

TOWN COUNCIL & PLANNING COMMISSION WORKSHOP MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

February 17, 2011, Council Chambers - Town Hall
5:00 P.M.- 7:00 P.M.

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Joint meeting with the Planning Commission for a progress report on the updated Zoning Map and Zoning Districts project.
2. Committee Member Comments

ADJOURN:



STAFF REPORT

To: Mayor and Town Council

From: Bill Neville, Director of Planning

Via: Chincoteague Planning Commission

Date: February 17, 2011

Subject: Work Plan – Zoning Map and Zoning 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 of the Comprehensive Plan were adopted 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 districts 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 zoning districts.

APPROACH: Expand Town zoning districts from 6 to 12 with boundaries to match planning areas. Rename the new districts to match the existing zoning districts and limit any change in property development rights.

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 Downtown Commercial district along Main Street as the heart of Town. (May 2010 PC meeting). The next area reviewed was the Commercial Corridor district along Maddox Boulevard (June 2010 PC meeting). The Resort Residential and Resort Commercial districts generally located at the central and south ends of the Island were reviewed together. (August 2010 PC meeting) The review of Public-Semi Public, Resource Conservation and Agriculture districts followed next. (September 2010 PC meeting). The remaining districts were discussed along with land use issues affecting all districts. (October 2010 PC meeting). 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. (November, December and January PC meetings).

Planning Area #	Planning Areas	Existing Zoning District	Proposed Zoning District
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	Historic Downtown	C-1, C-2 and R-3	C-2 Historic Downtown 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	R-3	RC Resource

	Conservation		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 FEMA 100 year floodplain mapping. This information should be added to the Official Zoning Map.

PROJECT STATUS: A first draft of Planning Commission work on the proposed zoning changes has been completed. Draft Zoning Map and Zoning Districts should be reviewed by Town Council and a schedule approved for public information and hearings.

A report on the described work of the Planning Commission will be completed for presentation at a work session with the Town Council (tentative 2/17/11) in order to verify the approach and recommended changes.

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 is requested to review and provide direction prior to formal public presentation and hearings.

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 based on the majority of existing uses. With regard to other comprehensive changes, the Planning Commission requests Town Council direction to:
 - a. **Only propose the Zoning Map changes adopted by the Comprehensive Plan land use map without change, or**
 - b. **Revise the zoning changes proposed by the Comprehensive Plan on certain parcels as recommended by Planning Commission and approved by the Town Council by separate motion, or**
 - c. **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. **Should these properties be reviewed individually or the option modified in the Ordinance?**
3. Resource Conservation zoning – Several properties are currently zoned for residential use and are also proposed for mapping to the Resource

Conservation zoning district based upon their public ownership or geographic character (salt marsh). Other non-buildable properties were not previously included in any zoning district and are now proposed for RC zoning. **Should these properties be mapped as shown by the Comprehensive Plan or only for those properties currently in public ownership or under permanent conservation easement?**

PROPOSED SCHEDULE:

Coordination between Planning Commission and Town Council	February 2011
Resolution of questions or issues/Peer Review	March 2011
Public information display, presentations, advertisement	April 2011
PC Public hearing	May 2011*
TC Public hearing	June 2011*

*allows for participation by seasonal residents

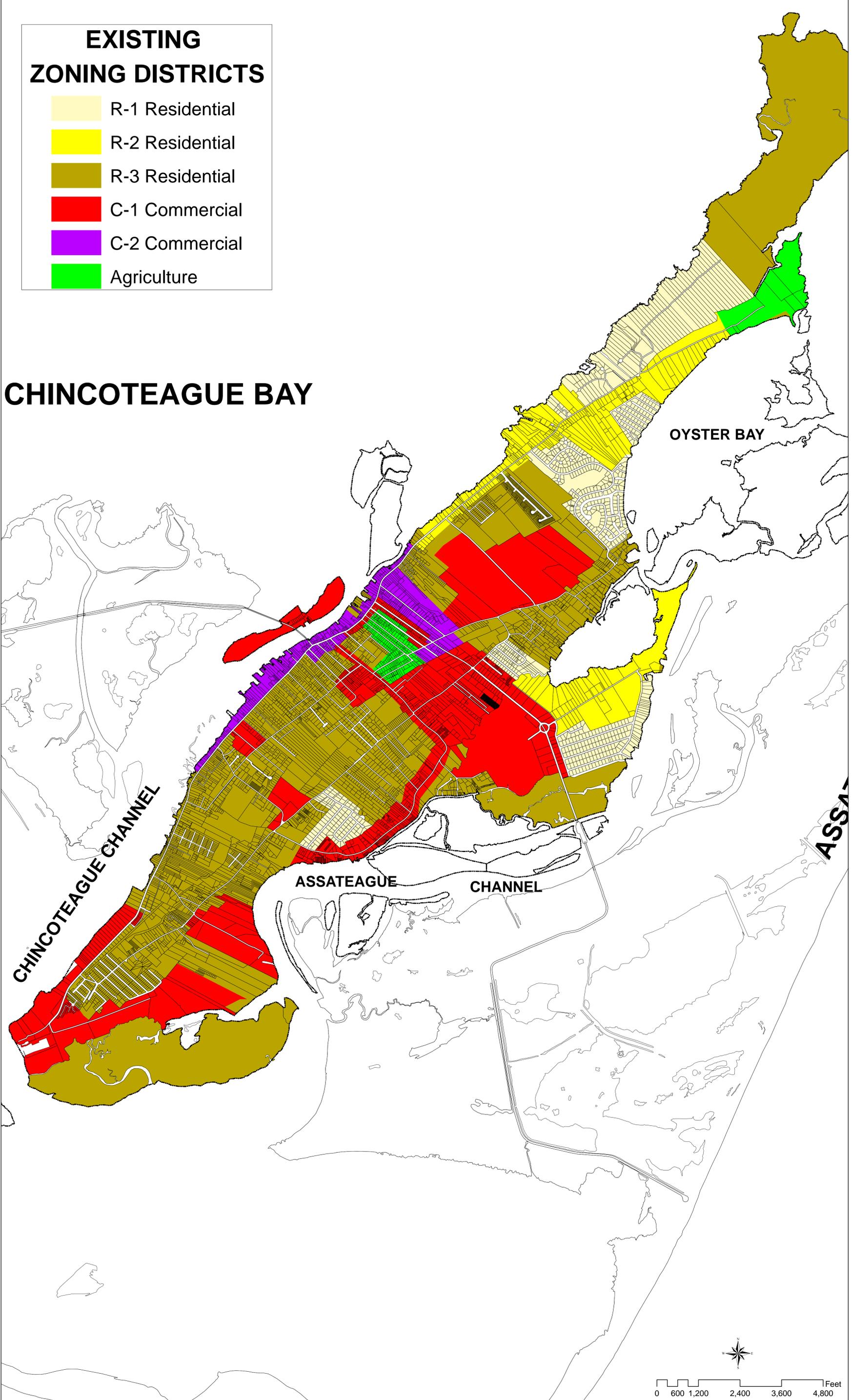
PROPOSED ACTION: Request Town Council review

The Planning Commission has approved a motion to forward this report with attached materials to the Town Council and requests that Council confirm the proposed approach/schedule so that the Planning Commission may proceed with public information and initial public hearings.

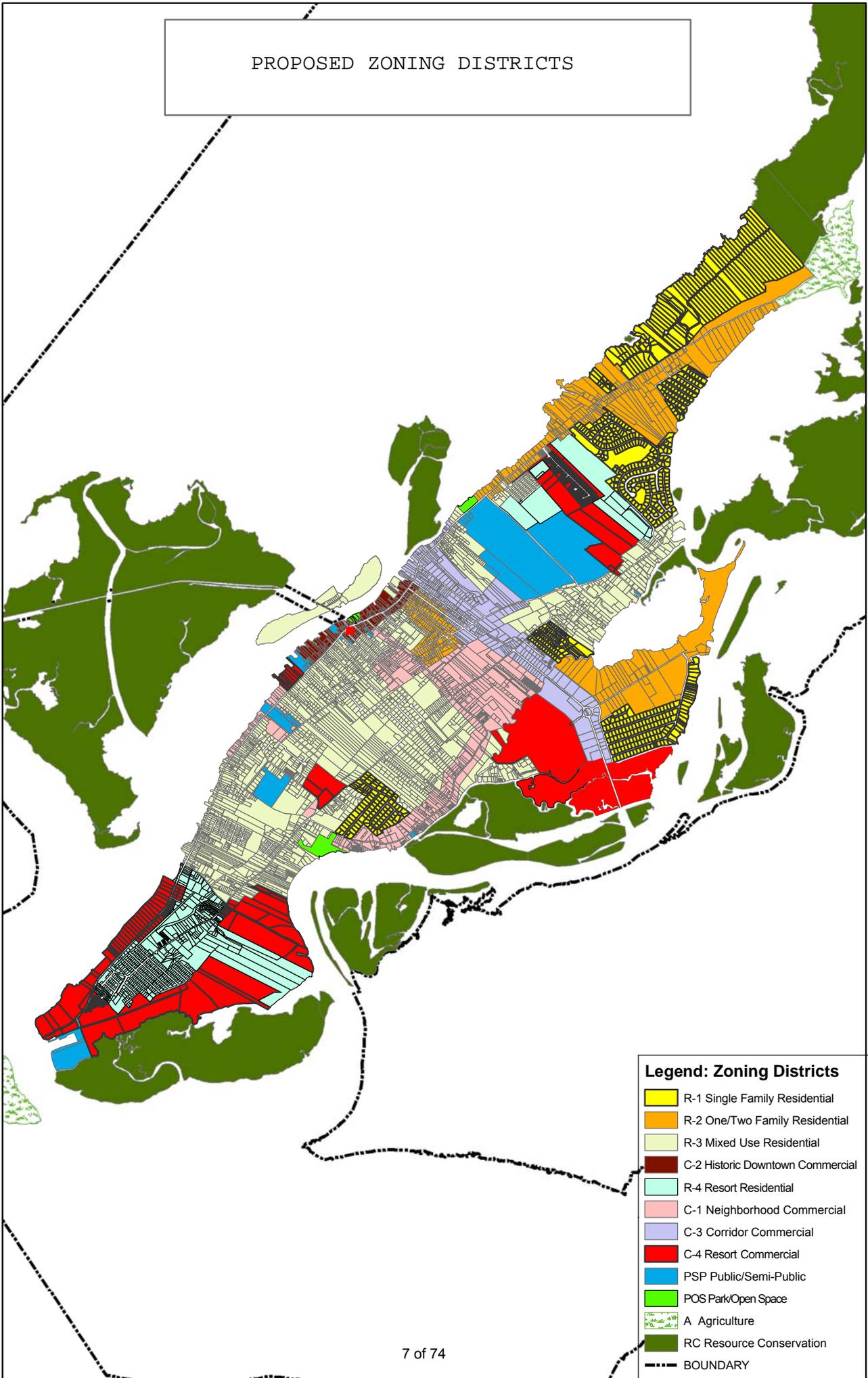
EXISTING ZONING DISTRICTS

- R-1 Residential
- R-2 Residential
- R-3 Residential
- C-1 Commercial
- C-2 Commercial
- Agriculture

CHINCOTEAGUE BAY



PROPOSED ZONING DISTRICTS



THE CODE OF

THE TOWN OF

CHINCOTEAGUE, VIRGINIA

* Sections that require update or revision are highlighted

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Zoning Conformance Worksheet 1

R-1 to R-1 Single Family Residential District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	November 3, 2010	Copy R-1 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	November 9, 2010	Retain (R-1) as the district name	Planning Commission

Draft Copy - (for Planning Commission review):

Article III Residential Districts

SECTION A. R-1 SINGLE FAMILY RESIDENTIAL-DISTRICT

Statement of intent. This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit most activities of a commercial nature. To these ends, development is limited to relatively low concentration of single-unit dwellings providing homes for the residents, as well as commercial activities conducted in such a manner as to not disturb the peace and harmony of the district. This district requires that public streets, utilities and drainage be installed prior to approval.

Sec. 3.1. Uses permitted by right.

The following uses shall be permitted in the R-1 Single Family residential district ~~R-1~~ subject to all other provisions of this ordinance:

3.1.1. Single-family dwelling.

3.1.2. Limited home occupation.

3.1.3. Tourist rental homes.

3.1.4. Accessory building/structure.

(1) No accessory building/structure may be closer than five feet to any side or rear property line. No accessory building/structure may be closer than 25 feet from the front property line or more than the average setback of the structures on either side.

(2) The use of semi-trailers, trailers or other types of vehicles or parts of vehicles as storage or accessory structures is not allowed.

3.1.5. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least thirty percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

3.1.6. Public utilities.

3.1.7. Signs (See Article VII, Signs.)

(1) Street address signs.

(2) Home occupation signs.

(3) Resident identification signs.

(4) Temporary signs.

(5) Business signs only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to four square feet, will be allowed on each lot.

(Amended 6/19/08.)

3.1.8. Parks.

3.1.9. Pony Penning sales.

3.1.10. Yard sales.

3.1.11. Other. The temporary location of construction "site trailers" or other protective, storage or other office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued or halted for 30 days or longer.

3.1.12. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

(Ord. of 8-1-1994; Ord. of 4-3-1995; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999) *(Amended 6/2/03, 9/2/03)*

Sec. 3.2. Special exceptions; special use permits.

3.2.1. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

(Amended 5/3/04)

3.2.2. Repealed 3/1/10.

(Ord. of 4-3-1995; Ord. of 5-17-2001)

Sec. 3.3. Area regulations.

3.3.1. *Lot size.* The minimum lot size for permitted uses shall be 15,000 square feet.

(For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

3.3.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 50 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived and the setback line may be the average setback of the structures on either side.

This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

3.3.3. *Open space.*

(1) The minimum side yard setback for each main structure shall be 15 feet.

(2) Each main structure shall have a minimum rear yard setback of 35 feet except waterfront properties would have no required setback.

3.3.4. *Height regulations.*

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed 3 stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(Ord. of 2-5-01.)

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

3.3.5. *Corner lots.*

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard abutting or next to the street shall be 35 feet for both the main and accessory buildings/structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-95; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 4-13-98; Ord. of 4-5-99; Ord. of 5-17-2001) ***(Amended 10/19/07)***

Zoning Conformance Worksheet 2

R-2 to R-2 One & Two Family Residential District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	November 3, 2010	Copy R-2 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	November 9, 2010	Retain R-2 as the district name, add Bed & Breakfast to permitted uses	Planning Commission

Draft Copy (for Planning Commission review):

Article III Residential Districts

SECTION B. R-2 ONE & TWO FAMILY RESIDENTIAL-DISTRICT

Statement of intent. This district is composed of the basic components of the R-1 single family residential district-R-1, maintaining the same essential characteristics of that district but with a mix of community facilities and home occupations.

Sec. 3.4. Uses permitted by right.

The following uses shall be permitted in the R-2 One & Two Family residential district ~~R-2~~ subject to all other provisions of this ordinance:

3.4.1. Single-family dwelling.

3.4.2. Two-family dwelling.

3.4.3. Home occupation.

3.4.4. Tourist rental homes.

3.4.5. Tourist homes.

3.4.5.1 Bed and Breakfast

3.4.6. Accessory building/structure.

(1) No accessory building/structure may be closer than five feet to any side or rear property line. No accessory building/structure may be closer than 25 feet from the front property line or more than the average setback of the structures on either side.

(2) The use of semi-trailers, trailers or other types of vehicles or parts of vehicles as storage or accessory structures is not allowed.

3.4.7. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be

placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

3.4.8. Public utilities.

3.4.9. Signs (See Article VII, Signs.)

(1) Street address signs.

(2) Home occupation signs.

(3) Resident identification signs.

(4) Temporary signs.

(5) Business signs only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to four square feet, will be allowed on each lot.

(6) Church bulletin boards and identification signs as defined in Article VII.

(Amended 6/19/08.)

3.4.10. Parks.

3.4.11. Pony Penning sales.

3.4.12. Yard sales.

3.4.13. Schools.

3.4.14. Churches.

3.4.15. Other. The temporary location of construction "site trailers" or other protective, storage or other office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued or halted for 30 days or longer.

3.4.16. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

(Ord. of 8-1-1994; Ord. of 4-3-1995; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999) *(Amended 6/2/03, 9/2/03)*

Sec. 3.5. Special exceptions; special use permits.

3.5.1 Light waterfront seafood industry.

3.5.2. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

(Amended 5/3/04)

3.5.3. Repealed 3/1/10.

(Ord. of 4-3-1995, Ord of 5-17-2001)

Sec. 3.6. Area regulations.

3.6.1. *Lot size.*

(1) The minimum lot size for permitted uses shall be 12,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 5,000 square feet.

3.6.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

3.6.3. *Open space.*

(1) The minimum side yard setback for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard setback of 25 feet except waterfront properties would have no required setback.

3.6.4. *Height regulations.*

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

3.6.5. *Corner lots.*

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) ***(Amended 12/4/06, 10/19/07)***

Zoning Conformance Worksheet 3

R-3 to Mixed Use Residential District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	May 11, 2010	Copy R-3 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	May 11, 2010	Revise permitted use for mobile homes, and mobile home parks to special permit use	Town Staff for Planning Commission Review
3	September 13, 2010	Update District Regulations to current version on Town website	Town Staff for Planning Commission Review
4	November 9, 2010	Retain R-3 as the district name	Planning Commission

Draft Copy (for Planning Commission review):

Article III Residential Districts

SECTION C. R-3 MIXED USE RESIDENTIAL-DISTRICT R-3

Statement of intent. This district is composed of certain medium to high concentrations of residential uses, ordinarily located adjacent to commercial areas, and/or between residential and commercial areas, plus certain open space areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life ~~composed of a population with some children~~, and to permit, under certain conditions, certain neighborhood commercial uses of a character unlikely to develop extreme concentrations of traffic and crowds of customers, with the ~~strict regulation~~ limitation of permitted outdoor advertising to only 6 sign types. To these ends, retail activity is limited and this district is protected against encroachment of general commercial and industrial uses. Most residential types of structures for both permanent and transient occupancy, including institutions, are permitted. Some structures for commercial uses conforming to the patterns of the district and several low-impact commercial uses are allowed. The positive characteristics of residential neighborhoods shall be maintained while allowing for appropriate infill and redevelopment on vacant and under-utilized parcels. Specific building types will be permitted only by conditional use permit to assure neighborhood compatibility.

Sec. 3.7. Uses permitted by right.

The following uses shall be permitted in the R-3 Mixed Use R residential district ~~R-3~~ subject to all other provisions of this ordinance:

- 3.7.1. Single-family dwelling.
- 3.7.2. Two-family dwelling.
- ~~3.7.3. Mobile home.~~
- 3.7.4. Home occupation.
- 3.7.5. Tourist home/tourist rental home.
- 3.7.6. Vacation rental cottages.
- 3.7.7. Boardinghouse.
- 3.7.8. Bed and breakfast.
- 3.7.9. Rest home.
- 3.7.10. Beauty/barber shop.
- 3.7.11. Professional office.
- 3.7.12. Day care facilities.
- 3.7.13. Nursing homes.
- 3.7.14. Municipal facilities.
- 3.7.15. Accessory structure.

(1) No accessory building/structure may be closer than five feet to any side or

rear property line. No accessory building/structure may be closer than 25 feet from the front property line or more than the average setback of the structures on either side.

(2) The use of semi-trailers, trailers or other types of vehicles or parts of vehicles as storage or accessory structures is not allowed.

3.7.16. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

3.7.17. Public utilities.

3.7.18. Signs (See Article VII, Signs.)

(1) Street address signs.

(2) Home occupation signs.

(3) Resident identification signs.

(4) Temporary signs.

(5) Business signs only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to four square feet, will be allowed on each lot.

(6) Church bulletin boards and identification signs as defined in Article VII.

(Amended 6/19/08.)

3.7.19. Recreational parks and playgrounds.

3.7.20. Schools.

3.7.21. Churches.

3.7.22. Public piers, public boat ramps.

3.7.23. Pony Penning sales, yard sales.

~~3.7.24. Mobile home parks.~~

3.7.25. Other. The temporary location of construction "site trailers" or other protective, storage or other office-type structures for construction purposes are permitted providing that

such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued or halted for 30 days or longer.

3.7.26. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel so long as it remains a part of the original lot.

(Ord. of 8-1-1994; Ord. of 4-3-1995; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999) (*Amended 6/2/03, 9/2/03*)

Sec. 3.8. Special exceptions; special use permits; conditional use.

3.8.1. Cemetery.

3.8.2. Light waterfront seafood industry.

3.8.3. Townhouse.

3.8.4. Condominiums.

3.8.5. Multifamily dwelling.

3.8.6. Campgrounds.

3.8.7. Camper/travel trailer parks.

3.8.8. Hotels/motels.

3.8.9. Repealed 3/1/10.

3.8.10 Mobile home

3.8.11 Mobile home park

3.8.12~~0~~. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 5/3/04*)

Sec. 3.9. Area regulations.

3.9.1. *Lot size.*

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

3.9.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(*Amended 10/19/07*)

3.9.3. *Open space.*

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

3.9.4. *Height regulations.*

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

3.9.5. *Corner lots.*

(1) Of the two sides of a ~~corner~~ lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (*Amended 12/04/06, 10/19/07*)

Zoning Conformance Worksheet 4

C-1 and R-3 to R-4 Resort Residential District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	August 12, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	August 12, 2010	Add reference to Mixed Use PUD district	Town Staff for Planning Commission Review
3	November 9, 2010	Rename R-4 as the district name	Planning Commission

Draft Copy (for Planning Commission review):

Article III Residential Districts

SECTION D. R-4 RESORT RESIDENTIAL COMMERCIAL DISTRICT C-1

Statement of intent. The primary purpose of this district is to ~~establish and protect a district that will serve the tourist trade that is vital to the growth of Chincoteague. Of the two commercial districts, C-1 is designed to be a lower density with more open space type activities than C-2. It will also allow for some residential uses which are compatible with certain retailing operations. The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland.~~ Encourage the continuation of seasonally and permanently occupied homes, campground facilities, and resort commercial uses. These uses support Chincoteague's role as a visitor destination and improve the local economy.

Properties within this district have the potential to be redeveloped with the provision of public sewer and will be eligible for assemblage and rezoning to a planned mixed use development district.

Sec. 34.10. Uses permitted by right.

The following uses shall be permitted in the R-4 Resort Residential commercial ~~district C-1~~, subject to all other provisions of this ordinance:

- 34.10.1. Health clubs, spas, and gyms.
- 34.10.2. Home occupation.
- 34.10.3. Beauty/barber shop.
- 34.10.4. Professional office.
- 34.10.5. Wearing apparel shops.
- 34.10.6. Gift shops.
- 34.10.7. Motels.
- 34.10.8. Restaurants.
- 34.10.9. Day care facilities.
- 34.10.10. Nursing home.
- 34.10.11. Wayside stands, tailgate sales.

*Cross reference–Businesses, ch. 18.

- 34.10.12. Retail stores, any retail business.
- 34.10.13. Funeral homes.
- 34.10.14. Caterer.
- 34.10.15. Schools.
- 34.10.16. Municipal facilities.
- 34.10.17. Churches.

- 34.10.18. Light waterfront seafood industry.
- 34.10.19. Light industry.
- 34.10.20. Mobile home parks.
- 34.10.21. ~~Reserved~~Camper/travel trailer parks

(Amended 05-03-04)

- 34.10.22. Campgrounds, in compliance with state regulations.
- 34.10.23. Accessory structures.
 - (1) No accessory structure may be closer than five feet to any property line.
- 34.10.24. Public utilities.
- 34.10.25. Signs; see article VII.
- 34.10.26. Pony Penning sales, yard sales.

3.10.26.1 Recreational parks and playgrounds

- 34.10.27. Fences.

(1) All fences located from a point even with the front, for commercial uses, [or] rear, for residential uses, of the main structure extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. Open decks and open porches are exempted from being considered the rear of the main structure for residential uses. A fence previously in compliance with this section may remain in place if a new addition is constructed to the existing residential main structure.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Containment fences of solid construction may be erected to enclose fuel storage tanks, dumpsters and aboveground sewage disposal systems. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of eight feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

- 34.10.28. Single-family dwelling.
- 34.10.29. Two-family dwelling.
- 34.10.30. Townhouse.
- 34.10.31. Condominiums.
- 34.10.32. Rooming and boarding houses.
- 34.10.33. Tourist home.
- 3.10.33.1 Mobile Home
- 34.10.34. Multifamily dwelling.
- 34.10.35. Vacation rental cottages.
- 34.10.36. Boardinghouse.
- 34.10.37. Bed and breakfast.

34.10.38. Rest home.

34.1.039. Site trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.

34.10.40. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

~~Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 area regulations.~~
(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999)
(Amended 06-02-03) (Amended 09-02-03)

Sec. 34.112. Special exceptions; special use permits; conditional use-

34.112.1. Cemetery.

34.112.2. Repealed 3/1/10.

34.112.3. The use of semi-trailers or trailers as accessory structures for storage.

34.112.4. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

34.112.4.1 Parking garages and other similar structures.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 9/2/03, 5/3/04, 9/18/08*)

Sec. 34.123. Area regulations

Commercial Use

34.123.1. Lot size. No minimum lot size for permitted uses shall be required except as noted for 34.10.28 thru 34.10.38.

34.123.2. Setback. Structures shall be located a minimum of ten feet from any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots.

34.123.3. Open space.

(1) The minimum side yard for each main structure shall be five feet.

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

34.123.4. Height regulations.

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level {excluding public utilities).

34.123.5. Corner lots.

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard abutting or next to the street shall be ten feet for both the main and accessory buildings/structures.

{Ord. of 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001}

Residential Use

Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 area regulations.

3.12.6. Lot size.

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

3.12.7. Setback. Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

3.12.8. Open space.

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

3.12.9. Height regulations.

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials maybe no higher than 70 feet above mean sea level (excluding public utilities).

3.12.10. Corner lots.

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (Amended 12/04/06, 10/19/07)

Zoning Conformance Worksheet 5

C-1 to C-1 Neighborhood Commercial District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	May 11, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text, add contractor yard to special use as recommended by CP	Town Staff for Planning Commission Review
2	September 13, 2010	Update District Regulations to current version on Town website	Town Staff for Planning Commission Review
3	November 9, 2010	Update for revised district name to C-1 Neighborhood Commercial	Planning Commission

Draft (for Planning Commission review):

Article IV Commercial Districts

SECTION A. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT C-1

Statement of intent. The primary purpose of this district is to provide appropriate areas for retail commercial and service uses catering to year-round residents, while minimizing impacts to existing adjacent residential areas. This district is intended as the location for basic neighborhood, commercial, service and business uses and may also allow one and two family residential uses. establish and protect a ~~district that will serve the tourist trade that is vital to the growth of Chincoteague.~~ Of the ~~two~~ commercial districts, ~~C-1~~ Neighborhood Commercial is designed to be a lower density with more open space type activities than ~~C-2~~ other commercial districts. ~~It will also allow for some residential uses which are compatible with certain retailing operations.~~ The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland.

Sec. 4.1. Uses permitted by right.

The following uses shall be permitted in the C-1 Neighborhood Commercial ~~district C-1~~, subject to all other provisions of this ordinance:

- 4.1.1. Health clubs, spas, and gyms.
- 4.1.2. Home occupation.
- 4.1.3. Beauty/barber shop.
- 4.1.4. Professional office.
- 4.1.5. Wearing apparel shops.
- 4.1.6. Gift shops.
- ***Cross reference**–Businesses, ch. 18.
- 4.1.7. Motels.
- 4.1.8. Restaurants.
- 4.1.9. Day care facilities.
- 4.1.10. Nursing home.
- 4.1.11. Wayside stands, tailgate sales.
- 4.1.12. Retail stores, any retail business.
- 4.1.13. Funeral homes.
- 4.1.14. Caterer.
- 4.1.15. Schools.
- 4.1.16. Municipal facilities.
- 4.1.17. Churches.
- 4.1.18. Light waterfront seafood industry.
- 4.1.19. Light industry.
- 4.1.20. Mobile home parks.
- 4.1.21. Reserved
- (Amended 5/3/04)*
- 4.1.22. Campgrounds, in compliance with state regulations.
- 4.1.23. Accessory structures.

(1) No accessory structure may be closer than five feet to any property line.

4.1.24. Public utilities.

4.1.25. Signs; see Article VII, Signs.

4.1.26. Pony Penning sales, yard sales.

4.1.27. Fences.

(1) All fences located from a point even with the front, for commercial uses, [or] rear, for residential uses, of the main structure extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. Open decks and open porches are exempted from being considered the rear of the main structure for residential uses. A fence previously in compliance with this section may remain in place if a new addition is constructed to the existing residential main structure.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Containment fences of solid construction may be erected to enclose fuel storage tanks, dumpsters and aboveground sewage disposal systems. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of eight feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

4.1.28. Single-family dwelling.

4.1.29. Two-family dwelling.

4.1.30. Townhouse.

4.1.31. Condominiums.

4.1.32. Rooming and boarding houses.

4.1.33. Tourist home.

4.1.34. Multifamily dwelling.

4.1.35. Vacation rental cottages.

4.1.36. Boardinghouse.

4.1.37. Bed and breakfast.

4.1.38. Rest home.

4.1.39. Site trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.

4.1.40. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 area regulations.

(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999)

(Amended 6/2/03, 9/2/03)

Sec. 4.2. Special exceptions; special use permits; conditional use.

4.2.1. Cemetery.

4.2.2. Repealed 3/1/10.

4.2.3. The use of semi-trailers or trailers as accessory structures for storage.

4.2.4. Small well screened contractor yards or storage facilities

4.2.5. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

4.2.5.1 Parking garages and other similar structures.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) *(Amended 9/2/03, 5/3/04, 9/18/08)*

Sec. 4.3. Area regulations.

Commercial Use

4.3.1. *Lot size.* No minimum lot size for permitted uses shall be required except as noted for 4.1.28 thru 4.1.38.

4.3.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of ten feet from any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots.

(Amended 10/19/07)

4.3.3. *Open space.*

(1) The minimum side yard for each main structure shall be five feet.

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

4.3.4. *Height regulations.*

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio

aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

4.3.5. *Corner lots.*

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard setback abutting a street, road, right-of-way or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001)
(Amended 12/4/06, 10/19/07)

Residential Use

Area and setback requirements for 5.1.28 thru 5.1.38 shall use R-3 area regulations.

4.3.6. *Lot size.*

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

4.3.7. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

4.3.8. *Open space.*

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

4.3.9. *Height regulations.*

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials maybe no higher than 70 feet above mean sea level (excluding public utilities).

4.3.10. Corner lots.

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (Amended 12/04/06, 10/19/07)

Zoning Conformance Worksheet 6

C-2 to C-2 Historic Downtown District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	April 13, 2010	First draft to revise title, add section 4.4.31 to permit residential uses above first floor commercial use by-right, add section 4.5.5 to make demolition or conversion of commercial structures a conditional use	Town Staff for Planning Commission Review
2	September 13, 2010	Update District Regulations to current version on Town website	Town Staff for Planning Commission Review
3	November 9, 2010	Retain C-2 as the district name	Planning Commission

Draft Copy (for Planning Commission review):

Article IV Commercial Districts

SECTION B. C-2 HISTORIC DOWNTOWN COMMERCIAL DISTRICT C-2

Statement of intent. Generally this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than those occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, restaurants and taverns, and garages and service stations.

Sec. 4.4. Uses permitted by right.

The following uses shall be permitted in commercial the C-2 Historic Downtown Commercial district C-2, subject to all other provisions of this ordinance:

- 4.4.1. Health clubs, spas and gyms.
- 4.4.2. Retail stores, retail sales.
- 4.4.3. Flower shops.
- 4.4.4. Bakeries.
- 4.4.5. Restaurants.
- 4.4.6. Dry cleaners.
- 4.4.7. Laundries.
- 4.4.8. Wearing apparel stores.
- 4.4.9. Drugstores.
- 4.4.10. Barber and beauty shops.
- 4.4.11. Auto and home appliance services.
- 4.4.12. Theaters, assembly halls.
- 4.4.13. Hotels, motels.
- 4.4.14. Office buildings.
- 4.4.15. Funeral homes.
- 4.4.16. Service stations.
- 4.4.17. Lumber and building supply.
- 4.4.18. Plumbing and electrical supply.
- 4.4.19. Auto, motorcycles, trucks, mobile home sales and service.
- 4.4.20. Wholesale and processing not objectionable because of dust, noise, or odors with a conditional use permit.
- 4.4.21. Machinery sales and service.
- 4.4.22. Waterfront businesses such as wholesale and retail marine activities, boats, docks, piers, small boat docks, yacht club and servicing facilities for the same, docks and areas for the receipt, storage and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.
- 4.4.23. Public billiard parlors and pool rooms, bowling alleys, dance halls and similar

forms of public amusement.

4.4.24. Light industry.

4.4.25. Caterers.

4.4.26. Gift shops.

4.4.27. Professional offices.

4.4.28. Home occupations.

4.4.29. Tailgate sales, wayside stands.

4.4.30. Accessory structures.

4.4.31. ~~Reserved.~~ Residential uses above first floor commercial use

(Amended 5/3/04)

4.4.32. Signs, see Article VII, Signs.

4.4.33. Pony Penning sales, yard sales.

4.4.34. Public utilities.

4.4.35. Churches, schools.

4.4.36. Libraries.

4.4.37. Hospitals.

4.4.38. Clubs and lodges.

4.4.39. Fences.

(1) All fences located from a point even with the front, for commercial uses, [or] rear, for residential uses, of the main structure extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. Open decks and open porches are exempted from being considered the rear of the main structure for residential uses. A fence previously in compliance with this section may remain in place if a new addition is constructed to the existing residential main structure.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Containment fences of solid construction may be erected to enclose fuel storage tanks, dumpsters and aboveground sewage disposal systems. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of eight feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than five feet from the front lot line.

4.4.40. Area and setback requirements for 6.4.40 thru 6.4.50 shall use R-3 area regulations.

4.4.41. Single-family dwelling.

- 4.4.4~~21~~. Two-family dwelling.
- 4.4.4~~32~~. Townhouse.
- 4.4.4~~43~~. Condominiums.
- 4.4.4~~54~~. Rooming and boarding houses.
- 4.4.4~~65~~. Tourist home.
- 4.4.4~~76~~. Multifamily dwelling.
- 4.4.4~~87~~. Vacation rental cottages.
- 4.4.4~~98~~. Boardinghouse.
- 4.4.5~~049~~. Bed and breakfast.
- 4.4.5~~10~~. Rest home.
- 4.4.5~~21~~. Site Trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.
- 4.4.5~~32~~. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

~~Area and setback requirements for 4.4.40 thru 4.4.50 shall use R-3 area regulations.~~

(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999)
(Amended 6/2/03, 9/2/03)

Sec. 4.5. Special exceptions; special use permits; conditional use.

- 4.5.1. Cemetery.
- 4.5.2. Repealed 3/1/10.
- 4.5.3. The use of semi-trailers or trailers as accessory structures for storage.
- 4.5.4. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.
 - 4.5.4.1 Parking garages and other similar structures.
 - 4.5.4.2 Demolition or conversion of commercial structures to residential use

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (Amended 9/2/03, 5/3/04, 9/18/08)

Sec. 4.6. Area regulations.

- 4.6.1. *Lot size.* No minimum lot size for permitted uses shall be required, with the exception that all residential uses must comply with R-3 requirements.
- 4.6.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of ten feet from any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots.

(Amended 10/19/07)

4.6.3. Open space.

- (1) The minimum side yard for each main structure or accessory structure shall be five feet.
- (2) Each main structure or accessory structure shall have a minimum rear yard of five feet except waterfront properties would have no required setbacks for both residential and commercial structures.

4.6.4. Height regulations.

- (1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.
- (2) No accessory building shall be more than 25 feet in height.
- (3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.
- (4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

4.6.5. Corner lots.

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- (2) The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.
(Ord. of 5-18-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. of 5-17-2001) *(Amended 12/4/06, 10/19/07)*

Residential Use

Area and setback requirements for 6.1.28 thru 6.1.38 shall use R-3 area regulations.

4.6.6. Lot size.

- (1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)
- (2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

4.6.7. Setback. Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

5.3.8. Open space.

- (1) The minimum side yard for each main structure shall be ten feet.
- (2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

4.6.9. Height regulations.

- (1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.
- (2) No accessory building shall be more than 25 feet in height.
- (3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.
- (4) Church spires, belfries, monuments, flagpoles, television antennae and radio aeriels maybe no higher than 70 feet above mean sea level (excluding public utilities).

4.6.10. Corner lots.

- (1) Of the two sides of a comer lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- (2) The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (Amended 12/04/06, 10/19/07)

Zoning Conformance Worksheet 7

C-1 and C-2 to C-3 Commercial Corridor District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	June 11, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text, combine with permitted uses from C-2	Town Staff for Planning Commission Review
2	November 9, 2010	Rename district to C-3 Commercial Corridor, revise statement of intent	Planning Commission

Draft Copy (for Planning Commission review):

Article IV Commercial Districts

SECTION C. C-3 CORRIDOR COMMERCIAL ~~DISTRICT C-1~~

Statement of intent. The primary purpose of this district is to establish and protect a district that will serve the tourist trade that is vital to the growth of Chincoteague. ~~Of the two~~ Two commercial districts have been combined, C-1 ~~is designed to be a lower density with more open space type activities than and~~ C-2 to create a single district that includes a context based design review process. Generally this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other stocking and delivery of light retail goods, or by any nuisance factors other than those occasioned by incidental light and noise of congregation of people and passenger vehicles. It will also allow for some residential uses which are compatible with certain retailing operations. The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland.

Sec. ~~4.71~~. Uses permitted by right. ([back to chapter index](#))

The following uses shall be permitted in commercial district C-1, subject to all other provisions of this ordinance:

- 4.~~71~~.1. Health clubs, spas, and gyms.
- 4.~~71~~.2. Home occupation.
- 4.~~71~~.3. Beauty/barber shop.
- 4.~~71~~.4. Professional office.
- 4.~~71~~.5. Wearing apparel shops.
- 4.~~71~~.6. Gift shops.
- 4.~~71~~.7. Motels/~~Hotels~~.
- 4.~~71~~.8. Restaurants.
- 4.~~71~~.9. Day care facilities.
- 4.~~71~~.10. Nursing home.
- 4.7.11 Hospitals
- 4.~~71~~.1~~2~~. Wayside stands, tailgate sales.
- 4.7.13 Pharmacy/Drugstores
- 4.7.14 Auto services/Service Stations
- 4.7.15 Public Amusement
- 4.7.16 Clubs/Lodges
- *Cross reference–Businesses, ch. 18.
- 4.~~71~~.1~~7~~. Retail stores, any retail business.
- 4.~~71~~.1~~8~~. Funeral homes.
- 4.~~71~~.1~~9~~. Caterer.
- 4.~~71~~.2~~0~~~~1~~5. Schools.

- 4.~~71.2016~~. Municipal facilities.
- 4.~~71.1721~~. Churches.
- 4.~~71.2218~~. Light waterfront seafood industry.
- 4.~~71.2319~~. Light industry.
- 4.~~71.2420~~. Mobile home parks.
- 4.~~71.251~~. Reserved

(Amended 05-03-04)

- 4.~~71.262~~. Campgrounds, in compliance with state regulations.
- 4.~~71.273~~. Accessory structures.
 - (1) No accessory structure may be closer than five feet to any property line.
- 4.~~71.284~~. Public utilities.
- 4.~~71.295~~. Signs; see article VII.
- 4.~~71.3026~~. Pony Penning sales, yard sales.
- 4.~~71.3127~~. Fences.

(1) All fences located from a point even with the front, for commercial uses, [or] rear, for residential uses, of the main structure extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. Open decks and open porches are exempted from being considered the rear of the main structure for residential uses. A fence previously in compliance with this section may remain in place if a new addition is constructed to the existing residential main structure.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Containment fences of solid construction may be erected to enclose fuel storage tanks, dumpsters and aboveground sewage disposal systems. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of eight feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

- 4.~~71.3228~~. Single-family dwelling.
- 4.~~71.3329~~. Two-family dwelling.
- 4.~~71.3430~~. Townhouse.
- 4.~~71.3531~~. Condominiums.
- 4.~~71.3632~~. Rooming and boarding houses.
- 4.~~71.3733~~. Tourist home.
- 4.~~71.3834~~. Multifamily dwelling.
- 4.~~71.3935~~. Vacation rental cottages.
- 4.~~71.4036~~. Boardinghouse.
- 4.~~71.4137~~. Bed and breakfast.

4.~~71.4238~~. Rest home.

4.~~71.4339~~. Site trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.

4.~~71.440~~. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

~~_____ Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 area regulations.~~
(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999)
(Amended 06-02-03) (Amended 09-02-03)

Sec. 4.~~82~~. Special exceptions; special use permits; conditional use.

4.~~82~~.1. Cemetery.

4.~~82~~.2. Repealed 3/1/10.

4.~~82~~.3. The use of semi-trailers or trailers as accessory structures for storage.

4.~~82~~.4. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

4.~~82~~.4.1 Parking garages and other similar structures.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 9/2/03, 5/3/04, 9/18/08*)

Sec. 4.~~93~~. Area regulations.

Commercial Use

4.~~93~~.1. Lot size. No minimum lot size for permitted uses shall be required except as noted for 4.~~71.28~~ thru 4.~~71.38~~.

4.~~93~~.2. Setback. Structures shall be located a minimum of ten feet from any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots.

4.~~93~~.3. Open space.

(1) The minimum side yard for each main structure shall be five feet.

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

4.~~93~~.4. Height regulations.

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level {excluding public utilities).

4.93.5. Corner lots.

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard abutting or next to the street shall be ten feet for both the main and accessory buildings/structures.

{Ord. of 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001}

Residential Use

Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 residential use area regulations.

4.9.6. Lot size.

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

4.9.7. Setback. Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

4.9.8. Open space.

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

4.9.9. Height regulations.

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials maybe no higher than 70 feet above mean sea level (excluding public

utilities).

4.9.10. Corner lots.

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (Amended 12/04/06, 10/19/07)

Zoning Conformance Worksheet 8

C-1 to C-4 Resort Commercial District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	August 12, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	August 12, 2010	Add reference to Mixed Use PUD district	Town Staff for Planning Commission Review
3	November 9, 2010	Revised district name to C-4 Resort Commercial	Planning Commission

Draft Copy (for Planning Commission review):

Section IV Commercial Districts

SECTION D. C-4 RESORT COMMERCIAL DISTRICT C-4

Statement of intent. The primary purpose of this district is to ~~establish and protect a district that will serve the tourist trade that is vital to the growth of Chincoteague. Of the two commercial districts, C-1 is designed to be a lower density with more open space type activities than C-2. It will also allow for some residential uses which are compatible with certain retailing operations. The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland.~~ Encourage the continuation of seasonally and permanently occupied homes, campground facilities, and resort commercial uses. These uses support Chincoteague's role as a visitor destination and improve the local economy.

Properties within this district have the potential to be redeveloped only with the provision of public sewer and will be eligible for assemblage and rezoning to a planned mixed use development district.

Sec. 4.10. Uses permitted by right.

The following uses shall be permitted in the C-4 Resort Commercial district C-4, subject to all other provisions of this ordinance:

- 4.10.1. Health clubs, spas, and gyms.
- 4.10.2. Home occupation.
- 4.10.3. Beauty/barber shop.
- 4.10.4. Professional office.
- 4.10.5. Wearing apparel shops.
- 4.10.6. Gift shops.
- 4.10.7. Motels.
- 4.10.8. Restaurants.
- 4.10.9. Day care facilities.
- 4.10.10. Nursing home.
- 4.10.11. Wayside stands, tailgate sales.

*Cross reference—Businesses, ch. 18.

- 4.10.12. Retail stores, any retail business.
- 4.10.13. Funeral homes.
- 4.10.14. Caterer.
- 4.10.15. Schools.
- 4.10.16. Municipal facilities.
- 4.10.17. Churches.
- 4.10.18. Light waterfront seafood industry.

- 4.10.19. Light industry.
- 4.10.20. Mobile home parks.
- 4.10.21. ~~Reserved~~ Camper/travel trailer parks

(Amended 05-03-04)

- 4.10.22. Campgrounds, in compliance with state regulations.
- 4.10.23. Accessory structures.
 - (1) No accessory structure may be closer than five feet to any property line.
- 4.10.24. Public utilities.
- 4.10.25. Signs; see article VII.
- 4.10.26. Pony Penning sales, yard sales.

4.10.26.1 Recreational parks and playgrounds

- 4.10.27. Fences.

(1) All fences located from a point even with the front, for commercial uses, [or] rear, for residential uses, of the main structure extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. Open decks and open porches are exempted from being considered the rear of the main structure for residential uses. A fence previously in compliance with this section may remain in place if a new addition is constructed to the existing residential main structure.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Containment fences of solid construction may be erected to enclose fuel storage tanks, dumpsters and aboveground sewage disposal systems. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of eight feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

- 4.10.28. Single-family dwelling.
- 4.10.29. Two-family dwelling.
- 4.10.30. Townhouse.
- 4.10.31. Condominiums.
- 4.10.32. Rooming and boarding houses.
- 4.10.33. Tourist home.
- 4.10.33.1 Mobile Home
- 4.10.34. Multifamily dwelling.
- 4.10.35. Vacation rental cottages.
- 4.10.36. Boardinghouse.
- 4.10.37. Bed and breakfast.
- 4.10.38. Rest home.

4.10.39. Site trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.

4.10.40. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

Area and setback requirements for 4.10.28 thru 4.10.38 shall use R-3 area regulations. (Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999) (Amended 06-02-03) (Amended 09-02-03)

Sec. 4.112. Special exceptions; special use permits; conditional use.

4.112.1. Cemetery.

4.112.2. Repealed 3/1/10.

4.112.3. The use of semi-trailers or trailers as accessory structures for storage.

4.112.4. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

4.112.4.1 Parking garages and other similar structures.

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 9/2/03, 5/3/04, 9/18/08*)

Sec. 4.123. Area regulations.

4.123.1. Lot size. No minimum lot size for permitted uses shall be required except as noted for 4.10.28 thru 4.10.38.

4.123.2. Setback. Structures shall be located a minimum of ten feet from any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots.

4.123.3. Open space.

(1) The minimum side yard for each main structure shall be five feet.

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

4.123.4. Height regulations.

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level {excluding public utilities}.

4.123.5. Corner lots.

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard abutting or next to the street shall be ten feet for both the main and accessory buildings/structures.

{Ord. of 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001)

Residential Use

Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 area regulations.

4.12.6. Lot size.

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

4.3.7. Setback. Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 25 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

4.12.8. Open space.

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

4.12.9. Height regulations.

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aeriels maybe no higher than 70 feet above mean sea level (excluding public utilities).

4.12.10. Corner lots.

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard setback abutting a street, road, right-of-way, or easement shall

be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001) (Amended 12/04/06, 10/19/07)

Zoning Conformance Worksheet 9

C-1 to PSP Public/Semi-Public District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	September 14, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text, revise text to include all existing public uses and eliminate non-public uses.	Town Staff for Planning Commission Review
2	November 9, 2010	Revise district name to PSP Public/Semi Public	Planning Commission

Draft Copy (for Planning Commission review):

Article V Other Districts

SECTION A. PSP PUBLIC/SEMI-PUBLIC COMMERCIAL DISTRICT C-1

Statement of intent. The primary purpose of this district is to establish and protect a district that will provide an appropriate array of public facilities and services to meet the basic needs of the community. This includes public facilities and services that are available to all portions of the Town. The district will not include any parcel that is in private ownership.~~serve the tourist trade that is vital to the growth of Chincoteague. Of the two commercial districts, C-1 is designed to be a lower density with more open space type activities than C-2. It will also allow for some residential uses which are compatible with certain retailing operations. The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland.~~

Public land uses are defined as those uses, which are owned and controlled by a public body for use as a service to the general public. Public land uses comprise a variety of uses for the health, education, safety, and general well-being of the public such as Town offices, post offices, or other government service buildings.

Semi-Public Land Uses are uses owned and controlled by a private or civic group for the purpose of aiding in the health, education, safety, or well-being of the general public or a specific segment of the public. Small-scale semi-public uses may be located in residential neighborhoods. Large-scale semi-public uses should be located in commercial districts.

Sec. 5.1. Uses permitted by right.

The following uses shall be permitted in ~~commercial~~the PSP Public/Semi-Public district ~~C-1~~, subject to all other provisions of this ordinance:

- 5.1.1. Health clubs, spas, and gyms.
- ~~4.1.2. Home occupation.~~
- ~~4.1.3. Beauty/barber shop.~~
- 5.1.24. Professional office.
- ~~4.1.5. Wearing apparel shops.~~
- 5.1.36. Tourist Information Center, Gift shops.
- ~~4.1.7. Motels.~~
- ~~4.1.8. Restaurants.~~
- 5.1.49. Day care facilities.
- 5.1.510. Nursing home.
- ~~4.1.11. Wayside stands, tailgate sales.~~
- ~~4.1.12. Retail stores, any retail business.~~Civic Center
- ~~4.1.13. Funeral homes.~~Public Parking Lot
- 5.1.614. Caterer.
- 5.1.715. Schools.
- 5.1.816. Municipal facilities.

~~4.1.17. Churches: Marina, Boat Ramp, Harbor including Fuel Sales~~

5.1.918. Light waterfront seafood industry.

5.1.109. Light industry.

~~4.1.20. Mobile home parks: State or Federal facilities (USCG)~~

~~4.1.21. Reserved~~

~~(Amended 5/3/04)~~

~~4.1.22. Campgrounds, in compliance with state regulations: Stormwater management facilities~~

5.1.1123. Accessory structures.

(1) No accessory structure may be closer than five feet to any property line.

5.1.1224. Public utilities.

5.1.1325. Signs; see Article VII, Signs.

5.1.1426. Pony Penning sales, ~~yard sales, carnival grounds~~

5.1.1527. Fences.

(1) All fences located from a point even with the front, for commercial uses, [or] rear, for residential uses, of the main structure extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. Open decks and open porches are exempted from being considered the rear of the main structure for residential uses. A fence previously in compliance with this section may remain in place if a new addition is constructed to the existing residential main structure.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Containment fences of solid construction may be erected to enclose fuel storage tanks, dumpsters and aboveground sewage disposal systems. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of eight feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

~~4.1.28. Single family dwelling.~~

~~4.1.29. Two family dwelling.~~

~~4.1.30. Townhouse.~~

~~4.1.31. Condominiums.~~

~~4.1.32. Rooming and boarding houses.~~

~~4.1.33. Tourist home.~~

~~4.1.34. Multifamily dwelling.~~

~~4.1.35. Vacation rental cottages.~~

~~4.1.36. Boardinghouse.~~

~~4.1.37. Bed and breakfast.~~

~~4.1.38. Rest home.~~

5.1639. Site trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.

5.1.1740. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

~~Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 area regulations.~~

(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999)

(Amended 6/2/03, 9/2/03)

Sec. 5.2. Special exceptions; special use permits.

5.2.1. Cemetery.

5.2.2. Repealed 3/1/10.

5.2.3. The use of semi-trailers or trailers as accessory structures for storage.

5.2.4. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

5.2.4.1 Parking garages and other similar structures.

5.2.4.2 Recycling Center/Waste Transfer Center

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) *(Amended 9/2/03, 5/3/04, 9/18/08)*

Sec. 5.3. Area regulations.

5.3.1. *Lot size.* No minimum lot size for permitted uses shall be required ~~except as noted for 4.1.28 thru 4.1.38.~~

5.3.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of ten feet from any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots.

(Amended 10/19/07)

5.3.3. *Open space.*

(1) The minimum side yard for each main structure shall be five feet.

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

5.3.4. *Height regulations.*

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still

applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

5.3.5. Corner lots.

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard setback abutting a street, road, right-of-way or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001)

(Amended 12/4/06, 10/19/07)

Zoning Conformance Worksheet 10

R-1 to POS Park & Open Space District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	May 11, 2010	Copy R-1 ordinance and rename district, align purpose with Comprehensive Plan text, delete uses not applicable, add uses recommended by CP	Town Staff for Planning Commission Review
2	November 9, 2010	Revise district name to POS Park & Open Space District	Planning Commission

Draft Copy (for Planning Commission review):

Article V Other Districts

SECTION B. POS PARK & OPEN SPACE RESIDENTIAL DISTRICT R-1

Statement of intent. ~~This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit most activities of a commercial nature. To these ends, development is limited to relatively low concentration of single-unit dwellings providing homes for the residents, as well as commercial activities conducted in such a manner as to not disturb the peace and harmony of the district. This district requires that public streets, utilities and drainage be installed prior to approval. The purpose of this district is to provide parks, recreational and open space areas for use by visitors and residents of the Town of Chincoteague. Parks and open space help to define neighborhoods, serve as natural drainageways, and satisfy the aesthetic and recreational needs of the community.~~

Sec. 5.4. Uses permitted by right.

The following uses shall be permitted in ~~residential~~ the POS Park & Open Space district ~~R-1~~ subject to all other provisions of this ordinance:

- ~~— 3.1.1. Single family dwelling.~~
- ~~— 3.1.2. Limited home occupation.~~
- ~~— 3.1.3. Tourist rental homes.~~

5.4.14. Accessory building/structure.

(1) No accessory building/structure may be closer than five feet to any side or rear property line. No accessory building/structure may be closer than 25 feet from the front property line or more than the average setback of the structures on either side.

(2) The use of semi-trailers, trailers or other types of vehicles or parts of vehicles as storage or accessory structures is not allowed.

5.4.25. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least thirty percent open space, when viewed at any

point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

5.41.36. Public utilities.

5.41.47. Signs.

(1) Street address signs.

~~(2) Home occupation signs.~~

~~(3) Resident identification signs.~~

(4) Temporary signs.

(5) ~~Business~~Public signs ~~only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to six square feet, will be allowed on each lot.~~ See article VII, Signs.

5.41.58. Parks.

5.41.69. Pony Penning sales.

5.41.710. ~~Yard~~Farmers Market or festival sales.

5.41.811. Other. The temporary location of construction "site trailers" or other protective, storage or other office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued or halted for 30 days or longer.

5.41.912. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.
(Ord. of 8-1-1994; Ord. of 4-3-1995; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999)
(Amended 06-02-03) (Amended 09-02-03)

Sec. 5.52. Special exceptions; special use permits; conditional use.

5.52.1. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

(Amended 5/3/04)

~~35.52.2.~~ Repealed 3/1/10.

(Ord. of 4-3-1995; Ord. of 5-17-2001)

Sec. 5.63. Area regulations.

5.63.1. *Lot size.* The minimum lot size for permitted uses shall be 15,000 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be

required by the health official.)

5.63.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 50 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

(Amended 10/19/07)

5.63.3. *Open space.*

(1) The minimum side yard setback for each main structure shall be 15 feet.

(2) Each main structure shall have a minimum rear yard setback of 35 feet except waterfront properties would have no required setback.

5.63.4. *Height regulations.*

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed 3 stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(Ord. of 2-5-01.)

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aeriels may be no higher than 70 feet above mean sea level (excluding public utilities).

5.63.5. *Corner lots.*

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard abutting or next to the street shall be 35 feet for both the main and accessory buildings/structures excluding steps, and a landing not greater than 5 feet by 5 feet.

(Ord. of 4-3-95; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 4-13-98; Ord. of 4-5-99; Ord. of 5-17-2001) *(Amended 10/19/07)*

Zoning Conformance Worksheet 11

Agriculture to RC Resource Conservation District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	September 14, 2010	Copy Agriculture ordinance and rename district, align purpose with Comprehensive Plan text, amend to limit development potential consistent with environmental constraints	Town Staff for Planning Commission Review
2	November 9, 2010	Revise district name to RC Resource Conservation	Planning Commission

Draft Copy (for Planning Commission review):

Article V Other Districts

SECTION C. RC RESOURCE CONSERVATION AGRICULTURE DISTRICT

Statement of intent. This district covers those portions of the town ~~occupied by various open spaces, forests, farmlands, beaches and parks.~~ The agricultural Resource Conservation district is established for the specific purpose of ~~promoting and encouraging the development of agricultural and forest lands for continuing agricultural operations, and for the purpose of~~ conserving essential lands and open spaces for the protection of natural resources and waters and the reduction of pollution, soil erosion, and hazards from floods, fires and storms. Uses within this district shall be limited to those ~~agricultural and~~ conservation uses expressly permitted by right. Any proposal for the conversion of such lands to another use shall be evaluated for its impact on the town's existing resources and needs, and may be authorized only after reasonable and orderly zoning amendment process in accordance with the review procedures and standards specified in this ordinance.

Sec. 5.7. Uses permitted by right.

The following uses shall be permitted in ~~agricultural~~ the RC Resource Conservation district ~~A~~, subject to all other provisions of this ordinance:

~~3.10.1. Single family dwelling.~~

~~3.10.2. Home occupation.~~

~~3.10.3. Horticultural uses including nurseries, truck farming and the cultivation of crops, and including on-site facilities for grading, storing and shipping, and/or sales of items grown or produced on-site.~~

~~3.10.4. Raising, grazing and feeding of animals including dairy cows, livestock, swine and poultry, and the keeping of bees.~~

5.7.15. Game preserves and conservation areas.

5.7.26. Fish hatcheries and fish ponds; wildlife/waterfowl ponds.

5.7.37. Drainage, erosion and flood control devices.

5.7.48. Wells, water reservoirs and water control structures.

~~5.7.59. Public utilities' generating, booster or relay stations, transformer substations, transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.~~

5.7.610. Accessory structures.

~~3.10.11. Schools, churches.~~

5.7.712. Seafood and shellfish landing, receiving, storage and shipping facilities.

5.7.813. Aquaculture and mariculture facilities and activities.

~~3.10.14. Commercial kennels.~~

5.7.915. Commercial ~~riding and boarding stables~~ kayak and boat rental facilities

5.7.1016. Public parks, recreational areas, ~~golf courses, yacht and country clubs,~~ marinas

and other public buildings.

~~5.7.1117. Facilities for repair and fueling of watercraft.~~

~~5.7.128. Commercial seafood and shellfish receiving, processing, packing and shipping facilities.~~

~~5.7.139. Lodges, hunting clubs, boating clubs, golf clubs.~~

~~5.7.1420. Commercial facilities for grading, processing, packing, storage and marketing of agricultural and horticultural products.~~

5.7.1521. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

5.7.1622. Public utilities.

~~3.10.23. Signs: temporary signs; see Article VII, Signs.~~

~~3.10.24. Pony Penning sales.~~

~~3.10.25. Yard sales.~~

~~3.10.26. Mobile home.~~

~~3.10.27. Site trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.~~

~~3-10.28. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.~~

~~-(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-7-1997; Ord. of 4-13-1998; Ord. of 4-5-~~

1999) (*Amended 06-02-03*) (*Amended 09-02-03*)

Sec. 5.8. Special exceptions; special use permits.

~~3.11.1. Cemetery.~~

~~3.11.2. Airports and aircraft landing strips.~~

~~3.11.3. Radiowave and microwave transmission and relay towers, and appurtenant structures and facilities.~~

5.8.14. Repealed 3/1/10. Public utilities' generating, booster or relay stations, transformer substations.

transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.

~~3.11.5. The use of semi-trailers or trailers as accessory structures for storage.~~

5.8.26. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

(Ord. of 4-3-1995; Ord. of 4-7-1997; Ord. of 8-2-1999; Ord. of 5-17-2001)

(*Amended 9/2/03*)

Sec. 5.8. Area regulations.

5.8.1. *Lot size.*

(1) The minimum lot size for permitted residential dwellings shall be five acres, or a minimum individual lot size of one acre as long as the allowable gross density does not exceed one unit per five acres on any given parcel of land.

5.8.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 50 feet from the edge of any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance.

(*Amended 10/19/07*)

5.8.3. *Open space.*

(1) The minimum side yard setback for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more.

(2) The minimum side yard for accessory structures shall be 30 feet or more.

5.8.4. *Height regulations.*

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

5.8.5. *Corner lots.*

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(Ord. of 7-3-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. 5-17-2001)

Zoning Conformance Worksheet 12

A to A Agriculture District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	September 14, 2010	Copy Agriculture ordinance and maintain current district name, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	November 9, 2010	Revise district name to A Agriculture	Planning Commission

Draft Copy (for Planning Commission review):

Article III Residential Districts

SECTION E. A - AGRICULTURE DISTRICT

Statement of intent. This district covers those portions of the town occupied by various open spaces, forests, farmlands, beaches and parks. The agricultural district is established for the specific purpose of promoting and encouraging the development of agricultural and forest lands for continuing agricultural operations, and for the purpose of conserving essential lands and open spaces for the protection of natural resources and waters and the reduction of pollution, soil erosion, and hazards from floods, fires and storms. Uses within this district shall be limited to those agricultural and conservation uses expressly permitted by right. Any proposal for the conversion of such lands to another use shall be evaluated for its impact on the town's existing resources and needs, and may be authorized only after reasonable and orderly process in accordance with the review procedures and standards specified in this ordinance.

Sec. 3.130. Uses permitted by right.

The following uses shall be permitted in the A Agricultural district~~A~~, subject to all other provisions of this ordinance:

- 3.130.1. Single-family dwelling.
- 3.130.2. Home occupation.
- 3.130.3. Horticultural uses including nurseries, truck farming and the cultivation of crops, and including on-site facilities for grading, storing and shipping, and/or sales of items grown or produced on site.
- 3.130.4. Raising, grazing and feeding of animals including dairy cows, livestock, swine and poultry, and the keeping of bees.
- 3.130.5. Game preserves and conservation areas.
- 3.130.6. Fish hatcheries and fish ponds; wildlife/waterfowl ponds.
- 3.130.7. Drainage, erosion and flood control devices.
- 3.130.8. Wells, water reservoirs and water control structures.
- 3.130.9. Public utilities' generating, booster or relay stations, transformer substations, transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.
- 3.130.10. Accessory structures.
- 3.130.11. Schools, churches.
- 3.130.12. Seafood and shellfish landing, receiving, storage and shipping facilities.
- 3.130.13. Aquaculture and mariculture facilities and activities.
- 3.130.14. Commercial kennels.
- 3.130.15. Commercial riding and boarding stables.
- 3.130.16. Public parks, recreational areas, golf courses, yacht and country clubs, marinas

and other public buildings.

3.1~~30~~.17. Facilities for repair and fueling of watercraft.

3.1~~30~~.18. Commercial seafood and shellfish receiving, processing, packing and shipping facilities.

3.1~~30~~.19. Lodges, hunting clubs, boating clubs, golf clubs.

3.1~~30~~.20. Commercial facilities for grading, processing, packing, storage and marketing of agricultural and horticultural products.

3.1~~30~~.21. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

3.1~~30~~.22. Public utilities.

3.1~~30~~.23. Signs: temporary signs; see Article VII, Signs.

3.1~~30~~.24. Pony Penning sales.

3.1~~30~~.25. Yard sales.

3.1~~30~~.26. Mobile home.

3.1~~30~~.27. Site trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.

3-1~~30~~.28. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-7-1997; Ord. of 4-13-1998; Ord. of 4-5-

1999) (*Amended 06-02-03*) (*Amended 09-02-03*)

Sec. 3.1~~41~~. Special exceptions; special use permits.

3.1~~41~~.1. Cemetery.

3.1~~41~~.2. Airports and aircraft landing strips.

3.1~~41~~.3. Radiowave and microwave transmission and relay towers, and appurtenant structures and facilities.

3.1~~41~~.4. Repealed 3/1/10.

3.1~~41~~.5. The use of semi-trailers or trailers as accessory structures for storage.

3.1~~41~~.6. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

(Ord. of 4-3-1995; Ord. of 4-7-1997; Ord. of 8-2-1999; Ord. of 5-17-2001)

(*Amended 9/2/03*)

Sec. 3.1~~52~~. Area regulations.

3.1~~52~~.1. *Lot size.*

(1) The minimum lot size for permitted residential dwellings shall be five acres, or a minimum individual lot size of one acre as long as the allowable gross density does not exceed one unit per five acres on any given parcel of land.

3.1~~52~~.2. *Setback.* Structures excluding steps, and a landing not greater than 5 feet by 5 feet shall be located a minimum of 50 feet from the edge of any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance.

(*Amended 10/19/07*)

3.1~~52~~.3. *Open space.*

(1) The minimum side yard setback for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more.

(2) The minimum side yard for accessory structures shall be 30 feet or more.

3.1~~52~~.4. *Height regulations.*

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public

utilities).

3.1~~52~~.5. *Corner lots.*

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(Ord. of 7-3-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. 5-17-2001)