

# PLANNING COMMISSION MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

**January 14, 2014 - 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 October 8, 2013 and November 12, 2013 meeting minutes  
Approval of the 2013 Annual Report
2. Comprehensive Plan Update
  - Review scope and schedule
3. Information/Discussion Items
  - Work Plan for 2014
  - Floodplain Ordinance
4. Commission Members Announcements or Comments  
*(Note: Roberts Rules do not allow for discussion under comment period)*

ADJOURN

**PLANNING COMMISSION MEETING**  
**08 October 2013**  
**MINUTES**

Members Present:

Mr. Ray Rosenberger, Chairman

Mr. Tripp Muth, Councilman

Mr. Michael Dendler

Mr. Steve Katsetos

Mr. Jeff Potts

Mr. Spiro Papadopoulos

William Neville, Planning Director

Members Absent:

Mrs. Mollie Cherrix, Vice Chairperson

CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 pm in the Council Chambers

The invocation was provided by Chairman Rosenberger, followed by the Pledge of Allegiance led by Chairman Rosenberger.

PUBLIC PARTICIPATION

One (1) member of the public was present.

AGENDA REVIEW/DISCLOSURES

Commissioner Katsetos moved approval of the agenda as presented, seconded by Councilman Muth. The agenda was unanimously approved.

Chairman Rosenberger thanked the Commissioners for attending the Joint Public Hearing on amendments to the Commercial Sign Ordinance. It was noted that this change will be included in the Town Code update which Ms. Hipple is working on.

1. Approval of the September 10, 2013 meeting minutes

Councilman Muth moved for approval of the minutes, seconded by Commissioner Potts. The motion passed unanimously.

2. Subdivision Ordinance – Sidewalks/Trails

- Review current standards for possible updates

Town Planner Neville reminded the Commission that their current approach to reviewing the Subdivision Ordinance is to look at certain topics and not necessarily review the overall structure of this Town Code Appendix. The staff report for this meeting contains information regarding the Town's sidewalk policy

and the simplified requirements that are contained in the Subdivision Ordinance. A handout was provided of the sidewalk standards from Poquoson, VA as a reference.

Commissioners discussed when changes to the Ordinance may be required by State Code or in response to a problem that the Town may experience in administering the Ordinance. Chairman Rosenberger discussed the new sidewalks that will be installed along North Main Street by using VDOT maintenance funds.

Councilman Muth commented that new sidewalk was being installed for safety reasons and at the request of property owners in the area without requiring the cost sharing agreement that applies in other areas of Town. There was discussion about whether excess VDOT maintenance funds in any given year could be used to construct needed sidewalk improvements, including ADA accessible ramps at street intersections.

Mr. Neville pointed out that the sidewalk policy calls for a 50/50 cost sharing between the property owner and the Town, plus the Fee Schedule requires that a landowner pay \$200 or 25% of the construction cost as an application fee. He added that this explains why more sidewalk improvements may not have been completed.

Compliance with ADA standards was discussed. Mr. Neville commented that the Town Sidewalk Policy contains the kind of design standards that should be incorporated into the Subdivision Ordinance. It was agreed that the policy is still necessary to address cost sharing, and sidewalk improvements that are completed separately from a subdivision application.

One problem with new sidewalk requirements was illustrated by a small subdivision with access to Hallie Whealton Smith Drive. In this case, the developer wishes to construct a rural section (shoulder and ditch) road without a sidewalk. Normally concrete sidewalks are constructed with curb and gutter section streets including underground drainage systems. Mr. Neville indicated that this standard may not be the best solution everywhere on the Island and certain exemptions could be granted for short road segments or where asphalt trails are nearby.

Chairman Rosenberger shared some background on the issue about Town Plan recommendations, possible redevelopment ideas and different land uses. Commissioner Papadopoulos suggested that sidewalk construction standards should include other materials such as brick or pavers (pervious materials) and tie in with stormwater management such as curb and gutter with a responsibility to connect to existing infrastructure.

Other Commissioners agreed that both the policy and the Ordinance need to be updated so that it is not 'one size fits all'. Commissioner Papadopoulos suggested that the standards should apply with any construction, not just with subdivisions. The example ordinance from Poquoson was reviewed.

In response to a question about meeting ADA standards, Mr. Neville recommended that the Town prepare an ADA compliance strategy and plan that is separate from the Subdivision Ordinance. He also suggested that at a minimum, the standards contained in the sidewalk policy should be incorporated into the Subdivision Ordinance. Other suggestions included a waiver provision, creating a fund that could accept payments in lieu of onsite sidewalk construction, preparing a trail master plan to illustrate where connections between neighborhoods could be made, referring to the adopted Bicycle Plan so that public street frontages are improved for bike lanes.

Staff was requested to provide a copy of the latest adopted Biking and Walking Trail map. Discussion about trails continued. Commissioner Papadopoulos identified the implementation section of the Comprehensive Plan that calls for continuous sidewalks along both sides of Maddox Boulevard from Deep Hole Road to the Circle and completing connections in other locations.

Commissioners considered how sidewalk standards should apply to new development but also how they should encourage extension of the sidewalk system from Downtown into the Annexed Areas. Mr. Neville suggested that trail or sidewalk connections may need to be along only one side of a through road rather both sides.

Discussion continued about Chicken City Road and the Ocean Boulevard Extended Trail issues with available right of way and obstructions to trail construction. Commissioner Papadopoulos suggested looking at the zoning map and potential growth along main access roads as the priority for extending the sidewalk and trail system on the Island. The new CVFC parcel was selected as an example of encouraging the extension of sidewalks along Chicken City Road as the parcel is redeveloped.

Chairman Rosenberger proposed that the Commission continue to work on both mapping and ordinance revisions to encourage the completion of a connected walking and bike trail system. Commissioner Papadopoulos stated that this effort should establish 'urban' standards for

- sidewalks,
- curb & gutter,
- street lighting, and
- bike trails.

Staff stated that the next meeting would include possible action items for the sidewalk amendments and introduce the topic of private streets for consideration.

There was discussion about the current standards for private streets and the difference between larger subdivisions and small groups of lots regarding their ability to provide maintenance or improve to public street standards. Subdivisions of three lots or less should have an agreement for maintenance of shared access and should meet minimum lot size criteria according to Commissioner Potts.

Chairman Rosenberger commented on several items that the Board of Zoning Appeals recently considered regarding setbacks and filling in 'jibs'. He suggested that the Planning Commission 2014 work plan should be added to the agenda for the next meeting.

### 3. Information/Discussion Items

#### - **Wastewater Advisory Committee**

Commissioner Papadopoulos announced a meeting on the 17<sup>th</sup> at 9am and an open house on the 23<sup>rd</sup>-25<sup>th</sup> to present their report findings to the public. He shared their idea that a news article would be prepared after the open house as a progress report to inform the public. This effort is in response to the Town Council request for public outreach. Mr. Neville suggested that a possible wastewater treatment plant should be included in the Comprehensive Plan update next year.

Councilman Muth asked how a response from the public outreach is going to affect the next steps. His concern is that a few negative comments could be enough to discourage Town Council from dealing with an important need for the future. Commissioner Papadopoulos stated he is optimistic that the majority of people will see the economic engines of tourism and NASA as necessary for the future of Chincoteague.

There was discussion about sewer service areas along the commercial corridors and pointing to the success of the Sunset Bay Utilities model. Changes proposed for the Chincoteague Inn and Landmark Plaza sites were mentioned.

Mr. Neville described the next step to complete preliminary design, permitting, cost estimates, and identification of possible funding sources. He expressed concern over the current economy which may influence Town Council's preference not to expand Town government to manage a public wastewater utility in favor of possibly teaming with a private utility company like Sunset Bay.

Commissioners considered the 5 year update to the Comprehensive Plan that would start with the January 2014 agenda as a good opportunity to incorporate the recommendations of the Wastewater Advisory Committee for consideration by Town Council.

- **FEMA draft Flood Insurance Rate Maps**  
Corrected flood insurance rate maps will be provided by FEMA for Community Outreach meetings sometime early in 2014 with a 90 day appeal period. This schedule was delayed because of the federal shutdown in November.

- **Floodplain Ordinance**  
Commissioner Katsetos asked about the status of permits for fill dirt. Mr. Neville reviewed the Town's recent actions with regard to adopting and administering a zoning permit for floodplain development as directed by FEMA. Town Council has directed the use of the permit for grading or land disturbance of 10,000 square feet or greater to coincide with Accomack County's erosion control permit. The fee has been suspended until further notice. Other changes to the Town Floodplain Ordinance may be considered by Town Council before April 2014 to comply with the National Flood Insurance Program.

Mr. Neville responded to several questions about FEMA's communication with the Town over a landowner dispute. He indicated that local controls such as the Town Drainage Ordinance, County or State Stormwater Regulations should be used to address the land use problem if necessary, not federal regulations supporting the flood insurance program.

Commissioner Papadopoulos described a personal experience with having to go to Accomack County for support on a drainage/fill issue because the Town's drainage standards were not adequate.

- **VA Stormwater Regulations**  
Chairman Rosenberger reviewed information that had been provided at a recent training meeting sponsored by RC&D. He advised that stormwater requirements will be a significant development issue for the future. Mr. Neville noted a DEQ information meeting to be held in Accomack County. Commissioner Potts commented on the minimum lot size of 10,500 square feet and not having enough room for a house, drainfield and stormwater management facilities.
- **5 year update to the Comprehensive Plan**  
Commissioner Dendler stated it was his understanding that the Planning Commission should evaluate the implementation of Plan recommendations over the last 4 years and adjust Appendix A-Implementation Matrix as necessary. Chairman Rosenberger noted that the main accomplishment was adoption of a comprehensive zoning map that aligns with the Comprehensive Plan land use map.

4. Commission Members Announcements or Comments

Commissioner Potts requested information about when exactly the minimum lot sizes in the R-3 district went from 7,500 square feet to 10,500 square feet (sometime around 1991) due to annexation.

Chairman Rosenberger welcomed Commissioner Papadopoulos back from his travels.

Councilman Muth informed Commissioners about the proposed relocation of the Chincoteague 911 Center operations to the Eastern Shore 911 Center. There was a general discussion.

ADJOURN

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

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Mr. Raymond R. Rosenberger Sr., Chairman

The next meeting is scheduled on November 12, 2013

**PLANNING COMMISSION MEETING  
12 November 2013  
MINUTES**

Members Present:

Mr. Ray Rosenberger, Chairman  
Mrs. Mollie Cherrix, Vice Chairperson

Mr. Michael Dendler

Mr. Jeff Potts  
Mr. Spiro Papadopoulos

William Neville, Planning Director

Members Absent:

Mr. Tripp Muth, Councilman

Mr. Steve Katsetos

CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 pm in the Council Chambers

The invocation was provided by Chairman Rosenberger, followed by the Pledge of Allegiance led by Chairman Rosenberger.

PUBLIC PARTICIPATION

Two (2) members of the public were present.

AGENDA REVIEW/DISCLOSURES

Chairman Rosenberger noted that the minutes for October 8, 2013 are not included in the packet and will be provided at the next meeting. Commissioner Papadopoulos moved approval of the agenda with the removal of item #1, seconded by Commissioner Potts. The agenda was unanimously approved.

1. ~~Approval of the October 8, 2013 meeting minutes~~
2. Subdivision Ordinance – Sidewalks/Trails
  - Review current standards for possible updates

Chairman Rosenberger referred to material provided on page 9 of the packet and asked for a staff report. Town Planner Neville presented possible Subdivision Ordinance revisions that would incorporate criteria from the current Town Sidewalk Policy. Other ideas proposed at the last meeting included work on a Sidewalk and Trail plan for the Town to identify important missing links that should be constructed.

Work on the plan map has not been completed at this time. Commissioner Potts suggested that the item should be tabled until a recommendation can be prepared

for both ordinance revisions and proposed improvements. Chairman Rosenberger mentioned the Public Works Department project along North Main Street which includes the preferred method of replacing sidewalks at the same time as regular paving work is completed.

Chairman Rosenberger declared this item tabled by consensus and confirmed with other Commissioners that there would not be a regular meeting in December.

Mr. Neville discussed the need for improvement of the existing sidewalk system from a four foot width to a five foot width currently required by VDOT standards and the Town policy where possible. He advised that future revisions to the Subdivision Ordinance may need to address standards for variable sidewalk width depending on whether it is new or replacement sidewalk.

Discussion continued about the width of curbs, gutter drainage, and ADA accessibility standards. Commissioner Papadopoulos commented that the sidewalk policy only applies to new sidewalks not existing or replacement sidewalks. Mr. Neville suggested a standard that matches the sidewalk width on adjacent properties unless it is a new facility that must meet the 5 foot wide requirement. Chairman Rosenberger asked about how VDOT normally deals with this situation of matching existing improvements.

### 3. Subdivision Ordinance – Private Roads

- Review current standards for possible updates

Mr. Neville requested comments on this item as the Commission reviews what the current standards are for private roads, and what changes may be necessary to address a particular problem or need.

Chairman Rosenberger reviewed the last several subdivisions (Pony Pines, Sunset Bay) and noted that there were no problems identified with the Ordinance standards.

Commissioner Papadopoulos stated that there should be a standard for either ‘urban’ or ‘rural’ development in the entire Town – it cannot have both. This is a situation that has been inherited from the County annexation areas. Chairman Rosenberger emphasized that the Subdivision Ordinance refers to VDOT standards that include both urban and rural design criteria.

Mr. Neville advised that VDOT views Chincoteague as a ‘small urban area’ where all roads should be brought up to urban street standards with curb/gutter/storm drain improvements, however this is a very expensive view of the world that the Town may not want to implement.

Chairman Rosenberger recalled a meeting with Mr. Cummings from VDOT who recommended that private roads should be upgraded to public streets when

adequate right of way exists and private funds are available. Commissioner Papadopoulos recommended that it was more important to tackle the issue of upgrading private streets than it was to work on minor changes to the Subdivision Ordinance.

Commissioner Potts referred to the street map in the packet that shows a 50/50 split between public and private roads on Chincoteague Island. He noted that 21 miles of private roads are a significant issue. Commissioner Papadopoulos commented that the Town is missing the opportunity to have VDOT funds to maintain these roads because they are privately held, there is no taxation on private right of way, and therefore no incentive for owners to improve them.

Chairman Rosenberger asked what opportunities the Commission sees to address this situation. Commissioner Papadopoulos suggested that the private street issue should be placed on the Commission work plan in 2014 to develop recommendations for a more comprehensive Town Council action rather than just trying to amend a single section of the Subdivision Ordinance.

Commissioner Papadopoulos provided an example from his neighborhood where 40 foot wide private street right of ways are considered **rural** and fire hydrant spacing is thereby built to a lower standard than if it was an **urban** street. He noted that research of ownership and maintenance responsibilities will have to be completed.

Discussion continued. Public Safety access was identified as the main reason why this should be a Town responsibility rather than just the obligation of individual property owners. Commissioner Potts discussed the private road grading agreement included in the packet. FEMA storm damage reimbursement for tree removal on public streets only was mentioned.

Mr. Neville agreed that the private street issue deserves a larger consideration that will ultimately loop back to the Subdivision Ordinance for adoption of specific development standards. The process for adding a private street to the VDOT secondary street maintenance program was discussed.

Private street standards and upgrading to public streets will be added to the Planning Commission work plan.

#### 4. Information/Discussion Items

- Work Plan for 2014

The current work plan for 2013 was provided for reference. Mr. Neville identified the 5 year update of the Comprehensive Plan as a priority for 2014. Chairman Rosenberger suggested a page by page review to see if any change is needed.

Commissioner Papadopoulos identified the new State Code requirement for a section on ‘sustainability’. There may be other policies regarding the new State stormwater program, natural shorelines and healthy communities which should also be considered. FEMA flood mapping and hazard mitigation strategies could also be strengthened in the Comprehensive Plan.

Mr. Neville suggested that 3 meetings may be required for review before sending recommendations to Town Council.

- Town Code Update inserts were distributed to Planning Commission members.

#### 5. Commission Members Announcements or Comments

Chairman Rosenberger informed the Commission about an upcoming BZA case regarding possible subdivision of a non-conforming lot with existing improvements. Commissioner Potts indicated that subdivisions of 3 lots or less may only be recorded at the Courthouse without Town review if the lots are conforming with minimum lot size.

#### ADJOURN

Vice Chairperson Cherrix moved to adjourn the meeting, seconded by Commissioner Papadopoulos. The motion was unanimously approved.

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Mr. Raymond R. Rosenberger Sr., Chairman

The next meeting is scheduled for January 14, 2014.

**TOWN OF CHINCOTEAGUE  
PLANNING COMMISSION  
ANNUAL REPORT  
2013**

**JANUARY 8, 2013**

**MEMBERS PRESENT: ROSENBERGER, CHERRIX, MUTH, KATSETOS  
DENDLER, POTTS, PAPADOPOULOS**

**MEMBERS ABSENT: NONE**

**PUBLIC PARTICIPATION: FOUR MEMBERS OF THE PUBLIC WERE  
PRESENT, THERE WAS NO PUBLIC COMMENT.**

**THE ANNUAL REPORT FOR 2012 WAS APPROVED.**

**ELECTION OF OFFICERS – OFFICERS WERE UNANIMOUSLY ELECTED AS  
FOLLOWS:**

**CHAIRMAN – RAY ROSENBERGER  
VICE CHAIRPERSON – MOLLIE CHERRIX  
SECRETARY – WILLIAM NEVILLE**

**VIRGINIA MAIN STREET PROGRAM –  
LAURIE WALTON SPOKE WITH THE COMMISSION ABOUT HER  
EXPERIENCE WITH THE DOWNTOWN MAIN STREET MERCHANTS  
ASSOCIATION AND THE POSSIBILITY OF APPLYING FOR A VIRGINIA MAIN  
STREET DESIGNATION FOR CHINCOTEAGUE. ECONOMIC DEVELOPMENT  
AND TOURISM PROMOTION WAS ALSO DISCUSSED. A MASTER  
CALENDAR OF EVENTS WAS SUGGESTED. COORDINATION OF  
COMPREHENSIVE PLAN RECOMMENDATIONS FOR ECONOMIC  
DEVELOPMENT WITH TOURISM FUNDING AND ACTIVITIES WAS  
PROPOSED.**

**DOWNTOWN PARKING STUDY –  
THE COMMISSION REQUESTED TOWN COUNCIL CONSIDERATION OF A  
CITIZEN PETITION FOR ADDITIONAL DOWNTOWN PUBLIC PARKING TO  
ACCOMMODATE INCREASED USE FROM THE NEW FISHING PIER,  
SPECIAL EVENTS AND TO SUPPORT THE LIBRARY.**

**ANNUAL ZONING ORDINANCE UPDATE – REVIEW OF ZONING AND  
PARKING STANDARDS AS THEY APPLY TO MIXED USE BUILDINGS IN THE  
C-2 DISTRICT**

**FEBRUARY 12, 2013**

MEMBERS PRESENT: ROSENBERGER, CHERRIX, MUTH,  
DENDLER, POTTS, PAPADOPOULOS

MEMBERS ABSENT: KATSETOS

PUBLIC PARTICIPATION– TWO MEMBERS OF THE PUBLIC WERE  
PRESENT, THERE WAS NO PUBLIC COMMENT.

VACATION COTTAGES –  
AT THE ZONING ADMINISTRATORS REQUEST, COMMISSIONERS  
REVIEWED SEVERAL SMALL HOUSING TYPES, AND MINIMUM BUILDING  
CODE STANDARDS. LYNNE BALLERINI PRESENTED A PROPOSED ‘YURT’  
STYLE KIT HOME AND ASKED HOW IT WOULD BE DEFINED BY THE  
ZONING ORDINANCE. THE ITEM WAS DEFERRED TO ALLOW  
ADDITIONAL STUDY.

DOGGY DAY CARE –  
IN RESPONSE TO A ZONING INQUIRY, STAFF PRESENTED INFORMATION  
ABOUT ‘DOGGY DAY CARE’ USES AND OPTIONS FOR APPROVAL IN  
DIFFERENT ZONING DISTRICTS. THE COMMISSION RECOMMENDED  
THAT THE ZONING ADMINISTRATOR CONSIDER ‘DOGGY DAY CARE’ USE  
AS AN UNIQUE USE WITH SPECIFIC IMPACTS TO NEIGHBORING  
PROPERTIES THAT SHOULD BE CONSIDERED ONE CASE AT A TIME  
UNDER THE CONDITIONAL USE PERMIT PROCESS.

INFORMATIONAL ITEMS WERE PRESENTED BY STAFF REGARDING  
BROADBAND WIRELESS SERVICE TOWERS, A COMMERCIAL SIGN  
ORDINANCE ISSUE, AND A DRAFT EVENT CALENDAR PREPARED BY THE  
TOWN MANAGER.

**MARCH 12, 2013**

MEMBERS PRESENT: ROSENBERGER, CHERRIX, MUTH,  
DENDLER, POTTS, PAPADOPOULOS, KATSETOS

MEMBERS ABSENT: NONE

**PUBLIC PARTICIPATION – TWO MEMBERS OF THE PUBLIC WERE PRESENT. CANDACE FRESE REQUESTED TO SPEAK WHEN THE SIGN ORDINANCE ITEM WAS CONSIDERED.**

**SIGN ORDINANCE –**

**STAFF PRESENTED TWO EXAMPLES OF MULTIPLE BUSINESSES LOCATED ON THE SAME PARCEL WHICH WERE LIMITED BY THE CURRENT COMMERCIAL SIGN ORDINANCE STANDARDS. THE COMMISSION HEARD A PRESENTATION FROM CANDACE FRESE REGARDING BEST BLOOMS FLORIST AND SUGGESTED SEVERAL OPTIONS. NO RECOMMENDATION WAS MADE. STAFF PRESENTED INFORMATION ABOUT THE FAIRFIELD INN SITE. THE COMMISSION RECOMMENDED THAT UNTIL NEW INFORMATION IS PRESENTED, A SECOND FREESTANDING SHOULD NOT BE APPROVED IF IT EXCEEDS THE AREA ALLOWED BY THE SIGN ORDINANCE.**

**DWELLING UNIT TYPE (YURT) -**

**STAFF RECOMMENDED THAT ‘YURTS’ SHOULD BE ADDED TO THE DEFINITION OF CAMPING UNITS IN SECTION 2.31 AND SHOULD ONLY BE PERMITTED IN APPROVED CAMPGROUNDS AND TRAVEL TRAILER PARKS. IT WAS NOTED THAT A ROUND STRUCTURE DESIGNED FOR USE AS A PERMANENT DWELLING UNIT IS ALLOWED UNDER SECTIONS 2.56 AND 2.57. ACTION WAS DEFERRED UNTIL A COMPREHENSIVE ZONING ORDINANCE UPDATE IS COMPLETED.**

**WAYSIDE STANDS – A PARKING CRITERIA REQUEST FROM THE ZONING ADMINISTRATOR WAS CONSIDERED. NO ACTION TAKEN.**

**APRIL 9, 2013**

**MEMBERS PRESENT: ROSENBERGER, CHERRIX, KATSETOS, MUTH, POTTS, DENDLER, PAPADOPOULOS**

**MEMBERS ABSENT: NONE**

**PUBLIC PARTICIPATION – FOUR MEMBERS OF THE PUBLIC WERE PRESENT. RAYMOND BRITTON, JR., TODD BURBAGE AND NANCY LANE SPOKE ABOUT COMMERCIAL SIGN ORDINANCE RESTRICTIONS ON THE FAIRFIELD INN/CHINCOTEAGUE INN SITE.**

**COMMERCIAL SIGNS –**

THE PLANNING COMMISSION CONSIDERED SEVERAL POSSIBLE CODE REVISIONS AND RECOMMENDED A CHANGE TO SECTION 7.13.1.7 THAT WOULD CONNECT PERMITTED FREESTANDING SIGNS TO A FREESTANDING BUILDING RATHER THAN TO THE LOT.

**DOWNTOWN PARKING IN THE C-2 DISTRICT –**

A POSSIBLE REVISION TO PERMIT OFF SITE PARKING WAS CONSIDERED AND DEFERRED INDEFINATELY.

**WAYSIDE STANDS –**

MINIMUM PARKING CRITERIA OF FOUR SPACES WAS RECOMMENDED FOR WAYSIDE STANDS. A REVISION TO SECTION 6.6.11 WILL BE CONSIDERED WITH OTHERS AT THE NEXT MEETING.

**MAY 14, 2013**

MEMBERS PRESENT: ROSENBERGER, CHERRIX, MUTH,  
DENDLER, POTTS, PAPADOPOULOS

MEMBERS ABSENT: KATSETOS

PUBLIC PARTICIPATION – TWO MEMBERS OF THE PUBLIC WERE PRESENT, THERE WAS NO PUBLIC COMMENT.

**COMMERCIAL SIGNS –**

ZONING ADMINISTRATOR LEWIS PRESENTED THE BZA DECISION GRANTING A VARIANCE FOR ONE ADDITIONAL FREESTANDING SIGN TO THE CHINCOTEAGUE INN.

COMMERCIAL SIGN ORDINANCE REVISIONS PROPOSED BY TOWN ATTORNEY POULSON WERE REVIEW BY THE COMMISSION. STAFF WAS REQUESTED TO PREPARE A VISUAL PRESENTATION OF THE EXISTING COMMERCIAL SIGN ORDINANCE STANDARDS FOR THE NEXT MEETING.

**WAYSIDE STANDS –**

THE PLANNING COMMISSION RECOMMENDED APPROVAL OF ZONING ORDINANCE REVISIONS TO SECTION 6.6.11 THAT WOULD REQUIRE A MINIMUM OF 4 SPACES FOR OTHER COMMERCIAL USES SUCH AS WAYSIDE STANDS.

**JUNE 11, 2013**

MEMBERS PRESENT: ROSENBERGER, MUTH, KATSETOS,  
DENDLER, POTTS, PAPADOPOULOS

MEMBERS ABSENT: CHERRIX

PUBLIC PARTICIPATION – TWO MEMBERS OF THE PUBLIC WERE  
PRESENT, THERE WAS NO PUBLIC COMMENT

COMMERCIAL SIGNS –  
ILLUSTRATIONS AND DRAFT ORDINANCE REVISIONS WERE  
CONSIDERED. THE COMMISSION VOTED TO RECOMMEND COMMERCIAL  
SIGN ORDINANCE CHANGES AS PROPOSED BY TOWN ATTORNEY  
POULSON.

WORK PLAN – A COMBINED LIST OF ZONING ORDINANCE  
MODIFICATIONS WILL BE PRESENTED FOR RECOMMENDATION TO  
TOWN COUNCIL AT THE AUGUST MEETING. REVIEW OF POSSIBLE  
SUBDIVISION ORDINANCE MODIFICATIONS WILL FOLLOW.

**JULY 9, 2013**

NO MEETING

**AUGUST 13, 2013**

NO MEETING

**SEPTEMBER 10, 2013**

MEMBERS PRESENT: ROSENBERGER, MUTH, POTTS, DENDLER,  
CHERRIX

MEMBERS ABSENT: KATSETOS, PAPADOPOULOS

PUBLIC PARTICIPATION – ONE MEMBER OF THE PUBLIC WAS PRESENT,  
THERE WERE NO COMMENTS.

SUBDIVISION ORDINANCE – ZONING REVIEW FOR THREE LOTS OR LESS

COMMISSIONERS DISCUSSED EXISTING PROCEDURES AND WHETHER THERE IS A PROBLEM THAT WARRANTS ADDITIONAL REVIEW OF ALL SUBDIVISIONS. NO ACTION WAS TAKEN.

**ZONING ORDINANCE – DEFINITION OF FENCE**

A ZONING ADMINISTRATOR REQUEST WAS CONSIDERED TO DETERMINE WHETHER A SPECIFIC LOW CONCRETE BLOCK SHOULD BE DEFINED AS A FENCE OR A RETAINING WALL. THE PLANNING COMMISSION DETERMINED THAT IN THEIR OPINION IT WAS NOT A FENCE, IT WAS A WALL.

**OCTOBER 8, 2013**

MEMBERS PRESENT: ROSENBERGER, KATSETOS, MUTH,  
POTTS, DENDLER, PAPADOPOULOS

MEMBERS ABSENT: CHERRIX

PUBLIC PARTICIPATION – ONE MEMBER OF THE PUBLIC WAS PRESENT, THERE WERE NO COMMENTS.

**SUBDIVISION ORDINANCE – SIDEWALKS AND TRAILS**

COMMISSIONERS REVIEWED THE CURRENT SIDEWALK POLICY AND DISCUSSED THE VARIETY OF STREET SECTIONS IN TOWN. THIS ITEM WAS REFERRED TO THE NEXT MEETING FOR ADDITIONAL WORK.

CURRENT ISSUES WERE DISCUSSED INCLUDING THE WASTEWATER ADVISORY COMMITTEE REPORT, FEMA MAPS, FLOODPLAIN ORDINANCE AND STORMWATER REGULATIONS.

**NOVEMBER 12, 2013**

MEMBERS PRESENT: ROSENBERGER, CHERRIX,  
POTTS, DENDLER, PAPADOPOULOS

MEMBERS ABSENT: MUTH, KATSETOS

PUBLIC PARTICIPATION – TWO MEMBERS OF THE PUBLIC WERE PRESENT.

SIDEWALKS/TRAILS - A POSSIBLE REVISION TO THE SUBDIVISION ORDINANCE WAS CONSIDERED TO INCORPORATE CRITERIA FROM THE CURRENT TOWN SIDEWALK POLICY. THE ITEM WAS TABLED UNTIL

STAFF COULD COMPLETE ADDITIONAL MAPPING OF SIDEWALKS AND TRAILS TO IDENTIFY CRITICAL CONNECTIONS THAT NEED TO BE CONSTRUCTED.

PRIVATE ROADS – GENERAL CONCERNS WERE IDENTIFIED REGARDING 50% OF CHINCOTEAGUE STREETS (21 MILES) THAT ARE PRIVATELY OWNED AND MAINTAINED. THIS TOPIC WILL BE PLACED ON THE 2014 WORK PLAN TO DEVELOP RECOMMENDATIONS FOR PRESENTATION TO THE TOWN COUNCIL.

5 YEAR REVIEW OF THE COMPREHENSIVE PLAN – AGREED TO BEGIN A DELIBERATE REVIEW PROCESS IN JANUARY 2014

2014 CALENDAR – WORK PLAN PRIORITIES WILL BE SCHEDULED ON A CALENDAR FORMAT FOR THE JANUARY 2014 MEETING.

**DECEMBER 10, 2013**

NO MEETING

RESPECTFULLY SUBMITTED BY

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WILLIAM NEVILLE, SECRETARY



## STAFF REPORT

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To: Planning Commission  
From: William Neville, Director of Planning  
Date: January 14, 2014  
Subject: 5-year Comprehensive Plan Review

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The Town of Chincoteague adopted a fully revised Comprehensive Plan on January 4, 2010. The comprehensive plan is designed to be a general guide for growth and future development for the next 20 years. The Code of Virginia (§ 15.2-2230) requires that at least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.

To allow adequate time for review of the plan, the implementation steps, and new legislative requirements, the Planning Commission will work on a strategy and schedule to provide Town Council with a recommendation for any changes prior to October 1, 2014.

Several strategies have been suggested to accomplish the required review process:

- A) Begin a chapter by chapter (or page by page) review during the next several regular meetings of the Planning Commission to identify any areas that require additional study or revision.
- B) Focus on Appendix A – Implementation Matrix to determine which Goals, Objectives and Land Use Recommendations have been accomplished and adjust them as necessary to reflect current conditions.
- C) Incorporate current planning activities such as:
  - 1. FEMA Hazard Mitigation
  - 2. FEMA Flood Insurance Rate Maps (new in 2014) and NFIP/CRS
  - 3. Water and Wastewater Utility Systems
  - 4. Healthy Communities
  - 5. Environment/Recreation (CCP and GMP plans in 2014)(VOP)
  - 6. JLUS and Wallops Island Master Plan EIS

**D) Revise to include changes required by State Code:**

1. Living Shorelines

*§ 15.2-2223.2. Comprehensive plan to include coastal resource management guidance.*

*Beginning in 2013, any locality in Tidewater Virginia, as defined in § [62.1-44.15:68](#), shall incorporate the guidance developed by the Virginia Institute of Marine Science pursuant to subdivision 9 of § [28.2-1100](#) into the next scheduled review of its comprehensive plan. The Department of Conservation and Recreation, Virginia Marine Resources Commission, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request. (2011, c. [885](#).)*

**E) Consider a special area plan for the Maddox Boulevard Corridor/(C-3 Zoning)**

**F) Revise approved land use map to include:**

1. Route 175 New Bridge Alignment
2. Island Activity Center
3. Proposed CVFC site
4. Private to Public Road priority for Seaweed Drive
5. Mariners Point
6. Bridge Street/Robert Reed Park expansion/Fishing Pier

**G) Complete a study with recommendations for Town policy and comprehensive plan language for:**

1. Private Roads issue
2. Sidewalk and Trail Plan
3. Stormwater/Drainage
4. Tourism/Event Planning
5. Island wide Broadband service
6. Landscaping/Tree Canopy

For this first meeting of 2014, it will be important to sort through these strategies and to select the most important or realistic ones which can be accomplish over the next 6 months.

The Table of Contents from the 2010 Comprehensive Plan is attached for reference.

# Chincoteague, Virginia Comprehensive Plan

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## **Virginia State Code – Miscellaneous sections regarding Comprehensive Plans**

§ 15.2-2230. Plan to be reviewed at least once every five years.

At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.

(Code 1950, § 15-964.8; 1962, c. 407, § 15.1-454; 1975, c. 641; 1997, c. [587](#).)

§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § [15.2-2229](#), shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § [33.1-23.03](#), the Six-Year Improvement Program adopted pursuant to subdivision (7)(b) of § [33.1-12](#), and the location of routes to be followed by roads comprising systems of state highways pursuant to subdivision (1) of § [33.1-12](#). The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subdivision (7)(e) of § [33.1-12](#).

6. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

3. The designation of historical areas and areas for urban renewal or other treatment;

4. The designation of areas for the implementation of reasonable ground water protection measures;

5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;
  6. The location of existing or proposed recycling centers;
  7. The location of military bases, military installations, and military airports and their adjacent safety areas; and
  8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.
- D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

(1975, c. 641, § 15.1-446.1; 1976, c. 650; 1977, c. 228; 1988, c. 268; 1989, c. 532; 1990, c. 19; 1993, cc. 116, 758; 1996, cc. [585](#), [600](#); 1997, c. [587](#); 2003, c. [811](#); 2004, cc. [691](#), [799](#); 2005, cc. [466](#), [699](#); 2006, cc. [527](#), [563](#), [564](#); 2007, c. [761](#); 2012, cc. [729](#), [733](#); 2013, cc. [561](#), [585](#), [646](#), [656](#).)

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§ 15.2-2223.2. Comprehensive plan to include coastal resource management guidance.

Beginning in 2013, any locality in Tidewater Virginia, as defined in § [62.1-44.15:68](#), shall incorporate the guidance developed by the Virginia Institute of Marine Science pursuant to subdivision 9 of § [28.2-1100](#) into the next scheduled review of its comprehensive plan. The Department of Conservation and Recreation, Virginia Marine Resources Commission, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request.

(2011, c. [885](#).)

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§ 15.2-2224. Surveys and studies to be made in preparation of plan; implementation of plan.

A. In the preparation of a comprehensive plan, the local planning commission shall survey and study such matters as the following:

1. Use of land, preservation of agricultural and forestal land, production of food and fiber, characteristics and conditions of existing development, trends of growth or changes, natural

resources, historic areas, ground water, surface water, geologic factors, population factors, employment, environmental and economic factors, existing public facilities, drainage, flood control and flood damage prevention measures, dam break inundation zones and potential impacts to downstream properties to the extent that information concerning such information exists and is available to the local planning authority, the transmission of electricity, road improvements, and any estimated cost thereof, transportation facilities, transportation improvements, and any cost thereof, the need for affordable housing in both the locality and planning district within which it is situated, and any other matters relating to the subject matter and general purposes of the comprehensive plan.

However, if a locality chooses not to survey and study historic areas, then the locality shall include historic areas in the comprehensive plan, if such areas are identified and surveyed by the Department of Historic Resources. Furthermore, if a locality chooses not to survey and study mineral resources, then the locality shall include mineral resources in the comprehensive plan, if such areas are identified and surveyed by the Department of Mines, Minerals and Energy. The requirement to study the production of food and fiber shall apply only to those plans adopted on or after January 1, 1981.

2. Probable future economic and population growth of the territory and requirements therefor.

B. The comprehensive plan shall recommend methods of implementation and shall include a current map of the area covered by the comprehensive plan. Unless otherwise required by this chapter, the methods of implementation may include but need not be limited to:

1. An official map;
2. A capital improvements program;
3. A subdivision ordinance;
4. A zoning ordinance and zoning district maps;
5. A mineral resource map;
6. A recreation and sports resource map; and
7. A map of dam break inundation zones.

(Code 1950, § 15-964.1; 1962, c. 407, § 15.1-447; 1975, c. 641; 1977, c. 228; 1980, c. 322; 1981, c. 418; 1988, c. 438; 1990, c. 97; 1991, c. 280; 1993, cc. 758, 770; 1996, cc. [585](#), [600](#); 1997, c. [587](#); 2006, c. [564](#); 2007, c. [761](#); 2008, c. [491](#).)

§ 15.2-2225. Notice and hearing on plan; recommendation by local planning commission to governing body; posting of plan on website.

Prior to the recommendation of a comprehensive plan or any part thereof, the local planning commission shall (i) post the comprehensive plan or part thereof that is to be considered for recommendation on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for recommendation, (ii) give notice in accordance with § [15.2-2204](#), and (iii) hold a public hearing on the plan. After the public hearing, the commission may approve, amend and approve, or disapprove the plan. Upon approval, the commission shall by resolution recommend the plan, or part thereof, to the governing body and a copy shall be certified to the governing body. Any comprehensive plan or part thereof approved by the commission pursuant to this section shall be posted on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof approved by the commission and certified to the governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the local planning commission following notice and public hearing as required herein.

(Code 1950, §§ 15-908, 15-921, 15-922, 15-964.2, 15-964.3; 1958, c. 389; 1962, c. 407, § 15.1-448, 15.1-449; 1968, c. 735; 1975, c. 641; 1976, c. 642; 1997, c. [587](#); 2009, c. [605](#).)

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§ 15.2-2226. Adoption or disapproval of plan by governing body.

After certification of the plan or part thereof, the governing body shall post the comprehensive plan or part thereof certified by the local planning commission on a website that is maintained by the governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for adoption. After a public hearing with notice as required by § [15.2-2204](#), the governing body shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the plan. In acting on the plan or part thereof, or any amendments to the plan, the governing body shall act within ninety days of the local planning commission's recommending resolution. Any comprehensive plan or part thereof adopted by the governing body pursuant to this section shall be posted on a website that is maintained by the local governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof adopted by the local governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the governing body following notice and public hearing as required herein.

(Code 1950, § 15-964.4; 1962, c. 407, § 15.1-450; 1975, c. 641; 1976, c. 642; 1997, c. [587](#); 2000, c. [893](#); 2009, c. [605](#).)

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§ 15.2-2229. Amendments.

After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by § [15.2-2204](#). If the governing body desires an amendment, it may prepare such amendment and refer it to the local planning commission for public hearing or direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days or such longer timeframe as may be specified after written request by the governing body. In acting on any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution. If the local planning commission fails to make a recommendation on the amendment within the aforesaid timeframe, the governing body may conduct a public hearing, which shall be advertised as required by § [15.2-2204](#).

(Code 1950, §§ 15-908, 15-921, 15-964.7; 1958, c. 389; 1962, c. 407, § 15.1-453; 1975, c. 641; 1997, c. [587](#); 2000, c. [893](#); 2010, c. [821](#).)

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§ 15.2-2230.1. Public facilities study.

In addition to reviewing the comprehensive plan, the planning commission may make a study of the public facilities, including existing facilities, which would be needed if the comprehensive plan is fully implemented. The study may include estimations of the annual prospective operating costs for such facilities and any revenues, including tax revenues, that may be generated by such facilities. For purposes of the study, public facilities may include but need not be limited to water and sewer lines and treatment plants, schools, public safety facilities, streets and highways. The planning commission may forward the study to the local governing body or any other local, regional, state or federal agency that the planning commission believes might benefit from its findings. The study shall also be forwarded to any utility companies or franchised cable operators that may be impacted by such public facilities. The utility companies, the franchised cable operators, and the locality shall cooperate and coordinate in the relocation of such utilities and cable lines as may be appropriate to avoid unnecessary delays in the construction of public facilities and capital projects by the affected localities, consistent with the service obligations of the utility companies and franchised cable operators. For purposes of this section, the term "utility company" shall not include a municipal utility that operates outside its locality's boundaries.

(1998, c. [609](#); 2012, c. [553](#).)

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§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § [56-265.1](#) within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § [15.2-2204](#). Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § [33.1-23.03](#) and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § [15.2-2258](#) for subdivision or subdivision A 8 of § [15.2-2286](#) for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § [15.2-2303](#).

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ [2.2-2426](#) et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § [22.1-20.1](#) shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

(Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 407, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. [587](#), [858](#); 1998, c. [683](#); 2007, c. [801](#); 2009, cc. [670](#), [690](#); 2012, cc. [803](#), [835](#).)

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§ 15.2-2233. Maps to be prepared in localities; what map shall show.

In localities where no official map exists, or where an existing official map is incomplete, the local planning commission may make, or cause to be made, a map showing the location of any:

1. Legally established public street, alley, walkway, waterway, and public area of the locality; and

2. Future or proposed public street, alley, walkway, waterway and public area.

No future or proposed street or street line, waterway, nor public area, shall be shown on an official map unless and until the centerline of the street, the course of the waterway, or the metes and bounds of the public area, have been fixed or determined in relation to known, fixed and permanent monuments by a physical survey or aerial photographic survey thereof. In addition to the centerline of each street, the map shall indicate the width of the right-of-way thereof. Local planning commissions are hereby empowered to make or cause to be made the surveys required herein.

After adoption by the governing body of an official map, the local governing body may acquire in any way permitted by law property which is or may be needed for the construction of any street, alley, walkway, waterway or public area shown on the map. When an application for a building permit is made to a locality for an area shown on the official map as a future or proposed right-of-way, the locality shall have sixty days to either grant or deny the building permit. If the permit is denied for the sole purpose of acquiring the property, the locality has 120 days from the date of denial to acquire the property, either through negotiation or by filing condemnation proceedings. If the locality has not acted within the 120 day period, the building permit shall be issued to the applicant provided all other requirements of law have been met.

(Code 1950, § 15-965; 1962, c. 407, § 15.1-458; 1976, c. 619; 1988, c. 436; 1995, c. [264](#); 1997, c. [587](#).)

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§ 15.2-2234. Adoption; filing in office of clerk of court.

After the official map has been prepared and recommended by the local planning commission it shall be certified by the commission to the governing body of the locality. The governing body may then approve and adopt the map by a majority vote of its membership and publish it as the official map of the locality. No official map shall be adopted by the governing body or have any effect until approved by ordinance duly passed by the governing body of the locality after a public hearing, preceded by public notice as required by § [15.2-2204](#).

Within thirty days after adoption of the official map the governing body shall cause it to be filed in the office of the clerk of the circuit court.

(Code 1950, § 15-965.1; 1962, c. 407, § 15.1-459; 1997, c. [587](#).)

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§ 15.2-2235. Additions and modifications.

The governing body may by ordinance make, from time to time, other additions to or modifications of the official map by placing thereon the location of any proposed street, street widening, street vacation, waterway, impounding structures and their dam break inundation zones, or public area in accordance with the procedures applicable to the locality.

Prior to making any such additions or modifications to the official map, the governing body shall refer the additions or modifications to the local planning commission for its consideration. The commission shall take action on the proposed additions or modifications within sixty days and report its recommendations to the governing body.

Upon receipt of the report of the commission, the governing body shall hold a public hearing on the proposed addition or modification to the official map and shall give notice of the hearing in accordance with § [15.2-2204](#). All such reports of the commission, when delivered to the governing body, shall be available for public inspection.

Any ordinance embodying additions to or modifications of the official map shall be adopted by at least the vote required for original adoption of the official map. After the public hearing and the final passage of such ordinance, the additions or modifications shall become a part of the official map of the locality. All changes, additions or modifications of the official map shall be filed with the clerk of the court as provided in § [15.2-2234](#).

(Code 1950, § 15-965.2; 1962, c. 407, § 15.1-460; 1988, c. 436; 1997, c. [587](#); 2008, c. [491](#).)

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#### § 15.2-2236. Periodic review and readoption.

The official map and any additions thereto or modifications thereof shall be reviewed within five years from the date of adoption or readoption of the map by the governing body. The procedure by the local planning commission and the governing body in connection with the review shall conform to that prescribed as to original adoption of the map. Neither the official map nor any additions thereto or modifications thereof shall be of any force or effect for more than five years after adoption or readoption of the map unless readopted by the governing body.

(Code 1950, § 15-965; 1962, c. 407, § 15.1-461; 1997, c. [587](#).)

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#### § 15.2-2237. Consultation with Commonwealth Transportation Board; copies of map and ordinance to be sent to Commonwealth Transportation Board.

During the preparation of an official map the local planning commission shall consult with the Commonwealth Transportation Board or its local representative as to any streets under the jurisdiction of the Board, and prior to recommendation of the map to the governing body it shall

submit the map to the Board for comment. Any recommendations of the Board, not incorporated in the official map, shall be forwarded to the governing body when the map is recommended by the commission. When any locality has adopted an official map in accordance with the terms of this chapter a certified copy of the map and ordinance adopting it shall be sent to the Board.

(Code 1950, § 15-965.4; 1962, c. 407, § 15.1-462; 1988, c. 436; 1997, c. [587](#).)

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§ 15.2-2239. Local planning commissions to prepare and submit annually capital improvement programs to governing body or official charged with preparation of budget.

A local planning commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the locality for a period not to exceed the ensuing five years. The commission shall submit the program annually to the governing body, or to the chief administrative officer or other official charged with preparation of the budget for the locality, at such time as it or he shall direct. The capital improvement program shall include the commission's recommendations, and estimates of cost of the facilities and life cycle costs, including any road improvement and any transportation improvement the locality chooses to include in its capital improvement plan and as provided for in the comprehensive plan, and the means of financing them, to be undertaken in the ensuing fiscal year and in a period not to exceed the next four years, as the basis of the capital budget for the locality. In the preparation of its capital budget recommendations, the commission shall consult with the chief administrative officer or other executive head of the government of the locality, the heads of departments and interested citizens and organizations and shall hold such public hearings as it deems necessary.

Localities may use value engineering for any capital project. For purposes of this section, "value engineering" has the same meaning as that in § [2.2-1133](#).

(Code 1950, § 15-966; 1962, c. 407, § 15.1-464; 1975, c. 641; 1976, c. 650; 1996, c. [553](#); 1997, c. [587](#); 2006, c. [565](#); 2011, c. [658](#).)

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§ 10.1-658. State interest in flood control.

A. The General Assembly declares that storm events cause recurrent flooding of Virginia's land resources and result in the loss of life, damage to property, unsafe and unsanitary conditions and the disruption of commerce and government services, placing at risk the health, safety and welfare of those citizens living in flood-prone areas of the Commonwealth. Flood waters disregard jurisdictional boundaries, and the public interest requires the management of flood-prone areas in a manner which prevents injuries to persons, damage to property and pollution of state waters.

B. The General Assembly, therefore, supports and encourages those measures which prevent, mitigate and alleviate the effects of stormwater surges and flooding, and declares that the expenditure of public funds

and any obligations incurred in the development of flood control and other civil works projects, the benefits of which may accrue to any county, municipality or region in the Commonwealth, are necessary expenses of local and state government.

(1989, cc. 468, 497.)

## 2014 Planning Commission Work Plan Calendar

	Staff Report	Action by PC	Sent to TC	Status	Comments	Next Steps
<b>January</b>						
5-year Comprehensive Plan Review/Update	»			A	Establish priorities for reviewing the CP and schedule for completion over the next 6 months	
<b>February</b>						
5-year Comprehensive Plan Review/Update	»					
Floodplain Ordinance					Review for possible ZO revisions	
<b>March</b>						
5-year Comprehensive Plan Review/Update	»					
FEMA Draft Floodplain Maps (tentative)						
Floodplain Ordinance					Possible joint public hearing with TC	
<b>April</b>						
5-year Comprehensive Plan Review/Update	»					
<b>May</b>						
5-year Comprehensive Plan Review/Update	»					
<b>June</b>						
5-year Comprehensive Plan Review/Update	»	»				
<b>July</b>						
No Meeting						
<b>August</b>						
5-year Comprehensive Plan Review/Update		»			PC Public Hearing	
<b>September</b>						
5-year Comprehensive Plan Review/Update			»		Present recommendations to TC	
<b>October</b>						

<b>November</b>						
<b>December</b>						
No Meeting						

A = Active, C = Completed, D = Deferred, U = Unresolved

Other Work Plan itmes				Commissioners listed items for future work effort including: Route 175 shoulder improvements, drainage, zoning map/Town boundary revision, sidewalks, lighting and safety improvements, and C-3 district standards along Maddox Boulevard	Schedule on the PC Work Plan
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