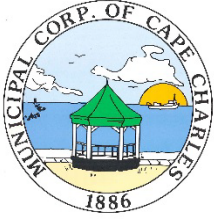


Planning Commission
Regular Session Agenda
Cape Charles Civic Center – 500 Tazewell Avenue
April 4, 2023, at 6:00 P.M.

1. Call to Order
 - A. Roll call and establish a quorum.
2. Invocation and Pledge of Allegiance
3. Consent Agenda
 - A. Approval of agenda format
 - B. Approval of Minutes: None
4. Public Hearings: None.
5. Citizen Comment Period, for any item not subject to an advertised public hearing
6. Unfinished Business:
 - A. Continued review of the possible zoning ordinance amendments as prepared by our consultant, Summit Engineering
7. New Business: None
8. Report of Officers and Committees
9. Standing Staff Reports
 - A. Planning & Zoning Administrator Monthly Report for February and March 2023
 - 1.) Subdivision Agent Report
 - 2.) Report on Applications filed with Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2310
 - 3.) Harbor Development Certificates submitted to HARB & Town Council
10. Announcements - Next Meetings:
 - Regular Session: Tuesday, May 2, 2023
11. Adjourn



PLANNING COMMISSION STAFF REPORT

Meeting Date: April 4, 2023

Prepared by: Katie H. Nunez, Planning & Zoning Administrator

Date: March 31, 2023

Regular Session: Item 6A: Zoning Ordinance Review

At our March 27, 2023 Work Session, we worked with our consultant in going through an extensive list of possible changes to the zoning ordinance which were listed as individual slides within a PowerPoint Presentation. We got through Slides #1-29 and agreed to adjourn the work session meeting after 2 hours and agreed that we would take up the remaining 12 slides at the April Regular meeting. Our consultant will again be participating via video conferencing.

During the work session, when we discussed the slide concerning the sign ordinance, Commissioners Grossman and Stramm indicated that a prior effort had been made by then Town Planner Zach Ponds on a proposed sign ordinance rewrite and we agreed to locate that document and share with our consultants. Commissioner Grossman forwarded it to me from the Planning Commission meeting of April 5, 2019 and I am attaching it for your review and discussion at our meeting (I have also provided to our consultant).

Additionally, at that same April 5, 2019 Planning Commission meeting, there was also a proposed revision to the Home Occupation ordinance which is also on our current list of proposed revisions so I am also including that for our discussion at this meeting.

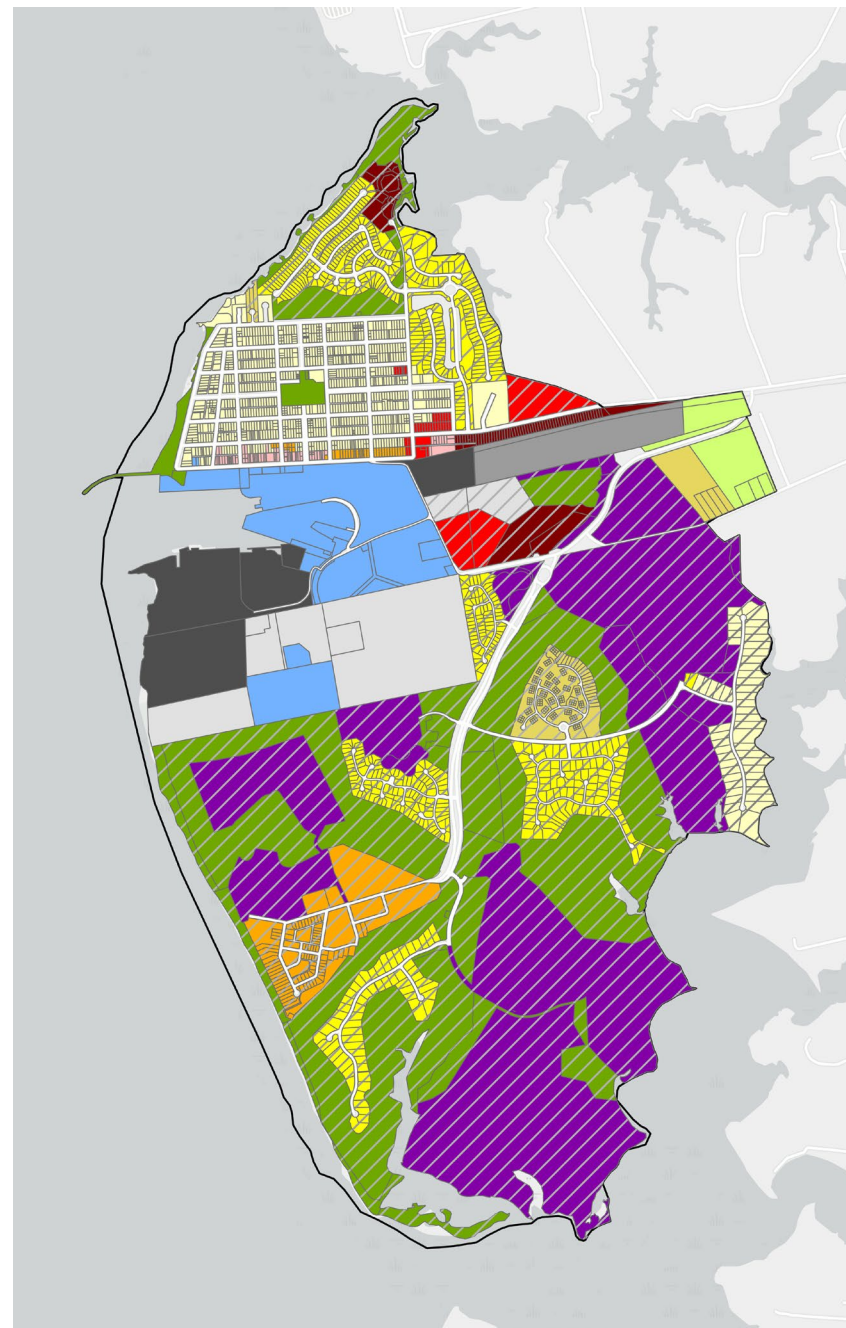
The current zoning ordinance for the Home Occupation Ordinance (Section 4.0 – Page 1 of Article IV) Signs Ordinance (Section 4.2., starting at the bottom of Page 1 and going through Page 18) can be found at this link: [ARTICLE IV \(capecharles.org\)](https://capecharles.org/article-iv)

ATTACHMENT:

- PowerPoint – Remaining 12 Slides for Zoning Review
- April 5, 2019 Zack Ponds, former Town Planner: Proposed Revision to Sign Ordinance
- April 5, 2019 Zack Ponds, former Town Planner: Proposed Revision to Home Occupation

Cape Charles Zoning Ordinance Continuation of Review which started at the 3/27/2023 Work Session

March 27, 2023



- Open Space
- Residential Estate (R-E)
- Single-Family Residential (R-1)
- Medium Density Residential (R-2)
- Multi-Family Residential (R-3)
- Commercial Residential (CR)
- Commercial District (C-1)
- Commercial District (C-2)
- Commercial District (C-3)
- General Business/Light Industrial (GBI H-1)
- Industrial (M-1)
- Industrial (M-2)
- Harbor District
- Planned Unit Development (PUD)
- PUD Open Space
- Low Density Residential (PUD-R1)
- Medium Density Residential (PUD-R2)
- Multi-Family Residential (PUD-R3)
- Residential/Commercial (PUD Village)
- Commercial (PUD-C)
- Specialty Commercial (PUD-SC)
- PUD General Business/Industrial (PUD-GBI)
- Cape Charles Boundary

Section 4.5, Off-Street Parking

- How can we streamline these requirements? Exceptions for businesses near public parking?
- Need to incorporate new language for golf cart parking that decreases the required number of parking spaces for cars

Land Use	Minimum Parking Space Requirements
a. Residential	
1. Single-family residences	2 spaces per dwelling unit in all districts other than R-1, otherwise none
2. Multifamily residences	1 space per one-bedroom dwelling unit, otherwise two spaces per dwelling unit
3. Mixed-use developments	1.5 spaces per dwelling unit; 1 space per dwelling unit for age-restricted; plus 1 additional space per <u>200 square feet</u> of commercial gross floor area
4. Home occupations	No additional spaces required
5. Accessory dwelling units	1 space per bedroom
6. Child and personal care uses	1 space per 2 employees
7. Institutional residence or care or confinement facilities	1 space per 2 beds
8. Rooming houses, boarding houses	1 space per bedroom
9. Tourist homes, bed and breakfasts, other temporary residences renting by the day or week	1 space per rentable bedroom plus 2 spaces if owner/landlord lives on premises
10. Temporary mobile homes approved in the event of an emergency, construction, or repair	2 spaces per temporary mobile home
b. Sales and Rental of Living Space and Goods	
1. Sales and rental of goods, merchandise or equipment, non-motor vehicle related	1 space per <u>300 square feet</u> of gross floor area
2. Wholesale sales, with or without outdoor display or storage of goods	1 space per <u>300 square feet</u> of gross floor area devoted to sales or display, plus one space per 2,000 square feet of gross storage area
3. Hotels, motels and similar businesses or institutions providing overnight accommodations	1 space per unit plus 1 space per 5 units for visitors

4. Extended-stay motels/hotels	1 space per unit plus 1 space per 5 units for visitors
c. Restaurants	
1. Restaurants	1 space per <u>100 square feet</u> of gross floor area
2. Event center	1 space per 3 seats
d. Motor vehicle-related sales and service operations and modifications	
1. Motor vehicle-related sales and service operations and modifications	Not including outdoor car display areas for dealerships, 1 space per <u>200 square feet</u> of gross floor area
e. Office, Clerical, Repair, Research and Personal	
1. Services – Office, clerical, repair, research, and personal, not primarily related to the sale of goods and merchandise	1 space per <u>300 square feet</u> of gross floor area
f. Offices	
1. Services – office, clerical, repair, research, and personal, not primarily related to the sale of goods and merchandise	1 space per <u>300 square feet</u> of gross floor area
g. Recreation, amusement, and entertainment	
1. Baseball batting range	20 spaces
2. Bowling alleys	5 spaces per alley
3. Golf driving range and/or miniature golf	20 spaces
4. Health clubs and other physical fitness establishments	1 space per <u>300 square feet</u>
5. Park, playground, community center, swimming pool and other recreational facilities as a principal use	1 space per 2000 square feet of surface area of parks, playgrounds, and/or swimming pools; plus 2 spaces per tennis court; plus 1 space per 500 square feet of recreational facility
6. Theaters (indoors)	1 space per 3 seats
7. Performing arts center	1 space per 3 seats
8. Subdivision recreation area	1 space per <u>200 square feet</u> of surface area of swimming pools, plus 2 spaces per tennis court, plus 1 space per 500 square feet of clubhouse, offices, meeting rooms, or other similar enclosed buildings
h. Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, or equipment	
1. Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, or equipment	1 space per 2,000 square feet of gross office, plant, and/or storage

2. Innovator space	1 parking space per 500 square feet
i. Storage and parking	
1. Storage and parking	1 space per 2,000 square feet of gross storage area
j. Services and enterprises related to animals	
Services and enterprises related to animals	1 space per <u>250 square feet</u> of gross floor area
k. Funeral related services (human and animal related)	
1. Funeral related services (human and animal related)	1 space per 3 seats
l. Educational, cultural, religious, philanthropic, social, or fraternal uses	
1. Public and private schools offering general education courses (including associated grounds and athletic and other facilities)	2 spaces per classroom for K - 8th grade, plus 1 space per teacher or staff member for grades above 8th
2. Trade or vocational schools	10 spaces per classroom
3. College, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	10 spaces per classroom
4. Assembly halls, including union halls, conference halls, civic halls and activities of similar nature	1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit
5. Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)	1 space per <u>300 square feet</u> of gross floor area
6. Place of worship and places of assembly	1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit
7. Social, fraternal clubs or lodges, union halls, and similar uses	4 spaces per 1,000 square feet of gross floor area
8. Clubs and lodges catering exclusively to members and their guests	4 spaces per 1,000 square feet of gross floor area
m. Miscellaneous public and semi-public facilities	
1. Miscellaneous public and semi-public facilities	None
n. Agricultural, forestry, mining, and quarrying operations	
1. Agricultural, forestry, mining, and quarrying operations	1 space per employee
o. Temporary structures and special events used in connection with the construction of a permanent building or for some non-recurring purpose	
1. Temporary structures and special	Regulated on a case-by-case basis

Section 4.5, Off-Street Parking

- Need to review and beef up shared parking requirements
 - There is no discussion about distance or location of the shared parking to the business or original property location; length of time for the shared parking agreement; sample agreement document for a Shared Parking Agreement would be useful.

2. Options for a reduction of parking through a shared parking arrangement:
 - a. Option one: For properties sharing parking spaces under this provision, cross-easements shall be filed establishing access to the shared parking spaces in perpetuity and documentation of filing provided to the Town.
 - b. Option two: The minimum number of parking spaces where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, Institute of Transportation Engineers Shared Parking Guidelines, or other approved procedures with approval by the Zoning Administrator.

Section 4.5, Off-Street Parking

- Need to discuss dumpster requirements and practicality

M. Dumpsters.

1. A solid fence on three sides shall enclose all dumpsters.
 - a. The height of the fence shall be equal to or higher than the height of the dumpster, in accordance with **Section 4.2.G.**
 - b. The visible material of the fence shall be made up of brick, stucco, or stone.
2. The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque and constructed of durable materials.
3. Dumpsters shall be placed in the rear yard and shall be located a minimum of five feet from property lines.
4. In no case shall loading activities hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk, alley, or to interrupt parking lot circulation.
5. Service activities within 150 feet of residential uses shall only be permitted Monday through Friday between 7:00am to 10:00pm and on Saturdays from 9:00am to 9:00pm.
6. Access to dumpsters shall be provided via a paved, dust-free surface.
7. Temporary construction trash and recycling dumpsters, which are not enclosed, shall be permitted up until such time as a Certificate of Occupancy is issued.

Section 4.7, Swimming Pool Regulations

- Change in Building Code requires fencing around pool or electric pool cover.
- Currently, Zoning Ordinance does NOT require fences, but it DOES indicate compliance with Building Code.
- Recommendation is to amend this section to require fencing around pools as a zoning stipulation.
 - Pools probably do not need to be addressed to Historic District Guidelines as long as Section 4.7 is amended

Section 6.3, Flood Plain District

- Need to add flood plain district map to Official Zoning Map

Section 6.1 Interpretation and Application of Article

Applicability. This Article shall apply to all lands within the jurisdiction of the Town of Cape Charles which are shown on the zoning map of the Town of Cape Charles to be located in the Flood Plain District (FH-1) as interpreted under Section 6.3.

Section 6.8, Variances in the Flood Plain District

- Need to clarify if variances in the flood plain district have to go before the BZA
 - Hasn't been an issue, but this might be good to discuss/research.

Section 6.8.1

Variances may be issued by the Cape Charles Board of Zoning Appeals in conformance with the procedures of **Section 6.8.2 and 6.8.3** of this ordinance for new construction and substantial improvements to be erected on a lot which is of a size less than the minimum required for the residential, commercial, or industrial zoning district within which it is located and which is contiguous to and surrounded by lots with existing structures constructed below the base flood level.

Section 7.4, Areas of Applicability

- Need to add Chesapeake Bay Preservation Act Overlay District map

A. The Chesapeake Bay Preservation Act Overlay District shall apply to all lands identified as CBPAs as designated by the Town Council and as shown on the Zoning District Map. Such map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Article.

1. The Resource Protection Area includes:
 - a. tidal wetlands
 - b. non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow
 - c. tidal shores
 - d. a 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections a through c above and along both sides of any water body with perennial flow

Section 7.9, Resource Protection Area Boundaries

- We can easily add a layer to the zoning map to guide interpretation of RPAs

above and along both sides of any water body with perennial flow

2. The Resource Management Area is composed of the following land categories: flood plains; highly erodible soils, including steep slopes; highly permeable soils; non-tidal wetlands not included in the RPA; other lands necessary to protect the quality of state waters or a minimum of 100 feet in width landward of the Resource Protection Area, whichever is greatest.

- B. The Zoning District Map shows the general location of CBPAs and should be consulted by persons contemplating activities within Cape Charles prior to engaging in a regulated activity.

Section 7.9, Resource Protection Area Boundaries

- Zoning Administrator can currently waive requirement for environmental site assessment for single-family homes and use available data to complete an “assessment lite.” Do we want to put this burden on staff?

B. Delineation by the Zoning Administrator. The Zoning Administrator, when requested by an applicant wishing to construct a single-family residence, may waive the requirement for an environmental site assessment and perform the delineation. The Zoning Administrator may use hydrology, soils, plant species, and other data and consult other appropriate resources as needed to perform the delineation.

Section 7.10, Performance Standards

- Need to clarify and change the number/letter hierarchy – do these standards apply to the whole town or just the CBP Overlay?

1 Section 7.10 Performance Standards

- A. Purpose and Intent. The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxins, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, within its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10 percent reduction in nonpoint source pollution from redevelopment; and achieve a 40 percent reduction in nonpoint source pollution from agricultural uses.

Marijuana & Zoning Ordinance

ZACH PONDS PROPOSED REVISION TO SIGN REGULATIONS

Section 4.1 – Sign Regulations.

A. Purpose and findings.

1. *Findings.* The Mayor and Council find that signs provide an important medium through which individuals may convey a variety of messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and a detriment to property values and the Town's overall public welfare as an aesthetic nuisance.
2. The Mayor and Council further find that some signage has a single targeted function and identification of signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of identifying addresses, which is a benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. In addition, directional signs are used for the sole purpose of ensuring safe movement of vehicles entering and exiting property to and from public rights-of-way, private roads, and driveways. While such signage may be referenced based upon the function it serves within the context of this article, the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.
3. *Intent of Mayor and Council.* By enacting this section, the Mayor and Council intend to:
 - a. Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against unrestricted proliferation of signs;
 - b. Further the objectives of the Town's comprehensive plan, which is expressly incorporated herein;
 - c. Protect the public health, safety, and welfare of the citizens and others within the Town;
 - d. Reduce traffic and pedestrian hazards;
 - e. Promote the aesthetic qualities of the Town;
 - f. Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
 - g. Promote economic development;
 - h. Ensure the fair and consistent enforcement of sign regulations; and
 - i. Promote the stated purposes of the Zoning Ordinance, which are expressly incorporated herein.

4. *Intent of sign regulations.* Notwithstanding any other restrictions in this section, any sign authorized under this section can contain any message, other than messages containing obscenity as defined herein, or other than a sign that advertises an activity that is illegal under state or federal laws.

B. Applicability.

1. The regulations and requirements of this section apply to all signs that are or are intended to be viewed from a public right-of-way, private street, or adjacent property.

C. Definitions.

Abandoned or dilapidated sign. Cessation of the use of a sign by either the owner of the sign or the occupant of the property on which the sign is placed, or through the removal or relocation of the previous occupant of the property, or a sign that has ceased to be used through the removal of its copy, or the deterioration of its copy through lack of maintenance, but excluding temporary or short-term periods of remodeling, refurbishment or maintenance of the sign.

Air- or gas-filled balloons. See *Inflatable signs*.

Awning sign. A building sign imposed, mounted or painted upon an awning.

Banner. A sign other than a flag made of paper, cloth, thin plastic or similar lightweight material and rectangular in form.

Canopy sign. A building sign affixed to, superimposed upon, or painted on any canopy, such that the sign is mounted in such a manner that a continuous face with the canopy is formed.

Changeable copy sign. A sign on which the copy changes through either electronic or mechanical means.

Digital sign face. See *Electronic sign face*.

Directional Sign. Signs that provide traffic instruction for ingress and egress for travel to or from a lot.

Double-faced sign. A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another of no more than 60 degrees, where each sign face is designed to be seen from a different direction.

Electronic sign [face]. An illuminated sign face without moving parts whose content may be changed by electronic process with intermittent light or lights, including light emitting diodes liquid crystal display, and plasma screen image display.

Externally illuminated sign. Any sign that is only illuminated by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Feather flag. Means a sign made of paper, cloth, thin plastic or similar lightweight material oriented in a vertical direction and supported by a harpoon-style pole or staff driven into the ground as its primary means of support.

Festoons. Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind or by mechanical fan. Festoons are considered animated signs. Holiday lighting is not considered festoons.

Flag. A sign consisting of any fabric containing distinctive colors, patterns, logos, or symbols, used as an official symbol of a government or any other entity or organization.

Flashing Signs. Signs that flash, blink, rotate, revolve, or have moving parts or visible bulbs, and signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours. Flashing signs are considered animated signs. Holiday lighting is not considered flashing signs.

Freestanding canopy signs. A sign erected on the side of a permanent freestanding canopy erected on a lot for the protection of commercial activity on that lot. The canopy shall not be connected to any building or other structure.

Ground sign. A sign permanently attached to the ground and that is wholly independent of any building or other structure for support.

Holiday lighting. Festoon-type lights, limited to small individual bulbs on a string where the spacing of bulbs is not closer than three inches and where the output per bulb is greater than 15 lumens.

Incidental sign. A small sign, emblem, or decal located on a building or structure. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

Inflatable signs. A sign that is intended to be expanded by air or other gas for its proper display or support.

Internally illuminated sign. Any sign that is illuminated by a source of light that is internal to the sign structure.

Menu sign. A sign that is intended to be viewed by pedestrians, typically used by restaurants or other similar uses to display menus.

Miscellaneous Ground Sign. A permanent sign accessory to any other ground signs on the property.

Monument sign. A ground sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign.

Multi-faced sign. A single sign structure consisting of three or more sign faces that are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

Nit. A measurement of brightness equal to the brightness of one [foot-]candle per square meter, measured perpendicular to the source.

Official signs. Signs placed by or at the direction of a governmental body, governmental agency, board of education or public authority.

Parapet sign. A building sign imposed, mounted, or painted on a parapet and not extending above the top of the parapet.

Pennant. Any lightweight plastic, fabric or similar material designed to move in the wind. Pennants are often suspended from a rope, wire, or string in series. The term "pennant" shall not include a "banner" or "flag" as defined in this article.

Permanent sign. A sign attached to a structure or the ground that is made of materials intended for long-term use. Banners and temporary signs are not considered permanent signs.

Pole sign. A permanent sign that is mounted on a freestanding pole, pylon, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.

Project entrance sign. A permanent freestanding sign located at a discernible entrance into a multifamily development, or into a development containing multiple lots, such as, but not limited to, a particular residential or commercial subdivision, business center, office park or industrial park.

Projecting sign. A sign projecting perpendicularly from the outside wall of the building upon which it is located.

Property address signs. Property addresses (including multifamily building or unit numbers) displayed on a building or mailbox.

Pylon sign. See *Pole sign*.

Roof signs. A sign attached to or supported by the roof of a building, or a sign that extends into and/or above the immediately adjacent roofline of the building irrespective of attachment point. A sign applied to the fascia portion of a mansard roof, or to the face of a parapet wall, provided that the sign must not extend above the top of the mansard roof or parapet wall, is not considered a roof sign.

Sandwich board sign. A single- or double-faced, hinged or un-hinged, A-frame, temporary sign.

Sign. Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement or illumination.

Sign area. The area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign module, together with any frame or material, texture, or color forming an integral part of the sign copy.

Sign copy. That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of one or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign height. The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street if the street is within 100 feet of any portion of the sign (when measured perpendicular to the street), to the highest point of any portion of the sign, whichever results in the greater sign height. Any constructed earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign.

Sign module. Each portion or unit of a sign face that is clearly and physically separated from other such units.

Sign structure. All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports.

Sound- or smoke-emitting signs. See *Animated sign*.

Stanchion sign. See *Pole sign*.

Standard Informational Sign. A sign made for short-term use, containing no reflecting elements, flags, or attachments, that is rectangular and which is mounted on a post, stake or metal frame, or for business use, mounted directly on the façade of a tenant space.

Temporary sign. A sign designed to be transported or easily relocated and not permanently attached to the ground, such as, but not limited to the following: (1) A sign designed to be temporarily placed upon the ground and not otherwise permanently affixed to it as otherwise required by the building code; (2) A sign mounted on a trailer, with or without wheels; or (3) A sidewalk, sandwich board or curb-type sign.

Transit signs. Signs owned by and placed by or with the approval of a nonprofit transportation authority or service on bus benches and shelters owned by the organization.

Tri-vision sign. A sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation. For purposes of this chapter, a tri-vision sign is not a changeable copy sign.

Under-canopy sign. A permanent sign attached to the underside of a marquee or canopy and protruding over private sidewalks.

Variable message sign face. See *Electronic sign face*.

Vehicular sign. Any sign placed on, mounted on, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance, including signs erected within truck beds or signs wrapped on a vehicle, when same are utilized, placed or parked in such a manner as to be viewed or intended to be viewed from the public right(s)-of-way, except that this definition shall not apply when:

(1) Such conveyances are actively being used to load, transport or unload persons, goods or services in the normal course of business. Provided that the use of a truck bed to display signs while driven are prohibited;

(2) When such conveyances are parked in an inconspicuous area such as, but not limited to: a loading dock or to the side or rear of a building (away from the street); or

(3) When such conveyances are actively being used for storage of construction materials for, and on the same lot with a bona fide construction project for which building and other applicable permits have been issued and where construction is underway and provided said conveyances are located within designated storage areas.

Wall sign. A sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, and supported by such wall or building
Window sign: A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.

Window area. Window area is the term given to an entire assembly comprised of the sash, glazing, and frame or uninterrupted system of windows. Where a structural or architectural element of the structures interrupts the window or system of windows, it is considered a different window area.

D. Signs exempt from permit requirements.

1. The following signs shall be exempt from the permit requirements of Subsection 4.1.M, provided, however, that such signs shall be subject to all other provisions of this section.
 - a. Official signs.
 - b. Property address signs.
 - c. Incidental signs.
 - d. Transit signs.
 - e. Standard informational signs.
 - f. Directional signs.

- g. Vehicular signs.
- h. Window display of goods utilizing no more than 50 percent of the available window area.
- i. Window signs.
- j. Signs on products that are an integral part of the product, the product's original packaging, and product dispensers (such as, but not limited to a soft drink machine). Product containers intended for the storage of products are not exempt from permit requirements.
- k. A building design, color, or motif that is associated with a particular establishment or organization but which conveys no message.
- l. Flags.
- m. Sandwich board signs.
- n. Holiday lighting.

E. Prohibited signs.

1. The following types of signs are prohibited in the Town:
 - a. Inflatable signs that exceed three cubic feet per device.
 - b. Animated signs.
 - c. Flashing signs; provided that signs meet standards of the Manual of Uniform Traffic Control Devices and installed for the safety and control of traffic are exempt from this provision so long as they meet all physical standards of the manual.
 - d. Feather flags.
 - e. Abandoned or dilapidated signs.
 - f. Roof signs.
 - g. Pole signs.
 - h. Festoons.
 - i. LED light strips.
 - j. Flashing holiday lighting on commercial properties.
 - k. Tri-vision signs.
 - l. Signs that are painted on or attached to trees, curbs, utility poles, or rocks or other natural features.

- m. False statements. It is unlawful for a person to display false statements upon signs or other public places calculated to mislead the public as to anything sold, services to be performed, or information disseminated. The fact that any such sign or display contains words or language sufficient to mislead a reasonable or prudent person shall be prima facie evidence of a violation of this section by the persons displaying such sign or permitting such sign to be displayed at their resident, establishment, or place of business.
- n. Obscene signs. Obscene signs, as defined by the state in Section 18.2-372 of the Code of Virginia, are not allowed.
- o. Obstructions. No sign shall obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or prevent free passage from one part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation.
- p. Search lights and similar devices.
- q. Signs imitating public warning or traffic devices. Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words: "stop", "go", "caution", "danger", "warning" or other message or content in a manner that might mislead or confuse a driver, is not allowed. Any sign that uses the words, slogans, dimensional shape or size, or colors of governmental traffic signs is not allowed. No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.
- r. Signs erected within a truck bed.

F. Measurements.

1. *Computation of sign area.* In order to determine compliance with the maximum allowable sign areas permitted under this section, the following shall establish how sign areas are measured.
 - a. *Sign area.*
 1. The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of the sign area, or the combination of the areas of all such rectangles delimiting each sign module, together with

any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. If a combination of rectangles is used for the measurement of sign area, rectangles shall be contiguous.

2. For signs that have no identifiable frame or boarder, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign's message shall establish the area of the sign.
3. For signs applied to a kiosk or other cylindrical sign structure, the area of the sign face shall be computed as the largest rectangular area achieved from any one view of the sign. Measurements shall be made as a flat plane rectangle projected on the sign.
4. For wall and projecting signs, the computation of the area of the sign copy shall include the full sign structure, including channel letters, cabinets, back plates, and any portion of the sign not integral to the structure of the building.
5. The computation of the area of sign copy for all other signs shall not include the structure, supports, or uprights no which the sign face is placed or any portion of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign copy or a sign module.
6. *Changeable copy signs.* For any sign on which any of the words, letters, figures, symbols, logos, fixtures, colors, or other design elements are routinely changed or are intended to be changed from time to time, the sign area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
7. *Treatment of open spaces.* Any open space contained within the limits of the rectangle delimiting the sign copy, sign module, or sign structure

shall be included in the computation of the area of such sign copy, sign module, or sign structure.

8. *Double-faced signs.* For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or less, the area of the sign shall be taken as the area on the largest side. For double-faced signs where the interior angle formed by the faces is more than 60 degrees, the area of the sign shall be the total area of all sides.
9. *Multi-faced signs.* For sign structures having three faces and the interior angle formed between each of the faces is 60 degrees, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs with three or more sides, the area of the sign shall be the largest total of all faces that are joined by an interior angle of more than 60 degrees that can be viewed from any one direction.

b. Location of sign.

1. No sign or sign structure shall extend into or above or be anchored or placed in any portion of a public right-of-way except as specifically provided in this section.
2. No sign or sign structure shall obstruct the view of important architectural elements of structures within the historic district as deemed by the Zoning Administrator.
3. Signs shall be located a minimum of ten feet from the back of curb/edge of pavement or one foot onto private property, whichever results in the greater setback. Any signs not located adjacent to a street shall be setback a minimum of five feet from property lines.

c. Measurement of distance. Minimum distances required hereunder shall be measured along the shortest straight line from the nearest point on a sign structure to the nearest point on a property line, sign structure, building or structure to which the minimum distance requirement applies.

G. Signs allowed by zoning district.

1. *Residential zoning districts.* Only the following types of signs are allowed within the residential zoning districts in the Town (R-E, R-1, R-2, and R-3).
 - a. Monument signs, per Subsection I.6.
 - b. Flags, per Subsection J.10.
 - c. Property address signs, per Subsection H.12.
 - d. Standard information signs, per Subsection J.1.
 - e. Holiday lighting, per Subsection J.6.
 - f. One wall sign, awning sign, or under-canopy sign no larger than four square feet in area in accordance with the provisions herein.
2. All sign types are permitted in the CR, C-1, C-2, C-3, H, GBI, M-1, M-2, and OSD districts in accordance with the provisions herein.
3. *Special zoning districts.* Signs in special zoning districts in the Town shall be regulated by the provisions outlined in the specific zoning district. Where a special zoning district does not provide regulations for signs within the district, the regulations and requirements of this section apply.

H. Corner visibility.

On corner lots within all zoning districts, no sign shall exceed a height of three feet within the triangular area formed by the intersection of right-of-way lines at two points measured 20 feet along the property line from the intersection. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

I. Permanent signs.

1. *Wall signs.* Wall signs are subject to the following restrictions:
 - a. Wall signs may not project higher or lower than the wall or surface it is attached to.
 - b. Wall signs may not project more than 18 inches from the wall surface to the back of the sign.
 - c. Single occupant buildings:
 1. Maximum sign area per façade shall be two square feet per linear foot of the subject façade, or 200 square feet total, whichever is less.

2. For facades less than 200 feet in length, a maximum of one sign is permitted per façade.
3. For facades greater than 200 feet in length, one additional wall sign is permitted per façade.
4. A maximum of two facades may contain wall signage.

d. Multi-tenant and mixed-use buildings (with separate entrances):

1. Maximum sign area per tenant shall be one square foot per linear foot of the subject façade, or 200 square feet, whichever is less.
2. For tenant facades less than 100 feet in length, a maximum of one sign is permitted per façade.
3. For tenant facades greater than 100 feet in length, one additional wall sign is permitted per tenant façade.
4. A maximum of two tenant facades may contain wall signage.

e. Multi-tenant buildings (with shared space and common entrances):

1. Maximum sign area per building shall be two square feet per linear foot of the subject façade, or 200 square feet total, whichever is less.
2. For facades less than 200 feet in length, a maximum of one sign is permitted per façade.
3. For facades greater than 200 square feet in length, one additional wall sign is permitted per façade.
4. A maximum of two facades may contain wall signage.

2. *Projecting signs.* Projecting signs may be provided in lieu of wall signs as prescribed below:

a. *Size:*

1. Projecting signs shall not project more than 48 inches beyond the face of the building.
2. Maximum sign area shall be per wall sign requirements.

b. *Quantity:* Per wall sign requirements.

c. *Location:*

1. Projections shall be at a 90-degree angle to the building face or corner.
2. Signs shall provide a minimum of eight feet of clearance from ground level to the bottom of the sign.

3. Signs shall not project into the public right-of-way.
 - d. *Other standards:* All sides of a projecting sign shall be finished.
3. *Awning and non-freestanding canopy signs.* Awning signs may be provided in lieu of wall signs as prescribed below:
 - a. *Size:* Per wall sign requirements.
 - b. *Quantity:* Per wall sign requirements.
 - c. *Location:*
 1. Per wall sign requirements.
 2. Awning signs shall provide a minimum of eight feet of clearance from ground level to the bottom of the sign.
4. *Under-canopy signs.*
 - a. *Size:* Under-canopy signs shall be limited to four square feet in area.
 - b. *Quantity:* A maximum of one under-canopy sign is permitted per tenant.
 - c. *Location:* Such signs shall provide a minimum of eight feet of clearance from ground level to the bottom of the sign.
5. *Menu signs.*
 - a. *Size:* Menu board signs shall be limited to 10 square feet in sign area and four feet in height if freestanding.
 - b. *Quantity:* A maximum of one menu board sign is permitted per tenant.
 - c. *Location:*
 1. The placement of a menu board sign shall not interfere with pedestrian movement and shall be placed such that at least five feet of unobstructed sidewalk width remains for pedestrian travel.
 2. Menu board signs shall be located a maximum of ten feet from the tenant entrance.
 - d. *Other standards:*
 1. All menu board signs shall be constructed of wood, metal, or other sturdy material and shall not contain reflective elements or fluorescent colors.
 2. Menu board signs shall be permanently affixed to the ground or wall and are not permitted as temporary signs. If affixed to the wall, menu

board signs may not project more than 18 inches from the wall surface to the back of the sign.

6. *Signs associated with drive-through windows.*

a. *Size:* A sign associated with a drive-through window shall not exceed twenty-four square feet in aggregate area.

b. *Quantity:* A maximum of three signs per drive-through establishment subject to the aggregate area limitation above.

c. *Location:* Such signs shall not be oriented toward the public right-of-way.

d. *Other standards:*

1. Signs associated with drive-through windows shall be permanently affixed and rigidly mounted to the building or freestanding structure.
2. All signs associated with drive-through windows must be framed and constructed of metal or other sturdy material.

7. *Monument signs.*

a. *Size:*

1. Residential and multifamily uses:
 - a. Maximum sign area shall be 40 square feet.
 - b. Maximum height shall be eight feet.
2. All other uses:
 - a. Maximum sign area for buildings with under 200 feet of continuous street frontage shall be 40 square feet.
 - b. Maximum sign area for buildings with 200 feet or more of continuous street frontage is 64 square feet.
 - c. Maximum height shall be eight feet.

b. *Quantity and Location:*

1. Residential and multifamily uses: A maximum of two single-sided or one double-sided ground signs permitted per project entrance from a street.
2. All other uses:
 - a. One ground sign is permitted per street frontage per parcel.
 - b. On any street with more than 500 feet of frontage, one additional monument sign is permitted.

c. *Other Standards:*

1. Ground signs are only permitted as monument signs.
2. Monument signs shall be constructed with a brick, stucco, or stone base and frame.
3. The ground-mounted base shall be equal to or greater than the length of the sign face including the cabinet or any other structure within which the copy is located.
4. The monument sign shall be surrounded by a planting bed of two feet in depth radiating from the base of the sign with shrubs and supplemental ground cover.
5. Monument signs shall display the street number of the property. On a lot where multiple addresses exist, the highest and lowest street address numbers shall be identified. Street numbers shall be of contrasting colors against the background and visible from both directions of travel along the street.
6. Where an existing pole sign has been grandfathered on a lot, no new ground sign shall be erected on that same parcel until the existing pole sign is removed.
8. *Freestanding canopy signs.* Canopy signs are restricted to one canopy sign per road frontage with a maximum area of 50 square feet per frontage.
9. *Window signs.* Window signs shall not obstruct more than 20 percent of the window area. No window sign may be handwritten, nor shall such signs be made of paper or cardboard. Each window sign is limited to a maximum size of eight square feet.
10. *Miscellaneous ground signs.*
 - a. *Size:* Each miscellaneous ground sign shall not exceed three square feet in copy area nor be erected more than three feet in height.
 - b. *Quantity:*
 1. There shall be a maximum of two direction signs allowed per driveway entrance.
 2. For multi-tenant buildings, there shall be no more than two such signs per curb cut, with no more than three additional such signs per lot.
 - c. *Location:*

1. Within the area between a street and the minimum front yard setback for principal buildings required for the zoning district, directional signs shall be located within three feet of driveways that provide access into, within, or from the property.
2. No setback from the right-of-way line is required, but such signs shall be placed on private property with the owner's permission.

11. *Flags.*

- a. *Size:* Flags shall not exceed 32 square feet in area.
- b. *Quantity:* No more than one flagpole is permitted per lot.
- c. *Location:* Shall not be located on flagpoles that exceed the building height limitation of the zoning district for the property where the flag is displayed.

12. *Incidental signs.* Incidental signs shall be no more than one square foot, provided that the aggregate of all such signs on a property may not exceed 15 square feet unless a larger aggregate area is required by law or government regulation.

13. *Property address signs.* Property address signs shall consist of numerals at least four inches but no larger than eight inches in height.

14. *Official signs.* Such signs are authorized within all rights-of-way and on other properties controlled by such governmental body, agency, board of education or public authority, and at such other locations as provided by statute or ordinance. Where physical characteristics of official signs are prescribed by statute or ordinance, such signs shall meet those standards. In the absence of statutory standards, official signs shall comply with the physical standards of this chapter.

J. Temporary signs.

1. *Standard informational signs.*

a. *Size and height limitations:*

1. Standard informational signs are limited to sixteen square feet in sign area per lot.
2. Standard informational signs shall not be erected to a height exceeding three feet. On non-residential properties zoned other than R-E, R-1, R-2, R-3, one standard informational sign may be erected in the window of a tenant for no more than 15 weeks.

b. *Aggregate allowance:* There is no maximum number of standard informational signs on a lot. The quantity of signage is limited by the aggregate area permitted on the lot.

c. *Other standards:*

1. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board, or illustration board.
2. The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face.
3. Changeable copy is not allowed on standard informational signs.

d. *Lighting:* Such signs shall not be illuminated.

2. *Sale or lease of a building or premises.*

a. *Allowance and size:*

1. During the period a building or premises is available for sale or lease, one additional sign is permitted in all zoning districts other than R-E, R-1, R-3, or R-3.
2. Such sign shall not exceed 32 square feet in area, and eight feet in height if freestanding.
3. Such sign shall be removed within 10 days of a closing of the sale or execution of a lease of the property.

b. *Quantity and location:*

1. One freestanding sign per street frontage may be placed on a property that is available for sale or lease. For multi-tenant buildings, one additional sign may be placed on each tenant space that is available for sale or lease.
2. During construction of a residential or nonresidential subdivision, one additional sign may be placed at each entrance into the subdivision that does not exceed 32 square feet in area and eight feet in height. Such signs shall be removed when the last lot or house has been sold or if no building permit has been issued for construction within the subdivision or development during a period of 12 months, whichever comes first.

c. *Lighting*: Such signs shall not be illuminated.

3. *Sandwich board signs.*

a. *Duration*: Sandwich board signs shall be designed to be portable, folding in nature and must be removed to the interior of a building or structure at the close of business each day.

b. *Size*: Such signs shall not exceed 12 square feet in area and shall be no greater than four feet in height.

c. *Quantity*: A maximum of one sandwich board sign is permitted per tenant.

d. *Location*:

1. The placement of a sandwich board sign shall not interfere with pedestrian movement and shall be placed such that at least five feet of unobstructed sidewalk width remains for pedestrian travel.
2. Sandwich board signs shall be located a maximum of 10 feet from the tenant entrance.

e. *Other standards*: All sandwich board signs shall be constructed of wood, metal, or other sturdy material and shall not contain reflective elements or fluorescent colors.

f. *Lighting*: Such signs shall not be illuminated.

4. *Banners.*

a. *Duration*:

1. No banner shall be displayed for more than 14 consecutive days, with no more than three such 14-day periods being permitted per calendar year per tenant.

b. *Size*: Each banner shall not exceed 32 square feet.

c. *Quantity*:

1. No more than one banner shall be displayed on any tenant space at one time.

d. *Other standards*:

1. All banners must be maintained in good condition.
2. Each banner must be securely attached to poles, mast arms, fences, building façade or other similar structures on either the entirety of two ends of the banner or on all four corners of the banner.

e. *Lighting*: Banners shall not be illuminated.

5. *Building construction or remodeling.*

a. *Quantity, location, and duration*:

1. One sign per street frontage shall be permitted upon issuance of a building permit authorizing the demolition or construction of a building where no existing ground sign exists.
2. Such sign(s) shall be removed within 10 days after a final building inspection.

b. *Size*: The signs authorized in this subsection shall not exceed 32 square feet in area, and eight feet in height if freestanding.

c. *Lighting*: Such signs shall not be illuminated.

6. *Holiday lighting.*

a. *Duration*:

1. Holiday lighting is allowed from November 15 to January 15 during the hours from 6:00am to 12:00am.
2. Holiday lighting may be illuminated two additional 30-day periods per calendar year.

K. Illumination of signs.

1. *Types of illumination*:

a. *Externally illuminated sign*. Externally illuminated signs shall have concealed wiring and controls, and shall have shielded and screened external light sources.

b. *Internally illuminated sign*. Internally illuminated signs must completely shield the source of light from direct view.

2. *Hazards*: Illumination devices shall be placed, filtered, and shielded so direct rays will not cast into the eyes of drivers or pedestrians.
3. *Light pollution*. Sign illumination shall not cast light directly upon adjacent properties or roadways. No illuminated signs are allowed within 100 feet of any residential zoning district or property occupied by a dwelling. Mixed-use properties shall be illuminated in such a manner as to not cast light directly into residential units.

4. *U.L. listing.* All components of an illuminated sign shall be U.L. listed, or the equivalent thereof, with an identification label that shows the manufacturer of the sign.

L. Changeable copy signs.

1. Changeable copy signs, including electronic face signs, are allowed on commercial and industrial properties developed in all zoning districts other than R-E, R-1, R-2, and R-3. For properties zoned R-E, R-1, R-2, and R-3, changeable copy signs, including electronic face signs, may be utilized for places of worship, public buildings or at public or private schools. Changeable copy signs shall be permitted only on monument signs that conform to all standards of this section.
2. The changeable copy portion of a sign is limited to 70 percent of the total sign area.
3. Electronic sign faces with traveling messages that travel at a rate slower than 16 light columns per second or faster than 32 light columns per second are prohibited.
4. No sign message shall be displayed for a period of time less than 30 seconds.
5. Transition from one message to another message shall require no more than one second for electronic face signs.
6. Each sign message shall be complete in itself and shall not continue on a subsequent sign message.
7. Any maximum size limitations shall apply independently to each side of an electronic face sign.
8. Standards of illumination:
 - a. Prior to the issuance of a sign permit for a sign with an electronic sign face, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the standards shown in Table 4.1.1 and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Zoning Administrator.

Table 4.1.1: Standards of Illumination for Electronic Face Signs

Maximum Intensity Levels (NITS)		
Color	Day time	Night time

Red Only	3,150	1,125
Green Only	6,300	2,250
Amber Only	4,690	1,675
Multi-colors	7,000	2,500

- b. Electronic sign faces shall utilize automatic dimming technology to adjust the brightness of the sign relative to natural ambient light conditions in order to reduce the level of illumination during nighttime hours and other times of low natural ambient light.
- c. All signs with an electronic sign face shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- d. All electronic sign faces shall require a certification by a lighting expert that the sign face, as installed and operated, meets the lighting standards of Table 4.1.1 above. Such certification shall be provided upon completion of installation and at least every two years thereafter.
- e. If the Zoning Administrator finds that a sign with an electronic sign face or otherwise illuminated display exceeds the lighting standards set out above or otherwise causes glare or impairs the vision of drivers of motor vehicles or otherwise interferes with the safe operation of motor vehicles, the Zoning Administrator shall have a notice of violation issued to the sign owner identifying the problems with the sign and specifying corrective action required. The owner of the sign shall within 48 hours reduce the intensity of the sign to a level that meets standards and does not cause such disturbance.

M. Sign permits and applications.

1. *Sign permit.* A sign permit shall be obtained prior to installation, relocation, expansion, construction, or structural alteration of any sign regulated under this chapter except those signs specifically exempted under Subsection 4.1.D.
2. *Issuance of a sign permit.*
 - a. *Sign review required.* For any sign requiring issuance of a sign permit under the provisions of this Section, sign review shall be required prior to installation,

relocation, expansion, construction, or structural alteration of the sign. The sign application, with the nonrefundable application fee established by the Mayor and Council, shall be submitted to the Zoning Administrator.

b. *Sign permit application.* Applications for sign permits shall be filed by the sign owner or his agent in the Planning and Zoning Department upon forms furnished by this office. The application shall describe and set forth the following:

1. The type of sign as defined in this Section.
2. The street address of the property upon which the subject sign is to be located, and the proposed location of the subject sign on the property.
3. The area of the sign face and the sign structure and the aggregate square foot area if there is more than one sign face.
4. The name and address of the owner of the real property upon which the subject sign is to be located.
5. The written consent of the owner or his agent granting permission for the placement or maintenance of the subject sign.
6. A sketch or print drawn to scale showing all pertinent information required by the technical codes adopted by the Town, this Section, and other Town ordinances. The Zoning Administrator may require additional information on such print or sketch to ensure compliance with this Section.
7. The name, address, telephone number, and business license of the tenant.
8. A site plan or elevation drawing showing the placement of the sign in relation to other signs, buildings and structures on the property.
9. Conformance to building codes.
 - a. Plans required for issuance of a sign permit shall be certified as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of building code, if applicable.

violation of any standards of Town ordinances regulating such sign and vests no right in the owner of a sign in violation of Town ordinances.

5. Should it be determined that a sign permit was issued pursuant to an application containing a false material statement, the Zoning Administrator shall revoke the subject sign permit and the subject sign shall be removed.

d. Permit fee.

1. No sign permit shall be issued until the appropriate application has been filed with the Zoning Administrator and fees have been paid per the fee schedule adopted by Town Council.

e. Sign identification labels.

1. With each sign permit, the Zoning Administrator shall issue a sticker bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or his agent to affix such sticker to the sign so it will be easily seen. The absence of a proper sticker shall be prima facie evidence that the sign has been or is being erected or operated in violation of the provisions of this Section.
2. It shall be unlawful for any person to attach a sign decal to any sign for which it was not issued, or to remove, tamper with, deface, or mutilate any sign identification label or sticker issued or placed pursuant to this Section.

f. Sign permit expiration date. A sign permit shall expire if the sign for which the permit as issued has not been erected, installed, and completed within six months after the date of permit issuance, provided, however, that one 90-day extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration date of the initial permit.

g. Administrative adjustments.

1. No adjustment shall be allowed from any dimensional, material, structural, or durational requirement of this Section, except that the Zoning Administrator may grant an administrative adjustment of up to 10 percent from the dimensional standards of this Section, provided the resulting signage is consistent with the purpose of this Section, and the

2. *Retention of legal nonconformity status.*

a. A nonconforming sign shall immediately lose its nonconforming designation and become an illegal sign if:

1. The sign is altered in any way that would make the sign less in compliance with the requirements of this Section than it was before the alteration;
2. The sign is relocated on the property, unless the relocation results in the sign becoming conforming;
3. The sign is replaced;
4. The deterioration of the sign or damage for any reason to the sign makes it a hazard to public safety; or
5. The sign has deteriorated or been damaged to such extent that repairs required to restore the sign would cost more than 50 percent of its current replacement value, provided that where damage to the sign results from Act of God or other circumstances beyond the control of the sign owner, the sign may be restored regardless of cost. In such instance, timely reconstruction shall result in retention of nonconforming status.

b. Nothing in this Subsection shall prevent the owner of a nonconforming sign from continuing to maintain such sign, nor to prevent an owner from making routine changes to the copy or text of an existing legal nonconforming sign as long as the degree of such change does not enlarge the size or height of the sign face and does not change the nature of the sign structure.

c. At the discretion of the Zoning Administrator, a nonconforming sign may be exempt from adherence to this Section due to historical significance.

P. Enforcement.

1. *Zoning Administrator.* The Zoning Administrator is responsible for general administration of this Section; the receipt, review, and processing of all applications for sign permits, and all sign variance requests filed with the Town.
2. *Citations.* Any violation of this Section may be tried upon a citation issued by an authorized representative of the Town pursuant to the provisions of this Section and

state law. Without limitation, businesses, organizations, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this Section.

3. *Removal of illegal or abandoned signs.* The Zoning Administrator may order the removal of any sign in violation of this Section, or any sign abandoned for six consecutive months or more, by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the property owner, sign erector, or any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within seven days after the Town gives written notice of noncompliance.

- a. *Procedure following removal order.* An aggrieved party may appeal the removal order within 15 days from the date that the notice was mailed. Such appeal shall be made to the Mayor and Council. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the Zoning Administrator is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

- b. *Removal without notice.*

1. The Zoning Administrator or any other agent of the Town having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Section, without giving notice to any party, if:

- a. Said sign is illegally placed upon the public right-of-way or upon other public property; or
 - b. Said sign poses an immediate safety threat to the life or health of any members of the public.

2. Following such removal, the Town may collect the costs as provided in the following Subsection 3.c.

- c. *Costs of removal.*

1. Removal of any sign found in violation shall be without liability to the Town, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit

holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of any party that procured the erection of the sign or the property owner.

2. Costs of removal shall be charged in accordance with the actual cost to the Town. An administrative fee in the amount of 10% of the actual costs to the Town shall be included in the total costs of removal. The Town may collect the total costs of removal as taxes and levies are collected, and all charges not so collected shall constitute a lien against the property.

Q. Severability.

In the event any section, paragraph, phrase, or sentence of this Section is invalidated by a court of competent jurisdiction, such determination shall not affect the remaining sections, paragraphs, phrases, or sentences of this Section, it being the intention of the Mayor and Council that provisions of this Section are severable to the maximum extent permitted by law.

ZACH PONDS PROPOSED REVISION TO HOME OCCUPATION ORDINANCE



PLANNING COMMISSION STAFF REPORT

Meeting Date: February 5, 2019

Item #: 5B

Prepared By:

Zach Ponds – Town Planner

Description:

Staff is proposing text amendments to the home-based occupation regulations in Article IV, Section 4.0.

Background:

The text amendments proposed are intended to clarify and simplify regulations for home occupations. Key differences from the existing Section 4.0 to the proposed include the following:

- Changing the regulations from questions with answers to statements.
- Removing 4.0.B.9 which states “Nothing herein precludes compliance with any Federal, State, or Local regulatory agency requirements.” Staff feels that this statement omitting this does not in any way allow for someone to not comply with other requirements, and therefore is unnecessary.
- Removing all of 4.0.C because Staff feels the proposed regulations exclude these eight uses without expressively having to state them. The districts regulate these types of uses as well.
- Removing 4.0.B.8 which states “If the home-based occupation meets the above requirements and the home-based occupation affidavit is signed, zoning clearance may be granted. If the home-based occupation does not meet the above requirements, a conditional use permit will be required.” Staff feels that the affidavit being signed is a standard operating procedure within the Department, and therefore does not need to be stated within the ordinance. The process of reviewing if the proposed use meets the requirements does not need to be in the ordinance. The conditional use portion of is covered under the conditional use section in Article IV, and therefore is unnecessary.

Staff Recommendation:

Staff recommends Planning Commission to provide direction to Staff following discussion, and set agenda item for a March joint work session with Town Council.

Attachments:

Attachment 1 – Proposed Home Occupation Regulations Text Amendment

Section 4.0 – Home Occupations.

A. Statement of Intent.

1. It is the intent and purpose of this section to provide for certain types of restricted occupational uses. Such uses are restricted to those which:
 - a. Are incidental to the use of the premises as a residence;
 - b. Are compatible with residential uses; and
 - c. Do not detract from the residential character of the neighborhood.

B. Applicability.

1. Any building used for residential occupancy may conduct a home occupation use if:
 - a. The primary use of the unit is residential;
 - b. The following standards are complied to in full at all times:
 1. Such use shall be conducted entirely within the dwelling unit and/or accessory structure and only such persons living in the dwelling unit shall be engaged and employed in such occupation, and the number of residents employed shall not exceed two;
 2. No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily, and ordinarily used for household or leisure purposes;
 3. No outside operations, storage, or display of materials or products shall be visible from the right-of-way or from any adjacent property;
 4. No alterations of the residential appearance of the premises occurs, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation;
 5. There shall be no exterior evidence of the home occupation;
 6. No commodity shall be stocked or sold on the premises to the general public;
 7. Visitors, customers, or deliveries shall not exceed that which is normally and reasonably occurring for a residence and shall, under no circumstance, exceed more than two business visitors an hour and eight a day and not more than two manufacturer or wholesaler direct deliveries of products or materials per week;

8. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation;
9. The home occupation shall be restricted to 25 percent of the dwelling and shall not exceed 200 square feet of floor area, whichever is less;
and
10. There shall be no group instruction, assembly, or activity.



Municipal Corp. of Cape Charles

**MARCH and APRIL 2023
MONTHLY REPORT**

Katie H. Nunez, Planning/Zoning Administrator

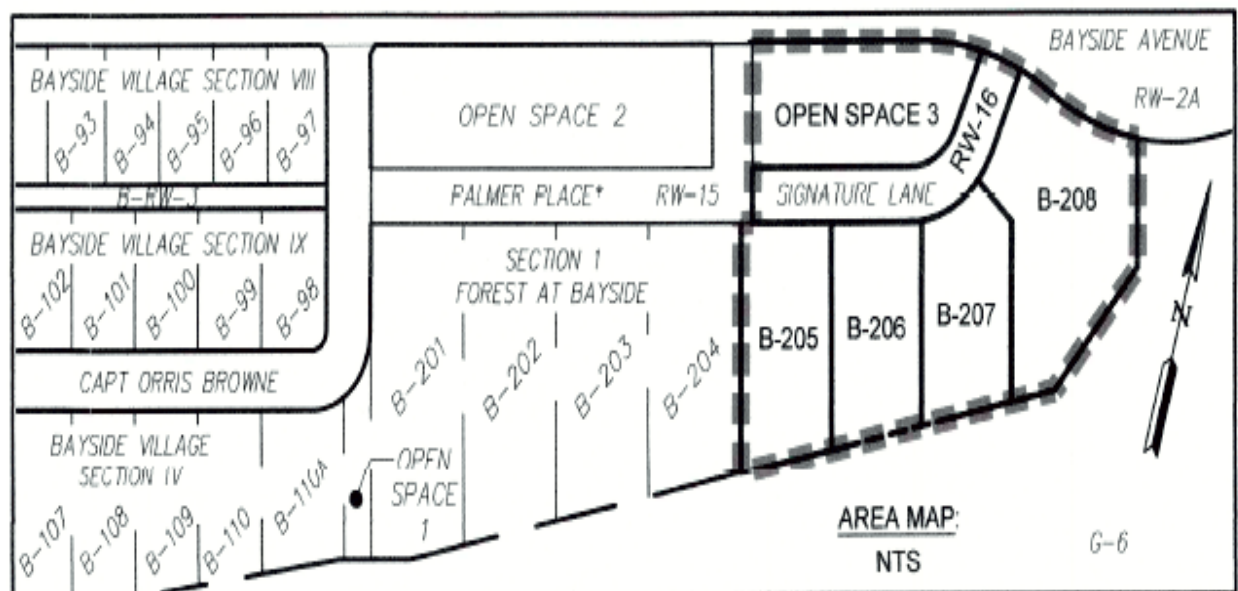
A. Subdivision Agent:

- 1) Bayside Village Section 2 – The Forest Lots B-205-B208 & Open Space 3 (5 Lots)

Aerial Map of Tax Map # 90-32-P91 (2.82 acres)



Plat Layout (5 Lots)

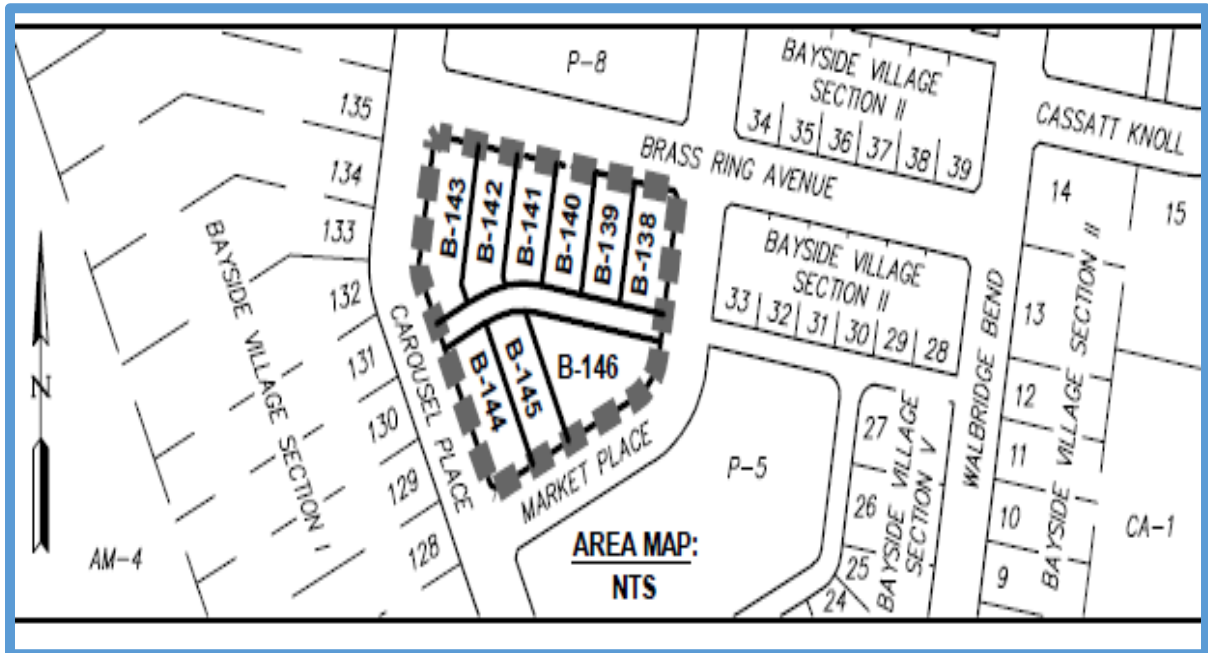


2) Bayside Village Lots B-138 to B-146 (9 Lots)

Aerial Map of Tax Map #90-30-P4



Layout of 9 Lots

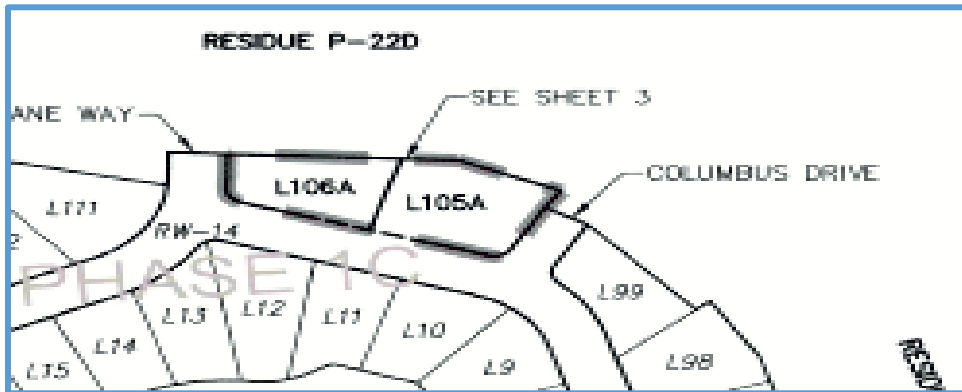


3) Resubdivision Plat of Village L – Phase 1C – Lots L-105 & L-106

Aerial Map of Tax Map #90-30-L106 & 90-30-L105



Resubdivision of 2 lots

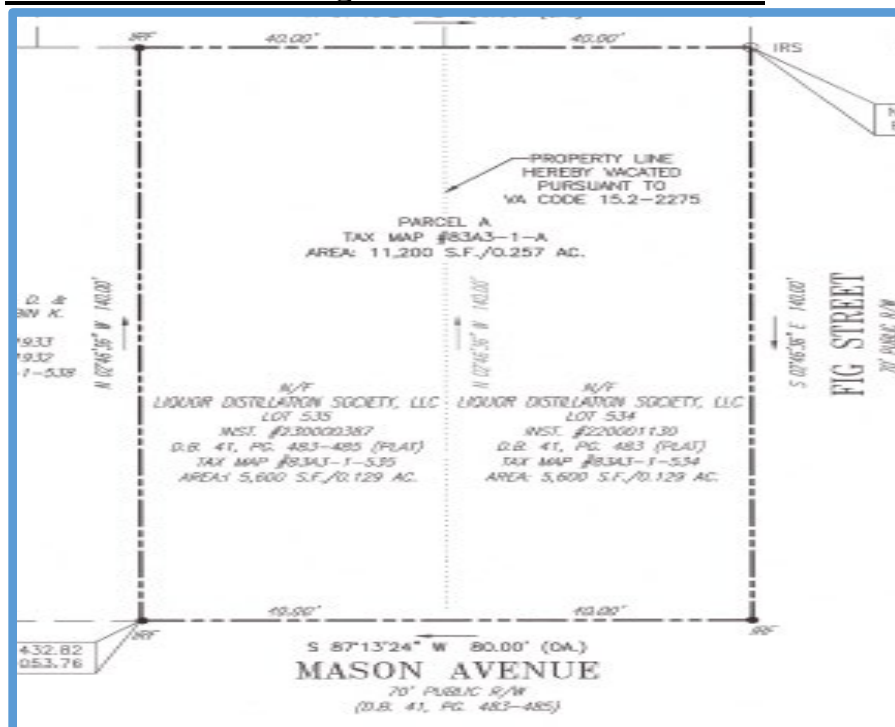


4) Vacation of Lot Line between Tax Map #83A3-1-535 & 83A3-1-534

Aerial Map of 3 Fig Street (Kellogg Building and the former Tom Godwin Lot behind the building) – corner of Mason Avenue and Fig Street



Subdivision Plat vacating lot line between these two lots



B. BOARD OF ZONING APPEALS - CODE OF VIRGINIA SECTION 15.2-2310

[Planning Commission shall be provided any applications filed with the Board of Zoning Appeals.]

1. April 11, 2023 at 10:00 a.m.: To hear the appeal of the decision of the Zoning Administrator re: Alley behind Washington Avenue properties from Pine to Strawberry Street.
2. May 9, 2023 @ 10:00 a.m.– Parking Variance Application for 413 Jefferson Avenue

C. HARBOR DEVELOPMENT CERTIFICATES

The Harbor Area Review Board received an application from the following and have recommended approval of all:

1. Meeting on Wednesday, February 22, 2023: Downtown Visitor Center and Public Bathrooms off Strawberry Plaza – **Town Council heard this application at their March 16, 2023 meeting and approved it.**
2. Meeting on Wednesday, February 22, 2023: Train Car Renovations and associated site work off Strawberry Plaza - **Town Council heard this application at their March 16, 2023 meeting and approved it.**
3. Meeting on Wednesday, February 22, 2023: New Municipal Building off old Cape Charles Road - **Town Council heard this application at their March 16, 2023 meeting and approved it.**
4. Meeting on Monday, March 28, 2023: Rosenwald School Property – **Town Council will be taking this up at their meeting on Thursday, April 20, 2023**