed and breakfast.
- 4.10.38. Rest home.

4.10.39. 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.

4.10.40. 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 4.10.28 thru 4.10.38 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)

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**Sec. 4.112. Special exceptions; special use permits; conditional use.**

4.112.1. Cemetery.

4.112.2. Repealed 3/1/10.

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

4.112.4. 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.

4.112.4.1 Parking garages and other similar structures.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 9/2/03, 5/3/04, 9/18/08*)

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**Sec. 4.123. Area regulations.**

4.123.1. Lot size. No minimum lot size for permitted uses shall be required except as noted for 4.10.28 thru 4.10.38.

4.123.2. 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.

4.123.3. Open space.

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

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

4.123.4. 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}.

4.123.5. 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 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001}

Residential Use

Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 area regulations.

4.12.6. Lot size.

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

4.3.7. Setback. Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. 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 or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

4.12.8. Open space.

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

4.12.9. 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 aeriels maybe no higher than 70 feet above mean sea level (excluding public utilities).

4.12.10. 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 setback abutting a street, road, right-of-way, or easement shall

be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (*Amended 12/04/06, 10/19/07*)

# Zoning Conformance Worksheet 9

## C-1 to PSP Public/Semi-Public District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	September 14, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text, revise text to include all existing public uses and eliminate non-public uses.	Town Staff for Planning Commission Review
2	November 9, 2010	Revise district name to PSP Public/Semi Public	Planning Commission
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

# Draft Copy (for Planning Commission Public Hearing):

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## Article V Other Districts

### SECTION A. PSP PUBLIC/SEMI-PUBLIC COMMERCIAL DISTRICT C-1

*Statement of intent.* The primary purpose of this district is to establish and protect a district that will provide an appropriate array of public facilities and services to meet the basic needs of the community. This includes public facilities and services that are available to all portions of the Town. The district will not include any parcel that is in private ownership.~~serve the tourist trade that is vital to the growth of Chincoteague. Of the two commercial districts, C-1 is designed to be a lower density with more open space type activities than C-2. It will also allow for some residential uses which are compatible with certain retailing operations. The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland.~~

Public land uses are defined as those uses, which are owned and controlled by a public body for use as a service to the general public. Public land uses comprise a variety of uses for the health, education, safety, and general well-being of the public such as Town offices, post offices, or other government service buildings.

Semi-Public Land Uses are uses owned and controlled by a private or civic group for the purpose of aiding in the health, education, safety, or well-being of the general public or a specific segment of the public. Small-scale semi-public uses may be located in residential neighborhoods. Large-scale semi-public uses should be located in commercial districts.

#### **Sec. 5.1. Uses permitted by right.**

The following uses shall be permitted in ~~commercial~~the PSP Public/Semi-Public district ~~C-1~~, subject to all other provisions of this ordinance:

- 5.1.1. Health clubs, spas, and gyms.
- ~~4.1.2. Home occupation.~~
- ~~4.1.3. Beauty/barber shop.~~
- 5.1.24. Professional office.
- ~~4.1.5. Wearing apparel shops.~~
- 5.1.36. Tourist Information Center, Gift shops.
- ~~4.1.7. Motels.~~
- ~~4.1.8. Restaurants.~~
- 5.1.49. Day care facilities.
- 5.1.510. Nursing home.
- ~~4.1.11. Wayside stands, tailgate sales.~~
- ~~4.1.12. Retail stores, any retail business.~~Civic Center
- ~~4.1.13. Funeral homes.~~Public Parking Lot
- 5.1.614. Caterer.
- 5.1.715. Schools.
- 5.1.816. Municipal facilities.

~~4.1.17. Churches. Marina, Boat Ramp, Harbor including Fuel Sales~~

5.1.918. Light waterfront seafood industry.

5.1.109. Light industry.

~~4.1.20. Mobile home parks. State or Federal facilities (USCG)~~

~~4.1.21. Reserved~~

~~(Amended 5/3/04)~~

~~4.1.22. Campgrounds, in compliance with state regulations. Stormwater management facilities~~

5.1.1123. Accessory structures.

(1) No accessory structure may be closer than five feet to any property line.

5.1.1224. Public utilities.

5.1.1325. Signs; see Article VII, Signs.

5.1.1426. Pony Penning sales, ~~yard sales, carnival grounds~~

5.1.1527. 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 15 feet from the front lot line.

~~4.1.28. Single family dwelling.~~

~~4.1.29. Two family dwelling.~~

~~4.1.30. Townhouse.~~

~~4.1.31. Condominiums.~~

~~4.1.32. Rooming and boarding houses.~~

~~4.1.33. Tourist home.~~

~~4.1.34. Multifamily dwelling.~~

~~4.1.35. Vacation rental cottages.~~

~~4.1.36. Boardinghouse.~~

~~4.1.37. Bed and breakfast.~~

~~4.1.38. Rest home.~~

5.1639. 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.

5.1.1740. 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 4.1.28 thru 4.1.38 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 6/2/03, 9/2/03)*

## **Sec. 5.2. Special exceptions; special use permits.**

5.2.1. Cemetery.

5.2.2. Repealed 3/1/10.

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

5.2.4. 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.

5.2.4.1 Parking garages and other similar structures.

5.2.4.2 Recycling Center/Waste Transfer Center

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) *(Amended 9/2/03, 5/3/04, 9/18/08)*

## **Sec. 5.3. Area regulations.**

5.3.1. *Lot size.* No minimum lot size for permitted uses shall be required ~~except as noted for 4.1.28 thru 4.1.38.~~

5.3.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet 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.

*(Amended 10/19/07)*

5.3.3. *Open space.*

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

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

5.3.4. *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).

*5.3.5. 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 setback abutting a street, road, right-of-way or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001)

*(Amended 12/4/06, 10/19/07)*

# Zoning Conformance Worksheet 10

## R-1 to POS Park & Open Space District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	May 11, 2010	Copy R-1 ordinance and rename district, align purpose with Comprehensive Plan text, delete uses not applicable, add uses recommended by CP	Town Staff for Planning Commission Review
2	November 9, 2010	Revise district name to POS Park & Open Space District	Planning Commission
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

# Draft Copy (for Planning Commission Public Hearing):

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## Article V Other Districts

### SECTION B. POS PARK & OPEN SPACE RESIDENTIAL DISTRICT R-1

Statement of intent. ~~This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit most activities of a commercial nature. To these ends, development is limited to relatively low concentration of single-unit dwellings providing homes for the residents, as well as commercial activities conducted in such a manner as to not disturb the peace and harmony of the district. This district requires that public streets, utilities and drainage be installed prior to approval. The purpose of this district is to provide parks, recreational and open space areas for use by visitors and residents of the Town of Chincoteague. Parks and open spaces help to define neighborhoods, serve as natural drainageways, and satisfy the aesthetic and recreational needs of the community.~~

#### **Sec. 5.4. Uses permitted by right.**

The following uses shall be permitted in ~~residential~~ the POS Park & Open Space district ~~R-1~~ subject to all other provisions of this ordinance:

- ~~— 3.1.1. Single family dwelling.~~
- ~~— 3.1.2. Limited home occupation.~~
- ~~— 3.1.3. Tourist rental homes.~~

#### 5.4.14. Accessory building/structure.

(1) No accessory building/structure may be closer than five feet to any side or rear property line. No accessory building/structure may be closer than 25 feet from the front property line or more than the average setback of the structures on either side.

(2) The use of semi-trailers, trailers or other types of vehicles or parts of vehicles as storage or accessory structures is not allowed.

#### 5.4.25. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) 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. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(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 thirty 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) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. 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 six 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 15 feet from the front lot line.

5.41.36. Public utilities.

5.41.47. Signs.

(1) Street address signs.

~~(2) Home occupation signs.~~

~~(3) Resident identification signs.~~

(4) Temporary signs.

(5) ~~Business~~Public signs ~~only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to six square feet, will be allowed on each lot.~~ See article VII, Signs.

5.41.58. Parks.

5.41.69. Pony Penning sales.

5.41.710. ~~Yard~~Farmers Market or festival sales.

5.41.811. Other. The temporary location of construction "site trailers" or other protective, storage or other 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 or halted for 30 days or longer.

5.41.912. 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.  
(Ord. of 8-1-1994; Ord. of 4-3-1995; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999)  
(Amended 06-02-03) (Amended 09-02-03)

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## Sec. 5.52. Special exceptions; special use permits; conditional use.

5.52.1. 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.

*(Amended 5/3/04)*

~~35.52.2.~~ Repealed 3/1/10.

(Ord. of 4-3-1995; Ord. of 5-17-2001)

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## Sec. 5.63. Area regulations.

5.63.1. *Lot size.* The minimum lot size for permitted uses shall be 15,000 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be

required by the health official.)

5.63.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 50 feet from any street right-of-way. 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 or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

*(Amended 10/19/07)*

5.63.3. *Open space.*

(1) The minimum side yard setback for each main structure shall be 15 feet.

(2) Each main structure shall have a minimum rear yard setback of 35 feet except waterfront properties would have no required setback.

5.63.4. *Height regulations.*

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed 3 stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(Ord. of 2-5-01.)

(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).

5.63.5. *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 35 feet for both the main and accessory buildings/structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-95; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 4-13-98; Ord. of 4-5-99; Ord. of 5-17-2001) *(Amended 10/19/07)*

# Zoning Conformance Worksheet 11

## Agriculture to RC Resource Conservation District

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Revision #	Revision Date	Section/Subject of Revision	Revised By
1	September 14, 2010	Copy Agriculture ordinance and rename district, align purpose with Comprehensive Plan text, amend to limit development potential consistent with environmental constraints	Town Staff for Planning Commission Review
2	November 9, 2010	Revise district name to RC Resource Conservation	Planning Commission
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

# Draft Copy (for Planning Commission Public Hearing):

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## Article V Other Districts

### SECTION C. RC RESOURCE CONSERVATION AGRICULTURE DISTRICT

*Statement of intent.* This district covers those portions of the town ~~occupied by various open spaces, forests, farmlands, beaches and parks.~~ The agricultural Resource Conservation district is established for the specific purpose of ~~promoting and encouraging the development of agricultural and forest lands for continuing agricultural operations, and for the purpose of~~ conserving essential lands and open spaces for the protection of natural resources and waters and the reduction of pollution, soil erosion, and hazards from floods, fires and storms. Uses within this district shall be limited to those ~~agricultural and~~ conservation uses expressly permitted by right. Any proposal for the conversion of such lands to another use shall be evaluated for its impact on the town's existing resources and needs, and may be authorized only after reasonable and orderly zoning amendment process in accordance with the review procedures and standards specified in this ordinance.

#### **Sec. 5.7. Uses permitted by right.**

The following uses shall be permitted in ~~agricultural the RC Resource Conservation~~ district ~~A~~, subject to all other provisions of this ordinance:

~~3.10.1. Single family dwelling.~~

~~3.10.2. Home occupation.~~

~~3.10.3. Horticultural uses including nurseries, truck farming and the cultivation of crops, and including on-site facilities for grading, storing and shipping, and/or sales of items grown or produced on-site.~~

~~3.10.4. Raising, grazing and feeding of animals including dairy cows, livestock, swine and poultry, and the keeping of bees.~~

5.7.15. Game preserves and conservation areas.

5.7.26. Fish hatcheries and fish ponds; wildlife/waterfowl ponds.

5.7.37. Drainage, erosion and flood control devices.

5.7.48. Wells, water reservoirs and water control structures.

~~5.7.59. Public utilities' generating, booster or relay stations, transformer substations, transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.~~

5.7.610. Accessory structures.

~~3.10.11. Schools, churches.~~

5.7.712. Seafood and shellfish landing, receiving, storage and shipping facilities.

5.7.813. Aquaculture and mariculture facilities and activities.

~~3.10.14. Commercial kennels.~~

5.7.915. Commercial ~~riding and boarding stables.~~ kayak and boat rental facilities

5.7.1016. Public parks, recreational areas, ~~golf courses, yacht and country clubs,~~ marinas and other public buildings.

- ~~5.7.1117. Facilities for repair and fueling of watercraft.~~  
~~5.7.128. Commercial seafood and shellfish receiving, processing, packing and shipping facilities.~~  
5.7.139. Lodges, hunting clubs, boating clubs, ~~golf clubs.~~  
~~5.7.1420. Commercial facilities for grading, processing, packing, storage and marketing of agricultural and horticultural products.~~  
5.7.1521. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) 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. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(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) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. 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 six 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 15 feet from the front lot line.

5.7.1622. Public utilities.

~~3.10.23. Signs: temporary signs; see Article VII, Signs.~~

~~3.10.24. Pony Penning sales.~~

~~3.10.25. Yard sales.~~

~~3.10.26. Mobile home.~~

~~3.10.27. 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.~~

~~3.10.28. 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.~~

~~-(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-7-1997; Ord. of 4-13-1998; Ord. of 4-5-1999) (Amended 06-02-03) (Amended 09-02-03)~~

**Sec. 5.8. Special exceptions; special use permits.**

~~3.11.1. Cemetery.~~

~~3.11.2. Airports and aircraft landing strips.~~

~~3.11.3. Radiowave and microwave transmission and relay towers, and appurtenant structures and facilities.~~

5.8.14. Repealed 3/1/10. Public utilities' generating, booster or relay stations, transformer substations,

transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.

~~3.11.5. The use of semi-trailers or trailers as accessory structures for storage.~~

5.8.26. 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.

(Ord. of 4-3-1995; Ord. of 4-7-1997; Ord. of 8-2-1999; Ord. of 5-17-2001)

*(Amended 9/2/03)*

**Sec. 5.8. Area regulations.**

5.8.1. *Lot size.*

(1) The minimum lot size for permitted residential dwellings shall be five acres, or a minimum individual lot size of one acre as long as the allowable gross density does not exceed one unit per five acres on any given parcel of land.

5.8.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 50 feet from the edge of 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 or new subdivisions after enactment of this ordinance.

*(Amended 10/19/07)*

5.8.3. *Open space.*

(1) The minimum side yard setback for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more.

(2) The minimum side yard for accessory structures shall be 30 feet or more.

5.8.4. *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 aeri-als maybe no higher than 70 feet above mean sea level (excluding public utilities).

5.8.5. *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.

(Ord. of 7-3-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. 5-17-2001)



## STAFF REPORT

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To: Chincoteague Planning Commission  
From: Bill Neville, Director of Planning  
Date: March 8, 2011(Updated April 12, 2011)  
Subject: Sign Ordinance Revision - Maximum height for building mounted signs

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The Planning Commission has included a review of the Sign Ordinance (as amended 6/19/08 and 4/6/09) in its current Work Plan as a result of concerns expressed by business owners and residents. Following discussion at the November, January and February Planning Commission meetings, a strategy for reviewing the Sign Ordinance was proposed.

*Minor corrections to the Sign Ordinance may be necessary based on a review of violations and community requests from the last 3 years. A comprehensive review may create as many problems as it would solve, so it was determined to narrow the current review to only Banners, Flags and Pennants as requested by Town Council, and to consider a list of compliance issues provided by the Zoning Administrator.*

Zoning Administrator Kenny Lewis was consulted about the code compliance issues that he has repeatedly encountered. His recommendations for Planning Commission review included the following issue:

- Increase the maximum allowable height of commercial signs from 12 feet, to 12 feet or a maximum of xx feet if the sign is attached to the primary structure, beneath the top roof line or gable, and is in proportion to other architectural details. Other performance standards may be proposed. This would address an ongoing issue that is currently being decided by the BZA on a case by case basis.

Planning Commissioners reviewed this report at the March 8<sup>th</sup> meeting and requested additional information for the next meeting. Chairman Rosenberger suggested that

Commissioners should take time to observe building mounted signs around Town and be prepared for discussion of the following ideas:

- application for variance to the BZA would provide a means to address individual situations
- definition of 'roofline'
- consideration of roof mounted signs to either eliminate that option or confirm whether it also meets a criteria of 'below the roofline'
- questions about mansard roof signs, hanging signs, awning signs, or other building mounted signs were raised to see if the height limits would also apply to them
- setting sign height based on a pedestrian scale rather than a vehicle scale of visibility
- standards that encourage moderation to keep the Town visitor friendly and not trend toward over commercialization
- new regulations that require first floor elevations above flood level, plus 8' ceiling height can cause a problem with the 12' height limit above surrounding grade
- zoning decision should be made based on the building architecture

Staff will present additional information at the April meeting for discussion