

Planning Commission & Town Council

Joint Work Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

August 6, 2024

6:30 p.m.

1. Call to Order - Planning Commission
 - a. Roll call and establish a quorum.
2. Call to Order - Town Council
 - a. Roll call and establish a quorum
3. Consent Agenda
 - a. Approval of agenda format
4. Order of Business
 - a. Staff Report - Draft Zoning Ordinance Review (new sections as prepared by Katie Nunez as a result of prior work sessions)
 1. Proposed revisions to Sign Ordinance
 2. Industrial Zoning Districts & Harbor-related Districts Revision & Zoning Map Amendments
 3. Definitions – no changes – just need to be reviewed.

ITEMS STILL NOT FINALIZED FOR BOARD REVIEW:

- Chesapeake Bay Preservation Act Revisions - Katie Nunez meeting with state staff in June 2024 to review our current ordinance and the new state requirements
- Updated Redline Document of Entire Zoning Ordinance
- Tracking Chart of all changes in proposed Zoning Ordinance

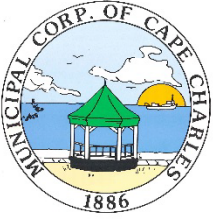
- b. Discussion of future meeting schedule
5. Town Council Adjournment
6. Planning Commission Adjournment

Agenda Item 4 (1)

Staff Report

and

Proposed Revisions to Sign
Ordinance



**STAFF REPORT
FOR JOINT WORK SESSION
TOWN COUNCIL & PLANNING COMMISSION**

Meeting Date: August 6, 2024

TOPIC: Continued Review of Draft Sign Ordinance

Following the April 15 & June 4, 2024 Joint Work Sessions of Planning Commission and Town Council reviewing the proposed zoning text amendments, Town Manager John Hozey provided the draft, revised sign ordinance to our Town Attorney to review for legal compliance.

The Town Attorney provided his revisions to the Draft Sign Ordinance, which is enclosed, for discussion – this is shown through the Redline Version dated 2024-07-08. Staff reviewed this document and there were a few items where our Town Attorney requested clarification since it was a policy decision and not a legal position.

Staff has shown our recommendation through the comments which are included in the right margins of the document.

I have also included a version of the Sign Ordinance with all of the changes incorporated to provide you an easier to read document.

DRAFT

ARTICLE __. - SIGNS

DIVISION I. - GENERAL PROVISIONS

Sec. 1 purpose and intent; interpretation.

- (a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height, and condition, and other physical characteristics, but not the content, of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, and size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- (b) Signs not expressly permitted as being by right or by conditional sign permit under this article, by specific requirements in another portion of this Ordinance chapter, or otherwise expressly allowed by the Town Council or Board of Zoning Appeals are forbidden.
- (c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (d) These regulations are intended to promote regulate signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (e) These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.
- (f) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

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Commented [A3]: Unnecessary, and implies content related regulation.

Commented [A4]: Again, this implies content regulation.

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(g)(f) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(h) ~~Due to the difficulty of addressing all situations and sizes of signs, the Zoning Administrator may allow for signage that meets the intent of the individual zoning districts. Any exceptions granted will be presented at the next Planning Commission meeting.~~

Commented [A6]: Too much discretion, it either complies or not.

Sec. 2. - Definitions.

Advertising means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

Animated sign means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a “moving sign.”

Building frontage means the exterior length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

Business sign means a sign which directs attention to a product, service or commercial activity available on the premises.

Changeable copy sign means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Comprehensive sign plan means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

Flashing sign means a sign that includes lights that flash, blink, or turn on and off intermittently.

Height, means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade prior to construction; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

Illegal sign means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated sign means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

Neon sign means a sign containing exposed tubes filled with light-emitting gas.

Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this Article chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Off-premises sign means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site. that directs attention to a business, product, service or activity conducted, sold

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~~or offered at a location other than the premises on which the sign is erected. This does not include Temporary Signs for Special Events approved by the Town.~~

Public area means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Roof sign means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

Sign. Any structure, display, device or other object or thing, visible from any public street or right-of-way, any area open to use by the general public, or any navigable body of water, including, but not limited to, any word, letter, series of words or letters, painting, mural, logo, insignia, emblem, service mark or other graphic or pictorial representation, that: (i) identifies or advertises, or directs or attracts attention to, any product, merchandise, service, business or establishment, (ii) suggests the identity or nature of any business or establishment, (iii) invites or proposes a commercial transaction, or (iv) communicates a message of a noncommercial nature. The term does not include architectural elements incorporated into the style or function of a building, numerals signifying a property address, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure. Any object, device, display, or structure, or part thereof, visible from a public place, a public right of way, any parking area or right of way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, holiday displays, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term “sign” also does not include the display of merchandise for sale on the site of the display.

Sign face means the portion of a sign structure bearing the message.

Sign structure means any structure bearing a sign face.

Temporary sign means any sign intended to be displayed for a limited period and neither permanently installed in the ground or permanently affixed to a building or structure permanently installed in the ground.

Vehicle or trailer sign means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Sec. 3. – Permit required.

- (a) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 4 (Permit not required) as well as in Sections 11 through 14 (Sign Regulations by Use and Zoning District).
- (b) *Application for permit.*

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The definition included here is pulled from City of Virginia Beach’s sign ordinance. This definition includes both commercial and noncommercial speech. Since this language includes reference to commercial and noncommercial speech, and has few exemptions, this language is better tailored.

- (1) An application for a sign permit shall be filed with the Planning & Zoning Department on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances.
- (2) The Town Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 5 business days after receipt. ~~Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.~~
- (3) If the application is rejected, the Town Zoning Administrator shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance

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with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

- (c) *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the Town Council shall accompany all sign permit applications.
- (d) *Duration and revocation of permit.* If a sign is not installed within six months following the issuance of a sign, the permit shall be void. The Town may revoke a sign permit under any of the following circumstances:
 - (1) The Town determines that information in the application was materially false or misleading;
 - (2) The sign as installed does not conform to the sign permit application; or
 - (3) The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (e) *Overlay district regulations.* All sign reviews as required pursuant to Article VIII (Historic District Overlay ordinance) require approval of the Historic District Review Board (HDRB) except when a sign permit is not required as provided in Section 4.
- (f) *Special exceptions.* Comprehensive sign plans may be approved as part of a conditional use permit in commercial, heavy and light industrial, and harbor districts and as part of a subdivision approval for 3 lots or greater in all zoning districts. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

Sec. 4. - Permit not required.

Signs that do not require a permit are depicted in Section 11 through 14 (Sign Regulations by Use and Zoning District). In addition, a sign permit is not required for:

- (1) Signs erected by a governmental body or required by law. The Town or through its designated agents oversee or participate in Town Seasonal Events where temporary, moveable signage is allowed to promote these Town sponsored seasonal events, festivals or other marketing campaigns up to 30 days prior to the event and must be removed 7 days after the conclusion of the event.
- (2) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with Section 9(e).

(3) Moveable Temporary Signs:

- a. ~~Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days~~

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Commented [kn12]: Added this section to reflect signage for Subdivisions (residential or commercial).

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Commented [A14]: Best to use defined terms, but likely best to remove entire section, as government signs are allowed under Sec. 4 (1) above.

after their purpose has been accomplished.

- b. ~~Town Seasonal Events: The Town or through its designated agents are allowed to place temporary moveable signage promoting Town sponsored seasonal events, festivals, or other marketing campaigns up to 30 days prior to the event and must be removed 7 days after the conclusion of the event.~~

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~~(4)~~(3) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface related to parking and traffic.

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Sec. 5. – Prohibited signs

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

(a) General prohibitions.

- (1) Signs that violate any law of the Commonwealth relating to outdoor advertising.
- (2) Signs attached to natural vegetation on public lands
- (3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official as a nuisance.
- (4) Vehicle or trailer signs; ~~except those operated by a governmental body, except such signs parked at their associated place of business and otherwise in compliance with this article and applicable law.~~
- (5) Any sign displayed without complying with all applicable regulations of this ~~chapter~~ Article.

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(b) Prohibitions based on materials.

- (1) Signs painted directly on any building that is a contributing structure in the Historic District Overlay, except where expressly permitted by this ~~chapter~~ Article.
- (2) Animated signs
- (3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
- (4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.
- (5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
- (6) Signs that emit sound.

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- (7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit unless permitted within this article.
- (8) Strings of flags visible from, and within 50 feet of, any public right-of-way.

(c) Prohibitions based on location.

- (1) Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
- (2) Signs on the roof surface or extending above the roofline of a building or its parapet wall.

(3) Neon signs, except in windows unless permitted in this article.

~~(3)~~(4) Off-premises signs, unless specifically permitted by this article.

Sec. 6. - Measurements of sign area

- (a) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the provisions in section (c) below
- (b) In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.
- (c) *Sign area.*
 - (1) Sign area is calculated under the following principles:
 - a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.
 - b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.

Sec. 7. - Maintenance and removal.

- (a) All signs, ~~for which a building permit is required,~~ shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code, ~~and~~ Appendix #H of the Virginia Construction Code.

- (b) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.
- (d) The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.
- (e) *Sign condition, safety hazard and nuisance abatement*
- (1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.
 - (2) Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code § 15.2-900, 15.2-906, and/or 15.2-1115.
 - (3) The Code official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in Chapter 8, Article III of the Town Code.

Sec. 8. – General requirements.

- (a) *Illumination*. All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.
- (1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter ~~Article~~. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.
 - (2) Internal illumination shall be limited to the illumination standards for parking lot lighting in . No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with

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horizontal-mount flat lenses that prevent upward.

Sec. 9. - Nonconforming signs.

- (a) Signs lawfully existing on the effective date of this ~~chapter~~ **Article** or prior ordinances, which do not conform to the provisions of this ~~chapter~~ **Article** and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. If notice from the zoning administrator is issued, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- (b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- (c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- (e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- (f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (g) A nonconforming sign structure shall be subject to the removal provisions of section **10.01**. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

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Sec. 9A – Non-commercial signs.

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- (a) Wherever this article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height, construction, and other requirements of this article.

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DIVISION II. - SIGN REGULATIONS BY USE AND DISTRICT

Section 11. – Residential District signs.

Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags <i>Notes: (3)</i>	Temporary <i>Notes: (1) (2)</i>	Permanent <i>Notes: (1) (4) (5)</i>
Permit Required	No	No	Yes
Size (each/total)	≤ 24 sf/ max three (Only one flagpole)	≤ 12 sf/ max one per building unit ≤ 16 sf/ max one for multi – development site (Subdivision Plat – lots for sale)	Max two minor signs per building unit (non- commercial) ≤ 3 sf each Historic markers exempted Max one commercial sign per building unit Signs other than minor signs ≤ 10 sf max one Freestanding for identifying multi-family sites (apartment buildings) ≤ 32 sf/ max one
Illumination	U.S. Flag Code For other flags (see Section 8)	None	None
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	Not within 5 ft of property boundaries or a public right of way	Not within 5 ft of property boundaries or a public right of way
Maximum Height	25 ft (flagpole)	4 ft	4 ft for freestanding
Location	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets	Freestanding, portable, wall or window	Freestanding, w Wall or window sign
Duration	Unlimited	≤ 30 45 days per calendar year period, per building unit	Unlimited

(1) Commercial signs are limited to existing legal non-conforming uses, and permitted or conditional uses in that residential district

(2) Duration extensions may be granted by Zoning Administrator for ~~commercial~~ ~~finite~~ activities expected to exceed standard duration, not to exceed ~~60-90~~ days total

(3) Flag Code, U.S. Code Title 36, Chapter 10, Section 174

(4) Minor sign means a wall or window sign not exceeding three square feet in area and not exceeding four feet in height if freestanding, and not illuminated

(5) Art is not considered a ~~sign~~

Commented [A31]: 30 days may seem too short. The LGA sample ordinance has 90 days listed.

Commented [kn32R31]: John & Katie propose 45 days

Commented [kn33]: John & Katie propose the allowance of 1 time extension on temporary signs which would bring to a max time of 90 days.

Commented [A34]: Depending on circumstance so call art may be regulated. For example, a drawing of a Coffee Can on the side of a Coffee Shop is arguably a commercial sign.

Commented [kn35R34]: KATIE NUENZ: Town Council needs to consider developing and adopting a Public Art Policy/Guideline to address not only this type of example but other types of public art for the Town (Neptune statue, LOVE Sign, Murals, etc.

Section 12. – Commercial District signs- & Harbor District signs

Generally. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial districts.

TYPE	Flags	Freestanding (including monument)	Wall and Window Signs	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable, Window)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
Definitions	Flag means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants. Pole sign means a sign that is mounted on one (1) or more freestanding poles.	Freestanding sign means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building. Ground mounted sign means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall Monument sign means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign. Off-premises sign means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site, means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other	Wall Sign means any sign attached to a wall or painted on or against a flat vertical surface of a structure Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.	A-Frame sign means a two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.” Banner means a sign of flexible material affixed to a framework or flat surface. Chalk-board sign means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers Feather sign. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which that may resemble a sail, bow, or teardrop. Off-premises sign means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on	Awning sign means a sign placed directly on the surface of an awning. Canopy sign means a sign attached to a canopy. Directory sign (also identified as Multi-Tenant Sign): A sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertising. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities. Entrance canopy means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts. Hanging sign means a sign supported by the extended arm of a single post or from a commercial establishment (parallel to the building façade). Marquee sign means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

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Commented [A36]: Definition of “off-premises sign” is same as in Section 2.

Commented [A37]: Same comment as above.

		<i>than the premises on which the sign is erected.</i>		<i>which the sign is erected.</i> Portable sign means any temporary sign not affixed to a building, <u>Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.</u>	
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TYPE	Flags	Freestanding (including monument)	Wall and Window Signs	<u>Temporary</u> Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable, <u>Window</u>)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
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				structure, vehicle or the ground. It does not include a flag or banner	Projecting sign means a sign that is wholly or partly dependent on the building for support and that projects more than twelve (12) inches from such building.
Permit Required	Yes for flagpole only	Yes	Wall Sign: Yes Window Sign: No	No	Yes
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 24 sf/ one. Permanent Off-site for Commercial use : Up to 3 signs, each not to exceed 18 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	Wall sign: 12 sf per 5 lineal ft of building frontage Wall sign: ≤ 8 sf per 5 lineal ft of building side wall Window signs are permitted	≤ 16 sf/ max 3	Directory – Limited to one sign per ingress/egress onto a primary road access. Projecting signs perpendicular to bldg. frontage ≤ 10 sf Hanging sign parallel to bldg. frontage ≤ 5 sf per 5 lineal ft Awning signs ≤ 12 sf Entrance canopy sign by ZA
Illumination	U.S. Flag Code (See Note 1) Other Flags – See Section 8	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street.	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign and 5 ft from service drive, travel lane or adj street.	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street. Not to impede pedestrian traffic on the sidewalk.	NA
Maximum Height	25 ft - flagpole	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and		Bldg wall, or window .	If located on another property, property owner concurrence needed.	Signs cannot impede public right-of-way.

Commented [A38]: Clarification is needed—does this mean entrance canopy sign as approved by the zoning administrator as to size, place, and manner?

Commented [kn39R38]: Katie Nunez: Should treat “size-wise” just like a wall sign.

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TYPE	Flags	Freestanding (including monument)	Wall and Window Signs	<u>Temporary</u> Moveable Signs (e.g. A-Frame, Banner, Chalk- board, Feather, Off-Premise, Portable, <u>Window</u>)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
	side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets		Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.	No more than one sign shall be displayed per lot. Signs cannot impede public right-of- way. <u>Window signs are permitted only on the first floor of a building unless the business is only on the floor where the window sign is displayed.</u>	Directory or Multi-Tenant Sign: Limited to one monument sign per ingress/egress onto a primary road access.
Duration	Unlimited	Unlimited	Unlimited	See Section 4 <u>45 Days</u>	Unlimited

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(1) U.S. Code Title 36, Chapter 10, Section 174

Section 13. – Heavy and Light Industrial District signs.

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts.

TYPE	Flags	Freestanding (including monument)	Wall & Window Signs	<u>Temporary</u> Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off- Premise, Portable, <u>Window</u>)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
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Definitions	Flag means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants. Pole sign means a sign that is mounted on one (1) or more freestanding poles.	Freestanding sign means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building. Monument sign means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign. Off-premises sign <u>means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.</u>	Wall Sign means any sign attached to a wall or painted on or against a flat vertical surface of a structure Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.	A-Frame sign means a two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.” Banner means a sign of flexible material affixed to a framework or flat surface. Chalk-board sign means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers Feather sign. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop. Off-premises sign <u>means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.</u>	Awning sign means a sign placed directly on the surface of an awning. Canopy sign means a sign attached to a canopy. Directory sign (also identified as Multi-Tenant Sign): A sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertised. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities. Entrance canopy means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts.
		sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.		means a sign that directs attention to a business, product, service or	

Commented [A40]: Definition of “off-premises sign” is same as in Section 2.

Commented [A41]: Same comment as above.

TYPE	Flags	Freestanding (including monument)	Wall & Window Signs	Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off- Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
		Ground mounted sign <i>means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.</i>		<i>activity conducted, sold or offered at a location other than the premises on which the sign is erected.</i> Portable sign means any moveable sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner <u>Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.</u>	Hanging sign means a sign supported by the extended arm of a single post or from a commercial establishment (parallel to the building façade). Marquee sign means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use. Projecting sign means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.
Permit Required	No	Yes	Wall Sign: Yes Window Sign: No	No	Yes
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 40 sf/ one. Permanent Off-site for Commercial use : Up to 3 signs, each not to exceed 18 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	Front Wall: 12 sf per 5 lineal ft of building frontage Side Wall: 8 sf per 5 lineal ft.	16 sf/ max 3	Directory – Limited to one sign per ingress/egress onto a primary road access. Projecting signs perpendicular to bldg. frontage ≤ 10 sf Hanging sign parallel to bldg. frontage ≤ 5 sf/ 5 lineal ft Awning signs ≤ 12 sf Entrance canopy sign by ZA

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Commented [A42]: Clarification is needed—does this mean entrance canopy sign as approved by the zoning administrator as to size, place, and manner?

Commented [kn43R42]: Katie Nunez: Recommend “size wise” to be same as wall sign.

TYPE	Flags	Freestanding (including monument)	Wall & Window Signs	Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off- Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
Illumination	U.S. Flag Code (See Note 1) Other Flags – See Section 8 req'ts	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign, and 5 ft from service drive, travel lane or adj street.	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street. Not to impede pedestrian traffic on the sidewalk.	NA
Maximum Height	25 ft -flagpole	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets.		Bldg wall or window Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.	If located on another property, property owner concurrence needed. No more than one sign shall be displayed per lot. Signs cannot impede public right-of-way. <u>Window signs are permitted only on the first floor of a building unless the business is only on the floor where the window sign is displayed.</u>	Signs cannot impede public right-of-way.
Duration	Unlimited	Unlimited	Unlimited	See Section 4. 45 Days.	Unlimited

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ARTICLE ____ - SIGNS

DIVISION I. - GENERAL PROVISIONS

Sec. 1 purpose and intent; interpretation.

- (a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height, condition, and other physical characteristics, but not the content, of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, and size of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- (b) Signs not expressly permitted as being by right or by conditional sign permit under this article, by specific requirements in another portion of this Ordinance or otherwise expressly allowed by the Town Council or Board of Zoning Appeals are forbidden.
- (c) These regulations are intended to regulate signs that are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (d) These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.
- (e) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Sec. 2. - Definitions.

Advertising means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

Animated sign means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a “moving sign.”

Building frontage means the exterior length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

Business sign means a sign which directs attention to a product, service or commercial activity available on the premises.

Changeable copy sign means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Comprehensive sign plan means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

Flashing sign means a sign that includes lights that flash, blink, or turn on and off

intermittently.

Height, means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade prior to construction; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

Illegal sign means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated sign means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

Neon sign means a sign containing exposed tubes filled with light-emitting gas.

Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this Article of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Off-premises sign means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.

Public area means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Roof sign means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

Sign. Any structure, display, device or other object or thing, visible from any public street or right-of-way, any area open to use by the general public, or any navigable body of water, including, but not limited to, any word, letter, series of words or letters, painting, mural, logo, insignia, emblem, service mark or other graphic or pictorial representation, that: (i) identifies or advertises, or directs or attracts attention to, any product, merchandise, service, business or establishment, (ii) suggests the identity or nature of any business or establishment, (iii) invites or proposes a commercial transaction, or (iv) communicates a message of a noncommercial nature. The term does not include architectural elements incorporated into the style or function of a building, numerals signifying a property address, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

Sign face means the portion of a sign structure bearing the message.

Sign structure means any structure bearing a sign face.

Temporary sign means any sign intended to be displayed for a limited period and neither permanently installed in the ground or permanently affixed to a building or structure permanently installed in the ground.

Vehicle or trailer sign means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Sec. 3. – Permit required.

- (a) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 4 (Permit not required) as well as in Sections 11 through 14 (Sign Regulations by Use and Zoning District).
- (b) *Application for permit.*
 - (1) An application for a sign permit shall be filed with the Planning & Zoning Department on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances.
 - (2) The Town Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 5 business days after receipt.
 - (3) If the application is rejected, the Town Zoning Administrator shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (c) *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the Town Council shall accompany all sign permit applications.
- (d) *Duration and revocation of permit.* If a sign is not installed within six months following the issuance of a sign, the permit shall be void. The Town may revoke a sign permit under any of the following circumstances:
 - (1) The Town determines that information in the application was materially false or misleading;
 - (2) The sign as installed does not conform to the sign permit application; or
 - (3) The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (e) *Overlay district regulations.* All sign reviews as required pursuant to Article VIII (Historic District Overlay ordinance) require approval of the Historic District Review Board (HDRB) except when a sign permit is not required as provided in Section 4.
- (f) *Special exceptions.* Comprehensive sign plans may be approved as part of a conditional use permit in commercial, heavy and light industrial, and harbor districts and as part of a subdivision approval for 3 lots or greater in all zoning districts. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

Sec. 4. - Permit not required.

Signs that do not require a permit are depicted in Section 11 through 14 (Sign Regulations by Use and Zoning District). In addition, a sign permit is not required for:

- (1) Signs erected by a governmental body or required by law. The Town or through its designated agents oversee or participate in Town Seasonal Events where temporary, moveable signage is allowed to promote these Town sponsored seasonal events, festivals or other marketing campaigns

up to 30 days prior to the event and must be removed 7 days after the conclusion of the event.

- (2) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with Section 9(e).
- (3) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface related to parking and traffic.

Sec. 5. – Prohibited signs

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

- (a) General prohibitions.
 - (1) Signs that violate any law of the Commonwealth relating to outdoor advertising.
 - (2) Signs attached to natural vegetation on public lands
 - (3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official as a nuisance.
 - (4) Vehicle or trailer signs, except such signs parked at their associated place of business and otherwise in compliance with this article and applicable law.
 - (5) Any sign displayed without complying with all applicable regulations of this Article.
- (b) Prohibitions based on materials.
 - (1) Signs painted directly on any building that is a contributing structure in the Historic District Overlay, except where expressly permitted by this Article.
 - (2) Animated signs
 - (3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
 - (4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.
 - (5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
 - (6) Signs that emit sound.
 - (7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit unless permitted within this article.
 - (8) Strings of flags visible from, and within 50 feet of, any public right-of-way.
- (c) Prohibitions based on location.
 - (1) Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
 - (2) Signs on the roof surface or extending above the roofline of a building or its parapet wall.
 - (3) Neon signs, except in windows unless permitted in this article.
 - (4) Off-premises signs, unless specifically permitted by this article.

Sec. 6. - Measurements of sign area

- (a) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the provisions in section (c) below
- (b) In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.
- (c) *Sign area.*
 - (1) Sign area is calculated under the following principles:
 - a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.
 - b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.

Sec. 7. - Maintenance and removal.

- (a) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code and Appendix H of the Virginia Construction Code.
- (b) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.
- (d) The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.
- (e) *Sign condition, safety hazard and nuisance abatement*
 - (1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.
 - (2) Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code § 15.2-900, 15.2-906, and/or 15.2-1115.
 - (3) The Code official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in [Chapter 8, Article III of the Town Code](#).

Sec. 8. – General requirements.

- (a) *Illumination.* All permitted signs may be backlit, internally lighted, or indirectly lighted, unless

such lighting is specifically prohibited in this article.

- (1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this Article. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.
- (2) Internal illumination shall be limited to the illumination standards for parking lot lighting in _____. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward.

Sec. 9. - Nonconforming signs.

- (a) Signs lawfully existing on the effective date of this Article or prior ordinances, which do not conform to the provisions of this Article and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. If notice from the zoning administrator is issued, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- (b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- (c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- (e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- (f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (g) A nonconforming sign structure shall be subject to the removal provisions of section _____. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall

be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Sec. 9A – Non-commercial signs.

- (a) Wherever this article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height, construction, and other requirements of this article.

DIVISION II. - SIGN REGULATIONS BY USE AND DISTRICT

Section 11. – Residential District signs.

Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags Notes: (3)	Temporary Notes: (1) (2)	Permanent Notes: (1) (4)
Permit Required	No	No	Yes
Size (each/total)	≤ 24 sf/ max three (Only one flagpole)	≤ 12 sf/ max one per building unit ≤ 16 sf/ max one for multi – development site	Max two minor signs per building unit ≤ 3 sf each Historic markers exempted Sign other than minor signs ≤ 10 sf max one Freestanding for multi-family sites (apartment buildings) < 32 sf/ max one
Illumination	U.S. Flag Code For other flags (see Section 8)	None	None
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	Not within 5 ft of property boundaries or a public right of way	Not within 5 ft of property boundaries or a public right of way
Maximum Height	25 ft (flagpole)	4 ft	4 ft for freestanding
Location	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets	Freestanding, portable, wall or window	Freestanding, wall or window sign
Duration	Unlimited	≤ 45 days per calendar year period, per building unit	Unlimited

- (1) Commercial signs are limited to existing legal non-conforming uses, and permitted or conditional uses in that residential district
- (2) Duration extensions may be granted by *Zoning Administrator* for finite activities expected to exceed standard duration, not to exceed 90 days total
- (3) Flag Code, U.S. Code Title 36, Chapter 10, Section 174
- (4) Minor sign means a wall or window sign not exceeding three square feet in area and not exceeding four feet in height if freestanding, and not illuminated
- (5) Art is not considered a sign

Section 12. – Commercial District signs & Harbor District signs

Generally. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial districts.

TYPE	Flags	Freestanding (including monument)	Wall Signs	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable, Wall)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
Definitions	Flag means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants. Pole sign means a sign that is mounted on one (1) or more freestanding poles.	Freestanding sign means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building. Ground mounted sign means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall Monument sign means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign. Off-premises sign means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.	Wall Sign means any sign attached to a wall or painted on or against a flat vertical surface of a structure	A-Frame sign means a two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.” Banner means a sign of flexible material affixed to a framework or flat surface. Chalk-board sign means a single- faced, framed slate or chalk-board that can be written on with chalk or similar markers Feather sign. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which that may resemble a sail, bow, or teardrop. Off-premises sign means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site Portable sign means any temporary sign not affixed to a building. Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.	Awning sign means a sign placed directly on the surface of an awning. Canopy sign means a sign attached to a canopy. Directory sign (also identified as Multi-Tenant Sign): A sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertising. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities. Entrance canopy means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts. Hanging sign means a sign supported by the extended arm of a single post or from a commercial establishment (parallel to the building façade). Marquee sign means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

TYPE	Flags	Freestanding (including monument)	Wall and Window Signs	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable, Window)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
				structure, vehicle or the ground. It does not include a flag or banner	<i>Projecting sign means a sign that is wholly or partly dependent on the building for support and that projects more than twelve (12) inches from such building.</i>
Permit Required	Yes for flagpole only	Yes	Wall Sign: Yes	No	Yes
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 24 sf/ one. Permanent Off-site: Up to 3 signs, each not to exceed 18 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	Wall sign: 12 sf per 5 lineal ft of building frontage Wall sign: < 8 sf per 5 lineal ft of building side wall Window signs are permitted	≤ 16 sf/ max 3	Directory – Limited to one sign per ingress/egress onto a primary road access. Projecting signs perpendicular to bldg. frontage ≤ 10 sf Hanging sign parallel to bldg. frontage ≤ 5 sf per 5 lineal ft Awning signs ≤ 12 sf Entrance canopy sign by ZA
Illumination	U.S. Flag Code (See Note 1) Other Flags – See Section 8	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street.	All freestanding signs shall be set back from any street right- of-way at least half the height of the sign and 5 ft from service drive, travel lane or adj street.	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street. Not to impede pedestrian traffic on the sidewalk.	NA
Maximum Height	25 ft - flagpole	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and		Bldg wall, or window.	If located on another property, property owner concurrence needed.	Signs cannot impede public right-of-way.

TYPE	Flags	Freestanding (including monument)	Wall and Window Signs	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable, Window)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
	side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets			No more than one sign shall be displayed per lot. Signs cannot impede public right-of- way. Window signs are permitted only on the first floor of a building unless the business is only on the floor where the window sign is displayed.	Directory or Multi-Tenant Sign: Limited to one monument sign per ingress/egress onto a primary road access.
Duration	Unlimited	Unlimited	Unlimited	See Section 4 45 Days	Unlimited

(1) U.S. Code Title 36, Chapter 10, Section 174

Section 13. – Heavy and Light Industrial District signs.

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts.

TYPE	Flags	Freestanding (including monument)	Window Signs	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off- Premise, Portable, Window)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
Definitions	Flag means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants. Pole sign means a sign that is mounted on one (1) or more freestanding poles.	Freestanding sign means any non- portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building. Monument sign means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign. Off-premises sign means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.	Wall Sign means any sign attached to a wall or painted on or against a flat vertical surface of a structure	A-Frame sign means a two- faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.” Banner means a sign of flexible material affixed to a framework or flat surface. Chalk-board sign means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers Feather sign. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop. Off-premises sign means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site..	Awning sign means a sign placed directly on the surface of an awning. Canopy sign means a sign attached to a canopy. Directory sign (also identified as Multi-Tenant Sign): A sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertised. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities. Entrance canopy means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts.

TYPE	Flags	Freestanding (including monument)	Window Signs	Moveable Signs (e.g. A-Frame, Banner, Plaque-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
		<i>Ground mounted sign means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.</i>		<i>Portable sign means any moveable sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner</i> <i>Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.</i>	<i>Hanging sign means a sign supported by the extended arm of a single post or from a commercial establishment (parallel to the building façade).</i> <i>Marquee sign means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.</i> <i>Projecting sign means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.</i>
Permit Required	No	Yes	Wall Sign: Yes	No	Yes
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 40 sf/ one. Permanent Off-site: Up to 3 signs, each not to exceed 18 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	Front Wall: 12 sf per 5 lineal ft of building frontage Side Wall: 8 sf per 5 lineal ft.	16 sf/ max 3	Directory – Limited to one sign per ingress/egress onto a primary road access. Projecting signs perpendicular to bldg. frontage ≤ 10 sf Hanging sign parallel to bldg. frontage ≤ 5 sf/ 5 lineal ft Awning signs ≤ 12 sf Entrance canopy sign by ZA

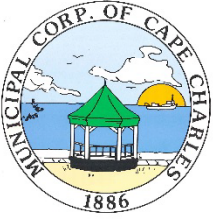
TYPE	Flags	Freestanding (including monument)	Signs	Moveable Signs (e.g. A-Frame, Banner, Flk-board, Feather, Off- Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
Illumination	U.S. Flag Code (See Note 1) Other Flags – See Section 8 req'ts	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign, and 5 ft from service drive, travel lane or adj street.	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street. Not to impede pedestrian traffic on the sidewalk.	NA
Maximum Height	25 ft -flagpole	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets.		Bldg wall or window	If located on another property, property owner concurrence needed. No more than one sign shall be displayed per lot. Signs cannot impede public right-of-way. Window signs are permitted only on the first floor of a building unless the business is only on the floor where the window sign is displayed.	Signs cannot impede public right-of-way.
Duration	Unlimited	Unlimited	Unlimited	45 Days.	Unlimited

Agenda Item 4 (2)

Staff Report

and

Industrial Zoning Districts &
Harbor-related District
Revisions & Zoning Map
Amendments



**STAFF REPORT
FOR JOINT WORK SESSION
TOWN COUNCIL & PLANNING COMMISSION**

Meeting Date: August 6, 2024

TOPIC: Continued Review of INDUSTRIAL & HARBOR ZONING DISTRICTS & other sections to be reviewed

Following the June 4, 2024 Joint Work Session of Planning Commission and Town Council reviewing the proposed zoning text amendments, we completed our review of the Industrial Zoning District (M-2) and the proposed new Harbor-Light Industrial Zoning District. Therefore, we need to commence our review with the proposed new Harbor-Commercial zoning district.

I will have our Current Zoning Map at the meeting for reference as well as the proposed Zoning Map showing which parcels I am recommending to be rezoned to Harbor-Commercial. We will refer to those maps (which I provided you handouts at the June meeting) as we commence our review of this proposed new zoning district.

Once we complete the Sign Ordinance section and the Harbor zoning districts, then we need to discuss & review the DEFINITIONS section.

The only section that I have not finalized yet is the Chesapeake Bay Preservation Act (CBPA) - the state has adopted new legislation that has resulted in new regulations and a MODEL ORDINANCE has been developed and provided to each locality with some areas that require local input based upon our community's needs and issues. I have had a few meetings with DEQ staff on the CBPA over the last two months and discussed the components of the model ordinance, the development and issues within our community, and have been on-site looking at previously approved site development plans and discussing the components and requirements of the CBPA and will now work on making the proposed revisions to our ordinance.

I will then also pull together all edits to the tracking chart and to the redlined Zoning Ordinance and forward this to our Town Attorney for review.

I would then have us hold one final Work Session to review the Attorney's comments/edits to our proposed revisions to the Zoning Ordinance and make final changes prior to begin moving the whole document, including the map, out for public hearing.

Proposed Zoning Districts to Replace Current Industrial and Harbor

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
Statement of Intent	The intent of this zoning district is to provide for mixed industrial and employment land uses in the community. The specific objectives of the M-2 District are to: 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County 2. Create family-wage employment and training opportunities for local residents. 3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture 4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers Encourage cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically-based industrial development	A working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area. To permit certain industries, which do not in any way detract from the residential desirability and will not be permitted to locate in any area adjacent to a residential area. The limitation on (or provisions relating to) height of a building, horsepower, heating, flammable liquids or explosives, controlling of emission fumes, odors and noise, landscaping, and the number of people employed are imposed to protect and foster adjacent desirability while permitting industry to locate near a labor supply and near existing available transportation, including harbor access.	To permit retail and commercial businesses generally found in a retail business area and that would be complementary to the Commercial District within the Historic Overlay District. Mixed use development is encouraged with any housing located above commercial or retail space.
Permitted Uses	Permitted Uses. The following uses are permitted by right: 1. Parks and playgrounds 2. Electric vehicle charging facilities (3+ vehicles) 3. Offices	Permitted Uses. Tthe following uses are permitted by right.. 1. Adult and/or child day care	Permitted Uses. The following uses are permitted by right: 1. Condominium dwellings

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
	4. Medical/dental practices (outpatient) and labs 5. Marinas, wharves, and docks (if contiguous to harbor) 6. Manufacturing and material processing 7. Machine shops, blacksmith shops, and welding shops 8. Wholesale business and warehousing 9. Port facilities/intermodal terminals marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and/or transport of containerized, bulk, and/or other cargo 10. Agriculture, horticulture, forestry, and aquaculture 1. Park, plaza, or natural area 2. Museum, cultural center, arboretum 3. Offices for telecommunications 4. Fire, police, rescue station 5. Medical care facility, outpatient only 6. Mail courier and parcel services 7. Printing service 8. Office, administrative, business and professional 9. Research, experimental testing, or development activities 10. Concrete plant; manufacturing, sales and distribution of concrete and related products 11. Railroad tracks, sidings, yards, or roundhouses.	center 2. Agriculture (excluding livestock), horticulture, forestry, and/or fishery/aquaculture 3. Art gallery 4. Business service establishment (including mail order or electronic catalog sales) 5. Conference center 6. Communication and telecommunications centers 7. Commuter parking lot 8. Educational institution 9. Flex industrial use 10. Fire, police, rescue stations 11. Food production, packaging, packing, and canning 12. Hotel, serving as an ancillary and interrelated component of the Park (Move as Conditional Use Permit) 13. Library or other municipal building 14. Manufacture, processing, fabrication, assembly and/or storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items,	2. Cooperative dwellings 3. Parks and playgrounds 4. Schools, community centers, and public facilities 5. Retail and other stores (less than 2,500 SF gross floor area) 6. Offices 7. Galleries and museums 8. Indoor recreation facilities 9. Conference centers 10. Restaurants and bars (used to be: Other food establishments: a) Bakeries, confectionaries, delicatessens, and catering services; b) Cafes and coffee shops; c) delicatessens; d) Eating and drinking establishments; e) Ice Cream parlors; f) Restaurants) 11. Personal services (less than 2,500 SF gross floor area) 12. Medical/dental practices (outpatient) and labs 13. Vehicle rental/sales (less than 2,500 SF gross floor area) 14. Marinas, docks, and wharves (if contiguous to harbor) (used to be: Marine related uses of the following types: a) bait and tackle shops; b) boat rentals; c) Marins, docks and wharves if contiguous to harbor) 15. Utility Facilities 1. Sail and canvas making and repair 2. Ship stores and chandleries

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment. 15. Marinas, docks, and wharves and marina related businesses & industry. 16. Medical care facility, outpatient only 17. Museum, cultural center, arboretum 18. Offices--administrative, business, professional, and telecommunication 19. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category 20. Park, plaza, or natural area 21. Parking structure 22. Performing arts center 23. Post office, drop off and pick up, mail courier and parcel services 24. Printing service 25. Public utility service center, without outdoor storage 26. Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo 27. Recording studio	3. Office and institutional uses of the following types: a) business studios; b) civic and government facilities; c) educational facilities; d) financial institutions 4. Medical clinics 5. Medical, dental and other laboratories 6. Offices 7. Office supply stores 8. Real estate sales and rentals 9. Recreational, cultural, and entertainment uses of the following types: a) art galleries and art studios; b) athletic clubs; c) conference centers; d) health and fitness facilities; e) libraries and galleries; f) museums and cultural centers; g) outdoor recreational uses; h) parks 10. Retail goods establishments of the following types with 2,500 square feet or less of gross floor area: a) antique shops; b) bookstores, new and used; c) camera shops; d) candy stores; e) clothing stores; f) dry goods stores; g) florists; gift shops, card shops, and stationery shops; h) grocery stores; i) music stores; j) newsstands; k) tobacco stores; l) upholstering shops and fabric stores; m) video stores; n) watch and jewelry stores 11. Retail service establishments of the following types with 2,500 square feet or less of gross floor area: a) beauty and

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		28. Recreational facilities 29. Recycling drop-off collection center serving the Park 30. Research, experimental testing or development activities 31. Restaurant, indoor and outdoor (excluding drive-through) 32. Telecommunications, television, or radio microwave dishes or antennas 33. Training center (excluding rehabilitation and institutional facilities) 34. Utility generating plant and transmission facilities using renewable energy sources 35. Utility installations 36. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped in accordance with Appendix A, applicable category, sufficient to screen area 37. Warehousing facility (excluding mini-storage facility) 38. Water storage tank 39. Wholesale trade establishment	barbershops; b) bicycle, moped and street legal golf cart sales and rentals; e) blueprinting shops; d) dressmaking, tailoring, millinery, dry cleaning
Accessory Uses	Within the M-2 District, the following accessory uses shall be allowed: 1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and	Accessory Uses. The following accessory uses shall be allowed. 1. Only those that are customarily	Accessory Uses. The following accessory uses shall be allowed. 1. Accessory buildings 2. Other uses customarily associated and

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
	structures.	accessory and clearly incidental and subordinate to the principal uses and structures 2. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets	clearly incidental and subordinate to a principal use 3. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets
Conditional Uses	Within the M-2 District, the following conditional uses shall be allowed, subject to the issuance of a Conditional Use Permit: 1. Recycling drop-off collection centers 2. Recording studio 3. Manufacture, processing, fabrication, and/or assembly of products such as scientific and precision instruments, renewable energy technology components, photographic equipment, communication equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceutical, household items, glass products, electrical lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, optical goods, and electrical equipment 4. Food production, packaging, packing and canning 5. Wood products manufacturing 6. Educational institution 7. Conference center 8. Outdoor storage provided it shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits. 9. Public utilities substations provided storage or	Conditional Uses. The following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit. 1. Structures, other than buildings, exceeding 50 feet 2. Buildings over 40 feet but equal or less than 50 feet or building or structure other than building may be constructed to a maximum height of 75 feet if the building is set back at least 125 additional feet from the required setback for all yards abutting residential properties. 3. Hotels 4. Boatels 5. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Administrator determines to be compatible with the intent of the District and is concurred with by the Planning Commission.	Conditional Uses. The following uses may also be permitted, subject to securing a Conditional Use Permit as provided for in this ordinance: 1. Marine related uses of the following types: a) boat and marine engine repair shops; b) boatels; c) marine and sports equipment consignment stores. 2. Markets of the following types: a) crafts markets; b) farmers markets; c) watermen's markets 3. Recreational, cultural, and entertainment uses of the following types: a. Assembly halls b. Auditoriums c. Commercial recreational uses d. Entertainment establishments e. Theaters 4. Retail goods establishments of the following types with more than 2,500 square feet of gross floor area: a. Antique shops b. Bookstores, new and used c. Camera shops

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
	maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits, and provided also transformer vaults for underground utilities and the like shall require only wax myrtle or red tip photinia installed on 4-foot centers, solid except for access opening. 10. Any telecommunication, television, or radio microwave dishes or antennas. 11. Utility generating plant and transmission facility using renewable energy sources 12. Performing arts center 13. Public utility service center 14. Water storage tank 15. Utility installations 16. Recreational facilities 17. Structures, other than buildings, exceeding 50 feet		d. Candy stores e. Clothing stores f. Dry goods stores g. Florists, gift shops, card shops, and stationery shops h. Grocery stores i. Music stores j. Newsstands k. Tobacco stores l. Upholstering shops and fabric stores m. Video stores n. Watch and jewelry stores 5. Retail service establishments of the following types with more than 2,500 square feet of gross floor area: a. Beauty and barbershops b. Bicycle moped, and golf cart sales and rentals c. Blueprinting shops d. Dressmaking, tailoring, millinery, dry cleaning 6. Single family and Multi-family dwellings provided the following requirements are met: a. All dwelling units shall have direct access to the street level. Means of access may be shared with other dwelling units, but not commercial uses. Access through a commercial establishment on the first level

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
			is not permitted. b. Dwelling units shall occupy no more than 50 percent of the first floor of any building. c. The first floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance. 7. Bed and breakfasts provided the following requirements are met: a. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests. b. The single-family dwelling appearance must be maintained. c. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.8.E.2 (Table of Parking Standards) using both on and off-street parking areas. d. A sign no larger than four square feet shall be permitted. e. The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council. f. The dwelling must meet all of the requirements of Section 3.9.D.6.

			HARBOR			
	Industrial District M-2		Harbor – Light Industrial		Harbor - Commercial	
					8. Childcare/adult daycare facilities and nursing homes 9. Hotels and motels 10. Laundromats 11. Boatels 12. Campgrounds 13. Liquor and package stores 14. Off-site parking 15. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Administrator determines to be compatible with the intent of the District and is concurred with by the Planning Commission.	
LOT, YARD, HEIGHT, COVERAGE & DENSITY REQUIREMENTS	Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	11,200
	Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	80 ft.
	Front Setback (ft)	10' minimum & 25' maximum	Front Setback (ft)	10	Lot Depth	140 ft.
	Side Setback (minimum)	None or 5' between buildings, 10' adjacent to street	Side Setback (ft)	None or 5' between buildings, 10' adjacent to street	Front, Side, Real and Corner Setback (ft) (minimum unless otherwise stated)	30' from Cape Charles Harbor, Resource Protection Areas, Marina Road, Bayshore Road, or Parcel 83-A3-A-10
	Rear Setback (ft)	20'	Rear Setback (ft)	20	Height (ft)	40'
	Corner Lot Setback (minimum)		Height (ft)	45' for buildings; 50' for structures other than buildings	Maximum Lot Coverage	75%
	Maximum Height	45' for buildings, 50' for structures other than buildings				
	Maximum Lot Coverage	60%				

		HARBOR		
	Industrial District M-2	Harbor – Light Industrial		Harbor - Commercial
		Maximum Lot Coverage	50%	
ADDITIONAL DEVELOPMENT REQUIREMENTS	1. Buffer yards. When a zoning lot within the M-2 District adjoins R-E, R-1, R-2, or R-3 Districts, the following shall be required along all lot lines within the M-2 District adjoining the R-E, R-1, R-2, or R-3 Districts a 50-foot separation of road right-of-way, golf course, lake, drainage easement, natural area, or landscaped buffer yard shall be required.	1. Buffer yards. Where the GBI H-1 District adjoins the R (residential) zoning districts within the PUD or CO Land Use Classifications or C districts within the PUD, buffer yards are required as follows:		Mainstreet Mixed Use Area
	2. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side and rear yards.	a. When a zoning lot within the GBI H-1 District adjoins any R zoning district within the PUD, the following shall be required along all lot lines within the GBI H-1 District adjoining the R zoning district within the PUD.		16. The area of the Harbor District along the south side of Mason Avenue, beginning at the western edge of Parcel 83A3-A-5, and projecting eastward to Nectarine Street, and southward a distance of 120 feet from the south side of Mason Avenue, is defined as the “Mainstreet Mixed-Use Area.” All buildings in the Mainstreet Mixed-use Area shall meet the following requirements:
	3. Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on four-foot centers on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area.	i. A 200-foot natural buffer over and above any landscape requests otherwise required by the Town’s zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within		a. Each building shall be a minimum of two stories and shall have only residential uses above the first floor.
	4. No parking or drive aisles shall be located within the required buffer yards.			i. Residential portions of the building shall have at least two entrances/exit ways to the ground floor that are separate from the entrances/exit ways used by occupants of nonresidential portions of the building.
	5. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted within the M-2 District.			ii. The primary entrance
	6. No outside manufacturing, assembly, or servicing of products used on the property or trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.			

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
	7. Any exterior lighting on the property shall be directed down and away from any area zoned R (Residential) or PUD where residential development is a permitted use, to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property. 8. No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, or other devices designed to or which transmit a warning message or other communication or signal audible outside any building shall be allowed on the property. No equipment used outdoors, excluding half-ton trucks, shall be equipped with or use any device to emit a warning noise or audible signal while in use on the property. 9. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property. 10. No delivery or transmission of materials of products shall be permitted to or from the property by truck or rail before 8 a.m. and after 9 p.m. Monday through Saturday and no such deliveries to or from the property by rail or truck, excluding half-ton trucks, shall occur on Sunday.	ii. the buffer area. No loading facilities, loading docks, or loading bays shall be permitted within 200 feet of any zoning district or zoning classification within the PUD that permits residential as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where residential use is allowed. iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the	for the residential portion of the building shall be clearly visible from Mason Avenue and shall face Mason Avenue. b. Ground floor uses shall be limited to non-motor vehicle related uses, including restaurants, sales and rental of goods, merchandise or equipment establishments, banks and financial institutions, or offices. c. Drive-through facilities are prohibited. d. The primary façade shall face Mason Avenue. On a corner lot, each side adjacent to a street shall be considered a primary façade. e. All blocks shall align with and be equal in frontage length to the blocks on the north side of Mason Avenue so that existing viewsheds to the harbor are maintained. f. No building or structure shall exceed 40 feet in height.

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		width of the landscaped area shall be at least 100 feet wide and run continuously for the length of the buffer. b. When a zoning lot within the GBI H-1 District adjoins a CO Land Use Classification, the following shall be required along all lot lines within the GBI H-1 District adjoining the CO Land Use Classification: i. A 100-foot natural buffer over and above any landscape requests otherwise required by the Town’s zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area. ii. No loading	g. The front setback shall be the prevailing setback of adjacent properties along the south side of Mason Avenue. h. Development design standards in this area shall be subject to both the Historic District Review Board and the Harbor Area Review Board. i. Whenever the provisions of subsection 3.9.B.1 impose standards that are more restrictive than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Zoning Ordinance. Harbor Area Review Certificate Mainstreet Mixed Use Area All Utilities shall be installed underground.

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		iii. facilities, loading docks, or loading bays shall be permitted within 100 feet of any zoning district or zoning classification within the PUD that permits CO Land Use Classification as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where CO Land Use Classification is allowed. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the	

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer. c. When a zoning lot within the GBI H-1 District adjoins a C district, the following shall be required along all lot lines within the GBI H-1 District adjoining the C district: i. A 50-foot natural buffer over and above any landscape requests otherwise required by the Town’s zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area. ii. No loading facilities, loading docks, or loading bays shall be permitted within 75 feet of any zoning	

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		district or zoning classification within the PUD that permits commercial as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where commercial use is allowed. iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer. 2. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side or rear yards.	

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		3. Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. See Appendix A, Category I for requirements. 4. All parking must comply with Off Street Parking and Loading Requirements 5. Parking is not permitted in the front yard of a lot. 6. No parking or drive aisles shall be located within the required buffer yards. 7. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted. 8. Any exterior lighting on the property shall be directed down and away from any area zoned R (residential) or PUD where residential development is a permitted use to prevent the disbursement or bleeding of light	

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		beyond the limits of the developed portions of the property. 9. No outside loudspeakers, intercoms, paging systems, whistles, horns, bells, or signals audible outside any buildings shall be allowed on the property. Any and all Occupational Safety and Health Administration (OSHA) requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged. 10. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property. 11. No delivery or transmission of materials or products shall be permitted to or from the property by truck or rail between 11 p.m. and 5 a.m. Monday through Sunday.	

Chart of Harbor and GBI-H1

	General Business/Light Industrial GBI H-1	Harbor
Statement of Intent	A. Purpose of the District. The GBI H-1 District is a planned mixed industrial and employment park with a comprehensive development plan. The purpose of the district is to: 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County. 2. Create family-wage employment and training opportunities for local residents 3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture 4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers 5. Incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.	A. Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.
		Mainstreet Mixed Use Area 1. The area of the Harbor District along the south side of Mason Avenue, beginning at the western edge of Parcel 83A3-A-5, and projecting eastward to Nectarine Street, and southward a distance of 120 feet from the south side of Mason Avenue, is defined as the "Mainstreet Mixed-Use Area." All buildings in the Mainstreet Mixed-use Area shall meet the following requirements: a. Each building shall be a minimum of two stories and shall have only residential uses above the first floor. i. Residential portions of the building shall have at least two entrances/exit ways to the ground floor that are separate from the entrances/exit ways used by occupants of

	General Business/Light Industrial GBI H-1	Harbor
		nonresidential portions of the building. ii. The primary entrance for the residential portion of the building shall be clearly visible from Mason Avenue and shall face Mason Avenue. b. Ground floor uses shall be limited to non-motor vehicle related uses, including restaurants, sales and rental of goods, merchandise or equipment establishments, banks and financial institutions, or offices. c. Drive-through facilities are prohibited. d. The primary façade shall face Mason Avenue. On a corner lot, each side adjacent to a street shall be considered a primary façade. e. All blocks shall align with and be equal in frontage length to the blocks on the north side of Mason Avenue so that existing viewsheds to the harbor are maintained. f. No building or structure shall exceed 40 feet in height. g. The front setback shall be the prevailing setback of adjacent properties along the south side of Mason Avenue. h. Development design standards in this area shall be subject to both the Historic District Review Board and the Harbor Area Review Board. i. Whenever the provisions of subsection 3.9.B.1 impose standards that are more restrictive than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Zoning Ordinance.
Permitted Uses	A. Permitted Uses. Within the GBI H-1 District, the following permitted uses shall be allowed.	B. Permitted Uses. The following uses are permitted by right: 1. Condominium dwellings

	General Business/Light Industrial GBI H-1	Harbor
	1. Adult and/or child day care center 2. Agriculture (excluding livestock), horticulture, forestry, and/or fishery/aquaculture 3. Art gallery 4. Business service establishment (including mail order or electronic catalog sales) 5. Conference center 6. Communication and telecommunications centers 7. Commuter parking lot 8. Educational institution 9. Flex industrial use 10. Fire, police, rescue stations 11. Food production, packaging, packing, and canning 12. Hotel, serving as an ancillary and interrelated component of the Park 13. Library or other municipal building 14. Manufacture, processing, fabrication, assembly and/or storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment. 15. Medical care facility, outpatient only 16. Museum, cultural center, arboretum 17. Offices--administrative, business, professional, and telecommunication 18. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category 19. Park, plaza, or natural area 20. Parking structure	2. Cooperative dwellings 3. Parks and playgrounds 4. Schools, community centers, and public facilities 5. Retail and other stores (less than 2,500 SF gross floor area) 6. Offices 7. Galleries and museums 8. Indoor recreation facilities 9. Conference centers 10. Restaurants and bars (used to be: Other food establishments: a) Bakeries, confectionaries, delicatessens, and catering services; b) Cafes and coffee shops; c) delicatessens; d) Eating and drinking establishments; e) Ice Cream parlors; f) Restaurants) 11. Personal services (less than 2,500 SF gross floor area) 12. Medical/dental practices (outpatient) and labs 13. Vehicle rental/sales (less than 2,500 SF gross floor area) 14. Marinas, docks, and wharves (if contiguous to harbor) (used to be: Marine related uses of the following types: a) bait and tackle shops; b) boat rentals; c) Marins, docks and wharves if contiguous to harbor) 15. Sail and canvas making and repair 16. Ship stores and chandleries 17. Office and institutional uses of the following types: a) business studios; b) civic and government facilities; c) educational facilities; d) financial institutions 18. Medical clinics 19. Medical, dental and other laboratories 20. Offices 21. Office supply stores 22. Real estate sales and rentals 23. Recreational, cultural, and entertainment uses of the following types: a) art galleries and art studios; b) athletic clubs; c) conference centers; d) health and fitness facilities; e) libraries and galleries; f) museums and cultural centers; g) outdoor recreational uses; h) parks 24. Retail goods establishments of the following types with 2,500

	General Business/Light Industrial GBI H-1	Harbor
	21. Performing arts center 22. Post office, drop off and pick up, mail courier and parcel services 23. Printing service 24. Public utility service center, without outdoor storage 25. Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo 26. Recording studio 27. Recreational facilities 28. Recycling drop-off collection center serving the Park 29. Research, experimental testing or development activities 30. Restaurant, indoor and outdoor (excluding drive-through) 31. Telecommunications, television, or radio microwave dishes or antennas 32. Training center (excluding rehabilitation and institutional facilities) 33. Utility generating plant and transmission facilities using renewable energy sources 34. Utility installations 35. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped in accordance with Appendix A, applicable category, sufficient to screen area 36. Warehousing facility (excluding mini-storage facility) 37. Water storage tank 38. Wholesale trade establishment	square feet or less of gross floor area: a) antique shops; b) bookstores, new and used; c) camera shops; d) candy stores; e) clothing stores; f) dry goods stores; g) florists, gift shops, card shops, and stationery shops; h) grocery stores; i) music stores; j) newsstands; k) tobacco stores; j) upholstering shops and fabric stores; m) video stores; n) watch and jewelry stores 25. Retail service establishments of the following types with 2,500 square feet or less of gross floor area: a) beauty and barbershops; b) bicycle, moped and street legal golf cart sales and rentals; c) blueprinting shops; d) dressmaking, tailoring, millinery, dry cleaning 26. Utility Facilities
Accessory Uses	B. Accessory Uses. Within the GBI H-1 District, the following accessory uses shall be allowed. 1. Only those that are customarily accessory and	C. Accessory Uses. 1. Accessory buildings 2. Other uses customarily associated and clearly incidental and subordinate to a principal use.

	General Business/Light Industrial GBI H-1	Harbor
	clearly incidental and subordinate to the principal uses and structures 2. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets	
Conditional Uses	C. Conditional Uses. Within the GBI H-1 District, the following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit. 1. Structures, other than buildings, exceeding 50 feet 2. Buildings over 40 feet but equal or less than 50 feet or building or structure other than building may be constructed to a maximum height of 75 feet if the building is set back at least 125 additional feet from the required setback for all yards abutting residential properties.	D. Conditional Uses. The following uses may also be permitted, subject to securing a Conditional Use Permit as provided for in this ordinance: 1. Marine related uses of the following types: a) boat and marine engine repair shops; b) boatels; c) marine and sports equipment consignment stores. 2. Markets of the following types: a) crafts markets; b) farmers markets; c) watermen's markets 3. Recreational, cultural, and entertainment uses of the following types: a. Assembly halls b. Auditoriums e. Commercial recreational uses d. Entertainment establishments e. Theaters 4. Retail goods establishments of the following types with more than 2,500 square feet of gross floor area: a. Antique shops b. Bookstores, new and used c. Camera shops d. Candy stores e. Clothing stores f. Dry goods stores g. Florists, gift shops, card shops, and stationery shops h. Grocery stores i. Music stores j. Newsstands k. Tobacco stores l. Upholstering shops and fabric stores m. Video stores

	General Business/Light Industrial GBI H-1	Harbor
		n. Watch and jewelry stores 5. Retail service establishments of the following types with more than 2,500 square feet of gross floor area: a. Beauty and barbershops b. Bicycle moped, and golf cart sales and rentals c. Blueprinting shops d. Dressmaking, tailoring, millinery, dry cleaning 6. Single family and Multi-family dwellings provided the following requirements are met: a. All dwelling units shall have direct access to the street level. Means of access may be shared with other dwelling units, but not commercial uses. Access through a commercial establishment on the first level is not permitted. b. Dwelling units shall occupy no more than 50 percent of the first floor of any building. c. The first floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance. 7. Bed and breakfasts and Short term rentals, provided the following requirements are met: a. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests. b. The single-family dwelling appearance must be maintained. c. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.8.E.2 (Table of Parking Standards) using both on and off-street parking areas. d. A sign no larger than four square feet shall be permitted. e. The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council. f. The dwelling must meet all of the requirements of Section 3.9.D.6. 8. Childcare/adult daycare facilities and nursing homes

	General Business/Light Industrial GBI H-1			Harbor			
				9. Hotels and motels			
				10. Laundromats			
				11. Boatels			
				12. Liquor and package stores			
				13. Off site parking			
				14. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Administrator determines to be compatible with the intent of the District and is concurred with by the Planning Commission.			
LOT, YARD, HEIGHT, COVERAGE & DENSITY REQUIREMENTS	Minimum Lot Size (SF)	15,000		Minimum Lot Size (SF)	11,200		
	Minimum Lot Width at Setback Line (ft)	100		Minimum Lot Width at Setback Line (ft)	80 ft.		
	Front Setback (ft)	10		Lot Depth	140 ft.		
	Side Setback (ft)	None or 5’ between buildings, 10’ adjacent to street		Front, Side, Real and Corner Setback (ft) (minimum unless otherwise stated)	30’ from Cape Charles Harbor, Resource Protection Areas, Marina Road, Bayshore Road, or Parcel 83-A3-A-10		
	Rear Setback (ft)	20					
	Height (ft)	45’ for buildings; 50’ for structures other than buildings		Height (ft)	40’		
	Maximum Lot Coverage	50%		Maximum Lot Coverage	75%		
				Setback Stipulations:			
				Height stipulations:			
		Required Open Space					
ADDITIONAL DEVELOPMENT REQUIREMENTS	1. Buffer yards. Where the GBI H-1 District adjoins the R (residential) zoning districts within the PUD or CO Land Use Classifications or C districts within the PUD,			Harbor Area Review Certificate Mainstreet Mixed Use Area All Utilities shall be installed underground.			

	General Business/Light Industrial GBI H-1	Harbor
	buffer yards are required as follows: a. When a zoning lot within the GBI H-1 District adjoins any R zoning district within the PUD, the following shall be required along all lot lines within the GBI H-1 District adjoining the R zoning district within the PUD. i. A 200-foot natural buffer over and above any landscape requests otherwise required by the Town’s zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area. ii. No loading facilities, loading docks, or loading bays shall be permitted within 200 feet of any zoning district or zoning classification within the PUD that permits residential as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where residential use is allowed. iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 100 feet wide and run continuously for the length of the buffer. b. When a zoning lot within the GBI H-1 District adjoins a CO Land Use Classification, the following shall be required along all lot lines within the GBI H-1 District adjoining the CO Land Use Classification: i. A 100-foot natural buffer over and above any landscape requests otherwise required by the	

	General Business/Light Industrial GBI H-1	Harbor
	feet of any zoning district or zoning classification within the PUD that permits commercial as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where commercial use is allowed. iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer. 2. 3. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side or rear yards. 4. Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. See Appendix A, Category I for requirements. 5. All parking must comply with Appendix B - Off Street Parking and Loading Requirements 6. Parking is not permitted in the front yard of a lot. 7. No parking or drive aisles shall be located within the required buffer yards. 8. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted within the	

	General Business/Light Industrial GBI H-1	Harbor
	GBI H-1 District. 9. Any exterior lighting on the property shall be directed down and away from any area zoned R (residential) or PUD where residential development is a permitted use to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property. 10. No outside loudspeakers, intercoms, paging systems, whistles, horns, bells, or signals audible outside any buildings shall be allowed on the property. Any and all Occupational Safety and Health Administration (OSHA) requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged. 11. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property. 12. No delivery or transmission of materials or products shall be permitted to or from the property by truck or rail between 11 p.m. and 5 a.m. Monday through Sunday.	

Chart of Industrial Districts

	General Business/Light Industrial GBI	Industrial District M-1	Industrial District M-2
Statement of Intent	1. The intent of this basic zoning district is to accommodate and develop a district for business, office, light industrial, and specific public purpose and to encourage the formation and continuance of a quiet, compatible, and uncontested environment for business, professional, and light industrial firms and to discourage any uses capable of adversely affecting the specialized commercial and housing character of the Town.	1. The primary purpose of the M-1 District is to permit certain industries, which do not in any way detract from the residential desirability and will not be permitted to locate in any area adjacent to a residential area. The limitation on (or provisions relating to) height of a building, horsepower, heating, flammable liquids or explosives, controlling of emission fumes, odors and noise, landscaping, and the number of people employed are imposed to protect and foster adjacent desirability while permitting industry to locate near a labor supply and near existing available transportation.	1. The intent of this zoning district is to provide for mixed industrial and employment land uses in the community. The specific objectives of the M-2 District are to: 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County 2. Create family-wage employment and training opportunities for local residents. 3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture 4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers 5. Encourage cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically-based industrial development
Permitted Uses	2. The following uses shall be permitted by right; however, any outdoor storage shall be screened from view of all adjacent streets and property lines: 1. All permitted uses within the CR, C-1, C-2, and C-3 districts 2. Vehicle parking 3. Electric vehicle charging facilities (3+ vehicles) 4. Utility facilities	2. Permitted Uses. The following uses will be permitted by right: 1. Vehicle parking 2. Electric vehicle charging facilities (3+ vehicles) 3. Utility facilities 4. Manufacturing and material processing 5. Machine shops, blacksmith shops, and welding shops 6. Wholesale business and warehousing 7. Port facilities/intermodal terminals	2. Permitted Uses. The following uses are permitted by right: 1. Parks and playgrounds 2. Electric vehicle charging facilities (3+ vehicles) 3. Offices 4. Medical/dental practices (outpatient) and labs 5. Marinas, wharves, and docks (if contiguous to harbor) 6. Manufacturing and material processing 7. Machine shops, blacksmith shops, and welding shops 8. Wholesale business and warehousing 9. Port facilities/intermodal terminals 10. Agriculture, horticulture, forestry, and aquaculture 1. Park, plaza, or natural area 2. Museum, cultural center, arboretum 3. Agriculture, horticulture, forestry, and/or fishery/aquaculture

	General Business/Light Industrial GBI	Industrial District M-1	Industrial District M-2
	5. Manufacturing and material processing 6. Machine shops, blacksmith shops, and welding shops 7. Wholesale business and warehousing 8. Port facilities/ intermodal terminals 9. Agriculture, horticulture, forestry, and aquaculture (excluding livestock) 10. Any other light industry as determined by the Zoning Administrator to be a compatible use in this district. 1. Animal hospital and kennels provided that all animals are kept in soundproof, air-conditioned buildings 2. Assembly, processing, and bottling provided that there shall be	8. Agriculture, horticulture, forestry, and aquaculture (excluding livestock) 9. Any other use as determined by the Zoning Administrator to be a compatible use with this district. 1. All uses permitted in the CR, C-1, C-2 and C-3 Districts 2. Assembly of electrical appliances, electronic instruments and devices, radios, and phonographs. Also, the manufacturing of small parts, such as coils, condensers, transformers, and crystal holders 3. Automobile and truck painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, overhauling, tire re-treading or recapping, battery manufacturing, boat building, repairing, repainting, rebuilding and reconditioning 4. Blacksmith shops, welding or machine shops	4. Offices for telecommunications 5. Fire, police, rescue station 6. Medical care facility, outpatient only 7. Mail courier and parcel services 8. Printing service 9. Office, administrative, business and professional 10. Research, experimental testing, or development activities 11. Concrete plant; manufacturing, sales and distribution of concrete and related products 12. Railroad tracks, sidings, yards, or roundhouses. 13. Marinas, docks, and wharves, if contiguous to the Cape Charles Harbor 14. Port facilities; marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and/or transport of containerized, bulk, and/or other cargo 15. Warehousing facility.

	General Business/Light Industrial GBI	Industrial District M-1	Industrial District M-2
	no outdoor storage of equipment and materials 3. Fire, police, emergency medical services and facilities. 4. Machinery shops 5. Shipping and warehouses and storage facilities 6. Utility installations and warehousing	5. Building materials sales yards, plumbing supply stores 6. Coal and wood yards, lumberyards, feed and seed stores 7. Contractors' equipment storage yards or plant storage or rental of equipment commonly used by contractors 8. Pharmaceutical and medical laboratories 9. Manufacturing, processing, compounding, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfume, pharmaceutical, toiletries, and similar products 10. Manufacturing of musical instruments, toys, novelties, and rubber and metal stamps 11. Manufacturing of pottery and figurines or similar ceramic products 12. Monumental stone works	

	General Business/Light Industrial GBI	Industrial District M-1	Industrial District M-2
		13. Manufacturing and maintenance of electric and neon signs, billboards, commercial advertising structures, and the like 14. Sheet metal shops 15. Wholesale business and storage warehouses.	
Accessory Uses	C. Within the GBI District the following accessory uses shall be permitted: 1. Those uses customarily associated and clearly incidental and subordinate to the principal uses and structures and temporary licensed uses such as festivals, displays, outdoor entertainment, outdoor gatherings, performances, and outdoor open-air markets.	C. Within the M-1 District the following accessory uses shall be permitted: 1. Those uses customarily associated and clearly incidental and subordinate to the principal uses and structures.	C. Within the M-2 District, the following accessory uses shall be allowed: 1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and structures.
Conditional Uses	D. Within the GBI District, there shall be no conditional uses permitted.	D. The following uses may also be permitted, subject to securing a Conditional Use Permit as provided for in this ordinance: 1. Heliports	D. Within the M-2 District, the following conditional uses shall be allowed, subject to the issuance of a Conditional Use Permit: 1. Recycling drop-off collection centers 2. Recording studio 3. Manufacture, processing, fabrication, and/or assembly

	General Business/Light Industrial GBI	Industrial District M-1	Industrial District M-2
			of products such as scientific and precision instruments, renewable energy technology components, photographic equipment, communication equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceutical, household items, glass products, electrical lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, optical goods, and electrical equipment 4. Food production, packaging, packing and canning 5. Wood products manufacturing 6. Educational institution 7. Conference center 8. Outdoor storage provided it shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits. 9. Public utilities substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits, and provided also transformer vaults for underground utilities and the like shall require only wax myrtle or red tip photinia installed on 4-foot centers, solid except for access opening. 10. Any telecommunication, television, or radio microwave dishes or antennas. 11. Utility generating plant and transmission facility using renewable energy sources

	General Business/Light Industrial GBI		Industrial District M-1		Industrial District M-2	
					12. Performing arts center 13. Public utility service center 14. Water storage tank 15. Utility installations 16. Recreational facilities 17. Structures, other than buildings, exceeding 50 feet	
LOT, YARD, HEIGHT, COVERAGE & DENSITY REQUIREMENTS	Minimum Lot Size (SF)		Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	15,000
	Minimum Lot Width at Setback Line (ft)		Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	100
	Front Setback (ft)	75	Front Setback (ft)	35	Front Setback (ft)	10' minimum & 25' maximum
	Side Setback (ft)	50	Side Setback (ft)	10	Side Setback (minimum)	None or 5' between buildings, 10' adjacent to street
	Rear Setback (ft)	50	Rear Setback (ft)	20	Rear Setback (ft)	20'
	Height (ft)	45	Height (ft)	45	Corner Lot Setback (minimum)	
	Maximum Lot Coverage		Maximum Lot Coverage		Maximum Height	45' for buildings, 50' for structures other than buildings
					Maximum Lot Coverage	60%
ADDITIONAL DEVELOPMENT REQUIREMENTS					1. Buffer yards. When a zoning lot within the M-2 District adjoins R-E, R-1, R-2, or R-3 Districts, the following shall be required along all lot lines within the M-2 District adjoining the R-E, R-1, R-2, or R-3 Districts a 50-foot separation of road right-of-way, golf course, lake, drainage easement, natural area, or landscaped buffer yard shall be required. 2. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side and rear yards. 3. Placement of drives and parking areas when adjacent to public	

	General Business/Light Industrial GBI	Industrial District M-1	Industrial District M-2
			right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on four-foot centers on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. 4. No parking or drive aisles shall be located within the required buffer yards. 5. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted within the M-2 District. 6. No outside manufacturing, assembly, or servicing of products used on the property or trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed. 7. Any exterior lighting on the property shall be directed down and away from any area zoned R (Residential) or PUD where residential development is a permitted use, to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property. 8. No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, or other devices designed to or which transmit a warning message or other communication or signal audible outside any building shall be allowed on the property. No equipment used outdoors, excluding half-ton trucks, shall be equipped with or use any device to emit a warning noise or audible signal while in use on the property.

	General Business/Light Industrial GBI	Industrial District M-1	Industrial District M-2
			9. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property. 10. No delivery or transmission of materials or products shall be permitted to or from the property by truck or rail before 8 a.m. and after 9 p.m. Monday through Saturday and no such deliveries to or from the property by rail or truck, excluding half-ton trucks, shall occur on Sunday.

Chart of Possible Zoning Map Amendments as result of Zoning Text Amendments

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTS AS OF MAY 22, 2024

TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
90-19-B	Owner: Town of Cape Charles 16.21 acres Off Old Cape Charles Road- & Cassatt Parkway	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-19-B1	Owner: Was Town of Cape Charles – just sold to VAW Keck Well Site 1.44 acres	RE	Open Space (OP)	Was a Town lot – sold to VAW.
90-3-A2	Owner: Donald Lee 1.55 acres 2449 Old Cape Charles Road 1 of 3 lots in front of the Town property (90-19-B) House and Outbuildings established	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-12-Y	Owner: Brian Chandler Burke 1.1 acres 2461 Old Cape Charles Road 1 of 3 lots in front of the Town property (90-19-B) House established	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-12-Z	Owner: Spath Squared LLC 1.1 acres 246___ Old Cape Charles Road 1 of 3 lots in front of the Town property (90-19-B) Undeveloped/ vacant land	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-A-6	Owner: The Virginia Port Authority 44.41 acres Pit for Beach Dredging Spoils Site	RE - 3.94 acres	Open Space (will need to amend the text to add spoil site as a Conditional Use)	Correct mistake on 12/15/2022 Zoning Map - all of TM 90-A-6 (Virginia Port Authority) - the burrow pit off Rte 184 should be colored light gray (Industrial M-1)
90-A-4C	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.62 acres Parcel south of CPS site – Cape Charles Natural Area Preserve & Coastal Habitat Preserve	GBI-H-1	Open Space	

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTS AS OF MAY 22, 2024

TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
90-13-A	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.48 acres Adjacent parcel to the east of Cape Charles Natural Area Preserve & Coastal Habitat Preserve	Harbor	Open Space	
90-8-1A4	OWNER: Northampton County BOS 2.18 acres	GBI-H1	Harbor – Light Industrial	Long term lease to CPS for parking lot
90-8-1A3	OWNER: Cape Charles Properties, LLC 8.38 acres Purchased by CPS _____	GBI-H1	Harbor – Light Industrial	
90-A-1A6	OWNER: Cherrystone Investments, LLC 1.85 acres		Harbor – Light Industrial	
90-20-1	OWNER: Fujifilm Wako Chemicals USA Corporation 2.75 acres	Harbor	Harbor – Light Industrial	
90-8-1A1	OWNER: Cape Charles Properties, LLC 11.79 acres Purchased by CPS _____	GBI-H1	Harbor-Light Industrial	
90-8-1A5	OWNER: Cape Charles Properties, LLC 56.02 acres	GBI-H1	Harbor- Light Industrial	
90-A-1B	OWNER: Upfront Storage, LLC 5 acres	GBI-H1	Harbor – Light Industrial	
90-A-1A	OWNER: Cape Charles Properties, LLC 18.13 acres	GBI-H1	Harbor – Light Industrial	
83A3-11-2	OWNER: Cape Harbor Holding Company, LLC 17.18 acres Parcel to east of Concrete Plant; frontage on Harbor	M-2	Harbor – Light Industrial	Mr. Gunn
83A3-11-1	OWNER: Cape Harbor Holding Company, LLC 2.52 acres	Harbor	Harbor – Light Industrial	
83A3-A-20	OWNER: Cape Marine Services, LLC 1.6 acres Boat Storage/Parking area just south of Yacht Center	Harbor	Harbor- Light Industrial	

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTS AS OF MAY 22, 2024

TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
83A3-A-19	OWNER: Cape Marine Services, LLC 1.42 acres Harbor frontage, pier with boat slips, bathhouse	Harbor	Harbor – Light Industrial	
83A3-A-19A	OWNER: HUSH HUSH LLC 5,605 square ft. Hook & Harvey Restaurant	Harbor	Harbor - Commercial	
83A3-A-12	OWNER: Cape Marine Services .99 acres Cape Charles Yacht Center	Harbor	Harbor – Light Industrial	
83A3-A-11	OWNER: Coast Guard Yacht Center 2.2 acres		Harbor – Light Industrial	
83A3-A-17	OWNER: Cape Marine Services, LLC Boat Storage 1100 Bayshore Rd. Across the street	Harbor	Harbor – Light Industrial	
83A3-A-15	OWNER: CTI TOWERS ASSETS II LLC 1.72 acres	Harbor	Open Space (amend uses to include this tower – ZTA)	
83A3-A-13	OWNER: CTI TOWERS ASSETS II LLC .26 acres	Harbor	Open Space (amend uses to include this tower – ZTA)	
83A3-A-14D	OWNER: Cape Charles Rosenwald School Restoration Initiative, Inc 8.72 acres	Harbor	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue
90-A-9	OWNER: Canonie Atlantic Company 28.94 acres Across from Rayfields (behind the hump)	M-2	Harbor - Commercial	
83A3-A-14C	2.72 acres Future Home of Town Hall	Harbor	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue
83A3-A-14A	OWNER: Town of Cape Charles 1.43 acres Public Works Storage	Harbor	Open Space (add some language to the uses – ZTA)	
83A3-A-14B	OWNER: VAW 4.72 acres Wastewater Treatment Plant	Harbor	Open Space	

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTS AS OF MAY 22, 2024

TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
83A4-A-24	OWNER: Wilhemnia Bosse .46 acres Vacant land	Harbor	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue
83A3-A-9	OWNER: Canonie Atlantic Company 42.15 acres Old Railroad property Partial harbor frontage where railroad barge loaded/unloaded	Harbor	Harbor - Commercial	
83A3-A-10	OWNER: Town of Cape Charles 17.31 acres Marine, slips, Shanty, Bathhouse, Boat ramp	HARBOR	Harbor-Commercial	
83A3-A-5 83A3-A-5A	OWNER: Cape Charles RF, LLC 6.26 acres North of Harbor adjacent to Mason Avenue at entrance of harbor (former TAVI PROPERTY)	HARBOR	Harbor- Commercial	
83A3-2-2-88 83A3-2-2-87 83A3-2-2-84	OWNER: 1 Mason Avenue, LLC 16,880 sq. ft. Northampton Hotel	HARBOR	Harbor- Commercial	
83A3-A-6	OWNER: Port of Cape Charles Development Corp .48 acres Cape Charles Medical Center	HARBOR	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue
83A3-4-A	OWNER: VARIOUS OWNERS 220 – 236 Mason Avenue (1 st Floor – 8 units) 230 Mason Avenue (2 nd Floor – 9 units) 28,604 sq. ft or .66 acres Strawberry Station (CC Distillery thru The Bakery)	HARBOR	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue
83A3-4-X	OWNER: Town of Cape Charles 7,349.99 sq. ft. or .17 acres Strawberry Plaza	HARBOR	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTS AS OF MAY 22, 2024

TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
83A3-4-B	OWNER: VARIOUS OWNERS – 1 st floor – 4 units ; 2 nd floor – 8 units; 3 rd floor – 8 units 28,757 sq. ft. or .66 acres 300 Mason Avenue Strawberry Station (Candy Store thru Long & Foster)	HARBOR	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue

Definitions

Definitions (put in around page 378, pick up at page 234)

ABANDONMENT means the relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ABATTOIR means slaughterhouse, a place where livestock is killed and prepared for distribution to butcher shops and food markets.

ACCESS means a way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY USE, except as otherwise provided in the zoning district regulations, an accessory use is:

1. A use which is conducted on the same zoning lot as the principal use to which it is related, whether located within the same building or as an accessory structure, or as an accessory use of land, or which is conducted on a contiguous lot in the same ownership, and
2. Clearly incidental to, and customarily found in connection with, such principal use, and
3. Operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the zoning lot with the principal use.

ACRE is a measure of land area containing 43,560 square feet.

ACREAGE means a parcel of land, regardless of area, described by metes and bounds which respectively are ascribed to them by this section.

ADAPTIVE REUSE means the development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION means a structure added to the original structure at some time after the completion of the original structure or an extension or increase in floor area or height of a building or structure.

ADJACENT includes the term contiguous.

ADJACENT GROUND ELEVATION means the elevation of the surface of the ground between a point touching the exterior wall of a building and a point three feet in distance from such wall measured perpendicularly therefrom.

ADMINISTRATOR, THE ZONING ADMINISTRATOR, is that person appointed by the Town Council as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or part of any building.

ADULT BOOK STORE means any establishment having as a substantial portion of its stock in trade, books, pictures, magazines, and other periodicals which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities or specified anatomical areas, or an establishment trading in such books, pictures,

magazines, and other periodicals which limits its customers to persons over eighteen years of age.

ADULT CARE means the provision of health care including retirement homes, congregate living, and acute care facilities, or a mixture thereof.

ADULT MOVIE THEATER means any establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, or an establishment used for presenting such material which limits its customers to persons over eighteen years of age.

"

Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

AGRICULTURE means the tilling of soil, the raising of crops, forestry, the keeping and raising of livestock and fowl, and including the process of any products produced on the premises, such as milk, eggs, and the like.

AGRICULTURAL LANDS means those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

AFFORDABLE HOUSING means housing that is affordable to **households** with incomes typically at or below **120% of the area median income**, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities.

ALLEY means the minor way used primarily for vehicular access to the rear or side of properties otherwise abutting a street. For an alley way to be recognized as such by the Town, it must have previously been officially adopted by the Town.

ALTERATION means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any exterior change such as in doors, windows, roof, siding, porches, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

AMERICANS WITH DISABILITIES ACT (ADA) is a 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

ANEMOMETER. Measures the wind speed and may transmit wind speed data to the controller.

APARTMENT HOUSE means a building used or intended to be used as the residence of three or more families living independently of each other.

APARTMENT BUILDING means a building used or intended to be used as the residence of three or more households/families living independently of each other.

APARTMENT UNIT is considered one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

AREA MEDIAN INCOME means the midpoint of Northampton County's income distribution for a family of four and is calculated on an annual basis by the Department of Housing and Urban Development as median family income (MFI).

AREA OF SPECIAL FLOOD PLAIN means the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. This area is designated on the Flood Insurance Rate Map (hereinafter as FIRM) as AE and VE.

APPLICANT is the person submitting an application.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "Canopy, Attached and Free-standing."

ATTIC is space between ceiling framing of the top story and the underside of the roof.

AUTOMOBILE GRAVEYARD means any lot or place which is exposed to weather upon which three or more motor vehicles of any kind, incapable of being operated, are placed.

AVERAGE SETBACK shall be the mean setback from a street right-of-way of buildings on both sides of a lot.

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING, BACKLIT. An awning with a translucent covering material and a source of illumination contained within its framework.

BASE FLOOD ELEVATION means the highest height, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.

BANNER. A flexible substrate on which copy, or graphics may be displayed.

BASEMENT means that portion of a building that is partly or completely below grade. A basement is a level within a building that has its floor surface below the adjoining ground level. A basement shall be counted as a story if over 50 percent of its height is above finished grade.

BASE FLOOD/100-YEAR FLOOD means a flood that on the average is likely to occur once every 100 years (i.e., that has a 1 percent chance of occurring each year, although the flood may occur in any year).

BATHROOM means a room or area that includes a sink and toilet. It may also include a bathtub, shower, or bidet.

BED AND BREAKFAST means a single-family dwelling containing sleeping and/or breakfast accommodations as an accessory use to the principal use. Such lodging shall have room accommodations for transient persons and wherein a charge is normally paid for such accommodations. Owner or manager is a permanent dweller residing on site.

BEDROOM is a room or space within a structure intended for sleeping. Requirements include:

- A minimum size of 70 sq. ft; if more than one person occupies the room, there must be 50 sq. ft. per occupant.
- Access to a bathroom without crossing another bedroom.
- Every bedroom must have access to natural ventilation and have a permanent heat source.
- Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least 5.7 sq. ft and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.
- Ceiling height must be no less than 7 feet.

BEST MANAGEMENT PRACTICES or **BMP** means a practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals.

BIKEWAY means a pathway often paved and separated from streets and sidewalks designed to be used by bicycles.

BILLBOARD. Any large sign/panel including supporting structure used as an outdoor display for the purpose of displaying advertisements; the product, business, or service so advertised or displayed being remote from the site of the sign. This sign is typically seen alongside roadways or on the sides of buildings. (Sometimes referred to as "Off-premise sign" or "Outdoor advertising sign.")

BLIGHTED AREA is an area characterized by deteriorating and/or abandoned buildings, inadequate or missing public or community services, and vacant land with debris, litter, lack of sanitation facilities, trash and junk accumulation and impacted by adverse environmental nuisances, such as noise, heavy traffic, and odors.

BOARDING HOUSE or **ROOMING HOUSE** means a dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well.

BOARD OF ZONING APPEALS means the board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator or Floodplain Manager in the interpretation of this ordinance.

BUFFER AREA means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

BUFFER YARD means an area or areas located within districts or land use classifications which extend along adjacent property lines abutting other districts.

BUILDING means any structure having a roof supported by walls which is solidly enclosed, including any area which is solidly enclosed with glass or any other rigid material which will not allow for the passage of air.

BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a zoning permit is issued in compliance with [Section 4.2\(J\)](#).

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

BUILDING FOOTPRINT is the land area on which a proposed building is located.

BUILDING, HEIGHT OF means the vertical distance measured from the finished grade to the top of the highest roof beams on a flat or shed roof, to the top of a parapet, the deck level on a mansard roof, and the average distance between eaves and the ridge level for gable, hip, and gambrel roofs. Note: Mechanical equipment, chimneys, air conditioning units, elevator penthouses, church spires and steeples, water towers, and similar appurtenances are exempted from height restrictions. However, these exclusive items may not exceed the height limit by more than fifteen feet.

BUILDING INSPECTOR/OFFICIAL is the individual designated by the appointing authority to enforce the provisions of the building code.

BUILDING, MAIN means the principal structure or the principal building on a lot or the building or the principal building housing the principal use on a lot.

BUILDING, PARCEL means a fraction of a tract of land containing one or more building lots.

BUILDING PERMIT is an approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building.

CANOPY, ATTACHED. A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also "Marquee."

CANOPY, FREE-STANDING. A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

CAREGIVER is an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

CARRY-OUT RESTAURANT means an establishment that by design of the physical facilities, service, or packaging sells prepared ready-to-eat foods intended primarily to be consumed off the premises.

CEMETERY means property used for interring of the dead.

CERTIFICATE OF APPROPRIATENESS is a certificate or other statement indicating approval by the Administrator, the Harbor Area Review Board or the Historic District Review Board as the case may require, of plans for construction, alteration, reconstruction, repair, restoration, demolition, or razing of a building or structure or part thereof.

CHESAPEAKE BAY PRESERVATION AREA or CBPA means any land designated by the Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-10 et seq., § 62.1-44.15:68 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

CHILD CARE CENTER means any facility, other than a family home, established for providing childcare, supervision, and protection of children.

CHILD AND PERSONAL CARE USES shall mean any care, activity, and supervision (with or without academic instruction) for five or more children.

CHURCH means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

CLUB means a group of people organized for a common purpose to pursue common goals,

interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

COASTAL HIGH HAZARD AREA means an area subject to high velocity waters including but not limited to hurricane wave wash. The area is designated on the FIRM as VE.

COMMERCIAL USE is an activity involving the sale of goods or services carried out for profit.

COMMERCIAL VEHICLE shall mean limousine, flatbed truck, dump truck, tow truck, bus, school bus, transport wrecker, cab-on-chassis truck, tractor trailer, wheeled attachment, earth-moving machinery, semi-trailer, and any vehicle over 20 feet in length, eight feet in height, or seven feet in width.

COMMISSION shall mean the Cape Charles Planning Commission.

COMPREHENSIVE PLAN is a master plan, long-range plan, intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation and open space, transportation, community facilities, and land use, all related to the community's goals and objectives for these elements.

CONDITIONAL USE means a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

CONDITIONAL USE PERMIT is a permit recommended by the Planning Commission and issued by the Town Council stating that the conditional use meets all conditions set forth in local ordinances.

CONSTRUCTION FOOTPRINT means the area of all impervious surface including but not limited to buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

CONTINUING CARE RETIREMENT COMMUNITY, sometimes known as a life plan community, is a type of retirement community where a continuum of aging care needs from independent living, assisted living, and skilled nursing care can all be met within the community.

CONTRIBUTING PROPERTIES are those properties constructed fifty (50) years or more ago.

COOPERATIVE means real estate owned by an association, each of the members of which is entitled, by virtue of his ownership interest in the association, to exclusive possession of a unit. (See § 55.1-2100 et seq. Of the Code of Virginia)

CONSTRUCTION shall mean any site or building preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

CONTRIBUTING STRUCTURE OR PROPERTY means a structure, building, or place constructed

on or before 1964 OR which has special significance because of notable architectural or historic features relating to the cultural or artistic heritage of the community and whose authentic look and character should be retained. The National Register of Historic Places (amended 2019) provides the listing of contributing structures and properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

COUNTRY CLUB is land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses open to members and their guests.

CRAWL SPACE is an under floor space that is not a basement which usually contains pipes, ducts, wiring and lighting fixtures, and permits access but is too low for standing.

CROP is a harvestable product planted, grown, and cultivated in the soil.

DECK is an uncovered platform, constructed of wood or wood substitute.

DEMOLITION is the dismantling or tearing down of all or part of any building and all operations incidental thereto.

DEMOLITION PERMIT means the official authorization in writing to remove part or all of a building or structure.

DENSITY means the total number of families, individuals, dwelling units, households, or housing structures per unit of land.

DESIGN GUIDELINES are those set of recommendations adopted pursuant to §8.20 and §9.20 of this Code.

DEVELOPER means the owner or any person with written authorization for the owner who intends to improve or to construct improvements upon any given property.

"Development" means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

DIAMETER AT BREAST HEIGHT or DBH means the diameter of a tree measured outside the bark at a point 4.5 feet above ground.

DISTRICT is a part, zone, or geographical area within the municipality within which certain

zoning or development regulations apply.

DOG PEN means any structure used to enclose and confine domestic canines outside of the principal building or structure on a lot. Pens shall be located only in the rear yard and in accordance with the Town's zoning regulations. Pens shall be designed to provide the canines with shelter from the elements of nature and constructed in such a manner as not to cause injury to the animal or interfere with movement, vision or respiration. Pens shall be in a clean, dry, and sanitary condition at all times. Animal waste shall not be allowed to accumulate.

DRIPLINE means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

DRIVE-THROUGH ESTABLISHMENT/RESTAURANT shall mean a business establishment so developed that its retail or service character includes providing a driveway approach and service window for motor vehicles so as to serve patrons as they are seated in the motor vehicle and passing by the service window rather than serving them from within a building.

DRIVEWAY shall mean a vehicular connection between the right-of-way of a street and to a vehicle parking, loading, or maneuvering facility, lots, building sites, uses, or other divisions of land and not intended to be public ingress and egress. A driveway is not considered a street.

DWELLING means a structure or portion thereof that is used exclusively for human habitation.

DWELLING, ACCESSORY is a dwelling unit which is an accessory use to a single-family dwelling or commercial use in the Commercial – Residential District.

DWELLING, CONDOMINIUM shall mean a single, separately owned dwelling unit in a multi-unit development or structure, with jointly owned and shared areas and facilities.

DWELLING, DUPLEX shall mean a building designed as a single structure, containing two separate dwelling units joined side-by-side, has direct access to the outside, and each of which is designed or arranged to be occupied by two families living independently of each other.

DWELLING, MANUFACTURED HOME or MOBILE HOME means a special form of 'one-family dwellings' with the following characteristics: A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width, or 40 body feet or more in length, or which when erected onsite is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure, and designed and constructed to National Manufactured Housing Construction and Safety Standards Act of 1974. The term does not include any self-propelled recreational vehicle. Calculations used to determine the number of square feet in a structure will include the total of square feet for each transportable section comprising the completed structure and will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected onsite. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

DWELLING, MULTI-FAMILY shall mean a building designed for and containing three or more dwelling units.

DWELLING, SEASONAL is a dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.

DWELLING, SINGLE FAMILY DETACHED shall mean a single-family dwelling that is located on an individual lot of record.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE) shall mean a dwelling unit which is located on an individual lot of record and which is attached to another dwelling unit or any adjoining lot by a common wall.

DWELLING UNIT means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT is a grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ENGINEER means a professional engineer licensed by the Commonwealth of Virginia.

ENLARGEMENT means an increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvements.

EVENT CENTER shall mean a multi-purpose facility generally used for meetings, parties, banquets, weddings, and other social gatherings, conventions, and the display of merchandise by a variety of industrial groups, professional groups, social groups and trade organizations.

EXISTING CONSTRUCTION means, for the purpose of determining rates, structures for which the start of construction commenced before the effective date of the FIRM. EXISTING CONSTRUCTION may also be referred to as **EXISTING STRUCTURES**.

EXISTING USE is the use of a lot or structure at the time of the enactment of the zoning ordinance.

FARM or **FARMLAND** is a parcel of land used for agricultural activities.

FENCE means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FLOOD or **FLOODING** means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas

from:

- A. The overflow of inland or tidal waters.
 - B. The unusual and rapid accumulation or runoff of surface waters from any source.
 - C. Mudslides (i.e., mudflows) which are approximately caused or precipitated by accumulations of water on or under the ground.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in 1.a of this section.

FLOOD INSURANCE RATE MAP (FIRM) means the official map of the community, on which the administrator has delineated both special hazard areas and the risk premium zones applicable to the community. **FLOOD PLAIN** means (1) a relatively flat land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation of runoff of surface water from any source.

FLOOD PLAIN means the channel and the relatively flat area adjoining the channel of a natural stream, river, or body of water that has been or may be covered by floodwater.

FLOOD PLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

FLOOD PROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structure which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOR AREA shall mean the gross horizontal areas of a building, including mezzanines and lofts, exclusive of garages, parking structures, basements, open balconies and porches, and equipment and service areas, measured from the exterior face of the exterior walls of a building.

FOOT CANDLE means a standard measurement of light intensity, defined as the illuminance on a one-square foot surface from a uniform source of light.

FORESTRY means an establishment primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

FRONTAGE is the width in linear feet of each lot where it abuts the right-of-way of any public or private street.

FRONTAGE, BUILDING. The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE, PROPERTY. The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

FUNERAL HOME is a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE means a deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

GARAGE, PRIVATE RESIDENTIAL is a structure that is an accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

GOLF COURSE means a tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter.

GOVERNING BODY shall mean the Cape Charles Town Council.

GRADE (ADJACENT GROUND LEVEL), generally flat horizontal surfaces, is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building or structure and the property line. When ground level slopes, the reference plane shall be established by the average of elevations at the four corners of the lot and two additional highest points on the lot (i.e., the average of six points).

GRADING is the act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.

GROSS FLOOR AREA (GFA) shall mean the total covered floor area inside the building envelope, including exterior walls, and excluding the roof.

GROUND COVER means grasses or other plants and landscaping grown to keep soil from being blown or washed away.

GROUP HOME is a residential facility, licensed by the Department of Behavioral Health and Developmental Services, in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more residential counselors or other staff persons. For the purposes of this ordinance, mental illness and developmental disability shall not include current

illegal use of or addiction to a controlled substance as defined in [§ 54.1-3401](#) of the Code of Virginia.

HARBOR DISTRICT is a zoning district emphasizing the maritime experience of Cape Charles.

HARDSHIP means a restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights, and that which relates to the physical characteristics of the property, not the personal, financial, or self-imposed circumstances of the owner or user.

HEALTH CARE FACILITY means a facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

HISTORIC DISTRICT means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

HISTORIC LANDMARK is defined as any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission.

HISTORIC STRUCTURES means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in the states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a. by an approved state program as determined by the Secretary of the Interior, or b. directly by the Secretary of Interior in the states without approved programs.

HOME OCCUPATION means any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling. Home occupations must be constructed wholly within the building or structure and shall not exceed 50 percent of the total floor area and the residential appearances of the building or structure must be maintained.

HOSPITAL means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residents.

HOTEL is a building in which lodging or boarding and lodging facilities are provided for transient guests, and offered to the public for compensation and in which ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours.

HOUSEHOLD (family) all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

HYBRID SYSTEM. An energy system that uses more than one technology to produce energy to work (for example a wind/solar system).

IMPERVIOUS is any paved, hardened or structural surfaces which prevent or impede the infiltration of stormwater into the soil.

IMPERVIOUS COVER means a surface composed of any material that significantly impedes or prevents natural infiltration or water into the soil. Impervious surfaces include but are not limited to roofs, buildings, streets, parking areas, and any concrete, asphalt, compacted gravel, or shell surface.

IMPROVEMENT means any permanent structure that becomes part of, placed upon, or is affixed to real estate.

INDUSTRIAL, LIGHT means industrial uses that meet the performance standards, bulk controls, and other requirements established in an ordinance.

INDUSTRIAL PARK means any tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration of transportation facilities, circulations, parking, utility needs, aesthetics, and compatibility.

INDUSTRY means those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation; communications; electric, gas, and sanitary services; and wholesale trade.

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INNOVATOR SPACE shall mean a space in an existing or new building that is designed to support innovative design, fabrication and wholesale or retail sales of small articles that are unique in design and employ methods of low volume, high value-added production that employ innovative technology and/or artistic skill that are not hazardous or noxious.

INSTITUTIONAL USES shall mean a nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, or government owned or government operated structure or land used for public purpose.

INTENSELY DEVELOPED AREA or IDA means a portion of Resource Protection Area or a Resource Management Area designated by the Town Council where development is concentrated and little of the natural environment remains.

JUNKYARD means any area, lot, parcel, building, or structure or part thereof used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

KENNEL means a commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee. This includes any building or premises used, designed, or arranged for the boarding or breeding or care of four or more dogs, cats, or other domesticated pets of at least six months of age.

KITCHEN means a space within a structure designated for the cooking and preparation of food that includes a sink and a refrigerator.

KILOWATT (kW). A measure of electric power equivalent to 1,000 watts.

LAND USE means a description of how land is occupied or utilized.

LANDSCAPE means an expanse of natural scenery; lawns, trees, plants, and other natural materials, such as rock and wood chips and decorative features, including sculptures, patterned walks, fountains, and pools.

LANDSCAPE PLAN is a plan indicating the location, size, quantity and species of replacement trees and shrubbery.

LANDSCAPE ZONE is an area reserved for the growing and maintenance of landscape materials, including approved street trees and ground cover.

LOT means a parcel of land occupied by a main structure or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

LOT AREA means the total area within the lot lines of a lot, excluding any street right-of-ways.

LOT, CORNER means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE is that portion of the lot that is covered by buildings.

LOT DEPTH means the average distance measured from the front of the lot line to the rear of the lot

line.

LOT, FLAG means a lot not meeting minimum frontage requirements and where access to the public road is by narrow private right-of-way or driveway.

LOT FRONTAGE means the length of the front lot line measured at the street right-of-way line.

LOT LINE means a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT is the lot line separating a lot from the street right-of-way.

LOT LINE, REAR is the lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT OF RECORD means a lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

LOT WIDTH is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MANUFACTURED HOME means a structure subject to Federal regulations, which is transportable in one or more sections, is eight body feet or more in width and forty body feet in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation when connected to the required facilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

MANUFACTURED HOME PARK/SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale. MAP means the Flood Insurance Rate Map (FIRM) for the community issued by the Federal Insurance Administration.

MANUFACTURED HOUSING means factory built, single-family structures that meet national standards.

MANUFACTURING is an establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or lacquers.

MARINA is a facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests.

MARQUEE. See "Canopy (attached)."

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the Flood Insurance Rate Map are referenced.

MEGAWATT (MW). A measure of electric power equivalent to 1 million watts.

MENTALLY or PHYSICALLY IMPAIRED PERSON is a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in [§ 63.2-2200](#) of the Code of Virginia, as certified in writing by a physician licensed in the Commonwealth of Virginia.

"Mixed use development" means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

MOBILE HOME PARK is a site containing space with the required improvements and utilities that are leased for the long-term placement of manufactured houses and that may include services and facilities for the residents.

MODULAR BUILDING, OR HOME OR INDUSTRIALIZED BUILDING means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Unlike Manufactured Homes, the design, installation, and construction of modular or Industrialized homes are regulated by the Uniform Statewide Building Code.

MOTEL is one or more buildings in which lodging or board and lodging are provided for transient guests for compensation and supervised by a person in charge at all hours. Ingress and egress to and from all rooms are made primarily directly from an exterior walkaway rather than from an inside lobby.

MUNICIPAL COMMUNITY CENTER. See 'Neighborhood Community Center.'

NACELLE. The cover housing surrounding a wind turbine, usually at the center of the blades.

NEIGHBORHOOD is an area of the community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as roads, railroads, or other natural features.

NEIGHBORHOOD COMMUNITY CENTER is a facility within Residential Districts intended for the use of Town citizens for recreational and educational use.

NEW CONSTRUCTION means, for the purpose of determining insurance rates, structures for which the

start of construction commenced on or after the effective date of the initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood management purposes, NEW CONSTRUCTION means structures for which the start of construction commenced on or after the effective date of a flood plain management regulation adopted by a community and includes any subsequent improvement to such structures.

NON-CONFORMING LOT is a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING STRUCTURE or BUILDING is a structure or building, the size, dimensions, or location of which was lawful prior to adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING USE is a use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONTRIBUTING STRUCTURE are those that were built after 1964 or have been altered to such a degree that they are no longer representative of the period which they were built or are in such poor physical condition that their retention is difficult. The National Register of Historic Places (amended 2019) provides the listing of non-contributing structures and properties. Should a building or structure within the boundaries of the historic district not to be listed in the national register, the building or structure will be classified as non-contributing.

NONPOINT SOURCE POLLUTION means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

NONTIDAL WETLANDS means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions such as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act in 33 C.F.R. 328.3b.

NOXIOUS WEEDS means weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

OCCUPANCY PERMIT is a required permit allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.

OFFICE means a room or group of rooms for conducting affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication

equipment.

OFF-SITE PARKING means parking provided for a specific use but located on a site other than the one on which the specific use is located.

OPEN SPACE is a lot or portion of a lot set aside, designated or reserved for the outdoor enjoyment of the public or for all persons occupying a building on the lot, and is preserved as natural areas or is designed as a park or recreational area.

OUTDOOR STORAGE means the keeping in an enclosed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

OVERLAY ZONE is an area where additional requirements are superimposed upon a base zoning district or underlying district.

OWNER shall mean the legal or beneficial titleholder of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

PARAPET. The extension of a building facade above the line of the structural roof.

PARCEL: See **LOT**.

PARK means a tract of land designated and used by the public for active and passive recreation.

PARKING LOT OR PARKING GARAGE shall mean an area or building designated and designed for the temporary storage of vehicles.

PARKING SPACE shall mean a marked or striped usable hard-surfaced area enclosed within a main or accessory building, or unenclosed, permanently reserved for the temporary storage of one vehicle.

PATIO is an uncovered courtyard composed of a paved surface such as concrete, tile, or brick which lies directly on the ground.

PAVERS shall mean preformed paving blocks that are installed on the ground to form patterns while at the same time facilitate pedestrian and vehicular travel.

PEDESTRIAN WALKWAY shall mean a walking surface similar to a sidewalk, which facilitates the safe, unobstructed and convenient flow of pedestrians internally on a private property.

PEN means a small enclosure used for the concentrated confinement and housing of animals, a place for feeding and fattening animals, or a coop. Enclosed pastures or range with an area in excess of one hundred square feet for each animal shall not be regarded as a pen.

PERIOD OF SIGNIFICANCE: The National Register of Historic Places recognizes buildings, sites, and districts for their historic significance, and has documented that the significance be associated with a discrete chronological period for the Cape Charles Historic District from 1883 to 1964.

PERMEABILITY is the ease with which air, water, or other fluids can move through soil or rock.

PERMIT is any written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

PERMITTED USE means any allowable use in a zoning district and subject to the restrictions applicable to the zoning district.

PERSON means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

PERVIOUS is any surface or element through which water can infiltrate directly into the ground.

PERVIOUS PAVING is any paving surface that presents an opportunity for precipitation to infiltrate or percolate directly into the ground.

PHASE or **PHASED** is subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

PICNIC AREA means a place equipped with tables, benches, grills, and trash receptacles for people to assemble, cook, eat, and relax.

PLACE OF WORKSHIP shall mean a building where persons regularly assemble for religious purposes and related social events and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

"Planned unit development" means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

PLAN OF DEVELOPMENT means the process for site plan or subdivision plat review to ensure compliance with § 62.1-44.15:67 et seq. of the Code of Virginia and this Article prior to any clearing or grading of a site or the issuance of a building permit.

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes.

PLAYGROUND means an active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

PLOT means a single-family parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

PORCH means a roofed area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned, or has water and sewer service, and when the percentage of window area to wall area is less than fifty percent.

PREMISES shall mean any building, lot, parcel of land, or portion of land whether improved, or unimproved including adjacent sidewalks and parking strips.

PRESERVATION is the process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment.

PRINCIPAL BUILDING shall mean a building in which is conducted the principal permitted use(s) of the lot on which said building is situated.

PRINCIPALLY ABOVE GROUND means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

PRIVATE shall mean property owned by individuals, corporations, and other organizations and not by city, county, state or federal governments.

PROFFER is an offer of restrictions on use of property presented by an applicant for conditional rezoning or a special exception.

PROJECT shall mean the entire proposed development.

PROPERTY means a lot, parcel, or tract of land together with the building and structures located thereon.

PUBLIC, when used as a modifier shall mean "government-owned" or "government-operated."

PUBLIC AREA means any park, playground, trail, path, or other recreational area and open space; scenic and historical sites; schools and other public buildings and structures; and other places where the public is directly or indirectly invited to congregate.

PUBLIC ART is a fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public.

PUBLIC ROAD means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and maintained, or both, by the Town of Cape Charles in accordance with the standards of the Town of Cape Charles.

PUBLIC UTILITY means a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

PUBLIC UTILITY FACILITY means any building, structure, and facility including generating and switching stations, poles, lines, pumping stations, repeaters, antennas, transmitters, and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

RECONSTRUCTION is any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials. It is the process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. Reconstruction is different from the other historic treatments in that it is undertaken when there are often no visible historic materials extant or only a foundation remains.

RECREATION, ACTIVE means leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, PASSIVE means activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar games.

RECREATIONAL VEHICLE means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designated to be self-propelled or permanently towable by a light-duty truck; and
4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel, or seasonal use.

REDEVELOPMENT means the process of developing land that is or has been previously developed.

REHABILITATION is the process of making possible a compatible use for a property through repair, alterations, and additions while retaining to the maximum extent practicable those portions or features which convey its historical, cultural, or architectural values.

REGULATION shall mean any rule, development standard, or other requirement adopted by the governing body pursuant to the requirements of this Zoning Ordinance.

REPAIRS are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

RESIDENCE means a home or abode or place where an individual is actually living at a specific point in time.

RESIDENTIAL PROPERTY shall mean all property used for single-family detached, single-family attached, or multifamily residences, or mixed-use development that contains one or more dwelling units.

RESOURCE MANAGEMENT AREA or **RMA** means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

RESOURCE PROTECTION AREA or **RPA** means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

RESTAURANT means an establishment where food and drink are prepared and served and consumed primarily within the principal building.

RESTORATION is any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials. It is the process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

RETAIL is the selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

RETAIL SALES mean an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAINING WALL is a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

RIGHT-OF-WAY means (1) a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water line, sanitary storm sewer, and other similar uses; (2) generally the right of one to pass over the property of another.

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

SAND DUNES means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SATELLITE EARTH STATION ANTENNA means a parabolic or dish-shaped antenna over 24 inches in diameter or any other apparatus or device that is designed for the purpose of receiving radio waves.

SETBACK is the minimum distance allowable between a building or structure and any lot line.

SIGN means any letters, words, numbers, figures, devices, designs, emblems, trademarks, or any parts or combinations thereof, by which anything is made known. The structure, supports, or uprights on which any sign is supported shall be considered a part of the sign.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN, ANIMATED means A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. **Flashing.** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle.
2. **Patterned illusionary movement.** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other

devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

SIGN AREA means the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the support structures.

SIGN AREA. The simple geometric measure of the sign material substrate.

SIGN, AWNING. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

SIGN, BANNER. A sign utilizing a banner as its display surface.

SIGN, BUSINESS is a sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

SIGN, CANOPY. A sign affixed to the visible surface(s) of an attached or free-standing canopy. For reference, see Section C.

SIGN, CHANGEABLE. A sign with the capability of content change by means of manual or remote input, including signs which are:

Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."

Manually activated. Changeable sign whose message copy or content can be changed manually.

SIGN, COMBINATION. A sign that is supported partly by a pole and partly by a building structure.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN, DEVELOPMENT COMPLEX. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with Section I.2 of this chapter.

SIGN, DIRECTIONAL means signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way," "entrance," and "exit."

SIGN, DIRECTIONAL. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

SIGN, DOUBLE-FACED. A sign with two faces, back to back.

SIGN, ELECTRIC. Any sign activated or illuminated by means of electrical energy.

SIGN, ELECTRONIC MESSAGE. An electrically activated changeable sign whose variable message capability can be electronically programmed.

SIGN, EXTERIOR. Any sign placed outside a building.

SIGN FACE. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. see Section C.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the *sign* copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of *sign* structures with routed areas of sign copy, the *sign* face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the *sign* face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the *sign* copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of *sign* copy enclosed within a painted or illuminated border or displayed on a background contrasting in color with the color of the building or structure, the *sign* face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN, FASCIA. See "Wall or fascia sign."

SIGN, FLASHING. See "Animated sign, electrically activated."

SIGN, FREESTANDING means any non-movable sign not affixed to a building or solid structure.

SIGN, FREE-STANDING. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. Maximum size of 10 square feet. For visual reference, see Section C.

SIGN, GROUND. See "Free-standing sign."

SIGN, HOME OCCUPATION means a sign containing only the name of the occupation of a permitted home occupation.

SIGN, ILLUMINATED. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated). Lighting fixtures must be dark sky compliant.

SIGN, INTERIOR. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

SIGN, MARQUEE. See "Canopy sign."

SIGN, MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification. Maximum size of 10 square feet.

SIGN, MULTIPLE-FACED. A sign containing three or more faces.

SIGN, OFF-PREMISE. See "Billboard."

SIGN, ON-PREMISE. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

SIGN, OUTDOOR ADVERTISING. See "Billboard."

SIGN, POLE. See "Free-standing sign."

SIGN, POLITICAL means a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

SIGN, POLITICAL. A temporary sign intended to advance a political statement, cause or candidate for office during an election. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

SIGN, PORTABLE. Any sign not permanently attached to the ground or to a building or building surface. See "Temporary Sign."

SIGN, PROJECTING. A sign other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section C.

SIGN, REAL ESTATE means a sign pertaining to the sale or lease of the premises or a portion of the premises on which the sign is located.

SIGN, REAL ESTATE. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

SIGN, REVOLVING. A sign that revolves 360 degrees (6.28 rad) about an axis. See also "Animated sign, mechanically activated."

SIGN, ROOF. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section C.

SIGN, SANDWICH BOARD. A freestanding temporary sign, constructed of two large boards hinged at the top, held together by a chain or rope, with no other moving parts or lights; displayed outside a business, during business hours, to advertise the business, hours of operation, an event, a promotion, etc. Maximum size of 10 square feet.

SIGN STRUCTURE. Any structure supporting a sign.

SIGN, TEMPORARY means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

SIGN, TEMPORARY. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

SIGN, UNDER-CANOPY OR UNDER-MARQUEE. A sign attached to the underside of a canopy or marquee.

SIGN, V. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

SIGN, WALL OR FASCIA. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section C.

SIGN, WINDOW. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

SILVICULTURAL ACTIVITIES means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

SLEEPING AREA is an area in a room or house where a person can sleep and may utilize a bed, bunk beds, daybed, or other furniture identified for sleeping purposes, including and without limitation, a pull-out couch or futon.

SPOT ZONING means the rezoning of a lot or parcel of land to benefit an owner for a use incompatible with the surrounding land uses and that does not further the comprehensive plan.

STANDARDS are Zoning Ordinance requirements that are evaluated by the Zoning Administrator or Code Official and not under the discretion of the Historic District Review Board or the Harbor Area Review Board.

START OF CONSTRUCTION means the date the building permit was issued, provided the actual START OF CONSTRUCTION, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of property or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual START OF CONSTRUCTION means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STOOP is a small porch (covered or uncovered) and the step(s) to it.

STORY means that portion of a building included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it. A basement shall be counted as a story if over 50 percent of its height is above finished grade.

STORY, HALF, HABITABLE ATTIC, means a finished or unfinished area, not considered a full story, complying with all of the following requirements:

- The occupiable floor area is at least 70 square feet.
- The occupiable floor area has a ceiling height of not less than 7 feet. For rooms with sloped ceilings, ceiling height shall not be less than 5 feet and not less than 50 percent of the required floor area shall have a ceiling height of not less than 7 feet. A shower or tub equipped with a shower head shall have a ceiling height in accordance with the Virginia Residential Building Code.
- The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.
- Total occupiable space shall not exceed 50 percent of the greatest story floor area.

"Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

STREET, ARTERIAL means a street which moves or is designed to move large volumes of traffic from one part of town to another, connecting residential areas with employment centers and centers of commercial activity. Traffic volumes are usually 500 vehicles per day or greater.

STREET, COLLECTOR means a street that collects traffic from local streets and connects with minor and major arterial.

STREET, LOCAL means a street designed to provide vehicular access to abutting property and to discourage through traffic.

STREET SCAPE means a design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, landscaping, street paving, street furniture, trees and other plantings, awnings, and marquee signs and lighting.

STRUCTURAL ALTERATION means any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimension or configuration of the roof or exterior walls.

STRUCTURE means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

STRUCTURE, APPURTENANT means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Subdivision," unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the

purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258. Nothing in this definition, section, nor any ordinance adopted pursuant to § 15.2-2240 shall preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. Notice shall be provided to the zoning administrator of the locality in which the parcels are located for review. For any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of Article 6 (§ 15.2-2240 et seq.) and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent. A copy of the final decree shall be provided to the zoning administrator of the locality in which the property is located.

SUBSTANTIAL ALTERATION means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENTS means any construction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure as continued designation as a historic structure.

TAKING means to take, expropriate, acquire, or seize property without compensation.

TEMPORARY STRUCTURE shall mean a structure without any foundation or footing and removed when the designated time period, activity, or use of which the temporary structure was erected has ceased.

TIDAL SHORE or SHORE means land contiguous to a tidal body of water between the mean low water level and the mean high-water level.

TIDAL WETLANDS means the vegetated and non-vegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

TOWER (WIND ENERGY). The structure on which the wind system is mounted.

TOWER HEIGHT (WIND ENERGY). The height above grade of the fixed portion of the tower, including the nacelle and excluding the rotor blades.

TRACT is an area, parcel, site, piece of land, or property that is the subject of development applications.

TRAILER means a structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying materials, goods, or objects or as a temporary office.

TRANSPORTATION FACILITY is any structure or facility that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

USE means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

UTILITY INSTALLATION. See Public Utility Facility.

VACANCY means any unoccupied land, structure, or part thereof that is available and suitable for occupancy.

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

VIEWSHEDS are the areas of land extending south from Washington Avenue to Bayshore Lane, that align in width and angle with the existing streets to the north (including Harbor Street and Peach Street), that shall be restricted to only ground-level development and their amenities, including but not limited to streets, pedestrian or multi-modal trails, or linear parks, so as to maintain the view from the north to the south and vice-versa.

WATER-DEPENDENT FACILITY means a development of land that cannot exist outside the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities.

WETLANDS means tidal and non-tidal wetlands.

WIND ENERGY FACILITY. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND ENERGY FACILITY, LARGE SYSTEM. A system which has a rated capacity of not more than 999kW.

WIND ENERGY FACILITY, MICRO SYSTEM. A building mounted wind system that has a manufacturer's rating of 10kW or less and projects no more than 18 feet above the highest point of the roof and shall not be considered a small wind energy system in terms of the area or setback requirements. Only one facility is allowed per dwelling unit.

WIND ENERGY FACILITY, SMALL SYSTEM. A system which has a rated capacity of not more than 25kW and primarily used for onsite consumption.

WIND ENERGY FACILITY, UTILITY SCALE. A wind energy conversion system consisting of one or more wind turbine(s), tower(s), and associated control or conversion electronics, which has a rated capacity of 1mW or greater.

WIND FARM. See "Wind Energy Facility – Utility Scale."

WIND POWER. Electrical Power generated by wind driven turbine blades turning an electrical generator.

WIND PUMP. A type of windmill used for pumping water from a well or pond.

WIND TURBINE. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, and pad transformer.

WIND TURBINE HEIGHT. The distance measured from the grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

WINDMILL. A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water.

WORKFORCE HOUSING means housing commonly targeted at “essential workers” in a community (e.g., police officers, firefighters, teachers, nurses, medical personnel, service workers). Workforce housing is targeted more generally at income levels from 80% to 120% of Area Median Income (AMI), regardless of type of employment.

YARD is an open space that lies between the principal building or buildings and the nearest lot.

YARD, FRONT means a space extending the full width of the lot between any building and the front lot line and measured perpendicularly to the building at the closest point to the front lot line.

YARD, REAR means a space extending across the full width of the lot between the principal building and the rear of the lot and measured perpendicularly to the building to the closest point of the rear lot line.

YARD, SIDE means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicularly from the side lot line to the closest point of the principal building.

ZONING or **TO ZONE** means the process of classifying land within a locality into areas and districts, being generally referred to as “zones,” and the prescribing and application in each of these areas and district regulations concerning buildings and structural designs, building and structure placement, and uses to which the land, buildings, and structures within such designated areas may be put.