

# Planning Commission

## Regular Session Agenda

August 6, 2013

6:00 P.M.

1. Call to Order – Planning Commission Regular Session
  - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
  - a. Approval of Agenda Format
  - b. Approval of Minutes
  - c. Reports
5. Old Business
  - a. Sign Ordinance
6. New Business
  - a. Planning Commission Work Plan
7. Announcements
8. Adjourn



**DRAFT**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Town Hall**  
**July 9, 2013**

At approximately 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Commissioner Andy Buchholz arrived at 6:04 p.m. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There were two members of the public in attendance.

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

**PUBLIC COMMENTS**

There were no comments from the public nor any written comments submitted prior to the meeting.

**CONSENT AGENDA**

**Motion made by Joan Natali, seconded by Mike Strub, to accept the agenda format as presented. The motion was unanimously approved.**

The Commissioners reviewed the minutes for the June 4, 2013 Regular Meeting. Dan Burke stated that during the discussion regarding potential businesses on Route 13, it was noted that if a Rite Aid Pharmacy were to locate along the highway, the Town could potentially lose Rayfield's Pharmacy and asked that specific language regarding the loss of Rayfield's be added to the minutes.

**Motion made by Sandra Salopek, seconded by Mike Strub, to approve the minutes from the June 4, 2013 Regular Meeting as amended. The motion was unanimously approved.**

**REPORTS**

Rob Testerman reported the following: i) The Historic District Review Board met on June 18 to review the application for the old Cape Charles School. The decision was tabled until the August meeting so additional information could be reviewed. A new application for review at the July 16<sup>th</sup> meeting had been received for an addition and accessory building at 114 Randolph Avenue. This project was previously approved by the Board in 2011 but the approval expired since no work had been done within 12 months; ii) VDOT continued the sidewalk project. If anyone asked about the work being done, they should be referred to Dave Fauber; iii) He and Heather Arcos met with Charles McSwain and Peter Stith of Northampton County Planning regarding the Town's concerns on commercial development along Route 13, near Route 184 and the impact it could have on the Town businesses. The County and Town would continue to work together regarding this matter. The County was currently updating their Comprehensive Plan. A meeting was being held this evening to present information to the Board of Supervisors. The County could not give us specific details since the plan was not finalized but informed us that the minutes from the meeting would be on their website fairly quickly. Bill Stramm stated that he attended the July 2<sup>nd</sup> County Planning Commission meeting and it seemed that they were still working on formatting, not the content and added that it would be beneficial for our Planning Commission to use the County's Comprehensive Plan for input. Dennis McCoy stated that the County's plan would be beneficial for the Town Edge area but he was not sure how useful any of the other items would be. Rob Testerman stated that he would contact the County regarding a joint meeting with the County Planning Commission; iv) In

the past, he worked closely with Eastern Shore Healthy Communities. The group selected Cape Charles as one of four awardees to receive demarcation for a walking trail in Town in an effort to promote healthy lifestyles. The signs were funded through a mini-grant. The group would get the necessary permits from VDOT and pay for the signage; v) The conditional use permit for 712 Randolph was approved by the Town Council at their June 20<sup>th</sup> meeting; vi) He was reviewing the Town's land use applications, including conditional use permits, rezonings, zoning clearance, etc. and procedures and would revise them if necessary to enable a more streamlined process. He would also develop a checklist for staff with timelines, etc. to make the process easier for the applicants to understand; vii) The Town received preliminary FIRM maps from FEMA. FEMA would be contacting the Town to schedule a formal community coordination meeting. This was an agenda item so more details would be provided during the meeting; and viii) Kyle Prendergast, the JMU intern, created a new Cape Charles Zoning Map. This item would also be discussed in detail during the meeting.

## **OLD BUSINESS**

### **A. *Density in the Harbor District Zone – FAR***

Rob Testerman stated that he had been reading through the meeting minutes and it seemed that the density issue for the Harbor District Zone was about ready to go to public hearing and if the Commissioners were comfortable with the proposed changes, a joint public hearing with the Town Council could be scheduled in August. Dan Burke asked Rob Testerman his opinion regarding the floor area ratio (FAR) concept. Rob Testerman stated that he did not use it in Accomack County but that it seemed to be good for the Town. Dennis McCoy added that the FAR concept would make sure that the applicant abided with the open space and parking regulations. Andy Buchholz agreed that FAR would fit the Town's use regarding open space and parking. Dan Burke added that he read on the internet that FAR would be an advantage for people owning two adjacent lots. Andy Buchholz stated that that was not true since both lots would have to abide by the setbacks, etc. Rob Testerman agreed with Andy Buchholz and added that the property owner would have to apply to vacate the property lines in order to not have to abide by the setbacks for each lot. There was much discussion regarding the Tavi property, the setbacks associated with the property and their previous plan for underground parking which under FAR would be counted as part of the floor space.

Bill Stramm asked about the proposed language regarding Mainstreet Mixed Use stating that the area needed to be better defined and asked whether the Mainstreet Mixed Use area could be shown on the Zoning Map as a different color than the remainder of the Harbor District. Rob Testerman stated that in order to show the area as a different color, the area would have to be rezoned as its own district. There was much discussion regarding the proposed language under Section 3.9.B. Joan Natali stated that the Mainstreet Mixed Use area was basically the south side of Mason Avenue and suggested that the boundaries be stated in this section in order to better define the area. Possible language could be "the south side of Mason Avenue from Bay Avenue to the railroad property around Peach Street, bound on the south side by the railroad property and on the north side by the middle of Mason Avenue." After further discussion, Rob Testerman asked the Commissioners if they wanted him to draft the revised language per their discussion or whether the Commissioners wanted to draft the language. Joan Natali stated that in the past, the Commissioners discussed an issue and provided their thoughts to the Planner who drafted the language for the Commissioners to review and approve.

The commissioners continued their review of the proposed changes to Section 3.9. Joan Natali expressed her concern regarding the requirement that all blocks in the Mainstreet Mixed Use Area be equal to the blocks on the north side of Mason Avenue and that the existing viewsheds be maintained and whether this could be construed as the Town taking private property to continue the roads/viewsheds. Andy Buchholz stated that this would be an issue with Pine Street and Harbor Avenue. Joan Natali went on to state that we needed to be careful regarding

the language we use and added that the old grocery store building was in the middle of Strawberry Street. Joan Natali stated that she felt that a legal opinion was needed before the language was finalized. Bill Stramm agreed that the Commission needed to know the legal ramifications before moving forward.

Rob Testerman stated that he would draft the revised language for Section 3.9.B. per this evening's discussion. Dennis McCoy stated that the language could be circulated to the Commissioners via email for their review and comments.

**Motion made by Joan Natali, seconded by Dan Burke, to schedule a joint public hearing with the Town Council upon receipt of a favorable review of the proposed language by legal counsel. The motion was approved by unanimous vote.**

*B. Sign Ordinance*

There was much discussion regarding signs being placed around Town and the truck in the July 4<sup>th</sup> parade which was also parked on the side of the road with the signage during the holiday weekend. Andy Buchholz mentioned that the County was also having issues with wrapped vehicles which served as the equivalent of moving billboards. Rob Testerman stated that Section 4.1 of the Zoning Ordinance spelled out the regulations but there was a problem with enforcement. Andy Buchholz stated that the Town used to require a sign permit but it seemed that no one was enforcing the permit regulation. Currently, the ordinance stated that a letter would be sent to the sign or property owner, but nothing else. Dennis McCoy stated that that was the reason the Commission was reviewing the Sign Ordinance. Joan Natali read an excerpt from Arlington's sign ordinance where it stated that the city officials would remove illegally placed signs, impound them and assess a charge to the owners.

Rob Testerman stated that currently, the Town charged \$50 for a sign permit for a business and there was no charge for residential. The higher fee could be charged for those that applied for permits after the fact.

Rob Testerman went on to state that he included the staff report and minutes from the March 3, 2013 meeting since it had been several months since the Commission had discussed the sign ordinance. Andy Buchholz reiterated that the Town needed to get back to issuing sign permits with numbers and added that he required permits before he would hang a sign and for businesses, the permits should be required to be hung inside the business along with the business license. Andy Buchholz also brought up that time limits needed to be designated for temporary sign permits. There was also discussion regarding signs on vehicles and Joan Natali suggested that signs on vehicles could be defined to advertise the business of the vehicle owner.

The Town's current ordinance stated that political signs could be placed 45 days prior to the election and must be removed within 7 days after the election. There was much discussion regarding political signage and it was decided that the Town could not regulate political signs.

The Commissioners proceeded to review the draft Sign Ordinance provided in the packet and additional changes were made as follows: i) Under Section 4.1.B – Definitions, the size for a Free-Standing Sign, a Menu Board and a Sandwich Board would be added to show a "maximum of 10 square feet" per page 2 of the March 5, 2013 minutes; ii) In Table H.1.b. "Single-family residential" was changed to "Residential Subdivisions;" iii) Under Section 4.1.H.2.f, item (1) the size of political signs was clarified to show 4 square feet "per sign." There was some discussion regarding the number of political signs permitted on a residential property and it was decided not to limit the number of signs since typically an election included more than one position, i.e., Governor, Senator, Delegate, etc., and an individual could place signs for several people in their yard. There was much discussion regarding other types of temporary signs that would not be

considered political or real estate. Libby Hume suggested adding another category “g” for “Other Temporary Signs” for those temporary signs that did not fit in any of the other categories. The Commissioners agreed and this category could be limited to one sign per yard; iv) In Section 4.1.H.3.g. – Menu Boards, the sign dimensions were removed and a limitation of one sign per business was added; and v) In Section 4.1.H.3.h. – Sandwich Boards, the size not to exceed 10 square feet and the limitation of one sign per business were added.

Rob Testerman stated that he would research ordinances from other localities regarding enforcement of the sign ordinances. Joan Natali noted that some ordinances quote the State Code. Sandra Salopek added that there could be some information in the Small Town Planning Handbook that she received at the Certified Planning Commissioner’s Class.

## **NEW BUSINESS**

### **A. *Meeting Structure Discussion***

Rob Testerman stated that he wanted to discuss how meetings were run and explained that when he was working for Accomack County, for ordinance reviews, the Commission went through the ordinance item by item and discussed the issue and made any necessary changes. Dan Burke stated that in the past, Tom Bonadeo prepared the documentation and provided it to the Commissioners several days prior to the meeting.

Mike Strub recommended a separate meeting to discuss this item in detail.

There was some discussion regarding the comprehensive plan review and process. Rob Testerman stated that he had discussed this with Heather Arcos in regards to using the Accomack-Northampton Planning District Commission or other consultants. Joan Natali stated that the Planning Commission revamped the entire Comprehensive Plan in 2009 to make the document more user-friendly. The work was done in-house and took quite a long time. The Commissioners met several times each month and the meetings lasted four to five hours each. Dan Burke stated that he did not think consultants were needed. Dennis McCoy countered stating that consultants would help facilitate the information collection and public sessions, etc., which were very time consuming. Rob Testerman stated that he would be providing more information regarding the Comprehensive Plan update in the future and agreed that it would be more beneficial to schedule a separate meeting to continue this discussion. A special meeting was scheduled for Monday, July 29<sup>th</sup>, at 6:00 p.m.

### **B. *New Zoning Map***

The Commissioners reviewed the new Zoning Map which was updated by JMU intern Kyle Prendergast and noted several corrections as follows: i) Arnie’s Loop in Bay Creek was not shown; ii) The Legend needed to be defined as done in the 2008 map; iii) Some commercial areas were missing in Bay Creek such as the Coach House/Golf Shop, Pool area, tennis courts, and maintenance building. These areas were designated as Open Space on the map which could not include buildings; iv) No detail or road names in the New Quarter village of Bay Creek; v) The road going into Creekside Lane had a different name which was not shown; and vi) Park Row in the Historic District was not shown. Rob Testerman stated that he would make the noted corrections for review again by the Commissioners.

### **C. *FIRM Maps***

The Commissioners reviewed the preliminary Flood Insurance Rate Maps provided by FEMA. Rob Testerman stated that the Town had 30 days to review the maps for non-technical things such as road names. FEMA would be contacting the Town to schedule a formal meeting. The Town would have 90 days after that meeting to review and provide input. The Town had 6 months after the maps had been finalized to update the Flood Ordinance. Rob Testerman pointed out the differences between the new map and the map from 2008. In 2008, the

majority of the Historic District was in the AE zone which required flood insurance. The new map only included the area along the beachfront in the AE zone. The Commissioners reviewed several maps including the Historic District and Bay Creek development. Rob Testerman stated that FEMA should have the map posted online soon and asked the Commissioners to email him any comments.

**ANNOUNCEMENTS**

There were no announcements.

**Motion made by Joan Natali, seconded by Andy Buchholz, to adjourn the Planning Commission meeting. The motion was approved by unanimous vote.**

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Chairman Dennis McCoy

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Town Clerk

DRAFT



***DRAFT***  
**PLANNING COMMISSION**  
**Special Meeting**  
**Town Hall**  
**July 29, 2013**

At approximately 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Special Meeting of the Planning Commission. In attendance were Commissioners Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Commissioners Andy Buchholz and Dan Burke were not in attendance. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There were no members of the public in attendance.

Dennis McCoy stated that the order of business was to discuss future meeting structure.

Rob Testerman stated that this would be an informal discussion to get an idea of how the Commissioners saw their roles on the Commission, their experience in how the meetings were run in the past and how they would like future meetings to run. Rob Testerman stated that he would also describe how the Accomack County Planning Commission meetings were run.

Dennis McCoy asked Rob Testerman to explain his past experience with the Accomack County Planning Commission.

Rob Testerman stated that staff reported on the information and the Planning Commission led the discussion. Mike Strub interjected that as part of the homework for the Certified Planning Commissioner's Class, he attended an Accomack County Planning Commission meeting and the Commissioners sat on a raised dais and staff sat below in the audience. Mike Strub added that he felt uncomfortable with this setup. Rob Testerman stated that this was due more to the facility vs. the Commissioners preference. Some meetings were held in other locations where staff did sit at the table with the Commissioners.

Rob Testerman went on to explain that staff kept the discussion on task. They also displayed certain information on screen using a PowerPoint presentation and asked if the Commissioners would like to have some of the information displayed on the screen. The Commissioners felt that as long as the same information was also included in the agenda packets, having some of the pertinent information displayed on screen as discussion points would be fine.

Bill Stramm asked how the agenda was formatted. Rob Testerman stated that the Commission had a work plan for the year, but things did come up occasionally that needed review by the Planning Commission. In those cases, staff would contact the Chair to see if it should be added to the next agenda.

Bill Stramm asked about the process for a conditional use permit. Rob Testerman stated that once staff had determined that the conditional use permit application was complete, the Chair would be contacted. Staff would prepare the preliminary staff report for review by the Commissioners at the next meeting when a public hearing would be scheduled. The detailed information was provided at the public hearing when the Commissioners would hear any public comment and be able to ask any questions, etc. The Accomack County Planning Director was hesitant about providing all the details prior to the public hearing in order to avoid any citizen misconceptions of illegal meetings being held, etc. There was much discussion regarding this issue and the general consensus was that the Commissioners wanted as much information as possible prior to any public hearing so they had the opportunity to ask questions to ensure their understanding of what was being proposed and any legal issues, etc.

Joan Natali asked about the number of individuals on the Accomack County Planning Commission and the number of staff in the Planning Department. Rob Testerman stated that there were nine Commissioners and five staff, three of which were involved in the Planning Commission. The other two staff members were the E&S administrator and the GIS coordinator.

Bill Stramm stated that he learned at the Planning Commission Class that the Planning Commission worked for the Council and staff was to support the Commission. Joan Natali added that the Commission relied on staff to provide all the facts related to a project. The Commissioners would review the information, listen to public comments and weigh the comments against the facts in order to make their decision.

Bill Stramm went on to state that he liked the idea of having a work plan, especially with the Comprehensive Plan update coming up. Bill Stramm added that he learned that the Planning Commission was supposed to submit an annual report to the Town Council each year and be involved in the Capital Improvement Plan.

Discussion continued about other localities, their population and whether they had full-time planners on staff. Some towns larger than Cape Charles did not have a full-time planner. Libby Hume pointed out that even though Rob Testerman was a full-time employee, he was also the E&S administrator, involved in zoning, GIS mapping, etc. Joan Natali added that Rob Testerman's role for the Planning Commission was part-time and he was also involved in the Historic District Review Board and the other Town boards.

Libby Hume went on to state that staff acted as facilitators for the Commission and Boards, providing the necessary information and facts, answering any questions, and ensuring the discussion stayed on track.

Joan Natali stated that she liked the casual interaction with the Planner. She felt free to ask questions to ensure her understanding regarding any issues or items. If the Planner did not know that answer, he would research and get back to the Commissioners.

Bill Stramm went on to state that he felt the Cape Charles Planning Commission should have a good working relationship with the Northampton County Planning Commission. They should ask our Commission for input regarding projects that would affect the Town. Bill Stramm added that he did not think the Town's current Comprehensive Plan contained any hard data regarding the population, etc. and all Comprehensive Plans were now required to have sections pertaining to affordable housing and transportation.

Mike Strub stated that several years ago, the Town and County Planning Commission held a joint meeting which was very positive and more joint meetings could possibly be planned to discuss areas of interest to both the Town and County. Rob Testerman added that he had contacted Peter Stith of Northampton County regarding a joint meeting and received a response agreeing to a joint meeting. He would get back to the Commissioners regarding possible dates.

There was some discussion regarding the process for the Sign Ordinance review. Dennis McCoy stated that the Commissioners would review the ordinance a section at a time, make their comments and suggestions. Staff would update the ordinance per the discussion at the meeting and provide it for review at the next meeting. Rob Testerman stated that this was basically the same process that was used in Accomack County.

Joan Natali noted that staff would get notifications regarding changes to the law affecting the Town and provide that information to the Commission for review and possible modifications to the Town's ordinances.

There was some discussion regarding being reactive vs. proactive and the Commissioners agreed that it would be in everyone's best interest for the Commissioners to play a more proactive role in the process. Joan Natali added that the Planning Commission was directed by the Town Council and staff was here to provide support to the Commission.

Bill Stramm, with agreement from Sandra Salopek, stated that from his perspective as a new Commissioner, the former Planner ran the entire meeting and the Commissioners just sat there and agreed. Their first few meetings had them wondering what their purpose was on the Commission. After the first several months, they attended the Certified Planning Commissioner Class and got some education regarding their roles. Bill Stramm added that there should be a happy medium where the Planner worked with the Chair to organize the agenda, gave his report with options and allowed the Commissioners to discuss the issue to make their decision.

In summary, it was decided that the Planner would support the Commission providing the necessary facts and information related to a project and perform any needed research regarding any questions the Commission might have. The Chair would run the meeting. If the Commissioners had any questions regarding an agenda item, they would call the Chair to discuss the issue.

Mike Strub noted that the September meeting was scheduled for the day after Labor Day and asked the Commissioners whether they would mind changing the date to the following Tuesday, September 10, 2013. All were in agreement to changing the September meeting date. Libby Hume would email Andy Buchholz and Dan Burke, who were not in attendance, to notify them of the date change.

Dennis McCoy suggested that discussion regarding the development of a work plan would be part of the August agenda. Bill Stramm added that the Capital Improvement Plan should also be reviewed.

**Motion made by Mike Strub, seconded by Bill Stramm, to adjourn the Planning Commission Special Meeting. The motion was approved by unanimous vote.**

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Chairman Dennis McCoy

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Town Clerk

# Planning Commission Staff Report

From: Rob Testerman

Date: August 1, 2013

Item: 4C – Reports

Attachments: None

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## Item Specifics

1. The Northampton County website is [www.co.northampton.va.us](http://www.co.northampton.va.us) and contains the updated information from county meetings. The Northampton Planning Commission also meets on this night.
2. VDOT is continuing the sidewalk repair project. If someone asks about work being done or not done please refer them to Dave Fauber in Public Works.
3. A letter has been sent to the Northampton County Planning Commission and Planning Department staff requesting a joint work session with both Town and County Planning Commissions. The Planner for Northampton County, Peter Stith will be taking this to the County Planning Commission at its August 6 meeting.
4. Staff will be reviewing, and if need be, revising land use applications and procedures to enable a more streamlined process. Land use applications include conditional use permits, rezonings, zoning clearance, etc.
5. The Planner has been revising the draft zoning map that was presented at the July 9 meeting. It should be ready for review and comment by the September meeting.
6. Staff has received from DCR a copy of the model flood plain ordinance for 2013. Although I have not had a chance to review it yet, Charley Banks of DCR informed me that it is quite a bit different from the existing ordinance.
7. The Historic Review Board met July 16 to review the application for the residence at 114 Randolph Avenue. The proposal included a second floor addition to a detached garage, and an enclosure and enlarging of a rear porch. The application was approved unanimously. The Board will meet on August 20 to continue review of the Cape Charles School.
8. At their July 20, 2013 meeting, Town Council voted to set a public hearing for September regarding the draft Harbor District modifications.

# Planning Commission Staff Report

From: Rob Testerman  
Date: August 1, 2013  
Item: 5A – Sign Ordinance  
Attachments: Proposed draft ordinance update

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## Background

The sign ordinance was last reviewed at the July 9, 2013 Planning Commission meeting.

## Item Specifics

Modifications to the draft ordinance have been made and are attached to this report for your review. During the discussion, the issue of enforcement of sign permits came up. After reviewing ordinances of other localities in the state, it appears that it is quite common for the Zoning Administrator to have the authority to remove signs that are in violation of the localities zoning ordinance. Typically, the Zoning Administrator will issue a letter, and give the owner of the sign a period of time to remove the sign, before doing so themselves.

Although it was made clear at the last meeting several times, it should be reiterated that the sign regulations, and possible removal of signs (should we decide to go that route) would not apply to the content of the signs, as this is protected by freedom of speech. The sign regulations apply to the location, size, etc. If it were decided that the Zoning Administrator would have the authority to remove signs, signs that would be removed would include signs that are in violation of the regulations set forth in the ordinance, or signs that do not have a permit.

We also should continue discussion on sign permit display. In my opinion, we should not require the permit to be displayed on the sign itself, as it may detract from the actual sign. Would the requirement of displaying the sign permit only apply to businesses?

Other items in the draft modifications that we will need to address include:

*Definitions – Sandwich Board.* Possible suggestion: A freestanding temporary sign, constructed of two large boards hinged at the top, with no moving parts or lights; displayed outside a business, during business hours, to advertise the business, hours of operation, an event, a promotion, etc.

*H(1)a.* Size needed

*Table H(1)b.* Height and size needed for multi-family residential and commercial/industrial

*H(2)c.3.* Sizes needed, it appears that previously a suggestion of 4 square feet was made.

After review and discussion, staff will make necessary modifications to the draft to be presented at the next Planning Commission meeting.

## Recommendations

Review and discuss the attached materials.

## Section 4.1 Sign Regulations

### A. Purpose

The purpose of this sign ordinance is to encourage the effective use of signs as a means to communicate in the Town, to maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth; to improve the pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign restrictions.

### B. Definitions

The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**ANIMATED SIGN.** 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:

**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 in which the period of illumination is either the same as or less than the period of nonillumination.
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 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.

**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."

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

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

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

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

**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.")

**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.

**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.

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

**CHANGEABLE SIGN.** 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.

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

**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.

**DEVELOPMENT COMPLEX SIGN.** 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 I.2 of this chapter.

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

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

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

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

**EXTERIOR SIGN.** Any sign placed outside a building.

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

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

**FREE-STANDING SIGN.** 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.

Size added  
7/9/13.

**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.

Need to  
compare to  
existing.  
8/2/11

**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.

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

**ILLUMINATED SIGN.** 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.

**INTERIOR SIGN.** 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.

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

**MARQUEE.** See "*Canopy* (attached)."

**MARQUEE SIGN.** See "*Canopy* 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

Size added  
7/9/13.

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.

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

**OFF-PREMISE SIGN.** See "Billboard."

**ON-PREMISE SIGN.** 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.

**OUTDOOR ADVERTISING SIGN.** See "Billboard."

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

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

**POLITICAL SIGN.** 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.

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

**PROJECTING SIGN.** 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.

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

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

**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.

**ROOF SIGN.** 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.

Size added  
7/9/13. Still  
need  
definition.

**SANDWICH BOARD.** Maximum size of 10 square feet.

**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 AREA.** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided

or "V" shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the *sign*.

**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 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 STRUCTURE.** Any structure supporting a sign.

**TEMPORARY SIGN.** 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.

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

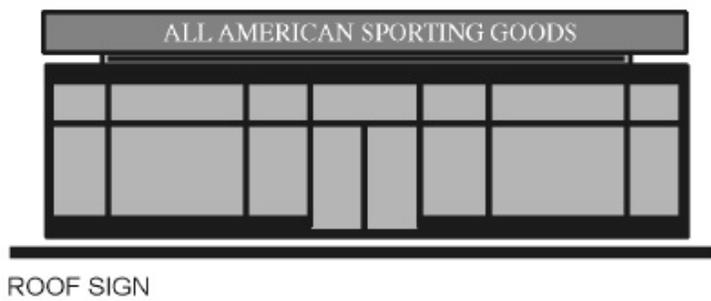
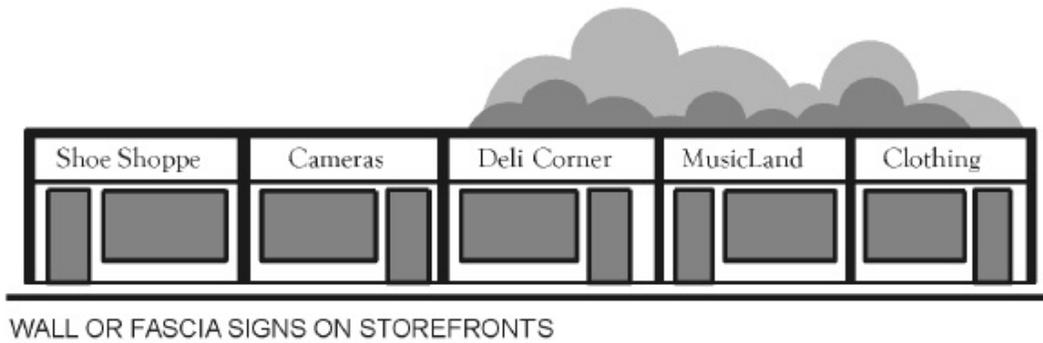
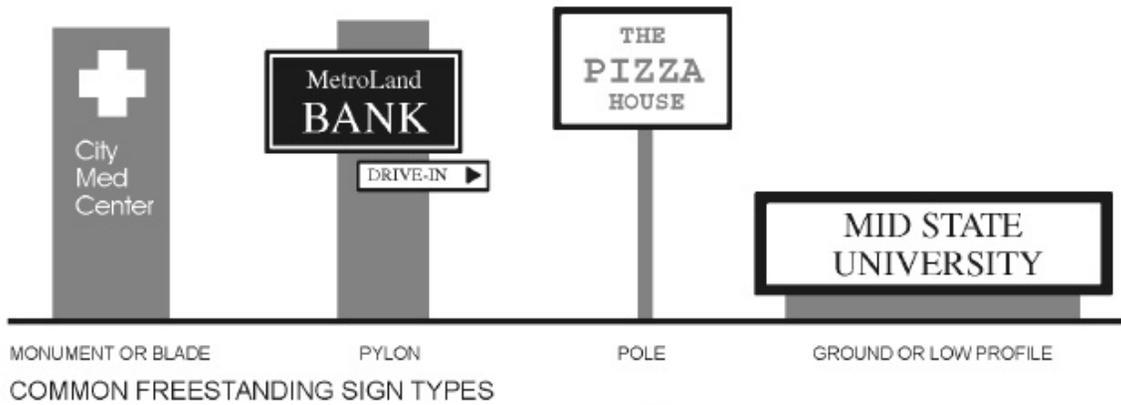
**V SIGN.** Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest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

**WALL OR FASCIA SIGN.** 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.

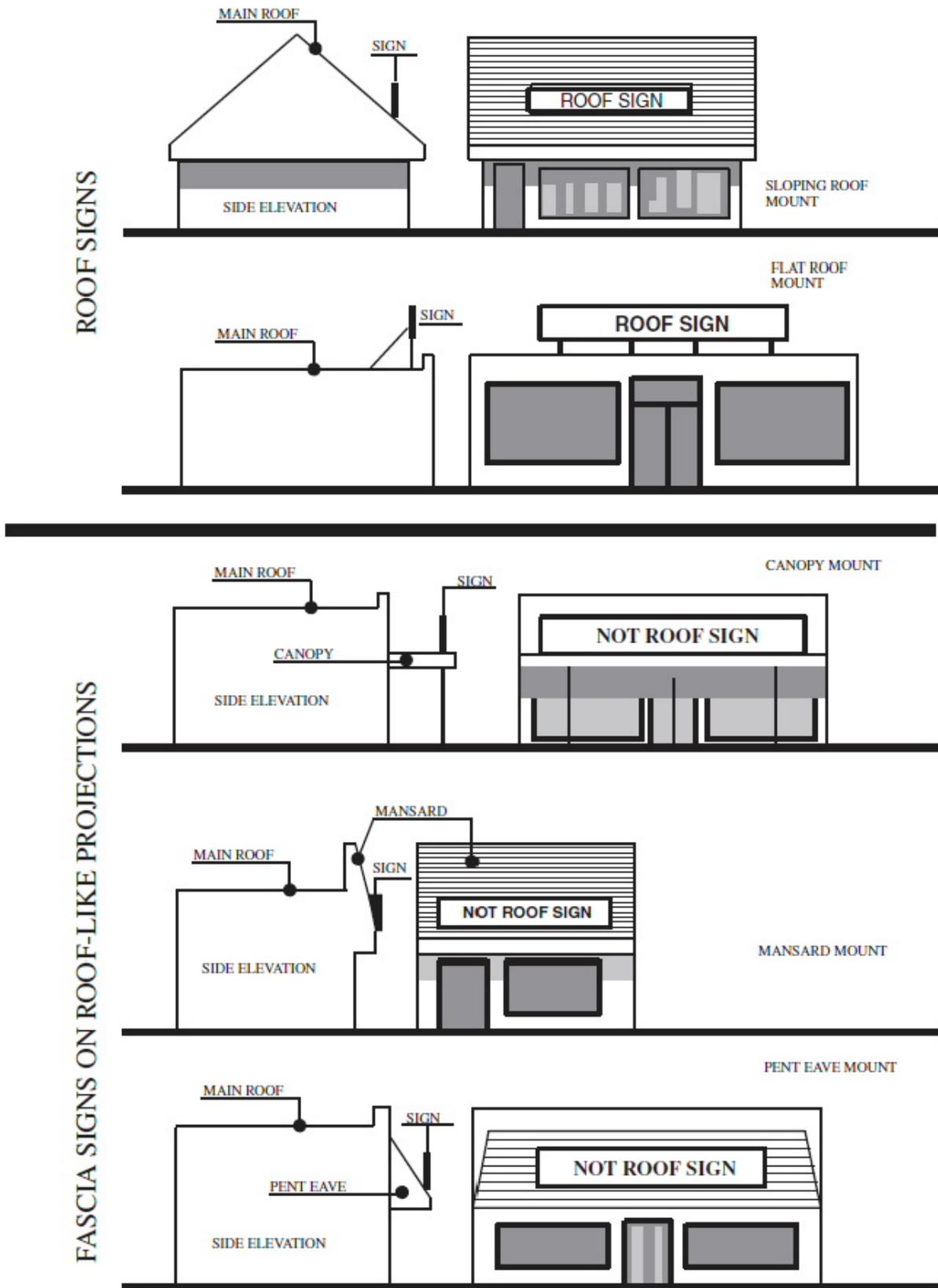
**WINDOW SIGN.** A *sign* affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property. A business is permitted to hang a sign in a window relating to something within their establishment. A business is not permitted to hang a sign in their window advertising another business.

C. General

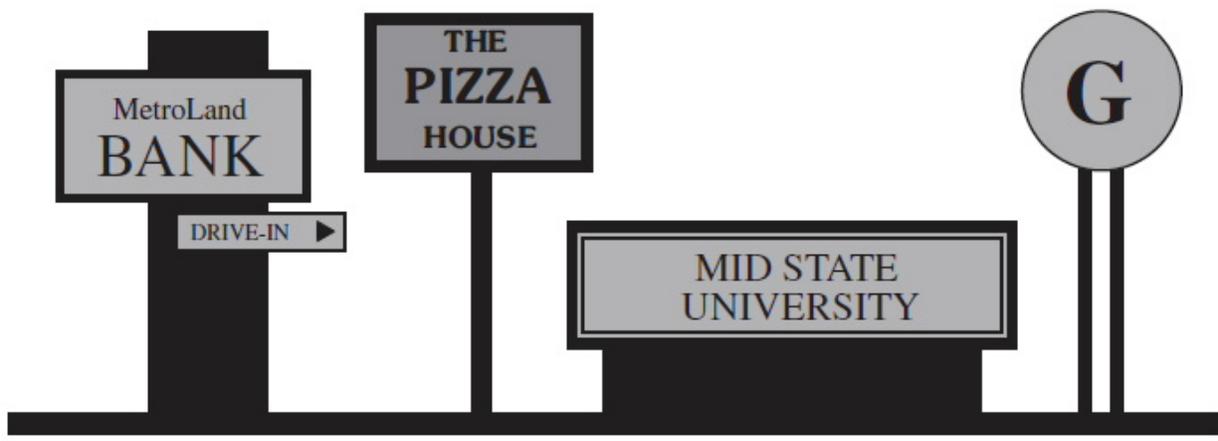
Sign types and the computation of *sign* area shall be as depicted in Figures C.1(1) through C.1(4).



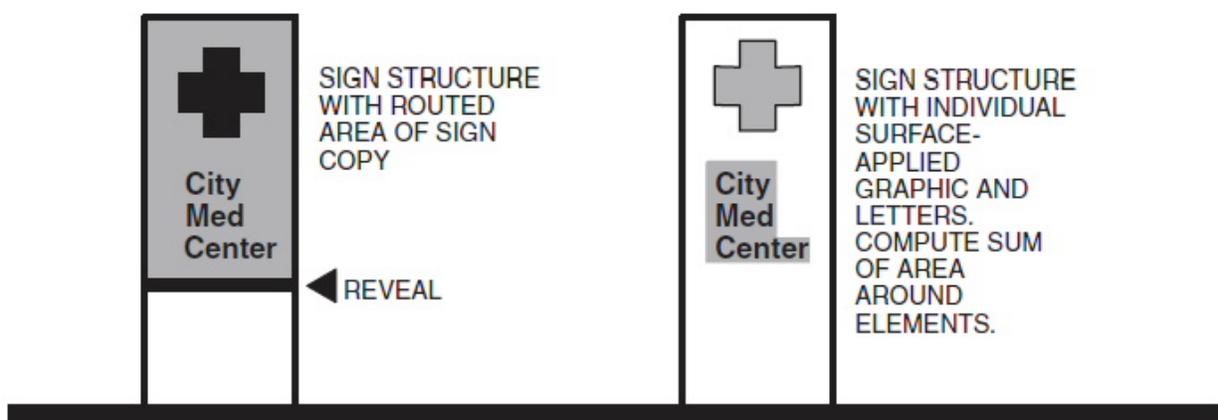
**FIGURE C.1(1) GENERAL SIGN TYPES**



**FIGURE C.1(2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS**



**SIGN STRUCTURES**



**Notes:** Sum of shaded areas only represents sign area. Sign constructed with panels or cabinets.

**FIGURE C.1(3) SIGN AREA—COMPUTATION METHODOLOGY**



**Notes:** Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements or logos placed on building walls or structures.

**FIGURE C.1(4) SIGN AREA—COMPUTATION METHODOLOGY**

D. General Provisions

1. Conformance to codes  
Any sign hereafter erected shall conform to the provisions of this ordinance and of any other ordinance or regulation within this jurisdiction.

2. Signs in rights-of-way  
No sign other than an official traffic sign or similar sign shall be erected within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the Town Manager and the Virginia Department of Transportation (VDOT).
3. Projections over public ways  
Signs projecting over public walkways shall be permitted to do so only with the approval of the Town Manager on a temporary basis. These signs are subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet (2438 mm) from *grade* level to the bottom of the sign. Signs, architectural projections or *sign* structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
4. Traffic visibility.  
No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
5. Computation of frontage  
Business signs with an area of two square feet for each foot of facade width to a maximum of fifty square feet in sign area (where more than one business exists in a building, each maximum sign area is to be proportionate to the business square footage). For buildings with more than one wall facing a street, each side of the building will be computed separately.
6. Animation and changeable messages  
Animated signs, except as prohibited in Section F, are permitted in commercial and *industrial* zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.
7. Maintenance, repair and removal  
Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the zoning administrator, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the zoning administrator forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, zoning administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
8. Obsolete sign copy  
Any *sign* copy that no longer advertises or identifies a use conducted on the property on which said *sign* is erected must have the sign copy covered or removed within 30 days after written notification from the zoning administrator; and upon failure to comply with such notice, the zoning administrator is hereby authorized to cause removal of such sign copy, and any expense incident thereto

10/4/11-Not permitted.

6/5/12 TB to call Chincoteague

6/5/12 Need to obtain legal opinion re: removal of damaged signs.

shall be paid by the owner of the building, structure or ground on which the sign is located.

In some instances, the historic significance of the sign will exempt the property from adherence to this ordinance. Such cases will be determined by the zoning administrator.

9. Nonconforming signs

Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such *sign* is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

6/5/12 Need legal review re: handling of non-conforming signs.

- a. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
- b. Any legal nonconforming *sign* shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the zoning administrator.
- c. Signs that comply with either Item 1 or 2 above need not be permitted.

E. Exempt Signs

The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from Section D.4.

- 1. Official notices authorized by a *court*, public body or public safety official.
- 2. Directional, warning or information signs authorized by federal, state or municipal governments.
- 3. Memorial plaques, building identification signs, historical markers and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
- 4. The flag of a government or noncommercial institution, such as a school.
- 5. Religious symbols and seasonal decorations within the appropriate public holiday season.
- 6. Works of fine art or historical signs displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
- 7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 4 square feet (0.56 m<sup>2</sup>) in area.
- 8. Freestanding signs or signs attached to fences, no more than one and one half square feet in area, to warn the public against hunting, fishing, trespassing, dangerous animals, swimming, the existence or danger of such, when placed on the periphery of the property or at a location where the warning is necessary.

Added #8 2/26/2013

F. Prohibited Signs

The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No *sign* shall be attached to any utility pole (with the exception of the utility pole located at the Post Office on Randolph Avenue), light standard, street tree or any other public facility located within the public right-of-way.
3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
4. Signs, any part of which moves by any means, including but not limited to rotating signs, propellers, discs, and such but excluding pennants and signs indicating time and temperature.
5. Portable signs except as allowed for temporary signs.
6. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
  - 6.1. The primary purpose of such a vehicle or trailer is not the display of signs.
  - 6.2. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
  - 6.3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
7. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
8. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means no more than 20 days in any calendar year.
9. Any signs that use the word "stop" or "danger" or otherwise present or imply the need or requirement to stop or take caution of the existence of danger or which is a copy of, imitation of, or which for any reason is likely to be confused with any sign displayed or authorized by a public authority.
10. Any non-shielded illumination of a sign within 200 feet of a residential district.
11. Billboard signs
12. Illuminated tubing or strings of lights solely for the purpose of illumination, except when displayed as decorations during the holiday seasons. This includes any lighting arrangement which outlines any portion of a building or structure by exposed tubing or strings of lights.
13. Signs advertising activities which are illegal under federal, state, or local laws and regulations.

Added #4, #9,  
#10, #11, #12  
and #13  
2/26/2013

"Any sign displayed on an automobile, boat, truck, or other motorized vehicle which is used primarily for such advertising display."  
Change or incorporate into #6.  
2/26/2013

Need to define "static" displays.

#### G. Permits Required

1. Unless specifically exempted, a permit must be obtained from the zoning administrator for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.
2. Construction documents

Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the zoning administrator showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the *International Building Code*.

3. Changes to signs

No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

4. Permit fees

Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

5. Permit number. The permit number assigned shall be indicated on the lower right hand corner of all signs issued permits after the date of adoption of this ordinance.

Added #5, #6,  
#7, #8 and #9  
2/26/2013

6. Permit expiration. If a sign is not erected within twelve months following the issuance of a sign permit, such permit shall be null and void.

7. Church, school, or other public or semi-public institutions may have one name sign or bulletin board not exceeding twenty square feet in area.

8. Landscaping shall be integrated with each individual freestanding sign. Landscaping plans will be approved by the Zoning Administrator.

9. Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, or ingress and egress for any building structure.

H. Specific Sign Requirements

1. Identification signs.

Identification signs shall be in accordance with Sections H.1.a through H.1.b.

a. Wall signs

Every single-family residence, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in **Table 1008.1.1(1) H.1.a**. For shopping centers, planned *industrial* parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than [JURISDICTION TO INSERT NUMBER] square feet.

TABLE H.1.a (1) IDENTIFICATION SIGN STANDARDS—WALL SIGNS

LAND USE	AGGREGATE AREA (square feet)
Single-family residential	2 SQFT
Multiple-family residential	12 SQFT

For SI: 1 square foot = 0.0929 m<sup>2</sup>.

- b. Free-standing signs  
 In addition to any allowable wall signs, every single-family residential subdivision, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone shall be permitted to display free-standing or combination signs per street frontage subject to the limiting standards set forth in Table H.1.b.

TABLE H.1.b IDENTIFICATION SIGN STANDARDS—FREE-STANDING SIGNS<sup>a,b,c</sup>

LAND USE	NUMBER OF SIGNS	HEIGHT (feet)	AREA (square feet)	SPACING
Single-family residential <b>Residential Subdivision</b>	1	4'	12 Sq Ft	1 per subdivision entrance <sup>a</sup>
Multiple-family residential	1	??	[JURISDICTION TO INSERT NUMBER]	1 per driveway <sup>a</sup>
Commercial and industrial	1	??	See Figures 1008.1.2 (1), (2) and (3)	150 <sup>b</sup>

Category chg'd 7/9/13.

Need to add sizes 1/9/13.

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m<sup>2</sup>, 1 acre = 4047 m<sup>2</sup>.

- a. For subdivision or apartment identification signs placed on a decorative entry wall approved by the ~~code official~~ zoning administrator, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the *driveway* or entry drive.
- b. For shopping centers or planned *industrial* parks, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in Table H.1.b.
- c. For any commercial or *industrial* development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned *industrial* parks, one free-standing sign per street front shall be permitted to be increased in sign area by up to 50 percent.

Need to add sizes for Commercial 1/9/13.

2. Temporary signs  
 Temporary signs shall be in accordance with [Sections H.2.a](#) through [H.2.f.](#)
- a. Real estate signs

Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

- (1) Real estate signs located on a single residential lot shall be limited to one sign, not greater than 4 square feet in area. (Open House Signs)
- (2) Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each *sign* shall be no greater than 32 square feet in area nor 6 feet in height. All signs permitted under this section shall be removed within 7 days after sale of the last original lot.
- (3) Real estate signs advertising the sale or lease of space within commercial or *industrial* buildings shall be no greater than 12 square feet in area nor 8 feet in height, and shall be limited to one sign per street front.
- (4) Real estate signs advertising the sale or lease of vacant commercial or *industrial* land shall be limited to one sign per street front, and each sign shall be no greater than 8 feet in height, and 20 square feet for property of 10 acres or less, or 32 square feet for property exceeding 10 acres.
- (5) Real estate signs shall be removed not later than 7 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

Add AUCTION Signs – size up to 32 SQFT. Can be displayed up to 30 days.

b. Development and construction signs

Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

- (1) Such signs on a single residential lot shall be limited to one sign, not greater than 6 feet in height and 4 square feet in area.
- (2) Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than 6 feet in height and 32 square feet in area.
- ~~(3) Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than 6 feet in height and 4 square feet in area.~~
- (4) Such signs for commercial or *industrial* projects shall be limited to one sign per street front, not to exceed 6 feet in height and 12 square feet for projects on parcels 5 acres or less in size, and not to exceed 6 feet in height and 32 square feet for projects on parcels larger than 5 acres.
- (5) Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 7 days following issuance of an occupancy permit for any or all portions of the project.

c. Special promotion, event and grand opening signs

Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential

district, and for all commercial and *industrial* districts subject to the following limitations:

Contradictory? #1 and #3  
2/26/2013

- (1) Such signs shall be limited to one sign per street front.
- (2) Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected ~~no more than 5 days prior to the event or grand opening~~ on weekends only, and shall be removed not more than 1 day after the event or grand opening.
- (3) The total area number of all such signs shall not exceed 5 square feet in any single-family residential district, [JURISDICTION TO INSERT NUMBER] square feet in any multiple-family residential district and [JURISDICTION TO INSERT NUMBER] square feet in any commercial or *industrial* district.

Size? 4 sq ft?  
2/26/2013

d. Special event signs in public ways  
Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the zoning administrator and the Virginia Department of Transportation as to the size, location and method of erection. The zoning administrator may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

e. Portable signs  
~~Portable signs shall be permitted only in the C, CR and FI districts, as designated in this code, subject to the following limitations:~~

Currently not allowed. TB asked the Commissioners to think about. Possibly could use to eliminate the number of event signs. 4/3/2012

- ~~(1) No more than one such sign may be displayed on any property, and shall not exceed a height of [JURISDICTION TO INSERT NUMBER] feet nor an area of [JURISDICTION TO INSERT NUMBER] square feet.~~
- ~~(2) Such signs shall be displayed not more than 20 days in any calendar year.~~
- ~~(3) Any electrical portable signs shall comply with NFPA 70, as adopted in this jurisdiction.~~
- ~~(4) No portable sign shall be displayed prior to obtaining a sign permit.~~

f. Political signs  
Political signs shall be permitted in all zoning districts, subject to the following limitations:

Updated  
7/9/13.

- (1) Such signs shall not exceed an area of 4 square feet per sign.
- (2) Such signs for election candidates or ballot propositions shall be displayed only for a period of 45 days preceding the election and shall be removed within 7 days after the election.
- (3) Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

Added new category  
7/9/13.

g. Other Temporary Signs  
This category includes temporary signs that do not conform to any of the other categories listed above.

Limit the time that  
sign can be  
displayed??  
7/9/13

(1) Such signs on a single residential slot shall be limited to one sign per lot which shall not exceed an area of 4 square feet.

3. Requirements for specific sign types  
Signs of specific type shall be in accordance with Sections H.3.a through H.3.g.
- a. Canopy and marquee signs
- (1) The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee or architectural projection upon which such sign is affixed or applied.
  - (2) Graphic striping, patterns or color bands on the face of a building, *canopy*, marquee or architectural projection shall not be included in the computation of sign copy area.
- b. Awning signs
- (1) The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
  - (2) Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.
- c. Projecting signs
- (1) Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in area to 2 square feet per each lineal foot of building frontage, except that no such sign shall exceed an area of 50 square feet.
  - (2) No such *sign* shall extend vertically above the highest point of the building facade upon which it is mounted.
  - (3) Such signs shall not extend over a public sidewalk without approval of the Town Manager.
  - (4) Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 8 feet.
- d. Under *canopy* signs
- (1) Under *canopy* signs shall be limited to no more than one such sign per public entrance to any occupancy.
  - (2) Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of 8 feet.
- e. Roof signs

(1) Roof signs shall **not** be permitted in **any** districts.

f. Window signs (Inside).

Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and *industrial* districts, subject to the following limitations:

(1) Any signs attached to windows or glass walls advertising weekly specials or special services offered for a limited time by a business establishment.

(2) The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.

(3) Window signs shall not be assessed against the sign area permitted for other sign types.

Added #3  
2/26/2013

g. Menu boards

Menu board signs shall not be permitted to exceed 10 square feet (2' x 5') and are limited to one sign per business.

Deleted dimensions  
& 1 sign  
limitation 7/9/13

h. Sandwich boards

Sandwich boards on public right-of-way shall be removed at daily close of business. The signs shall not exceed 10 square feet and are limited to one sign per business.

Added size & 1  
sign limitation  
7/9/13

## I. Signs for Development Complexes

### 1. Master sign plan required

All landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376 m<sup>2</sup>) in size, such as shopping centers or planned *industrial* parks, shall submit to the ~~code official~~ zoning administrator a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

a. Proposed sign locations.

b. Materials.

c. Type of illumination.

d. Design of free-standing sign structures.

e. Size.

f. Quantity.

g. Uniform standards for nonbusiness signage, including directional and informational signs.

### 2. Development complex sign

In addition to the free-standing business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification free-standing signs, to identify the development complex. No business identification shall be permitted on a

development complex sign. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

3. Compliance with master sign plan  
All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.
10. Amendments  
Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

J. Other Permitted Signs

1. Commercial Districts

Added J, K & L  
2/26/2013

- a. Barber poles.
- b. Theater marquees, including chaser lights, neon, and backlit changeable letterings appropriate to its use.

K. Sign Illumination

1. External Illumination. External lighting shall be limited to light fixtures utilizing white, not colored, lighting and shall not be blinking, fluctuating, or moving. External lighting shall be provided by concealed and/or screened spots or floods and shall be arranged and installed so that direct or reflected illumination does not exceed (0.5) foot candles above background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way.
2. Internal Illumination. Internal lighting shall be limited to internal light contained within translucent letters and internal illuminated sign boxes provided the background or field on which the copy and/or logos are placed is opaque. The area illuminated is restricted to the sign face only. The direct or reflected illumination shall not exceed (0.5) foot candles above the background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way.

L. Violations of Signs

Need to add  
consequences  
and sign  
removal.  
2/26/2013

The Zoning Administrator shall have the authority to determine violations of this preceding section and notify the owner of such violation in writing.

# Planning Commission Staff Report

From: Rob Testerman  
Date: August 1, 2013  
Item: 6A – Planning Commission Work Plan  
Attachments:

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## Background

At the July 29, 2013, the topic of a Commission Work Plan came up. It would be a good idea for the Commission to develop a plan and time frame that we would like to tackle tasks in the coming months. If it is the Commission's desire, we could develop a work plan to finish out the physical year, and develop a new one at the end of this year, or we could develop a work plan for this fiscal year.

## Item Specifics

Applications that need a Planning Commission action (rezonings, conditional use permits, etc) will always take priority, as they may have an associated deadline for approval or denial. Also, the Commission would not want to hold up an applicant in these matters.

Other priorities would be any directives initiated by Town Council.

Some items on the horizon that we need to keep in mind when developing this work plan include:

1. Taking the Harbor District to public hearing
2. Complete the review of the Sign Ordinance, and take that to public hearing
3. Comprehensive Plan
4. Joint Town & County Planning Commission meeting regarding County Zoning along Rt. 184 and Rt. 13. This item is also of high importance.

Some suggestions to keep in mind for a longer term plan:

1. Continue reviewing other Zoning Ordinance sections; perhaps we can develop a list of sections that are in most need of review and revision, and develop priorities from there.
2. Evaluate other districts regarding FAR

## Recommendations

Discuss possible work items and prioritize these, so staff can begin compiling the work plan. After the work plan is completed, and agreed upon by the Planning Commission, it will then be forwarded on to Town Council for approval.