



# PLANNING COMMISSION MEETING

May 09, 2023 at 7:00 PM

*Council Chambers – Town Municipal Center*

## AGENDA

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**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PUBLIC PARTICIPATION**

**APPROVAL OF MINUTES**

**CONSIDER ADJUSTMENTS TO RESIDENTIAL AREA REQUIREMENTS**

1. ADJUSTMENTS TO RESIDENTIAL AREA REQUIREMENTS

**CONSIDER CHANGES TO COMPREHENSIVE PLAN**

2. ADDITIONS TO COMPREHENSIVE PLAN

**REVIEW OF 2025 COMPREHENSIVE PLAN**

**ANNOUNCEMENTS OR COMMENTS**

**ADJOURN**

### Sec. 3.3. Area regulations.

3.3.1. *Lot size.* The minimum lot size for permitted uses shall be 15,000 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

3.3.2. *Setback.* Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of 50 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived and the setback line may be the average setback of the structures on either side. This rule shall be known as the "average setback rule" and shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

#### 3.3.3. *Open space.*

- (1) The minimum side yard setback for each main structure shall be 15 feet.
- (2) Each main structure shall have a minimum rear yard setback of 35 feet except waterfront properties would have no required setback.

#### 3.3.4. *Height regulations.*

- (1) Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies. Structures using the "average setback rule" as referenced in 3.3.2 must not exceed the average height of structures on either side of the proposed structure. The building official may make minimum allowances for compliance with applicable flood zone and building code requirements.
- (2) No accessory building or structure shall be more than 25 feet in height.
- (3) Roof area extending above the maximum three-story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.
- (4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.
- (5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).
- (6) Parapet walls shall not extend more than four feet above the maximum building height for non-residential structures.

#### 3.3.5. *Corner lots.*

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- (2) The side yard abutting or next to the street shall be 35 feet for both the main and accessory buildings/structures excluding steps, and a landing not greater than five feet by five feet.

(Ord. of 4-3-95; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 4-13-98; Ord. of 4-5-99; Ord. of 5-17-2001; Amended 10-19-2007, 3-22-2012, 4-2-2012, 5-4-2015, 12-5-2016)

### *Sewage Disposal*

Wastewater on Chincoteague is disposed of primarily by the use of holding or septic tanks and drain fields , alternative onsite sewage systems (mound), along with some remaining cesspools and seepage pits. The maintenance of these individually owned sewerage systems on the Island is provided by the periodic pumping of facilities every three to five years by private firms for conventional onsite sewage systems. Alternative onsite sewage systems are required to be inspected at least annually by a licensed operator. Several package wastewater treatment systems have been installed and are in use. Inspection and regular maintenance from a certified operator are required by the Virginia Department of Environmental Quality.

In 2011, Town Council appointed five (5) representatives to a Wastewater Advisory Committee. The Committee was tasked with completing a 2-year study of public wastewater treatment options and a Phase One utility system to serve the Main Street and Maddox Boulevard commercial corridors. The Committee issued a final report in June of 2013, see Reference R-17 for additional details.

Wastewater Advisory Committee members unanimously agreed that small steps should be taken to implement a plan for public wastewater utility service on Chincoteague Island. In addition, the solution should be expandable. Before any long term solution can be implemented, a detailed plan would be presented for public hearing and comment, and may also be subject to a referendum vote.

During the 2021 Special Session 1 of the Virginia Legislature, Code of Virginia, § 21-291.2 Chapter 66 of the Acts of 1960 was amended by Acts 2021, Sp. Sess. I, c. **428** to include Accomack County in the Hampton Roads Sanitation District (HRSD). The Acts specify that “the territory of a county included within the district shall include all the territory lying within the boundaries of any town in the county unless otherwise specified.” With that, the HRSD includes the Town of Chincoteague and surrounding areas (see Ref-legp604).

The Town of Chincoteague has identified its service area within HRSD boundaries to be the Public Sewer Service Area (PSSA) and includes all territory lying within its Incorporated Limits.

In 2021, under the terms of TBS (Ref R-TBS), the process to transfer the assets of Sunset Bay’s sewage facilities to the Hampton Roads Sanitation District (HRSD) were initiated. This existing private system served users in the downtown Main Street commercial district from Captains Lane to Maddox Boulevard.

HRSD has agreed in principle to accept the facility and permits from the Town, to operate the plant going forward with the existing customers, and to develop additional capacity to utilize unused permits (see Reference R-TBS). HRSD will also commission a broader study, the Northern Accomack County Service Area Study, to identify a more permanent solution for sewage needs in northern Accomack County.

The Town shall pay for upgrades to the existing infrastructure and construction of any additional collection system within the PSSA. Included is a necessary one-time upgrade of the Sunset Bay Facility. A significant portion of the Town’s American Rescue Plan Act (ARPA) funding will be

used for this purpose. The Town is pursuing additional state and federal funding to defray a portion of the implementation costs.

Implementation of sewer service within the PSSA shall be provided in phases. The initial phase, PSSA2025, is a partial solution. It provides limited service in the concentrated commercial areas, serving those that do not have other viable options. PSSA2025 is shown in Figure-PSSA2025 and generally includes:

- Parcels fronting Main Street from Captains Lane to Maddox Boulevard or
- Parcels fronting Maddox Boulevard from Main Street to the edge of Incorporated Limits
- and applies only to parcels in the Commercial Zones of C-1, C-2 and C-3

The Town shall control approval for connections to the system. The process for determining eligible subscribers, EDU allocation and restrictions/requirements and other parameters for connecting shall defined pending adoption of Town Ordinance. Subscribers shall be responsible for all costs associated with utility connection and implementation with no cost borne by the Town. Priority will be given to requests for service to properties of commercial use.

Completion of infrastructure upgrades and new construction in PSSA2025 is scheduled to be completed by the end of 2026. Federal money from the American Rescue Plan Act will be applied to this effort.

Long-term planning for service area-wide implementation of sewer services will be influenced by the Northern Accomack County Service Area Study upon its release. More immediate expansion service areas to be considered shall include:

- Parcels fronting Main St South of Captains Lane but within Commercial Zone C-1
- Parcels fronting Main Street north to Hallie Whealton Smith Drive in zones C-3 and PSP
- Parcels fronting Deep Hole Road from Maddox Boulevard to Chicken City Road, zones C-3 and PSP
- Parcels fronting Chicken City Road from Maddox Boulevard to Church Street, zone C-1
- Parcels fronting Church Street from Chicken City Road to Main Street, zone C-1

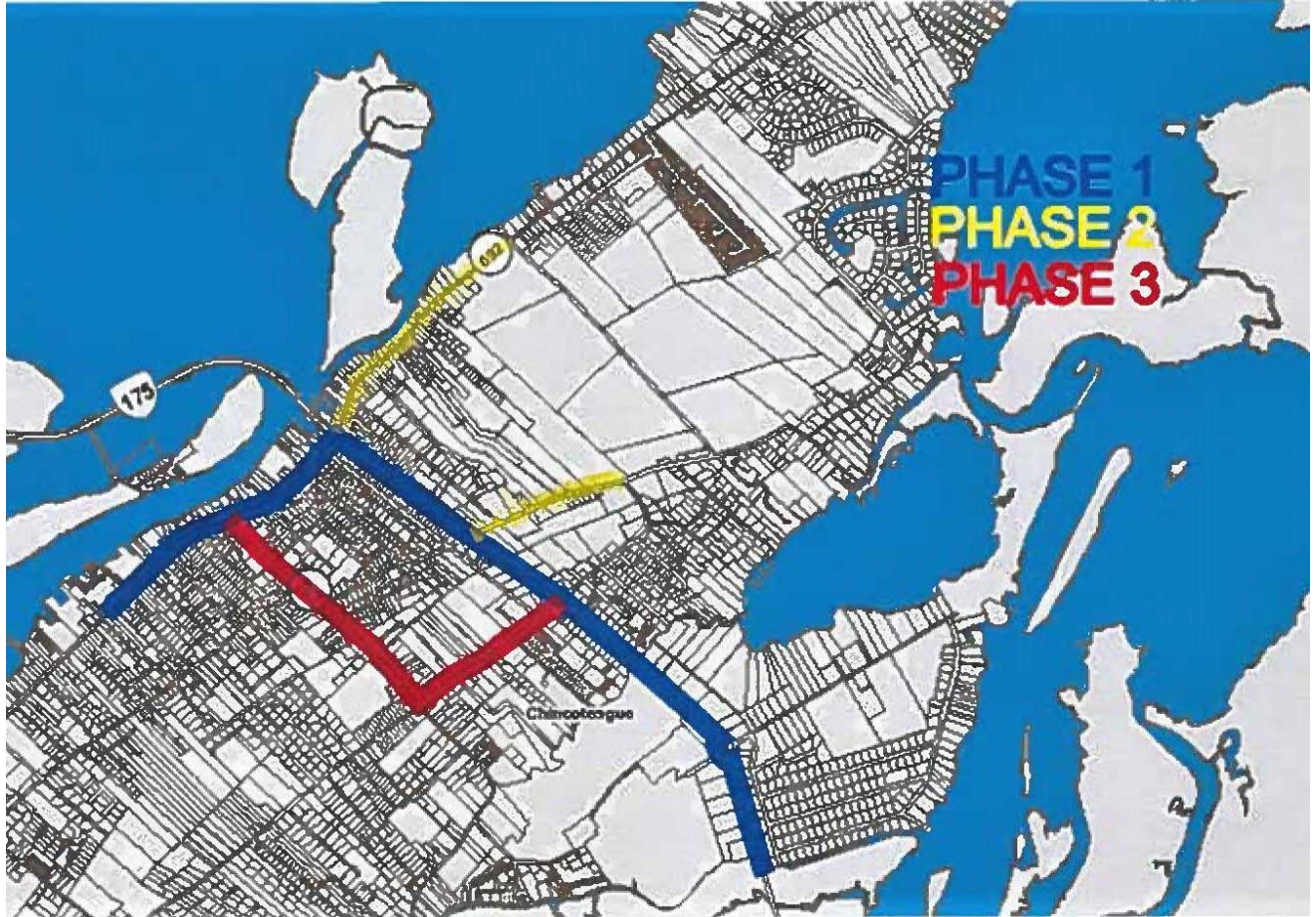


Figure 4-PSSA2025: Public Sewer System Service Area (PSSA) 2025 Boundaries

Planning for extending the service area to the above extensions, remaining area of Commercial Districts, Residential Zones and the Town's Public Semi-Public and Park/Open Space Zones shall follow the following guidelines:

- Property must be located within an HRSD. service area and must meet utility-related ordinances and policies
- Property must be located within an area designated as the Public Sewer Service Area of the Town of Chincoteague
- Expansion shall maintain a contiguous pattern from existing water and sewer service areas without prompting "leapfrog" implementations
- Connection should be coordinated in a timely fashion with the anticipated expansion or improvement of roadways and/or sidewalks in the area served by the Public Sewer Service Area
- Subscribers shall be responsible for all costs associated with utility connection and implementation with no cost being borne by the Town.
- Connection shall be within the Town's ability to be served by a long-term sewer service system.

## Implementation Strategies

### *Government Services and Facilities*

#### **Sewerage**

- Review the findings of HRSD's Northern Accomack County Service Area Study.
- Continue studying the feasibility of developing additional public or private sewer collection and treatment facilities. Encourage the next phase of engineering studies, permit applications, and grant requests to determine feasibility of expanded publicly or privately owned wastewater treatment facilities.
- Provide public information regarding options for a wastewater sewer system, hold public hearings to obtain comment, and consider a referendum vote prior to initiating an expanded public or private utility system.
- Review and update the Comprehensive Plan of the Town of Chincoteague, as needed in and out of the normal review cycle, to sufficiently plan for expanded sewer services.
- Regularly review and refine zoning ordinance and development standards for areas within new sewer service areas.
- Continue to encourage proper maintenance of individual wastewater treatment systems to meet current State regulations.
- Encourage Virginia Department of Health (VDH) to permit, inventory, inspect, and improve private maintenance and repair of the Island's individual wastewater systems (cesspools, drainfields, etc.). VDH will continue to enforce violations identified by the Division of Shellfish Sanitation. Request VDH to expand its computerized reporting system to include public access to mapping, inspection and repair reports so that improvements can be documented.
- Encourage private (and USCG) wastewater treatment permit holders to provide service by voluntary connection to the PSSA.
- Work with others to identify and reduce nutrients in the waters around Chincoteague Island.