

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

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**Planning Commission**  
**October 7, 2024**  
**6:00 PM Council Chambers**  
**Agenda**

- 1) Call to order
- 2) Attendance – Establish Quorum
- 3) Approve minutes: August 5, 2024
- 4) Public comments
- 5) Rezoning application
- 6) Resolution: HRSD
- 7) Commissioner comments
- 8) Closed session
  - a) Personnel matters §2.2-3711 (A) (1) – Commissioner appointment
- 9) Reenter the public session.
- 10) Commission action
- 11) Adjourn

**Town of Onancock**  
**Planning Commission Meeting**  
**August 5, 2024**  
**6:00 PM**

**1) Call to Order**

Chairperson Schreiber called the meeting to order at 6:02 PM.

**2) Attendance/Establish Quorum**

Commissioners Jake Dillon, Larry Frey, Fletcher Fosque, Carol Tunstall, and Chairperson Schreiber were present. Commissioner T. Lee Byrd was not present. Town Manager Matt Spuck and Town Clerk Debbie Caton were also present. A quorum was established.

**3) Approve minutes: June 3, 2024, meeting** - Commissioner Dillon moved to approve the meeting minutes with corrections. Commissioner Tunstall seconded the motion. The motion passed with a 4-0 vote.

**4) Public Comments**

- a. Cindy Holdren – Ms. Holdren stated many people do not feel the 2-hour parking limit is enough time and suggested a 3-hour limit. She also feels the districts are confusing as listed in the ordinance.
  - b. Dr. Greg Felthousen – Dr. Felthousen suggested the Town Manager separate his duties and not also function as the zoning administrator. Regarding the upcoming talks about a comprehensive plan. He suggested the Historic Onancock School (HOS) be fenced off after dark to truly have dark skies in the community.
  - c. Priscilla Hart – Ms. Hart feels encouraged the parking issues are being addressed. She is concerned about a zoning ordinance that was removed at the July town council meeting. Because there were not two public notices; therefore, according to the Virginia law Article XII – off street parking did not get removed. This was a procedural error.
  - d. Dana Simpson – Ms. Simpson asked what is a comprehensive plan? Chairperson Schreiber explained is a document that guides the town in its zoning.
- 5) Final Review of Parking Ordinance** –Commissioner Dillon moved to approve the parking ordinance with changes discussed. A joint public hearing will be scheduled for the next Town Council meeting. Commissioner Fosque seconded the motion. The motion passed with a 4-0 vote.
- 6) First review of Special Use Permit ordinance** – Commissioner Tunstall moved to approve the special use permit with changes discussed. A joint public hearing will be scheduled for the next Town Council meeting. Commissioner Dillon seconded the motion. The motion passed with a 4-0 vote.

**Town of Onancock**  
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- 7) **Comprehensive Plan update** – The current plan is twenty-one years old. Town Council develops a strategic plan and Planning Commission will produce the tactical plan to get everything in place.
  
- 8) **Commissioner comments** – no comments
  
- 9) **Adjourn** - Commissioner Dillon moved to adjourn the meeting. Commissioner Frey seconded the motion. The motion passed with a 4-0 vote. The meeting adjourned at 7:01 PM.

RECEIVED  
BY: [Signature]  
SEP 10 2024

# ONANCOCK. 1680

## Town of Onancock Application for Rezoning

PAID  
SEP 10 2024  
BY: [Signature] \$150.00

Parcel Street Address: 77 Ken St. Parcel Tax Map I.D.: \_\_\_\_\_

Current Owner Name: Regret Lammar / Charles Sample

Current Owner Address: P.O. Box 1475 Parkley Va 23421

Current Owner Email: \_\_\_\_\_

Applicant Name: Regret Lammar

Applicant Address: same as above

Applicant Email: CLSconst.73566@gmail.com

Owner Telephone Number: \_\_\_\_\_ Applicant Telephone Number: 757-709-4162

Current Zoning: \_\_\_\_\_ Requested Zoning: \_\_\_\_\_

Proposed use of property: Duplex for family living

What purpose will be served by rezoning this property: It will be housing for someone looking for 2 Bedroom Apt.

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.

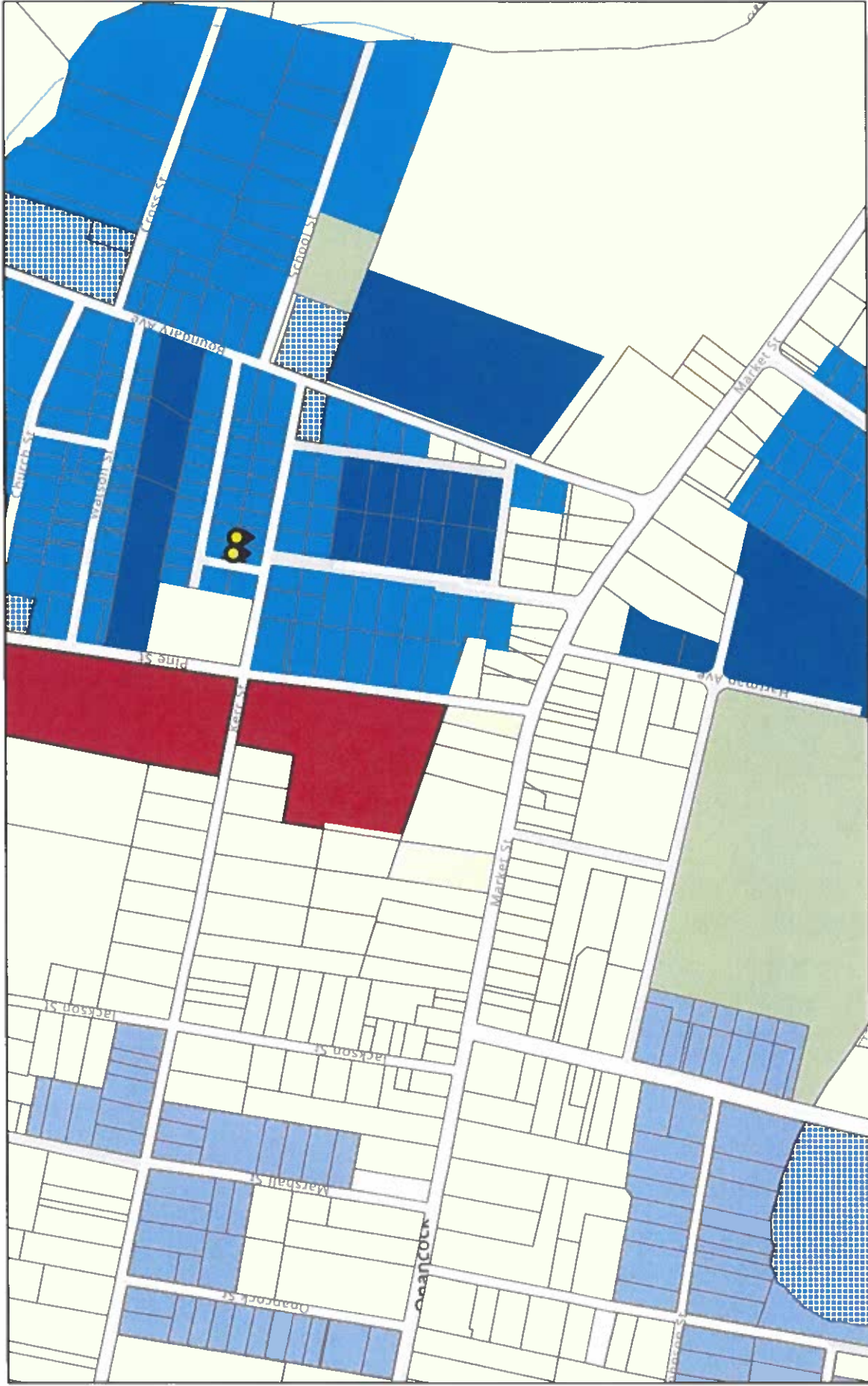
A fee in the amount of \$150 must accompany this application. If a public hearing is held, the cost of advertising said public hearing shall be reimbursed by the applicant no matter the outcome of the application.

Regret Lammar / 09/10/24  
Applicant signature Date

Charles Sample  
Town Manager signature

\_\_\_\_\_  
Date

# Rezone 77 Kerr



9/26/2024

1:5,918

0.16 mi

0.2 km

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A RESOLUTION TO INITIATE AMENDMENTS OF THE TOWN OF ONANCOCK  
ZONING ORDINANCE TO ALLOW OPERATIONS  
OF THE HAMPTON ROADS SANITATION DISTRICT.

WHEREAS, the Town of Onancock (the “Town”) desires to become part of the territory served by the Hampton Roads Sanitation District (“HRSD”); and

WHEREAS, HRSD desires to embrace the Town within its service territory and assume wastewater facilities subject to certain terms and

WHEREAS, amendments to the Town’s zoning ordinance are necessary to authorize and acknowledge the operations of HRSD within the Town and facilitate the conveyance of certain properties and facilities to HRSD and

WHEREAS, the Town Council finds that regional utility service will benefit the Town and its residents and will further the public necessity, convenience, general welfare, and

WHEREAS, the Town Council finds that amendments to the zoning ordinance are consistent with Sections 38-2 of the Town Code and are required by the public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Onancock, Virginia, does hereby initiate the amendment of its zoning ordinances, Chapter 38, Zoning of the Town Code, to allow for and accommodate uses and facilities related to the Hampton Roads Sanitation District.

BE IT FURTHER RESOLVED that the Town Council for the Town of Onancock, Virginia, does hereby refer the draft ordinance amendments attached hereto as Exhibit A to the Planning Commission and requests the Planning Commission hold public hearings and report on such amendments following Virginia Code §§ 15.2-2204, 15.2-2285(B) AND Town Code Sec. 38-554.

## EXHIBIT A

### ARTICLE I. IN GENERAL

#### Sec. 38-1. Definitions.

Hampton Roads Sanitation District or HRSD. That certain political subdivision providing regional utility services as authorized by 1960 Acts of Assembly, c. 66, as amended.

Regional utility. Uses, facilities, and associated structures related to utility services provided by HRSD. Such uses, structures, and facilities shall be “public utilities” for the principal permitted uses and structures in the zoning districts enumerated in the zoning ordinance.

#### Sec. 38-8. Application of district regulations.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (1) No building or land shall from now on be used or occupied, and no building or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located or is to be located.
- (2) No building shall hereinafter be erected, constructed, or altered to exceed the height or bulk limits, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower to smaller rear yards, front yards, side yards or other open spaces than herein required.
- (3) No new yard or lot shall hereinafter be created, nor shall any yard or lot existing at the time of enactment of this chapter be altered so that width, depth, or area requirements; front, side or rear requirements; or other requirements of this immediately are not maintained, except when a portion of a lot is acquired for public use.
- (4) Nothing contained herein shall require any changes in the plans or construction of any building for which a building permit was granted before the effective date of the ordinance from which this chapter is derived. However, suppose such construction does not commence within six months or less after this immediately becomes effective. In that case, construction shall conform with this chapter's provisions for the district in which the activity is located.
- (5) Nothing contained herein shall require any width, depth, or area requirements; front, side, or rear requirements; or other requirements for any lot created for a solely public purpose, including regional utility uses and structures constructed on such lots shall not be restricted concerning occupying a percentage of lot area or having reduced rear yards, front yards, side yards or other open spaces from those herein established.

### ARTICLE X. CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT

#### Sec. 38-345. Exemptions.

- (a) Exemptions for public utilities, railroads, and public roads.

- (1) Construction, installation, operation, and maintenance of electric, natural gas and telephone transmission lines, cable television, railroads and public roads and their appurtenant structures, including sidewalks and lighting, following regulations promulgated under the Erosion and Sediment Control Law (Code of Virginia, § 62.1-44.15:51 et seq.) and the Stormwater Management Act (Code of Virginia, § 62.1-44.15:24 et seq.), an erosion and sediment control plan and a stormwater management plan approved by the state department of conservation and recreation, or local water quality protection criteria at least as stringent as the above state requirements will be exempt from the Overlay District requirements. The exemption of public roads is further conditioned on the following:
  - a. Optimize road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize encroachment in the resource protection area and adverse effects on water quality.
  - b. Public streets or roads are exempt from Overlay District requirements.
- (b) Exemptions for water, sewer, and natural gas lines. Construction, installation, and maintenance of water, sewer, and natural gas lines owned, permitted, or both by the town or HRSD shall be exempt from the Overlay District, provided that:
  - (1) To the degree possible, the location of such utilities and facilities shall be outside RPAs.
  - (2) No more land shall be disturbed than is necessary to provide for the proposed utility installation.
  - (3) All construction, installation, and maintenance of such utilities and facilities shall comply with all applicable state and federal requirements and permits and be designed and conducted to protect water quality.
  - (4) Any land disturbance exceeding an area of 2,500 square feet complies with all local erosion and sediment control requirements.
- (c) Exemptions in resource protection areas. The following land disturbances in resource protection areas may be exempted from the Overlay District:
  - (1) Water wells.
  - (2) Passive recreation facilities, such as boardwalks, trails, and pathways; and
  - (3) Historic preservation and archaeological activities comply with the following conditions:
    - a. Any required permits, except those for which this exemption specifically applies, shall have been issued.
    - b. Sufficient and reasonable proof is submitted that the intended use will not substantially deteriorate water quality.
    - c. The intended use does not conflict with nearby planned or approved uses.
    - d. Any land disturbances exceeding an area of 2,500 square feet shall comply with all local erosion and sediment control requirements.
- (d) Exemptions for reconstruction following casualty loss. Reconstruction of structures and other improvements located within Chesapeake Bay Preservation Areas following a casualty loss shall be exempt from the requirements of this article, provided that:
  - (1) The structure or other improvement existed on April 26, 1993.



(2) Reconstruction is not otherwise prohibited by an ordinance of the town.

## ARTICLE X.A. INDUSTRIAL, UTILITIES (I-U)

Sec. 38-390. Statement of intent.

This district intends to provide appropriate locations for a broad range of public utility uses and structures, including regional utility uses, structures, and activities. This district is intended to be applied as a floating zoning district where such uses and structures are located to minimize regulatory impact and avoid disruption to other principal zoning districts, which is critical for promoting economic and efficient land use, appropriate and harmonious variety in physical development, creative design, and a better environment, as recommended by the town plan.

Sec. 38-391. Principal permitted uses and structures.

(1) Public utilities.

Sec. 38-392. Area Regulations.

There are no area regulations for the Industrial Utilities (I-U) district.

Sec. 38-393. Setback regulations.

Structures shall be located five feet or more from any street right-of-way.

Sec. 38-394. Frontage Regulations.

There are no frontage and yard regulations for the Industrial Utilities (I-U) district.

Sec. 38-395. Height regulations.

(a) Buildings may be erected to a height not to exceed two and one-half stories or 35 feet, except that:

(1) Public utility structures, water towers, chimneys, flues, flag poles, antennas, wireless communication facilities, television antennas, and radio aerials are exempt.

(2) On lots with an area of at least one-half acre, buildings may be erected to a height not to exceed 60 feet.

(b) Buildings may exceed the height regulations contained herein upon obtaining a waiver by resolution of the council, subject to reasonable conditions which the council may impose.

Secs. 38-396 – 38-404. Reserved

## ARTICLE XII. OFF-STREET PARKING

Sec. 38-440. Special exceptions.

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

- (11) No minimum parking spaces are required for regional utility uses.

#### ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT

Sec. 38-477. Planning commission approval.

No street, park, or other public area, public structure, public utility facility, public building, or public service corporation facility, whether publicly or privately owned, shall be constructed, established, or authorized unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the planning commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the council's direction, hold a public hearing after notice as required by Code of Virginia, § 15.2-2204. Any public area, facility, park, or use as set forth above which is identified within, but not the entire subject of, a subdivision plat submitted under the Town's subdivision ordinance, a site development plan submitted under the Town's zoning ordinance, or both, may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the council, provided that the council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility, park, or use.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 38, ZONING, BY ADDING NEW ARTICLE X.A, INDUSTRIAL, UTILITIES (I-U); AND BY AMENDING ARTICLE I, IN GENERAL, SECTIONS 38-1, DEFINITIONS, 38-8, APPLICATION OF DISTRICT REGULATIONS; ARTICLE X, CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT, SECTION 38-345, EXEMPTIONS; ARTICLE XII, OFF-STREET PARKING, SECTION 38-440, SPECIAL EXCEPTIONS; ARTICLE XIV, ADMINISTRATION AND ENFORCEMENT, SECTION 38-477, PLANNING COMMISSION APPROVAL.

WHEREAS, the Town of Onancock (the "Town") desires to become part of the territory served by the Hampton Roads Sanitation District ("HRSD"); and

WHEREAS, HRSD desires to embrace the Town within its service territory and assume wastewater facilities subject to certain terms; and

WHEREAS, amendments of the Town's zoning ordinance are necessary to authorize and acknowledge the operations of HRSD within the Town and facilitate the conveyance of certain properties and facilities to HRSD; and

WHEREAS, the Town Council initiated necessary amendments to the zoning ordinance by resolution adopted on \_\_\_\_\_; and

WHEREAS, on \_\_\_\_\_, following a duly noticed public hearing, the Planning Commission recommended approval of amendments to the ordinance by a vote of \_\_\_\_\_; and

WHEREAS, on \_\_\_\_\_, the Town Council held a duly advertised public hearing on the amendments to the zoning ordinance; and

WHEREAS, the Town Council finds that amendments to the zoning ordinance are consistent with Sections 38-2 and 38-554 of the Town Code, and are required by the public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED that the Town Council for the Town of Onancock, Virginia, does hereby AMEND and REORDAIN Chapter 38, Zoning of the Town Code by adding new Article X.A, Industrial, Utilities (I-U), consisting of Sections 38-390 through 38-395, and by amending Article I, In General, Sections 38-1, Definitions, and 38-8 Application of district regulations; Article X, Chesapeake Bay Preservation Area Overlay District, Section 38-345, Exemptions; Article XII, Off-Street Parking, Section 38-440, Special exceptions; and Article XIV, Administration and Enforcement, Section 38-477 Planning commission approval; as shown below:

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The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

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- (3) No new yard or lot shall hereinafter be created nor shall any yard or lot existing at the time of enactment of this chapter be altered so that width, depth, or area requirements; front, side or rear requirements; or other requirements of this immediately are not maintained, except when a portion of a lot is acquired for public use.
- (4) Nothing contained herein shall require any changes in the plans or construction of any building for which a building permit was granted prior to the effective date of the ordinance from which this chapter is derived. However, if such construction does not commence within six months or less after this immediately becomes effective, construction shall be in conformity with the provisions of this chapter for the district in which the activity is located.

## ARTICLE X. CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT

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requirements will be exempt from the Overlay District requirements. The exemption of public roads is further conditioned on the following:

- a. Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize encroachment in the resource protection area and adverse effects on water quality.
  - b. Public streets or roads are exempt from Overlay District requirements.
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- (1) To the degree possible, the location of such utilities and facilities shall be outside RPAs.
  - (2) No more land shall be disturbed than is necessary to provide for the proposed utility installation.
  - (3) All construction, installation and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality.
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- (c) Exemptions in resource protection areas. The following land disturbances in resource protection areas may be exempted from the Overlay District:
- (1) Water wells;
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  - (3) Historic preservation and archaeological activities they comply with the following conditions:
    - a. Any required permits, except those to which this exemption specifically applies, shall have been issued.
    - b. Sufficient and reasonable proof are submitted that the intended use will not substantially deteriorate water quality.
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On lots with an area of at least one-half acre, buildings may be erected to a height not to exceed 60 feet.

Buildings may exceed the height regulations contained herein upon obtaining a waiver by resolution of the council, subject to reasonable conditions which may be imposed by the council.

Secs. 38-396 – 38-404. Reserved

## ARTICLE XII. OFF-STREET PARKING

Sec. 38-440. Special exceptions.

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

- (11) For regional utility uses, there shall be no minimum parking spaces required.

## ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT

Sec. 38-477. Planning commission approval.

No street, park or other public area, or public structure, public utility facility, public building or public service corporation facility, whether publicly or privately-owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the planning commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination the commission may, and at the direction of the council, shall hold a public hearing, after notice as required by Code of Virginia, § 15.2-2204. Any public area, facility, park, or use as set forth above which is identified within, but not the entire subject of, a subdivision plat submitted under the Town's subdivision ordinance, a site development plan submitted under the Town's zoning ordinance, or both, may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the council, provided that the council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility, park, or use.