

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

March 12, 2013 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES

1. Approval of the February 12, 2013 meeting minutes
2. Sign Ordinance
 - Multiple businesses on the same parcel
3. Annual Zoning Ordinance Revisions
 - Determination of dwelling unit type (Yurt)
 - Wayside stands
4. Information/Discussion Items
 - Ordinance Committee/Pony Penning and Special Events
 - CEDS Economic Development Report
5. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN

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PLANNING COMMISSION MEETING 12 February 2013 MINUTES

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Mollie Cherrix, Vice Chair
Mr. Tripp Muth, Councilman
Mr. Michael Dendler

Mr. Jeff Potts
Mr. Spiro Papadopoulos

William Neville, Planning Director

Members Absent:

Mr. Steve Katsetos

CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 pm in the Council Conference Room.

The invocation was provided by Chairman Rosenberger, followed by the Pledge of Allegiance led by Chairman Rosenberger.

PUBLIC PARTICIPATION

Two (2) members of the public were present. There was no comment at this time.

AGENDA REVIEW/DISCLOSURES

Chairman Rosenberger asked for approval of the agenda. Commissioner Papadopoulos disclosed a phone conversation and meeting with Todd Burbage regarding the Fairfield Inn to discuss project signage. He indicated that the applicable section of the Zoning Ordinance was provided for information. Commissioner Dendler moved for approval of the agenda as amended, seconded by Councilman Muth. The agenda was unanimously approved.

1. Approval of the January 8, 2013 meeting minutes

Commissioner Potts moved to approve the minutes as presented, seconded by Commissioner Papadopoulos. The motion was unanimously approved.

2. Annual Zoning Ordinance Review

■ **Vacation Cottages**

Town Planner Neville presented a summary of the staff report that describes several small housing types. Zoning Administrator Lewis has requested Planning Commission review and direction regarding how they

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should be defined in the Zoning Ordinance. One of the main concerns is whether the structure will be inspected and will meet building codes before a zoning/occupancy permit can be granted. The example of a small cabin built on a trailer was discussed. Mr. Neville indicated that this type of mobile cabin meets the zoning definition of a travel trailer and is currently permitted on Chincoteague in approved travel trailer parks only as temporary housing. Based on minimum dimensions, they do not meet the definition of a mobile home and would not be allowed in a mobile home park.

For small houses and cabins that would be built on a permanent foundation, they must meet Virginia Building Code standards, and follow the normal process of plan approval, building permit, construction inspection and approval. This is true whether they are 800 square feet or 2,800 square feet. Minimum building code standards included in the staff report were reviewed.

Mr. Neville suggested that tiny homes may provide an affordable housing solution, and yet the design, quality of materials, and repetition of them should be managed through the zoning and subdivision ordinances, and possibly with architectural/site design standards or guidelines.

Several possible ordinance revisions were discussed. Mr. Neville indicated that this topic was presented as an information item since there was not a specific request or need identified at this time.

Ms. Lynne Ballerini spoke to the Commission about her client who wished to construct a 1,200 square foot 'yurt' or round cabin style home on an individual lot in Town. She indicated that Mr. Lewis thought this issue may require Planning Commission review. The home has plans prepared from an out of state company that can send 'pre-fabricated' sections for assembly or construction on-site.

Councilman Muth asked several questions about the home construction. Ms. Ballerini confirmed that the home would be built to flood elevation standards on a permanent foundation.

Commissioner Papadopoulos returned to the discussion of a cabin built on a trailer that does not meeting building code standards and asked if the proposal was to allow this in Chincoteague. Commissioner Potts confirmed that as long as it remains on the trailer, it is considered personal property. Other examples were identified such as a boat on a trailer that could be lived in, except for the definition of camping unit, and the restrictions on 'camping' found in Section 6.7.1.

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Chairman Rosenberger stated that the Zoning Ordinance provisions cover most of these examples and seem to be adequate for the housing types discussed. Ms. Ballerini asked again about the 'yurt' or 'tiki hut' style home and said that Mr. Lewis was concerned about whether the kit construction would meet 120 mph wind standards, and whether the room sizes would meet building codes.

Councilman Muth suggested that a 'kit home' delivered in pieces could be inspected and constructed to meet building codes, and then there may not be a problem. There was discussion about building materials, designed or engineered plans and recommended construction methods. Commissioner Papadopoulos mentioned that the plans should be prepared by a state certified architect or engineer in Virginia.

Mr. Neville advised that for most examples of small houses, existing regulations are adequate. In the case of cabins or travel trailers that would normally be defined as temporary housing that is only permitted in approved campgrounds or travel trailer parks, the Planning Commission should consider carefully the unintended consequences of allowing these units to be placed on a foundation and made permanent.

Chairman Rosenberger added his concern about both flooding and fire damage potential with temporary housing units. Councilman Muth discussed a scenario where an 8' x 16' utility shed could be modified according to engineered plans to meet local construction standards and be placed on a permanent foundation as a guest house. *(This would likely not meet the current zoning ordinance definition for a dwelling unit that requires living space, sleeping space and permanent facilities for eating cooking and sanitation)*

Commissioner Papadopoulos returned to the question of a 'yurt' and the cables that support the structure. After more discussion, Ms. Ballerini offered to print some information and bring it back for the Commission to review. Commissioners continued to discuss the potential for new housing types with the redevelopment of existing trailer parks or campgrounds.

Ms. Ballerini returned with 3 examples of 'yurt' home designs and stated that some have canvas sides and some have regular wood framing and siding. Her client is interested in regular wood siding.

After review and discussion, Chairman Rosenberger stated that he would meet with Mr. Lewis to discuss his concerns and would place this item on the agenda at next month's meeting for further consideration.

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■ Doggy Day Care

Zoning Administrator Lewis has received several questions about whether a 'doggy day care' use is permitted in the Town of Chincoteague. So far, he has determined that the closest use is a Commercial Kennel which is only allowed in the A-Agriculture zone, and that it would be necessary to request a Conditional Use Permit from the Town Council.

Mr. Neville described the current franchise business for 'doggy day care' that typically locates in an industrial or retail building, with limits on the number of animals, outside play area, hours of operation, etc. In many locations this use requires a public hearing and special approval on a case by case basis with conditions in order to address the unique impacts that it will have on adjoining property. A property on Deep Hole Road was used as an example for further discussion.

Options for approving the use were presented including a conditional use permit (\$1,500) to the Town Council, a special use permit (\$450) to the BZA after the adoption of use regulations in the zoning ordinance, or allow in one or more districts (C-3) with the adoption of use regulations.

Commissioners discussed the balance of convenience for dog owners versus the impact on adjacent homes and businesses from noise, odor, etc. In general, it was agreed that the use should only be allowed for certain sites and not permitted anywhere within a certain zoning district.

Councilman Muth suggested allowing the use by special or conditional use permit. Commissioner Papadopoulos believed that Chincoteague's characteristic neighborhoods which mix residential and commercial activity is not well suited for this type of use. Restrictions on pets at the Island hotels and motels, nature trails and the Refuge/Seashore typically encourage visitors to make other arrangements for their pets before they vacation.

Commissioner Potts compared the potential impacts of a doggy day care to ponies, other animals and wildlife that are currently kept by property owners. The adoption of criteria regarding animal noise and sanitation for one use may generate other concerns.

The Commission agreed to recommend that the Zoning Administrator should consider the described 'doggy day care' use as a unique use with specific impacts to neighboring properties that should to be considered one case at a time under the conditional use permit process.

3. Information/Discussion Items

■ **Communication Towers**

An information item was presented by Town Planner Neville about the Broadband Committee decision to recommend Eastern Shore Communications as the internet service provider who will utilize an agreement with ESVBA for a 1 year incentive program. This may lead to the installation of communication equipment in various locations on the Island to boost wireless signal strength.

Mr. Neville suggested that the Commission may want to review Town Ordinances to see if there is any control over commercial communications equipment, towers and poles and consider whether any standards are necessary similar to those adopted for the wind energy ordinance.

Councilman Muth raised the question of whether commercial communications towers would need to be on private or publicly owned property if they serve more than an individual owner, and what liability coverage is needed. No action was taken.

■ **Sign Ordinance**

A business owner request from the last Town Council meeting was presented by Mr. Neville as an information item: Two locations were identified where more than one business are located on the same parcel of land and are constrained by the sign ordinance limit on the number of signs per parcel (instead of per business). Town Council requested that Building and Zoning Administrator issue a report on these signage issues. Mayor Tarr indicated that he may forward the issue to the Planning Commission after the March 4th Council meeting.

Chairman Rosenberger stated his concern that sign ordinance issues often are presented to the Town Council as an exception rather than just following the Ordinance that has been adopted.

Councilman Muth added that the Sign Ordinance is the result of a tremendous amount of community effort that took place over the last 5 years and is generally accepted. He continued to describe the Council's role to govern for the benefit of the entire Town, not just for individual needs or complaints as they are presented.

Commissioner Papadopoulos supported the current sign ordinance and then described one of the questions from Mr. Burbage regarding the ability to combine permitted sign area for waterfront parcels with the area permitted along the street frontage. Chairman Rosenberger stated that this

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issue came up with Comfort Suites and was interpreted by the BZA to allow flexibility as long as the signs are not contiguous. Discussion continued about site construction and a proposed noise ordinance revision that will be considered by the Ordinance Committee.

4. Commission Members Announcements or Comments

Town Planner Neville indicated that a draft Event Calendar has been prepared by Town Manager Ritter, and included in the packet, that incorporates information from all major organizations. This is provided as a visitor resource on the Town Website and as a planning tool. Mr. Neville reported on strategic plans and tourism plans that are underway by the Chamber and State Tourism Corporation, as well as the Town Comprehensive plan sections that address economic development.

With this work pending, he recommended that it may not be necessary at this time for the Planning Commission to host a tourism planning summit or prepare a recommendation for Town Council as discussed at a previous meeting.

An information sheet was handed out by Mr. Neville describing the mission of the Chincoteague Center. Commissioners briefly discussed the general priorities of the Center with Ms. Ballerini.

Chairman Rosenberger asked for Commissioner comments and mentioned the report made to Council from the Wastewater Advisory Committee.

The next meeting is scheduled for March 12, 2013.

ADJOURN

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

Mr. Raymond R. Rosenberger Sr., Chairman



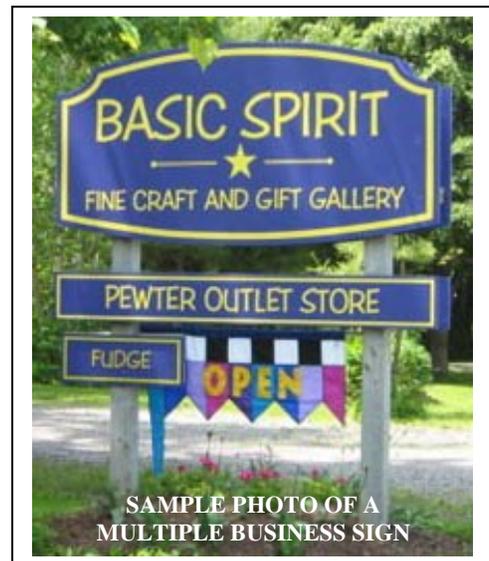
STAFF REPORT

To: Planning Commission
From: William Neville, Director of Planning
Date: March 12, 2013
Subject: Sign Ordinance – Multiple Businesses

Sign Ordinance

7.2.47. Sign.

Any device which is visible from a public byway, and all supporting poles, brackets, braces, wires, foundations, etc., that displays letters, characters or graphics to identify a land use or is meant to attract the public's attention. Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts of combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one square foot in area is excluded from this definition.



Background

At the end of the Town Council meeting on March 4th, Mayor Tarr asked the Planning Commission to review the attached memo from Zoning Administrator Kenny Lewis regarding a sign permit request, and to prepare a recommendation for the next Town Council meeting. Existing sign ordinance sections are included in the staff report for easy reference.

Mr. Lewis has described two situations where the maximum signage per parcel has already been installed for one business, and now there is an additional business on the same parcel which requests signage. The relevant sections of the ordinance for Commercial Districts include:

- Existing non-conforming signs shall not be enlarged, or structurally altered except to bring them into conformance with the ordinance (Sec. 7.7)
- Freestanding signs are limited to one per lot, maximum area of 64 square feet/12 feet high (Sec. 7.13.1.7)
- The number of signs shall be limited to two (2) per business, total square footage shall not exceed 100 square feet (Sec. 7.13.1)
- Two additional signs shall be permitted, maximum of 25 square feet each if the building fronts upon more than one public right-of-way or waterfront (Sec. 7.13.1)

Example #1

(photo)

Example #2

(photo)

Consideration of Alternatives

The Planning Commission is currently working on an annual review of the Zoning Ordinance in order to prepare recommendations for possible changes that address problems documented by the Zoning Administrator over the last year since the new zoning districts were adopted. A previous review of the sign ordinance (2011) identified minor changes that were adopted by the Town Council for building mounted sign height and banners.

Before alternative zoning solutions are considered for the issue of multiple commercial buildings on a single parcel, the Commission may wish to establish several findings or justifications such as:

1. Consideration of these requests may be warranted to promote economic development and private investment by encouraging multiple businesses on the same property.
2. An evaluation of zoning principles may provide a test of whether the requested signage would meet existing criteria in another similar situation (e.g. if the property was subdivided).
3. Property owners have the responsibility to make business decisions in accordance with the zoning ordinance, however they may not have the ability to modify existing signage to advertise a second business within current zoning limitations.
4. A revision or interpretation of the sign ordinance to remedy a unique set of circumstances must be narrowly defined because it may have unintended consequences when applied broadly to other areas of Town.

Several possible revisions to the sign ordinance are proposed below for discussion.

7.7.1. A nonconforming sign lawfully existing at the time of adoption or subsequent amendment may continue although such a sign does not conform to the provisions of this ordinance; however, it shall not be enlarged, or structurally altered in any way excluding general maintenance, except to conform to the requirements of this chapter. Signage for a secondary business on the same property may be added to an existing non-conforming sign.

7.13.1. The number of signs shall be limited to two (2) per business not including incidental, directory or directional signs unless otherwise noted. Total square footage area of all permitted signs upon any one lot shall not exceed 100 square feet in area for the primary business, unless noted otherwise. Two additional signs shall be permitted for the primary business and each secondary business located in a separate building, maximum of twenty five (25) square feet each if the building fronts upon more than one public right-of-way or waterfront, or is served by a separate street entrance. Sign bases without commercial messages are not included in the sign area. Sign bases are included in the overall height.

7.13.1.2. B Buildings-Parcels occupied by more than one business. The total combined area of all Signs shall not exceed one square foot for each foot of building width facing such lot linestreet frontage, or one hundred square feet whichever is less, however, no sign can exceed 64 square feet in area and shall not exceed 12 feet in height. In addition to the maximum allowed combined total area permitted for each business in a multi-business buildingparcel, there shall be permitted one additional wall free standing sign or projecting sign, not to exceed 20 square feet for business identification.

7.13.1.7. Freestanding signs. Shall be limited to one per lotbusiness, maximum area of 64 square feet in area and not exceeding 12 feet in height. Each building must incorporate its legally assigned street number into its freestanding sign. Freestanding signs shall not be placed within the established sight distance triangle. The height of a freestanding sign shall be determined from existing grade of a radius not to exceed six feet out from the support system of the freestanding sign.

Staff Recommendation

Staff recommends that the Commission consider these issues and select none, one or several Ordinance revisions to include with a recommendation for action by Town Council.

Applicable Sign Ordinance Sections

Sec. 7.13. Commercial districts.

Within commercial districts all allowed business signs require a permit. All signs must conform to the following criteria:

7.13.1. The number of signs shall be limited to two (2) per business not including incidental, directory or directional signs unless otherwise noted. Total square footage area of all permitted signs upon any one lot shall not exceed 100 square feet in area unless noted otherwise. Two additional signs shall be permitted, maximum of twenty five (25) square feet each if the building fronts upon more than one public right-of-way or waterfront. Sign bases without commercial messages are not included in the sign area. Sign bases are included in the overall height.

7.13.1.1. Buildings occupied by a single business. The total combined area of all signs shall not exceed one square foot for each foot of building width or one hundred square feet, whichever is less, however no one sign can exceed 64 square feet in area, not including the sign base, and shall not exceed 12 feet in height.

7.13.1.2. Buildings occupied by more than one business. The total combined area of all Signs shall not exceed one square foot for each foot of building width facing such lot line, or one hundred square feet whichever is less, however, no sign can exceed 64 square feet in area and shall not exceed 12 feet in height. In addition to the maximum allowed combined total area permitted for each business in a multi-business building, there shall be permitted one additional wall sign or projecting sign, not to exceed 20 square feet for business identification.

7.13.1.3. Multiple incidental and directory signs. Signs on the interior of a lot shall be allowed and do not require a permit. The square footage of these signs is not counted as part of the total area permitted. Such signs must relate to the business being conducted on the lot and such signs shall not be advertising for business located off premise.

7.13.1.4. Signs hung on marquees. No sign shall be hung on a marquee, canopy, awning or portico if such sign shall extend beyond the established street line. The area of any such sign shall be included in determining the total area of signs erected or displayed.

7.13.1.5. Signs, advertising occupants, etc. Signs advertising only the name of the occupant of a store, office or building, the business or occupation conducted or the products sold therein may be placed on show windows; provided, that not more than 30 percent of the area of such windows shall be covered.

7.13.1.6. Roof and mansard facade signs. Shall not exceed 32 square feet in sign area. The total area shall be included in the total area of signage permitted in this section and shall not be in addition thereto. Signs on Mansard facade shall not extend above the highest point of the Mansard facade. Roof Signs shall begin one foot from roof edge and not extend more than four vertical feet from that point.

7.13.1.7. Freestanding signs. Shall be limited to one per lot, maximum area of 64 square feet in area and not exceeding 12 feet in height. Each building must incorporate its legally assigned street number into its freestanding sign. Freestanding signs shall not be placed within the established sight distance triangle. The height of a freestanding sign shall be determined from existing grade of a radius not to exceed six feet out from the support system of the freestanding sign.

7.13.1.8. Window sign. A window sign shall be considered as a wall sign, and shall not exceed more than 30% of the window area in which they are displayed and shall not be placed higher than ten (10) feet above the entrance of the door sill plate. Such signs shall be limited to a maximum combined area of 64 square feet total and shall not exceed ten (10) feet in height.

7.13.1.9. Flags, Commercial. Two flags, displaying a commercial message, per lot maximum each limited to an area of 15 square feet. Flags must be mounted securely to a wall or from a permanent flag pole. A home occupation is allowed one flag with a commercial message no greater than 15 square feet. Flags not exceeding 15 square feet in area and displaying an art design which reflects merchandise sold on the premises without any commercial wording, or “open and welcome flags” are exempt.

(Amended 04-06-09)

7.13.1.10. Projecting signs. Projecting signs shall be permitted on any street frontage limited to one (1) sign per occupancy along any public road or parking lot frontage with public entrance to such occupancy and shall be limited in height of twelve feet and limited in area to six (6) square feet. Such sign shall maintain a vertical clearance from the sidewalk, adjacent to said occupancy, a minimum of nine (9) feet and shall not extend beyond the outside edge of the public sidewalk. If such sign extends over the right-of-way, a Land Use Permit is required. Maximum square footage is six (6) square feet.

7.13.1.11. Changeable letter signs. Manually changeable sign(s) shall be permitted when included within the sign area and built as an integral part of the business identification sign(s). Area of the changeable letters portion of the business identification sign(s) shall not exceed fifteen square feet or one third of the total area of the sign(s) whichever is less. The total area of the changeable letter area shall be included in the total square footage of the sign area permitted for a business or shopping center and shall meet all height restrictions for signs. Nonprofit and charitable organizations shall be permitted stand alone changeable letter signs which conform to Section

7.4.2. Temporary signs nonprofit and charitable organizations.

7.13.2. Gasoline stations. Automobile service, convenience stores and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile and service and gasoline stations:

7.13.2.1. Changeable fuel price signs. Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be excluded in the sign area for the business.

7.13.2.2. Gas pump signs. Each gas pump shall be permitted a total of 1.5 square feet of sign area to identify the product dispensed. (Gas pump signs shall not apply to total square footage of sign area permitted.) Canopy’s that are used to cover fuel pumps may extend 20 feet in height and may include the name of the brand of fuel upon the canopy, however this advertisement shall not cover more than 50% of the each side of the facing of the canopy.

7.13.3. Office and/or industrial centers. Office and/or industrial centers at least one acre in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:

7.13.3.1. Center identification signs. One monument sign per public street frontage, identifying the name of the center only and not exceeding 32 square feet in area and six feet in height.

7.13.3.2. Individual establishment signs. Each individual establishment within an office and/or industrial building may erect one wall sign of a size which does not exceed a maximum of 16 square feet in area. The top of the wall sign shall be located below the roof line and at a height no greater than 12 feet above the ground.

7.13.3.3. Directory signs. Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed 16 square feet in area and six feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.

7.13.3.4. Theaters. Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy letter board displaying the name and time of the current motion picture or theatrical production. (Ord. of 4-4-1994)

Article VII. Amended 6/19/08.



STAFF REPORT

To: Planning Commission
From: William Neville, Director of Planning
Date: March 12, 2013
Subject: Determination of dwelling unit type - Yurt

Zoning Administrator Kenny Lewis has requested Planning Commission review and direction regarding a different housing type and how it should be defined in the Zoning Ordinance. If it is built as a 'kit home' on a permanent foundation, the main concern is whether the structure will be designed and inspected to meet building codes before a zoning/occupancy permit can be granted.

Ms. Lynne Ballerini spoke to the Planning Commission on February 12, 2013 about her client who wishes to construct a 1,200 square foot 'yurt' or round 'tiki hut' style home on an individual lot in Town. She indicated that the home has plans prepared from an out of state company which sends 'pre-fabricated' sections for assembly or construction on-site.

Ms. Ballerini stated that the home would be built to flood elevation standards on a permanent foundation with solid wood frame panels. She believed the kit construction would meet wind standards, and room sizes would meet building codes.

Other yurt homes were described with fabric sides similar to tents, cabins or travel trailers that would normally be defined as temporary housing. This type of structure is only permitted in approved campgrounds or travel trailer parks.

Staff recommends that the Commission consider these issues and add any possible Ordinance revisions to a list of updates for an annual amendment process in March or April of 2013. Possible ordinance section changes will be provided at the meeting for review.

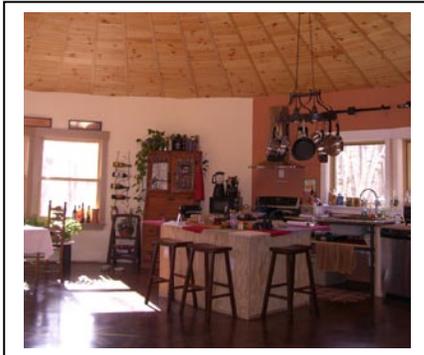
Yurt (Temporary Housing)

Sec. 2.31. Camping unit.

Tents, tent trailers, travel trailers, camping trailers, pickup campers, motor homes or any other device or vehicular-type structure as may be developed, marketed and used by the camping trade for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.

Sec. 6.7. Camping Units.

6.7.1. No camping unit as defined under § 2-31 hereof shall be occupied, stored, parked, or otherwise used on any parcel of real estate situated within the town in any zone or district outside of a campground having all requisite permits, except as herein expressly excepted. Any such exception shall be applicable to all districts within the town.



Yurt (Permanent Housing)

Sec. 2.56. Dwelling.

Any structure which is designed for use as permanent dwelling unit.

Sec. 2.57. Dwelling unit.

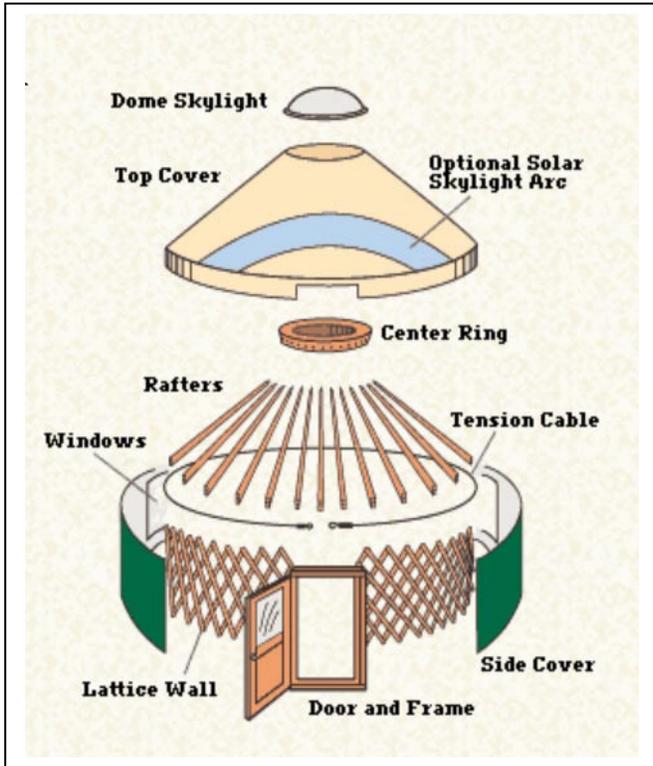
A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. One dwelling unit consists of sleeping space, a sanitation system and kitchen facilities.

A dwelling unit is living space for one family or a household; however, a single dwelling unit may be set up to serve several unrelated individuals, as in the case of a boardinghouse or a bed and breakfast.

A dwelling unit may be part of a building containing two or more dwelling units or it may be a detached building for a single family.

How do yurts fit into building codes?

Yurts are versatile structures that can be used for many different things. Variables such as the size and use of the yurt as well as the site can help determine if the yurt will require a permit and what type of permit may be needed. In some cases the yurt has been considered a temporary structure, while in others it has been considered a permanent or semi-permanent structure. The yurt is often classified as an auxiliary building, studio or recreational structure, not as a single-family dwelling. For specific information on building codes in your area you may want to contact your local building official. Structural engineering has been performed on the prototype Pacific Yurt (to determine their design snow and wind load capacities based on Uniform Building Code and International Building Code structural standards) and is available for assistance in permitting at your specific site if needed. Several structural engineers around the U.S. have experience preparing calculation and drawing packages for permit. Pacific Yurts is not affiliated with these engineers, but can provide contact information if you wish to retain an engineer for your installation. (<http://www.yurts.com/what/default.aspx>)



TEMPORARY



PERMANENT



STAFF REPORT

To: Planning Commission
From: William Neville, Director of Planning
Date: March 12, 2013
Subject: Wayside Stands

Wayside Stands

*Sec. 2.179. Wayside stand/market, roadside stand.
Any structure open on at least one side or land used
for the sale or resale of products used by individual
purchasers.*



Zoning Administrator Kenny Lewis has identified the need to establish parking criteria for wayside stands and has requested that the Planning Commission include this during the next Ordinance update.

Current criteria for retail uses require one space per 200 square feet of building plus one per employee. For many of the small seasonal markets where a wayside stand has been permitted, it is possible to share parking and safe access to the street with an adjacent business. In other locations, there will need to be a way to establish a minimum number of spaces for the public and then estimate or adjust the number based on use.

Home Occupation uses are required to have a minimum of 2 spaces per business. It seems reasonable to require the same of small wayside stands. Woody's Barbeque is an example of a very successful wayside stand that requires a significant number of parking spaces which cannot be easily estimated from building size or number of seats.

~~6.6.10.1. If a dwelling includes a home occupation For any wayside stand~~ which has direct sales, a minimum of two off street parking spaces must be provided for the ~~dwelling unit~~customers, and an additional ~~one~~two off-street parking spaces must be provided for ~~the home occupation~~each employee. Parking shall be identified by either signs or bumpers. ~~If more than one home occupation is located within a dwelling unit then two additional off street parking spaces shall be~~

~~provided for each home occupation. If a lot is utilized for outdoor food service purposes the following regulation shall apply: one space per four persons rated capacity.~~

Staff recommends that the Commission consider these issues and add any possible Ordinance revisions to a list of updates for an annual amendment process in March or April of 2013.



MEMORANDUM
Town of Chincoteague Inc.

Date: March 12, 2013
To: Planning Commission
From: William Neville, Town Planner
Subject: Possible Revision of Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations, Sec. 18-95. Special event vendors, carnivals, and circuses.

Town Council considered the following report from the Ordinance Committee at their last meeting. Town Attorney Poulson recommended if the Pony Penning Sales section of the Code is moved to and combined with Special Events, then the Zoning Ordinance would need to define 'special events' and list them as a permitted use in specific zoning districts.

This item is provided as an information item and has been referred back to the next Ordinance Committee meeting for further discussion. No action is required at this time.

Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations

Sec. 18-95. Special event vendors, carnivals, and circuses.

(a) *Special Event License. The Special Event License shall be \$60.00 (Special Event Coordinator License: The special Event Coordinator License shall be \$6,000. It shall be the coordinators responsibility to give to the Town a list of all vendors within 3 working days of the event)*

(b) *Anyone with an established town business license is exempted from the Special Event License fee. An established town business license shall mean a business that has a permanent location within the town limits and operates 90 day's per year.*

(c) Notwithstanding the provisions of Sec. 18-91 and Sec. 18-92 and the license requirements enumerated therein, any person, firm, or corporation engaged as an itinerant vendor or operating a carnival or circus at a special event

conducted or sponsored by a local “charitable nonprofit organization” or a local nonprofit organization, as herein defined, or the Chincoteague Recreation and Convention Center Authority shall be exempted from such license tax, unless such person, firm, or corporation is otherwise required to be licensed in accordance with Chapter 18.

(d) A “Special Event” for purposes of this section shall be an event which is conducted for a limited number of days not exceeding fourteen (14) in any calendar year.

(e) A local “charitable nonprofit organization” for purposes of this section shall mean an organization which is described in Internal Revenue Code §501(c)(3) and to which contributions are deductible by the contributor under Internal Revenue Code §170, except that educational institutions shall be limited to schools, colleges, and other similar institutions of learning, and a majority of such organization’s receipts are utilized, directly or indirectly, within the Town of Chincoteague.

(f) A local nonprofit organization means an organization exempt from Federal Income Tax under Internal Revenue Code §501 other than a charitable nonprofit organization, and the majority of such organization’s receipts are utilized, directly or indirectly within the Town of Chincoteague.

(g) Anyone selling prepared food as defined in the town’s meals tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such Special Event license, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted within 30 days from the end of the event. Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to the licensee upon computation of the actual tax due and payable as determined by such sales. Town established businesses that sell prepared food are exempt from the \$500.00 deposit as long as they currently report such activity on a monthly account.

(h) All Special Event License must be secured eight days prior to the Saturday preceding the event. The license shall be displayed at the sale location for the entire length of the sale.

(i) A Special Event License is required for conducting Pony penning sales in the town

(1) Yard sales are prohibited the Saturday preceding Pony Penning day, until the Saturday after the Pony penning event.

(2) *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the

Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered a business and must comply with all applicable zoning and business licensing requirements.

(Adopted 02-07-05, Amended 03-06-06, Amended 03-04-13)

Sec. 18-96 Pony Penning Sales

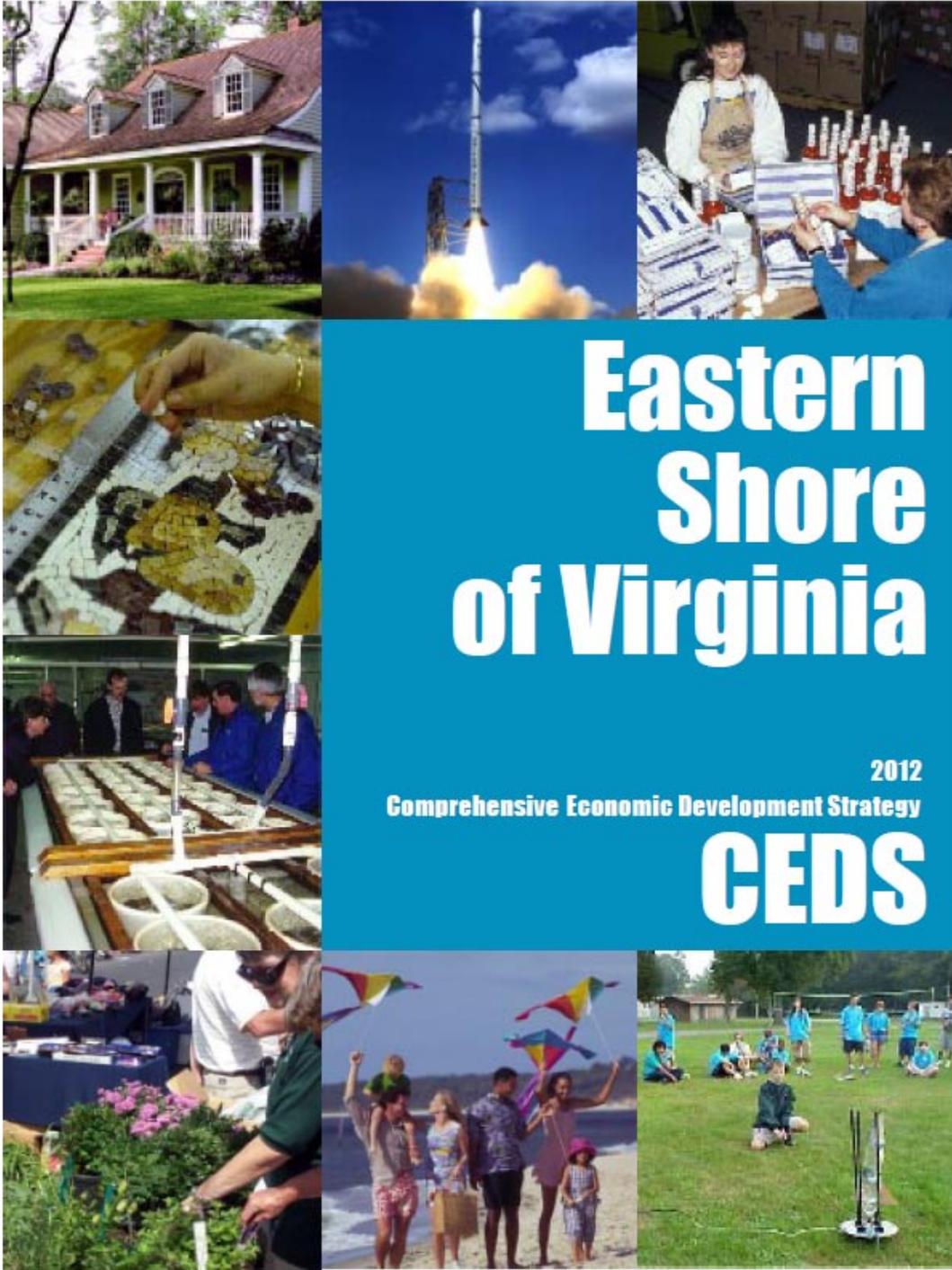
- ~~(a) *Generally.* Pony Penning sales is herein defined in this ordinance to mean and include all general sales within the town, that are open to the public during the event.~~

- ~~(b) *Permit.* A permit is required for conducting Pony penning sales town and must be secured eight days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale. Yard sales are prohibited during the event.~~

- ~~(c) *Permit fee.* The permit fee shall be \$50.00.~~
 - ~~(1) Anyone with a valid town business license is exempted from the permit fee.~~

 - ~~(2) Anyone selling prepared food as defined in the town's meals tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted within 30 days from the end of the event. Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to the permittee upon computation of the actual tax due and payable as determined by such sales. Town established businesses that sell prepared food are exempt from the \$500.00 deposit as long as they currently report such activity on a monthly account.~~

- ~~(d) *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered a business and must comply with all applicable zoning and business licensing requirements.~~



Eastern Shore of Virginia

2012
Comprehensive Economic Development Strategy

CEDS

<http://anpdc.esva.net/wordpress/wp-content/uploads/2012/12/CEDSFINAL2012.pdf>