



PLANNING COMMISSION MEETING

June 13, 2023 at 7:00 PM

Council Chambers – Town Municipal Center

AGENDA

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

- [1.](#) Rules for Public Comment

APPROVAL OF MINUTES

CONSIDER CHANGES TO RESOURCE CONSERVATION ZONE

- [2.](#) R-C Modification Memo
- [3.](#) EnterTextHere

CONSIDER INCLUSION OF ADDITIONAL AREA IN RESOURCE CONSERVATION ZONE

- [4.](#) East Side Marsh R3
- [5.](#) R 3 Marsh

REVIEW HRSD COMMENTS OF COMPREHENSIVE PLAN ADDITIONS

REVIEW ORDINANCE FOR FEATHER FLAGS

- [6.](#) Commercial District Flags
- [7.](#) Feather Flag Memo

ANNOUNCEMENTS OR COMMENTS

ADJOURN

Town of Chincoteague, Inc.



Rules for Public Comment:

1. All attendees wishing to speak shall sign up on the provided roster.
2. Speakers must preface all comments by stating their name and 911 address.
3. Comments shall be limited to (4) minutes per speaker.
4. A speaker cannot reserve or transfer time to another speaker.
5. Speakers must not use profanity, threatening language or otherwise be abusive of Commission members or staff.
6. Speakers shall not address specific personnel matters which involve individual employees in a public meeting.
7. Members of the Commission will not answer questions directly or engage with speakers.
8. Specific questions shall be directed to the Chariman who shall at his discretion, solicit a response from the appropriate staff member.

Town of Chincoteague, Inc.



TO: Chairman Rosenberger and Members of the Commission

FROM: Michael Tolbert, Town Manager

DATE: June 13, 2023

SUBJECT: R-C District Changes

At the May 9, 2023 meeting, I was directed to modify the Resource Conservation District to eliminate the placement of structures by right, specifically within sections 5.7.5, 5.6.8 and 5.7.10 in the Resource Conservation District. The accompanying document eliminates these structures by right and also modifies section 5.7.5, 5.7.6 and 5.7.7 to allow the identified use but not its associated structures.

Further, the entire section 5.9 which applies to the setback and configuration of such structures, has been removed as they are no longer permitted by right.

Section 5.8 addressing conditional use, has been purposely retained. This section grants the Council powers to approve a structure as a conditional use within the R-C district. Any project proposed in an R-C district would first require the review and recommendation of the planning commission and then approval from the full Council. A conditional use permit issued by Council can also be revoked by Council if the conditions of the permit are not adhered to.

SECTION C. RC RESOURCE CONSERVATION

Statement of intent. The resource conservation district is established for the specific purpose of conserving essential lands and open spaces for the protection of natural resources and waters and the reduction of pollution, soil erosion, and hazards from floods, fires and storms. Uses within this district shall be limited to those conservation uses expressly permitted by right. Any proposal for the conversion of such lands to another use shall be evaluated for its impact on the town's existing resources and needs, and may be authorized only after reasonable and orderly zoning amendment process in accordance with the review procedures and standards specified in this ordinance.

Sec. 5.7. Uses permitted by right.

The following uses shall be permitted in the RC resource conservation district, subject to all other provisions of this ordinance:

- 5.7.1. Game preserves and conservation areas.
- 5.7.2. Fish hatcheries and fish ponds; wildlife/waterfowl ponds.
- 5.7.3. Drainage, erosion and flood control devices.
- 5.7.4. Wells, water reservoirs and water control structures.
- ~~5.7.5. Accessory structures.~~
- 5.7.5. Seafood and shellfish landing and receiving areas. ~~storage and shipping facilities.~~
- 5.7.6. Aquaculture and mariculture facilities and activities.
- ~~5.7.8. Commercial kayak and boat rental facilities.~~
- 5.7.7. Public parks and recreational areas. ~~marinas and other public buildings.~~
- ~~5.7.10. Lodges, hunting clubs, boating clubs.~~
- 5.7.8. Fences.
 - (1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90-degree angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.
 - (2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90-degree angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.
 - (3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such

containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

5.7.12. Public utilities.

Sec. 5.8. Special exceptions; special use permits; conditional use.

5.8.1. Public utilities generating, booster or relay stations, transformer substations, transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.

5.8.2. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the town council as a conditional use in accordance with article IX of this appendix.

Sec. 5.9. Area regulations.

~~5.9.1. Lot size.~~

- ~~(1) The minimum lot size for permitted residential dwellings shall be five acres, or a minimum individual lot size of one acre as long as the allowable gross density does not exceed one unit per five acres on any given parcel of land.~~

~~5.9.2. Setback. Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of 50 feet from the edge of any street right of way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance.~~

~~5.9.3. Open space.~~

- ~~(1) The minimum side yard setback for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more.~~
- ~~(2) The minimum side yard for accessory structures shall be 30 feet or more.~~

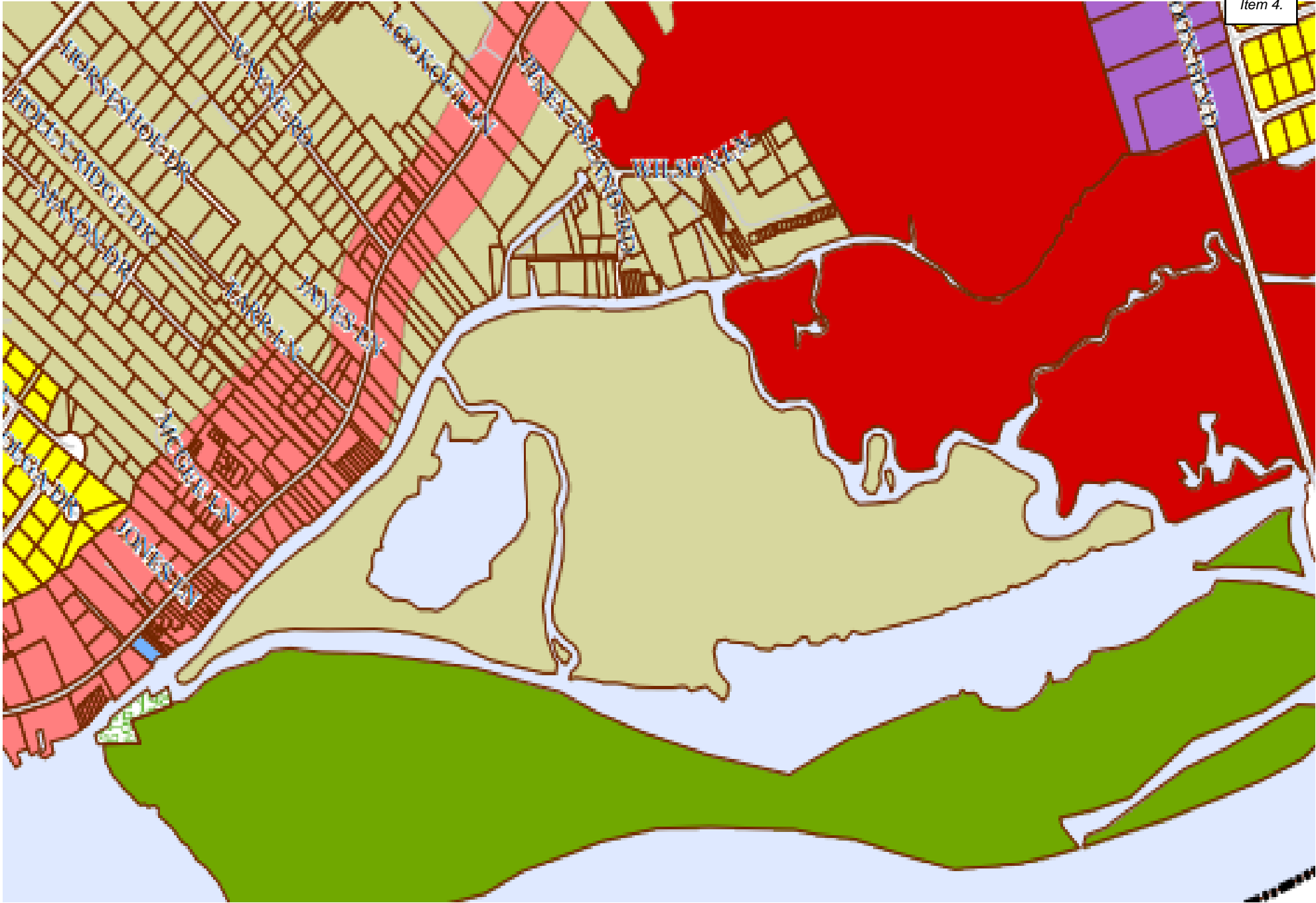
~~5.9.4. Height regulations.~~

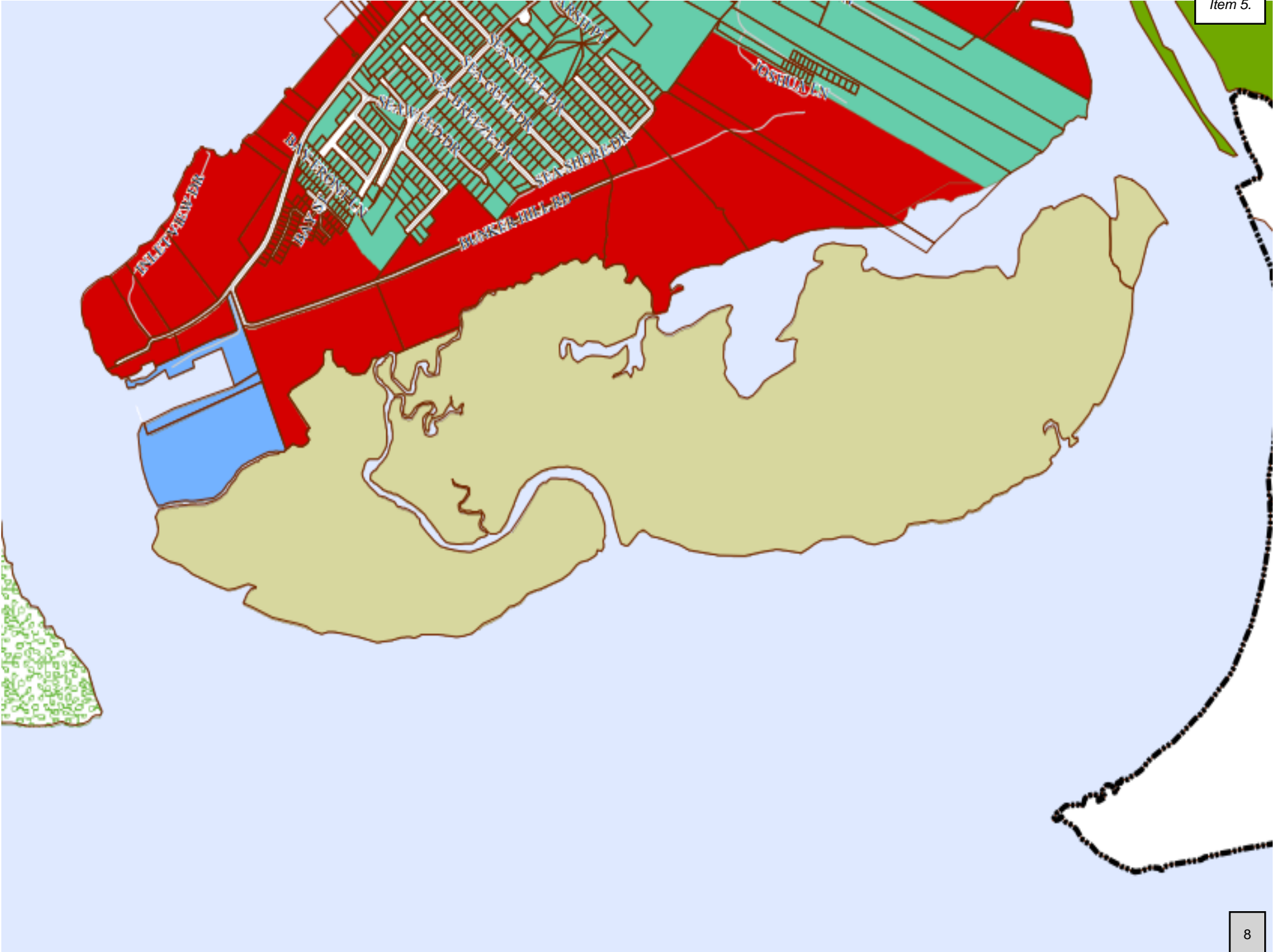
- ~~(1) Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, 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.~~
- ~~(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.~~

~~5.9.5. Corner lots.~~

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

~~(Ord. of 2-5-2001; Amended 4-2-2012, 5-4-2015, 12-5-2016)~~





Sec. 7.13. Commercial districts.

Within a commercial district, all business signs require a permit unless specifically exempted hereunder and are subject to the following provisions:

7.13.1. Lot of record occupied by one business with existing license issued by the town.

The number of signs for a permitted business on a lot of record with one main structure occupied by a single permitted business shall be limited to two, not including incidental, directory, or directional signs, unless otherwise specifically provided for and permitted hereunder. The total combined square footage of all permitted signs shall not exceed 100 square feet in area. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed 64 square feet in area nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise provided for and permitted under section 7.13.7, roof and mansard facade signs, and 7.13.8, freestanding signs.

Two additional signs shall be permitted not to exceed 25 square feet each if the main business structure faces more than one public street or a navigable waterway.

7.13.2. Lot of record occupied by a building containing more than one business, "multi-business main structure," with an existing business license issued by the town.

The number of signs for a permitted business on a lot of record with one main structure occupied by more than one permitted business, a multi-business main structure, shall be limited to two per business, not including incidental, directory or directional signs, unless otherwise specifically provided for and permitted hereunder.

The total combined square footage of all permitted signs for such businesses shall not exceed 100 square feet in area. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed 64 square feet in area per business, nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise provided for and permitted under section 7.13.7, roof and mansard facade signs, and 7.13.8, freestanding signs.

In addition to the maximum allowed combined total area permitted for such businesses in a multi-business main structure, there shall be permitted one additional wall sign or projecting sign, not to exceed 20 square feet for business identification for each such business, and permitted freestanding sign area not to exceed 20 square feet.

Two additional signs for the multi-business main structure shall be permitted not to exceed 25 square feet each if the multi-business main structure faces more than one public street or navigable water.

7.13.3. Lot of record occupied by two or more separate main structures each containing one or more separate businesses, "multi-main structures" with an existing business license issued by the town.

The number of signs for a permitted business on a lot of record with two or more separate main structures, multi-main structures, whereon each such main structure may be occupied by one or more separate licensed businesses shall be limited to two per business, not including incidental directory, or directional signs, unless specifically provided for and permitted hereunder.

The total combined square footage of all permitted signs for such businesses shall not exceed 100 square feet in area. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed 64 square feet in area nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise provided for and permitted under section 7.13.7, roof and mansard facade signs, and section 7.13.8, freestanding signs.

In addition to the maximum allowed combined total area permitted for kuh businesses in a multi-business main structure, there shall be permitted one additional wall sign or projecting sign, not to exceed 20 square feet for business identification for each such business, and permitted freestanding sign area not to exceed 20 square feet.

Two additional signs for the multi-business main structure shall be permitted not to exceed 25 square feet each if the multi-business main structure faces more than one public street or navigable water.

7.13.4. Multiple incidental and directory signs. Signs on the interior of a lot shall be allowed and do not require a permit. The square footage of these signs is not included in determining the total permitted sign area. Such signs must relate to the business being conducted on the lot and such signs shall not be advertising for a business located off premise.

7.13.5. Signs hung on marquees. No sign shall be hung on a marquee, canopy, awning or portico if such sign shall extend beyond the established street line. The area of any such sign shall be included in determining the total permitted area.

7.13.6. Signs, advertising occupants, etc. Signs advertising only the name of the occupant of a store, office or building, the business or occupation conducted or the products sold therein may be placed on show windows; provided, that not more than 30 percent of the area of such windows shall be covered. The square footage of any such sign shall be included in determining the total permitted area of signs.

7.13.7. Roof and mansard facade signs. Any such roof or mansard facade sign shall not exceed 32 square feet in sign area. Signs on mansard facade shall not extend above the highest point of the mansard facade. Roof signs shall begin one foot from roof edge and not extend more than four vertical feet from that point.

7.13.8. Freestanding signs. There shall be no more than one freestanding sign for any separate main structure whether occupied by one or more licensed businesses on a lot of record and not to exceed two freestanding signs per lot. The maximum area of any such freestanding sign shall be 64 feet per licensed business or 128 square feet in total, and such freestanding sign shall not exceed 12 feet in height. The area of such sign shall be included in determining the maximum square footage area permitted any such business or structure, as applicable under section 7.13. The height of the freestanding sign shall be determined from existing grade within a radius not to exceed six feet from the support system of the freestanding sign. The base of any sign without a commercial message is not included in the computed permitted sign area. Sign bases are included in the overall height. Each freestanding sign must incorporate a legally assigned street number for the business that it identifies or advertises. Freestanding signs shall not be placed within the established sight distance triangle.

7.13.9. Window sign. A window sign shall be considered as a wall sign, and shall not exceed more than 30 percent of the window area in which they are displayed and shall not be placed higher than ten feet above the entrance of the door sill plate. Such signs shall be limited to a maximum combined area of 64 square feet total and shall not exceed ten feet in height. The area of any such sign shall be included in determining the total permitted sign area.

7.13.10. Flags, commercial. Two flags, displaying a commercial message, with a maximum area each of 15 square feet shall be permitted for any business. Flags must be mounted securely to a wall or from a permanent flag pole. A home occupation is allowed one flag with a commercial message no greater than 15 square feet. Flags not exceeding 15 square feet in area and displaying an art design which reflects merchandise sold on the premises without any commercial wording, or "open and welcome flags" are permitted. The area of any such flags shall not be included in determining the total permitted sign area.

7.13.11. Projecting signs. One projecting signs shall be permitted for any licensed business fronting on any public entrance to such business. Any such sign shall not exceed 12 feet in height from grade and shall not exceed 20 square feet in area. Such sign shall maintain a vertical clearance from any sidewalk, adjacent to said business of not less than nine feet and shall not extend beyond the outside edge of the public sidewalk. If such sign extends

over a public right-of-way, a land use permit is required. The area of any such sign shall be included in determining the total permitted sign area of any such business.

7.13.12. Changeable letter signs. Manually changeable sign(s) shall be permitted when built as an integral part of the business identification sign(s). The area of the changeable letters portion of the business identification sign(s) shall not exceed 15 square feet or one third of the total area of the sign(s) whichever is less. The total area of the changeable letter area shall be included in determining the total permitted sign area for any such business and shall meet any applicable sign height restrictions.

Nonprofit and charitable organizations shall be permitted stand-alone changeable letter signs which conform to section 7.4.2, temporary signs nonprofit and charitable organizations.

7.13.13. Gasoline stations. Automobile service, convenience stores and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile and service and gasoline stations:

7.13.13.1. Changeable fuel price signs. Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be excluded in the sign area for the business.

7.13.13.2. Gas pump signs. Each gas pump shall be permitted a total of 1.5 square feet of sign area to identify the product dispensed. (Gas pump signs shall not apply to total square footage of sign area permitted.) Canopy's that are used to cover fuel pumps may extend 20 feet in height and may include the name of the brand of fuel upon the canopy, however this advertisement shall not cover more than 50 percent of the each side of the facing of the canopy.

7.13.14. Office and/or industrial centers. Office and/or industrial centers at least one acre in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:

7.13.14.1. Center identification signs. One monument sign per public street frontage, identifying the name of the center only and not exceeding 32 square feet in area and six feet in height.

7.13.14.2. Individual establishment signs. Each individual establishment within an office and/or industrial building may erect one wall sign of a size which does not exceed a maximum of 16 square feet in area. The top of the wall sign shall be located below the roof line and at a height no greater than 12 feet above the ground.

7.13.15. Directory signs. Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed 16 square feet in area and six feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.

7.13.16. Theaters. Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy letter board displaying the name and time of the current motion picture or theatrical production. (Ord. of 4-4-1994; Article VII Amended 6-19-2008, Section 7.13 Amended 4-6-2009, 10-7-2013)

Town of Chincoteague, Inc.



TO: Chairman Rosenberger and Members of the Commission
FROM: Michael Tolbert, Town Manager
DATE: June 13, 2023
SUBJECT: Feather Flags

Section 7.13.10 of the Zoning code regulates flags displayed on commercial properties. As you can see from the accompanying document, flags are allowed as attached to a building or to a permanent flagpole. In the last few years we have seen a dramatic increase in the use of feather or swoop flags. These devices are planted in the ground on a receptacle that is driven into the ground.

Our current practice is to not allow these devices because they are not attached to a building nor mounted to a permanent flagpole.

In order to support this prohibition, we are asking the planning commission to clarify the intent of Section 7.13.10 as to the use of feather flags.

