

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

May 14, 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 April 9, 2013 meeting minutes
2. Report on BZA decision (May 9, 2013)
3. Sign Ordinance Amendment – Sec. 7.13 Commercial Districts
 - Review Town Attorney draft
4. Information/Discussion Items
 - FEMA preliminary flood mapping
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

9 April 2013

MINUTES

(recording failed, compiled from notes)

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Mollie Cherrix, Vice Chair
Mr. Tripp Muth, Councilman
Mr. Michael Dendler
Mr. Steve Katsetos
Mr. Jeff Potts
Mr. Spiro Papadopoulos

Members Absent:

William Neville, Planning Director

CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 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

Four (4) members of the public were present.

Mr. Junior Britton spoke to the Planning Commission about the series of events at the Chincoteague Inn Restaurant site on Main Street that have resulted in a restriction of signage for his business. He stated that the new Fairfield Inn & Suites was required to take down his signs and was issued a permit to use all of the permitted 100 square feet allowed by the Sign Ordinance.

Mr. Britton emphasized that 10 feet by 10 feet of sign area is not enough for a commercial business, and there is no way to share that amount between multiple businesses on the same lot. There was some discussion about whether a 2 foot by 4 foot sign would be permitted on the building in addition to the maximum 100 square feet that could be used to identify his restaurant business.

Mr. Britton expressed his concern that any solution to this problem may take until August to resolve, whether Town Council takes action to revise the Sign Ordinance or the Board of Zoning Appeals grants a variance request. He reminded the Commission that he employs 40 to 50 people and the Town relies on meals tax revenue that his restaurant supplies.

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Mr. Todd Burbage, property owner and developer of the Fairfield Inn project, also addressed the Planning Commission. The action of consolidating 3 existing tax parcels into one lot has had the unintended reaction of creating a sign ordinance restriction that seems to be unique to this site. He described the 4 acre lot with 2 independent businesses, and two separate entrances onto Main Street.

A discussion of the sign permit process revealed that existing signs were required to be removed before a permit for the new Fairfield Inn sign permit would be issued. (Existing sign had to be relocated anyway because of site plan improvements). Mr. Burbage requested help with a solution and asked if there was even a way to provide temporary relief from the ordinance criteria. Possible remedies were mentioned including a possible revision to the sign ordinance, or a zoning variance.

Ms. Nancy Lane spoke as a neighboring residential property owner across Main Street from the new hotel and restaurant site. She stated that two separate signs, one for each business, would be acceptable as long as there is consideration for the residential neighborhood across the street.

AGENDA REVIEW/DISCLOSURES

Chairman Rosenberger asked for approval of the agenda. Commissioner Papadopoulos moved for approval of the agenda, seconded by Councilman Muth. The agenda was unanimously approved.

1. Approval of the March 12, 2013 meeting minutes

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

2. Annual Zoning Ordinance Revisions

▪ Signs for Multiple Buildings

Town Planner Neville reviewed the staff report that was presented at the last Town Council meeting and the Council response to Planning Commission recommendations. With regard to the sign ordinance criteria for multiple commercial buildings located on the same lot, the Council understood the specific issues involved with the two example sites, however they requested further consideration of the question in general.

Mr. Neville asked whether the ordinance criterion (Sec. 7.13.1) which limits the total sign area per lot to a maximum of 100 square feet is reasonably applied to either a 1 acre site or a 10 acre site. The ordinance criterion (Sec. 17.13.1.7) which limits freestanding signs (maximum 64 square feet and 12 feet high) to one per lot was also questioned by Town Council in the case of a

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larger lot with two or more independent businesses that may need business identification signage.

Two draft motions were presented by Staff that would help to answer the questions raised and allow the issue to be reported to the April 18th Town Council workshop, and a possible joint public hearing at the May 6th Council meeting.

Commissioners discussed the potential application of sign ordinance changes in different locations and scenarios.

Councilman Muth asked if the intent was that every business should be allowed 100 square feet of sign area. Section 7.13.3 provides a way to address larger site areas that are considered office or industrial centers and are permitted one additional 'half size' freestanding sign (32 square feet and 6 feet high).

Commissioner Papadopoulos suggested the ordinance requires that each building must incorporate its legally assigned street number into its freestanding sign (Sec. 7.13.1.7). This led to a discussion of how portions of each commercial sign ordinance make a connection between signs and buildings.

Commissioner Papadopoulos moved that the Planning Commission recommend a revision to Section 7.13.1.7 Freestanding Signs that would delete the word 'lot' in the first line and replace it with 'freestanding building'. He added a recommendation that this change should be forwarded to Town Council at their workshop on April 18th with Commission support for a joint public hearing on the matter. The motion was seconded by Commissioner Potts and Katsetos.

Discussion on the motion centered on whether this would permit a property owner to construct multiple sheds, outbuildings, and/or small businesses in separate buildings with each one permitted a 64 square foot freestanding sign. Mr. Neville pointed out that the limitation of 100 square feet per lot would still apply unless noted otherwise. Commissioners suggested that the proposed revision would be considered as 'noted otherwise' and that the additional signage would only be permitted for buildings that are assigned a 911 street address. No amendment of the motion was offered.

The original motion passed 6:0:1 Chairman Rosenberger abstaining.

- Parking Ordinance/C-2 District

Commissioners discussed whether to review parking ordinance regulations in the context of an annual zoning ordinance revision, and considered revising

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the section that prohibits offsite parking. Downtown parking, areas of Maddox Boulevard, and the Fairfield Inn site were all mentioned as examples where offsite parking would raise more problems than solutions. It was agreed that a revision would not be considered at this time.

- Wayside Stands

Chairman Rosenberger presented a list of parking criteria from another community and asked the Commission to consider again whether specific criteria could be proposed for wayside stands. The following revision was briefly discussed as a minimum standard that would require 4 spaces for any commercial use since that is already required as a minimum for home occupation uses.

*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. **A minimum of four (4) parking spaces shall be provided. (Including libraries, museums and wayside stands.)***

Commissioners agreed to consider this with other proposed revisions at the next regular meeting.

- Summary of recommendations

A list of proposed zoning ordinance revisions considered by the Commission was presented in the Staff Report. It was determined that these items should be reviewed at the next Planning Commission meeting for a possible recommendation to Town Council, and that a separate hearing process should be held rather than trying to combine all items with the sign ordinance recommendation.

3. Information/Discussion Items

None

4. Commission Members Announcements or Comments

Commissioner Papadopoulos advised that the Wastewater Advisory Committee would meet on Thursday, April 11th at 9am. A brief report on the Accomack County Planning Commission's work was given.

The next meeting is scheduled for May 14th, 2013.

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ADJOURN

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

Mr. Raymond R. Rosenberger Sr., Chairman



STAFF REPORT

To: Planning Commission
From: Bill Neville, Director of Planning
Date: May 14, 2013
Subject: Board of Zoning Appeals

The Town of Chincoteague Board of Zoning Appeals met on May 9, 2013 to hear an application for multiple zoning variances to permit commercial sign area for the Chincoteague Inn Restaurant located at South Main Street and Marlin Street.

This site has served as one example of a large single lot that contains multiple businesses located in separate freestanding buildings. The findings and decision of the BZA will be provided as a handout before the Planning Commission meeting so that Commissioners may consider the specific issues of this site along with proposed general amendments to the Sign Ordinance.



STAFF REPORT

To: Planning Commission
From: Bill Neville, Director of Planning
Date: May 14, 2013
Subject: Sign Ordinance Review

❖ Signs for Multiple Buildings

Planning Commission review of another alternative revision to the Sign Ordinance was requested by Town Council with the hope that a report can be provided at the Council workshop meeting scheduled for May 16th at 5pm.

Since public hearing notice for the proposed joint Planning Commission and Town Council meeting scheduled for May 6th was inadequate and the hearing was cancelled, discussion on the item was held at the Council meeting to consider recommendations from Town Attorney Poulson. A re-drafting of Sign Ordinance Section 7.13 has been proposed by Mr. Poulson and is attached for review by the Planning Commission.

There is general agreement that the method of calculating permitted commercial signage is sometimes confusing to business owners, and that the current sign ordinance sections may need to be interpreted differently if the Planning Commission revision were to be adopted. Given the way this section of the sign ordinance is constructed, Section 7.13.1 applies generally and following sections modify it.

- Section 7.13.1 states:
“Total square footage area of all permitted signs upon any one lot shall not exceed 100 square feet in area unless noted otherwise”
- The Planning Commission revision to Section 7.13.1.7 proposed:
“Freestanding signs shall be limited to one per **freestanding building**, maximum area of 64 square feet in area and not exceeding 12 feet in height.”

Freestanding sign area today is subtracted from the 100 square feet maximum per lot. If it is the intent that freestanding sign area is no longer to be counted as part of the total area permitted, in order to allow more than 1 freestanding sign, then Commissioners may wish to clearly state that (like Section 7.13.1.3 does).

Unless Section 7.13.1 is revised to allow more than 100 square feet per lot for multiple businesses in separate buildings, the solution for larger lots is only partially solved. The first business could

still use up the permitted sign area (except for a 64 square foot freestanding sign) so that a second building potentially would not be allowed any building mounted sign area for business identification. Commissioners may wish to consider whether Section 7.13.1 should be revised to allow 100 square feet per business.

Town Attorney Poulson has proposed to re-organize Section 7.13 so that the general standards are incorporated into each section. This may allow a business owner to find which section applies to their situation and determine what can be approved. In several places, alternate text has been shown in parentheses (). These choices will be discussed at the Commission meeting.

William Neville

From: Law Office of Jon C. Poulson [susan@pnlatorneys.com]
Sent: Wednesday, May 08, 2013 11:52 AM
To: 'William Neville'
Subject: Sign Ordinance

Bill,

Enclosed is my redraft of Section 7.13, Signs in commercial districts. Please distribute to the Planning Commission and council.

I have attempted to put these provisions into a logical sequence so each factual situation can be easily applied. Hopefully, neither the Planning Commission nor council will change to negate the sequencing.

There are places where I have included options within parentheses.

It is unclear what the area limitations are of a projecting sign, hence the options.

As to the option of "100 square feet" or "1 square foot for each building width at the front setback line or 100 feet, whichever is the lesser or greater" I would suggest that you go out and observe factual situations so as to be able to suggest a realistic option.

Look closely at height limitations, roof signs, etc.

Go look at the hotel signs, which are normally the most prominent and be sure we are not creating a problem for their existing or planned signs.

Look closely at any conflicts within the proposed sections.

Good luck!

Jon

This message was checked by MailScan for WorkgroupMail.
www.workgroupmail.com

Sec. 7.13. Commercial districts

Within a commercial district, all business signs require a permit unless specifically exempted hereunder and are subject to the following provisions:

7.13.1. Lot of record occupied by one (1) business with existing business license issued by the Town of Chincoteague.

The number of signs for a permitted business on a lot of record with one (1) main structure occupied by a single permitted business shall be limited to two (2), not including incidental, directory, or directional signs, unless otherwise specifically provided for and permitted hereunder. The total combined square footage of all permitted signs shall (not exceed one hundred (100) square feet in area) (not exceed one (1) square foot for each foot of building width at the front set back line or one hundred (100) square feet, whichever is the (lesser)(greater). Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed sixty four (64) square feet in area nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise provided for and permitted under Sec. 7.13.7. Roof and mansard facade sign.

Two additional signs shall be permitted not to exceed twenty five (25) square feet each if the main business structure faces more than one public street or a navigable waterway.

7.13.2 Lot of record occupied by a building containing more than one business, "multi-business main structure", with an existing business license issued by the Town of Chincoteague.

The number of signs for a permitted business on a lot of record with one main structure occupied by more than one permitted business, a multi-business main structure, shall be limited to two (2) per business, not including incidental, directory or directional signs, unless otherwise specifically provided for and permitted hereunder.

The total combined square footage of all permitted signs for such businesses shall (not exceed one hundred (100) square feet in area) (not exceed one (1) square foot for each total foot of building width at the front setback line or one hundred (100) feet, which ever is the (lesser)(greater). Such permitted square footage area shall be allocated or proportioned between or among such permitted businesses based on the width of the part of the main building structure occupied by each such business relative to the total width of such structure at the front setback line, unless otherwise agreed in writing by all such businesses or as stipulated in writing by the record owner of such building with the permitting official. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed sixty four (64) square feet in area nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise specifically provided for and permitted under 7.13.1.7. Roof and mansard façade signs. In addition to the maximum allowed combined total area permitted for such businesses in a multi-business main structure, there shall be permitted one additional wall sign or projecting sign, not to exceed (twenty (20))(six (6)) square feet for business identification for each such business.

Two additional signs for the multi-business main structure shall be permitted not to exceed twenty five (25) square feet each if the multi-business main structure faces more than one public street or navigable water.

7.13.3. Lot of record occupied by two or more separate main structures each containing one or more separate businesses, “multi-main structures” with an existing business license issued by the Town of Chincoteague.

The number of signs for a permitted business on a lot of record with two or more separate main structures, multi-main structures, whereon each such main structure may be occupied by one or more separate licensed businesses shall be limited to two (2) per business, not including incidental, directory, or directional signs, unless specifically provided for and permitted hereunder.

The total combined square footage of all permitted signs for such businesses within each such main structure shall (not exceed one hundred (100) square feet in area) (not exceed one (1) square foot for each foot of building width at the front setback line or one hundred (100) square feet, whichever is the (lesser)(greater). When any such separate main structure contains more than one such licensed business, such permitted square footage area shall be allocated or proportioned between or among such permitted businesses based on the width of the part of the main building structure occupied by each such business relative to the total width of such structure at the front setback line, unless otherwise agreed in writing by all such businesses or as stipulated in writing by the record owner of such main structure with the permitting official. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed sixty four (64) square feet in area nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise specifically provided for and permitted under 7.13.1.7. Roof and mansard façade signs.

In addition to the maximum allowed combined total area permitted for such businesses in a separate main structure, there shall be permitted one additional wall sign or projecting sign, not to exceed (twenty (20)) (six (6)) square feet for business identification for each such business.

Two additional signs for the separate main structure shall be permitted not to exceed twenty five (25) square feet each if the separate main structure faces more than one public street or navigable water.

7.13.1.4. 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 included in determining the total permitted sign area. Such signs must relate to the business being conducted on the lot and such signs shall not be advertising for a business located off premise.

7.13.1.5. 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 permitted area.

7.13.1.6. 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. The square footage of any such sign shall be included in determining the total permitted area of signs.

7.13.1.7. Roof and mansard façade signs.

Any such roof or mansard façade sign shall not exceed 32 square feet in sign area. The area of any such sign shall be included in determining the total permitted sign area. Signs on mansard façade shall not extend above the highest point of the mansard façade. Roof signs shall begin one foot from roof edge and not extend more than four vertical feet from that point.

7.3.1.8. Free standing signs

(There shall be no more than one (1) free standing sign for any separate main structure whether occupied by one or more licensed businesses on a lot of record.) (Each such licensed business occupying a separate main structure shall be permitted one (1) free standing sign on a lot of record.) The maximum area of any such free standing sign shall be sixty four (64) feet and such free standing sign shall not exceed twelve (12) feet in height. The area of such sign shall be included in determining the maximum square footage area permitted any such business or structure, as applicable under Sec. 7.13. The height of the free standing sign shall be determined from existing grade within a radius not to exceed six (6) feet from the support system of the free standing sign. The base of any sign without a commercial message is not included in the computed permitted sign area. Sign bases are included in the overall height. Each free standing sign must incorporate a legally assigned street number for the business that it identifies or advertises. Free standing signs shall not be placed within the established sight distance triangle.

7.13.1.9. Window signs.

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. The area of any such sign shall be included in determining the total permitted sign area.

7.13.1.10. Flags, Commercial.

Two flags, displaying a commercial message, with a maximum area each of fifteen (15) square feet shall be permitted for any business. 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 permitted. The area of any such flags shall not be included in determining the total permitted sign area.

7.13.1.11. Projecting signs.

One projecting sign shall be permitted for any licensed business fronting on any public road or parking lot with public entrance to such business. Any such sign shall not exceed twelve (12) feet in height from grade and shall not exceed (six (6))(twenty (20)) square feet in area. Such sign shall maintain a vertical clearance from any sidewalk, adjacent to said business of not less than nine (9) feet and shall not extend beyond the outside edge of the public sidewalk. If such sign extends over a public right-of-way, a Land Use Permit is required. The area of any such sign shall be included in determining in the total permitted sign area of any such business.

7.13.1.12. Changeable letter signs.

Manually changeable sign(s) shall be permitted when built as an integral part of the business identification sign(s). The 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 determining the total permitted sign area for any such business and shall meet any applicable sign height restrictions.

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.



Accomack County, VA Coastal Hazard Analysis Flood Risk Review Meeting

April 24, 2013



Project Timeline for Accomack County

- Initial Community Coordination Meeting – March 23, 2011
- Physical Map Revision (PMR) for only those FIRM panels affected by the coastal study. Scheduled Preliminary Date– June 21, 2013
- Final Community Coordination and Outreach (CCO) Meeting– July/August 2013
- Receive and address community comments (typically 30 days after CCO Meeting)
- 90 Day Appeals period –starts after second newspaper publication date of proposed Flood Hazard Determination

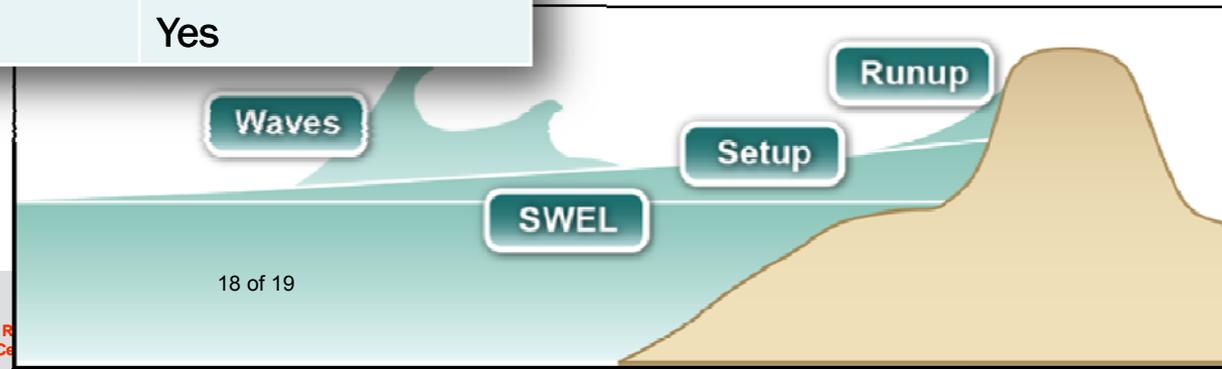
Project Timeline for Accomack County

- Non-regulatory products developed (Summer 2013)
- Finalize FIRMs/FIS to address any comments or appeals
- Letter of Final Determination (LFD) date – occurs after appeals are addressed (March 2014)
 - Initiates the 6-month ordinance adoption/compliance period
- Public Open House- tbd
- Resilience Meeting (Spring 2014)
- Effective Date – 6 months after LFD date and typically at least 15 months after preliminary date (September 2014)

*Estimated

Effective vs. New Coastal Study

| Coastal Study Component | Effective Study (2009) | New Study (2012) |
|-------------------------|--|------------------|
| Topographic data | USGS Quads, 1965 - 1977 | March 2010 LIDAR |
| SWELs | 1978 VIMS study, Gage Analysis, 1976 2-D model | 2012 USACE study |
| Modeled transects | 29 | 157 |
| Dune erosion | No | Yes |
| Wave setup | No | Yes |
| Wave runup | No | Yes |
| LiMWA | No | Yes |



Mapping (continued)

