

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

Planning Commission
May 6, 2024
6:00 PM Council Chambers
Agenda

- 1) Call to order
- 2) Attendance/ Establish Quorum
- 3) Approve minutes:
 - (a) April 1, 2023
- 4) Building Application (23 Market St.)
 - (a) Height (38-154)
 - (b) B-D Parking
- 5) Zoning change Commercial to Residential
- 6) Special Use Permit
- 7) Public comment
- 8) Commissioner comments
- 9) Adjourn

Town of Onancock
Planning Commission Meeting
April 1, 2024
6:00 PM

1) **Call to Order**

Chairperson Schreiber called the meeting to order at 6:00 PM.

2) **Attendance/Establish Quorum**

Chairperson Schreiber, Commissioners T. Lee Byrd, Jake Dillon, Larry Frey, and Carol Tunstall were present. Commissioners Bill Bagwell and Brandon Brockmeier were not present. A quorum was established. Town Manager Spuck and Town Clerk Debbie Caton were also present.

3) **Approve minutes: March 4, 2024, meeting** - Commissioner Tunstall moved to approve the amended minutes. Commissioner Dillon requested an amendment to his comment from the March meeting. Commissioner Dillon seconded the motion. The motion passed with a 4-0 vote.

Chairperson Schreiber amended the agenda to allow for public comments before discussing Article II, Stopping, Standing and Parking.

4) **Public Comment**

- a. **Dr. Greg Felthousen** – Dr. Felthousen recently attended meetings of the Planning Commission, Town Council and Waterfront Committee. During the Waterfront committee meeting it was announced the floating docks will be dredged this fall. He asked if the material is sand, silt or mud? Who knows this information and if there is a plan to prevent it from happening in future? (Dr. Felthousen’s full notes are attached.)
- b. **Rosemary Paparo** –Ms. Paparo asked if the planning commission has any input on the town’s recent permit application to DEQ to draw water for an additional thousand homes that are located outside the town limits. If yes, has the Planning Commission reviewed the report from CHA Consulting which indicates the pumping levels are safe now but can be easily imperiled if we pump more water. Ms. Paparo asked if the planning commission has any input with town council on water issues. Chairperson Schreiber informed Ms. Paparo that the Planning Commission does not have anything whatsoever to do with town water.
- c. **Priscilla Hart** – Ms. Hart looks forward to hearing the plan on parking regulations.
- d. **Dana Simson** – Ms. Simson is interested in Onancock’s future growth goals. Other towns like Cape Charles, VA and Berlin, MD have residents moving out of town because of the growth and being overrun by tourists. Ms. Simson would like town officials to look at resources and infrastructure and what would be best to make everyone happy.



**Town of Onancock
Planning Commission Meeting
April 1, 2024
6:00 PM**

5) **Article II, Stopping Standing and Parking, Review updated version.**

After a joint public hearing at the February 26, 2024 meeting, the Planning Commission heard from both the public and town council. It was decided the parking ordinance needed to be reviewed again. The Planning Commission reviewed the ordinance for a second time at their meeting on March 1, 2024. After reviewing the current ordinance, a few typos and corrections will be updated. Commissioner Dillon moved to approve the revised ordinance. Commissioner Tunstall seconded the motion. The motion passed with a 4-0 vote.

6) **Top 5 Areas of Zoning Risk** - Town Manager Spuck explained the Planning Commission asked which ordinances need more focus in the next six months. After some research and lawyer's advice as to which ordinances cause municipalities the most appeals and litigation, the following list was developed.

- (1) **Sign Regulations** – ordinance already updated.
- (2) **Special Use Permit** – this will be on the agenda for an upcoming meeting for review.
- (3) **Setback Requirements** – no current issues with the setbacks in R1A, R1B and R1C.
- (4) **Height Restrictions** – the current height restrictions are 2-1/2 stories or thirty-five feet and there would be no reason to go higher.
- (5) **Density Requirements** – this will be on the agenda for an upcoming meeting for review.

7) **Discuss progress made on Comprehensive Plan and timing of next** – The state requires that we readopt a comprehensive plan every five years. Town Manager Spuck suggested in about a year the Planning Commission should begin the review process.

8) **Commissioner comments**

Chairperson Schreiber addressed the audience stating the Planning Commission is an advisory group to Town Council. As the elected body, the Town Council has the final decision. Chairperson Schreiber read the charge of the Planning Commission from the town's website.

9) **Adjourn** - Commissioner Tunstall moved to adjourn the meeting. Commissioner Frey seconded the motion. The motion passed with a 4-0 vote. The meeting adjourned at 6:38 PM.

**Town of Onancock
Planning Commission Meeting
April 1, 2024
6:00 PM**

ARTICLE II. STOPPING, STANDING AND PARKING

Sec. 26-37. Parking prohibited in specified places.

No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) Blocking any portion of a public or private driveway.
- (3) Within 15 feet of any intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 15 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
- (7) Between a safety zone and the adjacent curb or within 15 feet of points on the curb immediately opposite the ends of a safety zone unless a different length is indicated by official signs or markings.
- (8) Within 15 feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within 75 feet of the entrance, when properly signposted.
- (9) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
- (10) On the roadway side of any vehicle parked at the edge or curb of a street (double parking).
- (11) Upon any bridge.
- (12)

(Code 1989, § 13-10; Amd. of 4-10-1978, § 1)

State law reference(s)—Prohibiting parking in certain locations, Code of Virginia, § 46.2-1239; authority of town to regulate parking, Code of Virginia, § 46.2-1220.

Sec. 26-38. Parking across parking space lines or not wholly within parking space.

It shall be unlawful to park any vehicle across any line or marking designated as a parking space or to park any vehicle in any way that such vehicle shall not be wholly within a parking space as designated by lines or markings. Without written permission from the Town Manager or Chief of Police, it shall be unlawful to place any object other than a motor vehicle within the confines of a marked parking space that could impede a full-sized vehicle from using the parking space as intended.

(Code 1989, § 13-11; Amd. of 4-10-1978, § 2)

Sec. 26-39. Vehicles, trailers, and campers parked on streets and parking lots.

- (a) No vehicle, trailer, or camper shall be parked on any street or parking lot in the town for a period greater than 48 hours.
- (b) No trailer shall be left on any town property for a period greater than 24 hours without being properly attached to a vehicle.
- (c) No vehicle shall be parked on any public right of way or parking lot without displaying a valid/current state license plate, and state inspection.
- (d) Enforcement by the chief of police or by another officer as designated.
 - (1) The registered owner of the vehicle, trailer, or camper shall receive a parking violation. If, after seven days from the date of, the owner of such property has failed to remove said property, the town, acting through its agents or employees, may have said property removed.
 - (2) After removal of any such property according to subsection (a) of this section, the town, through its agents or employees, may dispose of such property. Written notice shall be delivered in a manner that allows for confirmation of receipt. The owner must pay all costs attributable to such removal within five days of the receipt of such notice. If the owner of the property cannot be determined by investigation through the state department of motor vehicles or the comparable state agency in which said property is registered, or such cannot be reasonably ascertained from the property, no such additional notice to the owner of the property shall be required.
 - (3) The cost of any such removal and disposal shall be chargeable to the owner of the property and may be collected by the town as taxes and levies collected. Any amount which may be realized by the town from the sale of any such property shall be applied to such costs. No amount will be refunded to the owner under any circumstance.
- (e) Penalty. Any person violating the provisions of this section shall, upon conviction, be guilty of a Class 4 misdemeanor and be punished by a fine of not more than \$250.00. Each day in violation shall constitute a separate offense with a limit of \$3,000.00. The town shall similarly collect fines as personal property taxes.

(Code 1989, § 13-12; Ord. of 4-25-2016(1))

Sec. 26-40. Violations and penalties; payment of uncontested parking citations; contested citations.

- (a) It shall be unlawful for any person to violate or fail to comply with any of the provisions of this article or of any rule or regulation promulgated pursuant thereto.
- (b) Any citation issued by an officer of the town under this article may be satisfied by payment to the town office an amount equal to the appropriate amount including the Processing Fee as published in the most recently published Virginia Uniform Fee Schedule Rule 3B:2 Uniform Fine Schedule). If the violation remains unpaid for 30 days, the violation will be reported to the Department of Motor Vehicles which may affect vehicle registration. The fine and Processing Fee shall not be waived under any circumstance.
- (c) It is unlawful to park any vehicle in handicapped-only designated areas unless the vehicle displays a valid handicapped license plate or parking tag issued by the appropriate department of motor vehicles and is currently operated by the handicapped person or persons for whom the tag was issued. Violation of this subsection shall be punishable by the fine and processing fee published in the Virginia Uniform Fee Schedule.
- (d) Any person who wishes to contest any parking citation shall notify the town manager at any time during regular office hours at the town office within 15 days of the date of the citation. Upon receipt of such

Created: 2023-09-29 09:58:22 [EST]

(Supp. No. 6)

notification, the town manager shall certify in writing on an appropriate form to the general district court of the county that such parking citation is being contested and request that a date for trial be set on the docket of such court. Upon notification by the court of the trial date, the town manager shall cause a summons to be issued to the person receiving such parking citation, which summons shall be served by a police officer, or shall be mailed by USPS to such person in the event such person is a nonresident of the town.

- (e) In the event any parking citation is neither satisfied by payment nor contested by delivery of written notice to the town manager within such period of 15 days, the town manager shall refer the matter for trial to the general district court of the county and have a summons issued in the same manner as described above. The town will also report the unpaid citation to the Department of Motor Vehicles.

(Code 1989, § 13-13; Amd. of 4-10-1978, § 3; Amd. of 4-10-1989; Ord. of 4-25-2016(2))

Sec. 26-41. Temporary Parking Adjustments.

The town manager or chief of police may adopt and put into effect regulations designating the time, place, and manner for which vehicles may be allowed to park on town streets and may make and enforce such additional rules and regulations as parking conditions may require. It shall be unlawful for any person to violate such rules and regulations.

(Code 1989, § 13-14; Ord. of 4-25-2016(3))

State law reference(s)—Enforcement of town parking ordinances, Code of Virginia, § 46.2-1225.

Secs. 26-42: Downtown Parking Regulations

- a) Limitation of parking to two hours in the Downtown District
- i) For this ordinance, the boundaries of the Downtown are considered Market Street immediately ~~east west~~ of College Avenue traveling west on Market Street ~~to~~ East Street ~~at the far west end of Market Street~~. Also included in the Downtown District are North Street heading south from Town Hall to Market Street. ~~The, the~~ northern spurs of both Ames Street and Mount Prospect Street beginning at the ~~northern~~ edge of the bridge up to Market Street. ~~King, all of King~~ Street, and ~~all of~~ Crockett Avenue ~~are included~~. A parking space is defined as a marked area designed for the temporary parking of a motor vehicle ~~including a golf cart.~~
 - ii) No person shall park any motor vehicle in any parking space on any public street within the Downtown District for a period exceeding ~~two-three~~ hours between the hours of 5:00 AM and 5:00 PM.
 - (1) Exceptions include emergency vehicles actively performing their duties, or vehicles displaying a handicapped parking permit following applicable state laws.
 - (2) Fines and processing fees are set by the most recently published Virginia Uniform Fee Schedule including the Processing Fee as published in the most recently published Virginia Uniform Fee Schedule Rule 3B:2 Uniform Fine Schedule. If the fine is not paid within 30 days, the violation shall report the violation to the Department of Motor Vehicles and the general district court of the county.
 - (3) The fine and Processing Fee shall not be reduced, waived, or adjusted in any way under any circumstance unless ordered to do so by the Onancock Chief of Police.

Secs. 26-43: Off-Street Parking

- a) Queen Street Lot (68 spaces)
- b) Town Hall Lot (37 Spaces)
- c) King Street Overflow (20 spaces)
- d) Boat Ramp Lot (17 spaces)
- e) Harbormaster Lot (22 spaces)
- i) 164 Off-Street Parking

Secs. 26-~~43~~—26-70. Reserved.



Onancock
Number of Upstairs Apartments Downtown
Current and Projected

	Apts
23	2
Tim	1
Crockett	1
John	6
Wise	2
North St	1
Charlotte	8
Janet's	3
Vinny	1
2 Parker	3
Crockett	2
Canvas	1
Marker	2
Danny	1
Ace	1
Lilliston	6
House of Deals	4
# Apartments	45
1.75 Cars each	78.75
Total Off-Street Parking	164
Additional Off-Street Parking	85.25



Town of Onancock

Application for Rezoning

Parcel Street Address: 24 King St Parcel Tax Map I.D.: 065A2A0000048E0
 Current Owner Name: 2 King Street Properties, LLC
 Current Owner Address: 14 King St. Onancock, VA
 Current Owner Email: jeffvernimb@yahoo.com
 Applicant Name: Jeff & Dottie Vernimb
 Applicant Address: 14 King St Onancock, VA
 Applicant Email: jeffvernimb@yahoo.com
 Owner Telephone Number: 908-420-9492 Applicant Telephone Number: 908-420-9492
 Current Zoning: Commercial Requested Zoning: Residential
 Proposed use of property: Long term rentals

What purpose will be served by rezoning this property: Contiguous with adjacent properties which are all residential

If the applicant is not the current owner, written authorization by the owner designating the applicant as the authorized agent for all matters concerning this request must accompany this application.

A fee in the amount of \$150 must accompany this application. If a public hearing is held, the cost of advertising said public hearing shall be reimbursed by the applicant no matter the outcome of the application.

Jeff Vernimb 04-28-2024 [Signature] 4/28/24
 Applicant signature Date Town Manager signature Date

Accomack County, Virginia

Legend

Parcels

Map Printed from AccoMap
<https://parcelviewer.geodecisions.com/Accomack>

Feet



Title: Parcels

Date: 4/29/2024

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Accomack County is not responsible for its accuracy or how current it may be.

Accomack County, Virginia

Tax Map #:

85A2-A-48E

Parcel ID:

085A2A0000048E0

The assessment information is obtained from the total value of these tax map numbers...

85A2-A-48E

Summary

Owner's Name

RICHARDSON,JOHN A
OR CHRISTINE MURPHY RICHARDSON

Mailing Address

24 KING ST
ONANCOCK, VA 23417

Base Zoning

Incorporated Town

Overlay Zoning

Tax District

14



Sale Information

Transfer Date:	3/10/2022 12:00:00 AM
Sales Price:	\$0
Grantor:	RICHARDSON,JOHN A
Deed Reference:	2200 01251
Additional Ref:	Book 2001
Additional Ref:	Page 31852

Assessment Information

	New 2022 Assessment	Prior Assessment
Land Value	\$45,000	\$45,000
Improvement	\$62,100	\$84,500
Total Value	\$107,100	\$129,500

The assessment information is obtained from the total value of these tax map numbers...
85A2-A-48E

Land

Property Class:	400-Commercial & Industrial	Electricity:	No Data
Legal Description:	PT KILMON LOT KING STREET	Gas:	No Data
Land Description:	COMMERCIAL	Sewer:	Y
Street Type:	Paved	Water:	Y

12

Building

Building Type:	COMMERCIAL	Total Rooms:	No Data
Description:	Storage Warehouse	Number of Bedrooms:	No Data
Stories:	1	Number of Baths:	No Data
Year Built:	1950	Number of Half Baths:	1
Finished Sq Ft:	2580	Heat Type:	0 sf
		Air Conditioning:	N

Construction		Additional Data	
Foundation Type:	No Data	Attic:	None
Construction Type:	Wood Frame	Finished Attic Sq Ft:	No Data
Exterior:	No Data	Basement Sq Ft:	No Data
Condition:	normal for age	Finished Basement Sq Ft:	No Data
Roof Type:	1	Attached Garage Sq Ft:	No Data
Roof Material:	No Data	Detached Garage Sq Ft:	No Data
		Deck Sq Ft:	No Data

ARTICLE V. BUSINESS, DOWNTOWN, DISTRICT (B-1)

Sec. 38-148. Statement of intent.

This district is intended to provide carefully planned business and community use with residential space above commercial space in the downtown area.

(Code 1989, § 24-31; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. of 7-25-2022(1))

Sec. 38-149. Principal permitted uses and structures.

The following uses shall be permitted by right:

- (1) Residences on floors above the ground floor.
- (2) Professional and business offices.
- (3) Banks and lending institutions.
- (4) Theaters.
- (5) Restaurants, as defined in section 16-340, or catering establishments, that close before 11:00 p.m.
- (6) Signs as permitted under article XI.
- (7) Personal service businesses, such as, but not limited to, barbershops, beauty parlors, spa services, and shoe repair shops.
- (8) Retail sales establishments for products with no age restrictions.
- (9) Public utilities.
- (10) Virginia ABC Stores.
- (11) Libraries, museums, education facilities.
- (12) Exercise gyms or studios.
- (13) Homestay in residences, as defined in section 38-77 (with no limit on distance between homestay properties and no limit on number of homestay properties owned).
- (14) Hotels with up to ten rooms.
- (15) Churches and other places of worship.
- (16) Municipal uses.
- (17) Public parking.
- (18) Public outdoor spaces.
- (19) Art galleries, artist and/or artisan studios.

(Code 1989, § 24-32; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. of 7-25-2022(1))

Sec. 38-150. Special exceptions.

The following uses shall be permitted in the Business, Downtown, District (B-1), subject to all the other requirements of this chapter, only upon obtaining a special use permit, as defined in article XV, from the town council.

- (1) Clubs and lodges.
- (2) Cigar, hookah, or vaping sales or lounges.
- (3) Retail establishments that sell any product with age limitations.
- (4) Any business open after 11:00 p.m.
- (5) Hotels with more than ten rooms.
- (6) Open air produce and arts and crafts markets.

(Code 1989, § 24-33; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 7-27-1998; Amd. of 2-24-2003; Mo. of 2-22-2010; Ord. No. O-06-2012, § 24-33, 10-22-2012; Ord. of 7-25-2022(1))

Sec. 38-150.1. Uses not allowed.

The following uses are strictly forbidden in the Business Downtown District. No permit is possible.

- (1) Fuel sales, gas station, or fuel storage and distribution
- (2) Processing of any produce, seafood, meat, or poultry
- (3) Vehicle repair
- (4) Any business that uses noxious materials (any materials which are injurious to health upon casual human exposure without protective clothing or other protective equipment).

(Ord. of 7-25-2022(1))

Sec. 38-151. Area regulations.

There are no area regulations for the Business, Downtown, District (B-1).

(Ord. of 7-25-2022(1))

Sec. 38-152. Setback regulations.

There are no setback regulations for the Business, Downtown, District (B-1).

(Ord. of 7-25-2022(1))

Sec. 38-153. Frontage and yard regulations.

There are no frontage and yard regulations for the Business, Downtown, District (B-1).

(Ord. of 7-25-2022(1))

Sec. 38-154. Height regulations.

- (a) Buildings may be erected to a height not to exceed two and one-half stories or 35 feet.
- (b) 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 to four feet above the height of the building on which the walls rest.
- (c) No accessory building may be more than one and one-half stories or 20 feet in height.

(Code 1989, § 24-37; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. of 7-25-2022(1))

Sec. 38-155. Penalties.

Penalty for violating any regulation within this section is equivalent to a class 4 misdemeanor and subject to the maximum fine of \$250.00, or that maximum established by the Commonwealth of Virginia. Each violation will be treated as a separate violation and subject to the maximum fine per incident.

(Ord. of 7-25-2022(1))

Secs. 38-156—38-176. Reserved.

ARTICLE XII. OFF-STREET PARKING

Sec. 38-438. Statement of intent.

The purpose of off-street parking provisions is to ensure adequate access to any part of the town by fire and emergency medical services, and to promote the economic well-being of the town by creating a pleasant living and shopping climate.

(Code 1989, § 24-81; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-439. Schedule of off-street parking.

- (a) The schedule provided for in subsection (b) of this section shall control the provisions of parking spaces in various town zoning districts.
- (b) The off-street parking requirements for each district are as follows:
 - (1) R-1: Two parking spaces per dwelling unit.
 - (2) R-2: Two parking spaces per dwelling unit.
 - (3) B-D: One parking space for each 100-square feet of gross floor area or fraction thereof.
 - (4) B-H: One parking space for each 100 square feet of gross floor area or fraction thereof.
 - (5) B-W: One parking space for each 100 square feet of gross floor area or fraction thereof.
- (c) Exceptions in the business districts will be decided by the zoning administrator.

(Code 1989, § 24-82; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-440. Special exceptions.

The following uses are controlled separately from the district-wide off-street parking regulations required by section 38-438:

- (1) For churches, high schools, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every five fixed seats provided in said building.
- (2) For hospitals, at least one parking space for each two bed capacity, including infants' cribs and children's beds.
- (3) For medical and dental offices, at least ten parking spaces. Three additional parking spaces shall be furnished for each doctor or dentist in such offices in excess of three doctors or dentists.
- (4) For fraternal lodges, hunting clubs, golf courses, yacht clubs country clubs, and marinas, at least 25 parking spaces shall be provided. Additional parking (26 or more) may be required by the zoning administrator.
- (5) Post offices. Parking spaces for post offices, one for each 50 box holders but not less than ten spaces.

-
- (6) Restaurants. One parking space per table or booth plus six for employees.
 - (7) For tourist homes, roominghouses, boardinghouses, bed and breakfasts and motels at least one parking space per accommodation.
 - (8) For mortuaries and liquor stores, there shall be provided at least 30 parking spaces.
 - (9) Parking space as required in this section shall be on the same lot with the main building; except, that in the case of buildings other than dwellings, spaces may be located as far away as 600 feet.
 - (10) Parking of more than two commercial vehicles in residential areas is not permitted.

(Code 1989, § 24-83; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Secs. 38-441—38-453. Reserved.

Sec. 38-576. Conditional zoning procedure.

- (a) Upon the receipt by the zoning administrator of a rezoning petition, it shall be reviewed by the zoning administrator in accordance with the guidelines found in this article. The zoning administrator shall prepare a report for presentation to the planning commission.
- (b) The planning commission, within 30 days of receiving the zoning administrator's report, shall consider the zoning administrator's recommendations and discuss same with the applicant. The applicant shall be advised of the possibility of proffered conditions in a rezoning decision, which conditions are not meant to change the character of a fundamentally unsound rezoning, but are meant to be responsive to town growth pressures not specifically foreseen in the existing district regulations.
- (c) The planning commission shall forward the report of the zoning administrator, along with a report summarizing the content of the planning commission public hearing, to the town council.
- (d) After the town council has received the reports from the zoning administrator and the planning commission, the applicant for the rezoning under consideration may proffer a set of conditions for consideration along with the rezoning. Such a proffer shall be addressed to the mayor of the town.
- (e) The town council shall hold a public hearing on the requested rezoning in accordance with Code of Virginia, § 15.2-2204, as amended. The rezoning request and the proffered condition shall be considered at this time.
- (f) In the event that a request for rezoning is approved and the proffered conditions accepted, these same conditions shall be recorded in the clerk of circuit court office as a lien on such property involved in the rezoning petition and shall run with the land until removed by the town council as a result of an amendment to the original application or as a result of a subsequent rezoning petition.

(Code 1989, § 24-108; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 2-9-1998)

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, prospective 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~~ apply 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~~ be accompanied by detailed proposed land use, a site plan from all angles with measurements, structures and landscaping, and impact study of traffic, notice, and impact on adjacent property. Accompanying maps showing the siting of the proposed use ~~may~~ will 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 that will~~ formulate a recommendation to the town council.
- (3) Written notice shall be given at least five days before the public hearing by hand delivery to all abutting property owners and property immediately across the street or road from the affected 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~~ a joint public 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~~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 enhanced setback, side, front and rear are requirements necessary for orderly expansion and for preventing traffic congestion.
 - (3) Provision for adequate in-site or off-site parking and ingress and egress to public streets and roads necessary preventing traffic congestion.
 - (4) Provision for adjoining property with a buffer or shield equal to those established by the zoning from district in which the structure exists, 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. The special use permit ceases entirely at the date the property changes ownership, whether by formal sale or by transfer between taxable entities. For short-term rental, the permit expires 36 months from the date of issuance and the owner must apply again under the then current requirements.
- (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~~decide 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~~Comprehensive Plan or elsewhere in this chapter.
- (2) The proposed use and/or structure complies with the regulations governing individual land and special uses.
- (3) The proposed use and/or structure is consistent with the ~~town~~Comprehensive Pplan.
- (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 land 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)

Sec. 38-501. Appeal Process.

If the variance request is denied and the applicant disagrees with the decision, they may have the option to appeal the decision through established channels, such as the Board of Zoning Appeals or through the court system.

Sec. 38-502. Penalties and Fines.

Notice may be made by direct posting on the property front door, regular postal delivery, email, hand delivery, or certified mail. In case the notice referred to in this section cannot reasonably be served on the owner, or when such notice is mailed to the owner's last known address as shown in the Town office, and such owner fails to comply with such notice, The Town Manager shall, together with a one hundred fifty-dollar (\$150.00) service charge per occurrence as detailed on the fine schedule, shall be collected by the Town pursuant to the same procedures and in the same manner as real estate taxes and shall be a real estate tax lien upon such land.

Failure to obey the terms of the notice shall be punishable as a criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00 per violation. Each day during which the condition is ongoing shall constitute a separate offense.

Secs. 38-50~~31~~—38-523. Reserved.

22

**Town of Onancock
SPECIAL USE PERMIT**

Certain uses are not necessarily compatible with the uses traditionally associated with standard districts. If proper mitigating conditions are enacted along with the proposed exception. Such uses may be designated under special exemptions.

Associated uses are allowed in associated districts upon the issuance of a Special Use Permit.

Project Location

Street address:

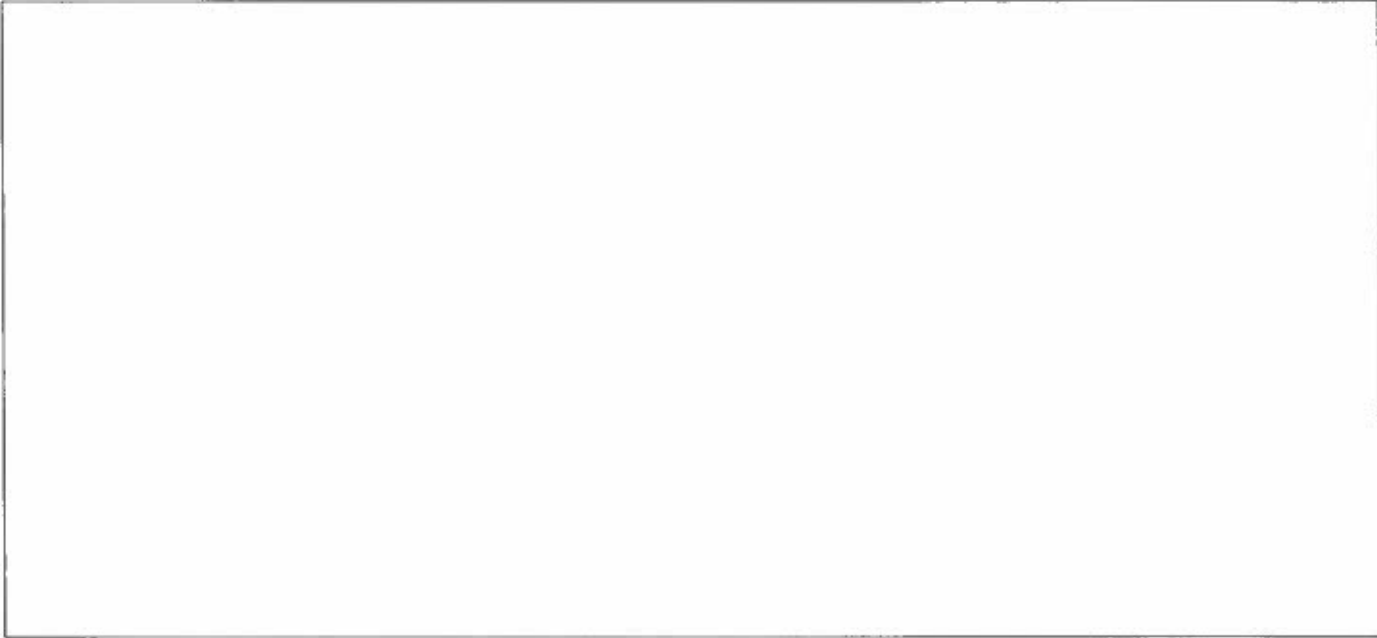
Tax Map, Parcel ID, or GPIN:

Zoning Classification:

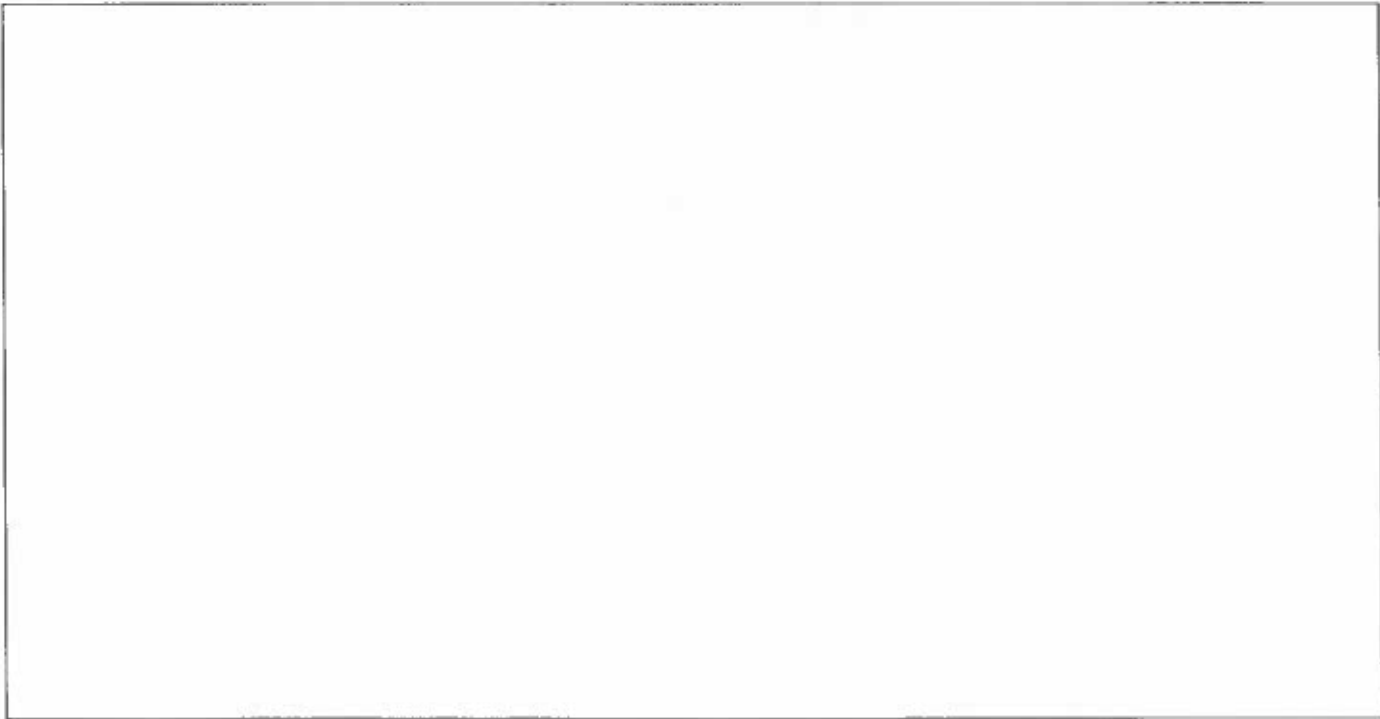
Current Square Feet, # of
Bedrooms, # of Bathrooms

Proposed Land Use (include detail of use, hours of operation, number of employees)

Site Plan (dimensions from all property lines to the structure include parking and landscaping)



Impact Study (traffic, noise, impact on adjacent property)



Owner Information

Firm Name: _____ Main Office No: _____

Address: _____

On-Site Supervisor: _____ Cell: _____

Business License #: _____ E-mail: _____

EIN: _____ SSN: _____

Process Completion

Check as they apply:

<input type="checkbox"/>	1	Form submitted and fee paid
<input type="checkbox"/>	2	Planning Commission review
<input type="checkbox"/>	3	Second Planning Commission Review (if denied)
<input type="checkbox"/>	4	Joint public hearing with Planning Commission and Town Council
<input type="checkbox"/>	5	Any conditions (detail below)
<input type="checkbox"/>	6	Duration and renewal (details below)
<input type="checkbox"/>	7	Need for utility connection

Conditions or mitigation to Permit.

Duration and Renewal

- 1. All Special Use Permits terminate and the time of sale. All new owners must all under the then current ordinance.
- 2. For use as a short-term-rental, there is a three-year term, at which time the owner must reapply under the then current ordinance.

Applicant Signature

Applicant Name (print): _____ Date: _____

Applicant Signature: _____

For Town Use ONLY:

Permit Approval

I, _____, certify that the application and its submittals have been reviewed against current code and field verified and I approve the application for Accomack County to begin its building permit and inspection process.

Name: _____ Position Title: _____

Signature: _____ Date: _____

Jurisdiction: _____

Permit Denial

I, _____, certify that the application and its submittals have been reviewed against current code and field verified and I deny the application for the reasons detailed below.

Name: _____ Position Title: _____

Signature: _____ Date: _____

Jurisdiction: _____