

PLANNING COMMISSION MEETING
A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

February 8, 2011 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES:

1. Election of Officers
2. Approval of January 11, 2011 meeting minutes and the January 26, 2011 work session minutes.
3. Old Business
 - Zoning Map Revision – Approve Staff Report and Planning Commission recommendation to Town Council for Work Session review
 - Sign Ordinance – Review and approve proposed Ordinance Revisions for Flags, Banners and Pennants
4. New Business
 - Revise Planning Commission Work Plan for 2011
5. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN

NOTE:

THE BYLAWS (APPROVED 4/5/10) REQUIRE ELECTION OF OFFICERS AT THE FEBRUARY MEETING.



By-Laws Chincoteague Planning Commission

ARTICLE 1 – OBJECTIVES

- 1-1. This Commission, established in conformance with the resolution adopted by the Chincoteague Town Council _____, 2004, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2 of the Code of Virginia.
- 1-2. The official title of this Commission shall be “The Chincoteague Planning Commission”.

ARTICLE 2 – MEMBERS

- 2-1. Said commission shall consist of seven (7) members, one of whom shall be a member of the Town Council, and the remaining six (6) hereafter referred to as appointed members. Such members shall be residents of the locality and be a minimum of 50% owner of real property.
- 2-2. The term of the council person shall in all cases correspond to their tenure of office.
Of the other members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years, and one (1) shall be appointed for a term of four (4) years, from and after the effective date of this resolution. Their successors shall be appointed for terms of four (4) years. Any vacancy in membership shall be filled by an appointment by the Council and such appointment, in the case of an appointed member, shall be for the unexpired term. Any appointed member may be removed by the Council for inefficiency, neglect of duty or malfeasance in office, provided that such removal may be made only after a public hearing at which said member is given an opportunity to appear and be heard on the charges against him.

- 2-3. The term of a Commission member shall expire on December 31 at which meeting his successor's term of office shall begin.

ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1. The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson and a Secretary.
- 3-2. Nomination of officers shall be made from the floor at the regular January meeting each year. Election of officers shall follow immediately.
- 3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. Such candidate shall take office immediately and serve for one (1) year or until his/her successor shall take office.
- 3-4. Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE 4 – DUTIES OF OFFICERS

- 4-1 The Chairperson shall be a member of the Commission and shall:
 - 4-1-2 Preside at all meetings.
 - 4-1-3 Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the members present.)
 - 4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.
 - 4-1-5. Carry out other duties as assigned by the Commission.
- 4-2. The Vice-Chairperson shall be a member of the Commission and shall:
 - 4-2-1. Act in the absence or inability of the Chairperson to act.
 - 4-2-2. Have power to function in the same capacity as the Chairperson in cases of the Chairperson's inability to act.
- 4-3. The Secretary shall:
 - 4-3-1. Keep a written record of all business transacted by the Commission.
 - 4-3-2. Notify all members of all meetings.

- 4-3-3. Keep a file of all official records and reports of the Commission.
- 4-3-4. Certify all maps, records, and reports of the Commission.
- 4-3-5. Give notice of all hearings and public meetings.
- 4-3-6. Attend to the correspondence of the Commission.
- 4-3-7. Prepare and be responsible for the publishing of advertisements relating to public hearings.

ARTICLE 5 – SUB-COMMITTEES

- 5-1 At such times that the complexity of duties facing the Commission shall require the advice of standing committees, the following shall be appointed by the Chairperson to serve as needed:
 - 5-1-1. A Comprehensive Plan Committee. It shall coordinate the work of the other committees as it progresses and relate it to the overall program and keep the comprehensive plan developing in a realistic and reasonable manner.
 - 5-1-2. A Land Use Committee. It shall initially determine, and then continue to maintain an inventory of land uses. This committee shall also be responsible for the preparation of land use maps.
 - 5-1-3. A Subdivision Committee. This committee should draft subdivision regulations and any subsequent amendments. They shall examine all applications for major subdivisions, receive the reviews of the staff pertaining to them, and make recommendations to the Commission.
 - 5-1-4. A Zoning Committee. This committee should draft zoning ordinances and/or any subsequent amendments. They shall review all applications for rezoning or special use permits. When authorized by law, they shall hold public hearings, receive the views of the staff pertaining to the issue, and make recommendations to the Commission.
 - 5-1-5. A Street, Traffic and Parking Committee. They shall study the location, relocation, opening, closing or widening of streets, alleys, right-of-ways and limited access thoroughfares as well as control and expediting of traffic and provision for adequate parking. This committee shall initiate pertinent action and make recommendations to the Commission. Public and private hearings may also be conducted.
 - 5-1-6. A Capital Improvements Committee. They shall study the economics of capital improvements as it relates to the use of land to be made by the Town. This may be done independently or in conjunction with affected governmental agencies.

Such study shall include need, priority of need, cost financing, joint use and participation, location, and relative status either within or without the views of the staff relative to the issues and make any recommendation deemed pertinent to the Commission are further duties of the committee.

- 5-2. Special committees may be appointed by the Chairperson for purposes and terms approved by the Commission.
- 5-3. The Chairperson shall be an ex officio member of every committee.

ARTICLE 6 – MEETINGS

- 6-1. Regular meetings of the Commission shall be held on the second Tuesday of each month at 7:00 p.m. excluding the months of July and December. When a meeting falls on a legal holiday, the meeting shall be on the day following unless otherwise designated by the Commission. Such meetings must be held in a public building.
- 6-2. Special meetings shall be called at the request of the Chairperson or at the request of a quorum of the membership.
- 6-3. All regular meetings, hearings, records, and accounts shall be open to the public.
- 6-4. A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the entire membership. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

ARTICLE 7 – ORDER OF BUSINESS

- 7-1. The order of business for a regular meeting shall be:
 - 7-1-1. Call to order by Chairperson.
 - 7-1-2. Roll call.
 - 7-1-3. Determination of a quorum.
 - 7-1-4. Invocation.
 - 7-1-5. Pledge of Allegiance.
 - 7-1-6. Public Participation
 - 7-1-7. Review of Agenda.

7-1-8. Reading of Minutes.

7-1-9. Old business.

7-1-10. New Business.

7-1-11. Adjournment.

7-2. Parliamentary procedure in Commission meetings shall be governed by Roberts's Rules of Order, Revised.

7-3. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

The Chairperson shall sign all minutes, and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

ARTICLE 8 – HEARINGS

8-1. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

8-2. Notice of special hearings shall be published once a week for two successive weeks in a newspaper of general circulation in the area not less than five (5), nor more than twenty-one (21) days before the time of public hearing.

8-3. The case before the Commission shall be summarized by the Chairperson or other member delegated by the Chairperson. Interested parties shall have the privilege of the floor. Records or statements shall be recorded or sworn to as evidence for any court of law, only after notice is given to the interested parties.

8-4. A record shall be kept of those speaking before the hearing.

ARTICLE 9 – CORRESPONDENCE

9-1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.

9-2. All official papers and plans involving the authority of the Commission shall bear the signature of the Chairperson and Vice-Chairperson.

ARTICLE 10 – AMENDMENTS

10-1. These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership of the Commission subject to approval from the Town Council after thirty (30) days notice.

PLANNING COMMISSION MEETING
11 January 2011
MINUTES

Members Present:

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

Members Absent:

William Neville, Planning Director

CALL TO ORDER – Chairman Rosenberger called the meeting to order at 7:04 pm and established a quorum with all members in attendance.

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

PUBLIC COMMENT

There were no speakers. Chairman Rosenberger closed the public comment portion of the meeting.

AGENDA

1. Approval of November 3, 2010 and November 9, 2010 minutes

The minutes as submitted were reviewed with no corrections. Mr. Muth moved to approve the minutes of the November meetings, seconded by Mr. Papadopoulos. The motion was unanimously approved.

2. Old Business

Work Plan – Zoning Ordinance

Staff summarized the steps that have been completed in the work plan and those that still require work to be done.

- Final edits need to be completed within the District Regulations. Chairman Rosenberger requested that both existing and proposed ordinance sections should be presented side by side.
- Impact to other sections of the Town Code will be reviewed at the next meeting.

- Property Owner list for notification in a form ready for mailing
- Prepare Zoning Map so that it is ready for presentation including a big wall map and power point presentation. Schedule for public viewing 15-30 days prior to public hearing. Consider placing an ad in the newspaper to provide information.
- Review with the Town Council will be scheduled on February 17th

Mr. Potts commented on the amount of time that it may take for people to learn about 12 new zoning districts. Chairman Rosenberger suggested an afternoon and evening open house format, and that only the changes should be emphasized. Mr. Taylor suggested large wall maps showing old existing and new proposed districts to be displayed in advance of any public hearing so that individuals can find their property and review the district regulations at their own pace. It was agreed that the Planning Commission would schedule an additional work session on January 26th to continue work on the Zoning Map/Districts in preparation for meeting with the Town Council.

- Other issues such as Design Guidelines , Density, Public Sewer or other zoning concept issues that require a significant time commitment will be considered after the basic zoning map revision is accomplished
- The Floodplain Overlay District that is created in a section of Town Code separate from the zoning ordinance will need to be considered as a Zoning Map element along with the other districts.

Following discussion, Staff was directed to continue with the simple process of amending the zoning district names/map and to document any ideas for more specific zoning amendments as recommendations to Town Council for future action.

Work Plan - Sign Regulations

Following a summary of the Staff Report, the Commission discussed code compliance issues as provided by the Zoning Administrator and other concerns as outlined below:

- a) **Maximum size of banners** – Commissioners indicated that if there is one style of banner, such as the vertical pole mounted banner, which is only available in a standard size, then the ordinance should be revised to accommodate it within reason. (increase maximum size from 30 to 32 square feet or the area of a sheet of plywood at 4' x 8'). There is still a concern over banners that are used as signs, however this topic would open up a larger review of the sign ordinance rather than recommending limited corrections.
- b) **Length of banner permit** – Discussion over allowing more than 4 weeks for a banner display under a single permit was generally supported. Mr. Potts suggested that the extended tourist season in the Spring and Fall would suggest that more than 8 weeks for banner display during a single

year would help to support Town businesses. Councilman Muth thought that it is still necessary to separate permanent signs from what could become an extended display of a banner. Mr. Taylor stated that a banner 'flaps' and once it is mounted so that it cannot move it becomes a sign.

- c) **Maximum height of commercial signs** – The maximum height of 12 feet is the same for freestanding signs as well as building mounted signs. Several examples were discussed. The only method to consider exceptions is to apply to the BZA for a variance (generally for existing buildings). Commissioner Potts suggested a maximum height not to exceed the permitted building height (3 stories or 36 feet). Councilman Muth commented that this regulation may be different for existing structures versus new structures that might be design specifically for display of signage. Commissioner Papadopoulos observed that the main purpose of informing the public should guide the size, style and number of signs for areas within Town in a way that does not alter the character of the community. Councilman Muth argued for flexibility to place whatever amount of permitted signage in the location that works best for the property owner.
- d) **Limitation on use of pennants** – Permitted use of pennants at the Carnival Grounds for a limited period in the Summer opens up the use of this sign type in other areas of Town where it may be out of character with surrounding uses. Chairman Rosenberger suggested that the ordinance could be modified to only permit pennants for carnivals and fairs or other non-profit organization short term activities.
- e) **Signs versus art** – Several examples were discussed. Commissioner Taylor expressed his concern that determination of art is very subjective. Chairman Rosenberger states that a current rule of thumb is that art that advertises a product or service is considered a sign.
- f) **Cap on total size and number of signs** – This topic was raised to address the current ordinance that allows a number of signs that do not require a permit and the practice of allowing one of each permitted signs. Commissioner Taylor asked if signs would be permitted by both total square footage of building as well as acreage of property. He added that there should be a study of how much signage is used today for existing businesses to determine what works.
- g) **Permitted signs based on property size and road frontage** – Overlap with discussion above. Councilman Muth advised that these issues open a larger discussion of the sign ordinance in total and may exceed the intent of just addressing banners, flags and pennants.
- h) **How signs are measured** - Chairman Rosenberger suggested that staff present several exhibits for review that would illustrate types, sizes and measurements of the different possible sign types.

The consensus of the Commission was that any proposed update to the Sign Ordinance should be limited to items a, b, and d. Other items would require additional study. Commissioner Taylor returned to the length of banner permit to

make the case for a 16 week period that would cover the actual length of the tourist season.

Temporary Family Healthcare Structures

Implementation of the minimum State Code provision would be simply met by adopting the information as a permitted accessory use in all residential districts. Commissioner Papadopoulos has raised questions about whether these structures have to be permitted on every lot regardless of size, safe access or adjacent use. He also commented on the difference between home health care within a primary residential structure compared to this temporary freestanding structure.

Commissioner Taylor was concerned about the maximum 300 square foot size for the regulated structure and that this dimension should not limit other accessory structures. Councilman Muth commented on sections of the State Code requirement that he had not considered previously.

Staff was directed to collect more information from other communities and history on the proposed unit/legislation. This item was deferred to a future meeting.

3. New Business

- Addition to Downtown Robert Reed Park – This item was included on the agenda as an information item following the purchase of property by the Town in December 2010. An exhibit from the original Master Plan shows the potential use of the area for parking and access the Pavilion and Library. A more detailed plan may be required as Kat Edwards/ANPDC works with the Town to apply for grants to construct improvements on this property. Coordination between the Planning Commission and the Recreation/Community Enhancement Committee was suggested. No action was taken.
- Work Plan for 2011 – Staff summarized the list of potential priorities and stated that the work plan would help to schedule workflow. Commissioner Katsos requested consideration of a Code amendment to permit light construction by homeowners on Sundays. Commissioner Papadopoulos stated that seven potential worklist items could not reasonably be accomplished in the remaining scheduled meetings of the Planning Commission for the year. Commissioners suggested the removal of several items that were currently being considered by the Town Council or other groups. There was a brief discussion of the Hazard Mitigation Plan.

A new topic was suggested by Commissioner Papadopoulos for energy conservation in public buildings, recycling of construction materials, and water conservation. Mr. Neville relayed a suggestion from Mayor Tarr

that the Planning Commission may want to consider proposing landscaping standards for new development.

Chairman Rosenberger identified the issue of proffers as a zoning tool that is used in other communities. The Commission should study whether this is permitted in Chincoteague.

4. Commission Member Announcements or Comments

Staff provided information regarding training opportunities for the 2 new Commissioners. Chairman Rosenberger requested the costs of training to be included in the budget process this year.

Upcoming meetings scheduled by A-NPDC for the update of a Countywide Bicycle Plan were shared with the Commission.

Information was provided regarding the Eastern Shore Healthy Communities Coalition and its partnership with the local YMCA.

Staff reported the status of the Beach Access Committee and the comment letters that are now available for review on the new Town Website.

Commissioner Taylor requested both large and small zoning maps for easy reference, as well as sample images of sign types that have been discussed.

Chairman Rosenberger reported on the recent meeting of the BZA. No items for coordination were identified.

ADJOURN

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

Ray Rosenberger, Chairman



STAFF REPORT

To: Chincoteague Planning Commission

From: Bill Neville, Director of Planning

Date: February 7, 2011

Subject: Work Plan – Zoning Map and District Update

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

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

Specific recommendations were adopted 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.

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

The Planning Commission proposed a strategy to prepare the zoning revisions, hold public hearings, and to recommend to the Town Council an update of the Official Town Zoning Map. The approach has been to make only minimum incremental changes to each

district rather than to completely revise the zoning ordinance. Revisions to the district regulations have been tracked by redline changes and permitted uses within each district included in a comparison chart.

The process began with a focus on the Downtown Commercial district along Main Street as the heart of Town. (See May 2010 PC packet). The next area reviewed was the Commercial Corridor district along Maddox Boulevard (see June 2010 PC packet). The Resort Residential and Resort Commercial districts generally located at the central and south ends of the Island were reviewed together. (see August 2010 PC packet) The review of Public-Semi Public, Resource Conservation and Agriculture districts followed next. (see September 2010 PC packet). The remaining districts were discussed along with land use issues affecting all districts. (see October 2010 PC packet). A Workshop was advertised and held on November 3, 2010 to begin review of all zoning districts. Strategies for providing public information and a review of specific properties that were recommended for a change in zoning district by the Comprehensive Plan were reviewed at workshops and meetings with public participation. (see November, December and January PC packets).

Planning Area #	Proposed Zoning District	Existing Zoning District	Proposed Zoning Abbreviation
1	Single Family Residential	R-1	R-1 Single Family Residential
2	One & Two Family Residential	R-2	R-2 One & Two Family Residential
3	Mixed Use Residential	R-3	R-3 Mixed Use Residential
4	Historic Downtown	C-1, C-2 and R-3	C-2 Historic Downtown Commercial
5	Resort Residential	R-3	R-4 Resort Residential
6	Neighborhood Commercial	C-1	C-1 Neighborhood Commercial
7	Commercial Corridor	C-1 and C-2	C-3 Corridor Commercial
8	Resort Commercial	C-1	C-4 Resort Commercial
9	Public-Semi Public	C-1, C-2 and R-3	PSP Public Semi-Public
10	Park & Open Space	R-2 and R-3	POS Park and Open Space
11	Resource Conservation	R-3	RC Resource Conservation
12	Agriculture	A	A Agriculture

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

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

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

The proposed implementation of a zoning map and zoning districts that match with the planning areas of the Comprehensive Plan has raised several policy questions. The Town Council is requested to review and provide direction prior to formal public presentation and hearings.

POLICY ISSUES:

1. Changes in property zoning – Several properties were recommended by the Comprehensive Plan Land Use Map to change from one zoning district to another based on existing use or characteristics. For example: Marsh Island is recommended to change from C-1 Commercial to R-3 Mixed Use Residential. With regard to other comprehensive changes, the Planning Commission requests Town Council direction to
 - a. Only propose the Zoning Map changes adopted by the Comprehensive Plan land use map without change, or
 - b. Defer zoning changes on certain parcels as recommended by Planning Commission and approved by the Town Council by separate motion, or
 - c. Add zoning changes on certain parcels as recommended by the Planning Commission and approved by the Town Council by separate motion, or
 - d. Consider specific requests by property owners as a result of public testimony during public hearings
2. Split zoned properties – The zoning ordinance currently allows the property owner of a split zoned property the option to select which zone may be used for the entire property. For example: properties along commercial corridors with residential neighborhoods to the rear. Should these properties be reviewed individually or the option modified in the Ordinance.
3. Resource Conservation zoning – Several properties are currently zoned for residential use and are also proposed for mapping to the Resource Conservation zoning district based upon their public ownership or

geographic character (salt marsh). Other properties were not previously included in a zoning district and are now proposed for RC zoning.

PROPOSED SCHEDULE:

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

*allows for participation by seasonal residents

PROPOSED ACTION: Request Town Council review.

Planning Commission motion to forward this report with attached materials to the Town Council for consideration and review at the work session scheduled for February 17, 2011.



STAFF REPORT

To: Chincoteague Planning Commission

From: Bill Neville, Director of Planning

Date: January 11, 2011

Subject: Sign Ordinance Revision – Banners, Flags and Pennants

Following discussion at the November and January Planning Commission meetings, a strategy for reviewing the Sign Ordinance (amended 6/19/08) was proposed.

'Minor corrections to the Sign Ordinance may be necessary based on a review of violations and business community requests from the last 3 years. A comprehensive review may create as many problems as it would solve, so it was determined to narrow the current review to only Banners, Flags and Pennants as requested by Town Council.'

Chairman Rosenberger has requested that the Commission review the results of a community survey that led to the adoption of the current sign ordinance. This may provide guidance for questions that were raised about more restrictive regulations versus the flexibility to allow business owners to change and add signage as necessary to meet the market conditions.

Zoning Administrator Kenny Lewis was consulted about the code compliance issues that he has repeatedly encountered. His recommendations for Planning Commission review include the following issues:

1. Increase the maximum size of banners from 30 square feet to 32 square feet in order to align with standard format vertical signs that are popular with Town businesses.
2. Banners are currently permitted for two separate 4 week periods with two applications and two fees required. Most business owners apply for these permits over one continuous period during the summer season. A single permit and single fee for the 8 weeks (or extended for the full season) would benefit businesses without significant change to the method of current code compliance.
3. Increase the maximum allowable height of commercial signs from 12 feet, to 12 feet or a maximum of xx feet if the sign is attached to the primary structure, beneath the top roof line or gable, and is in proportion to other architectural details. Other performance standards may be proposed. This would address an ongoing issue that is currently being decided by the BZA on a case by case basis.
4. Pennants should clearly be allowed or not allowed for commercial uses.
5. The sign ordinance needs to include a standard for determination of the difference between ART and SIGNS.

Planning Commission members also raised other issues that would affect the use of banners, flags and pennants as follows:

6. Designate a cap for the total size and number of signs allowed per property and/or business, but allow choice and flexibility for choice of type of sign
7. Number and total area of signs permitted should be adjusted above the minimum standards based on the size of property and/or the length of road frontage
8. The method of measurement for all signs should be clearly established

The following corrections based previous Commission comments are proposed as highlighted:

Zoning Ordinance

Article VII

Signs

Sec. 7.2 Definitions

7.2.5. *Banner.* A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper.

7.2.5. Commercial Banner. A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper.

7.2.24. *Height (of a sign).* The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever ground elevation is less. (This is not the same as clearance)

Sec. 7.4 Temporary Signs

7.4.4 Banners. On-premises banners shall not be more than ~~30~~ 32 square feet in area. Total banners shall not exceed one per residence and one per ~~business~~non-profit organization. Such placement shall not exceed 2 times per calendar year not to exceed 4 consecutive weeks for each placement. Non-profit organizations are exempt from the above time limit provided the banner is removed within 7 days after the event has ended. Placement of such banners must comply with Article VII of the ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required.

7.4.4.1 Commercial Banners. On-premises banners shall not be more than 32 square feet in area for each banner permitted. Total banners shall not exceed one per business and one per land parcel for each 100 linear feet of public road frontage. Such placement shall not exceed 4 times per calendar year not to exceed 4 consecutive weeks for each placement. Commercial banners must be one of the following approved sign types: vertical pole banner, feather banner, tent, vinyl or fabric banner. Banners attached to vehicles are prohibited. Placement of such banners must comply with Article VII of this ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required.

Sample Banners



7.4.12. Pennants. There shall be no more than two fifty foot (50') long pennants, or one one hundred foot (100') long pennant per ~~non profit organization.~~business. Such placement shall not exceed two (2) times per calendar year not to exceed two (2) consecutive weeks for each placement. ~~Nonprofit organizations are exempt from the above time limit provided the pennant or p~~Pennants are must be removed within seven days after the event has ended. Placement of such pennants must comply with Article VII of this ordinance. Pennants shall not be placed ~~closer than ten feet (10') from along~~ any property line or within any public or private street right of way. Pennants are prohibited for commercial or residential use. A permit is required.

SECTION B. STANDARDS AND CRITERIA

Sec. 7.11. Generally.

The regulations in this section specify the number, types, sizes, heights and locations of signs which are permitted within the jurisdictional boundaries of the Town of Chincoteague and which require a permit. Any sign regulations incorporated into a development plan approved by council may supersede all or part of this section. Unless otherwise provided in this chapter, all signs shall be set back a minimum of ten feet from the right-of-way, unless attached to a building without any ground supports, in which case it shall conform with the required size restrictions and not protrude into any right-of-way unless a land use permit is obtained from the Town of Chincoteague. All permitted signs in this chapter shall only advertise those uses being conducted on the premises on which they are displayed.

7.11.1. Determination of sign area. In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face. Signage for any one business, residence or property is limited by the number and size of permitted signs for the primary use. The area of any sign, whether a permit is required or not, shall be included in determining the total area and number of signs erected or displayed.

7.11.2. Determination of sign height. The height of a sign shall not exceed 12 feet in height for freestanding signs, or the maximum building height permitted in the zoning district for building mounted signs if the sign is located below the roofline and incorporated into an architectural feature such as a gable, dormer, tower, etc.. The height of all signs shall be the distance from the grade level where the sign is erected to the top of the sign or, whichever is greater. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. ~~R~~oof signs shall be excluded from 7.11.2.

7.11.3. Sign Illumination.

- (1) Externally lit signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
- (2) External illumination for signs and outdoor advertising structures in which electrical wiring and connections are to be used shall require a permit and shall comply with the Virginia Uniform Statewide Building Code and approved by the building inspector.
- (3) The fixtures and source(s) of illumination used to illuminate signs shall not be directed toward nearby residential properties.
- (4) Illumination of a grandfathered off premise sign is prohibited.

7.11.4. Installation of wall signs. All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 18 inches.

7.11.5. Other uses. In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the zoning administrator shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application. (Ord. of 4-4-1994)

7.11.6 Public Art. Any two dimensional or three dimensional form of artistic expression that contains descriptive text or letters, the primary purpose of which is to advertise or direct visitors to a property, business or residence shall be considered a sign and shall be subject to Section 7 of the Zoning Ordinance.

**REPORT TO THE PLANNING COMMISSION
OF THE SUBCOMMITTEE ON SIGNS**

As you know, the sign survey responses have been returned. A summary of the responses has been prepared by the Town Manager's office and was mailed to you and to members of Town Council on October 6, 2004.

The purpose of this report is not to repeat the summary but to highlight what your subcommittee believes was most important about it.

First, the percentage of people (41.27%) who returned the surveys was outstanding. This has to be considered a strong response which demonstrates that the Town is really interested in its commercial signs.

Second, if the survey is to be taken as any kind of a guide to amending the present sign ordinance, the following changes had the strongest support. (We looked for a response of at least 60% or, in one case, 59.32% !)

(1) Should there be a limit to the number (the number was not specified) of signs a business can erect or display on the building and land where the business is conducted? (88.53% of respondents favored some kind of limit).

(2) Should off-premise directional signs and/or directories be permitted and controlled by the Town? (81.81% of respondents said yes).

(3) Should "name brand" outdoor advertising signs such as those naming the brand of cigarettes and beverages for sale in the store be visible from the street? (59.32% of respondents said no).

(4) Should large sculptures or statues be visible from the street? (61.84% of respondents said no).

(5) Should restrictions on signs in the downtown business district be different from the restrictions in other commercial areas? (61.47% of respondents said no).

(6) Should grandfathering of non-conforming signs continue?(66.06% of respondents said no).

(7) Should signs which flash or blink or signs that use lights that turn on or off be allowed in the commercial districts? (75.39% of respondents said no).

(8) Should electronic message boards that appear to "scroll" lighted messages or numbers, pictures and graphics be allowed in the commercial districts? (61.56% of respondents said no).

2004 SIGN SURVEY

RESPONSES	SURVEYS MAILED
1220	2956
41.27%	

1 IS THE NUMBER OF SIGNS ON CHINCOTEAGUE STREETS:

	TOO FEW	TOO MANY	ABOUT ADEQUATE	RESPONSES
Total:	23	538	635	1196
	1.92%	44.98%	53.09%	

2 ARE THE HEIGHT AND SQUARE FOOTAGE RESTRICTIONS ON CHINCOTEAGUE'S SIGNS:

	TOO RESTRICTIVE	NOT ENOUGH	ABOUT ADEQUATE	RESPONSES
Total:	45	575	583	1183
	3.80%	48.61%	47.59%	

3 SHOULD OFF-PREMISE DIRECTIONAL SIGNS AND/OR DIRECTORIES BE PERMITTED AND CONTROLLED BY THE TOWN?

	YES	NO	RESPONSES
Total:	967	215	1182
	81.81%	18.19%	

4 SHOULD THERE BE A LIMIT ON THE NUMBER OF SIGNS A BUSINESS CAN ERECT OR DISPLAY ON THE BUILDING AND LAND WHERE THE BUSINESS IS CONDUCTED?

	YES	IF YES			NO	RESPONSES
		1	2	3	Other	
Total:	1081	344	450	126	32	65
	88.53%				140	11.47%
						1221

5 SHOULD THE FOLLOWING TYPES OF SIGNS OR ADVERTISING STRUCTURES BE VISIBLE FROM THE STREET?

WINDOW SIGNS WHICH NAME PRODUCTS OR WHICH PROMOTE DISCOUNTED SALES INSIDE THE BUILDING.

YES	IF YES				NO	RESPONSES
	1	2	3	4		
994	270	325	120	70	229	18.72%
Total:						1223

SPECIFIC "NAME BRAND" OUTDOOR ADVERTISING SIGNS SUCH AS THOSE NAMING THE BRAND OF CIGARETTES AND BEVERAGES FOR SALE IN THE STORE.

YES	IF YES				NO	RESPONSES
	1	2	3	4		
454	96	127	58	49	662	59.32%
Total:						1116

PENDANTS OR WHIRLING COLORFUL FLAGS.

YES	IF YES				NO	RESPONSES
	1	2	3	4		
681	203	248	81	113	330	32.64%
Total:						1011

LARGE SCULPTURES OR STATUES.

YES	IF YES				NO	RESPONSES
	1	2	3	4		
445	191	63	6	4	721	61.84%
Total:						1166
HEIGHT		WIDTH		LENGTH		
218		200		162		

6 SINCE THE DOWNTOWN BUSINESS DISTRICT IS IN A REVITALIZATION ZONE, SHOULD RESTRICTIONS IN THAT AREA BE DIFFERENT FROM THE REGULATION OF SIGNS IN OTHER COMMERCIAL AREAS?

YES		NO		RESPONSES	
455	38.53%	726	61.47%		1181

Total:

7 SHOULD GRANDFATHERING OF NON-CONFORMING SIGNS CONTINUE?

YES		NO		RESPONSES	
412	33.94%	802	66.06%		1214

Total:

8 SHOULD SIGNS WHICH FLASH OR BLINK OR SIGNS THAT USE LIGHTS THAT TURN ON OR OFF BE ALLOWED IN THE COMMERCIAL DISTRICTS OF CHINCOTEAGUE?

YES		NO		RESPONSES	
298	24.61%	913	75.39%		1211

Total:

9 SHOULD ELECTRONIC MESSAGE BOARD SIGNS THAT APPEAR TO "SCROLL" LIGHTED MESSAGES OR NUMBERS, PICTURES AND GRAPHICS BE ALLOWED IN THE COMMERCIAL DISTRICTS OF CHINCOTEAGUE?

YES		NO		RESPONSES	
333	38.44%	668	61.56%		1201

Total:

I AM A

HOMEOWNER	BUSINESS OWNER	RESIDENT	VISITOR
1176	156	421	66

Total:

Planning Commission Work Plan - 2011

■ Zoning District Conformance with Comprehensive Plan 2010

- Review comparison chart between existing zoning districts and land use planning areas.
- Develop strategy for preparation of new zoning classifications recommended by the Plan
- Historic Downtown (based on C-2)
- Resort Residential (new mixed use master planned development)
- Neighborhood Commercial (based on C-1)
- Commercial Corridor (possible overlay district)
- Resort Commercial (based on C-1 plus new PUD option for redevelopment)
- Prepare revised zoning map, district regulations and hold public hearings

■ Sign Ordinance Review

- Banners, Flags, Pennants

■ Other Priorities of the Comprehensive Plan

- Economic Development
- Transportation
- Community Facilities and Services
- Housing

■ Commissioner Priorities

- Energy use, recycling of material, water conservation
- Landscaping standards
- Proffer study and guidelines