



PLANNING COMMISSION & TOWN COUNCIL

**Joint Work Session
Cape Charles Civic Center
August 22, 2024
6:30 PM**

At approximately 6:30 p.m., Mayor Adam Charney, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer was not in attendance.

Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway, Ian McDonald and Libby Wright. Shannon Smith was not in attendance.

Also, in attendance were Town Manager John Hozey, Planning & Zoning Director Katie Nunez, Planning & Zoning Assistant/Zoning Compliance Officer Jack Steinmayer, and Town Clerk Libby Hume. There was one member of the public in attendance.

Vice Mayor Bennett asked for a brief recap from the last meeting and went on to state that this was a difficult process due to the length of time between meetings. He was trying to understand the intent of rezoning of the area around the harbor. At the last meeting, he had suggested some single-family homes around the harbor and was told that single-family homes were not permitted. He also asked if all the owners by the harbor had been notified of the potential rezoning and he was told that they were not, but the work sessions were open to the public, so the property owners were welcome to attend. He had asked if developers were contacted and was told that the majority of the developers had been contacted. He again asked for the intent of the rezoning and the potential impacts around the harbor, adding that he was not prepared to vote on the ordinance if he did not have all the information.

Katie Nunez stated that there were currently so many districts around the harbor – five different industrial districts. The intent was to consolidate the various districts into two or three districts: i) heavy industrial; ii) light industrial and harbor light industrial; iii) harbor commercial. When we were reviewing the Comprehensive Plan, there was no desire for single-family homes around the harbor. She had informed the concrete plant, Neville Reynolds who represents Mr. Gunn and the Baldwins, John Kemp and his representatives along with the potential developer of Mr. Kemp's property on the north side of the harbor. She notified them of the meetings and provided links to the draft documents. Dave Hainsworth was already in negotiations with the concrete plant regarding a possible exchange of properties, so he had been informed indirectly.

Vice Mayor Bennett expressed his thought that he did not think single-family residential should be excluded. John Hozey interjected that his recollection during the comprehensive plan discussion, a consensus of the group was taken, and single-family homes were not what was wanted in the area. There was much discussion about this issue. Katie Nunez stated that a parcel could be purchased, and a developer could make it a PUD (planned unit development) which would permit single-family homes but added that one of the characteristics of the Harbor District in general was for residential units above first floor commercial. Vice Mayor Bennett commented that he did not think we would ever have enough commercial units to have residential about them.

WORK SESSION ORDER OF BUSINESS:

A. Continuation of Draft Zoning Ordinance Review:

1. Lot, Yard, Height, Coverage & Density Requirements:

Katie Nunez stated that at the last meeting, we were able to get through the Harbor-Commercial uses and would begin this evening with "Lot, Yard, Height, Coverage & Density Requirements." (Please see attached.)

During the discussion regarding the Mainstreet Mixed Use Area, Commissioner McDonald stated that currently, the Historic District Review Board's purview was only the exterior of the structures that were visible from the street, and asked what would happen with the backside of these buildings as there was currently no street behind this area and who would oversee it. John Hozey responded that the road behind this area would most likely lead to a parking lot so it would not be an issue.

2. Chart of Possible Zoning Map Amendments:

The chart of possible zoning map amendments as a result of zoning text amendments was reviewed. There were no changes or questions to the chart. Katie Nunez stated that the owner of Parcel 83A4-A-24 had not yet been notified of the proposed change as the property was currently vacant land.

Commissioner McDonald pointed out the narrow strip of railroad property along Stone Road, which was planned for the bike trail, and recommended that this area be rezoned as Open Space. The other attendees agreed with Commissioner McDonald's recommendation.

3. Definitions:

The Definitions section was reviewed. (Please see attached.)

Katie Nunez stated that the only chapter remaining was the Chesapeake Bay Preservation Act. The state passed new legislation and was in the process of rewriting the regulations which were expected to be adopted on October 15th. She would provide the draft to the Planning Commissioners at their September meeting. It would then be provided to the Town Council for review.

Katie Nunez went on to state that she would incorporate all the changes made, but there was no date set for everyone to come back together for a final review. Notifications of the proposed zoning changes needed to be sent to all affected and adjoining property owners, and the document still needed legal review. Public hearings would be scheduled sometime mid-October through December with a vote for adoption in December.

There was some discussion regarding finalizing the short-term rental (STR) ordinance prior to the adoption of the updated zoning ordinance so it could be included in the final document.

Commissioner Ashworth asked if there had been any modifications to the STR ordinance as recommended by the committee. John Hozey responded that the occupancy limits were changed, and parking was dropped, but the majority of the recommended STR ordinance was unchanged. The changes were being incorporated and the newest version would be sent for legal review.

Vice Mayor Bennett had a prior commitment and left the meeting at approximately 7:00 p.m.

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

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

The meeting was adjourned at 7:54 p.m.

Planning Commission Chair Stramm

Mayor Charney

Town Clerk

Attachments from August 22, 2024 Planning Commission & Town Council Joint Work Session

Lot, Yard, Height, Coverage & Density Requirements:

**CHANGES MADE AT 8/22 MEETING
SHOWN IN GREEN.**

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

	Industrial District M-2		HARBOR			
			Harbor – Light Industrial		Harbor – Commercial	
LOT, YARD, HEIGHT, COVERAGE & DENSITY REQUIREMENTS	Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	11,200
	Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	80 ft.
	Front Setback (ft)	10' minimum & 25' maximum	Front Setback (ft)	10	Front Setback (ft)	140 ft.
	Side Setback (minimum)	None or 5' between buildings, 10' adjacent to street	Side Setback (ft)	None or 5' between buildings, 10' adjacent to street	Side Setback (ft)	30' from Cape Charles Harbor, Resource Protection Areas, Marina Road, Bayshore Road, or Parcel 83-A3-A-10
	Rear Setback (ft)	20'	Rear Setback (ft)	20	Rear Setback (ft)	40'
	Corner Lot Setback (minimum)		Height (ft)	45' for buildings; 50' for structures other than buildings	Height (ft)	40'
	Maximum Height	45' for buildings, 50' for structures other than buildings			Maximum Lot Coverage	75%
	Maximum Lot Coverage	60%				

Started here 8/22/2024

no changes made

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

All were in agreement to rezone the Mainstreet Mixed Use Area to Commercial-1, from the area east of the property owned by Cape Charles RE, LLC to Nectarine Street (the beginning of the Hump).

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ITEMS IN RED: NEW FROM CONSULTANT REVISIONS

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

no changes made

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

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

no changes made

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

no changes made

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 ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

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

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

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

Chart of Possible Zoning Map Amendments:

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTSAS OF MAY 22, 2024				
TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
90-19-B	Owner: Town of Cape Charles 16.21 acres Off Old Cape Charles Road- & Cassett Parkway	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-19-B1	Owner: Was Town of Cape Charles – just sold to VAW Keeck Well Site 1.44 acres	RE	Open Space (OP)	Was a Town lot – sold to VAW.
90-3-A2	Owner: Donald Lee 1.55 acres 2449 Old Cape Charles Road 1 of 3 lots in front of the Town property (90-19-B) House and Outbuildings established	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-12-Y	Owner: Brian Chandler Burke 1.1 acres 2461 Old Cape Charles Road 1 of 3 lots in front of the Town property (90-19-B) House established	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-12-Z	Owner: Spath Squared LLC 1.1 acres 246__ Old Cape Charles Road 1 of 3 lots in front of the Town property (90-19-B) Undeveloped/ vacant land	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-A-6	Owner: The Virginia Port Authority 44.41 acres Pit for Beach Dredging Spoils Site	RE - 3.94 acres	Open Space (will need to amend the text to add spoil site as a Conditional Use)	Correct mistake on 12/15/2022 Zoning Map - all of TM 90-A-6 (Virginia Port Authority) - the burrow pit off Rte 184 should be colored light gray (Industrial M-1)
90-A-4C	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.62 acres Parcel south of CPS site – Cape Charles Natural Area Preserve & Coastal Habitat Preserve	GBI-H-1	Open Space	

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTSAS OF MAY 22, 2024				
TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
90-13-A	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.48 acres Adjacent parcel to the east of Cape Charles Natural Area Preserve & Coastal Habitat Preserve	Harbor	Open Space	
90-8-1A4	OWNER: Northampton County BOS 2.18 acres	GBI-H1	Harbor – Light Industrial	Long term lease to CPS for parking lot
90-8-1A3	OWNER: Cape Charles Properties, LLC 8.38 acres Purchased by CPS _____	GBI-H1	Harbor – Light Industrial	
90-A-1A6	OWNER: Cherrystone Investments, LLC 1.85 acres		Harbor – Light Industrial	
90-20-1	OWNER: Fujifilm Wako Chemicals USA Corporation 2.75 acres	Harbor	Harbor – Light Industrial	
90-8-1A1	OWNER: Cape Charles Properties, LLC 11.79 acres Purchased by CPS _____	GBI-H1	Harbor-Light Industrial	
90-8-1A5	OWNER: Cape Charles Properties, LLC 56.02 acres	GBI-H1	Harbor- Light Industrial	
90-A-1B	OWNER: Upfront Storage, LLC 5 acres	GBI-H1	Harbor – Light Industrial	
90-A-1A	OWNER: Cape Charles Properties, LLC 18.13 acres	GBI-H1	Harbor – Light Industrial	
83A3-11-2	OWNER: Cape Harbor Holding Company, LLC 17.18 acres Parcel to east of Concrete Plant; frontage on Harbor	M-2	Harbor – Light Industrial	Mr. Gunn
83A3-11-1	OWNER: Cape Harbor Holding Company, LLC 2.52 acres	Harbor	Harbor – Light Industrial	
83A3-A-20	OWNER: Cape Marine Services, LLC 1.6 acres Boat Storage/Parking area just south of Yacht Center	Harbor	Harbor- Light Industrial	

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

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

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

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

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

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

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Definitions:

Definitions highlighted in GREEN are new.

Definitions highlighted in RED are deleted.

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

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

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

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

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

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

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

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

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

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

ADJACENT includes the term contiguous.

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

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

These are actually
done by the
Building Official.
This will be
relabelled for
Building/Code
Official.

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

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

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

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

"

~~Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities.~~

For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

This language moved to end of new Affordable Housing definition

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

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

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

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

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

OK

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

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

OLD-
replaced by
Apartment
Building

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

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

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

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

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

APPLICANT is the person submitting an application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DELETE-
included in
Sign
Ordinance
Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CEMETERY means property used for interring of the dead.

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

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

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

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

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

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

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

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

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

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

COMMISSION shall mean the Cape Charles Planning Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DESIGN GUIDELINES are those set of recommendations adopted pursuant to §8.20 and §9.20 of this Code. KN will check Section references

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

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

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

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

zoning or development regulations apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FLOOD or FLOODING means:

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

from:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GOVERNING BODY shall mean the Cape Charles Town Council.

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

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

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

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

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

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

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

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

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

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

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

HISTORIC STRUCTURES means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

line.

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

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

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

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

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

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

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

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

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

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

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

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

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

MARQUEE. See "Canopy (attached)."

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

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

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

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

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

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

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

MUNICIPAL COMMUNITY CENTER. See "Neighborhood Community Center."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

equipment.

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

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

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

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

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

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

PARCEL: See LOT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROJECT shall mean the entire proposed development.

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

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

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

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

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

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

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

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

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

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

RECREATIONAL VEHICLE means a vehicle which is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

will
duplicate
definitions
from Sign
Ordinance
here

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

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

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

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Ordinance

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

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

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

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devices or displays that respond to naturally occurring external motivation.

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

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

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

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

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

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

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

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

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

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

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

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

SIGN, DEVELOPMENT COMPLEX. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with Section 1.2 of this chapter.

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

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

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

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

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

SIGN, EXTERIOR. Any sign placed outside a building.

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

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

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

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

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

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

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

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

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

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

SIGN, MARQUEE. See "Canopy sign."

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

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

SIGN, OFF-PREMISE. See "Billboard."

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

SIGN, OUTDOOR ADVERTISING. See "Billboard."

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

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

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

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

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

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

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

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

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

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

SIGN STRUCTURE. Any structure supporting a sign.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UTILITY INSTALLATION. See Public Utility Facility.

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

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

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

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

WETLANDS means tidal and non-tidal wetlands.

All Wind Energy-related removed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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