



DRAFT
PLANNING COMMISSION & TOWN COUNCIL
Joint Work Session
Cape Charles Civic Center
August 6, 2024
6:30 PM

At approximately 6:30 p.m., Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway and Libby Wright. Ian McDonald participated via MS Teams from his home due to illness. Shannon Smith was not in attendance.

Mayor Adam Charney, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer was not in attendance.

Also, in attendance were Town Manager John Hozey, Planning & Zoning Director Katie Nunez, Planning & Zoning Assistant/Zoning Compliance Officer Jack Steinmayer, and Town Clerk Libby Hume. There were no members of the public in attendance.

WORK SESSION ORDER OF BUSINESS:

A. Continuation of Draft Zoning Ordinance Review:

1. Proposed Sign Ordinance

Katie Nunez stated that much time was spent on the Sign Ordinance at the last work session. The town manager was requested to have the draft ordinance reviewed by our attorney. This evening's meeting will begin with another review of the Sign Ordinance which included the attorney's comments. Both the red-lined and clean versions of the Sign Ordinance were included in the packet. The attorney's comments were shown in purple, and staff's comments were shown in red.

Katie Nunez also stated that Public Art was discussed at the last meeting and the consensus was that it should not be part of the Sign Ordinance until such time that the Town Council adopted a Public Art policy. Examples of public art are the LOVE sign and the King Neptune statue.

The Commission and Council reviewed the Sign Ordinance page by page. (Please see attached.)

2. Industrial Zoning Districts & Harbor-related Districts:

The review continued on the Industrial M-2, Harbor-Light Industrial, and Harbor-Commercial districts. (Please see attached.)

Katie Nunez stated that the next meeting will focus on Main Street Mixed Use.

John Hozey added that the Town Council had a work session scheduled for August 8th regarding short-term rentals. On August 15th, we had a Town Council Regular Meeting, Work Session and Executive Session, and the next joint work session on the Zoning Ordinance would be on August 22nd.

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

Motion made by Commissioner Grossman, seconded by Commissioner Wright, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

The meeting was adjourned at 8:30 p.m.

Planning Commission Chair Stramm

Mayor Charney

Town Clerk

Attachments from August 6, 2024 Planning Commission & Town Council Joint Work Session

Sign Ordinance:

Changes from the 8/6/24 Joint Work Session are shown in green.

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 (c) 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 effect one or more of the purposes set forth above.~~

No changes made

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

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

Commented [A5]: Not necessary to include the negative.

1

~~(g) 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.~~

No changes made

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

2

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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Commented [A9]: Pulled directly from City of Austin v. Reagan National Advertising.

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No changes made

~~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.

No changes made

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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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Include "holiday displays" in the last sentence of Sign definition.

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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.

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- (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

Commented [A11]: Redundant.

No changes made

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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~~

No changes made

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Commented [knt12]: Added this section to reflect signage for Subdivisions (residential or commercial).

Commented [knt13]: Included here after discussion between Katie and John since there is a need to define and distinguish events like the Summer Concert Series in Central Park which is primarily overseen by Citizens for Central Park with support from the Town.

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

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- ~~after their purpose has been accomplished.~~
- ~~1. 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.~~

No changes made

Commented [A15]: Covered under Sec. 4(1).

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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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(b)(2)-Animated signs - Definition would be expanded to include inflatable tube men

9

- (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.

No changes made

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(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.

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No changes made

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.

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No changes made

- (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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13

KN to fill in the appropriate Section references

horizontal-mount flat lenses that prevent upward.

No changes made

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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 . 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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No changes made

- (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.

Commented [A30]: This is a substitution clause to help avoid claims that an ordinance favors commercial speech over noncommercial speech.

16

No changes made

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) (5)
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 (sub-division 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	≤ 90 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 ~~90~~ 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

KN - Goal is to get consistency for tables across all districts.

Much discussion re: real estate & political signage and agreement reached to permit temporary signage, with no limits in the number, for the 45 days prior to a general election.

Pg. 17

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).

A category would be created for "Permanent" signs [i.e., window signs on windows or doors (etched, painted, 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, nor that directs persons to go, 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	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, nor that directs persons to go, 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 a window or attached to a window or glass 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, nor 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.

added reference to
"glass" (window & doors)

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		than the premises on which the sign is erected.		which the sign is erected. 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.	
TYPE	Flags	Freestanding (including monument)	Wall and Window Signs	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalkboard, Feather, Off-Premise, Portable, Window)	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 sq' max 3 (Only one flagpole)	Permanent On-site: 24 sq' one. Permanent Off-site-for-commercial-use: Up to 3 signs, each not to exceed 18 sq' and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	Wall sign: 12 sq' per 5 lineal ft of building frontage Wall sign: ≤ 8 sq' per 5 lineal ft of building side wall Window signs are permitted	≤ 16 sq' max 3	Directory – Limited to one sign per ingress/egress onto a primary road access. Projecting signs perpendicular to bldg. frontage ≤ 10 sq' Hanging sign parallel to bldg. frontage ≤ 5 sq' per 5 lineal ft Awning signs ≤ 12 sq' 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.

Entrance canopy is the same as an awning

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 Numer: Should treat "size-wise" just like a wall sign.

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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		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. 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

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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	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off- Premise, Portable, Window)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
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same changes as in Commercial district

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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 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 which the sign is erected.	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 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	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.
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Commented [A40]: Definition of "off-premises sign" is same as in Section 2.

Commented [A41]: Same comment as above.

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No changes made

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 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.		activity conducted, sold or offered at a location other than the premises on which the sign is erected. Portable sign means any moveable sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner 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.	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 Z/A

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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.

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Entrance canopy same as awning

TYPE	Flags	Freestanding (including monument)	Wall or 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. 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. See Section 4.45 Days.	Signs cannot impede public right-of-way.
Duration	Unlimited	Unlimited	Unlimited		Unlimited

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No changes made

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Industrial M-2, Harbor-Light Industrial, Harbor-Commercial Districts

Changes from the 8/6/24 Joint Work Session are shown in green.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS
ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

	Industrial District M-2	HARBOR	
		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. The 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

No changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
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		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 rental; c) Marine, docks and wharves if contiguous to harbor) 15. Utility facilities 1. Sail and canvas making and repair 2. Ship stores and chanderies

No changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
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		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
	22. Performing arts center was moved to 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 foot 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 foot or less of gross floor area: a) beauty and

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
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		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; c) 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

No changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
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		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

No changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
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		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

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
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		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.

This language should be in Article 4 - KN to check

				HARBOR			
Industrial District M-2				Harbor – Light Industrial		Harbor – Commercial	
LOT, YARD, HEIGHT, COVERAGE & DENSITY REQUIREMENTS started here on 8/22				11. Boatels moved to Harbor Light Industrial		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.	
	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' minimum & 25' maximum				Lot Depth	140 ft.
	Side Setback (minimum)	None or 5' between buildings, 10' adjacent to street				Front, Side, Rear 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)	40'
	Corner Lot Setback (minimum)					Maximum Lot Coverage	75%
	Maximum Height	45' for buildings, 50' for structures other than buildings					
	Maximum Lot Coverage	60%					

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