

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

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**Planning Commission**

**Public Hearing**

**September 18, 2023**

**6:00 PM Council Chambers**

**Agenda**

- 1) Call to Order
- 2) Attendance/ Establish Quorum
- 3) Public Hearing regarding Chapter 38, Article VIII A
- 4) Commission vote on Article VIII A
- 5) Commissioner comments
- 6) Adjourn

**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) DISTRICT**

**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 as permitted or by special use permit subject to conditions, as provided for herein. 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 indoor 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

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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) 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 district 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.**