



STAFF REPORT

To: Mayor Tarr and Town Council

Through: Robert Ritter, Town Manager

From: Bill Neville, Director of Planning

Date: January 23, 2012

Subject: PUBLIC HEARING - Zoning Map and District Update

- ❖ **The Planning Commission held two public hearings on May 10, 2011 and June 14, 2011 regarding a comprehensive Zoning Map and Zoning District amendment. Public comments were summarized into 7 topics/issues and considered at the Planning Commission work session on July 12, 2011. Revisions and corrections have been completed by Staff as contained in this staff report. On August 9, 2011 the Planning Commission voted to forward this project to the Town Council with a recommendation for approval.**
 - ❖ **Town Council reviewed the Planning Commission recommendation and public comment on October 20, 2011, and reviewed the zoning map revisions on January 19, 2012.**
 - ❖ **Town Council Public Hearing is scheduled for February 6, 2012**
-

OBJECTIVE: To update the Official Zoning Map and Zoning Districts for the Town of Chincoteague as recommended by the adopted Comprehensive Plan.

The Town of Chincoteague Comprehensive Plan, adopted on January 4, 2010, is required by the Code of Virginia for the purpose of guiding the general development of the Town. A community typically uses an official zoning map, a zoning ordinance, a subdivision ordinance, and other measures in order to implement the goals and objectives contained in the Plan.

Specific recommendations were adopted in the 2010 Comprehensive Plan to designate twelve (12) land use planning areas that considered existing use, established settlement

patterns, and opportunities for growth and redevelopment. Within most areas, the existing zoning district regulations would continue to apply without change. Several new zoning categories are proposed that require the consideration of a comprehensive update to the official zoning map and district regulations.

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

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

The Planning Commission proposed a strategy to prepare the zoning revisions, hold public hearings, and to recommend to the Town Council an update of the Official Town Zoning Map. This approach made only minimum incremental changes to each district rather than to completely revise the zoning ordinance. Revisions to the district regulations have been tracked by redline changes and permitted uses within each district included in a comparison chart.

The process began with a focus on the Old Town Commercial district along Main Street as the heart of Town. (See May 2010 PC packet). The next area reviewed was the Commercial Corridor district along Maddox Boulevard (see June 2010 PC packet). The Resort Residential and Resort Commercial districts generally located at the central and south ends of the Island were reviewed together. (see August 2010 PC packet) The review of Public-Semi Public, Resource Conservation and Agriculture districts followed next. (see September 2010 PC packet). The remaining districts were discussed along with land use issues affecting all districts. (see October 2010 PC packet).

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

5	Resort Residential	R-3	R-4 Resort Residential
6	Neighborhood Commercial	C-1	C-1 Neighborhood Commercial
7	Commercial Corridor	C-1 and C-2	C-3 Corridor Commercial
8	Resort Commercial	C-1	C-4 Resort Commercial
9	Public-Semi Public	C-1, C-2 and R-3	PSP Public Semi-Public
10	Park & Open Space	R-2 and R-3	POS Park and Open Space
11	Resource Conservation	R-3	RC Resource Conservation
12	Agriculture	A	A Agriculture

* Note: Town Code Chapter 30 - Floods creates a zoning overlay district for the entire Chincoteague Island that corresponds with the FEMA 100 year floodplain mapping. This information will be added to the Official Zoning Map.

A Workshop was advertised and held on November 3, 2010 to begin review of all zoning districts. Strategies for providing public information and a review of specific properties that were recommended for a change in zoning district by the Comprehensive Plan were reviewed at workshops and meetings with public participation. (see November, December and January PC packets). Two public hearings were held by the Planning Commission to consider the Amendments on May 10, 2011 and June 14, 2011.

The proposed implementation of a zoning map and zoning districts that match with the planning areas of the Comprehensive Plan raised several policy questions. Following a presentation to the Town Council, the Planning Commission was directed to go ahead with presentations and hearings so that public opinion may be incorporated into their consideration of the zoning map change.

POLICY ISSUES:

1. Changes in property zoning – Several properties were recommended by the Comprehensive Plan Land Use Map to change from one zoning district to another based on existing use or characteristics. (For example: Marsh Island is recommended to change from C-1 Commercial to R-3 Mixed Use Residential) With regard to other comprehensive changes, the Planning Commission has proposed to
 - a. Generally maintain the edges of existing zoning districts;
 - b. Revise zoning district edges to match the areas adopted in the 2010 Comprehensive Plan;
 - c. Limit the application of Resource Conservation to only those parcels that are currently in protected public ownership;

- d. Apply the Agriculture zoning district to previously un-zoned marsh areas surrounding Chincoteague Island that are included within the Town boundaries;
- e. Consider specific requests by property owners as a result of public testimony during public hearings
- f. Split zoned properties – The zoning ordinance currently allows the property owner of a split zoned property the option to select which zone may be used for the entire property. For example: properties along commercial corridors with residential neighborhoods to the rear. This option will remain.

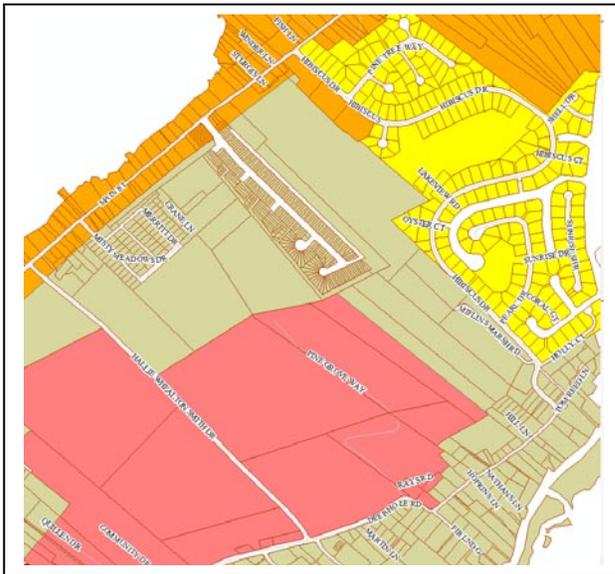
PUBLIC COMMENT: Public comments received to date have been compiled into seven (7) main Topics and Ideas that are listed below, along with proposed changes to the Zoning Districts and Zoning Map that were recommended by the Planning Commission.

- 1) **R-4 Resort Residential** – The majority of land that is proposed for the Resort Residential district is currently zoned R-3. The proposed district should not be based on the existing C-1 district regulations that would allow commercial uses in a residential district. (10% of public comment)

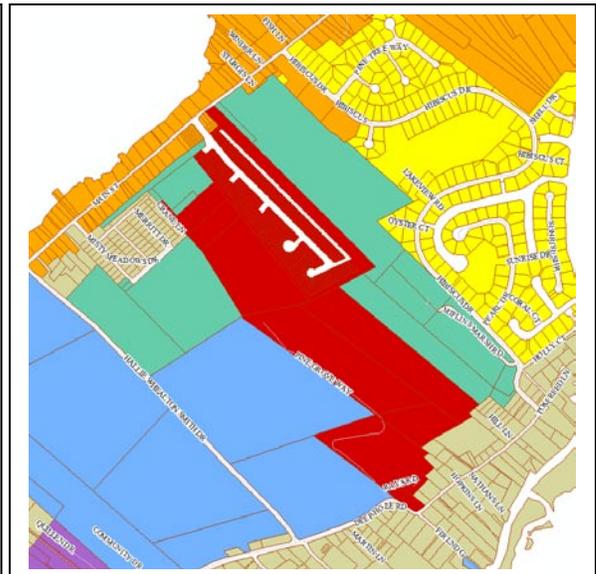
PC recommendation: There was consensus approval for the proposed change to base the new R-4 Resort Residential District on the existing R-3 District standards to minimize any change in permitted uses. (The Commission later directed staff to return the Campground and Camper/Travel Trailer Park uses to the Special Exception/Special Use Permit section of the R-4 ordinance.)

<Resolved with Text Changes to the R-3 and R-4 District Regulations>

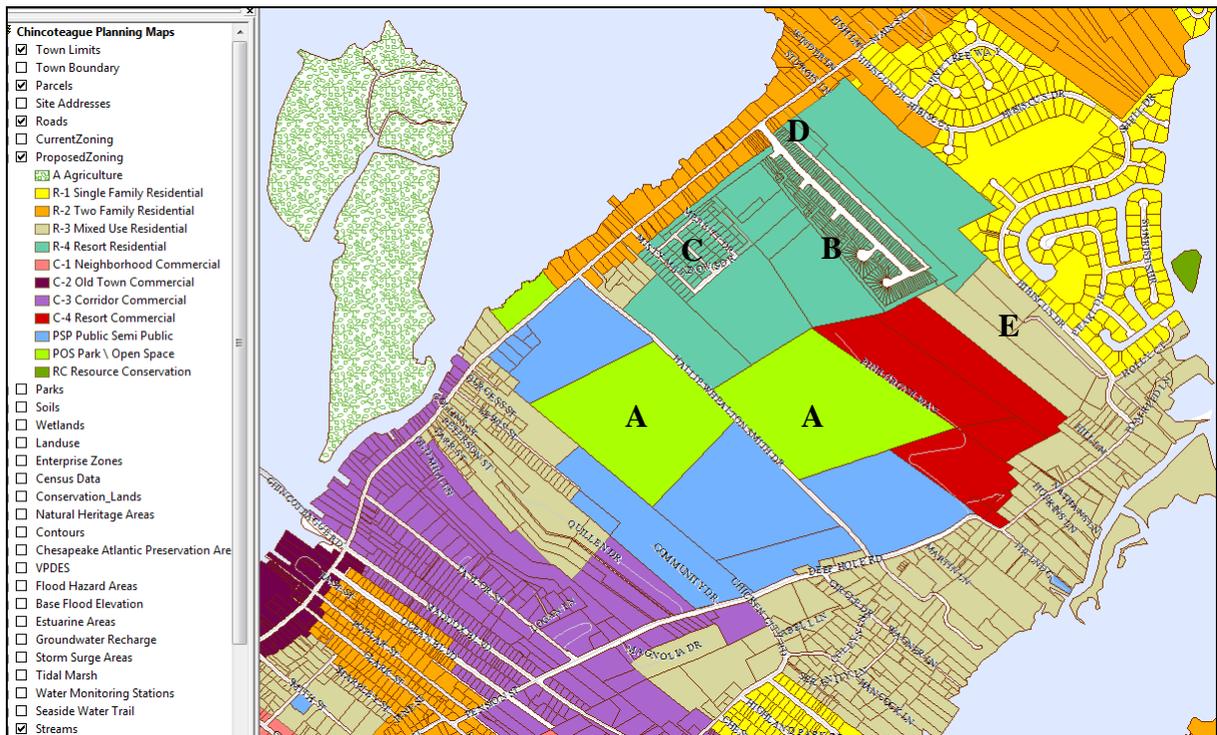
Zoning Topic Worksheet – C-4 Commercial District (North)



Existing Zoning Districts



Public Hearing Draft Districts



Alternate Draft Zoning Districts

<Refer to previous Map Exhibit>

2) **C-4 Resort Commercial** - A significant concern about allowing an expansion of commercial uses in the Resort Residential and Resort Commercial districts has been expressed by property owners at both the north and south end of the Island. In particular the expansion of commercial uses in the northern residential neighborhoods adjacent to schools, parks, and historic properties as proposed on the Comprehensive Plan land use map may not be warranted. Existing zoning is R-3. Waterfront areas along South Main Street were questioned regarding the impact of large restaurant uses. (27% of public comment)

A) Remap Nature Park from proposed P/SP (blue) to proposed POS district (light green). Proposal to show more 'green' on the zoning map to indicate the Town's commitment toward open space and recreation, versus the potential for future use to expand the public school, town office or infrastructure facilities (planned water tower). The Park and Open Space district was determined to include public utilities as a permitted use. The current zoning is C-1 Commercial.

PC recommendation: Revise the proposed zoning map to show the two Nature Park parcels in the Park and Open Space district (light green)

B) Remap proposed C-4 to proposed R-4. Proposal to keep commercial C-4 zoning on the parcels that are zoned commercial today (Pine Grove Campground), and apply the R-4 zoning to areas that are zoned R-3 today. Since the proposed R-3 district will limit mobile homes/mobile home parks by Special Use Permit, the way to keep development rights constant is to remap to the R-4 district. Property owners have indicated that they wish to keep their current permitted uses.

PC recommendation: Revise the proposed zoning map to remove the C-4 (red) zoning from parcels currently zoned R-3 and replace it with the R-4 district. Within the proposed R-4 district, the Campground and Camper/Travel Trailer Park uses will be returned to the Special Exception/ Special Use Permit section of the ordinance. The existing strip of R-2 zoning along Main Street should be shown on the proposed zoning map.

C) Remap existing R-3 to proposed R-4 on existing trailer park. The Misty Meadows neighborhood is currently mapped in the R-3 district. For this area to retain its current status, it should also be mapped to the R-4 district.

PC recommendation: The Commission agreed that Misty Meadows should be included in the proposed R-4 district.

D) Remap historic property from existing R-3 to R-2. The property that includes the Captain Timothy Hill cabin is shown on the proposed zoning map as split zoned between the C-4 and R-4 districts. To apply a similar mapping strategy as discussed for adjacent parcels, the property should be zoned R-2 along the Main Street frontage with R-4 for the remainder. This would minimize any change from existing zoning.

PC recommendation: Maintain the R-2 zoning along the Main Street frontage to a depth of approximately 150 feet and map the remainder of the property to the R-4 district.

E) Remap proposed R-4 to existing R-3. This area is adjacent to Oyster Bay Section 1 along Mifflin Marsh Lane. Public concern raised the question why this area was proposed for Resort Residential when it is already a large lot subdivision with homes constructed. Staff recommends that this area retain its existing R-3 zoning.

Another area of proposed C-4 zoning was presented for Commission review. Along the waterside of Main Street south of the Coast Guard Station, the Comprehensive Plan recommended an area to be zoned to the C-4 Resort Commercial district. Staff recommended that this area should retain its current C-2 zoning and extend the Old Town Commercial to include land on both sides of the Coast Guard.

PC recommendation: Proposed changes to the zoning map areas A through E were confirmed as described above and generally responded to public comment by recommending that the C-4 Resort Commercial district should not be expanded as shown on the Comprehensive Plan land use map.

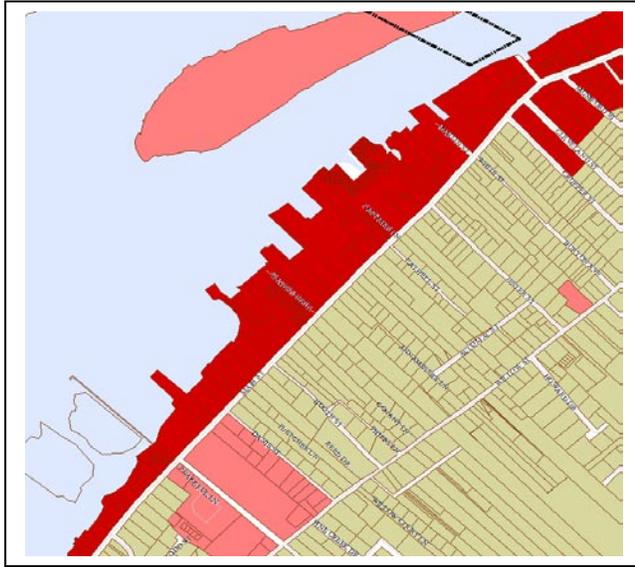
PC recommendation: The area located to the south of the Coast Guard Station should be included in the C-2 Old Town District rather than the C-4 District as shown on the Comprehensive Plan land use map.

Other Issues:

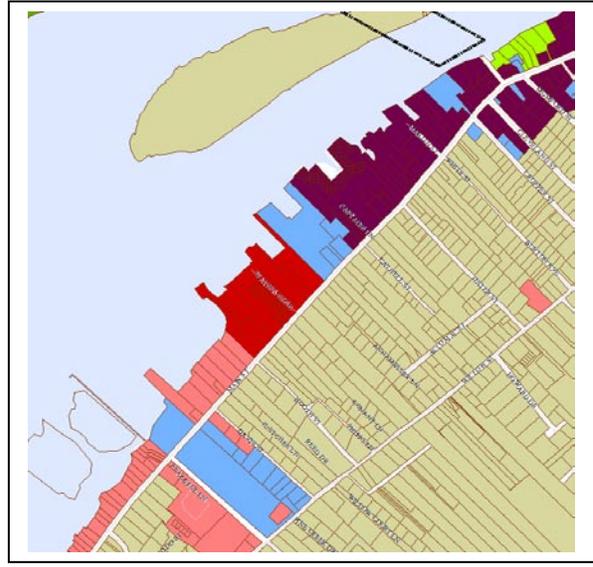
- The existing Fire Station at the corner of South Main Street and Cropper Street was discussed. This property, along with the Carnival Grounds is currently proposed to be mapped in the PSP Public Semi Public Zoning District based on current use.
- Note the Town/County boundary (black dashed line) should be revised to follow the alignment of Route 175.

<See following Map Exhibit>

Zoning Topic Worksheet – C-4 Commercial District (South)



Existing Zoning Districts



Public Hearing Draft Districts



Alternate Draft Zoning Districts

- 3) **All Commercial Districts** – In general, the idea has been advanced that most commercial uses should be allowed only by conditional use permit as a way to permit public participation in the land use approval process and to permit the Town to address unique impacts associated with new development. One speaker recommended an economic impact study. (11% of public comment)

PC recommendation: There was agreement that the work necessary to adequately address this topic went beyond the adoption of a new zoning map and would require a separate effort.

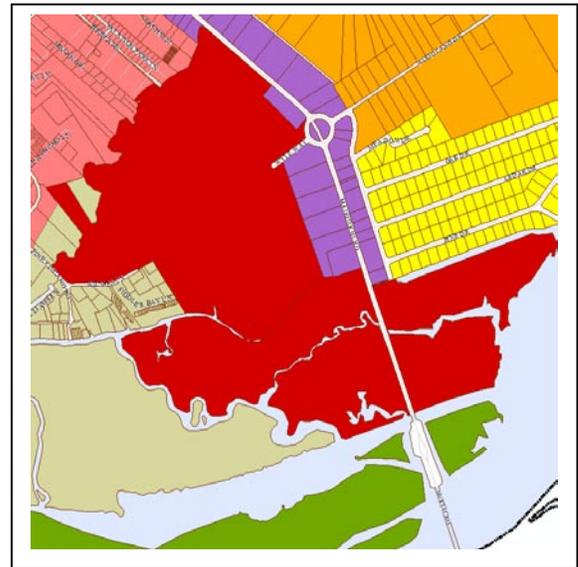
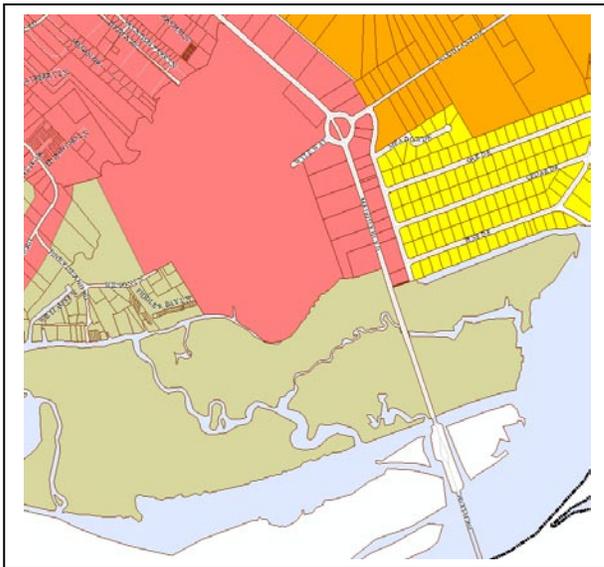
<This issue was not considered further>

- 4) **RC Resource Conservation** - This district is generally supported for the marshland areas surrounding the Island. Several questions have been raised about the exceptions proposed, including the purpose behind using the Agriculture district, R-3 Residential district, and Resort Commercial district in some locations. Several speakers appealed for the use of the RC district on the Island to protect natural features and water quality. (14% of public comment)

PC recommendation: Forward this issue to the Town Council showing the recommended land use from the adopted Comprehensive Plan as it was advertised for public hearing.

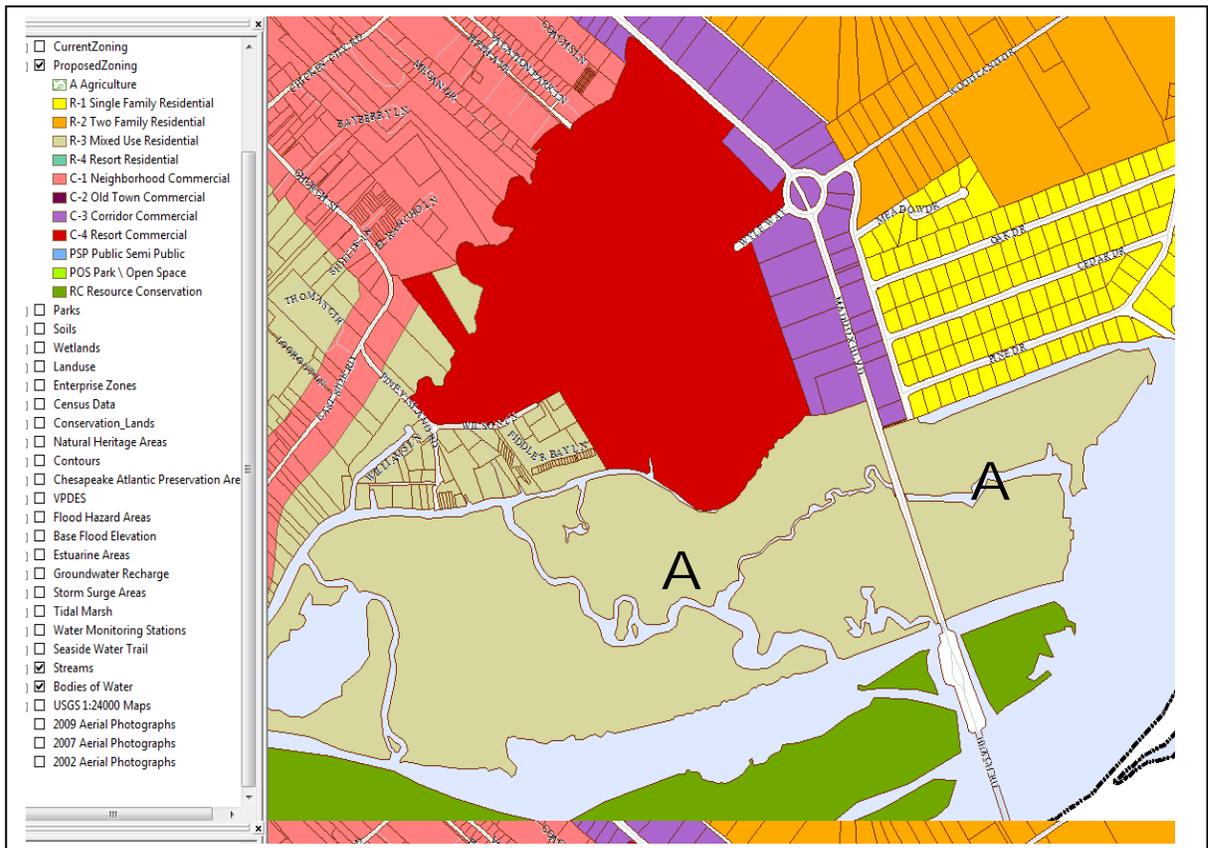
<See following Map Exhibit>

Zoning Topic Worksheet – C-4 Commercial District (Wetlands)



Existing Zoning Districts

Public Hearing Draft Districts



Alternate Draft Zoning Districts

5) **R-3 Mixed Use Residential** – Marsh Island homeowners have supported the proposed residential zoning and requested that the existing townhomes and condos would be recognized as a prior PUD approval rather than becoming legal non-conforming uses. They have also requested that any public or non-residential use such as Section 3.7.22 public piers or public boat ramps should only be allowed as a conditional use in order to address concerns for parking and safety in this location. Other property owners have asked about limitation of commercial or public uses for R-3 zoned property with access from private streets. (10% of public comment)

PC recommendation: The proposed change to the R-3 district that would require special exception approval should not be made. Public piers, public boat ramps will continue to be a permitted use.

<This issue was not considered further>

- 6) **All Permitted Uses** - Several questions have come up about the definition of 'Light Waterfront Seafood Industry'. If this is a use that is intended to support small individual businesses, should it be permitted in all districts? Is there another aquaculture definition or use listed in the Agriculture District that should be permitted in all districts.

PC recommendation: Without a specific problem to be solved, the best solution is to leave the waterfront use topic unchanged for the purpose of the Official Zoning Map project.

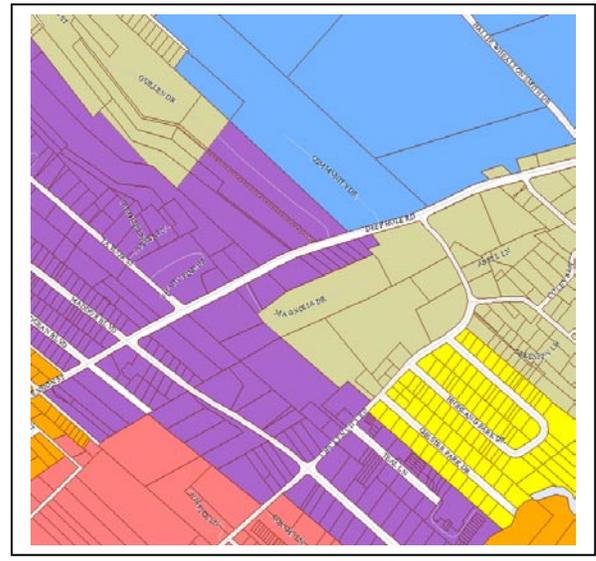
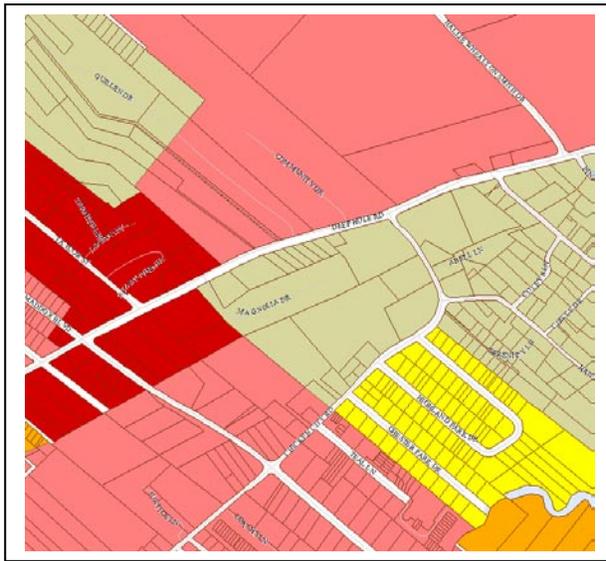
<This issue was not considered further>

- 7) **C-3 Corridor Commercial** – The Chincoteague Volunteer Fire and Rescue Company has requested to extend the C-3 district one additional parcel along Deep Hole Road to the intersection with Chicken City Road in support of a potential Fire Station location. It is currently zoned R-3.

PC recommendation: The proposed zoning map should show an extension of the C-3 zoning district to the corner of Deep Hole Road and Chicken City Road.

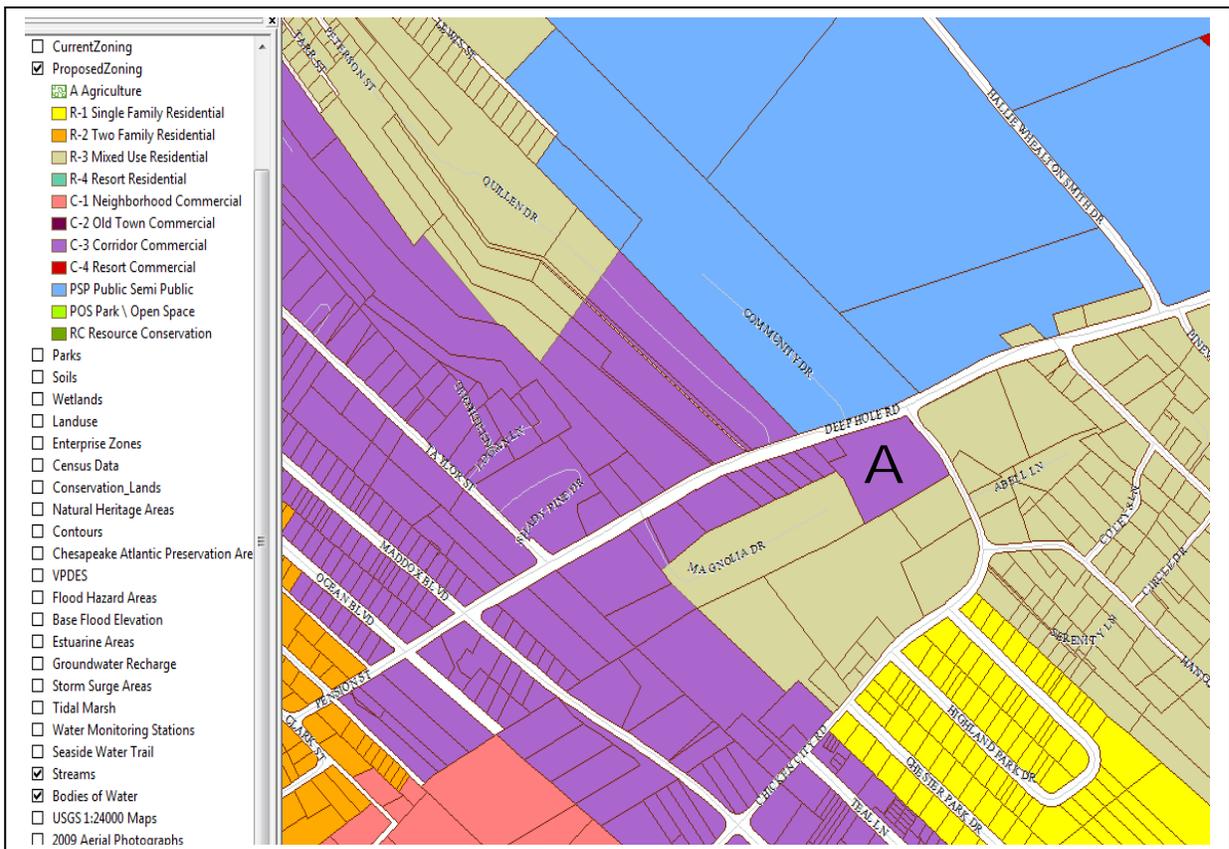
<See following Map Exhibit>

Zoning Topic Worksheet – C-4 Commercial District (Wetlands)



Existing Zoning Districts

Public Hearing Draft Districts



Alternate Draft Zoning Districts

ERRORS/CORRECTIONS: Necessary corrections to the proposed Zoning Map and Zoning Districts have been identified as a result of public review comments and are listed below. Staff has completed the corrections that will be available for public review prior to Town Council consideration of the project.

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

OUTSTANDING ISSUES: Several comments from the public were not resolved by the Planning Commission. Since they involve a broader policy decision by Town Council, these issues will be presented by Staff at the workshop meeting and may need to be resolved prior to advertising for public hearing.

- Expansion of existing campgrounds through C-4 Commercial zoning of land currently zoned R-3 Residential (two examples)
- Resource Conservation zoning and/or district regulations for protection of wetland areas.
- Route 175 Right of Way/Annexation Boundary

PROPOSED ACTION: Advertise for a public hearing before Town Council on February 6, 2012. Consider comment at the public hearing, including written comment for 25 days following the hearing. Hold one or more workshops to complete final revisions and prepare the Comprehensive Zoning Map and District Amendments for a vote at a regular Town Council meeting.

Following review of this staff report, the Town Council and the Public may have questions or comments that can be resolved at the public hearing or within the 25 days following the hearing while the public record is open.

- Maps illustrating the Current Zoning and Proposed Zoning have been revised to incorporate changes recommended by the Planning Commission. Changes to the Proposed Zoning Map will be available for public review prior to the Town Council public hearing.
- Redline Changes to the Zoning Ordinance are attached.
- Summary of Public Comment from 2011 is attached.