Planning Commission

Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

February 6, 2024, at 6:00 P.M.

1. Call to Order
   1. Roll call and establish a quorum.
   2. Welcome to new member, Elizabeth "Libby" Wright, who has been appointed to a four-year term that commenced November 1, 2023 thru October 31, 2027, which was previously held by Michael Strub.

2. Invocation and Pledge of Allegiance

3. Consent Agenda
   A. Approval of agenda format
   B. Approval of Minutes:
      1. January 11, 2024 - Planning Commission Regular Meeting

4. Public Hearings: NONE

5. Citizen Comment Period, for any item not subject to an advertised public hearing

6. Unfinished Business: NONE

7. New Business:
   A. Review Bylaws
      1. Planning Commission Bylaws - Adopted October 5, 2021
         Proposed Revision/s January 11, 2024
      2. Addition of Remote Participation Policy as Appendix C

   B. Appointment by the Planning Commission from within their ranks a member to serve on the Historic District Review Board (HDRB); said term as PC Representative to the HDRB will run concurrently with the PC member's term of appointment

   C. 2022 & 2023 ANNUAL REPORT

8. Report of Officers and Committees
   A. Sign Subcommittee: Continue with the Review and Discussion of Proposed Sign Ordinance, Section 12 – Commercial District Signs (page 12)

9. Standing Staff Reports - Planning & Zoning Director

10. Announcements - Next Meetings:
    - Work Session for Sign Ordinance Final Proofing (as needed): Wednesday, February 21,2024
    - Town Council Strategic Retreat: Saturday, February 24, 2024
    - Joint Work Session with Town Council: Tuesday, February 29, 2024
    - Regular Session: Tuesday, March 5, 2024
    - Joint Public Hearing with Town Council: Monday, March 18, 2024

11. Adjourn

PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
January 11, 2024

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, and Michael Strub. Commissioner Shannon Smith joined via phone call around 6:06p.m. Commissioner Jim Holloway arrived around 6:17p.m. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning & Zoning Administrative Assistant Maureen Tamares-Meditz, Special Assistant to the Town Manager Julie Pruitt. There was one member of the public in attendance and 14 viewers on Facebook Live.

A moment of silence was observed which was followed by the recitation of the Pledge of Allegiance.

CONSENT AGENDA:
Chairman Stramm suggested to add item C Proposed Calendar in which copy was handed earlier by Ms. Nunez.

Motion made by Commissioner Michael Strub seconded by Commissioner Grossman, to approve the agenda format as amended to add item C on the Consent Agenda.

After reviewing the minutes, the following corrections were made: (i) October 24,2023 Planning Commission and Town Council Joint Work Session: page 2, Article 4.5 Commissioner Stramm was not present at the meeting; (ii) November 20, 2023 Public Hearing and Regular Meeting: (1) page 2, Public Hearing Comments, incomplete thought, and (2) "Ashworth" was misspelled; and (iii) December 5, 2023 Public Hearing and Regular Meeting, page 3 change "on" to "in".

Motion was made by Commissioner Grossman, seconded by Commissioner Strub to approve the minutes from November 2, 2023 Town Council and Planning Commission Joint Work Session as presented, October 24, 2023 Planning Commission and Town Council Joint Work Session, November 20, 2023 Public Hearing and Regular Meeting and December 5, 2023 Public Hearing and Regular Meeting as amended. The motion was approved by unanimous vote.

PROPOSED CALENDAR:
Ms. Nunez let the Planning Commission know that they have been invited to attend the Town Council Strategic Retreat that will be held on Saturday, February 24, 2024. Time and venue to be determined. She then discussed the proposed calendar on Zoning Ordinance Amendments and Zoning Map Amendments. (please see attached)

CITIZEN COMMENTS:
There were no citizen comments to be heard nor any written comments submitted prior to the meeting.

NEW BUSINESS:

PLANNING COMMISSION BY LAWS: Commissioner Grossman suggested that language be added on Article V regarding the Staffing of other boards by the Planning Commission. Ms. Nunez stated that she will add the language and bring back a clean copy to the next meeting.

ADDITION OF REMOTE PARTICIPATION POLICY: It was agreed that this will be added in as Appendix C once the Planning Commission Bylaws has been adopted.

REPORT OF OFFICERS AND COMMITTEES:
Discussion about the continuation of Draft Sign Ordinance (starting at Section 5 – Prohibited Signs, page 7) was as follows:

Article ___ - SIGNS
§5. – Prohibited Signs

- (sub-paragraph A) General prohibitions
    - item 5 - Freestanding signs more than ~~25~~ feet in height. *Change 25 to 10 to match the previous ones that was changed.*
    - item 7 - will now be moved as item 6

- (sub-paragraph B) Prohibitions based on materials.
    - item 2- Animated signs, should revisit this on Definitions
    - item 9 – should be moved to Section 5 (sub-paragraph A) as item 7.

- (sub-paragraph C) Prohibitions based on location
    - item 1 – ~~Off premises signs, unless specifically permitted by this chapter.~~ *Commissioner Grossman suggested to strike this out. All agreed*.
    - ~~o~~ item 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.~~ *Commissioner Grossman suggested this should be deleted because it was already on Section 4, page 7. All agreed.*

§6. Measurements of sign area and height

- (sub-paragraph A) on the last paragraph: In such cases, the sign area shall be computed in accordance with the ~~preceding~~ provisions. Commissioner Grossman suggested to change: preceding to *succeeding*. All agreed.

- (sub-paragraph C) Sign Area
    - Item 2 – Commissioners Grossman and Ashworth suggested to delete the whole item because it was repetitive. All agreed.
- (sub-paragraph D) Maximum height – change 25 ft to: *10 ft*.

§7. Maintenance and Removal

- (sub-paragraph A) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code. Should add additional language and should be: All signs, *for which Building Permit is required,* shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code. It was mentioned that the Building Code Official, Mr. Brady will have to be involved in this discussion. Ms. Nunez said she will talk to Mr. Brady.
- (sub-paragraph C) Commissioner Grossman suggested to move the whole paragraph under the same Section 7, sub-paragraph e, as new item# 3. All agreed.
- (sub-paragraph E) Sign condition, safety hazard, nuisance abatement, ~~and abandonment~~. Delete and abandonment and should read as*: Sign condition, safety hazard and nuisance abatement.*
    - Item 2 - Any sign which constitutes a nuisance may be abated by the ~~City/County/~~Town. Delete: *City/Town.*

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§8. General requirements

- (sub-paragraph B) Illumination
    - Item 1 – delete the word *shingle* on the 2nd sentence.
- (sub-paragraph C) Landscaping. All ~~non-temporary~~ ground-mounted, replace the word non-temporary with *permanent* as suggested by Commissioner Ashworth. All agreed.

§9. Nonconforming Signs

- (sub-paragraph A) change the following word, and add language on the 3rd paragraph, ~~Upon~~ notice from the zoning administrator, should read as: *If notice from the zoning administrator is issued*… All agreed.

§11. Residential District Signs

- Commissioner Grossman handed out copies of Table 11 that he has summarized. Please see table and proposed changes (changes and addition made in ***bold italic***).

TYPE	Flags	Temporary on Building Permit Site	Temporary Other(1)(2)	Permanent / ***Non-Commercial***
Permit Required	No	No	No	~~• Question~~ • No (minor)
Size (each/total)	24 sf/ ~~no limit~~ ***1 flagpole per parcel***	12 sf/ max one each per contractor or sub	• 12 sf/ 12 sf • Window signs do not obstruct ~~25% of total area of all windows in each building façade~~ ***50% of one window.***	• 3 sf/ 3 sf • Max 2 minor signs ~~(< 1 sf)~~ ***(< 3 sf)*** ~~each~~ per parcel
Illumination	As required by law	None	None	~~Indirect~~ ***None***
Setback	~~25 ft~~ Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	None	None	None
Maximum Height	25 ft	4 ft	6 ft	4 ft
Location	Flag pole ≤ 8" diameter ***– 24 sq ft – 3 limit*** ***1 free standing flagpole***	Freestanding, portable, wall or window	Freestanding, portable, wall or window	Wall or window sign ~~or affixed to mailbox~~
Duration	Unlimited	Duration of project	30 days, and ≤ 90 days per 365-day period	Unlimited

(1) Includes signs on property for sale

(2) Exceptions can be granted for non-residential property in Residential districts

(3) Have the ability to petition the Zoning Administrator to extend time frame (e.g. Churches, etc.)

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§12. Heavy and Light Industrial District Signs

- (sub-paragraph 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.~~ After much discussion, this paragraph should be: Off-Site Premise Signs for Commercial Use. 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 *off premise* 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.

The discussion for this section will continue on Section 12 – Commercial District Signs. Commissioner Grossman volunteered to summarize the remaining tables. Everyone was appreciative of his work.

STANDING STAFF REPORT:

Ms. Nunez gave updates on the following: (i) Board of Zoning Appeals: The Board held Annual Elections for new officers which will be Dolores Blackburn as Chairman and Jim Holloway as Vice-Chairman. In addition, the Board affirmed their Rules of Procedure with the addition of a new Exhibit to allow for Remote Participation by a Member at a Meeting. (ii) Ms. Nunez gave a summary on the US Census Bureau report for 2018-2022 America Community Survey Data. (Please see attached monthly report). She also mentioned that she can send the link for the data snapshot if anyone is interested.

ANNOUNCEMENTS

- Regular Planning Commission Meeting on Tuesday, February 6, 2024 at the Civic Center

Motion made by Commissioner Grossman, seconded by Commissioner Ashworth, to adjourn the Planning Commission Regular Meeting at 8:20 p.m. The motion was approved by unanimous vote.

_____

Chairman Bill Stramm

_____

Planning & Zoning Administrative Assistant

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Town of Cape Charles
Planning Commission
By-Laws

ADOPTED: October 5, 2021
REVISED: October 5, 2021
REVISED: January 11, 2024
AMENDED:

ARTICLE ONE
AUTHORIZATION

1-1 This commission, established in conformance with the resolution passed by the Cape Charles Town Council on October 12, 1976, has adopted the following articles in order to facilitate its powers and duties in accordance with the provisions of Section 15.2-2210 and 15.2-2212, Code of Virginia, 1950, as amended.

1-2 The official title of this commission shall be the "Town of Cape Charles Planning Commission."

ARTICLE TWO
PURPOSE

2-1 The purpose of the Cape Charles Planning Commission (the "Commission") is to serve in an advisory capacity to the Town Council by preparing and/or reviewing plans, ordinances, capital improvement programs and other documents for consideration by the Town Council and to carry out activities as designated by the Town Council.

ARTICLE THREE
Membership

3-1 This Planning Commission shall consist of seven (7) members. One (1) member shall be a representative of the Town Council. The remaining six (6) members shall be referred to as appointed members.

3-2 The qualifications of the six (6) appointed members shall be that each is a resident of the Town, qualified by knowledge and experience to make decisions on questions of community growth and development, provided that at least one-half (1/2) of the members so appointed shall be owners of property within the Town.

3-3 The term of the representative from the Town Council shall be for tenure of office.

3-4 All other Commissioners shall be appointed for a term of four (4) years; the term of office shall commence on November 1 and expire 4 years hence on October 31.

3-5 Any vacancy in membership shall be filled by appointment of Town Council and shall be for the unexpired term only.

3-6 Members of the Commission may be removed by the Town Council for malfeasance in

office or poor attendance as determined in the sole discretion of the Council. A Commissioner may be removed without limitation in the event that the Commission member is absent from any three consecutive meetings of the Commission or is absent from any four meetings of the Commission within any twelve-month period.

3-7 Members of the Commission shall attend and fulfill the requirements of the Virginia Certified Planning Commissioners Program within two calendar years of their appointment.

3-8 The Town Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and for compensation for service. *Note: Town Council has established a $25 monthly meeting rate as of 07/2021; this rate will automatically be adjusted if Town Council adopts new meeting rates.*

ARTICLE FOUR
OFFICERS AND THEIR SELECTION

4-1 The officers of the Commission shall consist of a Chair, a Vice-Chair, and a Secretary. The Chair and Vice-Chair shall be elected by the membership. The Secretary shall be the Zoning Administrator, Planning Director or their designee.

4-2 The elected officers of the Planning Commission shall be elected for a one (1)year term by the Commission from the members at the first regular meeting after November 1 each year.

4-3 A candidate receiving a majority vote of a quorum of the Commission shall be duly elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.

4-4 Should the Chair and Vice-Chair be absent at any meeting, the member with the most seniority on the Commission, alphabetically, shall preside as temporary Chair until the Chair or Vice-Chair is present.

4-5 Vacancies in offices shall be filled immediately by regular election procedures at the next meeting after such vacancy has occurred.

ARTICLE FIVE
DUTIES OF OFFICERS

5-1 The **Chairman** shall be an appointed member of the Commission and shall:

- 5-1.1 Preside at all meetings.
- 5-1.2 Appoint committee chairmen and members.
- 5-1.3 Be informed immediately of any official communications and report the same at the next regular Commission meeting.
- 5-1.4 Rule on all procedural questions.
- 5-1.5 Carry out other duties as are assigned by the Commission.

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5-2 The **Vice Chairman** shall be an appointed member of the Commission and shall:

5-2.1 Act in the absence or inability of the Chairman.

5-2.2 Have the power to function in the same capacity as the Chairman in cases of the Chairman's inability to act.

5-3 The **Secretary** shall:

5-3.1 Keep a written record of all business transacted by the Commission.

5-3.2 Notify all members of all meetings.

5-3.3 Keep a file of all official records and reports of the Commission.

5-3.4 Certify all maps, records, and reports of the Commission.

5-3.5 Attend to the correspondence of the Commission.

5-3.6 Prepare and be responsible for the publishing of advertisements and public notices relating to all public hearings and public meetings.

5-3.7 Keep a set of minutes of the Commission meetings, which, after approval by the Commission, shall be retained in the Department of Planning & Zoning, and posted on the Town website.

5-3.8 Forward Commission recommendations to the Town Council along with a summary explanation of the Commission's vote and a summary explanation of any difference(s) between a staff recommendation and commission recommendation on a given matter within five days.

5-4 **Planning Commission** shall, from their own ranks:

5-4.1 Appoint a representative to Historic District Review Board (HDRB). Said term on the HDRB shall run concurrent with the term of the Planning Commission member.

5-4.2 Appoint a representative to Harbor Area Review Board (HARB). Said term on the HARB shall run concurrent with the term of the Planning Commission member.

5-4-3 Appoint a representative to Board of Zoning Appeals (BZA). Said term on the BZA shall run concurrent with the term of the Planning Commission member.

ARTICLE SIX
COMMITTEES

6-1 Committees, standing or special, may be appointed by the Chairman, to serve as needed. Such committees shall be subject to the approval of a majority vote of the Commission.

ARTICLE SEVEN
MEETINGS

7-1 Regular meetings of the Commission shall be held on the first Tuesday of each month in the Cape Charles Civic Center at 6:00 p.m. When a meeting date falls on a legal holiday, an alternative date shall be designated by the Commission. Meetings may be cancelled in advance by a majority vote of those present at a previous meeting. If the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that weather or other

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conditions are such that it is hazardous for Commission members to attend a regularly scheduled meeting, the meeting shall be continued to the following Tuesday at 6:00 P.M. in the Cape Charles Civic Center. Such finding shall be communicated to the members of the Commission and the press and posted on the Town's website as promptly as possible. All hearing and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required. Any regular meeting may be cancelled by the Chairman, or the Vice Chairman if the Chairman is unable to act, if there is no new business. The Secretary shall notify the members of the Commission of the cancelled meeting.

7-2 Special meetings or work sessions shall be called at the request of the Chairman or at the request of a majority of the membership.

7-3 Except as provided for in Section 2.2-3711, Code of Virginia, 1950, as amended (Virginia Freedom of Information Act), all meetings, hearings, records, and accounts of the Commission shall be open to the public. There shall be a Citizen Comment Period at each of the regular Planning Commission meetings. The Citizen Comment Period will allow a member of the Public three (3) minutes to speak about any planning matter, except agenda items scheduled for a Public Hearing. All public participation must comply with the Guidelines for Citizen Participation, as adopted by the Town Council on July 22, 2021, and which are affixed as Appendix A to these Bylaws.

7-4 Three or more of the members of the Commission shall constitute a quorum.No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

7-5 No member present shall abstain from voting unless such member has a conflict of interest in the matter being voted upon. A "conflict of interest" shall exist when there is an actual conflict: 1) pursuant to the Virginia State and Local Government Conflict of Interests Act (§ 2.2-3100 et. seq. of the Code of Virginia, or 2) pursuant to Town of Cape Charles Code of Ethics & Meeting Rules of Order, adopted by Town Council on July 22, 2021, and which is affixed as Appendix B to these Bylaws or 3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission with such member asserting such conflict of interest not permitted to vote on such matter.

7-6 Commission members are permitted to meet with applicants outside of a Planning Commission meeting and Commission members shall publicly disclose any meetings at the next available Commission meeting by providing names of those persons in attendance and a summary of the reason(s) for such meeting, topics of discussion and any conclusions or findings as a result of the meeting.

7-7 The Secretary, in reporting votes of the Commission to the Town Council, shall indicate the recorded vote including any abstentions and absences.

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ARTICLE EIGHT
ORDER OF BUSINESS

8-1 The order of business for a regular meeting shall be:

8-1.1 Call to order by the Chairman.
8-1.2 Roll call; determination of a quorum.
8-1.3 Invocation and Pledge of Allegiance.
8-1.4 Consent Agenda: A) Acceptance of the Agenda; B) Presentation of the minutes; and C) Other
8-1.5 Public Hearings.
8-1.6 Unfinished business.
8-1.7 New business.
8-1.8 Report of officers and committees.
8-1.9 Citizen Comment Period.
8.1.10 Standing Staff Reports:
A) Subdivision Agent; and B) Board of Zoning Appeals Applications received, pursuant to Section 2.2-3711 of the Code of Virginia
8.1.11 Adjournment.

8-2 The first item of business for the first regular meeting after November 1 of each year shall be the election of new officers.

8.3 Parliamentary procedures in the Commission meetings shall be governed by Robert's Rules of Order, specifically by the provisions which pertain to the Procedure in Small Boards. The Chair may speak, make motions and vote on all matters.

8-3.1 Motions shall be restated before a vote is taken.
8-3.2 A tie vote on any motion means the defeat of the motion for a lack of a majority vote.

8.4 The Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

8.5 The Commission shall retain the option to invite public comment by those present at a business meeting at such times as the Commission deems necessary.

ARTICLE NINE
HEARINGS

9-1 The Commission, in addition to those required by law, following Town Council referral, shall hold public hearings.

9-2 Notice of a hearing shall be published in a newspaper having general circulation in the area once a week for two (2) successive weeks specifying the time and place of hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after final publication, or as otherwise set forth in the Code of Virginia. Non-legal matters, or informational meetings not covered by the Code

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of Virginia, but called by the Commission, may be advertised once in a/any paper deemed appropriate by the Commission for the meeting purpose.

9-3 The procedures followed for a public hearing on any matter shall be:

9.3.1 The legal advertisement is read, and the public hearing is opened.
9.3.2 The matter/case before the Commission shall be summarized by the Planning Director/Zoning Administrator. Presentations by staff shall be limited to fifteen (15) minutes unless additional time is authorized by the Commission.
9.3.3 The applicant, or their designated agent and/or legal representative, may make a presentation, combined total of fifteen (15) minutes, unless additional time is authorized by the Commission.
9.3.4 The Commission may recall a staff member or applicant to obtain specific information or ask additional questions regarding the matter or case.
9.3.5 Public Comments: Members of the public shall have three (3) minutes to speak or submit written comments in accordance with the Guidelines for Citizen Participation (Appendix A).
9.3.6 The applicant and staff are each provided an opportunity to provide a rebuttal or to clarify information in response to public comments, limited to five (5) minutes.
9.3.7 Staff recommendation is presented.
9.3.8 If the Planning Commission does not require additional information, then the Public Hearing is closed.
9.3.9 Planning Commission opens discussion on the matter and entertains votes for the recommendation and disposition of the matter.

ARTICLE TEN
CORRESPONDENCE AND APPLICATION INFORMATION

10-1 The Secretary shall draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.

10-2 The Secretary shall communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

10-3 A complete application from an applicant for consideration of Commission action shall be submitted generally to the Secretary not less than sixty (60) days preceding the meeting proposed for such consideration. Depending on the scope of work the Secretary may determine additional time is required for application review before such application is scheduled for consideration by the Commission and the applicant will be notified, in writing, of such action(s) and also shall be advised when an application may be considered complete and may be scheduled for Commission action.

10-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Secretary.

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APPENDIX C
TOWN OF CAPE CHARLES
POLICY FOR ELECTRONIC PARTICIPATION IN PLANNING COMMISSION MEETINGS
Adopted _____

Pursuant to the Code of Virginia Section 2.2-3708.2 and 2.2-3708.3, the Cape Charles Planning Commission adopts the following to allow for remote participation or electronic participation in meetings of the Planning Commission:

The following provisions qualify for an individual member of a public body to use remote participation in meetings:

i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
ii) a family member's medical condition that requires the member to provide care for such family member that prevents the member's physical attendance;
iii) the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
iv) a personal matter.

1. On or before the day of a meeting, the Planning Commission Member shall notify the Chairman that he/she is unable to attend the meeting due to:

   a. A temporary or permanent disability or other medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance, along with the remote location from which the absent member participated.

   b. A family member's medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a family member's medical condition that required the member to provide care for such family member, preventing the member's physical attendance, along with the remote location from which the absent member participated.

   c. Principal residence is more than 60 miles from the meeting location. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.

   d. A personal matter. The member must specifically identify the nature of the personal matter which shall be recorded in the minutes of the meeting, along with the remote location from which the absent member participated.

   Participation by a member pursuant to this subdivision is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. A quorum of the Planning Commission must be physically assembled at the primary meeting location.

3. The Planning Commission members present at the physical location must approve the electronic participation by a majority vote.

   a. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes of the meeting.

4. Arrangements must be made for the voice of the remote participant to be heard by all persons at the primary meeting location.

ARTICLE ELEVEN
AMENDMENTS

11-1 These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) day's prior notice.

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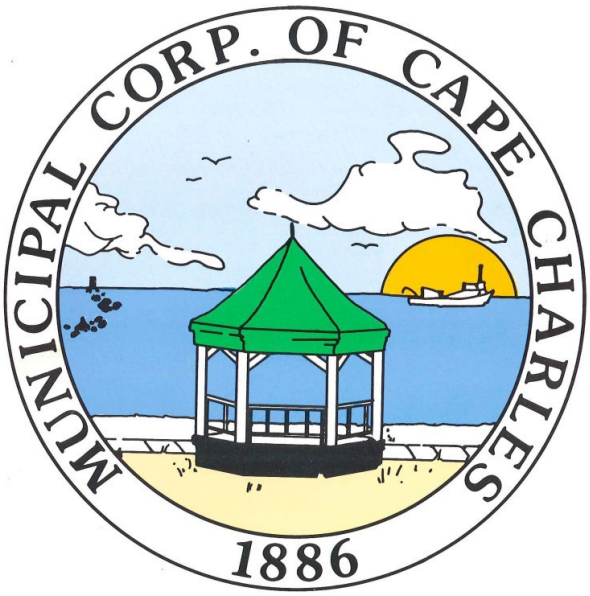


Town of Cape Charles
Planning Commission

2022 & 2023 Annual Report
(January 2022-December 2022)
&
(January 2023-December 2023)

Bill Stramm
Chairman

Katie Nunez
Director of Planning/Zoning Administrator
& Subdivision Agent

January 31, 2024

Mayor Charney & the Cape Charles Town Council:

On behalf of the Cape Charles Planning Commission, I am pleased to provide you the combined 2022 and 2023 Annual Reports of the Planning Commission.

At the Town Council meeting on December 16, 2021, a contract was awarded to Summit Design and Engineering Services for the Comprehensive Plan & Zoning Updates. This enabled the Planning Commission to fully tackle and advance the Comprehensive Plan Update, a project which was begun as in in-house project in 2019 and forward progression was interrupted due to COVID-19 and staff changes.

All of 2022 was primarily focused on working with our consultant on updating the Comprehensive Plan. The consultant was provided all of the prior work undertaken by the Commission:

- community workshop in July 2019;
- survey issued in 2019 with 211 responses;
- Regional Housing Workshop in January 2020 with over 50 attendees;
- draft chapter revisions prepared by the various members of the Planning Commission

A draft Comprehensive Plan was provided to the Town for review and public input through several public forums. Over 280 comments were received on this draft and all comments were received and discussed with a determination on each how to address in the Comprehensive Plan document through 2 joint work sessions of the Planning Commission and Town Council. This work also included updating the Town Zoning Map to accurately reflect all zoning map amendments approved by the Town Council since the map was last updated and a Future Use Map was also created as part of the Comprehensive Plan.

Following a public hearing on December 6, 2022, the Town Council voted to adopt the Comprehensive Plan at their meeting on December 15, 2022.

The Planning Commission and the staff of the Planning & Zoning Department were instrumental in also working with a consultant in the update and revision of the Town's Historic District Guidelines and accompanying amendments to the Historic District Overlay zoning ordinance, a process which initially began in 2021. After extensive feedback from the internal stakeholders, staff, and a public opinion survey, the Consultant, Commonwealth Preservation Group, released draft guidelines to the Town and community outreach was conducted. Over 110 comments were submitted to the Town and all comments were considered through a joint meeting of the Town Council, Planning Commission and Historic District Review Board. Town Council adopted the new guidelines and accompanying zoning ordinance changes on December 15, 2022 which

also included reaffirming the bounds of the Historic District and creating a map to reflect the exact location of the district.

In calendar year 2023, the Commission has been working diligently on the follow-up work relative to the adoption of the Comprehensive Plan: a review and possible amendments to the zoning ordinance to be consistent with the Comprehensive Plan. The Town also engaged the consultant, Summit Design and Engineering Services, to assist in this process. A thorough review of the entire document has been conducted and changes are being considered throughout the document, including provisions that have been revised at the state or federal level. This work has taken longer than anticipated and we believe this work will be forthcoming in the spring 2024 for public hearing and possible consideration of adoption of the zoning text amendments and accompanying zoning map amendments by the Town Council.

There are funds budgeted in the department's FY2024 budget for consulting services specific for developing guidelines and master plan for the harbor area, including the former railroad property. We look forward to turning our attention to this project once the Town zoning ordinance revisions and updates are concluded. The other large remaining project that is on our horizon is updates to the Accawmacke Plantation (Bay Creek) Planned Unit Development ordinance.

As always, we continue to take up applications as they are filed for conditional use permits and will continue to work towards meeting the goals and objectives contained in the Comprehensive Plan and further elaborated by Town Council into a Strategic Plan for the Town.

Please find a detailed reporting on the last two years, including membership & attendance, staffing of the department, and all public hearing matters relative to zoning text amendments, zoning map amendments and conditional use permits.

We thank the staff for their vigorous work and efforts in moving all of the various applications and development efforts forward and ensuring that the Town is meeting all public hearing notice requirements. It is important to note that the Planning & Zoning staff also support the work, agenda creation, meeting packets with staff reports on each application for the Historic District Review Board, the Wetlands Board, the Harbor Area Review Board, and the Board of Zoning Appeals as well as the Planning Commission. Additionally, their continued work and expansion of the web pages and website for the Planning & Zoning Department and these five boards is greatly appreciated.

2022 Planning Commission Members

NAME	REPRESENTATION	Term of Appointment	NOTES
Bill Stramm, Chair	At Large Member	11/1/2022 – 10/31/2026	
Dennis McCoy, Vice Chair	At Large Member	11/1/2020 - 10/31/2024	
Paul Grossman	Town Counsel Rep.	1/1/2023 – 12/31/2027	
Diane D'Amico	At Large Member	11/1/2020 - 10/31/2024	Resigned in May 2022
Jim Holloway	At Large Member & BZA Representative	11/1/2022 - 10/31/2027	
Michael Strub	At Large Member & HDRB Representative	11/1/2019 - 10/31/2023	
Ken Butta	At Large Member	11/18/2021 – 10/31/2025	Elected to Town Council, effective 1/1/2023
Bill Ashworth	At Large Member	12/2022 – 10/31/2024	To fill Diane D'Amico's term
Shannon Smith	At Large Member	1/2023 – 10/31/2025	To fill Ken Butta's term

NOTE: The Planning Commission appoints its members to serve as their designee on the following Town Boards:

Harbor Area Review Board – 2 Appointments

- Diane D'Amico - term of appointment is: 9/4/2019 – 10/31/2024 - she resigned in May 2022. Town Council appointed Bill Ashworth to fill out the remainder of Diane's term on Planning Commission. The Planning Commission then elected Bill Ashworth to also sit on the Harbor Area Review Board as their representative.
- Ken Butta, term of appointment is: 10/5/2021 – 10/31/2022 – he resigned when he was elected to Town Council. At end of December 2022/January 2023, Shannon Smith was appointed to fill out the remaining time of Ken's term on Planning Commission. The Planning Commission then elected Shannon Smith to also sit on the Harbor Area Review Board as their representative.
- Bill Ashworth, term of appointment is: 12/2022 – 10/31/2024
- Shannon Smith, term of appointment is: 1/2023 – 10/31/2025

Historic District Review Board – 1 Appointment

- Michael Strub, term of appointment is: 11/1/2019 - 10/31/2023

Additionally, the Northampton County Circuit Court Judge has appointed one member of the Planning Commission to serve on the Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2308 (A) and the current designee is:

Board of Zoning Appeals – 1 Appointment

- Jim Holloway – term of appointment is: 11/1/2022 – 10/31/2027

2023 Planning Commission Members

NAME	REPRESENTATION	Term of Appointment	NOTES
Bill Stramm, Chair	At Large Member	11/1/2022 – 10/31/2026	Re-elected in December 2023 as Chair
Dennis McCoy, Vice Chair	At Large Member	11/1/2020 - 10/31/2024	Served as Vice Chair for all of 2023
Paul Grossman	Town Counsel Rep. Vice Chair	1/1/2023 – 12/31/2027	Elected in December 2023 as Vice-Chair
Michael Strub	At Large Member HRDB Representative	11/1/2019 - 10/31/2023 **term is extended until a new Commissioner is appointed*	
Bill Ashworth	At Large Member HARB Representative	12/2022 – 10/31/2024	
Shannon Smith	At Large Member HARB Representative	1/2023 – 10/31/2025	
Jim Holloway	At Large Member BZA Representative	11/1/2022 - 10/31/2027	

NOTE: The Planning Commission appoints its members to serve as their designee on the following Town Boards:

Harbor Area Review Board – 2 Appointments

- Bill Ashworth - term of appointment is: 12/2022 – 10/31/2024
- Shannon Smith - term of appointment is: 1/2023 – 10/31/2025

Historic District Review Board – 1 Appointment

- Michael Strub, term of appointment is: 11/1/2019 - 10/31/2023 - **term is extended until a new Commissioner is appointed.*

2022 Planning and Zoning Staff

Katie Nunez, Interim Planning/Zoning Administrator (hired February 2021 thru June 2022); moved to full-time Planning & Zoning Administrator in July 2022.
Tracy Outten, Planning Technician

2023 Planning and Zoning Staff

Katie Nunez, Director of Planning/Zoning Administrator & Subdivision Agent
Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
Robert James, Zoning Compliance Officer, hired January 2023; resigned in November 2023
Alyce Crockett, Planning & Zoning Administrative Assistant (part-time), hired January 2023; resigned in May 2023
Maureen Tamares-Meditz, Planning & Zoning Administrative Assistant (part-time), hired July 2023

Introduction

Section 15.2-2221, of the Code of Virginia, as amended, prescribes the duties of the local planning commission. The duties include a requirement to provide an annual report to the local governing body concerning the operation of the commission and the status of planning in its jurisdiction.

PLANNING COMMISSION MEETINGS 2022

For 2022, Bill Stramm and Dennis McCoy agreed to remain as Chair and Vice-Chair, respectively. Diane D'Amico resigned in February 2022 and the position remained open until the end of December 2022. Ken Butta ran for and was elected to the Town Council so his last meeting was in December 2022 and his replacement was selected in December 2022, to be effective 1/1/2023.

	2022 Attendance Record - Blue Highlighted Dates are Work Session Green Highlighted Dates are Joint Public Hearings with Town Council P = Present A = Absent V= Vacant															
	1/4/2022	1/24/2022	2/01/2022	2/1/2022	3/1/2022	4/5/2022	5/3/2022	6/7/2022	7/5/2022	7/12/2022	8/02/2022	9/06/2022	10/04/2022	10/6/2022	10/27/2022	11/9/2022	12/6/2022
Stramm, Bill	P	P	P	P	P	P	P	A	CANCELLED	P	P	P	P	P	P	P	P
D'Amico, Diane	P	P	P	P	P	P	P	V		V	V	V	V	V	V	V	V
Grossman, Paul	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	p
Holloway, Jim	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
McCoy, Dennis	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	p
Strub, Michael	P	P	P	P	P	P	P	P		P	P	P	P	P	P	A	P
Butta, Ken	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	p

In 2022, 11 Regular Session Meetings were held with three of those meetings as a Joint Meeting with Town Council. 4 Work Session meeting were held. A substantial amount of meeting time was devoted to working on revisions to several primary guiding documents for the Town: the Comprehensive Plan and the Historic District Guidelines & the associated zoning ordinance authorizing a Historic District (Article VIII)

- The Town engaged Summit Engineering as its consultant to oversee the updates and revisions to the Town's Comprehensive Plan
- The Town engaged Commonwealth Preservation Group as its consultant to oversee a comprehensive rewrite of its Historic District Guidelines and associated zoning ordinance text amendments to the Historic District Overlay Ordinance (Article VIII).

GENERAL DISCUSSIONS 2022

In late summer 2022, Northampton County released a study they commissioned by the Berkeley Group called: " Overcoming Land Use Ordinance Barriers to Housing Development" dated May 27, 2022 which can be found on the Town website at: https://www.capecharles.org/docview.aspx?docid=30688. This report reviewed the County as well as all of the incorporated towns' zoning ordinances relative to housing and provided analysis and recommendations to zoning regulations to expand housing opportunities, especially higher density housing options, such as apartments, multi-family units, workforce housing, etc.

The Planning Commission formed a subcommittee to review this report and determine if we should pursue any zoning text amendments to our ordinance that would help remove barriers to housing development. This sub committee met almost weekly through fall/early winter 2022 and has developed a series of recommendations which have been forwarded to the Town's consultant, Summit Design, to review as part of their work in doing a full review of the zoning ordinance and compliance with the updated Comprehensive Plan. The Planning Commission will be taking up the subcommittee's recommendations in 2023 to determine if they agree or disagree and start to assembly the zoning text amendments for public hearing in 2023.

1/24/2022 thru April 2022: Discussion on Accessory Dwelling Units (ADUs) Revisions and whether a conditional use permit should continue to be required or amend the zoning ordinance to include all relevant criteria that must be met in order to obtain a zoning permit approval by right.

7/12/2022: Comp Plan – Existing Conditions Report and Draft Goals, Objectives & Strategies

2/1/2022 MTG:

- Conditional Use Permit (CUP) Public Hearing for an Accessory Dwelling Unit (ADU) at 520 Randolph Avenue. Planning Commission recommended to Town Council approval for a Conditional Use Permit for an Accessory Dwelling Unit at 520 Randolph Avenue on an application filed by Kathleen and Todd Glaser pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) with the following conditions: 1) the applicant applies and obtain Historic District Review Board approval for all exterior improvements, in accordance with the Historic District Overlay and Guidance Documents; 2) the 2 applicant obtains all required permits and approvals from the Building and Planning Departments; and further finds that the Conditional Use Permit (CUP) standards in Section 4.3 are satisfied and that the issuance of the CUP is in general accord with the current Comprehensive Plan; and 3) upon the occupancy of the Accessory Structure as a dwelling by the applicant at 520 Randolph Avenue, then the CUP issued by the Town on July 18, 2016 for a Bed and Breakfast, owned and operated by the applicant at 530

Randolph Avenue, will be relinquished by the applicant since the requirements of the CUP will not be met, particularly the residency requirement for Bed and Breakfast establishments. On February 17, 2022, the Town Council voted to approve the Conditional Use Permit application for an accessory dwelling unit at 520 Randolph Avenue as recommended and conditioned by the Planning Commission.

5/3/2022 MTG:

- Conditional Use Permit (CUP) Public Hearing for an Accessory Dwelling Unit (ADU) at 420 Randolph Avenue. Planning Commission recommended to Town Council approve the Conditional Use Permit (CUP 2022-002) for an Accessory Dwelling Unit After-the-Fact at 420 Randolph Avenue on an application filed by Cynthia Emrich and Charles van Dyck, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J). On May 19, 2022, Town Council approved the Conditional Use Permit for an Accessory Dwelling Unit After-the-Fact at 420 Randolph Avenue on an application filed by Cynthia Emrich and Charles van Dyck pursuant to Zoning Ordinance Section 4.2(J).

6/3/2022 MTG:

- Conditional Use Permit (CUP) Public Hearing for an Accessory Dwelling Unit (ADU) and Inground Pool at 211 Madison Avenue. *Planning Commission to recommend Town Council approve the Conditional Use Permit (CUP 2022-003) for an Accessory Dwelling Unit and an In-ground Pool at 211 Madison Avenue on an application filed by Michelle and Nathan Davidson pursuant to Cape Charles Zoning Ordinance Section 4.2 (J), and a Conditional Use Permit for an in-ground pool pursuant to Cape Charles Zoning Ordinance Section 3.2 (C) (5).* On July 21, 2022, Town Council voted to approve the Conditional Use Permit for 211 Madison Avenue for an accessory dwelling unit and an inground pool as recommended by the Planning Commission.

8/02/2022 MTG:

- Conditional Use Permit (CUP) Public Hearing for an Accessory Dwelling Unit (ADU) at 11 Randolph Avenue. Planning Commission recommended to Town Council approve the Conditional Use Permit (CUP 2022-004) for an Accessory Dwelling Unit at 11 Randolph Avenue on an application filed by Barbara and Bill O'Hare pursuant to Cape Charles Zoning Ordinance Section 4.2 (J). On August 18, 2022, Town Council voted to approve CUP2022-004 for an accessory dwelling unit at 11 Randolph Avenue on the application filed by Barbara and Bill O'Hare as recommended by the Planning Commission.

10/4/2022 MTG:

- ZTA 2022-01 - application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units and Section 2.9 Definitions associated with Accessory Dwelling Units. Planning Commission recommended an amended application. On October 20, 2022, Town Council voted to approve the recommendation from the Planning Commission to adopt Zoning Text Amendment 2022-01, as amended.

- ZTA 2022-02 – application from the Town of Cape Charles to remove proffers that were accepted and approved on November 13, 2008 as part of the "Keck Property Rezoning" and recorded in Northampton County Clerk of Courts as Instrument #090002549 and affecting the following parcels:

Tax Map #:	OWNER:	LOCATION
90-19-B	Town of Cape Charles	2443 Old Cape Charles Road
90-19-A	General Builders LLC	Old Cape Charles Road
90-29-3	General Builders LLC	2401 Old Cape Charles Road
90-29-4	General Builders LLC	2403 Old Cape Charles Road
90-29-2	CEM Investments, LLC	2405 Old Cape Charles Road
90-29-1	General Builders LLC	2407 Old Cape Charles Road

Planning Commission recommended approval of ZTA application 2022-02. On October 20, 2022, Town Council voted to approve the recommendation from the Planning Commission to adopt Zoning Text Amendment 2022-02.

12/6/2022 MTG:

- Joint Public Hearing on Comprehensive Plan Revisions and Update which was recommended by the Planning Commission. On December 15, 2022, Town Council voted to approve the recommendation from the Planning Commission to adopt the Comprehensive Plan revisions and update.

- ZMA 2022-02 – application from the Town of Cape Charles to re-affirm the Historic District Overlay Map and to amend the Zoning Ordinance Section 8.3 including a description of the bounds of the Historic District Overlay Map. A joint public hearing was held on this matter and was recommended by the Planning Commission to approve with amendment clarifying that the western most line of the district stops at Bay Avenue up to the beach but does not include the Town beach property. On December 15, 2022, Town Council voted to approve the recommendation from the Planning Commission to re-affirm the Historic District Overlay Map and also to amend Cape Charles Zoning Ordinance Section 8.3 to include a written description of the bounds of the Historic District Overlay Map.

- ZTA 2022-02: application from the town of Cape Charles to Amend Section 3.2 (District Regulations - Single Family Residential District R-1) (I – Development Standards) (6) – Delete the following: ~~Vinyl siding will be permitted as long as each individual clapboard is no wider than five inches~~. Section 3.6 (District Regulations – Commercial District C-1) (F – Development/Redevelopment Standards: (1.e) – Delete the following: aluminum ~~or vinyl siding~~. . A joint public hearing was held on this matter and was recommended by the Planning Commission to approve Zoning Text Amendment 2022-02 re: vinyl siding materials no longer being allowed in the Residential-1 Zoning District & Commercial-1 Zoning District that are also in the Historic Overlay District. On December 15, 2022, Town Council voted to approve the recommendation from the Planning Commission to eliminate vinyl siding as a materials choice for the Residential-1 and Commercial-1 Zoning District.

- ZTA 2022-03: application from the Town of Cape Charles to amend Section 8.3 (Inventory of Landmarks and Contributing Properties Established) as follows: The Town of Cape Charles has established as part of this ordinance a map covering the area included in the Historic District, based on the criteria set forth in this ordinance and fully described under within Section 8.3 as described in ZMA 2022-02 and further contained in Chapter 1 of the Newly Revised Historic District Guidelines as adopted by the Town Council on (Date to be inserted) and this map shall be as much a part of this ordinance as if fully described herein. Pending further amendment of this ordinance, the period of significance for the Town will be from 1883 to 1964 as delineated in the Cape Charles Historic District National Register of Historic Places (amended 2019). Said listing as prepared in 2019 of all contributing and non-contributing properties will be attached as an Exhibit to the newly revised Historic District Guidelines as identified in the National Register, structures or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing. The map may be amended from time to time in the same manner as the zoning district map. A joint public hearing was held on this matter and was recommended by the Planning Commission to approve as presented. On December 15, 2022, Town Council voted to approve the recommendation from the Planning Commission to accept the 2019 Historic District Inventory of Landmarks and Contributing Properties.

- ZTA 2022-04: application from the Town of Cape Charles to Amend Section 8.4 – Application of the District; Relation to Other Zoning Districts to add to the end of the paragraph the following: Where the overlay district and its Design Guidelines present stricter standard, the stricter standard prevails pursuant to Code of Virginia Section 15.2-2306. A joint public hearing was held on this matter and was recommended by the Planning Commission to approve as presented. On December 15, 2022, Town Council voted to approve the recommendation from the Planning Commission establishing that the Overlay District and Design Guidelines are the stricter standard and prevail if in conflict with any other provision of the Cape Charles Zoning Ordinance.

- ZTA 2022-05: to amend Section 8.8 (Historic Board: Terms) by adding the following: The members of the Historic District Review Board shall be appointed by the Town Council. The Membership shall consist of five citizens, at least three of whom shall be residents of the local historic district; said appointments are at the will of Town Council. A joint public hearing was held on this matter and was recommended by the Planning Commission to approve as presented. On December 15, 2022, Town Council voted to approve the recommendation from the Planning Commission that the appointments to the Historic District Review Board are at will appointments by Town Council.

- ZTA 2022-06: application from the Town of Cape Charles to Amend Section 8.14 (E) Historic District Review Board; Powers and Duties to insert the month and year (December 15, 2022) of the newly revised Historic District Guidelines, once adopted by Town Council. A joint public hearing was held on this matter and was recommended by the Planning Commission to approve as presented. On December 15, 2022, Town Council voted to approve the recommendation from the Planning Commission and will reflect in the Cape Charles Zoning Ordinance that the date of adoption for the new Historic District Guidelines is December 15, 2022.

- ZTA 2022-07: application from the Town of Cape Charles to delete Section 8.20 – Design Guidelines: Recommendations for Review Items since guidelines have been included in the newly proposed guideline: (D) ~~Separate guidelines shall be developed for all new infill buildings in Cape Charles' historic district. New infill construction will not diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district.~~ (E~~) Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following the guidelines for new (infill) construction. Criteria for non-contributing structures may be less restrictive than that applied to contributing structures~~ A joint public hearing was held on this matter and was recommended by the Planning Commission to approve as presented. On December 15, 2022, Town Council voted to approve the recommendation from the Planning

Commission that the language indicating that guidelines for infill buildings will be developed is to be deleted since the newly adopted guidelines includes this information.

- ZTA 2022-08: application from the Town of Cape Charles to amend Section 8.20 (A) as follows: The Historic District Review Board shall be guided in its decisions by the design guidelines but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. The board and staff shall ~~may~~ utilize the pre-application review process as defined in Section 8.25.A. A joint public hearing was held on this matter and was recommended by the Planning Commission to approve as presented. On December 15, 2022, Town Council voted to approve the recommendation from the Planning Commission and are authorizing the HDRB and staff to utilize a pre-application process but are not mandated to do so and shall be guided in its decisions by the Design Guidelines but must also use discretion and independent judgment to consider the unique characteristics of each request.

- ZTA 2022-09: application from the Town of Cape Charles to amend Section 8.25 (A) as follows: Pre-application review: Persons considering action that requires a certificate of appropriateness, as set forth in this ordinance, are ~~to request and/or~~ to review **the fully proposed application and scope of work with Planning & Zoning staff** ~~an informal informational meeting with the Zoning Administrator and at least one member of the Historic District Review Board~~ prior to submitting a ~~formal~~ **completed** application for a certificate of appropriateness. ~~Requests for such informational meetings can be made to the zoning administrator, who will contact a member of the board. The informational meeting will occur within thirty (30) days of receipt of such a request~~. The purpose of said review with staff ~~of an informational meeting~~ is to review the design guidelines and standards and the procedures for obtaining a certificate of appropriateness. Neither the applicant nor the zoning administrator~~/ or staff member board member(s)~~ shall be bound by any informational meeting or conceptual review. ~~Zoning administrator can use discretion on the need for a pre-application meeting or the inclusion of a board representative depending on the nature of project proposed;.~~ A joint public hearing was held on this matter and was recommended by the Planning Commission to approve as presented. On December 15, 2022, Town Council voted to approve the recommendation from the Planning Commission to clean up the language in the ordinance concerning application process for Certificates of Appropriateness.

- **ZTA 2022-10:** application from the Town of Cape Charles to amend Section 8.29 – Certificates of Appropriateness as follows: Any certificate issued pursuant to this article shall expire of its own limitation ~~twelve (12)~~ six (6) months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve (12) six (6) month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of ~~twelve (12)~~ six (6) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the computation of the ~~twelve (12)~~ six (6) months. A joint public hearing was held on this matter and was recommended by the Planning Commission to approve as presented. On December 15, 2022, Town Council voted to approve the recommendation from the Planning Commission and have amended the ordinance to provide a permit expiration date of six months for Certificates of Appropriateness.

PLANNING COMMISSION MEETINGS 2023

For 2023, Bill Stramm and Dennis McCoy agreed to remain as Chair and Vice-Chair, respectively. Dennis McCoy was absent due to a prolonged illness; resigned in December 2023. Bill Stramm was re-elected Chair and Paul Grossman was elected as Vice-Chair in December 2023.

	2023 Attendance Record **Blue Highlighted Dates are Work Session** **Green Highlighted Dates are Joint Public Hearings with Town Council** **Orange Highlighted Dates are Joint Work Session with Town Council** P = Present A = Absent V= Vacant														
	1/3/2023	1/30/2023	2/7/2023	3/27/2023	4/4/2023	5/2/2023	7/11/2023	8/21/2023	9/7/2023	9/28/2023	10/3/2023	10/24/2023	11/2/2023	11/20/2023	12/5/2023
Stramm, Bill	P	P	P	P	A	P	P	P	CANCELLED	P	P	A	P	P	P
McCoy, Dennis	P	P	P	P	P	P	P	P		A	A	A	A	A	A
Grossman, Paul	P	P	P	P	P	P	P	P		P	P	P	P	A	p
Strub, Michael	A	P	P	P	P	P	P	P		P	P	P	A	P	P
Ashworth, Bill	P	P	P	P	A	P	P	P		P	P	P	P	P	p
Smith, Shannon	P	P	P	P	P	P	P	P		P	A	P	P	A	P
Holloway, Jim	P	A	P	A	A	P	P	P		P	P	P	P	P	p

In 2023, 8 Regular Session Meetings were held; 2 Work sessions; and 4 Joint Work Session with Town Council – 3 of the joint meetings were to review all proposed Zoning Ordinance Amendments and 1 of the joint meetings was to discuss Short-Term Rental Committee Recommendations.

GENERAL DISCUSSIONS 2023

In July 2023, the Planning Commission formed a sign sub-committee to work on developing a draft Sign Ordinance that complied with federal case law on this matter.. This sub-committee met almost weekly through fall/early winter 2023 and has developed a series of recommendations which have been brought to the Planning Commission with the intent of finalizing a draft Sign Ordinance that will be incorporated as part of the zoning text amendments overall for review by Town Council..

1/3/2023 :

- ZTA 2023-01 - amend Article III to create a new zoning district called Bay Crossing Planned Unit Development and to amend any other sections of the Zoning Ordinances deemed appropriate to achieve the purposes described herein. Application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units and Section 2.9 Definitions associated with Accessory Dwelling Units.

- ZMA 2023-01 to rezone Tax Map #90-19-A from Residential-R3 to the new zoning district called Bay Crossing Planned Unit Development District if so created.

A public hearing was held by the Planning Commission on 1/3/2023 and the Planning Commission recommended approval with 2 amendments to the ZTA relative to striking the income threshold requirements for workforce housing and to add the requirement of 5 acres minimum for creation of a PUD District. On January 19, 2023, Town Council voted to approve both the Zoning Map Amendment Application and the Zoning Text Amendment Application as amended by Town Council who accepted the Planning Commission 5 acre minimum amendment but did not accept the Planning Commission recommendation re: deleting the income threshold requirement but substituted the following language: "The targeted workforce housing segment income range is up to 150% of the Area Median Income" and to also amend the following: To amend paragraph 3, Conditional Uses, to read: "Subject to the Conditional Use Permit application process, the following conditional uses may be allowed: all uses in the C-1, C-2 and C-3 Districts, conditional uses within the R-3 District, short term rentals including subletting of units (said unit's square footage will be less than 1,000 square feet and the short term rental is defined as 30 days or less for rent), and any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission."

5/2/2023 Meeting:

- Conditional Use Permit (CUP) Public Hearing from Liquor Distillation Society LLC at 1 Fig Street (Tax Map #83A3-1-534) in the Commercial-2 (C-2) Zoning District for 3 single-family units located on the floor above commercial space pursuant to CCZO Section 3.7 (C). Planning Commission recommended to Town Council approval of the CUP2023-001: Conditional Use Permit Application from Liquor Distillation Society LLC at 1 Fig Street (Tax Map #83A3-1-534) for 3 single-family dwelling units above 1st floor Commercial Space based upon the site plan and application submitted and with the condition that the minimum lease term of no less than 30 days be assigned to the 3 residential units at

1 Fig Street. On May 18, 2023 Town Council voted to approve Conditional Use Permit 2023-001 for three single-family dwelling units above first floor Commercial Space based upon the site plan and application submitted and with the condition that the minimum lease term of no less than 30 days be assigned to the three residential units at 1 Fig Street.

- Conditional Use Permit (CUP) from Cape Marine Services LLC at 6 Mason Avenue (Tax Map #83A3-A-5) in the Harbor Zoning District to operate a paid parking lot on 72,000 square feet (approximately 22.3% of the total lot size of 322,498 square feet), pursuant to CCZO Section 3-9 (E) (7) (f); said request is seeking a one-time seasonal approval until September 5, 2023 with relief from the landscaping requirements contained in CCZO Section 4.5 (J). A public hearing was held by the Planning Commission and recommended to Town Council with conditions on a limited time basis. On May 18, 2023 Town Council voted to approve Conditional Use Permit 2023-002 at 6 Mason Avenue on a one-time seasonal basis until September 5, 2023 as recommended by the Planning Commission to include the following conditions: i) A waiver from the landscape requirements in CCZO Section 4.5 (J) and other paved surface requirements during this seasonal one-time permit timeframe; ii) Sufficient trash receptacles be provided by the property owner and emptied on a regular basis at the expense of the property owner; iii) The entrance and exit to/from the parking lot would be from the center entrance on Mason Avenue directly across from Harbor Avenue only; iv) Approved and permitted signage indicating the hours of operation of 8:00 a.m. to Dusk and Daily Parking Only, No Overnight Parking, and Towing of Cars would be at the Owner's Expense; and v) Allowing for the extended hours on July 4th.

7/11/2023 Meeting:

- Zoning Map Amendment (ZMA) 2023-02 from Nancy T. Rooney to rezone 107 Mason Avenue (Tax Map #83A3-2-1-74 & #83A3-2-1-75A) from Commercial-1 (C-1) Zoning District to Commercial Residential (CR) Zoning. *Planning Commission recommended to Town Council rezone Tax Map Parcels #83A3-2-1-74, 75A, 75B, and 77 from Commercial-1 to Commercial Residential.* On July 20, 2023, Town Council voted to adopt Ordinance 20230720A Amending Cape Charles Zoning for Tax Map Parcels #83A3-2-1-74, 83A3-2-1-75A, 83A3-2-1-75B and 83A3-2-1-77 for Commercial-1 to Commercial-Residential which was supported by the Comprehensive Plan and Future Land Use Map.

- Zoning Map Amendment (ZMA) 2023-02 from RL & B Seaside Investments, LLC to rezone Tax Map #83A3-2-1-75B and #83A3-2-1-77 from Commercial-1 (C-1) Zoning District to Commercial Residential (CR) Zoning. *Planning Commission recommended to Town Council rezone Tax Map Parcels #83A3-2-1-74, 75A, 75B, and 77 from Commercial-1 to Commercial Residential.* On July 20, 2023, Town Council voted to adopt Ordinance

20230720A Amending Cape Charles Zoning for Tax Map Parcels #83A3-2-1-74, 83A3-2-1-75A, 83A3-2-1-75B and 83A3-2-1-77 for Commercial-1 to Commercial-Residential which was supported by the Comprehensive Plan and Future Land Use Map.

10/3/2023 Meeting:

- Zoning Map Amendment (ZMA) 2023-03 application from Cherrystone Investments, LLC to rezone and remove the dual zoning on Tax Map #90-A-1A6 from General Business/ Light Industrial (GBI H-1) and Harbor District to only Harbor Zoning District. Following a public hearing, *the Planning Commission recommended to Town Council to approve rezoning of this parcel from GBI H-1 & Harbor to only Harbor Zoning with the conditions that plans of development for this parcel to be delivered within six (6) months to the Planning Commission*. On November 16, 2023, Town Council voted to approve the zoning map amendment application as requested and rezone Tax Map #90-A-1A6 from General Business/Light Industrial and Harbor zoning to Harbor on the full parcel.

11/20/2023 Meeting:

- Zoning Map Amendment (ZMA) 2023-04 from Municipal Corporation of Cape Charles to rezone Tax Map #83A3-1-644 & 83A3-1-641 (11,301.22 square feet) from Commercial -1 (C-1) to Residential-1 (R-1). *The Planning Commission held the public hearing on this matter and moved to recommend to Town Council to approve the application as presented*. On January 18, 2024, Town Council voted to approve Zoning Map Amendment 2023-04, as recommended by the Planning Commission.

PLANNING COMMISSION
STAFF REPORT

Meeting Date: February 6, 2024
TOPIC: Continued Review of Draft Sign Ordinance

Commissioner Paul Grossman has updated each zoning district sign chart to reflect prior edits/deletions/additions that were made to the text of the draft sign ordinance to ensure consistency between the charts and the other sections of the sign ordinance. In addition, he has taken pictures of examples of existing signage throughout Town for each zoning district. Anywhere there is yellow highlighting then Mr. Grossman has included his comments/thoughts for discussion.

Lastly, the draft sign ordinance text document (attached) is updated to reflect all of the changes from our last two meetings – all changes are shown as redline changes. There are a few spots that are highlighted in teal which are items raised by Planning Director Katie Nunez. Please note that the charts from the draft sign ordinance text document have not been updated but Paul Grossman's charts below will be substituted into that document for our discussion purposes.

Residential District

Prepared by Paul Grossman & chart reflects the 1/11/24 Meeting Comments. ITEMS in YELLOW for Discussion

TYPE	Flags	Temporary on Building Permit Site	Temporary Other(1)	Permanent Non-commercial (2) (5) (6) (7)
Permit Required	No	No	No	No
Size (each/total)	24 sf/ three (Only one flagpole)	12 sf/ max one each per contractor or sub	• 12 sf/ max one • 16 sf/ max one for multi-development site (Subdivision Plat – lots for sale) • Window signs do not obstruct more than 50% of window	Max 2 minor signs (≤ 3 sf) each per ~~parcel~~ building unit Historic markers exempted Freestanding for identifying multi-family sites (apartment buildings) ≤ 32 sf/ max one
Illumination	U.S. Flag Code (4)	None	None	None
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	None	None	None
Maximum Height	25 ft	4 ft	6 ft	4 ft for freestanding
Location	~~Flag pole ≤ 8" diameter~~ Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets	Freestanding, portable, wall or window	Freestanding, portable, wall or window	Wall or window sign
Duration	Unlimited	Duration of project	30 days, and ≤ 90 days per ~~365-day~~ calendar year period (3)	Unlimited

(1) Includes signs on property for sale. Vacation rental signs are prohibited. [Katie: if PC agrees, then this language should also be added to to the definition of "Temporary Sign" in the Sign ordinance text itself]

(2) Exceptions can be granted *by Zoning Administrator* for non-residential property in Residential districts (e.g., churches, funeral parlors, distributors, schools, bed & breakfasts, multi-tenant directory, multi-family establishments)

(3) For sale of property, 90 days may be exceeded. Sign to be removed within 2 weeks after closing.

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

(5) Home occupations are not permitted commercial signs.
(6) Minor sign means a wall or window sign not exceeding three (3) square foot in area and not exceeding four feet in height if freestanding, and not illuminated.
(7) Art is not considered a sign.

PG Observations/ Comments

1. Interior window signs – do we really want to regulate percentage? Are they a problem?
2. Historic House Markers – consider exempting from permanent signage count
3. Duplexes are essentially two housing units. For permanent signage, consider separate re two minor
4. Temporary signage for property sale – do we really need ZA to monitor and approve over 90 days? Suggest Note 3 to read "For sale of property, 90 days may be exceeded."
5. Flagpoles – do we even need to specify base diameter? 8" base is fairly large and are more appropriate for 40 – 50 ft flagpoles. Typical base diameter is dependent on gauge of metal (Al) and windspeed design. See table below.
   Northampton County ordinance: "flagpoles shall be **allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets**" Suggest using these words for location.
   Nothing found in Exmore, Onancock, Virginia Beach, Williamsburg, Smithfield other than max height and size of flag

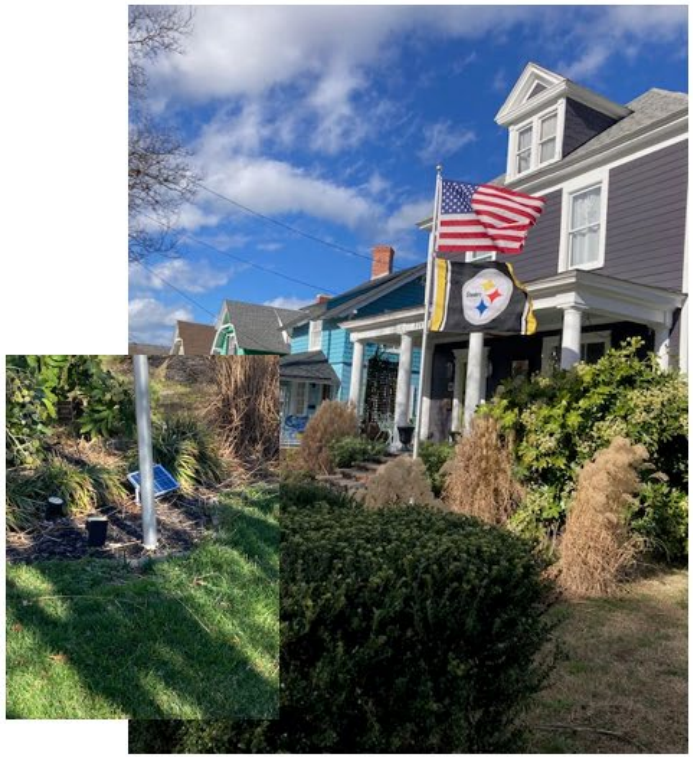
This chart is back-up support re: flagpoles and suggestion to omit size reference re: base of pole.

Exposed Height (feet)	Diameter (inches)		Wall Thickness (inches)	Maximum Recommend Flag Size (feet)	Flagged Windspeed (mph)
	Base	Top			
25	3	2	0.125	5 x 8	50
25	4	2	0.125	5 x 8	85
25	5	3	0.125	5 x 8	105
25	5	3	0.156	5 x 8	120
25	5.5	3.5	0.188	5 x 8	120+
25	6	3.5	0.156	5 x 8	120+
25	6	3.5	0.188	5 x 8	120+

EXAMPLES OF SIGNS CURRENTLY IN CAPE CHARLES – RESIDENTIAL DISTRICT

Dimensions are approximated thru observation when out of reach for measuring.

FLAG SIGNS



Acceptable: ≤ 24 sf each and ≤ 3, one pole, < 8" dia
With lighting per law

Acceptable: one pole, ≤ 8" dia (note concrete pole 6" diameter)

TEMPORARY on BUILDING PERMIT SITE

TEMPORARY OTHER – EXAMPLES

#1

Uncertain for temporary sale sign – 90 days/ calendar year.
Second OVM temporary sign not allowed. Max 1.

Temporary Vac Rental limited to 30 days,
Max 90/calendar year

#2

For sale sign > 90 days allowed

Vac Rental sign – exceeds 30 days or 90/calendar year

Temporary sign – exceeds 30 days or 90/calendar year

#3

Minor door sign acceptable, crab considered art.

Vacation rental sign in window <50% of window is OK, but unacceptable by not meeting temporary duration < 30 days or 90 days / calendar year.

PERMANENT Non-COMMERCIAL – EXAMPLES

#1

Corner of Randolph and Peach – commercial permanent signs not permitted. If temporary, only 30 days duration or max 90 per calendar year.

#2

Unacceptable: 2 minor **per parcel** (note this is a duplex) with one additional sign over the door = total 3

Suggestion: change parcel to housing unit or change to 3

Acceptable: 2 minor **per parcel**

#3

Permanent sign –consider exempting historic markers

Exception to be granted by ZA for non-residential Property in Residential districts

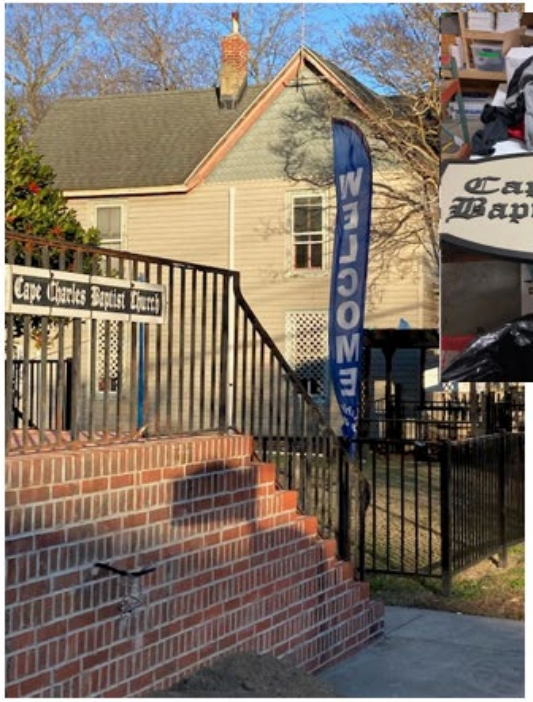
#4

Residential – freestanding and construction

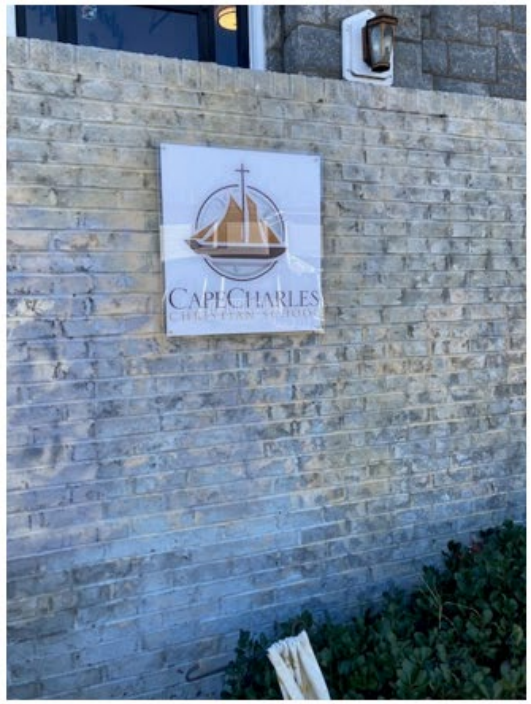
Freestanding 4’ x 8’ = 32 sf, 6.5’ height
Add to criteria

Construction 3.5’ x 4’ = 14 sf, 6.5’ height. Consider this a temp sale sign on multi-development site. Add to criteria.

Historic District: Permanent and temporary signs



3' x 6' coming



In Residential districts for permanent sign, exception to be granted by ZA for non-residential property.
Temporary sign (feathered flag) 30 days or 90/ calendar year.

Historic District Residential – art examples (not signs)

Commercial District signs (includes CR, C-1, C-2, C-3)

TYPE	Flags	Freestanding (including monument)	Wall, Window and Door Signs	Temporary Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
Definitions *NOT INTENDED FOR ORDINANCE BUT RATHER PROVIDED FOR EASE OF REVIEW*	***Flag** means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.* ***Pole sign** means a sign that is mounted on one (1) or more freestanding poles.*	***Freestanding sign** means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.* ***Monument sign** means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.* ***Off-premises sign** means a sign 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.* ***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*	***Wall Sign** means any sign attached to a wall or painted on or against a flat vertical surface of a structure* ***Window sign** means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.*	***A-Frame sign** means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."* ***Banner** means a sign of flexible material affixed to a framework or flat surface.* ***Chalk-board sign** means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers* ***Feather sign**. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.* ***Off-premises sign** means a sign 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.* ***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.* ***Canopy sign** means a sign attached to a canopy.* ***Awning sign** means a sign placed directly on the surface of an awning.* ***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.* ***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.* ***Entrance canopy** means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts.*
Permit Required	Yes – flagpole only	Yes	Yes	No	Yes
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 24 sf/ one. Permanent Off-site for Commercial use:	≤ x sf / 5 lineal ft of building frontage	≤ 16 sf/ max 3	Directory – Limited to one sign per ingress/egress onto a primary road access.

TYPE	Flags	Freestanding (including monument)	Wall, Window and Door Signs	Temporary Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
		Up to 3 signs, each not to exceed 6 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	≤ x sf / 5 lineal ft of building side wall Window signs are permitted up to 25% of the area of a window and count NEEDED? toward the maximum square footage of wall signs		Projecting signs perpendicular to bldg. frontage ≤ x sf Projecting sign parallel to bldg. frontage ≤ x sf/ 5 lineal ft Awning signs ≤ x sf *Entrance canopy sign by ZA*
Illumination	U.S. Flag Code (1)	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign and5 ft from service drive, travel lane or adj street .	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	NA
Maximum Height	25 ft	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and side setbacks provided that such structure shall not	All permanent ground-mounted or monument signs shall be installed with a minimum surround of three (3) feet of regularly	Bldg wall, window and door. Window signs are permitted only on the first floor of a building unless	If located on another property, property owner concurrence needed. No more than one permitted sign shall be displayed per lot. Signs cannot impede public right-of-way.	Signs cannot impede public right-of-way.

TYPE	Flags	Freestanding (including monument)	Wall, Window and Door Signs	Temporary Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
	create a visual obstruction or hindrance to traffic on abutting streets	maintained floral and shrubbery landscaping in every direction. NEEDED?	the business advertised is only on the floor where the window sign is displayed.		
Duration	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

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

PG Suggestion/ Comments

1. Window signs limited to 25% could be deleted. First difficult to calculate given lettering and artwork. Second, who cares if entire window covered in commercial district? Think of real estate offices hanging properties for sale pics in windows.
2. Temporary signs – Requiring ownership granted – would not police this but await for complaints from owner of property
3. X sf/ 5 lineal ft bldg. frontage should also apply to side of buildings
4. For temporary – no more than one permitted sign shall be displayed per lot. Meaning??

COMMERCIAL SIGNS – EXAMPLES

Commercial District: Window Signs

How to calculate 25%? Are these a problem?

Window – does not appear to exceed 25% of these tall windows. Wall Optometrist signs – 2 sf/5 linear ft of bldg. frontage – assume 20 ft frontage results in allowable 8 SF sign. Exceed with 2'x4' glasses and above door?

Exceeded 25% coverage?

Commercial District – Monument/Freestanding Sign

Permanent On-site Freestanding: acceptable, ≤ 24 sf/one
3' diameter shrubbery acceptable

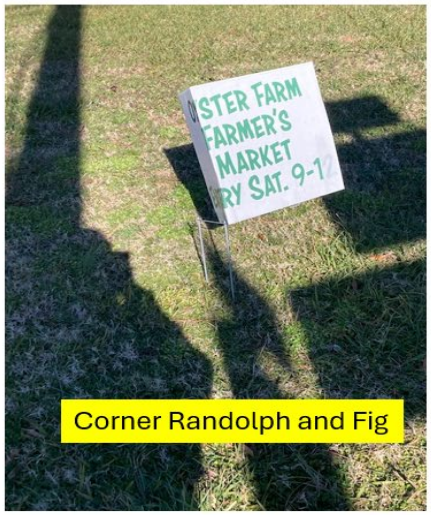
Permanent On-site Freestanding – 44" x 60" = 18 sf, less than 24 sf, acceptable
3' diameter shrubbery – problems?

Commercial – Permanent

8 individual signs, Thank goodness for grandfathering!

How to address?

Commercial District - temporary



Corner Randolph and Fig

Temporary sign – owner granted? No more than one permitted sign shall be displayed per lot. Is this going to be a problem at this location with multiple temp signs?

Temporary signs - ≤ 16 sf/max 3 each establishment, on public ROW? 5ft from street?

Corner Randolph and Strawberry – ≤16 sf/ max 3, not illuminated, not on public ROW, owner permission granted? Duration unlimited.

One establishment: A-Frames and feathered flag – 2' x 3' acceptable, max 3. Public ROW? 5 ft from street?

Temporary signs - ≤ 16 sf/ max 3. Question on public ROW for left picture?

Commercial – permanent & temporary signs

Is this considered art?

Door window – appears to meet 25% criteria
A-frame – acceptable ≤ 16 sf/max 3
Wall – acceptable 2 sf/5lineal ft bldg. frontage

Commercial – permanent frontage signs

Considered a wall set of signs – total ≤ 2sf/5 lineal ft with bldg. opening = 12 ft allowing 5 sf of signage. Actual 20" x 20" x 6 = 16 sf. Acceptable at 6.5 sf/5 lineal.

Wall sign - ≤ 2sf/5 lineal ft (just lettering)
Bldg Length 41' = 17 sf wall sign allowed.
Actual 2' x 25' = 50 sf. Acceptable at 15 sf/5 lineal.

Commercial District – side wall and frontage wall signs

Side Wall signs – Peach St Convenience acceptable ≤ 2 sf/5 lineal ft

Frontage Wall signs – ES Popcorn acceptable ≤ 2 sf/5 lineal ft with Wall frontage = 15 ft = 6 sf sign allowed
Est actual 2' x 10' = 20 sf. Would require 6.75 sf/5 lineal.

Commercial – permanent wall frontage and awning signs

Wall sign – bldg. frontage is 17 lineal ft. Upper wall sign actual is 2' x 11' = 22 sf. Unacceptable ≤ 6.8 sf.
Acceptable wall criteria would be 6.5 sf/5 lineal ft bldg.
Awning sign – 2' x 4'= 8 SF no criteria on size specified
Window and door window – how to calculate?

Sign over door 32" x 70" = 15.5 sf actual.
Allowed at 2 sf/ 5 lineal with bldg. length of 40' = 16 sf. Acceptable.

Commercial – permanent frontage wall sign

Considered art?

Wall sign with bldg. frontage 26'.
Wall sign est 4' x 13' = 52 sf. Unacceptable ≥ 10.4 sf.
10 sf/5 lineal ft criteria would make this acceptable.

Permanent frontage wall sign – criteria establishment

Lemontree (over door) – 2 sf/ 5 lineal feet to be acceptable
K-Coast - 10
Ambrosia - 6.5
ES Popcorn - 6.75
Buskeys - 15
Entrance to offices - 6.5

Establish criteria for frontage wall signage at x sf/ 5 lineal ft building

Commercial – window, door, wall

Window signs – unacceptable > 25%, really?
Wall sign - acceptable, 2sf/5 lineal 5 of frontage
Need to add side also.

A-frame – acceptable
Door window and windows – how to calculate
Wall sign – acceptable ≤ 2 sf/5 lineal ft

Commercial District

Criteria re hanging signs/ public notices that could exceed 25% - is this a problem?

A-frame size acceptable with location in ROW?

Commercial – permanent side wall signs

Need to insert criteria for side walls.

Criteria for wall is limited to bldg. frontage. Est. 8' x 8' = 64 sf. Side bldg. length est 64' = 26 sf sign allowed. Criteria would have to be 5 sf/ 5 lineal = 64 sf.

Is this a mural?

6' x24' = 144 sf. Est Bldg length of 93' allows 37 sf. Criteria would have to change to 7.75 sf/5 lineal.

Commercial – side walls

Establishing side wall criteria

Beach Market – 3 sf/5 lineal

Bailey's - 5

Dead-rise - 8

Criteria is x sf/ 5 lineal ft bldg. side

Bldg Frontage = ~70', allowing 28 sf wall sign, acceptable Side = 40', allowing only 16 sf signs. Guess actual at 20+ sf with signs, unacceptable using 2 sf/5 lineal 5' frontage criteria. Note 3 sf/5 lineal feet would most likely work.

Commercial – awning signs

Awning sign 8” x 9’ = 6 sf.
Projected sign 30” x 30” = 6.25 sf.

Awning sign 6” x 13’9” = 7 sf
plus > 25% window fill. A problem?

Awning sign 9” x 13’ = 10 sf.
Bldg length = 19’.

Commercial – awning and entrance canopy signs

Awning sign 9” x 11’ = 8.25 sf
Red sign Projecting 18” x 7’ = 10.5 sf

Need to add to definitions and allow ZA discretion

Commercial – Awning Signs – Establish Criteria

For awning signs running parallel to commercial frontage

Moonrise = 6.25 sf

Brown Dog = 10 sf

Caldwell = 7 sf

Blue Heron = 8.25 sf

Awning criteria for commercial frontage established at ≤ x sf

Entrance Canopy

Medical Building

ZA to review and approve

Commercial – projecting signs

If considering a projected sign, 32” x 18” = 4 sf times 2.

Projecting sign 44” x 5’ = 18 sf.
Building length = 31 ft.
Would require 3 sf/ 5 lineal ft frontage

If considering a projected sign, 3’ x 5’ = 15 sf.

Commercial – projecting signs parallel

Projecting sign 2’ x 13’ = 26 sf
Building length = 42 ft.
Would require 3.1 sf/ 5 lineal bldg. frontage

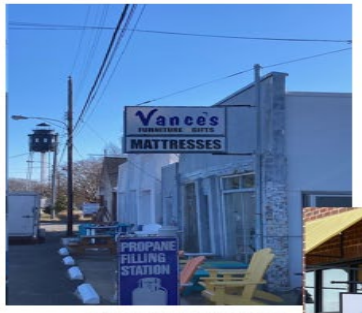
Projecting sign 1’ x 6’ =6 sf
Building length = 21’
Would require 1.5 sf/ 5 lineal bldg. frontage

Projecting sign 30” x 70” = 14.6 sf.
Building length = 20 ft.
Would require 3.7 sf/ 5 lineal bldg. frontage

Commercial – projecting signs

2' x 4'= 8 SF

28" x 42"= 8.2 SF



Est 4'x3'= 12 SF

32" x 32" = 7.1 SF

26"x 36" = 6.5 SF

No criteria for projecting signs, suggest ≤ X SF

Commercial – Projecting Sign – Criteria Development

Perpendicular to building

Moonrise = 6.25 sf to be acceptable
Dead-rise = 8.2
Baileys = 15
PenFed = 8
Vance's = 12
E Moore = 7
Like a Sailor = 6.5
Creamery = 8
Kelly's = 9

Projecting sign criteria will be ≤ X sf.

Could also establish separately for Stone Road commercial establishments. ≤ Y sf.

Parallel to Building

Gull Hummock = 3 sf/ 5 lineal ft to be acceptable
Hotel CC = 3.1
At Alt. Gallery = 3.7
Long & Foster = 1.5

Considering these are similar to frontage wall signs, establish criteria based on lineal length.
Projecting signage parallel to building frontage < x sf/ 5 lineal ft.

Commercial - freestanding

Freestanding 4' x 6' = 24 sf, 85" height, acceptable.
Min 3' dia maintained shrubbery. Unacceptable.

Freestanding – Permanent On-site 55" x 45" = 17 sf,
Less than 24 sf, acceptable.
Min 3' dia maintained shrubbery. Unacceptable

Commercial– Off-premise sign on PUD/County (?) sites

Two 4.5' x 4' = 18 sf, Permanent off-site
not to exceed 6 sf and 7 ft height =
problem? Owners permission granted?
3' diameter shrubbery a problem?

- We do not have any say over signage placed on county land. County ordinance will dictate signage requirements.

Harbor District signs SIMILAR TO COMMERCIAL, MAY WANT TO RETAIN SEPARATELY UNTIL NEW HARBOR PLAN DEVELOPED

TYPE	Flags	Freestanding (including monument)	Wall, Window and Door Signs	Temporary Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
Definitions *NOT INTENDED FOR ORDINANCE BUT RATHER PROVIDED FOR EASE OF REVIEW*	***Flag** means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.* ***Pole sign** means a sign that is mounted on one (1) or more freestanding poles*	***Freestanding sign** means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.* ***Monument sign** means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.* ***Off-premises sign** means a sign 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.* ***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.*	***Wall Sign** means any sign attached to a wall or painted on or against a flat vertical surface of a structure* ***Window sign** means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.*	***A-Frame sign** means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."* ***Banner** means a sign of flexible material affixed to a framework or flat surface.* ***Chalk-board sign** means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers* ***Feather sign**. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.* ***Off-premises sign** means a sign 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.* ***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.* ***Canopy sign** means a sign attached to a canopy.* ***Awning sign** means a sign placed directly on the surface of an awning.* ***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.* ***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* ***Entrance canopy** means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or for posts.*
Permit Required	Yes	Yes	Yes	No	Yes
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 24 sf/ one. Permanent Off-site for Commercial use:	x sf / 5 lineal ft of building frontage	16 sf/ max 3	Directory – Limited to one sign per ingress/egress onto a primary road access.

TYPE	Flags	Freestanding (including monument)	Wall, Window and Door Signs	Temporary Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
		Up to 3 signs, each not to exceed 6 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	X sf / 5 lineal ft of building side wall Window signs are permitted up to 25% of the area of a window and count NEEDED? toward the maximum square footage of wall signs		Project signs perpendicular to bldg.. frontage ≤ x sf/ 5 lineal ft Projecting sign parallel to bldg.. frontage ≤ x sf/ 5 lineal ft Awning signs ≤ x sf Entrance canopy sign by ZA
Illumination	U.S. Flag Code (1)	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign and 5 ft from service drive, travel lane or adj street.	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	NA
Maximum Height	25 ft	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual	All permanent ground-mounted or monument signs shall be installed with a minimum surround of three (3) feet of regularly maintained floral and	Bldg wall, window and door. Window signs are permitted only on the first floor of a building unless the business	If located on another property, property owner concurrence needed. No more than one permitted sign shall be displayed per lot. Signs cannot impede public right-of-way.	Directory or Multi-Tenant Sign: Limited to one monument sign per ingress/egress onto a primary road access.

TYPE	Flags	Freestanding (including monument)	Wall, Window and Door Signs	Temporary Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
	obstruction or hindrance to traffic on abutting streets	shrubbery landscaping in every direction. NEEDED?	advertised is only on the floor where the window sign is displayed.		
Duration	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

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

PG Suggestion/ Comments

5. Window signs limited to 25% could be deleted. First difficult to calculate given lettering and artwork. Second, who cares if entire window covered in commercial district? Think of real estate offices hanging properties for sale pics in windows.
6. Temporary signs – Requiring ownership granted – would not police this but await for complaints from owner of property
7. X sf/ 5 lineal ft bldg. frontage should also apply to side of buildings
8. For temporary – no more than one permitted sign shall be displayed per lot. Meaning??

EXAMPLES OF SIGNS IN HISTORIC DISTRICT

Harbor District: Monument and Flag

Concrete flagpole – 10” diameter

Harbor District - freestanding

Freestanding Off-Premise – 10’ x 7.75’ = 77 sf, exceeds 6 sf and 7’ height. Unacceptable
Owner permission granted?
3’ diameter shrubbery?

Two (each road direction) Freestanding, assuming on-site – 4’ x 6’ = 24 sf, acceptable. Only one allowed. Shrubbery?

Harbor District – freestanding and wall signs

Freestanding – 2' x 8' = 16sf, acceptable ≤ 24 sf, one
No shrubbery

Bldg frontage est at 240 ft, which would allow wall sign not to exceed 96 sf. By observation appears 18' x 5' or 6' height = 90 sf -108 sf, the latter being unacceptable. 3 sf/ 5 lineal would be ok.

Harbor District – Rosenwald School

Bldg frontage est at 100' – allows 40 sf of wall signs.
Actual signs est two 8' x 8' and two 8' x 20' = 400+ sf. Unacceptable

Multiple temporary signs at base of building specially for individual donators. Temporary signs ≤ 16 sf, max 3, unlimited duration.

Industrial District (Light and Heavy) signs

TYPE	Flags	Freestanding (including monument)	Wall, Window and Door Signs	Temporary Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
Definitions *NOT INTENDED FOR ORDINANCE BUT RATHER PROVIDED FOR EASE OF REVIEW*	***Flag** means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.* ***Pole sign** means a sign that is mounted on one (1) or more freestanding poles.*	***Freestanding sign** means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.* ***Monument sign** means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.* ***Off-premises sign** means a sign 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.* ***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.*	***Wall Sign** means any sign attached to a wall or painted on or against a flat vertical surface of a structure* ***Window sign** means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.*	***A-Frame sign** means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."* ***Banner** means a sign of flexible material affixed to a framework or flat surface.* ***Chalk-board sign** means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers* ***Feather sign**. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.* ***Off-premises sign** means a sign 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.* ***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.* ***Canopy sign** means a sign attached to a canopy.* ***Awning sign** means a sign placed directly on the surface of an awning.* ***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.* ***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 advertise. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities.* *Entrance canopy means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts.*
Permit Required	No	Yes	Yes	No	Yes

TYPE	Flags	Freestanding (including monument)	Wall, Window and Door Signs	Temporary Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 40 sf/ one. Permanent Off-site for Commercial use: Up to 3 signs, each not to exceed 6 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	≤ x sf per 5 lineal ft of building frontage Window signs are permitted up to 25% of the area of a window and count NEEDED toward the maximum square footage of wall signs	16 sf/ max 3 IS THIS COLUM NEEDED?	Directory – Limited to one sign per ingress/egress onto a primary road access. Projecting signs perpendicular to bldg. frontage ≤ x sf Projecting sign parallel to bldg. frontage ≤ x sf/ 5 lineal ft Awning signs ≤ x sf Entrance canopy sign by ZA
Illumination	U.S. Flag Code (1)	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign, and 5 ft from service drive, travel lane or adj street .	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	NA
Maximum Height	25 ft	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and side setbacks provided that such structure	All permanent ground-mounted or monument signs shall be installed with a minimum surround of three (3)	Bldg wall, window and door. Window signs are permitted only on	If located on another property, property owner concurrence needed. No more than one permitted sign shall be displayed per lot.	Signs cannot impede public right-of-way.

TYPE	Flags	Freestanding (including monument)	Wall, Window and Door Signs	Temporary Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
	shall not create a visual obstruction or hindrance to traffic on abutting streets	feet of regularly maintained floral and shrubbery landscaping in every direction. NEEDED?	the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.	Signs cannot impede public right-of-way.	
Duration	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

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

PG Suggestion/ Comments

9. Window signs limited to 25% could be deleted. First difficult to calculate given lettering and artwork. Second, who cares if entire window covered in commercial district? Think of real estate offices hanging properties for sale pics in windows.
10. Temporary signs – Requiring ownership granted – would not police this but await for complaints from owner of property
11. X sf/ 5 lineal ft bldg. frontage should also apply to side of buildings
12. For temporary – no more than one permitted sign shall be displayed per lot. Meaning??

Industrial – permanent freestanding (supported by fence)

One 4’ x 6’ = 24sf, acceptable
Not considered ground mounted so no shrubbery req’ts.

PUD - signs

Shrubbery?

BAY CROSSING PLANNED UNIT DEVELOPMENT ("PUD") DISTRICT

District Regulations

All other provisions of the Cape Charles Zoning Ordinance shall apply to the PUD District unless stated herein. In the event there is a conflict between the PUD District and the applicable Zoning Ordinance, the PUD District terms shall apply, to the extent they are not inconsistent with the provisions of this chapter.

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.

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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~~ conditional sign permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the ~~[governing body]~~ Town Council or Board of Zoning Appeals are forbidden.

(c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.

(d) These regulations are intended to promote 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.

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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~~ window sign not exceeding ~~one~~ three ~~(1)~~ (3) 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.

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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

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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 sign reviews as required pursuant to Article VIII (Historic District Overlay ordinance) ~~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.

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(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~~ 24 (4x6) 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~~ Allowance on a sign of each general contractor and subcontractors~~, no more~~ with each not being 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.

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d. On residential ~~property~~ Zoning District, one ~~or more~~ temporary sign~~s~~ with a total area of no more than twelve (12) square feet, and which are ~~removed~~ allowed within ~~90~~ and not to exceed 30-90 days out of any 365-day period per property per location after being erected. Examples: including but not limited to: yard sales, estate sales). Exceptions can be granted for non-residential property in Residential Districts.

e. ~~On~~ In the residential ~~property~~ Zoning District, 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 or Town permitted events 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.~~ Sign Example: name of your house.

(7) A-frame signs ~~more than fifty (50) feet from the nearest public right of way.~~ not to impede pedestrians or vehicular traffic.

(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. Cross reference with Section 12.

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~~ 10 feet in height.

~~(6)~~

(7) 6 Any sign displayed without complying with all applicable regulations of this chapter.

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(b) Prohibitions based on materials.

(1) Signs painted directly on any building that is a contributing structure in the Historic District Overlay, except where expressly permitted by this chapter.

(2) Animated signs ~~> revisit in Definition. 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.~~Move to Section 5 (a) Item#7.

(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.~~

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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~~ succeeding 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.~~

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(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~~ 10 feet unless otherwise specified within this chapter.

Sec. 7. - Maintenance and removal.

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

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(b) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.

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(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. , Move this whole paragraph to Section 7 new Item #3~~

(d) The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.

(e) *Sign condition, safety hazard~~,~~ and nuisance abatement~~, 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.

(3) The Code official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in Chapter 8, Article III of ~~this Code,~~Town Code. ~~, Move this whole paragraph to Section 7 new Item #3~~

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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.

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(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~~ permanent 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~~ If notice from the zoning administrator is issued, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

(b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.

(c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.

(d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.

(e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

(f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

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(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.

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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 ≤ 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

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(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~~ Premise Permanent Signs for Commercial Use ~~of Limited Duration~~.* Up to three off-~~site~~ permit 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~~ off premise 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 1~~2~~3. – 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.

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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.

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Residential District

TYPE	Flags	Temporary on Building Permit Site	Temporary Other(1)(2)	Permanent/Non-commercial
Permit Required	No	No	No	~~• Question~~ • No (minor)
Size (each/total)	24 sf/ ~~no limit~~ one flagpole per parcel	12 sf/ max one each per contractor or sub	• 12 sf/ 12 sf • Window signs do not obstruct ~~25% of total area of all windows in each building facade~~façade 50% of one window	~~• 3 sf/ 3 sf~~ • Max 2 minor signs (~~< 1~~ 3sf) ~~each~~ per parcel
Illumination	As required by law	None	None	~~Indirect~~ None
Setback	~~25 ft~~ Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	None	None	None
Maximum Height	25 ft	4 ft	6 ft	4 ft
Location	Flag pole ≤ 8" diameter – 24sq ft (3 limit) 1 free standing flagpole	Freestanding, portable, wall or window	Freestanding, portable, wall or window	Wall or window sign ~~or affixed to mailbox~~
Duration	Unlimited	Duration of project	30 days, and ≤ 90 days per 365-day period	Unlimited

(1) Includes signs on property for sale

(2) Exceptions can be granted for non-residential property in Residential districts

~~(2)~~(3) Have the ability to petition the Zoning Administrator to extend time frame (e.g. Churches, etc)

Municipal Corporation of Cape Charles

FEBRUARY 2024
MONTHLY REPORT
Katie H. Nunez, Planning/Zoning Administrator

A. SUBDIVISION AGENT: No subdivision applications have been filed in January 2024. The Cape Charles Rosenwald School project has been approved through Site Plan review for zoning clearance – said review involved Harbor Area Review Board, Town Council, Virginia Department of Transportation; Virginia Department of Environmental Quality for stormwater review; and Erosion and Sediment Control by the Town's third party inspector

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 January & February 2024.

C. HARBOR DEVELOPMENT CERTIFICATES: None.

D. WETLANDS and COASTAL SAND DUNE BOARD: No applications filed for January & February 2024.

E. OTHER:

The Historic District Review Board has approved the relocation of the house located at 645 Mason and I am working with the property owner in getting a final application submitted for a drive-thru bank at this location once the house is moved. I have provided comments on the preliminary site plan and they are working on submitting a full site plan not only to the Town but also to DEQ for stormwater review & the Town's 3rd party inspector for Erosion & Sediment Control review & to VDOT for access onto and off this property for this type of business. They will also be submitting concurrently the Historic District Review Board Certificate of Appropriateness application for Town review.

I am working with the applicant, Kerry Shackleford, who is going to be moving the house off the property and relocating this structure to 602 Washington Avenue, relative to the specifics of the house move. He is working on gaining the final approvals from the various utilities that will be involved in the move and we are working towards a late February date for this house to be moved.