

Town Council: Ray Burger, Cynthia Holdren, Joy Marino, Sarah Nock, Maphis Oswald, Paul Weitzel
Mayor: Fletcher Fosque | Town Manager: Matt Spuck

Planning Commission
August 5, 2024
6:00 PM Council Chambers
Agenda

- 1) Call to order
- 2) Attendance – Establish Quorum
- 3) Approve minutes: June 3, 2024
- 4) Public comments
- 5) Parking Ordinance
- 6) Special Use Permits
- 7) Comprehensive Plan update
- 8) Commissioner comments
- 9) Adjourn

Town of Onancock
Planning Commission Meeting
June 3, 2024
6:00 PM

- 1) **Call to Order**
Chairperson Schreiber called the meeting to order at 6:00 PM.
- 2) **Attendance/Establish Quorum**
Commissioners Bagwell, T. Lee Byrd, Jake Dillon, Larry Frey, Carol Tunstall, and Chairperson Schreiber were present. Commissioner Brockmeier was not present. Town Manager Matt Spuck and Town Clerk Debbie Caton were also present. A quorum was established.
- 3) **Approve minutes: May 6, 2024** - Commissioner Tunstall moved to approve the minutes with amendments. Commissioner Byrd seconded the motion. The motion passed with a 5-0 vote.
- 4) **Public Comments** – no public comments.
- 5) **Final Review of Parking Ordinance** – The final document was reviewed by the Planning Commission and will be updated to read 2-hour parking instead of 3- hour parking on certain streets. Commissioner Dillon moved to approve the ordinance with amendments. Commissioner Frey seconded the motion. The motion passed with 5-0 vote. A joint public hearing with be scheduled with Town Council.
- 6) **First review of Special Use Permit ordinance** - The Planning Commission reviewed the ordinance and made suggestions for changes. Town Manager Spuck plans to update the ordinance for a clean copy to review at the August 5, 2024 meeting.

Town Manager Spuck informed the Planning Commission that he was approached by a developer for a tiny house community for work-force housing.
- 7) **Commissioner Comments** – no comments.
- 8) **Adjourn** – Commissioner Byrd made a motion to adjourn. Commissioner Frey seconded the motion. The meeting adjourned at 6:28 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.
- (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. It shall be unlawful to place any object within the confines of a marked parking space that could impede a 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.

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- (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, 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 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 public 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 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.

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- (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.

Sec. 26-42—Downtown District

- a) Limitation of parking to three hours in the Downtown District
- i) For this ordinance, the boundaries of the Downtown are considered Market Street immediately east of College Avenue traveling west on Market Street until the transition to King 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 north spurs of both Ames Street and Mount Prospect Avenue bridges up to Market Street, King Street, and Crockett Avenue in their entirety. A parking space is defined as a marked area designed for the temporary parking of a vehicle.
- ii) No person shall park any motor vehicle in any parking space on any public street within the Downtown District for a period exceeding three hours.
- (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.

Sec. 26-43 Residential Requirements

- a) The off-street parking requirements for each of the districts are as follows:
- i) R-1 (including districts A, B, and C) require 2 off-street parking spaces per unit.
- ii) R-2 (multi-family dwelling) required 2 off-street parking spaces per unit.

Secs. 26-44—26-70. 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 town council issuing a special use permit. The 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, the contract owner of the property affected. Procedures for application and review shall be as follows:

- (1) The applicant shall 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 meet, accompanied by detailed proposed land use, a site plan from all angles with measurements, structures, and landscaping, and an impact study of traffic, noise, and impact on adjacent property. Accompanying maps showing the siting of the proposed use will be required.
- (2) The zoning administrator shall review the application, visit the site, and may request additional information or review by other agencies. The administrator shall transmit a copy of the collected information to the planning commission, which 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.
- (4) The planning commission may appear with the town council at a joint public hearing unless it has held its own public hearing before the Town Councils.
- (5) The town council shall hold a public hearing per Code of Virginia, § 15.2-2204, to receive public comment and to decide upon the special use permit application. Such a 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 meetings 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:

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- (1) Abatement or restriction of noise, smoke, dust, vibration, odors, wastes, or other elements that may affect surrounding properties.
 - (2) Establishing enhanced setbacks on the sides, front, and rear may be necessary for orderly expansion and preventing traffic congestion.
 - (3) Provision for adequate on-site or off-site parking, ingress, and egress to public streets and roads necessary to prevent traffic congestion.
 - (4) Provision for adjoining property with a buffer or shield equal to those established by the zoning district where the structure exists.
 - (5) Establish a time limit for expiration, after which the permit is no longer valid or requires renewal. The special use permit ceases entirely when the property changes ownership, whether by formal sale or 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 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 permitted use by right within the zoning district.
- (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 Onancock's town Comprehensive 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) Environmental impact. The proposed use shall not significantly adversely impact the natural environment.
- (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.

Issuing a special use permit authorizes the applicant to construct only such structure or conduct only such uses as are specifically made part of the special use permit. No deviations, expansions, 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 through established channels, such as the Board of Zoning Appeals or the court system.

Sec. 38-502. Penalties and Revocation.

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.

The town Council may revoke a Special Use Permit if the use violates any condition of approval or applicable law or regulation.

Secs. 38-503. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Secs. 38-504—38-523. Reserved.

Natural Resources Needs Summary

Onancock depends upon its natural resources to attract residents, visitors, and business. Our tree lined streets, town parks, open spaces, and extensive shoreline areas help provide the high quality of life valued by Onancock residents. However, inappropriate development and land management practices can degrade our natural resources, quality of life, and economy. Protecting the water quality of our creeks and ground water supply, and protecting properties from coastal flooding, are key natural resource goals for the Town of Onancock.

Natural Resources Goals and Actions

- **Goal:**
 - Improve and maintain surface water and ground water quality
 - **Actions:**
 - ◆ Communicate and enforce the Chesapeake Bay Preservation Overlay District
 - ◆ Complete RAFT scoring and develop resilience plan
 - ◆ Develop a landscaping and tree canopy plan
 - ◆ Communicate the benefit of reducing impervious surfaces to reduce stormwater runoff
 - ◆ Develop a multi-year plan to plant vegetative shoreline buffers to improve water quality and prevent erosion
- **Goal:**
 - Reduce the threat of flood damage to properties in town
 - **Actions:**
 - Communicate the benefits of flood insurance
 - Complete and implement the County Hazzard Mitigation Plan
 - Ensure town-owned properties are properly protected and insured against flood damage
 - Develop an ongoing plan to clean and maintain storm water drains and ditches
 - Secure non-tax funding sources to mitigate the impact of sea level rise
 - Install backflow prevention devices in all drains that back up from the Creek
 - Install generator for Town Hall (police department) for power during emergency
- **Goal:**
 - Better Town management of stormwater
 - ◆ Develop an ongoing plan to clean and maintain storm water drains and ditches
- **Goal:**
 - Reduce light pollution to increase the visibility of the night sky, reduce the effects of electric lighting, improving the well-being of both people and wildlife
 - **Actions:**
 - ◆ Develop and adopt a Dark Sky policy
 - ◆ Develop a comprehensive lighting plan for each distinct neighborhood within Onancock

- ◆ Begin to replace light fixtures Downtown and at the Wharf with ornamental fixtures that meet Dark Sky policy requirements
- **Goal:**
 - Highlight the environmental experiences in and around Onancock
 - **Actions:**
 - ◆ Create a sunset viewing boardwalk-type park at the water's edge in the parking lot at the bulkhead
 - ◆ Create nature trails in town that encourage exposure to our natural beauty
 - ◆ Create bike trails to connect Onancock to the Route 13 corridor (and eventual Rails-to-Trails bike path)

Existing Land Use and Zoning – Goals and Actions

- **Goal:**
 - Promote and preserve the existing character of residential neighborhoods
 - **Actions:**
 - ◆ Enforce town zoning ordinances on a complaint basis
 - ◆ Create a zoning map that shows vacant or undeveloped properties to ensure zoning alignment with strategic vision and plan
 - ◆ Create pocket-parks throughout the community to encourage walking, bike riding, gardening, and small gatherings
 - ◆ Add flower boxes and planters throughout the Downtown and Marina, maintained by the Town
- **Goal:**
 - Improve the visual quality of the Downtown commercial area
 - **Actions:**
 - ◆ Work with Onancock Main Street to develop street scaping, way finding, and façade plans for the Downtown district
 - ◆ Create collaborative promotions, marketing, and advertising initiatives to attract visitors
 - ◆ Secure non-taxpayer funding to develop a formal plan for Downtown and community improvement
 - ◆ Support Onancock Main Street to achieve and further its mission and strategic plan
- **Goal:**
 - Enhance the Downtown Onancock business district
 - **Actions:**
 - ◆ Offer incentives to attract new businesses and retain existing businesses
 - Remove gross receipts portion of Business License
 - Create collaborative promotions, marketing, and advertising initiatives to attract visitors
 - Secure non-taxpayer funding to attract and retain businesses to the Downtown district
 - ◆ Develop pricing for water that reduces the price of water for businesses that require heavy water usage for core business operations while continuing to encourage conservation whenever possible
 - ◆ Encourage businesses to remain open for hours that are conducive to visitors and working customers
 - ◆ Arrange for one major event each season to attract Shore residents and visitors to Onancock
 - Begin preparation for a substantial 7/4/2026 celebration that involves fireworks and a tall ship in the Creek

Transportation Goals and Actions

- **Goal:**
 - Provide for safe and efficient pedestrian and vehicular movement while protecting the character of Onancock
 - **Action:**
 - ◆ Install speed controls where allowable on streets approaching and leaving Downtown
 - ◆ Better speed enforcement in areas with resident complaints
 - ◆ Arrange with VDOT to bring curb cut ramps to ADA standards (completed summer 2021)
 - ◆ Arrange for consistent road repair of Onancock maintained streets
 - ◆ Work with VDOT to develop a schedule for repairs for all VDOT secondary roads
 - ◆ Develop an Infrastructure plan to repair/replace Jackson Street, Warren Street, Justis/Jefferson, King Street to meet VDOT secondary system standards
 - Secure major project funding for road repair and walking paths
 - Develop a comprehensive transportation plan
 - **Action:**
 - Inventory transportation facilities
 - Assessment future transportation needs
 - Prioritize a list of proposed improvements, including streets, sidewalks, crosswalks, parking, and bicycle facilities.

Housing Goals and Actions

➤ **Goal:**

- Provide safe, adequate housing for present and current residents
 - **Action:**
 - ◆ Encourage and promote the development of affordable middle class long-term rentals
 - ◆ Fill or remove abandoned houses
 - ◆ More mosquito spraying and weed control in drainage ditches
 - ◆ Change zoning on Market Street to promote mixed use retail/residential
 - ◆ Develop an aging-in-place system in town that provides adequate services to seniors to remain Onancock residents
 - ◆ Develop a community initiative to support homeowners unable to maintain their homes
 - ◆ Promote the building and installation of bat and bird houses to eradicate mosquito population

It is important to protect the historic character of Onancock, especially in the downtown commercial area. Aesthetics of the downtown area are also an important element in attracting visitors to the town.

The historic character of the town needs to be considered as a valuable resource and protected as such by ordinance.

Historic Resources Goals and Actions

➤ **Goal:**

- Protect and promote the historic character of Onancock
 - **Action:**
 - ◆ Make information available to residents regarding tax credits and other benefits of rehabilitating historic properties
 - ◆ Add central point of information that teaches the history of the town and area

Community Facilities Needs Summary

Ensuring public safety is the most important service provided by the Town which will require significant investment to compensate the police officers at a competitive rate. The fire hydrant infrastructure needs to be consistently maintained and the significant investment in the Wharf and Marina needs to be protected by ensuring the Creek doesn't fill in or shoal to the point where navigating the creek becomes impossible.

The public buildings, parks, and facilities need to be cared for to avoid significant deferred maintenance. This will require appropriate staffing and budget resources to care for.

Community Facilities Goals and Actions

- **Goal:**
 - Continue to provide police and fire protection services
 - **Action:**
 - ◆ Develop a plan to work toward robust police coverage
 - ◆ Develop a community policing and auxiliary program
 - ◆ Renovate Town Hall to manage building access and promote safety to employees, officers, and visitors
 - ◆ Renovate public bathrooms to ADA and high aesthetic standards
- **Goal:**
 - Promote the utility of Onancock Creek for boat traffic
 - **Action:**
 - ◆ Coordinate with the County to pursue dredging and maintenance of the Creek and channel
 - ◆ Develop a long-range plan to ensure permanent commercial activity in the Creek to maintain channel quality and depth
- **Goal:**
 - Maintain and improve recreational facilities
 - **Action:**
 - ◆ Market and advertise the Samuel Outlaw Blacksmith Shop
 - ◆ Support recreation and cultural programs of local non-profit organizations
 - ◆ Promote the Wharf for recreational use
 - ◆ Endorse and support a bicycle path from town to Route 13
 - ◆ Dog Park
- **Goal:**
 - Stimulate intellectual growth and public education
 - **Action:**
 - ◆ Promote increased awareness of Eastern Shore history
 - ◆ Use public facilities to support public and community educational programs
- **Goal:**
 - Provide high speed fiber optic internet service
 - **Action:**
 - ◆ Work with the County and the Broadband authority to improve and expand service

- **Goal:**
 - Improve number of and diversity in community events
 - **Action:**
 - ◆ Partner with OBCA to create and hold unique and high-quality community events
- **Goal:**
 - Improve tourism
 - **Action:**
 - ◆ Strengthen partnership with ESVA Chamber of Commerce, Tourism Commission, and County Economic Development
- **Goal:**
 - Improve communication between Town and residents and businesses
 - **Action:**
 - ◆ Develop newsletter from Town to residents and businesses
 - ◆ Develop dual direction text communication between the Town and residents
 - ◆ Enhance online transaction capabilities with the Town

maintenance costs. HRSD will pay off all existing debt, and while the debt service is covered by current revenues, this will also provide financial relief for the Town.

Water/Wastewater Goals and Actions

- **Goal:**
 - Transfer ownership of wastewater plant and entire collection system to Hampton Roads Sanitation District
 - **Action:**
 - ◆ Complete full title transfer of all wastewater assets and collection system
- **Goal:**
 - Protect the groundwater and surface water resources from pollution
 - **Action:**
 - ◆ Develop emergency response plan for clean water emergency
 - ◆ Secure water grants annually to enhance clean water care
 - ◆ Provide professional development for new water technician to move toward license
 - ◆ Develop long-term capital plan for water lines and tower
 - ◆ Budget for post-HRSD water rates that result in reduced or stable use, depending on volume