

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

Planning Commission

August 1, 2022

5:30PM Council Chambers

Agenda

- 1) Call to Order
- 2) Attendance/ Establish Quorum
- 3) Review meeting minutes from June 6, 2021, meeting
- 4) Special Use Permit to change commercial use building to residential
- 5) Review B-2 Ordinance (with reference to Article XV: Special Use Permits)
- 6) Commissioner comments
- 7) Adjourn

TOWN OF ONANCOCK

15 NORTH STREET
ONANCOCK, VIRGINIA 23417

RECEIVED
JUN 08 2022
TOWN OF ONANCOCK
TOWN OF ONANCOCK

SPECIAL USE PERMIT APPLICATION

Applicant's Name: FRED MICHAEL MORGAN
Address: 1675 BAILEY BEACH DR ONANCOCK VA 23417
Telephone: 757-710-0070 Date: 6-8-22

Location & Legal Description of Property Proposed* : 120 MARKET ST
ONANCOCK, VA 23417 (4) BLDG LOTS 1.3 AC
7450 SQ FT BUILDING ONE STORY

No. of total guests (for homestay applicants only): _____

No. of proposed parking spaces (for homestay applicants only): 57 SPACES

Parcel Number: 085A22300000500

Zoning Classification: B-2

Name and telephone number for local emergency contact: _____

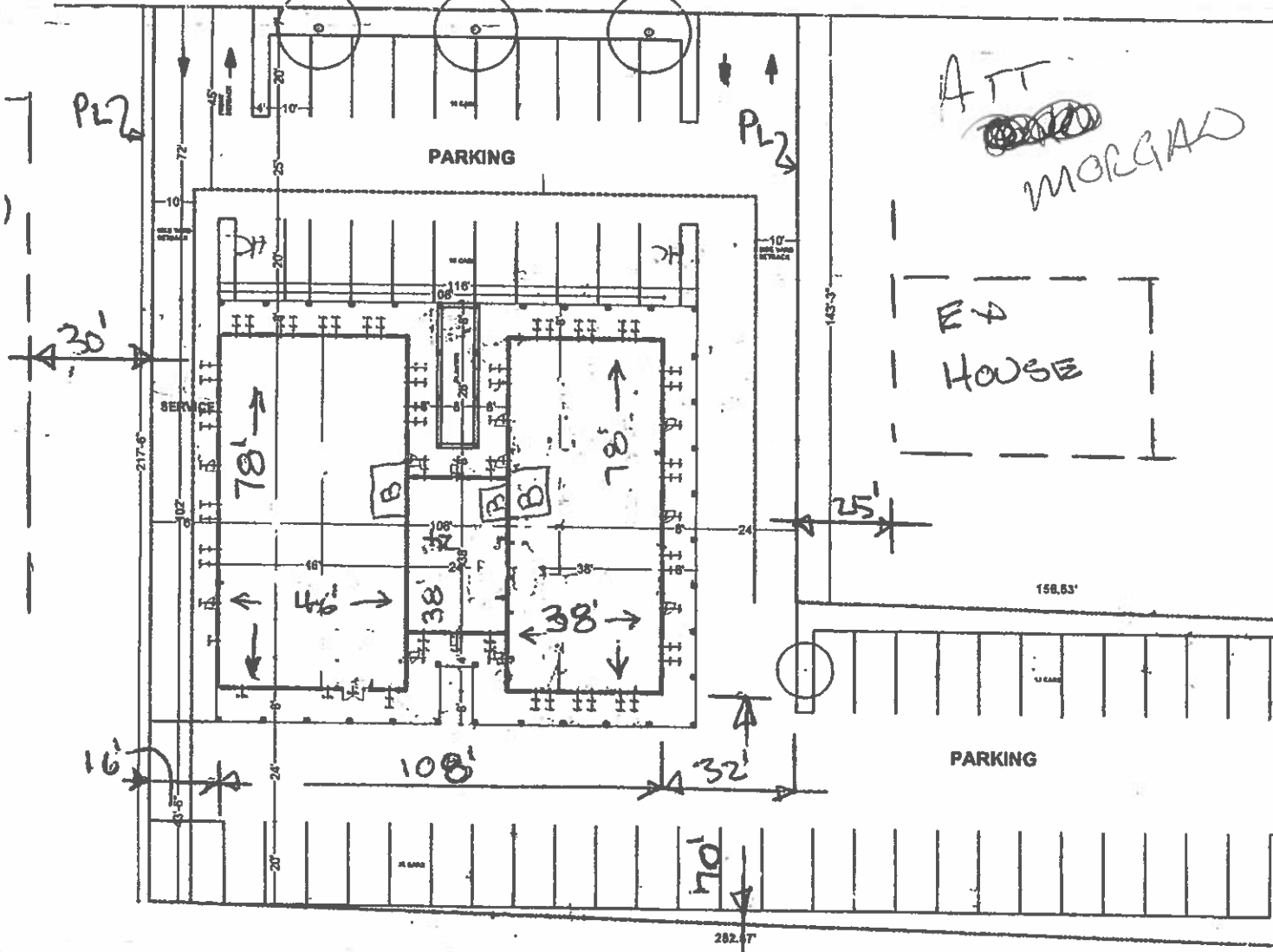
Description of Proposed Use: 5 UNIT CONDO'S / APT SINGLE
STORY HANDICAP UNITS

Chersandmike63@verizon.net

Aug 1st Agenda

FA 5711
JUN 13 2022
BY: [Signature] #150.
#1888

120 → MARKET STREET 60' RW



ATT
~~MORGAN~~
MORGAN

EX
HOUSE

PARKING

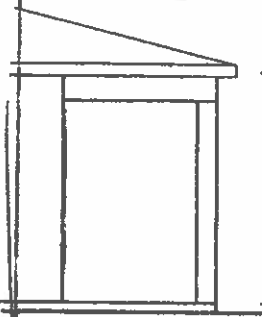
10-0' CLG'S
DRYWALL

5971200
49761

3588
2964
912
7464

1.3 AC

MIKE MORGAN
120 MARKET ST
ONAWCOCK, VA



Town of Onancock
15 North Street
Onancock, VA 23417-
(757) 787-3363

P A Y M E N T

Date: 6/9/2022
Time: 10:27 AM

MIKE MORGAN

CK# 1888 SPECIAL USE PERMIT 120 MARKET STREET

Cash:	\$0.00
Check:	\$150.00
Charge:	\$0.00
MoneyOrder:	\$0.00
Total Fee:	\$150.00
TOTAL PAID:	\$150.00
Change Due:	\$0.00

1	ZP	ZONING PERMIT	\$150.00
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Operator: 2
Receipt#: 27023

T H A N K Y O U !

PAID
JUN 09 2022
BY: [Signature] #1888
\$150.-

ARTICLE VI. BUSINESS, HIGHWAY, DISTRICT (B-2)

Sec. 38-177. Statement of intent.

It is the intent of this district to provide appropriate locations for a broad range of commercial activities which are characterized by heavy truck and vehicle traffic and occasional nuisance factor and which are highway oriented.

(Code 1989, § 24-38; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-178. Principal permitted uses and structures.

The following uses and structures shall be permitted by right subject to other provisions herein:

- (1) All permitted uses in the Business, Downtown, District (B-1).
- (2) Supermarkets.
- (3) Churches.
- (4) Automobile service stations, with repairs under cover.
- (5) Wholesale and retail plumbing and electrical supply, with storage under cover.
- (6) Marine sales and service, with repairs under cover.
- (7) Machinery sales and services, with repairs under cover.
- (8) Car washes.
- (9) Funeral homes.
- (10) Hospitals and medical clinics.
- (11) Lumber and building supply, with storage under cover.
- (12) Print shops.
- (13) Signs, as permitted under section 38-183.
- (14) Clubs and lodges.
- (15) Apartments on floors above the ground floor, owner-occupied only, with occupants to use off-street parking. For the purposes of this subsection, the term "owner" means the owner of the premises, the owner of the business located on the premises or an employee of the business located on the premises.
- (16) Exercise gyms.
- (17) Mobile food vendors, meaning businesses who sell food stuffs and/or beverages from a non-fixed location.

(Code 1989, § 24-39; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. No. O-01-2011, 9-26-2011)

Sec. 38-179. Special exceptions.

The following uses shall be permitted in the Business, Highway, District (B-2), subject to all of the other requirements of this chapter, only upon obtaining a special use permit, as defined in article XV of this chapter, from the town council:

- (1) Public billiard parlors, poolrooms, dance studios, and similar forms of public amusement.
- (2) Inns.
- (3) Nightclubs. For the purpose of this section, the term "nightclub" means an establishment that provides live amplified music, karaoke, disc jockeys (DJs) and/or dancing between the hours of 9:00 p.m. and 6:00 a.m.; provided, however, that any special exception issued for this use shall be valid for 365 days only, unless further renewed by the town council for successive terms of 365 days each.

(Code 1989, § 24-40; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 7-27-1998; Amd. of 6-24-2002; Ord. No. O-06-2012, § 24-40, 10-22-2012)

Sec. 38-180. Setback regulations.

Buildings shall be located 45 feet or more 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 to allow the setback line to be the average setback of the structures fronting on either side.

(Code 1989, § 24-41; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-181. Frontage and yard regulations.

- (a) For permitted uses the minimum side yard shall be ten feet and off-street parking shall be in accordance with the provisions contained in article XII of this chapter.
- (b) Main buildings shall have a ten-foot rear yard setback
- (c) Accessory buildings shall have a ten-foot rear yard setback

(Code 1989, § 24-42; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 1-10-2000)

Sec. 38-182. Height regulations.

Buildings may be erected up to a height of 35 feet, except that:

- (1) Buildings may be erected to a height of more than 35 feet, provided that both required side yards setbacks are increased one foot for each foot in height by which the building exceeds 35 feet. In no case shall the building height exceed 60 feet.
- (2) Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (3) No accessory building shall be more than 1 ½ stories high.

(Code 1989, § 24-43; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 1-26-2004; Amd. 3-27-2006)

Sec. 38-183. Signage regulations.

Up to 100 square feet of signage shall be permitted by right only on the specific premises where the business is located, subject to other applicable provisions of article XI of this chapter. A special use permit shall be required for signage over 100 square feet. The zoning administrator shall be required to approve or disapprove the issuance of such permit.

(Code 1989, § 24-44; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Secs. 38-184—38-204. 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.