

# REGULAR COUNCIL MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

February 6, 2012 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

PRESENTATION (Gary Dillon, DCJS, Police Department Accreditation Program)

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

- 
1. Consider Adoption of the Minutes
    - Regular Council Meeting of January 3, 2012 (Page 3 of 119)
    - Council Workshop Meeting of January 19, 2012 (Page 10 of 119)
    - Council Special Budget Workshop of January 24, 2012 (Page 13 of 119)
  2. Eastern Shore Virginia Broad Band Authority Update (Nick Pascaretti)
  3. Financial Report Presentation by Robinson, Farmer, Cox Associates (by Aaron Hawkins)
  4. Public Hearing on the Zoning Ordinance Amendment (Page 15 of 119)
  5. Public Hearing on a Possible Budget Amendment (Page 110 of 119)
  6. Public Works Committee Report of January 4, 2012 (Mayor Tarr) (Page 111 of 119)
  7. Rec and Community Enhancement Committee Report of January 10, 2012 (John Jester) (Page 113 of 119)  
*The following action by the Committee occurred and will need to be acted upon:*
    - Committee Appointments (Page 117 of 119)
  8. Ordinance Committee Report of January 12, 2012 (Councilman T. Howard) (Page 118 of 119)
  9. Possible Approval of a bid on the Demolition of unsafe Structures on a Property (Page 119 of 119)
  10. Mayor's Ball Donation (Mayor Tarr)
  11. Mayor & Council Announcements or Comments  
(Note: Roberts Rules do not allow for discussion under comment period)
  12. Closed Meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia.
    - Personnel Matters (Planner's Salary)

ADJOURN:



# AWARD OF SPECIAL RECOGNITION

PRESENTED TO THE

## **CHINCOTEAGUE POLICE DEPARTMENT**

ON THE OCCASION OF RECEIVING  
LAW ENFORCEMENT ACCREDITATION.  
THE CHINCOTEAGUE POLICE DEPARTMENT  
HAS DEMONSTRATED THEIR  
COMMITMENT AND PROFESSIONALISM IN  
ATTAINING THIS DISTINGUISHED ACHIEVEMENT.

ON BEHALF OF THE TOWN COUNCIL  
AND THE CITIZENS OF CHINCOTEAGUE,  
I AWARD THIS SPECIAL RECOGNITION  
TO THE POLICE OFFICERS AND STAFF  
FOR CONTINUED DEDICATION  
TO THIS COMMUNITY.

February 6, 2012

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John H. Tarr, Mayor

**MINUTES OF THE JANUARY 3, 2012**  
**CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

None

**CALL TO ORDER**

Mayor Tarr called the meeting to order.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

**STAFF UPDATE**

**Planning Department**

Town Planner Neville reported that the Beach Access Committee met on December 21<sup>st</sup> with the Fish and Wildlife staff. He advised there has been a change due to the concerns raised by the public comment. They have made Alternative B comparable to Alternative A. The Committee is looking forward to working with the Fish and Wildlife staff in 2012.

Town Planner Neville also mentioned that the Zoning Map Amendment is scheduled to go before Council February 6<sup>th</sup>. He stated they have a workshop scheduled prior to this on January 19<sup>th</sup> to review the mapping changes. He advised that the Planning Commission will meet January 10<sup>th</sup>. They plan to finish the review of the Pony Penning Sales Permit. He also advised that they will be working closely with the Wastewater Advisory Committee.

**Police Department**

Chief Lewis gave Council a copy of the Police Department's yearly summary. He explained the increases and advised that crime has gone down. He also advised that the accreditation inspection was December 6<sup>th</sup> and they passed with flying colors. The award will be presented to the Police Department in February. He reported that the Police Department provided toys and food to 55 families on the Island and to 33 families in the Atlantic area.

Mayor Tarr congratulated Chief Lewis and staff for their work in the accreditation and their help with the needy families.

Councilman T. Howard stated that the Chincoteague Police Department will be the only Police Department that is accredited in the state of Virginia. He called for a round of applause.

### **Public Works Department**

Public Works Director Spurlock reported that they are in the final phase of the Eastside Road paving and repair. Striping is scheduled to be completed within the week. He reported on that status of the repairs to the Island Activity Center. The floor repairs, insulation installation and all minor items on the punch-list are complete. The Coast Guard will begin painting January 5<sup>th</sup>. He reported that the Ocean Boulevard Trail has been cleared from Chicken City Road to Fowling Gut. He advised that they will need \$10,000-\$12,000 to build a bridge across Fowling Gut, which will be included in the next fiscal year budget. He stated that the Ridge Road and Chicken City Road intersection project will begin in February and has a completion date in May.

Public Works Director Spurlock also reported on upcoming projects with the Water Department.

Councilman Jester commented that they have done a great job on the Island Activity Center.

### **General Government**

Town Manager Ritter reported that tax season has just ended and the second notices will go out in February. He stated that the contractors are working on the old jail site for Broadband. The pre-bid meeting for the Downtown Revitalization Project is next week. They are proceeding with the dredging permit through the Army Corps of Engineers for the downtown boat slips. He also advised that staff has been working on the 5-year budget to be reviewed at the January 24<sup>th</sup> workshop at which time they will discuss budget revisions.

Town Manager Ritter also advised that there is a financial matter between Mr. Jimmy Berry and Mr. Jimmy Adams regarding the demolition of the Mumford Street house.

Council discussed advertising the demolition job and billing Mr. Berry.

Town Manager Ritter reported on the revenues:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$579,974	\$561,459	(+)	\$ 18,515
Tangible Property Tax	\$155,730	\$152,742	(+)	\$ 2,988
Meals Tax	\$465,399	\$442,754	(+)	\$ 22,645
Transient Occupancy Tax	\$536,606	\$523,717	(+)	\$ 12,889
Sales Tax	\$ 57,362	\$ 60,042	(-)	\$ 2,680
Water Rent	\$524,418	\$397,977	(+)	\$126,441

Councilman Jester asked Town Manager Ritter to contact Richmond about the sales tax.

There were comments regarding sales tax revenue.

There were questions and comments regarding requirements to demolish the Mumford Street house.

Mayor Tarr directed staff to research this matter further.

Councilman Jester asked about a grant in the amount of \$15,000.

Chief Lewis advised it was for Selective Enforcement and a Police vehicle.

Council asked when Broadband would be available.

Town Manager Ritter advised that they have not indicated a date as of yet.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Jester motioned, seconded by Vice Mayor Richardson to adopt the agenda as presented. Unanimously approved.

#### **1. Consider Adoption of the Minutes**

##### **▪ Regular Council Meeting of December 5, 2011**

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the minutes of the December 5, 2011 meeting. Unanimously approved.

#### **2. Wastewater Advisory Committee Update**

Chairman Papadopoulos reported that the Committee held an organizational meeting in July. He listed the members of the Committee and their duties. He stated that they have reviewed the Clark Nexen Wastewater Report, Drainage Master Plan, Comprehensive Plan and the Water Master Plan. He advised that they have held 3 meetings. He reviewed the minutes of those meetings. He also mentioned the Atlantic Town Center project along with the feasibility of connections. He announced the next meeting of January 5<sup>th</sup> at 9:00 a.m.

There was brief discussion.

#### **3. Christmas Lights Judging Results**

Mayor Tarr thanked Ms. Laurie Walton and her group of judges this year.

Town Manager Ritter read the winners of the Christmas Decorations.

##### Judges Choice \*

Mr. & Mrs. Michael Jester  
5141 Fish Lane

##### Most Festive \*

Rev. & Mrs. William Gregory  
6126 Taylor Street

##### Most Themed \*

Mr. & Mrs. Raymond Rosenberger  
7297 Sunset Drive

Most Traditional \*

Mr. & Mrs. Ernest Dale Holston  
7236 Olga Drive

Honorable Mention

The Chincoteague Center  
6155 Community Drive

Alex Hubb  
3015 Ridge Road

Chuck & Tama Ward  
5375 Main Street

Each of the winners will receive a \$100 savings bond.

**4. Motion to Approve the Trolley Operating Funds, Grant Application Resolution**

Town Manager Ritter advised that this is a housekeeping item that is done each year to continue with the Trolley Operating Funds and for the Grant Application Resolution.

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to approve the Trolley Operating Funds and the Grant Application Resolution. Unanimously approved.



**Resolution Authorizing the Application for  
State Aid to Public Transportation for  
Fiscal Year 2013 beginning 10/1/2012**

**BE IT RESOLVED** by the Mayor & Council of The Town of Chincoteague, Inc. that the Town Manager of The Town of Chincoteague, Inc. is authorized, for and on behalf of The Town of Chincoteague, Inc., hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$75,400.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize The Town Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Mayor and Town Council of The Town of Chincoteague, Inc. certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$23,000.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, acting Town Manager of The Town of Chincoteague, Inc. adopted at a legally convened meeting of the Town Council held on the 3rd day of January, 2012.

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Robert G. Ritter, Jr., Town Manager  
Town of Chincoteague, Inc.

##### **5. Employee Handbook Review and Possible Adoption**

Town Manager Ritter advised that at the November 17<sup>th</sup> Council Workshop there were items that Council requested to be reviewed and amended.

Councilman Jester advised it has been a long 2-year process.

Town Manager Ritter explained one of the revisions regarding essential personnel.

There was discussion about the section pertaining to “mandatory evacuation”.

Mayor Tarr mentioned the Virginia Conflict of Interest Act and the 1<sup>st</sup> paragraph not coinciding with the 2<sup>nd</sup> paragraph.

Town Manager Ritter stated that they can change it to read in both paragraphs that they will adhere to the Virginia Conflict of Interest Act.

Mayor Tarr asked if the corrections have been made to the line chart and was advised they were.

Councilwoman Conklin motioned, seconded by Councilman Jester to adopt the Employee Handbook with the stated changes. Motion Carried.

Ayes: Conklin, Jester, J. Howard, Muth

Nays: Richardson, T. Howard

Council requested a copy of the policy with the changes.

Vice Mayor Richardson feels they haven't had enough time to review all the changes.

Councilman T. Howard feels that this policy changes the lives of the employees and should be taken into more consideration.

## **6. Mayor and Council Announcements or Comments**

Councilman J. Howard asked about dredging and the spoil site.

Councilman Jester commended Mr. Kevin Krome and Mr. Steve Potts on a wonderful job with the Christmas Light Program and the Christmas by the Sea Program.

Councilman Muth commended Chief Lewis for the tremendous feat of accreditation.

Councilwoman Conklin also commended those involved in the Christmas by the Sea Program. She advised that the Polar Plunge was well attended. She stated that the Island looks wonderful and she is proud of everyone.

Councilman T. Howard commended everyone; the Police Department, the Beach Access Committee, the Public Works Department, and the General Government staff. He asked Mayor Tarr about the closed session.

## **7. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia.**

### **• Personnel Matters**

Councilman T. Howard moved, seconded by Vice Mayor Richardson to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Councilman T. Howard moved, seconded by Vice Mayor Richardson to reconvene in regular session. Unanimously approved.

Councilwoman Conklin moved, seconded by Councilman J. Howard to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

Ayes- Jester, Muth, T. Howard, J. Howard, Richardson, Conklin

Nays- None

Absent- None

**Adjourn.**

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adjourn.  
Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE JANUARY 19, 2012**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

None

**CALL TO ORDER**

Mayor Tarr called the meeting to order.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Jester motioned, seconded by Councilwoman Conklin to adopt the agenda as presented. Unanimously approved.

**1. Review of Comprehensive Zoning Map Amendments**

Town Planner Neville presented the Comprehensive Zoning Map amendments. He advised that this is to review a few of the last issues prior to the public hearing. He stated they had a double public hearing with the Planning Commission and organized the comments in 7 major issues. They tried to address those issues. He tracked the percentage of public comments and by addressing those, they have done a good job listening and making the requested changes.

He reviewed the recommended changes in each of the following sections: 1). R-4 Resort Residential. 2). C-4 Resort Commercial. 3). All Commercial Districts. 4). RC Resource Conservation. 5). R-3 Mixed Use Residential. 6). All permitted Uses. 7). C-3 Corridor Commercial.

During Town Planner Neville's review, he explained each issue and recommended changes based on the public concerns and the Comprehensive Plan.

Discussion continued about the intent during annexation along with what's in the Town Charter.

Town Planner Neville stated that 14% of the comments were regarding Resource Conservation. He explained that in the Comprehensive Plan they wanted to recognize conservation areas. The only places that they applied the Conservation District were the parcels that were public, federal or state owned. He explained the Mixed Use Residential which was to keep the use as it

currently is allowing townhouses and condominiums. He also mentioned “All Permitted Uses”, such as the waterfront seafood industries.

Town Planner Neville stated that the Comprehensive Plan suggested extending C3 Corridor Commercial on both sides of the road down Maddox Boulevard along with Deep Hole Road to Community Drive and there was a request to continue the zoning to the Chicken City Road intersection to include the new Fire Company property. He stated that the Residential Districts allow some commercial uses and the Commercial Districts allow residential uses.

Questions and discussion continued from Council.

Town Planner Neville thanked Council and stated that they’re ready to go to public hearing. He explained the process for comments from the public hearing.

There were questions about Marsh Island and the abandonment of the signage on the property on the south side of Marsh Island Road.

Town Planner Neville stated that the zoning is not the controlling factor of marshland.

Mr. Papadopoulos stated that the Planning Commission was driven by the Comprehensive Plan in the revisions to the Zoning Map.

## **2. Review and Approval of Beach Access Committee Recommendations on CCP Alternative Refinements**

Mayor Tarr reported on the Beach Access Committee on December 21<sup>st</sup>. He stated that since that time they felt the need to hold a meeting and respond to the slide presentation they saw at that meeting. He stated that they felt they should comment on the revisions to the alternatives.

Town Planner Neville explained the changes to the CCP refinements proposed by the Town. He stated that the Beach Committee met and wanted to refine the small issues. He advised he added a brief description as to why they were outstanding issues. He also stated that an option is to send the letter or send just the minor changes. He stated that Mr. Hinds will send out a newsletter as a public announcement.

Mayor Tarr stated that the U. S. Fish & Wildlife has made a lot of changes to 3 alternatives. He advised Council that a couple of days ago the U. S. Fish & Wildlife were approved for a grant in the amount of \$1.5 million to purchase property for the purpose of a park-and-ride.

There were questions and concerns.

Ms. Sylvia Parks with Congressman Rigell’s office advised that the U. S. Fish and Wildlife has been to the Campground and asked if they could purchase a portion of the property to use for parking. She stated that with the partial sale, the Maddox family can continue to operate the campground in the short term.

Council expressed their discord.

Councilman J. Howard feels that the working relationship between the Island and the U. S. Fish and Wildlife no longer exists. He stated that the Community is hurt because of this. He doesn't understand why Mr. Hinds isn't tackling the problems. He feels that he, along with many residents, has lost credibility and faith in Mr. Hinds. He also feels that Mr. Hinds has not been trying to help. He wants to see Council make a statement.

Town Planner Neville advised that the Committee has made it clear that they would like a meeting with Mr. Hinds' boss. They would like the confidence level of dealing with someone else on this matter.

Ms. Parks advised she would speak with the Congressman and he will set this meeting up.

Council decided that what they have been doing isn't working.

Mayor Tarr stated that there will be another meeting

Discussion continued.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the Beach Access Committee's recommendations on the CCP Alternative refinements. Unanimously approved.

### **3. Committee Member Comments**

There were none.

### **Adjourn**

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to adjourn. Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE JANUARY 24, 2012**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

None

**CALL TO ORDER**

Mayor Tarr called the meeting to order.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the agenda as presented. Unanimously approved.

**1. Review of the Draft Fiscal Forecast of Budget Years 2013-2017**

Town Manager Ritter reviewed the current Statement of Expenditures. He advised that the second notices for delinquent taxes have been mailed. He also stated that Business License Renewals will be mailed in the next couple of weeks. They touched base on motor vehicle decals.

Finance Director Hipple explained the process of putting stops on the vehicles of unpaid taxes through the DMV. There was further discussion about collections of delinquent taxes. She recommended eliminating decals and adding the fee to the personal property tax bills.

Town Manager Ritter continued to review the current Statement of Revenues and Expenditures.

There were questions and discussion about specific line items.

There were concerns expressed about the County's proposed Fire Tax and plans to meet with the Fire Company to discuss this matter further.

There was discussion about the "Line of Duty" Program through VRS. Finance Director Hipple explained the program and benefits. She advised that Council has to make a decision prior to July 1<sup>st</sup>, 2012 if they would like to go with VRS or another carrier. She advised their decision will be set in stone and there is no going back if there is a change. She suggested that the Town

sets guidelines and recommended a switch from VRS. She doesn't feel they are equipped to handle the program for the Town.

The review continued. Questions were raised about the Fire Department donation. Council then discussed specific current budget line items from each department.

Council reviewed the projected revenues through FY 2017 expressing future plans of additional revenues and sources. They moved on to the projected expenditures through FY 2017.

There was a question about the Housing Rehab Fund. Finance Director Hipple explained the remaining balance and where it originated.

Council also discussed the new SCADA system and how it is benefiting the Town. They talked about routine building maintenance and allowing a little more in the budget for possible upgrades and upkeep. They also touched on capital improvements.

## **2. Review of the Local Government Investment Pool (LGIP) Savings**

Town Manager Ritter and Finance Director Hipple reviewed the Analysis Report. There were questions and discussions about transfers to and from LGIP for reserve or projects. Council agreed the line item for long-term replacement for the Harbor should be put back in the budget.

## **3. Review of a Possible Budget Amendment**

Council reviewed the list of proposed budget amendments. There was minor discussion.

## **4. Committee Member Comments**

Mayor Tarr stated he would like to see projections for 5 years for the LGIP.

Councilman J. Howard asked about cutting grass for the Little League fields.

Mayor Tarr instructed Public Works Director Spurlock to contact the Little League. He stated that there was previous discussion about reviewing Town Planner Neville's salary. He advised this will be discussed at the February meeting in closed session. He also asked Council's permission to get a plaque for the Police Department for their accreditation accomplishment along with a letter of recommendation in Chief Lewis' file for his work on this. Mayor Tarr instructed Town Manager Ritter that when the Team arrives in February to present Chief Lewis with the formal certification he would like the media invited.

## **Adjourn.**

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adjourn. Unanimously approved.

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Mayor

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Town Manager



## STAFF REPORT

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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

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- ❖ **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**
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**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.

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**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	<b>R-1 Single Family Residential</b>
2	One & Two Family Residential	R-2	<b>R-2 One &amp; Two Family Residential</b>
3	Mixed Use Residential	R-3	<b>R-3 Mixed Use Residential</b>
4	Old Town Commercial	C-1, C-2 and R-3	<b>C-2 Old Town Commercial</b>

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

\* 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.

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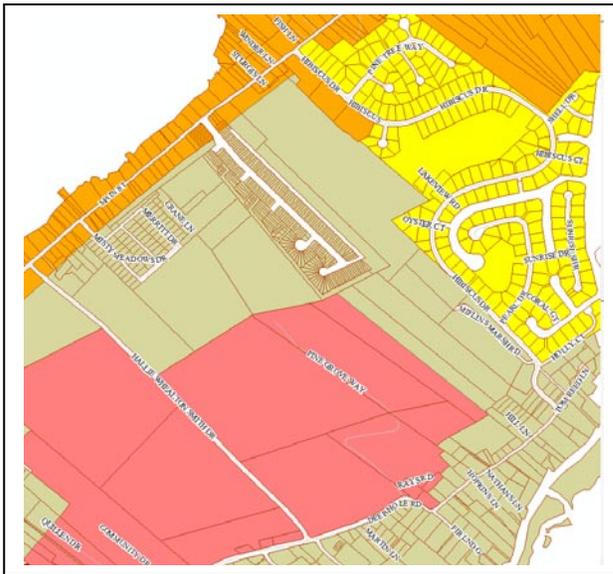
**PUBLIC COMMENT: Public comments received to date have been compiled into seven (7) main Topics and Ideas that are listed below, along with proposed changes to the Zoning Districts and Zoning Map that were recommended by the Planning Commission.**

- 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)

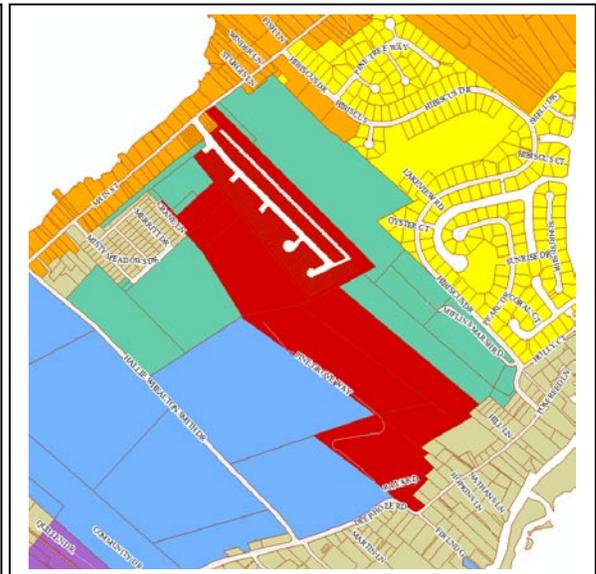
**PC recommendation:** There was consensus approval for the proposed change to base the new R-4 Resort Residential District on the existing R-3 District standards to minimize any change in permitted uses. (The Commission later directed staff to return the Campground and Camper/Travel Trailer Park uses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

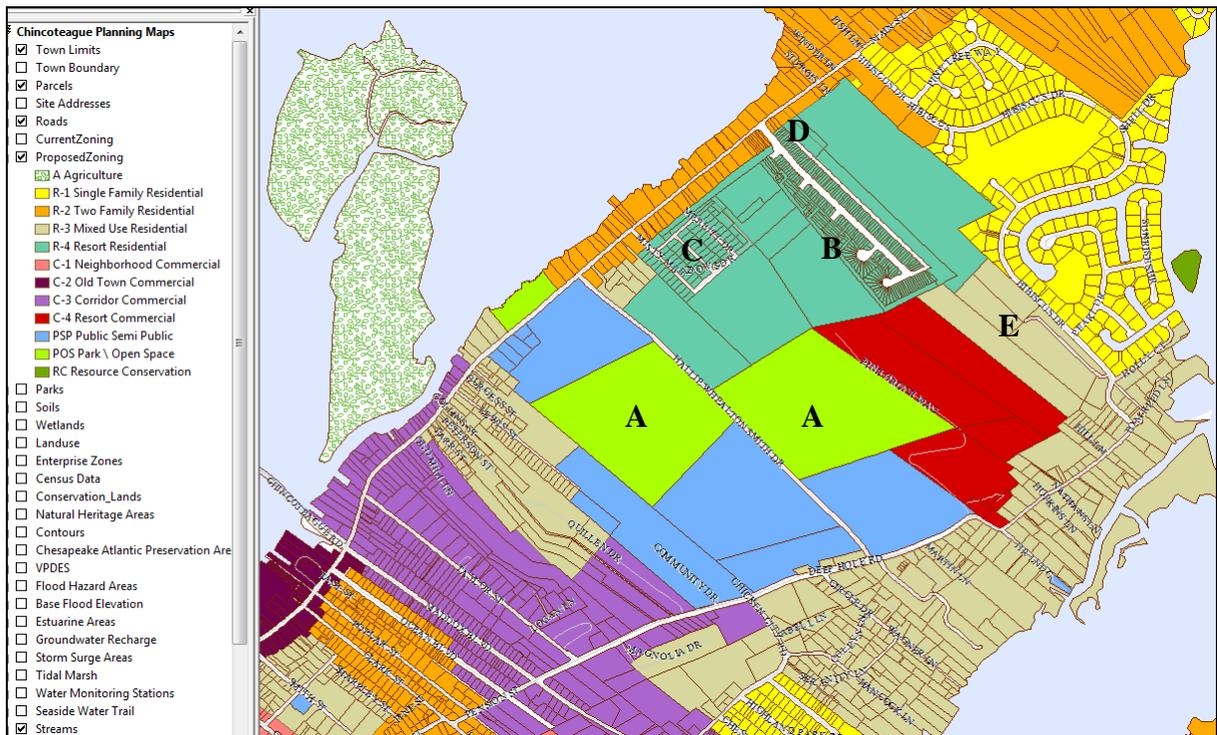
## Zoning Topic Worksheet – C-4 Commercial District (North)



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.

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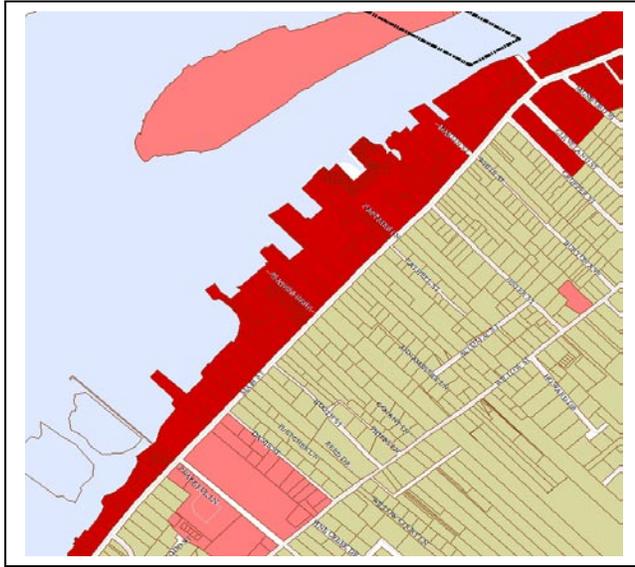
**PC recommendation:** The area located to the south of the Coast Guard Station should be included in the C-2 Old Town District rather than the C-4 District as shown on the Comprehensive Plan land use map.

**Other Issues:**

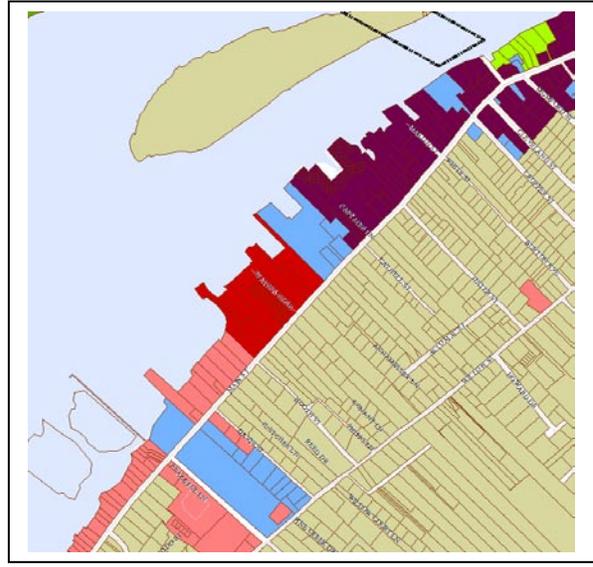
- The existing Fire Station at the corner of South Main Street and Cropper Street was discussed. This property, along with the Carnival Grounds is currently proposed to be mapped in the PSP Public Semi Public Zoning District based on current use.
- Note the Town/County boundary (black dashed line) should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

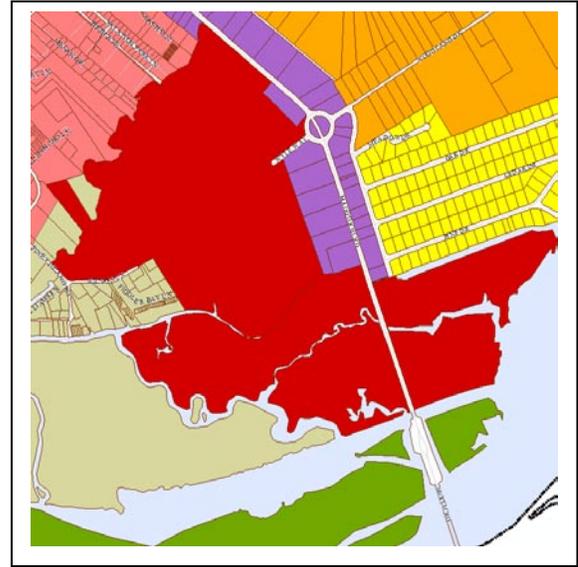
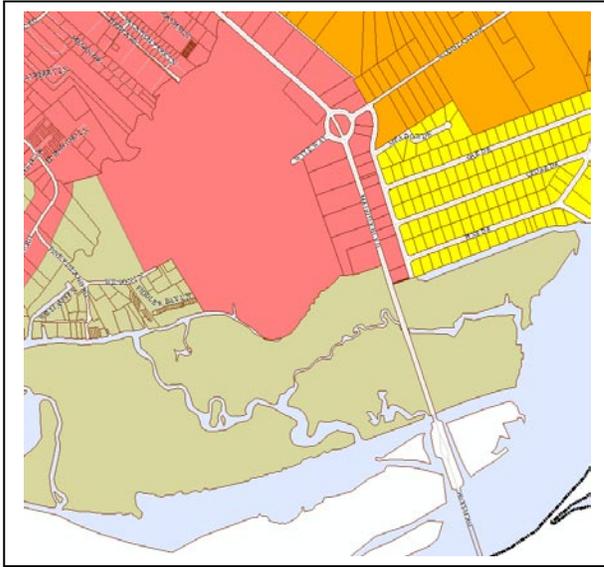
*<This issue was not considered further>*

- 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.

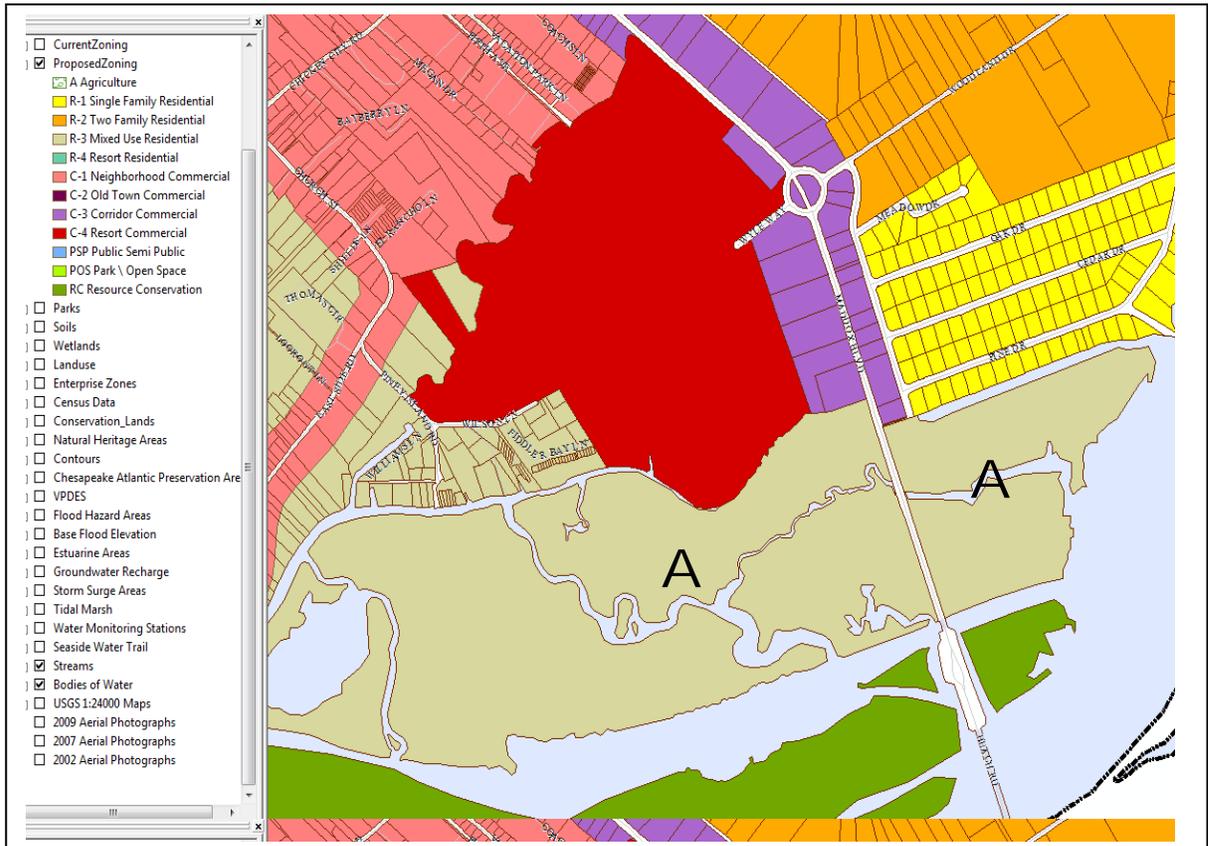
*<See following Map Exhibit>*

# 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.

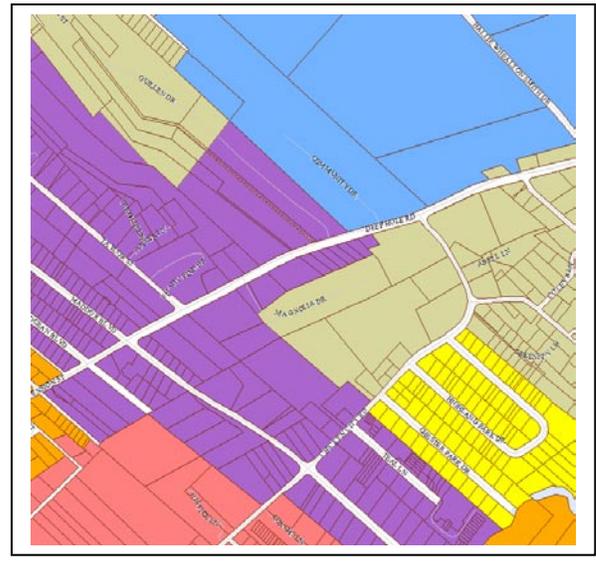
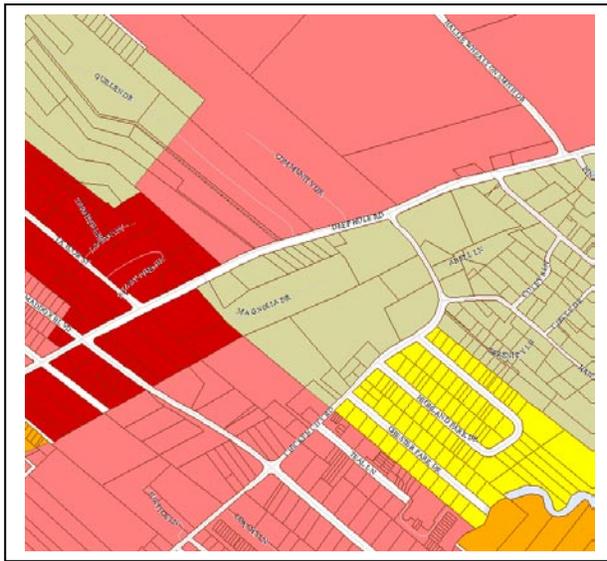
*<This issue was not considered further>*

- 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.

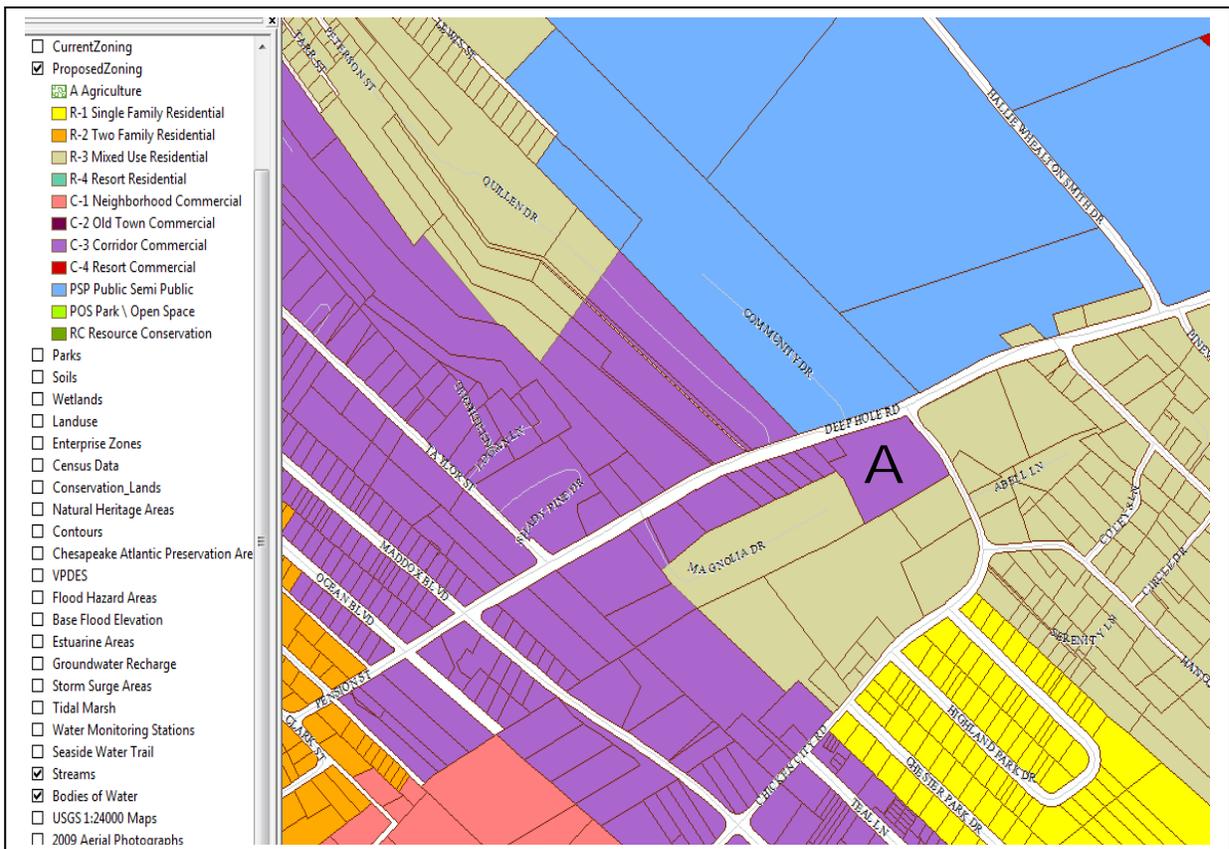
*<See following Map Exhibit>*

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



Existing Zoning Districts

Public Hearing Draft Districts



Alternate Draft Zoning Districts

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**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.

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- 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.

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- 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

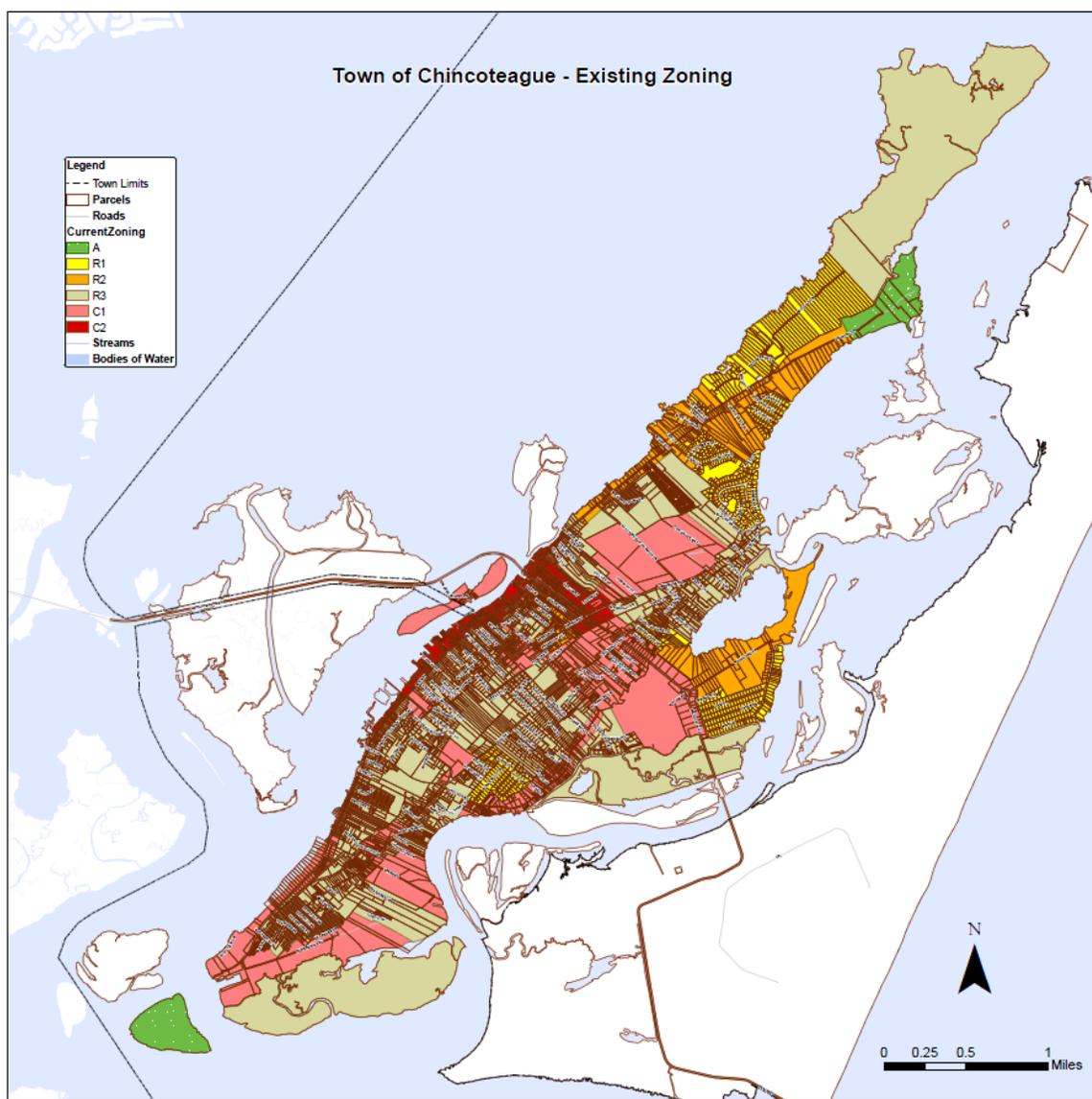
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**PROPOSED ACTION: Advertise for a public hearing before Town Council on February 6, 2012. Consider comment at the public hearing, including written comment for 25 days following the hearing. Hold one or more workshops to complete final revisions and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

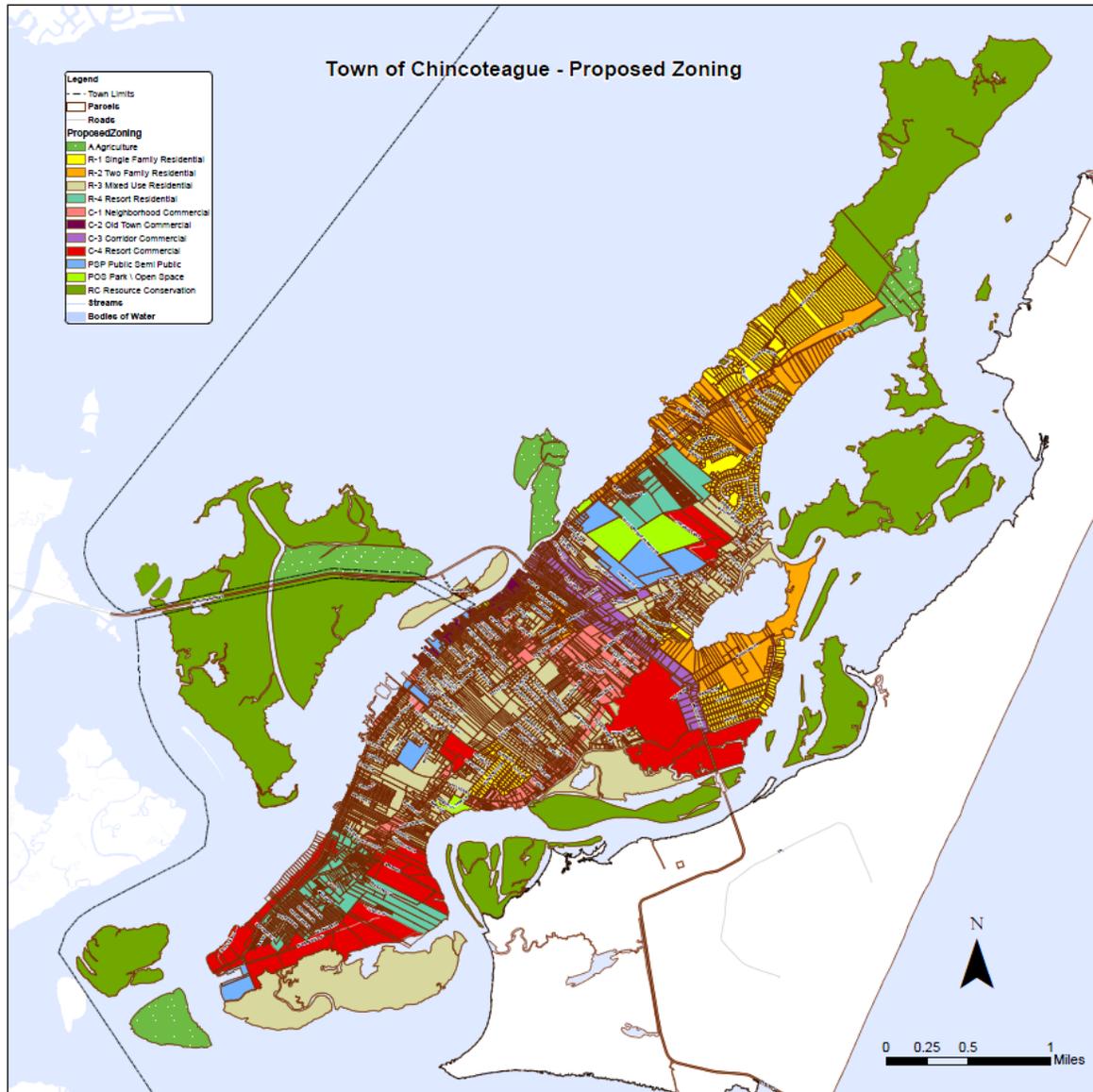
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Following review of this staff report, the Town Council and the Public may have questions or comments that can be resolved at the public hearing or within the 25 days following the hearing while the public record is open.

- 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.



**Existing Zoning Map**



**Proposed Zoning Map**

**THE CODE OF  
THE TOWN OF  
CHINCOTEAGUE, VIRGINIA**

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*Draft Copy (for Town Council Public Hearing):*

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**APPENDIX A  
ZONING\***

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Section A. Introduction

**Article II. Definitions**

- Sec. 2.1. Accessory structure/use.
- Sec. 2.2. Addition
- Sec. 2.3. Administrator (building).
- Sec. 2.4. Administrator (zoning).
- Sec. 2.5. Agriculture.
- Sec. 2.6. Alteration.
- Sec. 2.7. Amendment (zoning).
- Sec. 2.8. Amusements.
- Sec. 2.9. Apartment house.
- Sec. 2.10. Area requirements.
- Sec. 2.11. Awning.
- Sec. 2.12. Repealed.
- Sec. 2.13. Repealed.
- Sec. 2.14. Bed and breakfast.
- Sec. 2.15. Repealed.
- Sec. 2.16. Board of zoning appeals.
- Sec. 2.17. Boardinghouse.
- Sec. 2.18. Repealed.
- Sec. 2.19. Buffer strip.
- Sec. 2.20. Building.
- Sec. 2.21. Building administrator.

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**\*Note**—Printed herein is the zoning ordinance, as adopted by the council on January 4, 1994, and effective as provided in section 12.6. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

**Charter reference**—Zoning, ch. 4.

**Cross references**—Any ordinance relating to zoning, rezoning or zoning maps, or subdivisions or plats of subdivisions, and amendments and additions thereto saved from repeal, § 1-6(a)(10); planning commission, § 2-131 et seq.; buildings and building regulations, ch. 14; environment, ch. 22; floods, ch. 30; streets, sidewalks and other public places, ch. 50; vegetation, ch. 66; water access facilities, ch. 70; land subdivision and development, app. B.

**State law reference**—Zoning, Code of Virginia, § 15.2-2280 et seq.

CDA:1



## CHINCOTEAGUE CODE

- Sec. 2.22. Building code.
- Sec. 2.23. Building frontage.
- Sec. 2.24. Building height.
- Sec. 2.25. Building line.
- Sec. 2.26. Building official.
- Sec. 2.27. Repealed.
- Sec. 2.28. Repealed.
- Sec. 2.29. Campground.
- Sec. 2.30. Camping trailer.
- Sec. 2.31. Camping unit.
- Sec. 2.32. Campsites.
- Sec. 2.33. Canopy.
- Sec. 2.34. Repealed.
- Sec. 2.35. Caterer.
- Sec. 2.36. Cemetery.
- Sec. 2.37. Certificate of occupancy.
- Sec. 2.38. Repealed.
- Sec. 2.39. Comprehensive plan.
- Sec. 2.40. Conditional zoning.
- Sec. 2.41. Condominium.
- Sec. 2.42. Comer lot.
- Sec. 2.43. Cottages.
- Sec. 2.44. Covenant.
- Sec. 2.45. Cul-de-sac.
- Sec. 2.46. Day care facilities.
- Sec. 2.47. Decorative entrance.
- Sec. 2.48. Development.
- Sec. 2.49. Direct sales.
- Sec. 2.50. Repealed.
- Sec. 2.51. Repealed.
- Sec. 2.52. District.
- Sec. 2.53. Double frontage lot.
- Sec. 2.54. Down zoning.
- Sec. 2.55. Duplex.
- Sec. 2.56. Dwelling.
- Sec. 2.57. Dwelling unit.
- Sec. 2.58. Easement.
- Sec. 2.59. Eminent domain.
- Sec. 2.60. Euclidean zoning.
- Sec. 2.61. Family.
- Sec. 2.62. Fence.
- Sec. 2.63. Fence height.
- Sec. 2.64. Final subdivision plat.
- Sec. 2.65. Repealed.
- Sec. 2.66. Front setback.
- Sec. 2.67. Front setback line.
- Sec. 2.68. Frontage.

CDA:2

## APPENDIX A–ZONING

- Sec. 2.69. Frontage (building).
- Sec. 2.70. Frontage, lot.
- Sec. 2.71. Garage, private.
- Sec. 2.72. Garage, public.
- Sec. 2.73. Governing body.
- Sec. 2.74. Guestroom.
- Sec. 2.75. Hardship.
- Sec. 2.76. Health clubs, spas and gyms.
- Sec. 2.77. Health official.
- Sec. 2.78. Height (of building).
- Sec. 2.79. Home occupation.
- Sec. 2.80. Hospital.
- Sec. 2.81. Hospital, special care.
- Sec. 2.82. Hotel.
- Sec. 2.83. Repealed.
- Sec. 2.84. Repealed.
- Sec. 2.85. Interior lot.
- Sec. 2.86. Land.
- Sec. 2.87. Light industry.
- Sec. 2.88. Limited home occupation.
- Sec. 2.89. Lot.
- Sec. 2.90. Lot depth.
- Sec. 2.91. Lot frontage.
- Sec. 2.92. Lot lines.
- Sec. 2.93. Lot of record.
- Sec. 2.94. Lot width.
- Sec. 2.95. Main structure/building.
- Sec. 2.96. Main use.
- Sec. 2.97. Manufacture and manufacturing.
- Sec. 2.98. Manufactured home.
- Sec. 2.99. Marina, commercial or club type.
- Sec. 2.100. Marina, private noncommercial.
- Sec. 2.101. Marquee.
- Sec. 2.102. Repealed.
- Sec. 2.103. Mobile home.
- Sec. 2.104. Mobile home park.
- Sec. 2.105. Modular home.
- Sec. 2.106. Repealed.
- Sec. 2.107. Motel.
- Sec. 2.108. Motor home.
- Sec. 2.109. Multiple-family dwelling.
- Sec. 2.110. Natural undisturbed grade.
- Sec. 2.111. Nonconforming activity.
- Sec. 2.112. Nonconforming lot.
- Sec. 2.113. Repealed.
- Sec. 2.114. Nonconforming structure.
- Sec. 2.115. Nonconforming use.

CDA:3

## CHINCOTEAGUE CODE

- Sec. 2.116. Occupancy load.
- Sec. 2.117. Repealed.
- Sec. 2.118. Off-street parking area.
- Sec. 2.119. Open space.
- Sec. 2.120. Park.
- Sec. 2.121. Parking space.
- Sec. 2.122. Permitted use.
- Sec. 2.123. Planning commission.
- Sec. 2.124. Planning, subdivision of land and zoning enabling legislation.
- Sec. 2.125. Playground.
- Sec. 2.126. Repealed.
- Sec. 2.127. Pony Penning sales.
- Sec. 2.128. Repealed.
- Sec. 2.129. Principal use.
- Sec. 2.130. Private garage.
- Sec. 2.131. Professional office.
- Sec. 2.132. Repealed.
- Sec. 2.133. Public garage.
- Sec. 2.134. Public utility.
- Sec. 2.135. Public water and sewer systems.
- Sec. 2.136. Rear lot lines.
- Sec. 2.137. Rear yard.
- Sec. 2.138. Rear yard setback.
- Sec. 2.139. Recreational park.
- Sec. 2.140. Restaurant.
- Sec. 2.141. Retail store/shop.
- Sec. 2.142. Rezoning.
- Sec. 2.143. Right-of-way.
- Sec. 2.144. Road.
- Sec. 2.145. Sanitary landfill.
- Sec. 2.146. Septic system.
- Sec. 2.147. Setback.
- Sec. 2.148. Side yard setback.
- Sec. 2.149. Repealed.
- Sec. 2.150. Repealed.
- Sec. 2.151. Repealed.
- Sec. 2.152. Repealed.
- Sec. 2.153. Single-family dwelling.
- Sec. 2.154. Site plan.
- Sec. 2.155. Site plan review.
- Sec. 2.156. Special exception.
- Sec. 2.157. Special use permit.
- Sec. 2.158. Store.
- Sec. 2.159. Street.
- Sec. 2.160. Street line.
- Sec. 2.161. Structure.
- Sec. 2.162. Subdivision.

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- Sec. 2.163. Tailgate sales.
- Sec. 2.164. Repealed.
- Sec. 2.165. Through lot.
- Sec. 2.166. Tourist court, auto court, motel, tourist rental housing, tourist rental home, cabins or motor lodge.
- Sec. 2.167. Tourist home.
- Sec. 2.168. Townhouse.
- Sec. 2.169. Travel trailer.
- Sec. 2.170. Travel trailer park/sold lots.
- Sec. 2.171. Two-family dwelling (duplexes).
- Sec. 2.172. Vacation rental cottages.
- Sec. 2.173. Variance.
- Sec. 2.174. Virginia Uniform Statewide Building Code (VUSBC).
- Sec. 2.175. Repealed.
- Sec. 2.176. Water and sewage disposal facilities, individual.
- Sec. 2.177. Water and sewer system, public or central.
- Sec. 2.178. Waterfront seafood industry, light.
- Sec. 2.179. Wayside stand/market, roadside stand.
- Sec. 2.180. Yard.
- Sec. 2.181. Yard sale.
- Sec. 2.182. Zoning.
- Sec. 2.183. Zoning administrator.
- Sec. 2.184. Zoning amendment.

### **Article III. Residential Districts**

#### Section A. R-1 Single Family Residential District

- Sec. 3.1. Uses permitted by right.
- Sec. 3.2. Special exceptions; special use permits.
- Sec. 3.3. Area regulations.

#### Section B. R-2 One & Two Family Residential District

- Sec. 3.4. Uses permitted by right.
- Sec. 3.5. Special exceptions; special use permits.
- Sec. 3.6. Area regulations.

#### Section C. R-3 Mixed Use Residential District

- Sec. 3.7. Uses permitted by right.
- Sec. 3.8. Special exceptions; special use permits.
- Sec. 3.9. Area regulations.

#### Section D. R-4 Resort Residential District

- Sec. 3.10. Uses permitted by right.
- Sec. 3.11. Special exceptions; special use permits.
- Sec. 3.12. Area regulations.

#### Section E. A Agricultural District

- Sec. 3.13. Uses permitted by right.
- Sec. 3.14. Special exceptions; special use permits.
- Sec. 3.15. Area regulations.

### **Article IV. Commercial Districts**

#### Section A. C-1 Neighborhood Commercial District

- Sec. 4.1. Uses permitted by right.
- Sec. 4.2. Special exceptions; special use permits.
- Sec. 4.3. Area regulations.

Section B. C-2 Old Town Commercial District

- Sec. 4.4. Uses permitted by right.
- Sec. 4.5. Special exceptions; special use permits.
- Sec. 4.6. Area regulations.

Section C. C-3 Corridor Commercial District

- Sec. 4.7. Uses permitted by right.
- Sec. 4.8. Special exceptions; special use permits.
- Sec. 4.9. Area regulations.

Section D. C-4 Resort Commercial District

- Sec. 4.10. Uses permitted by right.
- Sec. 4.11. Special exceptions; special use permits.
- Sec. 4.12. Area regulations.

**Article V. ~~Nonconforming Uses~~ Public Use Districts**

- ~~Sec. 5.1. Continuation.~~
- ~~Sec. 5.2. Previously approved permits.~~
- ~~Sec. 5.3. Repairs and maintenance.~~
- ~~Sec. 5.4. Changes in district boundaries.~~
- ~~Sec. 5.5. Expansion or enlargement.~~
- ~~Sec. 5.6. Nonconforming lots.~~
- ~~Sec. 5.7. Restoration or replacement.~~

Section A. PSP Public/Semi Public District

- Sec. 5.1. Uses permitted by right.
- Sec. 5.2. Special exceptions; special use permits.
- Sec. 5.3. Area regulations.

Section B. POS Parks & Open Space District

- Sec. 5.4. Uses permitted by right.
- Sec. 5.5. Special exceptions; special use permits.
- Sec. 5.6. Area regulations.

Section C. RC Resource Conservation

- Sec. 5.7. Uses permitted by right.
- Sec. 5.8. Special exceptions; special use permits.
- Sec. 5.9. Area regulations.

**Article VI. General Provisions**

**Section A. Zoning Permits**

- Sec. 6.1. Zoning permits.
- Sec. 6.2. Certificate of occupancy.
- Sec. 6.3. Uses not specifically covered by ordinance.
- Sec. 6.4. Widening of highways and streets.

**Section B. Mobile Home Parks and Camper Parks**

- Sec. 6.5. Permanent mobile home parks.

**Section C. Parking**

- Sec. 6.6. Parking.

**Section D. Camping Units**

Sec. 6.7. Camping Units.

**Section E. Open-sided Shelter Roofs, Open-sided Roof to Shelter A Single Boat Slip and/or Boat Lift, and Gazebo-type Structures**

Sec. 6.8. Open-sided shelter roofs, open-sided roof to shelter a single boat slip and/or boat lift, and gazebo-type structures.

**Section F. Wind Energy Systems**

Sec. 6.9 Wind Energy Systems.

**Section G. Nonconforming Uses**

Sec. 6.10. Continuation.

Sec. 6.11. Previously approved permits.

Sec. 6.12. Repairs and maintenance.

Sec. 6.13. Changes in district boundaries.

Sec. 6.14. Expansion or enlargement.

Sec. 6.15. Nonconforming lots.

Sec. 6.16. Restoration or replacement.

**Article VII. Signs**

**Section A. Purpose and Intent**

Sec. 7.1. Introduction.

Sec. 7.2. Definitions.

Sec. 7.3. Signs as a matter of right.

Sec. 7.4. Temporary signs.

Sec. 7.5. Construction and maintenance.

Sec. 7.6. Prohibited signs.

Sec. 7.7. Nonconforming signs.

Sec. 7.8. Protection of First Amendment rights.

Sec. 7.9. Removal.

Sec. 7.10. Variances.

**Section B. Standards and Criteria**

Sec. 7.11. Generally.

Sec. 7.12. Residential districts.

Sec. 7.13. Commercial districts.

**Article VIII. Board of Zoning Appeals**

Sec. 8.1. Board of zoning appeals (BZA).

Sec. 8.2. Powers of the board of zoning appeals.

Sec. 8.3. Rules and regulations.

Sec. 8.4. Appeal to the board of zoning appeals.

Sec. 8.5. Appeal procedure.

Sec. 8.6. Procedure on appeal.

Sec. 8.7. Certiorari to review decision of board.

**Article IX. Conditional Use Permits**

Sec. 9.1. General.

Sec. 9.2. Requirements of conditional use permits.

Sec. 9.3. Procedures, standards, and conditions.

Sec. 9.4. Site development plan.

Sec. 9.5. Certiorari to review decision of Town Council.

**Article X. Violation and Penalty**

Sec. 10.1. Permits and licenses to conform to ordinance.

Sec. 10.2. Penalties for violation.

**Article XI. Amendments**

Sec. 11.1. Provisions regarding amendments.

**Article XII. Administration and Interpretation**

Sec. 12.1. Fees.

Sec. 12.2. Enforcement by zoning administrator.

Sec. 12.3. Exemptions.

Sec. 12.4. Provisions for official zoning map.

Sec. 12.5. District boundaries.

Sec. 12.6. Effective date.

Sec. 12.7. Severability.

Sec. 12.8. Conflicting ordinances.

# Zoning Conformance Worksheet 1

## R-1 to R-1 Single Family Residential District

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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
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

*Draft Copy - (for Town Council Public Hearing):*

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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.

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**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

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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
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

*Draft Copy (for Town Council Public Hearing):*

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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.

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**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

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<b>Revision #</b>	<b>Revision Date</b>	<b>Section/Subject of Revision</b>	<b>Revised By</b>
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
5	January 26, 2011	Confirm Ordinance section numbering system, correct spelling error	Town Staff

## Draft Copy (for Town Council Public Hearing):

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### 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.

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#### **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*)

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### **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*)

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### **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

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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
4	January 26, 2011	Confirm Ordinance section numbering system	Town Staff
5	May 11, 2011	Remove public sewer/redevelopment limitation from Intent section	PC request in November 2010/Town Staff
6	July 12, 2011	Revise R-4 District so that it is based on the existing R-3 District	PC request from May 2011 public hearing comments
7	July 12, 2011	Add reference to Article VI Section B for Area Regulations that apply to certain uses such as Mobile Home Parks, and Camper/Travel Trailer Parks.	Town Staff for Planning Commission review
8	August 9, 2011	Add campgrounds and camper/travel trailer parks as a permitted use if expansion of an existing use.	Planning Commission recommendation to Town Council

*Draft Copy (for Town Council Public Hearing):*

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Article III Residential Districts

SECTION D. R-4 RESORT 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.~~ intended to encourage the continuation of seasonally and permanently occupied homes, campground facilities, and limited resort commercial uses. These uses support Chincoteague's role as a visitor destination and improve the local economy. 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 limited commercial uses of a character unlikely to develop extreme concentrations of traffic and crowds of customers, ~~with the strict regulation of permitted outdoor advertising.~~ 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.

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**Sec. 3.107. Uses permitted by right.**

The following uses shall be permitted in residential district R-~~43~~ subject to all other provisions of this ordinance:

- 3.107.1. Single-family dwelling.
- 3.107.2. Two-family dwelling.
- 3.107.3. Mobile home.
- 3.107.4. Home occupation.
- 3.107.5. Tourist home/tourist rental home.
- 3.107.6. Vacation rental cottages.
- 3.107.7. Boardinghouse.
- 3.107.8. Bed and breakfast.
- 3.107.9. Rest home.
- 3.107.10. Beauty/barber shop.
- 3.107.11. Professional office.
- 3.107.12. Day care facilities.
- 3.107.13. Nursing homes.
- 3.107.14. Municipal facilities.
- 3.107.15. 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.

3.107.16. 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.

3.107.17. Public utilities.

3.107.18. 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.)*

3.107.19. Recreational parks and playgrounds.

3.107.20. Schools.

3.107.21. Churches.

3.107.22. Public piers, public boat ramps.

3.107.23. Pony Penning sales, yard sales.

3.107.24. Mobile home parks.

3.10.25. Campgrounds, camper/travel trailer parks.

(1) Expansion area for campground use may be permitted if contiguous to an existing campground or camper/travel trailer park.

3.107.2526. 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.

3.107.2627. 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*)

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**Sec. 3.118. Special exceptions; special use permits; conditional use.**

3.118.1. Cemetery.

3.118.2. Light waterfront seafood industry.

3.118.3. Townhouse.

3.118.4. Condominiums.

3.118.5. Multifamily dwelling.

3.118.6. Campgrounds.

3.118.7. Camper/travel trailer parks.

3.118.8. Hotels/motels.

~~3.8.9. Repealed 3/1/10.~~

3.118.910. 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*)

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**Sec. 3.129. Area regulations.**

3.129.1. ~~Lot size - General.~~

(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.

3.129.2. ~~Setback - General.~~ 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*)

3.12.3 Certain Uses

Refer to Article VI Section B for Area Regulations that apply to certain uses such as Mobile Home Parks, and Camper/Travel Trailer Parks.

3.129.43. *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.

3.129.54. *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).

3.129.65. *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

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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
4	January 26, 2011	Confirm Ordinance section numbering system, add residential bulk regulations	Town Staff

## *Draft (for Town Council Public Hearing):*

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### 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.

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#### **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)*

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**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

4.2.54. 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.

4.2.54.1 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)*

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**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 4.1.28 thru 4.1.38 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.

# Zoning Conformance Worksheet 6

## C-2 to C-2 Old Town Commercial District

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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
4	January 26, 2011	Confirm Ordinance section numbering system, add residential bulk regulations	Town Staff
5	March 8, 2011	Rename district to Old Town Commercial, remove conditional use for commercial building demolition	Planning Commission

## *Draft Copy (for Town Council Public Hearing):*

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### Article IV Commercial Districts

#### SECTION B. C-2 OLD TOWN 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.

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#### **Sec. 4.4. Uses permitted by right.**

The following uses shall be permitted in ~~commercial~~ the C-2 Old Town 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)

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**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.

(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)

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**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)

#### 4.6.8. *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 Corridor Commercial District

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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
3	January 26, 2011	Confirm Ordinance section numbering system, add residential bulk regulations	Town Staff

*Draft Copy (for Town Council Public Hearing):*

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**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 encourages 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 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. 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.

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

The following uses shall be permitted in the C-3 Corridor Ccommercial 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~~.20~~15~~. 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)

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**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*)

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**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 may be 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

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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
4	January 26, 2011	Confirm Ordinance section numbering system, add residential bulk regulations	Town Staff
5	May 11, 2011	Remove public sewer/redevelopment limitation from Intent section	PC request in November 2010/Town Staff

## Draft Copy (for Town Council Public Hearing):

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### 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.~~

#### **Sec. 4.10. Uses permitted by right.**

The following uses shall be permitted in the C-4 Resort C 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)

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**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*)

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**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 aerials 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

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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
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

# Draft Copy (for Town Council Public Hearing):

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## 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

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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
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

# Draft Copy (for Town Council Public Hearing):

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## 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 spaces 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)

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**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)

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**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 aerials 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

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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
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

## Draft Copy (for Town Council Public Hearing):

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### 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

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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
3	January 26, 2011	Confirm Ordinance section numbering system	Town Staff

## *Draft Copy (for Town Council Public Hearing):*

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### 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.*

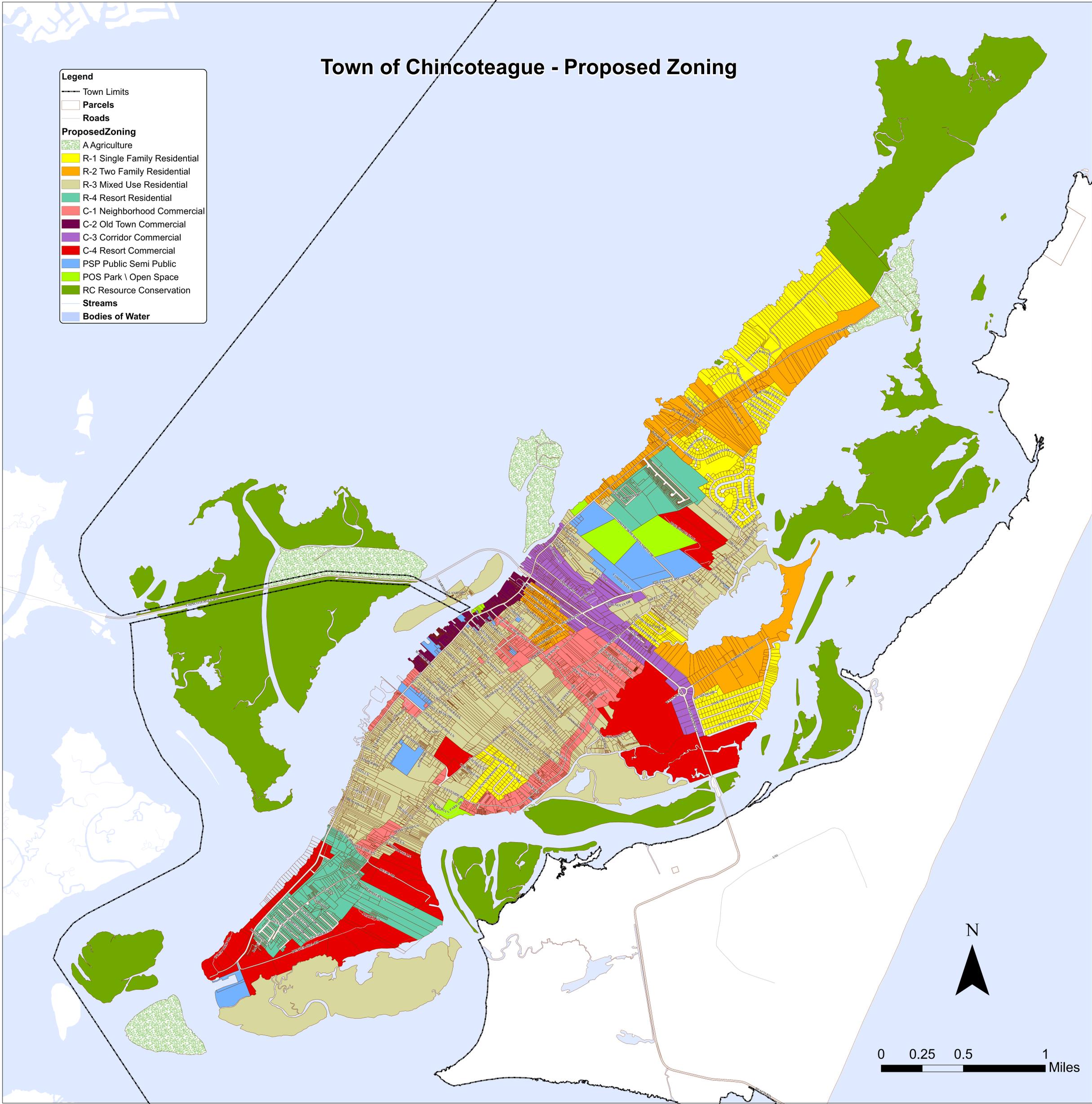
(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

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

# Town of Chincoteague - Proposed Zoning

**Legend**

- Town Limits
- Parcels
- Roads
- Proposed Zoning**
- A Agriculture
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Mixed Use Residential
- R-4 Resort Residential
- C-1 Neighborhood Commercial
- C-2 Old Town Commercial
- C-3 Corridor Commercial
- C-4 Resort Commercial
- PSP Public Semi Public
- POS Park \ Open Space
- RC Resource Conservation
- Streams
- Bodies of Water



TOWN OF CHINCOTEAGUE, INC  
 FY'12 BUDGET AMENDMENT  
 PUBLIC HEARING TO BE HELD  
 MONDAY, FEBRUARY 6, 2012, 7 P.M.  
 6150 COMMUNITY DRIVE  
 CHINCOTEAGUE ISLAND, VA 23336

**BUDGET AMENDMENT FY'12**

NAME	TYPE ACCT	ORIGINAL BUDGET	AMENDED BUDGET
<b><u>GENERAL FUND 10</u></b>			
TRANSFER FROM LGIP GENERAL FUND SAVINGS	REVENUE	14484	109670
SRTS GRANT	REVENUE	0	205840
ATTORNEY/LEG CONSULTANTS	EXPENSE	50600	81200
OLD ELEMENTARY SCHOOL GYM	EXPENSE	5000	33000
PARKS & RECREATION EXPENSE	EXPENSE	12375	36161
TRANSFER TO TROLLEY FUND	EXPENSE	23200	36000
SRTS PROGRAM PROJECTS	EXPENSE	0	205840
<b><u>MAIN STREET FUND 20</u></b>			
TEA-21 GRANT MAIN ST	REVENUE	197558	476558
MAIN STREET PROJECT	EXPENSE	231652	510652
<b><u>TROLLEY FUND 70</u></b>			
TROLLEY GRANTS	REVENUE	45200	352400
TRANSFER FROM GENERAL FUND	REVENUE	23200	36000
TROLLEY PURCHASE	EXPENSE	0	320000

**Public Works Committee Meeting**  
January 04, 2012  
MINUTES

Members Present:

Hon. John Tarr, Chairman  
Hon. Ellen Richardson  
Hon. John Howard

Also Present:

Mr. Robert Ritter  
Mr. Harvey Spurlock  
Mr. and Mrs. Ray Rosenberger  
Ms. Ruth Lane  
Mr. Avery Conklin

Chairman Tarr called the meeting to order at 5:00 pm.

Ms. Richardson made a motion to approve the agenda. The motion was seconded by Mr. Howard and unanimously approved.

**Public Participation**

None

**1. Sidewalk Chincoteague Combined School**

Ms. Richardson presented a request to install sidewalks at the Chincoteague Combined School. Sidewalks would be constructed in front of the parking lot island and at the corner of Main St. and Hallie Whealton Dr, extending to the rear of the school building. Ms. Richardson inquired as to the feasibility of the Town waiving the fifty percent landowner funding requirement normally imposed. Mr. Howard asked if sidewalks would interfere with parking at the rear of the building. Ms. Richardson stated the sidewalk would not present a problem. Ms. Richardson also noted the potential for grant funding under the Safer Routes to School program which would be finalized later this month. The funding could be used for sidewalk construction and lighting for the entirety of Hallie Smith Dr. Chairman Tarr cautioned that sidewalk placement could not interfere with the septic system drain fields that are in close proximity to the proposed sidewalk location. The committee decided to send a formal request to the Accomack School Board for fifty percent of the construction cost. Mr. Howard also introduced the possibility of constructing a footpath to connect the elementary school with the new Little League field.

**2. Consideration of Modification to Section 62-87 Service Connection Requirements**

Mr. Spurlock requested the committee consider modifying Section 62-87 of the Town code. Mr. Spurlock expressed an opinion that this section of code, which deals with water service connections, is overly restrictive and difficult to interpret. Mr. Spurlock also explained that the current requirement for all water main extension utilize a minimum of six inch diameter pipe is not appropriate in all cases. Mr. Spurlock will develop suggested modifications and present to the committee.

### **3. Questions/Comments**

None

Ms. Richardson motioned to adjourn the meeting at 5:50 pm. The motion was seconded by Mr. Howard and unanimously approved.

The next meeting is scheduled for Tuesday, March 6th, 2012 at 5:00 pm.

**Recreation and Community Enhancement  
Committee Meeting Minutes  
January 10, 2012**

**Committee Members Present:**

John Jester, Chairman  
John H. Howard, Councilman  
Tripp Muth, Councilman  
Bob Conklin  
Jack Van Dame

**Committee Members Not Present:**

Cathy Plant  
Gene W. Taylor, P/C Member

**Staff Present:**

Robert G. Ritter, Town Manager  
William Neville, Town Planner

**Call to Order**

Chairman John Jester called the meeting to order at 5:00 PM

**Agenda Adoption**

Councilman Muth motioned, seconded by Councilman J. Howard to adopt the agenda.  
Unanimously approved.

**1. Island Activity Center (Gymnasium)**

- **Work Program Update**
- **Draft Rules and Application**
- **Signs**

**Work Program Update:**

Town Manager Ritter reported on the maintenance to date on the Island Activity Center. He advised that with the help of the U. S. Coast Guard the insulation, painting and floor repairs are complete. He added that they plan to strip and seal the floors during the weekend. He expressed how beautiful the repairs are and stated that it looks like a new gym. He also stated that they plan to repair the restrooms with new fixtures and flooring.

Councilman Jester stated that Public Works Director Spurlock advised him they plan to put in new doors also.

Town Manager Ritter explained the need and plan for the new doors. He advised that the Youth Recreational Basketball League will begin practicing next week.

The Committee discussed writing letters thanking the Coast Guard for their assistance and hard work.

Town Manager Ritter also stated that they will be installing a sign up similar to the signs at the trails on Hallie Whealton Smith Drive.

Town Planner Neville described the signage.

Draft Rules and Application:

The Committee reviewed the Draft Rules for the Island Activity Center. They discussed Item #5c adding “Duplication of key is prohibited”. There was discussion regarding paying to have the key replaced.

There was another discussion about Item #4a “Banquet, musical or theatrical performances are not permitted”. They feel that the banquets shouldn’t be allowed because it would be in competition with the Community Center.

Town Manager Ritter explained that Town Planner Neville, Public Works Director Spurlock, Administrative Assistant Fox and himself met regarding the draft rules. He stated that in the discussion it was agreed that there shouldn’t be functions that would be in competition with the Center. They agreed that theatrical practices were fine but to hold a performance wouldn’t be fair to the Center. They feel that there isn’t enough parking and there could be septic issues.

There was discussion about the maximum occupancy.

Town Manager Ritter responded that the limitation is the parking, with the current parking spaces this would allow approximately 100 people.

Town Planner Neville stated that in the Building Code the active use is the gymnasium and it works out to approximately 126 people. He feels they should be in compliance somewhat with the Town’s own parking code. He also stated that the maximum building code calculation for an event could allow up to 800 people.

Councilman Muth mentioned the Senior Center.

Councilman Jester advised that the Youth Basketball League is using the facility for practice only, as they are playing games at the high school.

Town Planner Neville added that this is why item #6a was added. He asked if they felt that 50 people were enough for a sporting event because of parking restrictions.

They agreed that it is a learning experience and the rules may need to be adjusted.

Councilman Jester suggested changing “performances are not permitted” to “may be permitted”.

Councilman J. Howard suggested adding a rule regarding offensive language.

There was further discussion about preplanning because there are certain groups that want to monopolize the use every week or every day. This allows the youth groups that already use the facility to give their schedules ahead of time and all others can only plan 1 month in advance. They also feel that whoever signs the form must be accountable.

Town Planner Neville suggested requiring a copy of the applicant’s driver’s license.

Councilman Jester suggested meeting with a representative from the YMCA to discuss the use and rules.

Town Manager Ritter stated that this leads to the last item #7. He explained that if anyone rents the facility and the event is open to the public there is a nominal fee of \$25 per hour not allowing that group to dominate the use throughout each month. He also added that if it is an exclusive use event then a fee of \$250 for a 4 hour period.

There was discussion about orderly and disorderly conduct and the consequence.

Town Manager Ritter feels that the fees may need to be adjusted at some point as they determine the actual operating cost per event.

There was discussion about the “primary use” and the deadline for submitting their schedules. Another suggestion on the application is a time restriction. They also talked about opening the gym for “open recreation” a certain day and time a month.

Town Planner Neville asked the Committee to review the potential problems of last minute reservations and shared use of the facility.

Councilman J. Howard feels that those reserving the facility should be reputable citizens.

Discussion continued about allowing organized groups and organized leaders.

## **2. Project Report Updates**

Town Planner Neville stated that there was previous discussion about a path from the elementary school to the Center. He will look into the Safe Routes to School Program funds to see if there is enough money left over to be able to put in a path. He explained that they are receiving money to put in a lighted asphalt path from the high school to the elementary school.

## **3. Garden Club**

Councilman Jester asked the Committee to consider adding a member from the Garden Club to the Recreation and Community Enhancement Committee.

Town Manager Ritter stated that this Committee should have terms as the other Committees of the Town have.

Councilman Jester feels they should pick up a member from the Garden Club as soon as possible because spring is coming and they do a great job.

Town Manager Ritter suggested a sub-Committee that meets with and answers to the Committee for that purpose.

They discussed adding terms and requesting to Council to add a position for another member from the Garden Club.

A representative from the Garden Club explained their plans for the next year.

**4. Committee Member Comments**

Councilman J. Howard also mentioned the Little League building new fields and its use by the schools. He would like to see an asphalt walkway from the Center to the school because they use the fields regularly.

Town Manager Ritter suggested using the Safe Routes to School money if there is enough left.

Town Planner Neville explained the process.

They further discussed the importance of helping the Little League as much as possible.

**Adjourn.**

Mr. Conklin motioned, seconded by Mr. Van Dame to adjourn. Unanimously approved.



**MEMORANDUM**  
Town of Chincoteague Inc.

To: Mayor & Town Council

From: Robert Ritter, Town Manager

Date: January 31, 2012

Subject: Recreation & Community Enhancement Committee Appointments

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Currently the Recreation & Community Enhancement Committee citizen members do not have terms for their appointment to the committee. At the Recreation & Community Enhancement Committee on January 10, 2012, the committee discussed the appointments of those that are not Council members. The committee decided to send to the full Council a recommendation for two year staggered terms and possibly adding another member.

The following are the suggested staggered terms for two years:

	<u>Term Ends</u>
1. Jack VanDame	December 31, 2012
2. Robert "Bob" Conklin	December 31, 2012
3. Gene Wayne Taylor	December 31, 2013
4. Cathy Plant	December 31, 2013
5. ?	December 31, 2013

Note: The Committee has three Council members and if we add another member to the Committee there could be an even vote or a tie vote.

**ORDINANCE COMMITTEE  
TOWN OF CHINCOTEAGUE  
January 12, 2012  
Meeting Minutes**

**Present**

Councilman Terry Howard, Chairman  
Councilwoman Nancy Conklin  
Councilman John Howard

**Staff**

Robert G. Ritter, Jr., Town Manager

**Call to Order**

Chairman Terry Howard called the meeting to order at 5:00 p.m.

**Open Forum/Public Participation**

Mr. Ray Rosenberger revisited the idea of the fuel tank anchoring. He is concerned about the property owners who are at the mercy of others in securing their fuel tanks.

Chairman Terry Howard advised that people were taking care of getting the tanks secured. Town Manager Ritter stated Mr. Kenny Lewis and himself have spoken to Mason Oil and they stated they would circulate the information on how to secure the tanks.

Chairman Terry Howard would like staff to send another notice reminding people of the approaching deadline of November 5, 2012.

**Agenda Adoption**

It was agreed to strike the second agenda item and bring it to the next Ordinance Committee meeting. A motion was made by Councilwoman Conklin, seconded by Councilman John Howard to adopt the agenda, Motion Carried.

**Charter Review**

Town Manager Ritter stated there wasn't really anything that needed to be changed in the Town Charter. There were several points discussed but nothing was changed.

Chairman Terry Howard was concerned about the wording of regular council meetings versus work sessions but on the agenda it reads Council Meeting. He feels that both meetings should not be addressed as Council Meetings.

**Adjournment**

Councilman John Howard motioned, seconded by Councilwoman Conklin to adjourn the meeting.



MEMORANDUM  
Town of Chincoteague Inc.

To: Robert Ritter, Town Manager  
From: Kenny L. Lewis, Zoning Administrator  
Date: January 31, 2012  
Subject: Bids Regarding Demolition of Berry Structures

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On December 9, 2011 and December 16, 2011, I advertised in a general circulation news paper the notice for bids. On January 31, 2012, this office received two bids for the complete demolition of the dwelling and garage of James Berry.

The bids are as follows:

- |    |                                 |            |
|----|---------------------------------|------------|
| 1. | Allen Clark Construction        | \$3,995.00 |
| 2. | Adams General Contractors, Inc. | \$7,800.00 |

After reviewing the bids, it is my recommendation to accept the low bid of \$3,995.00 from Allen Clark Construction.

A motion could read:

“Move to award to the lowest responsive bidder, Allen Clark Construction, for \$3,995.00 to complete the demolition of the dwelling and the garage of James Berry, located at 6306 Mumford Street.”