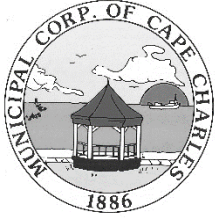


Planning Commission
Regular Session Agenda
Cape Charles Civic Center – 500 Tazewell Avenue
December 5, 2023, at 6:00 P.M.

1. Call to Order
 - A. Roll call and establish a quorum.
2. Invocation and Pledge of Allegiance
3. Reorganization of Board and Election of Officers
4. Consent Agenda
 - A. Approval of agenda format
 - B. Approval of Minutes: NONE
5. Public Hearings: NONE
6. Citizen Comment Period, for any item not subject to an advertised public hearing
7. Unfinished Business: NONE
8. New Business: NONE
9. Report of Officers and Committees
 - A. Sign Subcommittee: Review and Discussion of proposed sign ordinance
10. Standing Staff Reports – Planning & Zoning Director
11. Announcements - Next Meetings:
 - Regular Session: Tuesday, January 2, 2024
12. Adjourn



PLANNING COMMISSION STAFF REPORT

Meeting Date: December 5, 2023

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

Date: November 29, 2023

Regular Session: Item 9: Zoning Ordinance Review – Draft Sign Ordinance

At the July 11, 2023 Planning Commission meeting, a Sign Sub-committee was formed comprised of Bill Ashworth and Shannon Smith and myself to review the draft Model Sign Ordinance that I obtained and provided to you from the Virginia Local Government Attorneys' Association (LGA).

The committee met throughout the summer and fall and are now prepared to present a draft Sign Ordinance that is reflective of our community's needs and issues, relative to signs. There are a few areas where the committee has taken a position but would like to gain input from the full Commission to see if edits need to be made prior to rolling this document out to the full Town Council and the public at large to receive input.

The specific areas to touch upon are:

1. Flashing, moving, and/or animated signs
2. Billboards specific to being located separate from a commercial establishment.
3. Temporary Signs
4. Dimensional Specifications and # & Type of signs by Zoning District (contained in Sections 11- 14). Our current ordinance did not include this type of presentation but I am fully supportive of this – I believe it is more user friendly and cleaner for administrative purposes as well.
5. There are two areas highlighted in yellow:
 - (a) one is adding in a section for Multi-Tenant Signage or Directory Signage- the committee noted a need for this to be part of the draft ordinance and I have now included a definition for this and added its inclusion under Section 12 (Commercial District Signs).
 - (b) The other is relative to "Dark Skies" and signage under Section 8 – General Requirements. Since I still need to tackle adding a whole section re: dark skies to the overall CC Zoning Ordinance, this may get tweaked a little bit based upon that effort.

It is my intent that we go through the draft Sign Ordinance section by section and make changes as necessary but I wanted to at least flag the items that generated debate within the committee. Shannon and Bill are prepared to take the lead in presenting this document at the meeting for discussion purposes.

Please note that it is my hope that we can reach resolution on a final draft Sign Ordinance that will be included as a specific discussion document when we recommence our joint work sessions with Town Council on the zoning ordinance amendments.

SIGN ORDINANCE

DIVISION I. - GENERAL PROVISIONS

Sec. 1. – Purpose and intent.

Sec. 2. – Definitions.

Sec. 3. – Permit required.

Sec. 4. – Permit not required.

Sec. 5. – Prohibited signs.

Sec. 6. – Measurements of sign area.

Sec. 7. – Maintenance and removal.

Sec. 8. – General requirements.

Sec. 9. – Nonconforming signs.

Sec. 10. – Non-commercial signs.

DIVISION II. - SIGN REGULATIONS BY USE AND DISTRICT

Sec. 11. – Residential district signs.

Sec. 12. – Commercial district signs.

Sec. 13. – Industrial district signs.

ARTICLE ____ - SIGNS

DIVISION I. - GENERAL PROVISIONS

Sec. 1. – Findings, 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 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, 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 allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the [governing body] or Board of Zoning Appeals are forbidden.
- (c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (d) These regulations are intended to promote 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 City/County/Town designed for primarily vehicular access and portions of the City/County/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 City/County/Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (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.

Sec. 2. - Definitions.

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.”

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.”

Awning sign means a sign placed directly on the surface of an awning.

Banner means a sign of flexible material affixed to a framework or flat surface.

Building frontage means the 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.

Canopy sign means a sign attached to a canopy.

Chalk-board sign means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

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.

Directory sign (also identified as Multi-Tenant Sign): A freestanding 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.

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.

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.

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

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.

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.

Marquee means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

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.

Minor sign means a wall or freestanding sign not exceeding one (1) square foot in area, not exceeding four feet in height, and not illuminated.

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.

Moving Sign: see definition for *Animated Sign*.

Multi-Tenant Sign: see definition for *Directory 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 City/County/Town and maintained prior to the effective date of this 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 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. This does not include Temporary Signs for Special Events approved by the Town.

Pole sign means a sign that is mounted on one (1) or more freestanding poles.

Portable sign means any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

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.

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

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

Sign. Any 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.

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.

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.

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 of this Article.
- (b) *Application for permit.*
 - (1) An application for a sign permit shall be filed with the Planning & Zoning Department on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.
 - (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 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 permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 30 days

unless another time is provided in the zoning ordinance. 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 signs in the Historic Overlay District (HOD) require approval of the Historic District Review Board (HDRB) except when a sign permit is not required as provided in § 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. 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.

A sign permit is not required for:

- (1) Signs erected by a governmental body or required by law.
- (2) Flags up to 16 square feet in size not containing any commercial advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.
- (3) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with § 9(e).
- (4) Temporary signs as follows:
 - a. One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active and a structure is under construction
 - b. On any property for sale or rent, not more than one sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet.
 - c. 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 after their purpose has been accomplished.
 - d. On residential property, one or more temporary signs with a total area of no more than twelve (12) square feet, and which are removed within 90 days after being erected.

- e. On residential property, window signs, provided that the total extent of window signs do not obstruct more than 25% of the total area of all windows on each building façade.
 - f. Town Seasonal Events: The Town or through its designated agents are allowed to place temporary signage promoting Town sponsored seasonal events, festivals, or other marketing campaigns for the Town up to 30 days prior to the event and must be removed 7 days after the conclusion of the event.
- (6) Not more than two minor signs per parcel. Additional minor signs are permitted in certain districts with a permit.
 - (7) A-frame signs more than fifty (50) feet from the nearest public right of way.
 - (8) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.
 - (9) A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.

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 city official as a nuisance.
 - (4) Vehicle or trailer signs.
 - (5) Freestanding signs more than 25 feet in height.
 - ~~(6)~~
 - (7) Any sign displayed without complying with all applicable regulations of this chapter.
- (b) Prohibitions based on materials.
 - (1) Signs painted directly on a building, except where expressly permitted by this chapter.

- (2) Animated signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every seven seconds.
- (3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
- (4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.
- (5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
- (6) Signs that emit sound.
- (7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit unless permitted within this article.
- (8) Strings of flags visible from, and within 50 feet of, any public right-of-way.
- (9) Pole signs less than 6 feet in height.
- (c) Prohibitions based on location.
 - (1) Off-premises signs, unless specifically permitted by this chapter.
 - (2) 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.
 - (3) Signs on the roof surface or extending above the roofline of a building or its parapet wall.
 - (4) Neon signs, except in windows unless permitted in this article.
 - (5) Any sign located in the vision triangle formed by any two (2) intersecting streets, as regulated by the provisions of section _____.
 - (6) Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

Sec. 6. - Measurements of sign area and height.

- (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 preceding provisions.

- (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.
 - c. For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.
 - (2) The 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 area are designed in such a manner as to form an integral background of the display.
- (d) *Maximum height.* The maximum height for any sign shall be 25 feet unless otherwise specified within this chapter.

Sec. 7. - Maintenance and removal.

- (a) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
- (b) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.
- (c) 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 ~~this Code~~, Town Code.

- (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, nuisance abatement, and abandonment.*
 - (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 City/County/Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

Sec. 8. – General requirements.

- (a) *Placement.* Except as otherwise permitted, all freestanding signs shall be set back from any street right-of-way at least half the height of the sign.
- (b) *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, shingle signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.
 - (2) Internal illumination shall be limited to the illumination standards for parking lot lighting in _____. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.
- (c) *Landscaping.* All non-temporary ground-mounted or monument signs shall be installed with a minimum surround of three (3) feet of regularly maintained floral and shrubbery landscaping in every direction.

Sec. 9. - Nonconforming signs.

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

Sec. 10. –Non-commercial signs.

- (a) *Substitution.* 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 and construction.

DIVISION II. - SIGN REGULATIONS BY USE AND DISTRICT

Section 11. – Residential district signs.

(a) 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	Temporary	Permanent
Size (each/total)	16 s.f./no limit	16 s.f./ 16 s.f.	3 s.f. / 3 s.f.
Illumination	As required by law	None	Indirect
Setback	Height of flagpole	None	None
Maximum Height	25 ft.	4 ft.	4 ft.
Location	Flag pole $\leq$ 8" diameter	Freestanding, portable, wall, or window	Wall or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited

- Temporary signs include signs on property for sale or where a building permit is active.

Section 12. – Commercial district signs.

(a) *Generally.* Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial districts. In addition, up to one minor sign per business is permitted as a wall sign.

TYPE	Freestanding (incl. monument)	Wall	Flags	Temporary Signs	Other (e.g. canopy, door, projecting)
SIZE (each/total)	20 s.f.	2 s.f. per 5 lineal ft. of building frontage	16 s.f.	16 s.f.	20 s.f./50% area
MAX. NUMBER	1	1		1	1
ILLUMINATION	See Sec. 8(b)	See Sec. 8(b)	As required by law	Not to be illuminated	See Sec. 8(b)
SETBACK	5 ft	NA	5 ft	5 ft	NA
MAX. HEIGHT	10 ft	NA	25 ft	10 ft	NA

(b) *Window signs.* Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. 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.

(c) **Building with multiple tenants – Directory or Multi-Tenant-Sign: Limited to one monument sign per ingress/egress onto a primary road access.**

(d) *Off-Site Signs for Commercial Use of Limited Duration.* Up to three off-site signs, each not to exceed 6 square feet and 7 feet in height, shall be permitted for a commercial use lasting for 3 or fewer days on property zoned Commercial, with property owner permission. No more than one permitted temporary sign shall be displayed per lot. Display of signs shall be limited to 48 hours prior to commencement, and 48 hours after cessation, of the use or activity advertised.

Section 123. – Heavy and Light Industrial District signs.

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts. In addition, up to one minor sign per business is permitted as a wall sign.

TYPE	Freestanding	Wall	Flags	Monument	Temporary Signs
SIZE (each/total)	20 s.f.	2 s.f. per 5 lineal ft. of building frontage	16 s.f.	40 s.f.	16 s.f.
MAX. NUMBER	1	1		1	1
ILLUMINATION	See Sec. 8(b)	See Sec. 8(b)	As required by law	See Sec. 8(b)	Not to be illuminated
SETBACK	5 ft	NA	5 ft	5 ft	5 ft
MAX. HEIGHT	10 ft	NA	25 ft	10ft	10 ft

- Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. 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.

Section 14. – Harbor district signs.

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in the harbor district. In addition, up to one minor sign per business is permitted as a wall sign.

TYPE	Freestanding (incl. monument)	Wall	Flags	Temporary Signs	Other (e.g. canopy, door, projecting)
SIZE (each/total)	20 s.f.	2 s.f. per 5 lineal ft. of building frontage	16 s.f.	16 s.f.	20 s.f./50% area
MAX. NUMBER	1	1		1	1
ILLUMINATION	See Sec. 8(b)	See Sec. 8(b)	As required by law	Not to be illuminated	See Sec. 8(b)
SETBACK	5 ft	NA	5 ft	5 ft	NA
MAX. HEIGHT	10 ft	NA	25 ft	10 ft	NA

- Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. 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.



Municipal Corporation of Cape Charles

DECEMBER 2023 MONTHLY REPORT

Katie H. Nunez, Planning/Zoning Administrator

A. SUBDIVISION AGENT: No items to report.

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.]

No applications filed for December 2023 or January 2024. However, the BZA will be doing a meeting in January 2024 to handle administrative issues (minutes, election of offices, review of bylaws and procedures).

C. HARBOR DEVELOPMENT CERTIFICATES: None.

D. WETLANDS and COASTAL SAND DUNE BOARD: No applications filed for December 2023.

E. OTHER

An application has been received for the Historic District Review Board December meeting to move a house from 645 Mason Avenue to 602 Washington Avenue. I am informing the Planning Commission of this application because, if the house move is approved, then there will be a development site plan submission to locate a drive-thru bank at the 645 Mason Avenue as well as the adjacent lot to the west (see aerial below).



These lots are zoned Commercial- Residential (CR). While a bank is not expressly listed by right in the CR District, I do find this commercial use to be compatible in nature and complementary to the CR District and, specifically, to this location within the CR District adjacent to the Kellogg Building which is being converted into a restaurant and across the street from Rayfield's Pharmacy.

The CCZO requires that concurrence be obtained from the Planning Commission with my determination of this use within this district. Below is the Statement of Intent and Permitted Uses for the CR Zoning District for your review.

Section 3.5 Commercial Residential CR

A. Statement of Intent. The purpose of this district is to recognize the unique juxtaposition of the existing residential structures within the central business district and the future needs of Cape Charles commercial districts. It is the intent of this zone to promote the continued residential character of these areas while allowing commercial uses to be introduced.

The specific intent of this district is (1) to encourage retention of the existing residential buildings and character of the area and (2) to encourage compatible uses for these buildings.

B. Permitted Uses. The following uses are permitted by right:

- 1. Accessory buildings*
- 2. Antique shops*
- 3. Art galleries*
- 4. Athletic clubs*
- 5. Beauty and barber shops*
- 6. Bed and breakfasts*
- 7. Camera shops*
- 8. Candy stores*
- 9. Clothing stores*
- 10. Day spas*
- 11. Dry goods stores*
- 12. Florists*
- 13. Gift shops*
- 14. Leather goods*
- 15. Newsstands*
- 16. Offices*
- 17. Real estate sales*
- 18. Single-family dwellings*
- 19. Tobacco stores*
- 20. Video stores*
- 21. Any other use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.*

I have received a conceptual drawing for the bank building and site plan and have enclosed for your information.



BRANCH DESIGN
&
DEPLOYMENT

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Revisions:



TAYLOR BANK

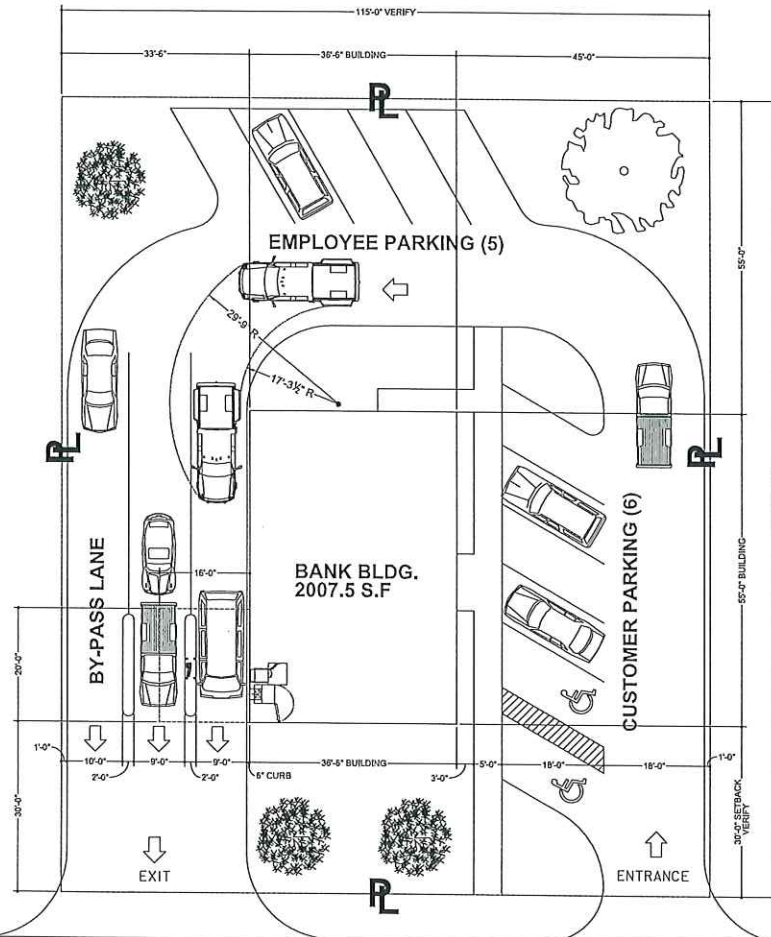
MASON AVE.
CAPE CHARLES, VA

Project No. DN071.23R1
Date 4/5/23
Drawn By ZRK
Requested By M. PREAS
Order No.
Scale AS NOTED

SITE PLAN
WITH PARKING
AND BLDG. SIZE

Drawing Number

BP-1
01 of 03



MASON AVE.

PLAN





