

Town Council: Brandon Brockmeier, Ray Burger, Cynthia Holdren, Joy Marino, Sarah Nock and Maphis Oswald
Mayor: Fletcher Fosque | **Town Manager:** Matt Spuck

Planning Commission

August 7, 2023

5:30 PM Council Chambers

Agenda

- 1) Call to Order
- 2) Attendance/ Establish Quorum
- 3) Review meeting minutes from June 5, 2023
- 4) Article II: District Enumeration
- 5) Article II: Article VIIIA: Cultural, Recreational, and Community Facilities district
- 6) For Reference: Special Use Permit
- 7) Commissioner comments
- 8) Adjourn

Town of Onancock
Planning Commission Meeting
June 5, 2023
5:30 PM

1) Call to Order

Chairperson Schreiber called the meeting to order at 5:30 PM.

2) Attendance/Establish Quorum

Commissioners Bill Bagwell, Brandon Brockmeier, T. Lee Byrd, Jake Dillon, Larry Frey, and Carol Tunstall were present. Chairperson Scott Schreiber was also present. A quorum was established. Town Manager Matt Spuck and Town Clerk Debbie Caton were present.

3) Review meeting minutes from May 1, 2023, meeting.

Commissioner Frey moved to approve the minutes. Commissioner Dillon seconded the motion. The motion passed with 6-0 vote.

4) Review of Section 38 – Zoning- Residential Districts R-1A, R-1B, R-1C and R-2 – The ordinance needs to specify that you can not live in an auxiliary building. Town Manager Spuck will update with minor changes as discussed for review at the August 2023 meeting. Upon review, a public hearing will be scheduled.

5) Speed Limit Change - Town Manager Spuck proposed an ordinance to change the speed limit. Currently, there are four streets with speed limits above 25 MPH. The state sets a default speed of 25 MPH for residential and business districts. The ordinance will propose 25 MPH. A public hearing will be scheduled for the June 2023 meeting.

6) Public comments – no comments.

7) Commissioner comments – no comments.

8) Adjournment: Commissioner Tunstall moved to adjourn the meeting. Commissioner Bagwell seconded the motion. The motion passed with a 6-0 vote. The meeting adjourned at 6:42 PM.

ARTICLE II. DISTRICTS

Sec. 38-43. Enumeration of districts.

For the purpose of this chapter, the incorporated area of the town, is hereby divided into the following districts:

- (1) Single-Family Residential District (R-1).
 - a. Large lot: Single-Family Residential District (R-1A).
 - b. Small lot: Single-Family Residential Districts (R-1B, R-1C).
- (2) Multifamily Residential District (R-2).
- (3) Business, Downtown, District (B-1).
- (4) Business, Highway, District (B-2).
- (5) Business-Waterfront District (B-W).
- (6) Parks and Open Spaces District (POS). Location of these districts can be found on map 1, which map is on file in the town clerk's office.
- (7) Historic District Overlay District (HD-O). Location of this district can be found on map 2, which map is on file in the town clerk's office.
- (8) Chesapeake Bay Preservation Area Overlay District (CBPA-O). Location of this district can be found on map 3, which map is on file in the town clerk's office.
- (9) Industrial, Utilities (I-U).
- (10) Cultural, Recreational and Community Facilities District (CRCF)

(Code 1989, § 24-13; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Ord. of 7-14-1997; Ord. of 4-11-2022(2))

Secs. 38-44—38-74. Reserved.

ARTICLE VIII. PARKS AND OPEN SPACES DISTRICT (POS)

Sec. 38-229. Statement of intent.

The Parks and Open Spaces District (POS) is composed of several areas used as public parks, public recreation facilities, and open spaces. The regulations for this district are designed to enhance the aesthetic appeal of the town, to promote the public health of residents, and to provide public recreation facilities.

(Code 1989, § 24-51; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-230. Principal permitted uses.

The following uses shall be permitted, subject to all other requirements of this chapter, as a matter of right in the Parks and Open Spaces District (POS):

- (1) Open undeveloped spaces.
- (2) Publicly owned parks and recreational facilities.

(Code 1989, § 24-52; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-231. Special exceptions.

The following uses shall be permitted in the Parks and Open Spaces District (POS) subject to all other requirements of this chapter only upon the obtaining of a special use permit from the town council:

- (1) Public or private fair or carnival facilities operated for or by a charity or nonprofit organization.
- (2) Private recreational facilities.
- (3) Wireless communication facilities.

(Code 1989, § 24-53; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. of 7-26-2018, § 24-53)

Sec. 38-232. Setback regulations.

The following setback regulations shall apply in the Parks and Open Spaces District (POS):

- (1) Buildings shall be located 35 feet or more on any street right-of-way.
- (2) Accessory buildings shall be located 35 feet or more from any street right-of-way.

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- (3) Wireless communication facilities (WCFs), upon the obtaining of a special use permit from the town council, shall have a minimum setback from the property line equal to 110 percent of the engineered fall zone of the support structure or tower.

(Code 1989, § 24-54; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. of 7-26-2018, § 24-54)

Sec. 38-233. Height regulations.

Buildings in the Parks and Open Spaces District (POS) may be erected up to 2 ½ stories and 35 feet in height. WCFs, upon the obtaining of a special use permit from the town council, shall be exempt from the height regulations contained herein, subject to regulations which may be imposed by the Federal Aviation Administration and approval of the town council.

(Code 1989, § 24-55; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. of 7-26-2018, § 24-55)

ARTICLE VIIIA. CULTURAL, RECREATIONAL, AND COMMUNITY FACILITIES (CRCF)

Sec. 38-234. Statement of intent.

The Cultural, Recreational, and Community Facilities district is composed of areas within the Town of Onancock which are deemed to be appropriate locations for such uses, subject to conditions and as permitted. The regulations for this district are designed to facilitate the provision of space for cultural expression, educational opportunities, recreational activities, and other social and community uses.

(Code TBD Civic Plus))

Sec. 38-235. Principal permitted uses.

The following uses shall be permitted, subject to all other requirements of this chapter, as a matter of right in the Parks and Open Spaces District (POS):

- (1) Facilities for cultural, recreational, social and community uses such as but not limited to practice, performance, and display of the visual and performing arts, educational activities, recreation and physical fitness activities, meetings, conferences, and other community or social gatherings.
- (2) Commercial sales and marketing activities associated with the above uses, including but not limited to art galleries and shows, open houses, fundraisers, performance and event ticket sales and registration.
- (3) Outdoor recreational uses, including, but not limited to, sports fields and courts, playgrounds, walking, biking, and fitness trails, picnic facilities and facilities for

temporary outdoor uses such as sports tournaments, art shows, , weddings, or other organized gatherings.

- (4) Administrative offices, facilities and activities customarily associated with the operation of the permitted uses.

(Code TBD CivicPlus)

Sec. 38-236. Special exceptions.

The following uses shall be permitted in the Cultural, Recreational, and Community Facilities district subject to all other requirements of this chapter and only upon obtaining a special use permit from the town council:

- (1) Outdoor performing arts, such as concerts, plays, and other musical or theatrical performances.
- (2) Weddings or other outdoor ceremonies
- (2) Performance venue.
- (3) Outdoor festivals.
- (4) Firework displays by licensed operators.
- (5) Wireless communication facilities.

(Code TBD Civic Plus))

Sec. 38-237. Uses not permitted.

The following uses are strictly forbidden in the and no permit is possible:

- (1) Smoking, vaping, open fires, or weapons allowed on the property.
- (2) Camping.
- (3) Commercial activities without a permit.

(Code TBD Civic Plus))

Sec. 38-238. Setback regulations.

The following setback regulations shall apply in the Cultural, Recreational, and Community Facilities district:

- (1) Buildings shall be located 35 feet or more on any street right-of-way.
- (2) Accessory buildings shall be located 35 feet or more from any street right-of-way.

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- (3) Wireless communication facilities (WCFs), upon the obtaining of a special use permit from the town council, shall have a minimum setback from the property line equal to 110 percent of the engineered fall zone of the support structure or tower.

(Code TBD Civic Plus)

Sec. 38-239. Height regulations.

Buildings may be erected up to 2 ½ stories and 35 feet in height.

(Code TBD Civic Plus)

Secs. 38-240—38-259. Reserved.

ARTICLE XV. SPECIAL USE PERMITS

Sec. 38-496. Statement of intent.

It is recognized in this chapter that certain uses are not necessarily incompatible with the uses traditionally associated with standard zoning districts, if the proper mitigating conditions are enacted along with the proposed exception. Therefore, such uses have been designated as special exceptions. Such uses are allowed in the associated districts upon the issuance of a special use permit by the town council. Opinions of neighbors are strongly considered by the town council.

(Code 1989, § 24-92; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 1-26-2004)

Sec. 38-497. Procedure.

An application for a special use permit may be submitted by the property owner, contract owner, or optionee of the property affected. Procedures for application and review shall be as follows:

- (1) The applicant shall submit an application to the zoning administrator along with a check made out to the town in the amount as provided for in the fee schedule on file in the town clerk's office. Such application shall be accompanied by evidence that the specific criteria set forth in this chapter for the special use requested will be met. Accompanying maps showing the siting of the proposed use may be required.
- (2) The zoning administrator shall review the application, visit the site, request additional information or review by other agencies, transmit a copy of collected information to the planning commission and formulate a recommendation to the town council.
- (3) Written notice shall be given at least five days before the public hearing to all abutting property owners and property immediately across the street or road from the property affected by certified mail to the last known address.
- (4) The planning commission may make a recommendation to the town council or appear as a party at the hearing.
- (5) The town council shall hold a public hearing in accordance with Code of Virginia, § 15.2-2204, in order to receive public comment and to decide upon the special use permit application. Such public hearing shall be scheduled to coincide with the regularly scheduled town council meeting that most closely follows the council's receipt of the special use permit application. If the requirement for proper notice for a public hearing makes such regularly scheduled town council meeting impractical, the public hearing shall be scheduled for the town council meeting one meeting hence from the meeting most closely following receipt of the application by the town council.

(Code 1989, § 24-93; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 2-9-1998; Amd. of 1-26-2004)

Sec. 38-498. Conditions and bonds.

- (a) The town council may impose conditions, limitations or other special requirements as it deems necessary to protect the public health, safety, and general welfare, such as, but not limited to, the following:
 - (1) Abatement or restriction of noise, smoke, dust, vibration, odors, wastes or other elements that may affect surrounding properties.
 - (2) Establishment of setback, side, front and rear are requirements necessary for orderly expansion and for preventing traffic congestion.
 - (3) Provision for adequate parking and ingress and egress to public streets and roads necessary preventing traffic congestion.
 - (4) Provision for adjoining property with a buffer or shield from view of the proposed use and/or structure.
 - (5) Establishment of a time limit for expiration after which the permit shall no longer be valid or shall require renewal.
- (b) The town council may require a bond, in a reasonable amount determined by the council, to be payable to the zoning administrator to ensure compliance with the terms and conditions of any special use permit.
- (c) After due consideration, the town council shall make a decision and promptly notify the applicant of its decision in writing, along with a justification for denial or special conditions.

(Code 1989, § 24-94; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-499. Review standards.

The zoning administrator, planning commission, and town council shall consider the following in reviewing a special use application:

- (1) The proposed use and/or structure appears on the official schedule of district regulations or elsewhere in this chapter.
- (2) The proposed use and/or structure complies with the regulations governing individual special uses.
- (3) The proposed use and/or structure is consistent with the town plan.
- (4) The proposed use and/or structure will not tend to change the character and established pattern of development of the district in which it will be located.
- (5) The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impair the value thereof.
- (6) Consideration of neighbor's opinions or concerns.

(Code 1989, § 24-95; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. of 1-26-2004)

Sec. 38-500. Effect of approval.

The issuance of a special use permit shall authorize the applicant to construct only such structure or conduct only such uses as are specifically made part of the special use permit. No deviations, expansion, or other changes whatsoever shall be made from the term of the special use permit without the express written consent of the town council.

(Code 1989, § 24-96; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Secs. 38-501—38-523. Reserved.