

# PLANNING COMMISSION MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

May 10, 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 April 12, 2011 meeting minutes
2. Public Hearing – Comprehensive Zoning Map and Zoning Ordinance Amendment\*
  - Introduction/Instructions
  - Staff Presentation
  - Public Comment
3. Old Business
  - 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

\*Public Hearing will be kept open for written comments submitted to the Town Office until the next regular meeting of the Planning Commission on June 14, 2011

**PLANNING COMMISSION MEETING**  
**12 April 2011**  
**MINUTES**

Members Present:

Mr. Ray Rosenberger, Chairman  
Mrs. Mollie Cherrix, Vice Chairperson

Mr. Gene Wayne Taylor

Mr. Steve Katsetos

Mr. Spiro Papadopoulos

William Neville, Planning Director

Members Absent:

Mr. Tripp Muth, Councilman

Mr. Jeff Potts

CALL TO ORDER – Chairman Rosenberger called the meeting to order at 7:00 pm and established a quorum with 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 participation portion of the meeting.

AGENDA

Chairman Rosenberger asked if there were any changes to the Agenda. Commissioner Papadopoulos moved to approve the Agenda, seconded by Vice Chairperson Cherrix. The motion was unanimously approved.

1. Approval of the March 8, 2011 meeting minutes.

The minutes as submitted were reviewed. Commissioner Papadopoulos requested a change on page 5, to include the motion made by Mr. Papadopoulos and seconded by Mr. Muth to rename the Old Town District should be added to the minutes. Chairman Rosenberger also requested that the minutes should reflect when motions are not unanimous and list those for and against. Commissioner Katsetos moved to approve the minutes as corrected, seconded by Commissioner Papadopoulos. The motion was unanimously approved.

## 2. Public Hearing – Sign Ordinance revisions for Flags, Banners and Pennants

Chairman Rosenberger requested if anyone in the audience would like to speak about the public hearing item. No public comment was received.

Town Planner Neville summarized the staff report and proposed revisions to the Sign Ordinance for Flags, Banners and Pennants for the benefit of anyone listening to the online broadcast of the meeting. Mr. Neville confirmed that required public notice of the meeting was published in the local newspaper.

Chairman Rosenberger asked if the Commission would prefer to table this item until the next regular meeting in order to allow the two members absent to participate in final discussion and voting. Vice Chairperson Cherrix moved to table the item until the next meeting, seconded by Commissioner Papadopoulos. The motion passed (For – 5, Against – 0, Absent – 2)

## 3. Old Business

- Work Plan - Zoning Map/Districts

Chairman Rosenberger discussed the zoning maps and information that is ready for public hearing. Commissioner Taylor asked about his recommendation to extend the C-3 Corridor Commercial District along the east side of Deep Hole Road to include the corner parcel at Chicken City Road.

Mr. Neville replied that the zoning map had been updated to include other Planning Commission recommendations that were based on general criteria and strategies that applied to all parcels in Town. He recommended that specific changes in zoning for individual properties should be requested by the landowner or interested person at the public hearing so that it may be recorded and considered as part of the public review process.

Commission members discussed the potential use of the referenced corner parcel for a public use such as a new fire/rescue station.

The proposed schedule for public hearing and information regarding the zoning revisions was reviewed and confirmed so that required notification could proceed.

Commissioner Papadopoulos asked about the color scheme of the Zoning Map and whether the standardized land use colors were being used. Mr. Neville agreed to correct the selected colors to match between the two maps and adopt the standardized mapping colors for zoning and land use maps. Discussion continued.

Revisions to the Zoning Ordinance text, including table of contents and noise standards, were reviewed again by Mr. Neville before advertising for public comment.

Chairman Rosenberger noted that a quick briefing of the Town Council will be made on April 21<sup>st</sup> at the 5pm workshop.

- Work Plan - Sign Ordinance

No new information was provided by Staff following Planning Commission review of the maximum height for building mounted wall signs at the March 2011 meeting.

Commissioner Taylor pointed out that the maximum 12 foot height has a very different effect on existing buildings built at ground level and new buildings that are required to be constructed with a higher first floor above base flood elevation. In some locations, as much as 4 feet from surrounding ground elevation taken away from the permitted 12 foot height.

Chairman Rosenberger reviewed the decisions that went into the current sign ordinance as a result of a community survey and extensive public input. The basis for establishing the 12 foot height was primarily to maintain a residential and pedestrian scale to commercial signage that would maintain the image and character of Chincoteague.

There was discussion about whether each case should be reviewed by the BZA as a variance or whether the sign ordinance should be revised to include some flexibility in sign height. There was general agreement that this should not be a regular item decided by the BZA.

Commissioner Taylor commented that there are locations in Town where it would be appropriate for signs visible from vehicles instead of just pedestrians. Commissioner Katsetos stated that higher signs should be allowed because architecturally all buildings are not the same.

Commissioner Papadopoulos expressed his opinion that the 12 foot height limit should not be increased because it would fundamentally change the image and character that makes Chincoteague unique.

Vice Chairperson Cherrix made the case that visitors coming into Town do not need to see the kind of signs that you would install along an interstate highway and signs that are too tall cannot be seen inside a car driving through Town anyway. Some flexibility for measuring from flood elevation rather than existing ground may be okay.

Chairman Rosenberger recalled the presentations made by the planning expert Ed McMahon who recommended lower signs that actually allow more people to see them. There was more consideration of allowing the measurement of sign height to begin at base flood elevation so that wall signs could be as high as 16 feet but not any higher and not up in the gable. Commissioner Taylor thought that this may be a helpful compromise approach.

Chairman Rosenberger suggested that this item should come back up at the next business meeting when the entire Planning Commission membership could be included in recommending a solution. The benefit of additional sign height to Town businesses was debated by the Commissioners.

Commissioner Katsetos expressed a concern for establishing a fair standard given the number of existing buildings in Town with signs that exceed the new 12 foot limit. Commissioner Taylor made the case for supporting the needs of businesses and the next generation of business owners who are trying to be successful in Chincoteague.

Discussion continued about the need to find a good solution for directional signs and off site signs.

4. New Business

- None

5. Commission Member Announcements or Comments

- None

ADJOURN

Councilman Katsetos moved to adjourn the meeting, seconded by Commissioner Taylor. 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 29, 2011

Subject: Public Hearing – 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 coordinate with the planning areas and limit any change in property development rights by using existing zoning regulations.**

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 for public information and hearings was adopted and public notice provided.**

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. Generally 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 areas surrounding Chincoteague Island that are 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:**

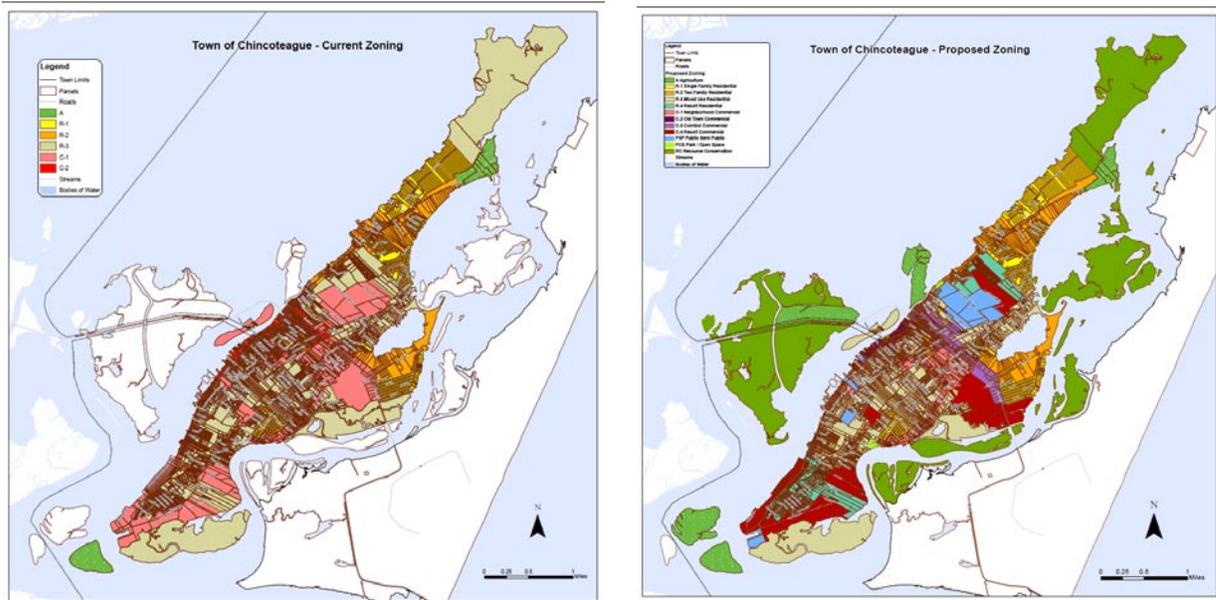
Public information display, presentations, advertisement	April/May 2011
Planning Commission Public hearing	May 10 <sup>th</sup> and June 14 <sup>th</sup> 2011*
Town Council Public hearing	August/September 2011*

\*public comment period to remain open between hearings

**PROPOSED ACTION: Consider Public Comment on Draft Zoning Maps, and Amended Zoning Ordinance. Prepare recommendation to Town Council for possible revisions and/or approval.**

Following review of this staff report and public comment, the Planning Commission may determine that additional information or revision is required before recommending approval to the Town Council, or may prepare a recommendation for presentation at the next Town Council meeting.

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



- Redline Changes to the Zoning Ordinance are attached.



## STAFF REPORT

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To: Chincoteague Planning Commission  
From: Bill Neville, Director of Planning  
Date: March 8, 2011 (Updated May 10, 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 as well as several applications for wall signs that have been recently submitted to the Town for approval. His recommendations for Planning Commission review included the following issue:

- Increase the maximum allowable height of commercial wall signs from 12 feet, to a height not to exceed the primary structure, and mounted on the wall beneath the eaves of the roof. 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

The following proposed ordinance revisions have been shown as ‘redline’ corrections as suggested by Staff:

## Zoning Ordinance Article VII Signs

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### SECTION B. STANDARDS AND CRITERIA

#### **Sec. 7.11. Generally.**

The regulations in this section specify the number, types, sizes, heights and locations of signs which are permitted within the jurisdictional boundaries of the Town of Chincoteague and which require a permit. Any sign regulations incorporated into a development plan approved by council may supersede all or part of this section. Unless otherwise provided in this chapter, all signs shall be set back a minimum of ten feet from the right-of-way, unless attached to a building without any ground supports, in which case it shall conform with the required size restrictions and not protrude into any right-of-way unless a land use permit is obtained from the Town of Chincoteague. All permitted signs in this chapter shall only advertise those uses being conducted on the premises on which they are displayed.

7.11.1. Determination of sign area. In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

7.11.2. Determination of sign height. The height of a sign shall not exceed 12 feet in height. The height of all signs shall be the distance from the grade level where the sign is erected, or base flood elevation whichever is greater, to the top of the sign. ~~or, whichever is greater.~~ No sign shall be erected that will obstruct the sight distance triangle at any street intersection. Roof signs shall be excluded from Section 7.11.2.

(Optional: Wall mounted signs for a primary structure may exceed 12 feet in height if they remain completely below the eaves of the roof and do not exceed the building height.)

7.11.3. Sign Illumination.

(1) Externally lit signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.

(2) External illumination for signs and outdoor advertising structures in which electrical wiring and connections are to be used shall require a permit and shall comply with the Virginia Uniform Statewide Building Code and approved by the building inspector.

(3) The fixtures and source(s) of illumination used to illuminate signs shall not be directed toward nearby residential properties.

(4) Illumination of a grandfathered off premise sign is prohibited.

7.11.4. Installation of wall signs. All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 18 inches.

7.11.5. Other uses. In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the zoning administrator shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application. (Ord. of 4-4-1994)

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## Sample Building Mounted Signs

