

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

October 13, 2015 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES

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- | | | |
|----|---|----------|
| 1. | Approval of the September 9, 2015 regular meeting minutes. | 3 of 17 |
| 2. | Zoning/Subdivision Ordinance Review, Article IV. Commercial District, Temporary Fence | 5 of 17 |
| 3. | Zoning Ordinance Review of Changes Regarding State Code and the BZA. | 6 of 17 |
| 4. | Discuss Final Plat Review Health Department vs Town Approval. | |
| 5. | Information/Discussion Items a) Report on Development Activity | |
| 6. | Review Planning Commission Work Plan | 14 of 17 |
| 7. | Commission Members Announcements or Comments | |

ADJOURN

Next Regular Meeting: November 10, 2015

**MINUTES OF THE
PLANNING COMMISSION MEETING
SEPTEMBER 9, 2015 AT 7:00 P.M.**

Members Present:

Mr. Ray Rosenberger, Chairman
Councilman Ben Ellis
Mr. Lloyd Potts
Mr. Steve Katsetos
Mrs. Mollie Cherrix
Mr. Mike Dendler

Members Absent:

Mr. Spyridon Papadopoulos

Call to Order

Chairman Rosenberger called the meeting to order at 7:00 p.m.

Invocation

The invocation was provided by Mr. Lloyd Potts.

Pledge of Allegiance

Chairman Rosenberger lead in the Pledge of Allegiance.

Public Participation

There was no public participation.

Agenda Review/Disclosures

Mr. Steve Katsetos motioned, seconded by Mr. Ben Ellis to approve the agenda.

1. Approval of the August 11, 2015 Regular Meeting Minutes

Councilman Ben Ellis motioned, seconded by Mr. Steve Katsetos to approve the minutes.

2. Action on Public Hearing Item:

• **Proposed Ordinance Amendments Regarding Wayside Stands**

It was proposed to amend the Zoning Ordinance to establish a minimum standard requiring 4 parking spaces for any commercial use since that is already required as a minimum for home occupation uses.

Mr. Lloyd Potts motioned, seconded by Mr. Dendler to take this proposal to Council for their approval.

Councilman Ellis asked if the proposed ordinance applied to the current library. He was advised that the library was grandfathered.

• **Site Plan Subdivision Plan Review Process**

After much discussion the motion to forward the matter to Council was denied.

3. Zoning/Subdivision Ordinance Review

• Discussion of Draft Site Plan Ordinance

There was no further discussion concerning the matter.

4. Information/Discussion Items

a) Report on Development Activity

Mr. Rosenberger stated the Commission was reviewing the plans for the Marina Hotel.

Zoning Administrator Lewis stated that the soil and sediment control permit was signed off by the County and the Town had issued the Zoning Permit. He is in the process of reviewing the building plans and hopes to have a letter sent out on that within a few days.

Mr. Lewis also mentioned the Fire Company's project.

5. Commission Members Announcements or Comments

Chairman Rosenberger stated Mr. Bill Neville had sent him the PDF on the Planning Commission's work plan. He has updated this information and would like to put it on the next agenda. He will forward this to Mr. Lewis and to Mr. Ritter.

Zoning Administrator Lewis stated that the state has lowered the variance requirements and our ordinance needed to be changed.

Chairman Rosenberger spoke about Maddox Boulevard and the danger by the ice cream shops. He also mentioned the sidewalks in Town and the telephone poles due to people walking around them on the street side.

Town Manager Ritter mentioned the need for an ordinance concerning construction fences. This matter will be put on the agenda for the next meeting.

Adjourn

Mr. Katsetos motioned, seconded by Mr. Potts to adjourn. Unanimously approved.

Next Regular Meeting: October 13th, 2015.

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ARTICLE IV. COMMERCIAL DISTRICTS*

Add to sections 4.1.27., 4.4.39., 4.7.31. & 4.10.28.

(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) A chain link safety fence may be erected for commercial construction projects provided such fence does not exceed 6' in height and is located within the property boundaries of the said project. Such fence shall not be altered with filler strips along the front lot line and 25' back from said lot line. The fence shall be removed prior to "Certificate of Occupancy" is issued.

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Sec. 2.173. Variance.

~~—A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship as defined, above. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of other nonconforming activities or uses in the zoning division or district or adjoining zoning divisions or districts.~~

Variance means, in the application of a zoning ordinance a reasonable deviation from those these provisions regulating the shape, size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance and would result in substantial justice being done. It shall not include a change in use, which change shall be accomplished by a rezoning or a conditional zoning.

ARTICLE VIII. BOARD OF ZONING APPEALS

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

8.1.1. A board consisting of seven members shall be appointed by the circuit court of the county. The board shall serve without pay other than for traveling expenses. Appointments for vacancies occurring other than by expiration of term shall in all cases be for the unexpired term.

8.1.2. The term of office shall be for five years, except that original appointments shall be made for such terms that the term of at least one member shall expire each year. Members of the board of zoning appeals appointed and qualified at the time of the enactment hereof shall continue to serve the balance of the term for which they were appointed.

8.1.3. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least 15 days' notice.

8.1.4. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

8.1.5. The board shall choose annually its own chairperson and vice-chairperson who shall act in the absence of the chairperson.

~~Cross reference—Boards and commissions, § 2-106 et seq.~~

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

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The board of zoning appeals shall have the following powers and duties:

8.2.1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance. The decision on such appeal shall be based on the board's judgement of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

8.2.2. ~~To authorize~~ Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases such a variance as defined in section 2.173 from the terms of this ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; ~~provided that the spirit of this ordinance shall be observed and substantial justice done, as follows:~~ the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

~~When a property owner can show that his~~ Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvement thereon at the time of the effective date of the ordinance, and (i) the property interest for which for which the variance is being requested was acquired in good faith ~~and where by reason of the exceptional~~ and any hardship was not created by the applicant for the variance: ~~narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of this ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this ordinance.~~ (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and ; (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

The board of zoning appeals shall require the applicant for a special use permit to submit written comments from all property owners within 300 feet of the boundary line of the property

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upon which action is to be taken, when application is made to appeal for a variance, the applicant shall submit signatures from all adjoining property owners including the property owners across the street or across bodies of water adjacent to or dividing two properties. The Board of Zoning Appeals may require the applicant to submit written comments from additional property owners.

~~No such variance shall be authorized by the board unless it finds:-~~

- ~~———— (1) That the strict application of this ordinance would produce undue hardship.—~~
- ~~———— (2) That the hardship is not shared generally by other properties in the same zoning district and the same vicinity.—~~
- ~~———— (3) That the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.—~~

No variance shall be ~~authorized~~ **considered** except after notice and hearing as required by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

~~— No variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this ordinance.—~~

In ~~authorizing~~ **granting** a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. **Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is proposed within an area of the site or part of the structure for which the variance is required, the approval of an additional variance shall be required.**

8.2.3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

8.2.4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of this ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

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8.2.5. No provision of this section shall be construed as granting any board the power to rezone property.

8.2.6. To hear and decide applications for special exceptions as may be authorized in this ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

Before issuance of a special use permit the board of zoning appeals shall consider the general character of the surrounding neighborhood in order to facilitate the preservation and creation of an attractive and harmonious community. The board of zoning appeals shall also consider the environmental effect on scenic, historic and waterfront areas including the property rights and values of adjoining and nearby property owners.

The board of zoning appeals shall have the authority to establish such conditions as it may deem necessary to assure and protect the health, safety, convenience and welfare of the general public within the district. Conditions may include, but need not be limited to, additional requirements for area, frontage, setback, side and rear yard, lighting, noise and odor control and location of streets including ingress and egress.

The board of zoning appeals may also impose such other conditions relating to the use for which a special use permit is granted as it may deem necessary in the public interest, including time limitations.

The board of zoning appeals shall not extend or renew any special use permit, or any conditional use permit previously granted, without the applicant complying with the procedures as set forth in section 8.4 of this ordinance.

All special use permits granted by the board of zoning appeals shall expire one year after the date of issuance unless construction or the use for which said permit was granted has actually commenced.

The board of zoning appeals may require a guarantee or bond with sufficient surety to ensure that any of the conditions which may be imposed pursuant to this article are being and will continue to be complied with.

8.2.7. To revoke a special exception if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

State law reference—Similar provisions, Code of Virginia, § 15.2-2309.

Sec. 8.3. Rules and regulations.

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8.3.1. The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.

8.3.2. The meeting of the board shall be held at the call of its chairperson or at such times as a quorum of the board may determine.

8.3.3. The chairperson or, in his/her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

8.3.4. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

8.3.5. All meetings of the board shall be open to the public.

8.3.6. A quorum shall be at least four members

8.3.7. The board shall act on all matters that are properly before it.
(Ord. of 4-3-1995)

8.3.8 A. The non-legal staff of the governing body may have ex parte communications of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.

B. Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under § 15.2-2314 request additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of § 2.2-3707.

C. For the purposes of this section, “non-legal staff of the governing body” means any staff who is not in the office of the attorney for the locality, or for the board, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.

D. This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of § 15.2-2309.

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

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8.4.1. An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this ordinance. Notwithstanding any Charter provision to the contrary, any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

8.4.2. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

8.4.3. In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical or other nondiscretionary errors.

State law reference—Similar provisions, Code of Virginia, § 15.2-2311.

Sec. 8.5. Appeal procedure.

8.5.1. Appeals shall be mailed to the board of zoning appeals c/o the zoning administrator, and a copy of the appeal shall be mailed to the secretary of the planning commission. A third copy should be mailed to the individual, official, department or agency concerned, if any.

8.5.2. Appeals and applications for a variance or special exception requiring an advertised public hearing shall be accompanied by payment established by the town council payable to the treasurer.

(Ord. of 11-4-1996; Ord. of 5-1-2000) (*Amended 1/18/07*)

Sec. 8.6. Procedure on application or appeal.

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within 90 days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of at least four of the members of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any

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variance from this ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(Ord. of 4-7-1997)

State law reference–Similar provisions, Code of Virginia, § 15.2-2312.

Sec. 8.7. Certiorari to review decision of board.

8.7.1. Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the town, may present to the circuit court for the county a petition **that shall be styled “In Re: date Decision of the Board of Zoning Appeals of The Town of Chincoteague”** specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board.

8.7.2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

8.7.3. The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

8.7.4. ~~If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.~~

In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, ~~or application for a special exception,~~ the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong and in violation of the purpose and intent of the

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~~zoning ordinance~~ proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.

In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.

8.7.5. Costs shall not be allowed against the board, unless it shall appear to the court that, it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the board may request that the court hear the matter on the question of whether the appeal was frivolous.

State law reference—Similar provisions, Code of Virginia, § 15.2-2314.

Planning Commission Work Plan - 2015/2016

Updated through October 13, 2015

| | | Comprehensive Plan Reference | Begin Date | End Date | Notes |
|---|---|--|--|--|--|
| 1 | Comprehensive Plan Update | | | | |
| a | Final recommendations for the 5-year update to the Comprehensive Plan | | Feb 11 2014 workshop to begin chapter review | Jan 13th - forward final recommendations to Town Council | 5-year Comprehensive Plan update approved by Town Council on February 2, 2015 |
| 2 | FEMA Flood Risk Maps | | | | |
| a | Review and discuss options for higher standards to qualify for CRS flood insurance discounts including a possible 'freeboard' requirement | Flood Insurance Pg 5-9/10, Implementation Strategy Pg 5-14 | Information Review - Feb 10th | PC recommendation re: freeboard to TC work session Mar 19th | FPO revisions incl. 2 foot freeboard approved by Town Council on April 6, 2015 |
| b | Prepare recommendation to Town Council regarding amendment of the 'building height' definition and revisions to Height Regulations in all districts | Primary Goal Pg 2-1, Land Use Objectives Pg 2-2, | Information Review - Mar 10th | PC recommendation re: building height definition and height regulations to TC Apr 14th | Public hearing and approval by Town Council on May 5, 2015 |
| 3 | Ordinance Review | | | | |
| a | Identify minimum parking standards for wayside stands | Primary Goal Pg 2-1, Land Use Objectives Pg 2-2, 3, 4 | PC recommendation April 2013 | PC recommendation re: minimum parking requirements (ZO Sec. 6.6.11) to TC Mar 10th | Council approved on 10.05.15 |
| b | Storm water Draft Regulations – coordinate with Clark-Nexsen consultant to prepare a draft 'fill ordinance' and drainage standards/regulations if approved by Town Council | | | | |
| c | Sidewalk and Lighting Policy/Subdivision Regulations – Implement 'Walkability Workshop' ideas | | | | |
| d | Wastewater treatment systems – review Zoning, Land Subdivision and Development Ordinance to address current WAC planning for advanced septic systems, private treatment system expansion, service areas, design criteria, bonding, useable yard area, setbacks, screening, etc. | | | | |
| e | Wastewater Advisory Committee recommendations: Complete a full zoning and subdivision ordinance review for any area proposed within a wastewater utility service district, and prepare recommendations for amended site development criteria if necessary | | | | |

Planning Commission Work Plan - 2015/2016

Updated through October 13, 2015

| | Comprehensive Plan Reference | Begin Date | End Date | Notes |
|-------------------------------|--|-----------------------------------|----------|--|
| f | LSDO Section 13 Subdivision defined, Section 14 Major Subdivision, Section 15 Minor Subdivision – revise procedure for review to require sketch plan submittal, review by zoning administrator for technical conformance (and Planning Commission for conformance with the Comprehensive Plan) for any division of land. | PC public hearing August 11, 2015 | | Possible recommendation to Town Council in September |
| g | LSDO Section 14.06(d)(4) Procedures for the review of the final plat, consider possible revision to resolve conflict between Health Department approval and Town approval of a final subdivision plat (who signs first). | PC Discussion Oct 13, 2015 | | |
| h | LSDO Section 16 Design Standards, consider adding site plan review requirements, checklist and land development standards | PC discussion August 11, 2015 | | Draft modification of Cape Charles, VA ordinance presented by staff |
| i | Clarification of Special Exception, Special Use and Conditional Use permits: Article VIII and Article IX generally, and Section 3.8, R-3 District to specifically define which uses are permitted by which process | | | |
| j | Review Changes to Zoning per the new State code dealing with the BZA | PC Discussion Oct 13, 2015 | | |
| 4 Economic Development | | | | |
| a | Review the Baseline Economic Impact Analysis prepared by USFWS and identify additional research, tracking tools or studies necessary to evaluate elements of the Town economy. | | | |
| b | Recommend specific actions or projects which the Town could participate in to provide greater year round activity and balance to recreational tourism. | | | PC to provide support for Chamber of Commerce and Main Street Merchants actions and projects |
| c | Consider recommendations from Virginia DCR in the Virginia Outdoors Plan | | | Provide copy of current DEQ shoreline plan information to PC |
| 5 Hazard Mitigation | | | | |
| a | Improve map information with LiDAR elevations and analysis of areas impacted by storm and high tide events/coastal flooding | | | |

Planning Commission Work Plan - 2015/2016

Updated through October 13, 2015

| | | Comprehensive Plan Reference | Begin Date | End Date | Notes |
|---|---|------------------------------|------------|----------|---|
| b | Coordinate with Virginia DEQ regarding shoreline management plans. | | | | |
| 6 | Priorities of the Comprehensive Plan | | | | |
| a | Transportation and Parking – VDOT update to Urban Area Plan, complete parking study | | | | |
| b | Community Facilities and Services – Update the comprehensive plan as necessary to anticipate new community facilities for Capital Improvement Program | | | | |
| c | Water Quality – Stormwater and Drainage Master Plan | | | | |
| d | Architectural Design Guidelines | | | | |
| e | Private Roads – Prepare an inventory and standards for maintenance and improvement of private roads to public streets. | | | | Coordinate with P/W Committee to develop new policy regarding private roads |
| f | Maddox Boulevard – C-3 District zoning and subdivision site design standards: Consider overlay district along the ‘gateway corridor’ and new commercial business district | | | | |
| 7 | Commissioner Priorities | | | | |
| a | Proffer study and guidelines - research and prepare report with assistance from Town Attorney | | | | Review need for adequate capital facilities studies to support capacity of Town infrastructure and mitigate new development impacts |
| b | Downtown Revitalization – consider next phase areas for detailed planning and design | | | | Opportunity to implement improvements between Church Street and Maddox Boulevard with redevelopment of Landmark Plaza |
| c | Capital Improvement Program, review and plan for the Council’s 5 year budget priorities | | | | |
| d | Parking Study – adequate parking for certain uses, percentage of permeable surface for large areas (research status of new energy code/building code for requirement), Church Street restrictions | | | | |

Planning Commission Work Plan - 2015/2016

Updated through October 13, 2015

| | Comprehensive Plan Reference | Begin Date | End Date | Notes |
|----|---|------------|----------|---|
| e | Route 175 zoning map revision showing revised Town/County boundary: Coordinate meeting between Accomack County and Town of Chincoteague officials to amend the Town/County boundary based on the new alignment of Route 175 and amend the official maps accordingly | | | |
| f | Review and propose implementation strategies for accessory rental homes on larger lots for affordable housing | | | |
| 8 | Other Priorities | | | |
| a | USFWS Comprehensive Conservation Plan/EIS | | | Final Draft CCP/EIS has been published September 11, 2015. Council response letter October 9 |
| b | NPS General Management Plan | | | |
| c | Accomack County/NASA Joint Land Use Study | | | Section 6.9 of the zoning ordinance may need to be modified to reference a 4 mile 'stand-off zone' for wind energy systems from the north end of Wallops Island proposed in the draft JLUS document |
| d | NASA Wallops Flight Facility PEIS/SCSC Rail Gun | | | |
| e | Development Review Process - develop informational brochure/checklist for plan and permit review of development activity | | | Develop support documents concurrently with Item 3h |
| f | Revise fence regulations to allow secure temporary construction fence in a front yard | | | Modify the permitted use of 'site trailers' to include temporary fencing (6 or 8 feet high) in certain zoning districts. |
| g | Update ordinance sections to incorporate reference to current Virginia stormwater management requirements administered by Accomack County | | | Review Parking Section 6.6.22 |
| 9 | | | | |
| 10 | | | | |