

**Code of Ordinances, Town of Chincoteague, VA**

**Abstracted March 2016**

<http://www.chincoteague-va.gov/pdf/town-code2010.pdf>

**CHAPTER 2. POWERS OF TOWN**

**Sec. 1. Generally.**

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15. To acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain and clean public highways, streets, sidewalks, boulevards, parkways, and alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds, and public grounds; to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways; to regulate the operation and speed of cars and vehicles upon said streets and highways within the town; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

**Chapter 22. ENVIRONMENT**

**ARTICLE III. NUISANCES**

**DIVISION 1. GENERALLY**

**Sec. 22-62. Certain nuisances enumerated.**

(a) The following acts when committed or conditions when existing within the town are defined and declared to be nuisances:

Cross reference—Nuisance declared on Johnson grass, § 66-52.

State law reference—Abatement or removal of nuisances, Code of Virginia, §§ 15.2-900, 15.2-1115.

...

(3) All trees and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or disturbing to the public.

...

(c) The nuisances described in this section shall not be construed as exclusive, and any act of commission or omission and any condition which constitutes a nuisance by statute or common law of the state, when committed, omitted or existing within the town limits, is declared to constitute a nuisance.

(Code 1977, § 12-2)

**ARTICLE VI. GRASS, WEEDS AND OTHER FOREIGN GROWTH ON PRIVATE PROPERTY**

**Sec. 22-171. Definition.**

For purposes of this Article VI, the following words and terms shall have the meaning respectively ascribed to them by this section.

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(b) Grass, weeds, and other foreign growth. Uncontrolled or unmanaged vegetation of every kind standing or growing on any lot or parcel other than trees, ornamental shrubbery

or vegetation, flowers, vegetable gardens, or grasses or bushes classified as wetlands under any local, state, or federal law.

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## **Chapter 50. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

### **ARTICLE III. SIDEWALKS**

#### **Sec. 50-56. Duty to keep clean.**

(a) It shall be the duty of the occupant or of the owner of any land or premises abutting upon any paved sidewalk in the town to have the sidewalk abutting such property swept and kept clean of all debris, dirt, refuse, grass, weeds, and other forms of overgrowth, including any limbs or other parts of trees or bushes over the sidewalks less than eight feet above the surface of the sidewalks.

(b) If such person occupying or owning such property shall fail, refuse, or neglect to keep the sidewalk as described in subsection (a) of this section, the town shall have the right to enter upon such sidewalk and have such debris, dirt, refuse, grass, weeds, and other forms of overgrowth, including any limbs or other parts of trees or bushes over such sidewalk less than eight feet above the surface of such sidewalk, removed by its agents and employees. The cost thereof shall be chargeable to and paid by the occupant or the owner of such property and shall be collected by the treasurer or such other proper official, as an assessment against the property, in the manner that taxes and levies are collected.

(Code 1977, § 14-1)

State law reference—Abatement or removal of nuisances, Code of Virginia, §§ 15.2-900, 15.2-1115.

## **Chapter 58. TRAFFIC AND VEHICLES**

### **ARTICLE IV. MINIMUM SIGHT DISTANCE AT INTERSECTIONS**

#### **Sec. 58-107. Erection o obstructions.**

No person, firm, or entity owning, leasing or otherwise in possession of real estate in the town, which real estate is situated adjacent to any highway, street, or public right-of-way, including any sidewalk adjoining thereto, shall erect, place, construct, grow, or otherwise maintain on such real estate or the sidewalk adjacent thereto any improvement, permanent or temporary; any structure; any sign; any banner; any tree, shrubbery, or vine; or any other object or thing which prohibits, restricts, or impedes the operator of any motor vehicle utilizing any highway, street, or public way which intersects with the highway, street or public way adjacent to such real estate from having an unobstructed line of sight of at least 250 feet from the intersection of such highway, street, or public way to observe approaching motor vehicles traveling on the highway, street, or public way adjacent to such real estate. The line of sight will be measured at a point fifteen feet back from the intersecting street.

(Code 1977, § 11-36; Ord. of 1-3-2000)

(Amended 9/4/07)

## **APPENDIX A. Zoning**

### **ARTICLE II. DEFINITIONS**

#### **Sec. 2.5. Agriculture.**

The tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies or similar use.

**Sec. 2.19. Buffer strip.**

A strip of land located so that it separates and protects one type of land use from the undesirable effects of another. Trees or other vegetation, as well as manmade screening, may be placed on buffer strips.

**Sec. 2.110. Natural undisturbed grade.**

The natural undisturbed ground level adjoining a structure or building in which no ground-disturbing activities have taken place.

**Sec. 2.119. Open space.**

Any space or area required to be free of buildings or structures in any front, side or rear yard.

**Sec. 2.120. Park.**

An area usually laid out with walks, drives, playgrounds, etc., for public recreation.

**Sec. 2.180. Yard.**

An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

**ARTICLE III. RESIDENTIAL DISTRICTS**

**SECTION A. RESIDENTIAL DISTRICT R-1**

*Statement of intent.* This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit most activities of a commercial nature. To these ends, development is limited to relatively low concentration of single-unit dwellings providing homes for the residents, as well as commercial activities conducted in such a manner as to not disturb the peace and harmony of the district. This district requires that public streets, utilities and drainage be installed prior to approval.

**Sec. 3.3. Area regulations.**

...

3.3.3. Open spaces.

(1) The minimum side yard setback for each main structure shall be 15 feet.

(2) Each main structure shall have a minimum rear yard setback of 35 feet except waterfront properties would have no required setback.

...

**SECTION B. RESIDENTIAL DISTRICT R-2**

*Statement of intent.* This district is composed of the basic components of the residential district R-1, maintaining the same essential characteristics of that district but with a mix of community facilities and home occupations.

**Sec. 3.6. Area regulations.**

...

3.6.3. Open spaces.

- (1) The minimum side yard setback for each main structure shall be ten feet.
- (2) Each main structure shall have a minimum rear yard setback of 25 feet except waterfront properties would have no required setback.

...

### **SECTION C. RESIDENTIAL DISTRICT R-3**

*Statement of intent.* This district is composed of certain medium to high concentrations of residential uses, ordinarily located adjacent to commercial areas, and/or between residential and commercial areas, plus certain open space areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of a population with some children, and to permit, under certain conditions, certain commercial uses of a character unlikely to develop extreme concentrations of traffic and crowds of customers, with the strict regulation of permitted outdoor advertising. To these ends, retail activity is limited and this district is protected against encroachment of general commercial and industrial uses. Most residential types of structures for both permanent and transient occupancy, including institutions, are permitted. Some structures for commercial uses conforming to the patterns of the district and several low-impact commercial uses are allowed.

#### **Sec. 3.9. Area regulations.**

...

##### 3.9.3. Open spaces.

- (1) The minimum side yard for each main structure shall be ten feet.
- (2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

### **SECTION D. AGRICULTURAL DISTRICT A**

*Statement of intent.* This district covers those portions of the town occupied by various open spaces, forests, farmlands, beaches and parks. The agricultural district is established for the specific purpose of promoting and encouraging the development of agricultural and forest lands for continuing agricultural operations, and for the purpose of conserving essential lands and open spaces for the protection of natural resources and waters and the reduction of pollution, soil erosion, and hazards from floods, fires and storms. Uses within this district shall be limited to those agricultural and conservation uses expressly permitted by right. Any proposal for the conversion of such lands to another use shall be evaluated for its impact on the town's existing resources and needs, and may be authorized only after reasonable and orderly process in accordance with the review procedures and standards specified in this ordinance.

#### **Sec. 3.12. Area regulations.**

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##### 3.12.3. Open spaces.

- (1) The minimum side yard setback for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more.
- (2) The minimum side yard for accessory structures shall be 30 feet or more.

## **ARTICLE IV. COMMERCIAL DISTRICTS**

### **SECTION A. COMMERCIAL DISTRICT C-I**

*Statement of intent.* The primary purpose of this district is to establish and protect a district that will serve the tourist trade that is vital to the growth of Chincoteague. Of the two commercial districts, C-1 is designed to be a lower density with more open space type activities than C-2. It will also allow for some residential uses which are compatible with certain retailing operations. The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland.

**Sec. 4.3. Area regulations.**

...

4.3.3. Open space.

- (1) The minimum side yard for each main structure shall be five feet.
- (2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

**SECTION B. COMMERCIAL DISTRICT C-2**

*Statement of intent.* Generally this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than those occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, restaurants and taverns, and garages and service stations.

**Sec. 4.6. Area regulations.**

...

4.6.3. Open space.

- (1) The minimum side yard for each main structure or accessory structure shall be five feet.
- (2) Each main structure or accessory structure shall have a minimum rear yard of five feet except waterfront properties would have no required setbacks for both residential and commercial structures.

**APPENDIX B LAND SUBDIVISION AND DEVELOPMENT**

Provisions of Code of Virginia, §§ 15.2-2241-15.2-2245, mutatis mutandis.

State law reference--Similar provisions, Code of Virginia, §§ 15.2-2241-15.2-2246.

And whereas such subdivision may contain reasonable provisions that apply to or provide:  
[sic]

Now therefore be ordained as follows:

**Section 2. Definitions.**

2.02. Definitions. For the purpose of this ordinance the following definitions shall apply:

*Open space.* An area designated, developed or set aside for recreational or agricultural use, and not including space devoted to roads or parking.

*Remnants or outlot.* Any parcel or portion thereof other than specified for open space, parkland, drainfield lots or other designated area approved by the subdivision agent which are below the minimum lot size as required by the zoning ordinance.