

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

June 14, 2011 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES:

1. Approval of May 10, 2011 meeting minutes
2. 2nd 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
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 regular meeting of the Planning Commission on June 14, 2011

Draft Copy

PLANNING COMMISSION MEETING 10 May 2011 MINUTES

Members Present:

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

Members Absent:

Robert Ritter, Town Manager
William Neville, Planning Director

CALL TO ORDER – Chairman Rosenberger called the meeting to order at 7:00 pm and established a quorum with all members in attendance.

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

PUBLIC COMMENT

Chairman Rosenberger invited the public to speak on any topic except the public hearing item. There was none and the public participation portion of the meeting was closed.

AGENDA

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

1. Approval of the April 12, 2011 meeting minutes.

The minutes as submitted were reviewed. Commissioner Papadopoulos requested a clarification at the bottom of page 4 to read ‘base’ flood elevation. Councilman Muth moved to approve the minutes as corrected, seconded by Commissioner Katsetos. The motion was unanimously approved.

2. Public Hearing – Comprehensive Zoning Map and Zoning Ordinance Amendment*

Draft Copy

Chairman Rosenberger opened the public hearing for Agenda Item #2 and stated that comments would be received first from those who sign up on the list and then from any others with a 3 minute limitation so that everyone has an opportunity to participate.

Town Planner Neville presented an overview of the Comprehensive Zoning Map Amendment that is an outgrowth from the adoption of a new Comprehensive Plan in January 2010. The main proposal is the approval of a new zoning map for the entire island that will provide accurate information for each parcel in color. In addition, this is a chance to incorporate goals and ideas from the Comprehensive Plan for different land use areas in Town.

The zoning amendment is a revision to both the Zoning Ordinance and the Official Zoning Map. The current zoning map for Chincoteague includes 6 zoning districts as seen on the display maps and on the Town website. The Comprehensive Plan recommends a total of 12 zoning districts to align with the adopted land use planning areas. The Planning Commission has adopted a specific approach to consider this change, so that both Plan and Ordinance documents work together.

For most of the zoning districts the only change will be the name of the district. For example, the current R-1 zoning district and the Single Family Residential land use planning area will now be called the R-1 Single Family Residential District. In general the shape of the new zoning districts are based on the existing zoning map and follow property lines. Otherwise, there are specific changes in some areas that were recommended by the Comprehensive Plan and those areas are shown on the proposed zoning map to match the approved areas. Finally there are a few exceptions to implementing the Plan recommendations where the proposed district may substantially limit the current use or property value.

Adoption of the proposed zoning map will have the benefit of providing a more accurate source of zoning information that will be easily available for review. This zoning amendment will provide the Town of Chincoteague with a valuable tool to plan for growth, development and change in the future. A review of the process that has led to this hearing was presented. Public notice requirements for the public hearing have been met and entered into the record of the meeting. The comment period will be kept open until the June 14th regular meeting of the Planning Commission.

The Planning Commission approach will allow for the addition of 6 new zoning districts in a way that does not create significant change to landowners in terms of permitted uses or setback requirements. Re-naming of the zoning districts is the primary purpose so that the ideas of the Comprehensive Plan will be incorporated into the Zoning Map.

Draft Copy

Both the current and proposed zoning maps were presented for review. A chart showing the permitted uses from each district was presented along with the proposed revision to require conditional use permit approval for mobile homes and mobile home parks in the R-3 district. It was noted that several uses were added but none were taken away. In order to keep track of any changes made to the Zoning Ordinance, a red-line version of each section and a cover sheet listing revisions is provided for public review.

Mr. Neville concluded by saying that the Zoning Map and Zoning Ordinance are one tool that the Town has to plan for the future, to maintain the character of neighborhoods, and to respond to change such as the bridge realignment. This is a working document and public comment is welcome to make sure it meets the community's expectations.

Chairman Rosenberger encouraged the audience to speak about the proposed zoning process and contribute their views and concerns. A list of 22 comments and 7 emails that had already been received by the Town Planner were mentioned and included in the public record.

Public Comments:

Karen Nold – property owner on Marsh Island and president of the homeowners association. General support for proposal with question about whether zoning change would affect development on Marsh Island if it is considered a 'PUD'. Mr. Neville responded that a deed restriction would not be affected; however a prior zoning approval with conditions may be different. The question will be referred to Town legal counsel for a determination.

Jim Rauth – homeowner on Marsh Island representing the homeowners association. Support for change of zoning from C-1 to R-3. Suggestion that public boat ramps should not be a permitted use by right because of problems with associated traffic. Conditional use approval is appropriate so that the impacts can be addressed.

Peggy Thomas – property owner along East Side Road. Question about zoning and an existing combination of garage and mobile home park that have been there since 1962 and the 70's, with stated preference that it stay that way. Mr. Neville confirmed that the existing C-1 and R-3 zoning districts in this location would not change by projecting the maps on the wall. The R-3 district revision that would require new mobile home parks to obtain conditional use permit approval would not apply to the existing structures that meet local and state grandfathering provisions.

Mary Burton – owner of Tom's Cove Campground. Concern for C-4 Resort Commercial district language that appears to restrict any future redevelopment of campgrounds until public sewer service is available. Mr. Neville noted that the

Draft Copy

Planning Commission had requested last November that this section should be removed and apologized for his error in not making that correction to the public hearing draft document. The sentence will be removed prior to the June 14th meeting.

Wanda Thornton – owner of Pine Grove Campground. Concern for C-4 Resort Commercial district language that appears to restrict any future redevelopment of campgrounds until public sewer service is available. Public docks and boat ramps should not be removed entirely from the R-3 district (Fir Landing as example). Question about definition of ‘light waterfront seafood industry’. Mr. Neville noted that each zoning district lists different types of waterfront uses and a standardized use or definition across all districts may not be available. Chairman Rosenberger noted a prior application heard by the Board of Zoning Appeals for a limited clam operation along the South Main Street waterfront that may have set a standard for this use. Ms. Thornton suggested that we should never lose sight of how the Town’s people make a living over the years, and light seafood industries need to be by right. Individual watermen making a living are what makes Chincoteague unique and it should be a use that is permitted by-right, especially in the R-3 district.

Jim Frese – property owner on East Side Road. Comment on the annual tax burden of waterfront properties which should allow owners to do whatever they want. Question about 6 new zoning districts and whether any properties will be ‘down-zoned’? Mr. Neville responded with two examples on Marsh Island (C-1 to R-3) and Wildcat Marsh (R-3 to Resource Conservation). Mr. Frese recommended individual notification of any property owner subject to down-zoning or significant change in zoning.

Kathleen Seefeldt – property owner on Cathell Street. Question about what change may be proposed? The maps were presented to demonstrate that both existing and proposed zoning is R-3 with no change other than the proposed limitation of mobile homes by conditional use. Question why the Town would have a mixed use district for properties served by a private street not maintained by the Town, and what link will the zoning change have on assessed value? Chairman Rosenberger responded that the zoning district alone does not have a strong effect on real estate assessments.

With no additional speakers, Chairman Rosenberger extended an open invitation to provide any additional ideas or comments. Following the second public hearing on June 14th the Planning Commission will hold a workshop to review the comments received so far. A brief recess allowed members of the public to leave before the business meeting resumed.

Draft Copy

3. Old Business

- Work Plan - Sign Ordinance

A staff update regarding proposed Ordinance revisions for building mounted signs was provided. Issues discussed at the last meeting included the concern about new construction with first floor elevations above base flood elevation may require additional height above 12 feet to allow for building elevation above grade with room to place a sign above first floor doorways or windows. Red-line amendments to the sign ordinance were reviewed. Chairman Rosenberger and Councilman Muth confirmed that for any sign location, the existing grade and the base flood elevation were fixed established points from which to measure sign height.

Commissioners discussed the proposed criteria for building height and the impact of variable methods of measuring sign height. The first proposed redline change was determined to be generally acceptable. Commissioner Potts indicated that he preferred a measurement of sign height from the roof down rather than from the ground up. Vice Chairperson Cherrix restated her expectation that 12 foot sign height would be measured from the floor plate or first floor elevation. Ms. Cherrix is not in agreement with the second red-line change to the sign ordinance section.

Commissioner Papadopoulos agreed that allowing wall mounted signs to be extended in height to just below the eaves of the roof is too high when looking at the 3 story hotels that you see from the new bridge approaching Town. This height is not in accordance with the aesthetics of the Island or intend of the Ordinance.

Councilman Muth disagreed saying that if the building is existing and the owner believes it would help his business, and if the total square footage of sign area is not increased, then the Town should allow him to put his sign where he wants. Zoning Administrator Lewis has indicated that the proposed optional criteria could be enforced. There are other signs on the Island now that are over 12 feet in height now. Mr. Muth continued to make the case for adopting a sign height criteria that accounts for the current economic situation and the requests of business owners.

Chairman Rosenberger requested clarification about whether the sign height would only apply to wall mounted signs. It was agreed that the 12 foot height limit should still apply to freestanding signs and that the Ordinance should be clear about any increase for only wall mounted signs installed on a primary structure.

Chairman Rosenberger indicated that over 5 years of effort went into adopting the current sign ordinance as a means to limit signage and its visual impact, not permit more. Vice Chairperson Cherrix expressed the concern that sign

Draft Copy

height criteria tied to the roofline would encourage business owners to always maximize building height and signs to 3 stories. There was a general discussion about the new bridge, visibility to certain businesses, and the importance and value of the vista of the Town's waterfront. As a destination location, not a high speed drive by stop, the needs for signage should be different.

In response to several sign permit applications that have recently been denied by the Zoning Administrator, the Planning Commission agreed that the next step would be to hold a public hearing to consider several alternatives before making a recommendation to the Town Council for a Sign Ordinance revision. The sample sign photos included in the staff report were evaluated by the Commission with disagreement over the need for sign height over 12 feet. Commissioner Taylor and Katsetos supported the idea that a well designed sign should be placed in relationship to the building architecture rather than held to a standard 12 foot height.

Commissioner Papadopoulos requested additional photographs of the vista from the new bridge for consideration before any decision is made. He observed that the diverse character of architecture in Town that everyone loves would not be well served by a sign height criteria that increases the maximum from 12 feet up to maximum building height permitted (35'). This is a dramatic change that should only be considered as an exception rather than the general rule. Commissioner Potts suggested that the BZA should just handle the individual applications. Chairman Rosenberger noted the BZA application cost and hardship review criteria.

Staff was requested to provide photo simulations of the vista from the new bridge and a revision to Section 7.11.2 Determination of Sign Height to clearly separate 'building mounted wall signs' for consideration. Commissioner Katsetos moved to hold a public hearing to consider the proposed changes, seconded by Commissioner Potts. The motion passed unanimously.

4. New Business

- There were no new business items presented.

5. Commission Member Announcements or Comments

- Commissioner Papadopoulos suggested that if the Planning Commissioners considers the requested zoning change along Deep Hole Road to the intersection of Chicken City Road, then written notice should be given to adjoining property owners. Mr. Neville asked that a written

Draft Copy

request from the land owner should be submitted for the idea to be considered as a part of the Comprehensive Zoning Map Amendment.

ADJOURN

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

Ray Rosenberger, Chairman



STAFF REPORT

To: Chincoteague Planning Commission

From: Bill Neville, Director of Planning

Date: June 8, 2011

Subject: 2nd Public Hearing – Zoning Map and District Update

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.

Why are new zoning districts necessary? Because the new alignment of Route 175 will change the way that Main Street and Maddox Boulevard are managed and grow in the future. Because some areas of marshland, forest and open space should not be developed. Because the existing campgrounds and surrounding neighborhoods of seasonal housing are unique and different from year round housing and neighborhoods in the older part of the Town Center. New zoning districts help to identify and manage the diverse areas of Chincoteague.

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). The first public hearing to consider the Amendments was held on May 10, 2011.

Planning Area #	Proposed Zoning District	Existing Zoning District	Proposed Zoning Abbreviation
1	Single Family Residential	R-1	R-1 Single Family Residential
2	One & Two Family Residential	R-2	R-2 One & Two Family Residential
3	Mixed Use Residential	R-3	R-3 Mixed Use Residential
4	Old Town Commercial	C-1, C-2 and R-3	C-2 Old Town Commercial
5	Resort Residential	R-3	R-4 Resort Residential
6	Neighborhood Commercial	C-1	C-1 Neighborhood Commercial
7	Commercial Corridor	C-1 and C-2	C-3 Corridor Commercial
8	Resort Commercial	C-1	C-4 Resort Commercial

9	Public-Semi Public	C-1, C-2 and R-3	PSP Public Semi-Public
10	Park & Open Space	R-2 and R-3	POS Park and Open Space
11	Resource Conservation	R-3	RC Resource Conservation
12	Agriculture	A	A Agriculture

* 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 Planning Commission held a 1st public hearing on May 10, 2011 and has encouraged questions and comments that will be reviewed at a 2nd public hearing June 14, 2011.

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 th * and June 14th 2011*
Town Council Public hearing	August/September 2011

*public comment period to remain open between hearings

PUBLIC COMMENT: Public comments received during the advertised hearing period by Town Staff are listed below to assist the Planning Commission in evaluating the proposed Zoning Map and Zoning District Amendments. This list will be updated again following the June 14th hearing.

PUBLIC COMMENTS and QUESTIONS				
Zoning Map Amendments May 10, 2011				
Comment	Date	Contact	Zone	Comment
1	5.1	Natalie Berry/Bunting Road	R-3/MUR	General information and request to maintain small town character
2	5.1	Laurette/USCG	C-2/PSP	General information
3	5.3	Post Office	-	Information about website
4	5.5	Travis Thornton	R-2, C-4	Question change in district, requested email copies, concern for limit on redevelopment in C-4 district, request to remove section of C-4 re: public sewer
5	5.5	Richard Conklin	C-3, C-2	Reviewed C-1 on Chicken City Road, Discussed C-4 district along South Main Street
6	5.5	Wanda Thornton	all	Requested copies
7	5.5	David Cole	all	Requested copies emailed to tomscovepark@verizon.net
8	5.5	Ray Landis/5122 Serenity Lane	R-3/MUR	Request for call with any change
9	5.5	Stanley Jester/Bobby Lappin	R-3 to C-3	Request to extend C-3 zoning along Deep Hole Road to Chicken City Road intersection
10	5.6	Robert Hecker/Ocean Breeze	R-4	Request for call about tax changes
11	5.6	Ladely/Meyer Pond 2	R-4	Request for call about tax changes
12	5.6	James Floyd/Ridge Road	R-3	Discussed grandfathered use
13	5.6	Chuck Ward	all	Discussed split zoned parcels, potential for farmers/fish market at Curtis Merritt Harbor
14	5.6	Ambroz Skrovanak/Filmore	C-1	General information
15	5.6	Jim Dawson	R-3/R-4	Aquaculture use in residential zones
16	5.6	William Reider/4185 Division Street	R-3	Question about whether zoning changes will impact flood ratings/flood insurance
17	5.6	David Russell/Richardson Street	R-2, C-1	General information
18	5.8	Raffi Karahisar/Captains Quarters	R-3	Support for zoning district change on Marsh Island
19	5.8	Jack Tarr	C-4	Concern for public sewer requirement for campground re development
20	5.9	Janet Garcia/Ridge Road	R-4 and C-4	Request to retain residential zoning
21	5.9	Judith Hemstetter	R-3	Support for zoning district change on Marsh Island
22	5.9	Sam Merritt/Sunnywood	R-1	Address change for mailing
23	5.10	Phillip Ettinger	R-2	Concern for change of adjacent R-3 zoning to R-4 zoning district allowing commercial and rv parks
24	5.10	Ken Thomas	R-3	Support for zoning district change on Marsh Island
25	5.10	Ruth Lane	R-1	Question about existing duplexes in R-1
26	5.10	/Bunting Road	R-3	General information
27	5.10	/Willow Street	all	General information
28	5.10	Robert Ingram/Rosedale	R-3	General information
29	5.10	Brent Hurdle	all	Response to questions about zoning change effect on property taxes/value
30	5.10	1st PUBLIC HEARING COMMENTS		See meeting minutes from PC hearing
		Karen Nold	R-3	Question effect of zoning change on Marsh Island 'PUD'
		Jim Rauth	R-3	Concern for public boat ramps because of problems with associated traffic on Marsh Island.
		Peggy Thomas	C-1 and R-3	Request to maintain current split zoning and existing use of garage and mobile home park
		Mary Burton	C-4	Concern for public sewer restriction with redevelopment of Toms Cove Campground
		Wanda Thornton	C-3, R-3	Concern for public sewer restriction with redevelopment of Pine Grove Campground. Question about light waterfront seafood industry definition
		Jim Frese	C-1, R-3	Question about 6 new zoning districts and potential down zoning. Recommendation for property owner notification of significant change in zoning.

		Kathleen Seefeldt	R-3	Concern for commercial use in R-3 served by private street. Question about effect of zoning change on real estate assessments.
31	5.11	Jim Rauth	R-3	Request for definition of 'light waterfront seafood industry'
32	5.11	Bob Willis/6145 Ocean Blvd	C-2/R-2	Property is incorrectly mapped as commercial - remap as residential
33	5.13	Non resident property owner	R-2	Question about dog kennels, concern for too much commercial use
34	5.13	Paul Brzozowski/Louisa Flaningam	C-4/R-4	Concern for commercial use in Resort areas surrounding Nature Trail, northern residential neighborhoods, and historic property improvements
35	5.16	David Fetterman/6254 Wagner Ln	R-3	General information
36	5.16	Michael Pilgrim/Conant Lane	R-3	Suggest mobile home to be renamed manufactured housing. Recommend a separate document that explains the reasons for each of the proposed changes - like requiring a special permit for mobile homes in the R-3 district
37	5.16	Property Owner/South Main Street	C-1 to C-4	General information
38	5.16	John and Elaine Fleming/ South Main Street Townhomes	C-4	Concern for proposed outdoor tiki bar on Britton waterfront parcel
39	5.20	Susan Cook/Maddox Campground	C-1 to C-4	Objection to 'public sewer' language in C-4 district
40	5.23	Susan Rauth	R-3	Support for zoning district change on Marsh Island. Question about light waterfront seafood industry use
41	5.25	Jim Rauth	R-3	Recommends allowing existing light waterfront seafood industry to be grandfathered, but requiring a conditional use permit for any new uses.
42	5.31	Dr. Baychek	C-2	General information
43	5.31	John Walsh/3049 Ridge Road	R-3 to R-4	Request no change from R-3 regulations
44	5.31	Paul Brzozowski/Louisa Flaningam	R-4	Flyer provided to business community
45	5.31	Chuck Ward	C-4 and R-4	Questions regarding historic register nomination of log cabin, R-2 district mapping question N. Main St.
46	5.31	Resident/8281 Seagull	R-3 to R-4	Request no change from R-3 regulations
47	6.1	Paul Brzozowski/Louisa Flaningam	R-4	Resort residential and commercial zoning districts would allow too much commercial use at the north end of the Island.
48	6.5	Jack Nold	R-3	Support for zoning district change on Marsh Island.
49	6.3	Oyster Bay property owner	R-1	Map should show Hibiscus Drive with 2 stubs, not a thru road
50	6.6	Joan Kean/5332 Pearl Drive/Oyster Bay1	R-1	Question parcels proposed R-4 with access to Hibiscus Drive, Question Agriculture versus RC zoning, Question Nature Park parcel as PSP rather than Park, too many zones are confusing
51	6.6	Peggy Thomas	All	Question why are new districts necessary
52	6.6	Resident/N. Piney Island	R-1	General information
53	6.7	Nancy Hamilton/Fiddler Bay HOA	C-4	Question regarding zoning of marsh areas

Many of the questions or comments received were resolved by illustrating the existing/proposed districts and reviewing the changes (if any) in the zoning district regulations. Several errors were discovered that are listed in the next section. Items that require additional review and consideration by the Planning Commission will include the following land use questions plus others identified during the June 14th public hearing.

1. A small area along South Main Street below the Coast Guard Station was identified on the Comprehensive Plan land use map as Resort Residential. This may be more appropriately included in either the C-1 district or the C-2 district. It is currently zoned C-2.
2. A landowner request to extend the C-3 Corridor Commercial district one additional parcel along Deep Hole Road to the intersection with Chicken City

Road has been proposed in support of a potential Fire Station location. It is currently zoned R-3.

3. Several questions have come up about the definition of 'Light Waterfront Seafood Industry'. If this is a use that is intended to support small individual businesses, should it be permitted in all districts? Is there another aquaculture definition or use listed in the Agriculture District that should be permitted in all districts.
 4. A significant concern about allowing an expansion of commercial uses in the Resort Residential and Resort Commercial districts has been expressed by property owners at both the north and south end of the Island. In particular the expansion of commercial uses in the northern residential neighborhoods adjacent to schools, parks, and historic properties may not be warranted. Existing zoning is R-3.
 5. Several single family parcels with common drive access to Hibiscus Lane in Oyster Bay 1 are proposed for R-4 Resort Residential. Existing zoning is R-3.
 6. The proposed Resource Conservation District is generally supported for the marshland areas surrounding the Island. Several questions have been raised about the exceptions proposed, including the purpose behind using the Agriculture district is some locations.
-

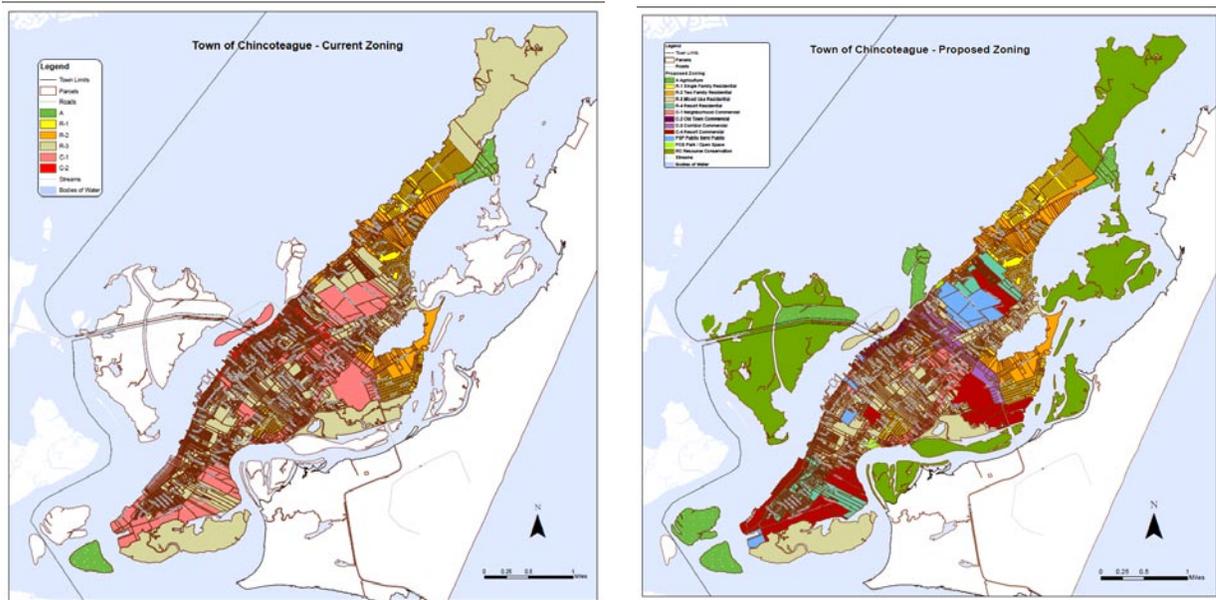
ERRORS/CORRECTIONS: Necessary corrections to the proposed Zoning Map and Zoning Districts have been identified as a result of public review comments and are listed below. With Planning Commission approval, Staff will make the corrections prior to the next review of the draft Amendments.

- Remove text from the C-4 District regarding redevelopment and potential public sewer
- Correct the R-4 Resort Residential District so that it is based on the R-3 District zoning standards (instead of the C-1 district standards)
- Change the color of the C-4 Resort Commercial district so that the map prints out a red color matching the Comprehensive Plan land use map.
- Adjust the zoning map on the east side of Main Street between the C-1 (existing) and C-2 (proposed) district and the R-2 district so that properties located along Ocean Boulevard match the written description of district boundaries contained in the Town Zoning Ordinance.
- Correct Zoning Maps to show Hibiscus Drive as two cul-de-sacs without a through connection

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 a workshop is required before making a recommendation 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

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

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 8th and May 10th meeting and requested additional information for the next meeting. Commissioner have taken time to observe building mounted signs around Town and discussed 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
- increased height in building mounted signs should be the exception applied specific building types such as 3 story hotels rather than allowed in all cases and on all buildings.
- the vista of buildings from the new bridge entry into Town is a particular concern since the image and character of Chincoteague is a public value
- the adoption of a specific height limit, whether 12 feet or any other, does not address the relationship between a building mounted sign and the unique architecture of the building
- flexibility should be provided for business owners to make good decisions regarding signage and its location

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

Zoning Ordinance Article VII Signs

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 generally. 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 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.

7.11.2.1 Determination of sign height for wall signs. The height of a wall sign shall not exceed 12 feet in height, measured as the distance from the grade level where the sign is erected, or base flood elevation whichever is greater, to the top of the sign. No sign shall be erected that will obstruct the sight distance triangle at any street intersection.

(Optional: Wall 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)

Sample Building Mounted Signs

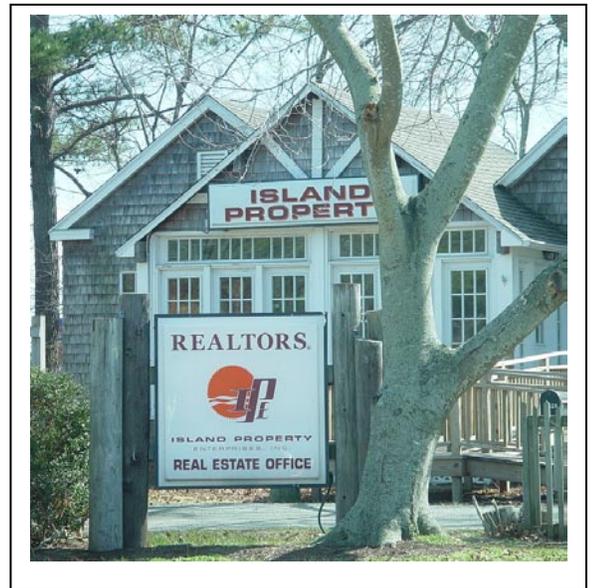






Photo Simulation

Wall Mounted Sign – Approximate Height 28'



Photo Simulation

Wall Mounted Sign – Approximate Height 25 Feet



Photo Simulation

Wall Mounted Sign – Approximate Height 25 Feet