

# PLANNING COMMISSION MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

January 8, 2013 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES:

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1. Approval of the December 12, 2012 meeting minutes, and 2012 Annual Report
2. Election of Officers
3. Virginia Main Street/Economic Development – L. Walton
  - Review application process
4. Downtown Parking Study
  - Review Town Council meeting minutes
5. Annual Zoning Ordinance Update
  - Mixed Use Buildings in the C-2 district
  - Downtown Parking Study
6. Water Conservation
  - Discussion Item
7. Commission Members Announcements or Comments  
*(Note: Roberts Rules do not allow for discussion under comment period)*

ADJOURN

**TOWN OF CHINCOTEAGUE  
PLANNING COMMISSION  
ANNUAL REPORT  
2012**

**JANUARY 10, 2012**

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

MEMBERS ABSENT: NONE

PUBLIC PARTICIPATION: THREE MEMBERS OF THE PUBLIC WERE  
PRESENT, THERE WAS NO PUBLIC COMMENT.

THE ANNUAL REPORT FOR 2011 WAS APPROVED.

AMENDMENT TO ZONING ORDINANCE SECTION 2.127 – PONY PENNING  
SALES - RECOMMENDED FOR APPROVAL AND FORWARDED TO THE  
TOWN COUNCIL WITH SUGGESTIONS FOR POSSIBLE REVISIONS TO  
TOWN CODE CHAPTER 18 TO BE CONSIDERED BY THE ORDINANCE  
COMMITTEE.

DRAFT DESIGN RESOURCE BOOK – ADDITIONAL EXAMPLES FROM  
OTHER COMMUNITIES WERE REVIEWED. STAFF WAS REQUESTED TO  
CONTINUE WORK ON THIS PROJECT.

WORK PLAN – UPDATED FOR 2012 TO INCLUDE CURRENT ISSUES THAT  
THE PLANNING COMMISSION AGREED TO SCHEDULE FOR REVIEW

WASTEWATER ADVISORY COMMITTEE – A STATUS REPORT WAS  
PROVIDED BY THE CHAIRMAN OF THE COMMITTEE.

THE PLANNING COMMISSION CONSIDERED PROVIDING A  
RECOMMENDATION FOR PARKING RESTRICTIONS ALONG CHURCH  
STREET.

**FEBRUARY 14, 2012**

THIS MEETING WAS CANCELLED.

**MARCH 13, 2012**

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

**MEMBERS ABSENT: KATSETOS**

**PUBLIC PARTICIPATION– TWO MEMBERS OF THE PUBLIC WERE  
PRESENT, THERE WAS NO PUBLIC COMMENT.**

**ELECTION OF OFFICERS – OFFICERS WERE UNANIMOUSLY ELECTED AS  
FOLLOWS:**

**CHAIRMAN – RAY ROSENBERGER  
VICE CHAIRPERSON – MOLLIE CHERRIX  
SECRETARY – WILLIAM NEVILLE**

**TOWN COUNCIL PUBLIC HEARING – REPORT ON THE 4 OUTSTANDING  
ZONING MAP ISSUES THAT WERE IDENTIFIED BY PUBLIC COMMENT AT  
THE FEBRUARY 6<sup>TH</sup> TOWN COUNCIL HEARING ON THE COMPREHENSIVE  
ZONING ORDINANCE AND ZONING MAP AMENDMENT. COMMISSIONERS  
MADE CLEAR RECOMMENDATIONS TO COUNCIL FOR EACH ISSUE:**

- 1. COMMERCIAL ZONING OF SALT MARSH AREAS**
- 2. CAMPGROUND USE EXPANSION IN THE R-4 DISTRICT**
- 3. NORTH MAIN STREET ZONING DISTRICT BOUNDARIES**
- 4. LANDOWNER REQUESTS/SUGGESTIONS**

**WASTEWATER ADVISORY COMMITTEE – A STATUS REPORT WAS  
PROVIDED BY THE CHAIRMAN OF THE COMMITTEE.**

**CHURCH STREET PARKING RESTRICTION – THE COMMISSION PASSED A  
MOTION RECOMMENDING TO TOWN COUNCIL THAT PARKING  
RESTRICTIONS SHOULD BE ESTABLISHED AND ENFORCED FOR A  
SECTION OF CHURCH STREET TO IMPROVE PUBLIC SAFETY.**

**VACANT DETERIORATING PROPERTIES – COMMISSIONERS DISCUSSED  
THE RECENT COUNCIL DECISION TO TAKE ACTION ON ONE HOUSE AND  
CONSIDERED WHETHER A SURVEY OF ALL TOWN STRUCTURES WOULD  
ASSIST THE ONGOING WORK OF THE BUILDING CODE OFFICIAL. NO  
ACTION WAS TAKEN.**

**SILVER SAILS SUBDIVISION – THE APPLICATION FOR A 6 LOT  
SUBDIVISION WAS PRESENTED AS INFORMATION ITEM BY STAFF.**

**APRIL 10, 2012**

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

MEMBERS ABSENT: NONE

PUBLIC PARTICIPATION – FOUR MEMBERS OF THE PUBLIC WERE  
PRESENT, THERE WAS NO PUBLIC COMMENT.

SILVER SAILS SUBDIVISION – THE COMMISSION CONSIDERED AN  
APPEAL OF THE ZONING ADMINISTRATORS DECISION AS PERMITTED  
UNDER SECTION 11.01 OF THE SUBDIVISION ORDINANCE TO ALLOW  
REVIEW AND APPROVAL OF THE PRELIMINARY PLAT PRIOR TO FINAL  
APPROVAL OF THE SEPTIC SYSTEM BY THE COUNTY HEALTH  
DEPARTMENT. A MOTION TO OVERTURN THE DECISION OF THE ZONING  
ADMINISTRATOR WAS APPROVED UNANIMOUSLY.

CHURCH STREET PARKING RESTRICTION – A PREVIOUS MOTION TO  
RECOMMEND PARKING RESTRICTIONS WAS RECINDED UNTIL THE  
COMMISSION CAN DISCUSS THE ISSUE WITH ADJACENT CHURCHES AND  
THE POLICE DEPARTMENT.

INSERTS TO THE TOWN CODE AND ZONING ORDINANCE WERE  
DISTRIBUTED TO COMMISSION MEMBERS THAT INCLUDED THE  
AMENDED ZONING ORDINANCE AND ZONING MAP.

COMMISSIONERS COMMENTED ON THE EASTERN SHORE  
GROUNDWATER COMMITTEE, THE TIMOTHY HILL HOUSE, AND A  
POSSIBLE RC&D GRANT FOR A SOFT SHORELINE PROJECT.

**MAY 8, 2012**

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

MEMBERS ABSENT: MUTH

PUBLIC PARTICIPATION – ONE MEMBER OF THE PUBLIC WAS PRESENT,  
THERE WAS NO PUBLIC COMMENT.

WORK PLAN – COMMISSIONERS REVIEWED THE 2012 WORK PLAN TO ESTABLISH PRIORITIES FOR THE YEAR. IDEAS FROM THE BROADBAND e-COMMERCE TRAINING WERE CONSIDERED AS WAYS TO INCREASE THE TOURISM BASED ECONOMY:

- COORDINATION AMONG THE TOURIST ORGANIZATIONS
- SCHEDULING OFF SEASON EVENTS/CONFERENCES
- MARKETING PARTNERSHIPS BETWEEN BUSINESSES
- MASTER COMMUNITY CALENDAR
- TOWN TOURISM / ECONOMIC DEVELOPMENT PLAN
- LINKED WEBSITES AND MOBILE ‘APPS’

A WORK SESSION WITH TOURISM ORGANIZATIONS AND BUSINESSES, HOSTED BY THE PLANNING COMMISSION, WAS ADDED TO THE WORK PLAN.

AN UPDATE TO THE SUBDIVISION ORDINANCE TO ADDRESS SUBDIVISIONS OF 3 LOTS OR LESS, CONVERSION OF PRIVATE TO PUBLIC ROADS, PARKING ISSUES, AND PERMEABLE PAVEMENT WERE ADDED TO THE WORK PLAN.

CHURCH STREET PARKING RESTRICTIONS – A MOTION TO INVITE CHURCH AND POLICE DEPARTMENT REPRESENTATIVES TO A MEETING WAS PASSED SO THAT CHURCH STREET PARKING CONFLICTS MAY BE RESOLVED.

BUILDING PERMIT ACTIVITY – AN ANNUAL REPORT OF BUILDING PERMITS IN 2011 WAS PRESENTED AND DISCUSSED.

BROADBAND – COMMISSIONERS DISCUSSED THE BROADBAND PROJECT STATUS AND ITS CONNECTION TO ECONOMIC DEVELOPMENT AND TOURISM.

<b>JUNE 12, 2012</b>
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MEMBERS PRESENT: ROSENBERGER, CHERRIX, KATSETOS,  
TAYLOR, POTTS, PAPADOPOULOS

MEMBERS ABSENT: MUTH

PUBLIC PARTICIPATION – FIVE MEMBERS OF THE PUBLIC WERE PRESENT, THERE WAS NO PUBLIC COMMENT

SILVER SAILS SUBDIVISION – THE FINAL PLAT WAS APPROVED BY THE COMMISSION WITH TWO CONDITIONS THAT REQUIRED HEALTH DEPARTMENT APPROVAL OF ADVANCED SEPTIC TREATMENT SYSTEMS.

WORK PLAN – UPDATES TO OUTSTANDING ITEMS WERE REVIEWED BY THE COMMISSION.

ECONOMIC DEVELOPMENT/TOURISM/BROADBAND PLAN – A REPRESENTATIVE OF THE MAIN STREET MERCHANTS AND THE CHINCOTEAGUE CENTER DISCUSSED HOW THE COMMISSION MAY BE ABLE TO HELP WITH TOURISM PLANNING. A MARKETING PLAN, BUDGET AND TIMELINE WERE IDENTIFIED AS REQUIREMENTS FOR A VIRGINIA TOURISM CORPORATION GRANT PROGRAM THAT COULD SUPPORT AN EVENT PLANNER. THE COMMISSION SUPPORTS THE EFFORT TO EXPAND EVENTS IN THE OFF SEASON.

INFORMATION FROM A RECENT COASTAL FLOODING WORKSHOP HELD BY THE A-NPDC WAS REVIEWED BY THE COMMISSION.

**JULY 10, 2012**

NO MEETING

**AUGUST 14, 2012**

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

MEMBERS ABSENT: CHERRIX, PAPADOPOULOS

PUBLIC PARTICIPATION – FIVE MEMBERS OF THE PUBLIC WERE PRESENT. TOWN MANAGER RITTER ATTENDED THE MEETING.

OWNERS OF AN EXISTING MAIN STREET BUSINESS ASKED THE COMMISSION IF THEIR PROPOSED USE OF AN EXISTING 2 STORY BUILDING ON MAIN STREET WOULD BE ALLOWED TO MIX LIVING SPACE ON THE SECOND FLOOR AND THEIR BUSINESS ON THE FIRST FLOOR OF THE SAME BUILDING. THE COMMISSION AGREED THAT THIS WAS THE INTENT OF THE MIXED USE BUILDING THAT WAS RECENTLY ADDED TO THE C-2 OLD TOWN BUSINESS ZONING DISTRICT.

WORK PLAN – STAFF SUGGESTED THE FOLLOWING PROPOSED ZONING ORDINANCE CHANGES THAT SHOULD BE GROUPED TOGETHER AND CONSIDERED FOR AN ANNUAL UPDATE IN THE SPRING.

- OLD/NEW MIXED USE BUILDINGS
- PARKING REQUIREMENTS FOR WAYSIDE STANDS
- REVISIONS FOR A POSSIBLE PHASE 1 SEWER SERVICE AREA

FAIRFIELD INN – STAFF PRESENTED THE SITE PLAN APPLICATION FOR FAIRFIELD INN AND SUITES AS AN INFORMATION ITEM. PARKING REQUIREMENTS FOR THE EXISTING RESTAURANT USE WAS DISCUSSED. ACTION BY THE COMMISSION WAS NOT REQUIRED.

**SEPTEMBER 11, 2012**

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

MEMBERS ABSENT: KATSETOS

PUBLIC PARTICIPATION – ONE MEMBER OF THE PUBLIC WAS PRESENT, THERE WERE NO COMMENTS.

MIXED USE BUILDINGS – STAFF PROVIDED A DETAILED REVIEW OF THE ZONING ORDINANCE REGULATIONS THAT WOULD APPLY TO A SPECIFIC BUILDING LOCATED AT 4071 MAIN STREET. COMMISSIONERS SUPPORTED THE PROPOSED MIXED USE BUILDING IN THIS LOCATION.

WASTEWATER ADVISORY COMMITTEE REQUEST – THE PLANNING COMMISSION BEGAN CONSIDERATION OF ZONING ISSUES THAT WOULD NEED TO BE RESOLVED PRIOR TO CREATING A PROPOSED PHASE 1 WASTEWATER UTILITY SERVICE AREA. A WORKSHOP WITH THE W.A.C. WAS SCHEDULED FOR THE REGULAR OCTOBER 9<sup>TH</sup> MEETING DATE.

THE FOLLOWING ITEM WAS ADDED TO THE LIST OF PROPOSED ZONING ORDINANCE CHANGES FOR THE ANNUAL UPDATE:

- RENTAL COTTAGES

**OCTOBER 9, 2012**

MEMBERS PRESENT: ROSENBERGER, KATSETOS, MUTH,  
POTTS, DENDLER, PAPADOPOULOS

MEMBERS ABSENT: CHERRIX  
WAC MEMBERS PRESENT: CONKLIN, CLARK, TARR

MEMBERS OF THE PLANNING COMMISSION AND WASTEWATER ADVISORY COMMITTEE WORKED TOGETHER TO EVALUATE WHETHER CHINCOTEAGUE'S EXISTING ZONING AND LAND DEVELOPMENT ORDINANCES WERE ADEQUATE TO CONTROL GROWTH THAT MAY OCCUR WITH THE ADDITION OF CENTRAL WASTEWATER TREATMENT UTILITY SERVICE WITHIN PHASE ONE COMMERCIAL CORRIDORS.

THE PLANNING COMMISSION AGREED TO WORK ON A 'BUILD OUT' STUDY FOR THE COMMERCIAL CORRIDORS AND A LIST OF POSSIBLE ZONING CHANGES THAT WOULD BE NEEDED TO ENCOURAGE QUALITY GROWTH AND DEVELOPMENT IN THE FUTURE.

THE WASTEWATER ADVISORY COMMITTEE AGREED TO WORK ON NARROWING ALTERNATIVE SOLUTIONS TO THE BEST 3 OR 4 AND THEN COLLECTING THE BEST COST INFORMATION AVAILABLE SO THAT PEOPLE WILL UNDERSTAND WHAT IT MEANS TO THEM.

**NOVEMBER 13, 2012**

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

MEMBERS ABSENT: NONE

PUBLIC COMMENT – FOUR MEMBERS OF THE PUBLIC WERE PRESENT.

A MAIN STREET MERCHANT SPOKE TO THE COMMISSION ABOUT THE NEED FOR MORE PARKING IN THE DOWNTOWN MAIN STREET AREA AND A CONCERN FOR THE FINAL DESIGN OF THE PROPOSED ROBERT REED PARK EXPANSION.

DOWNTOWN PARKING STUDY – STAFF WAS REQUESTED TO PREPARE A DRAFT DOWNTOWN PARKING STUDY AS A RESULT OF DISCUSSIONS AND SCHEDULE A REGULAR MEETING FOR DECEMBER 11<sup>TH</sup> FOR REVIEW.

WASTEWATER ADVISORY COMMITTEE – COMMISSION DISCUSSION IDENTIFIED THE NEED TO REVIEW UTILITY SERVICE AREAS AS AN OVERLAY TO THE TOWN ZONING MAP AND TO CREATE A FRAMEWORK FOR POTENTIAL ORDINANCE CHANGES.

WALKABLE AND LIVABLE COMMUNITIES – HIGHLIGHTS OF A RECENT WALKABILITY WORKSHOP WERE PRESENTED. RECOMMENDATIONS FOR CHINCOTEAGUE WERE INCLUDED.

OFFICIAL ZONING MAP – PUBLICATION AND INCREASED AVAILABILITY OF THE TOWN ZONING MAP WERE DISCUSSED.

2013 CALENDAR – WORK PLAN PRIORITIES WILL BE SCHEDULED ON A CALENDAR FORMAT FOR 2013.

**DECEMBER 11, 2012**

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

MEMBERS ABSENT: NONE

PUBLIC COMMENT – NINE MEMBERS OF THE PUBLIC WERE PRESENT.

REPRESENTATIVES FROM THE MAIN STREET MERCHANTS, CHINCOTEAGUE CULTURAL ALLIANCE, AND THE LIBRARY WHO ALL SIGNED A PETITION FOR PARKING IN THE DOWNTOWN BUSINESS DISTRICT SPOKE TO THE COMMISSION ABOUT THE DRAFT PARKING STUDY AND DESIGN OF THE ROBERT REED PARK EXPANSION.

DOWNTOWN PARKING STUDY – STAFF PRESENTED A DRAFT STUDY OF EXISTING PARKING SPACES AND A CALCULATION OF ZONING ORDINANCE PARKING CRITERIA FOR THE EXISTING DOWNTOWN BUSINESSES.

WASTEWATER ADVISORY COMMITTEE – THE COMMISSION REVIEWED AN OVERLAY OF THE PHASE ONE COMMERCIAL CORRIDOR SEWER SERVICE AREA WITH THE ZONING MAP. TWELVE RECOMMENDATIONS WERE FORWARDED TO THE WASTEWATER ADVISORY COMMITTEE.

PLANNING COMMISSION CALENDAR FOR 2013 – WORK PLAN ITEMS WERE SCHEDULED FOR EACH MONTH THAT WILL ACCOMPLISH AN ANNUAL ZONING ORDINANCE UPDATE IN THE FIRST HALF OF THE YEAR, AND A SUBDIVISION ORDINANCE AMENDMENT IN THE SECOND HALF OF THE YEAR.

## 2013 Planning Commission Work Plan Calendar

	Staff Report	Action by PC	Sent to TC	Completed
<b>January</b>				
Virginia Main Street/Tourism (L.Walton)	»			
Water Conservation	»			
Zoning Ordinance - Downtown Parking, Mixed Use Buildings	»	»		
<b>February</b>				
Zoning Ordinance - Rental Cottages, Accessory Units	»	»		
USFWS CCP - information item	»			
<b>March</b>				
Zoning Ordinance - Wayside Stands	»	»		
<b>April</b>				
Capital Improvement Plan/ Comprehensive Plan Update	»			
Zoning Ordinance Annual Review - other items	»	»	»	
<b>May</b>				
Zoning Ordinance Annual Review - hearing	»	»		
FEMA Flood Insurance Maps - information item	»			
Wastewater Committee - zoning recommendations	»	»		
<b>June</b>				
Wastewater Committee - presentation to TC	»	»	»	
Subdivision Ordinance - 3 lot zoning permit review				
<b>July</b>				
No Meeting				
<b>August</b>				
Subdivision Ordinance - Private Roads	»			
<b>September</b>				
Subdivision Ordinance - Sidewalks/Crosswalks	»			
<b>October</b>				
<b>November</b>				
<b>December</b>				
No Meeting				



By-Laws  
Chincoteague Planning Commission  
Approved April 5, 2010

ARTICLE 1 – OBJECTIVES

- 1-1. This Commission, established in conformance with the resolution adopted by the Chincoteague Town Council on May 16, 2002, hereby adopts the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2 of the Code of Virginia, as amended.
- 1-2. The official title of this Commission shall be “The Chincoteague Planning Commission”.
- 1-3. The Planning Commission shall promote the orderly development of the Town of Chincoteague and shall serve primarily in an advisory capacity to the Town Council.

ARTICLE 2 – MEMBERS

- 2-1. Said commission shall consist of seven (7) members, one of whom shall be a member of the Town Council, and the remaining six (6) hereafter referred to as appointed members. Such members shall be residents of the locality and at least one-half of the members so appointed shall be owners of real property in the locality.
- 2-2. The term of the member representing the Town Council shall in all cases correspond to their tenure of office. Of the other members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years, and one (1) shall be appointed for a term of four (4) years, from and after the effective date of this resolution. Their successors shall be appointed for terms of four (4) years. Any vacancy in membership shall be filled by an appointment by the Council and such appointment, in the case of an appointed member, shall be for the unexpired term. Any appointed member may be removed on the grounds set forth in Section 15.2-2212 of the Code of Virginia 1950 as amended.
- 2-3. The term of a Commission member shall expire on December 31 at which meeting his successor’s term of office shall begin.

### ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1. The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson and a Secretary.
- 3-2. Nomination of officers shall be made from the floor at the regular February meeting each year. Election of officers shall follow immediately.
- 3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. Such candidate shall take office immediately and serve for one (1) year or until his/her successor shall take office.
- 3-4. Vacancies in office shall be filled immediately by Town Council appointment.

### ARTICLE 4 – DUTIES OF OFFICERS

- 4-1. The Chairperson shall be a member of the Commission and shall:
  - 4-1-2. Preside at all meetings.
  - 4-1-3. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the members present.)
  - 4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.
  - 4-1-5. Carry out other duties as assigned by the Commission.
- 4-2. The Vice-Chairperson shall be a member of the Commission and shall:
  - 4-2-1. Act in the absence or inability of the Chairperson to act.
  - 4-2-2. Have power to function in the same capacity as the Chairperson in cases of the Chairperson's inability to act.
- 4-3. The Secretary shall:
  - 4-3-1. Keep a written record of all business transacted by the Commission.
  - 4-3-2. Notify all members of all meetings.
  - 4-3-3. Keep a file of all official records and reports of the Commission.
  - 4-3-4. Certify all maps, records, and reports of the Commission.
  - 4-3-5. Give notice of all hearings and public meetings.

- 4-3-6. Attend to the correspondence of the Commission.
- 4-3-7. Prepare and be responsible for the publishing of advertisements relating to public hearings.

ARTICLE 5 – EMPLOYEES,  
CONSULTANTS, SPECIAL STUDIES

- 5-1 Upon request of the Planning Commission, the Town Council or other public officials may, from time to time, for the purpose of special studies under the direction of the Commission, assign or detail to it any members of the staffs of municipal administrative departments, or may direct any such department employee to make for the Commission special surveys or studies requested by the Commission.
- 5-1-1. In addition, the Commission may establish, upon authorization by the Town Council, an advisory committee or committees to provide unique expertise and public participation of community representatives and to assist in meeting the purpose and objectives of the Commission for the preparation of special surveys and studies. The Planning Commission shall establish a mission statement, work plan and timeline for completion of any sub-committee created.
- 5-2. The Chairperson shall be an ex officio member of every sub-committee.
- 5-3. The Planning Commission shall make recommendations and an annual report to the Town Council concerning the operation of the Commission and the status of Planning within its jurisdiction, and may prepare, publish and distribute reports, ordinances and other material relating to its activities.

ARTICLE 6 – MEETINGS

- 6-1. Regular meetings of the Commission shall be held on the second Tuesday of each month at 7:00 p.m. excluding the months of July and December. When a meeting falls on a legal holiday, the meeting shall be on the day following unless otherwise designated by the Commission. Such meetings must be held in a public building.
- 6-2 Special meetings shall be called at the request of the Chairperson or at the request of a quorum of the membership.
- 6-3 All regular meetings, hearings, records, and accounts shall be open to the public.
- 6-4 A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the members present. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

## ARTICLE 7 – ORDER OF BUSINESS

7-1. The order of business for a regular meeting shall be:

7-1-1. Call to order by Chairperson.

7-1-2. Roll call.

7-1-3. Determination of a quorum.

7-1-4. Invocation.

7-1-5. Pledge of Allegiance.

7-1-6. Public Participation

7-1-7. Review of Agenda.

7-1-8. Reading of Minutes.

7-1-9. Old Business.

7-1-10. New Business.

7-1-11. Adjournment.

7-2. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, most current edition.

7-3. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

The Chairperson shall sign all minutes, and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

## ARTICLE 8 – HEARINGS

8-1. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

8-2. Notice of special hearings shall be published once a week for two successive weeks in a newspaper of general circulation in the area not less than five (5), nor more than twenty-one (21) days before the time of public hearing.

8-3 The case before the Commission shall be summarized by the Chairperson or other member delegated by the Chairperson. Interested parties shall have the privilege of the floor. Records or statements shall be recorded or sworn to as evidence for any court of law, only after notice is given to the interested parties.

8-4 A record shall be kept of those speaking before the hearing.

#### ARTICLE 9 – CORRESPONDENCE

9-1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.

9-2. All official papers and plans involving the authority of the Commission shall bear the signature of the Chairperson and Vice-Chairperson.

#### ARTICLE 10 – AMENDMENTS

10-1. These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership of the Commission subject to review and confirmation by the Town Council after thirty (30) days notice.



## STAFF REPORT

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To: Planning Commission  
From: William Neville, Director of Planning  
Date: January 8, 2013  
Subject: Virginia Main Street

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In October 2012, Virginia state agencies presented information and programs to assist local communities in economic development. On behalf of the Town of Chincoteague and the Main Street Merchants, Laurie Walton attended to gain more information about whether the Virginia Main Street Program could benefit our downtown business district.

### **Virginia Main Street (VMS)**

VMS is an asset-based economic and community development program that follows the Main Street Four-Point Approach™, developed by the National Trust Main Street Center to help communities revitalize their historic commercial districts.

- Promotion
- Design
- Economic Restructuring
- Organization

Information regarding the VMS program and the application process for communities interested in becoming a designated Virginia Main Street community is included in the Planning Commission packet for reference.

Ms. Walton has been invited to the January 8<sup>th</sup> Planning Commission meeting to discuss the application for designation of a portion of Main Street to the VMS program, as well as other ideas to promote economic development in the downtown area.



## STAFF REPORT

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To: Planning Commission  
From: William Neville, Director of Planning  
Date: January 8, 2013  
Subject: Downtown Parking Study

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A preliminary Downtown Parking Study was prepared by Staff and reviewed by the Planning Commission and members of the public during the December 11<sup>th</sup> meeting.

As a result of discussions regarding the planned expansion of Robert Reed Park that includes additional property behind several Main Street shops and a new fishing pier, the Planning Commission moved to request additional information about the new Park Plan.

The Commission request was presented to Town Manager Ritter by Chairman Rosenberger for possible placement on the Town Council agenda for January 7<sup>th</sup>. Mr. Ritter suggested that the selection of a Park Plan by Town Council has already occurred and that additional information may be found in the meeting minutes.

Meeting minutes from the February 28, 2012 and March 1, 2012 meetings of the Town Council are attached for reference along with the concept plan options that were reviewed and approved.

Although the decision to proceed with the project, based on the approved concept plan, may be made by Town Council at their January 7<sup>th</sup> meeting, there are unresolved issues regarding the Bridge Street right-of-way and access to the Kiwanis/Rural Health parking lot that will need to be finalized as a project design moves forward.

Public comments and any additional recommendations from the Planning Commission will be considered by the Town's design consultant over the next several months.



## STAFF REPORT

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To: Planning Commission  
From: William Neville, Director of Planning  
Date: January 8, 2013  
Subject: Annual Zoning Ordinance Update

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Adoption of the 2012 Comprehensive Zoning Ordinance and Zoning Map Amendment on April 2<sup>nd</sup> was completed after several years of work by the Planning Commission and Town Council, along with active participation by the community.

Over the last year several possible corrections and new issues have been identified that have been deferred for a single annual review, rather than considering multiple zoning amendments at different times.

This report is the first of three scheduled for Planning Commission review and action with the goal to prepare a single package of recommendations for Town Council to be presented in April or May 2013.

The following zoning issues have been selected to begin the annual review process and others may be added over the next several months:

- **OLD/NEW MIXED USE BUILDINGS**
- **PARKING REQUIREMENTS IN THE OLD TOWN DISTRICT**
- **PARKING REQUIREMENTS FOR WAYSIDE STANDS**
- **RENTAL COTTAGES**
- **REVISIONS FOR A POSSIBLE PHASE 1 SEWER SERVICE AREA**

To get started, the first two issues have already been presented to the Planning Commission for general discussion at the August through December meetings. This information has been modified to include more specific recommendations for Zoning Ordinance changes.

## MIXED USE BUILDINGS

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### C-2 Old Town Commercial District



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

*The following uses shall be permitted in the C-2 old town commercial district, subject to all other provisions of this ordinance:*

**4.4.31. Residential uses above first floor commercial use.**

*(Amended 5/3/04, 4/2/12)*

A recent request for zoning information has raised several questions regarding the applicable standards for the mixed use of an existing structure along Main Street (commercial use on the first floor and residential use on the second floor). Zoning Administrator Kenny Lewis has asked that the Planning Commission consider whether the Zoning Ordinance should be amended to allow certain requirements to be waived or modified.

Several buildings along the downtown Main Street are an example of existing multi story structures where there is commercial use on the first floor and an opportunity for residential use on the upper floors.

Within the C-2 district, area regulations are provided for both commercial use and residential use that control lot area, setbacks, and building height. A mixed use building is listed under the commercial use criteria 4.4.1 through 4.4.39. (The residential criteria only apply to permitted uses listed in sections 4.4.40 thru 4.4.50). A new definition for 'mixed use building' may be necessary in Article II – Definitions.

**Sec. 2.95. Main structure/building.** *(existing definition)*

*The principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot. All garages, carports, porches, stoops, stairways, sheds, and other structures attached in any significant way to the main structure shall be considered part of the main structure. (This shall not include fences or facilities attached by means of communication cables, plumbing pipes, or other utilities and like items.)*

**Sec. 2.96. Main use.** *(existing definition)*

*The main use of a lot or building, as distinguished from a secondary, incidental, or accessory use on the same lot.*

- *A secondary, incidental, or accessory use is a use that while not necessary for utilization of the main use is a use that is customary or usual with the main use and is used directly in conjunction therewith. ~~By way of example, a single-family dwelling is a main use.~~*
- *By way of example, a single-family dwelling is a main use. A swimming pool for the use of the occupants thereof and their noncommercial personal guest is a secondary, incidental or accessory use.*
- *A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable county, state, and federal*

- regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.*
- *A gazebo-type structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure. (Ord. of 4-13-1998) (Amended 1-18-07)*

**Sec. Mixed Use Structure/Building (proposed definition)**

**A building or other structure containing a combination of two or more different principal uses. The primary use is generally located on the ground level or first floor of the building with permitted accessory uses above or to the rear of the primary use. In the case of a building with first floor commercial use, residential living space on the second floor would meet the setback requirements of the underlying zoning district for a primary commercial use.**

Parking requirements in Section 6.6 of the Zoning Ordinance are based on each type of use and there is not a standard for a mixed use building. The parking exemption contained in Section 6.6.13 is presented as a separate but connected issue. **(see next proposed zoning update)**

**Section 6.10.4.** states that whenever a nonconforming structure, lot or activity is to be changed to another nonconforming structure, lot or activity, such proposed change may only be made following approval of the Board of Zoning Appeals by special use permit or variance, as applicable. This provision may not encourage the adaptive reuse or renovation of existing buildings along Main Street and the BZA does not have review criteria to address this issue.

Modifications to individual zoning requirements that encourage mixed uses in the same building may be appropriate for existing buildings in the downtown. Similar flexibility may not be as important for new construction unless it is matching the existing character of its neighboring structures.

The Planning Commission has suggested if a change needs to be considered in the ordinance standards for mixed use buildings, it should adopt a uniform requirement for all properties if possible. **No revision is proposed at this time to provide separate criteria for new construction versus existing buildings that may have non-conforming status.**

**Staff Recommendation:** Forward the proposed revisions to the Town Attorney and Zoning Administrator for comment prior to a final recommendation to Town Council.

- a) Definition for ‘Mixed Use Building’
- b) \_\_\_\_\_ (other revision by the Planning Commission)

## **PARKING REQUIREMENTS IN THE OLD TOWN DISTRICT**

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During the public participation portion of the November 13<sup>th</sup> Planning Commission meeting, a petition was presented from the Main Street Merchants to maintain existing parking capacity that attracts customers to the downtown businesses. A particular concern for the planned design of an expansion to Robert Reed Park was discussed.

In response, the Planning Commission requested that Staff prepare a Downtown Parking Study to evaluate how many parking spaces are available compared to the requirements of the Zoning Ordinance. The parking study map and tabulation describe a quick analysis that concludes the following:

Parking provided – 475 spaces

Parking required – 760 spaces (if calculated for individual uses)

Parking required – 494 spaces (if calculated for the downtown as a whole)

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Identified need – 19 spaces minimum, 285 spaces maximum\*

(\*This analysis did not calculate parking demand for Robert Reed Waterfront Park use or special events. Some parking spaces may have restricted use)

For the short term, the Planning Commission may wish to recommend a general policy for the Comprehensive Plan that would encourage ‘no net loss ‘of parking spaces available to the public in the Downtown area, and include additional standards for the C-2 zoning district.

Zoning ordinance revisions to Section 6.6.13 may be necessary to address parking demand created by potential residential use above first floor commercial in the C-2 district, and to permit a reduced parking requirement (up to 35%) for individual uses within the downtown parking district rather than the current exemption for older structures. This section is included below for quick reference:

### Zoning Ordinance Section 6.6 – Parking (existing ordinance)

*6.6.10. If a lot is utilized for retail sales, there shall be provided on the lot one off-street parking space for each 200 square feet of retail floor space in the building and one parking space for each regular, full-time employee or full-time equivalent in the building or on the premises whose primary duties are in the building or on the premises.*

*6.6.11. Any other commercial building not listed above, built, converted, modified or structurally altered shall provide one parking space for each 200 square feet of business floor space in the building and one parking space for each regular, full-time employee or full-time equivalent in the building or on the premises whose primary duties are in the building or on the premises. (Including libraries and museums.)*

*Whenever a building or use is changed or enlarged in gross floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create*

a need under the requirements of this article for an increase in parking spaces those additional spaces shall be provided on the basis of the change or enlargement.

6.6.12. Every parcel of land used as a public parking area shall be surfaced with gravel, shells, stone, asphalt or concrete. The area shall have appropriate parking guards.

~~6.6.13. Parking spaces, as required above, shall be on the same lot as the main structure / building or use, except for any existing buildings being used for commercial purpose on or before December 3, 1979, for which off-street parking as required by this section does not apply.~~

6.6.14. Parking provided on the same lot as the main structure/building must be identified and may be restricted to customers of that particular structure / building. Parking spaces separated from the main structure/building must be identified.

6.6.x. Notwithstanding the other provisions of this article, parking in the C-2 Old Town Commercial District shall be provided at a rate of 65% of the requirements set forth if the use is located within 1,000 feet of the 'Misty Sculpture'.

6.6.x.1. Any use required to provide offstreet parking due to change in use, expansion of an existing use or new construction within the area described above, may obtain a waiver of all or a portion of the off-street parking requirement by paying an in-lieu parking fee to the Town in accordance with the fee schedule established by the Town Council for this purpose.

6.6.x.2. Payment required by this subsection shall be made to the Town in accordance with a payment plan approved by the Town Council prior to the issuance of a zoning permit. Payment shall not guarantee the availability of parking for the specific use. Funds derived from such payment shall be deposited by the Town in a special parking fund and shall be used exclusively to acquire, develop and maintain off-street public parking facilities in the designated area.

**Staff Recommendation:** Forward the proposed revisions to the Town Attorney and Zoning Administrator for comment prior to a final recommendation to Town Council.

- a) Delete Section 6.6.13
- b) New section for reduction of required parking
- c) New section for in-lieu parking fee
- d) \_\_\_\_\_ (other revision by the Planning Commission)



## STAFF REPORT

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To: Planning Commission  
From: William Neville, Director of Planning  
Date: January 8, 2013  
Subject: Water Conservation

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A work plan calendar was proposed by the Planning Commission for 2013 that included a consideration of water conservation measures as a priority for our long range planning. This issue is closely connected to the work being completed by the Wastewater Advisory Committee under the leadership of Commissioner Papadopoulos.

For discussion purposes, the following information has been collected to identify the current measures in place that may be revised, expanded, or included with a public information/outreach program.

### **Water Supply Plan**

A Water Supply Plan was adopted by Town Council in 2010 that includes statewide requirements for a Water Conservation Management Plan

### **Town Code**

The Town Code was revised in 2010 to include Water Usage Plan (Section 62-116) and Water Conservation (Section 62-130)

### **Statewide Building Code**

All new construction must meet Statewide Building Code requirements for low water use fixtures

### **Annual Drinking Water Quality Report**

Issued by mail to all Town residents in May or June each year

### **Water Conservation Tips**

(An average home uses slightly less than 200 gallons of water per day)

- Clothes washer - 21.7% of water use; 56,000 gallons/year
  - Operate only full loads and/or use correct volume settings
  - Consider replacement - old washers use approximately 41 gallons per load, while new high-efficiency machines use only 23 gallons.

- Dishwasher - 1.4% of water use; 3600 gallons/year
  - Wash full loads
  - Consider replacement - reduce by 30-50% water usage per load
- Faucet - 16% of water use; 35,000 gallons/year
  - Turn off the water running while brushing teeth, shaving, or washing
  - Catch "warm-up" water and use for plants
  - Consider installing low flow restrictors/aerators to faucets (\$2-4)
- Irrigation systems - seasonally highest domestic use; up to 100,000 gallons/year or more
  - Lawns need only 1 inch of water per week, and they don't need to be watered daily; over watering causes 85% of turf problems
  - Water at night, if possible, to reduce evapotranspiration\*.
  - Upgrade your sprinkler clock
  - Install a rain shutoff device
  - Collect rainwater with a rain bucket or cistern system with drip lines
  - Convert turf to low water-use landscaping such as drought resistant grass, plants, shrubs and trees
- Showerhead - 16% of water use; 37,000 gallons/year
  - Take shorter showers (typical shower lasts 8 minutes and uses 17 gallons; an efficient shower lasts 3 or 4 minutes and uses 7.5 gallons)
- Leaks 14% of water use; 30,000 gallons/year
  - Check for and repair toilet leaks - will waste from 30 to 500 gallons of water per day
  - Fix faucet leaks (usually a washer will work) - a gradual dripping faucet can leak up to 5 gallons of water per day
  - Irrigation systems typically leak 20-40%
- Toilet - 27% of water use; 60,000 gallons/year
  - Offset older toilets with a plastic jug of pebbles and water to minimize flushing
  - Flush less frequently