

Planning Commission

Public Hearing and Regular Session Agenda

September 10, 2013

6:00 P.M.

1. Call to Order – Planning Commission Public Hearing and Regular Session
 - a. Roll Call – Establish a quorum
 - b. Hear Public Comment on the proposed revisions of Section 3.9 Harbor District of the Cape Charles Zoning Ordinance
 - c. Close Public Hearing
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. Section 3.9 Harbor District modifications, recommendation to Town Council
 - b. Section 4.1 Sign Ordinance modifications review
6. New Business
 - a. Route 13 Business Discussion
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
August 6, 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 Andy Buchholz, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Commissioner Dan Burke arrived at 6:02 p.m. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There was one member 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 Sandra Salopek, to accept the agenda format as presented. The motion was unanimously approved.

The Commissioners reviewed the minutes for the July 9, 2013 Regular Meeting and the July 29, 2013 Special Meeting.

Dennis McCoy noted a typographical error on page 2 of the July 9, 2013 Regular Meeting minutes. Joan Natali and Mike Strub noted several other areas which were amended for clarification.

Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the June 9, 2013 Regular Meeting as amended and the minutes from the July 29, 2013 Special Meeting as presented. The motion was unanimously approved.

REPORTS

Rob Testerman reported the following: i) He received a copy of the 2013 model flood plain ordinance from the Department of Conservation and Recreation (DCR). He had not had a chance yet to review the ordinance but was informed by Mr. Charley Banks of DCR that it was quite a bit different from the existing ordinance. FEMA neglected to let the Town know of the meeting regarding the revised flood maps. The meeting was held on July 31, 2013. The comment period for non-technical changes was still in effect. He was assured by DCR and Northampton County representatives that the Town would be included in all future correspondence. Joan Natali suggested that the information received by the Town be posted on the website so citizens could view the information as well. Dan Burke asked where he could go to view the information. Rob Testerman explained that the information was what was reviewed at the July 9th Planning Commission meeting and asked Dan Burke to come see him if he needed to review the maps again; ii) He was working on updating the Zoning Map with the corrections noted by the Commissioners at the July meeting and was hoping to have it available for review again at the September meeting; iii) A letter was sent to the Northampton County Planning Commission requesting a joint work session. Northampton County Planner Peter Stith was taking the request to the County Planning Commission at their meeting this evening; and iv) At their July 20, 2013 meeting, the Town Council voted to set a joint public hearing prior to the September Planning Commission meeting regarding

the draft Harbor District modifications. The proposed language had been forwarded to legal counsel for review and no response had been received as yet.

OLD BUSINESS

A. *Sign Ordinance*

Rob Testerman stated that the draft Sign Ordinance had been updated from last month's discussion and he had gone back to review some of the items still needing discussion. Rob Testerman added that even though it was made clear at the last meeting, he wanted to reiterate that the sign regulations, and possible removal of signs, would not apply to the content of the signs as that was protected by the Freedom of Speech. It was discussed that signs that could be removed would include signs that were in violation of the regulations set forth in the ordinance, or signs that did not have a permit. Most localities authorized the Zoning Administrator to remove the sign(s) in violation of the ordinance, send notification to the sign owner, store the sign(s) for 30 days, then dispose of them if unclaimed. Rob Testerman also stated that the Commissioners should continue discussion on sign permit display, adding that in his opinion, the Town should not require the permit to be displayed on the sign itself as it could distract from the sign; and whether the requirement of displaying the sign permit should be applied only to businesses.

The Commissioners reviewed and discussed the following: i) Definition of Sandwich Board. Rob Testerman's suggested language was reviewed and additional language was added for clarification (§ 4.1.B); ii) Table H.1.b. There was much discussion regarding the permitted size for "Commercial and industrial" with Andy Buchholz stating that a standard sign for this area was 64 Sq. Ft. Joan Natali noted that this item also included Mason Avenue and the Commissioners agreed that another line be added for "Mason Avenue Commercial" with a maximum height of 6' and area of 12 Sq. Ft; iii) Permit number (§4.1.G.5). Rob Testerman stated that it was discussed last month to issue permits with numbers but the Commissioners had not determined how the permits were to be displayed. Andy Buchholz stated that it would be good for the Town to issue permits for all existing signs so all signs would be permitted. This would make it easier to track unpermitted signs. There was much discussion regarding the display of the permits and Mike Strub suggested that the requirement to display the permit number on the signs be deleted and add language stating that the "Permit must be made available upon request." The Commissioners were in agreement; iv) § 4.1.H.1.a. – Wall Signs. The Commissioners noted that the language in the second sentence was confusing and agreed to delete the last portion of the sentence. The sentence was changes to read "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;" v) § 4.1.H.2.c.(2) – Special promotion, event and grand opening signs. There was some discussion regarding this item and the Commissioners felt that permitting the special promotion sign to be displayed only on weekends was too restrictive and agreed to put the language back to the original language but allowing the signs to be displayed "no more than 7 days prior to the event or grand opening;" and vi) § 4.1.H.2.c.(3). The sizes needed to be determined for special promotion signage in single-family residential, multi-family residential and commercial or industrial districts. The Commissioners agreed that 4 Sq Ft would be permitted for all areas. The beginning of this item stated that the total number of all such signs was limited to 5 in any single-family residential district, but not stated for multi-family residential, commercial or industrial districts and the Commissioners agreed that the limitation of 5 signs be applied to multi-family residential, commercial and industrial as well; vii) There was much discussion regarding permitting for temporary signs (yard sale, real estate, political, etc.) and the difficulty in tracking the permits especially with political election signs during the election season. After further discussion, the Commissioners agreed to add to § 4.1.E, an exemption for "Political signs during the election season" as long as the sign owner adhered to the requirements shown in § 4.1.H.2.f.; and viii) The Commissioners also agreed that it would be beneficial to invite the

business owners to a meeting to discuss the new sign ordinance prior to taking the ordinance to public hearing.

NEW BUSINESS

A. *Planning Commission Work Plan*

Rob Testerman stated that the topic of a work plan came up at the July 29th meeting adding that it was a good idea that the Commission develop a plan and timeframe to tackle tasks in the upcoming months. Town Council priorities, land use applications such as conditional use permit, rezonings, etc. would always take precedence. Heather Arcos was going to get direction from the Town Council regarding the Comprehensive Plan update and the Corridor Overlay as priority projects. Some items on the horizon for the work plan included: i) The proposed Harbor District language needed to go to public hearing; ii) completion of the Sign Ordinance and taking it to public hearing; and iii) Flood Plain Ordinance modifications. The Town had a 6-month period to adopt a revised flood plain ordinance after adoption of the new flood plain maps by FEMA. A model ordinance was provided by Charley Banks of DCR which Rob Testerman would forward to the Commissioners for their review. Other items to keep in mind for a longer term plan were to continue review of the Zoning Ordinance sections, possibly developing a list of sections most in need of review and revision, and the evaluation of other districts regarding use of floor area ratio (FAR). Rob Testerman added that once the work plan was completed and agreed upon by the Planning Commission, it would be forwarded to the Town Council for their review.

Bill Stramm asked about the Capital Improvement Plan (CIP) and his request last month that the Planning Commission be able to review it. Rob Testerman stated that the CIP was part of the Comprehensive Plan and would be reviewed at that time. Libby Hume added that the Town Council had a CIP for the current fiscal year which was reviewed during the budget discussions. It could be shared with the Commissioners once it had been updated. Bill Stramm stressed that the Planning Commission needed to have input on the CIP and page 49 of the Comprehensive Plan stated that a rolling 5-year CIP would be developed. Joan Natali stated that the Town Council had a CIP each year which could be provided to the Commissioners for review.

There was some discussion of various priorities for the work plan and Bill Stramm stated that the Commissioners could send their priorities to the Chairman, Dennis McCoy, and the items could be reviewed at the next meeting to be prioritized.

There was some discussion regarding a boundary adjustment to Route 13. Joan Natali stated that several years ago, the Town Council had considered a request to the County for a boundary adjustment. Libby Hume added the property owners in Kings Creek Landing and Tower Hill signed a petition in opposition of a boundary adjustment. Council then considered a boundary adjustment for the corridor along Stone Road (Route 184) to Route 13, but the Town did not meet the County's criteria to move forward with the request.

Dan Burke stated that the Town should obtain a right-of-way from the Town to the Harbor. Joan Natali stated that the property containing what appeared to be a road, was owned by Landmark Holdings and was not actually road. The railroad had an easement to get to their property. The railroad owned the land between the Landmark Holdings property to the Harbor and currently allowed the Town to build a path for pedestrian and golf cart traffic only.

ANNOUNCEMENTS

Joan Natali stated that there would be music in the park on Sunday.

Mike Strub reminded the Commissioners that the September meeting was moved back a week to September 10th due to the Labor Day holiday.

It was noted that the Harbor for the Arts events ran from August 3rd to 18th with a variety of activities throughout the 2-week period.

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

Chairman Dennis McCoy

Town Clerk

DRAFT



DRAFT
PLANNING COMMISSION
Joint Meeting with
Northampton County Planning Commission
Social Services Building in Eastville
August 19, 2013

At approximately 7:00 p.m. in a conference room at the Northampton County Social Services Building, Chairman Dennis McCoy, having established a quorum, called to order the Joint Meeting with the Northampton County Planning Commission. In attendance were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. In attendance from the Northampton County Planning Commission were Chairwoman Martina Coker, Jacqueline Chatmon, Roberta Kellam, Dixon Leatherbury, Sylvia Stanley, Mike Ward, Director of Economic Development Charles McSwain, Long Range Planner Peter Stith and Clerk to the Planning Commission Kay Downing. There were nine members of the public in attendance.

Introductions were made around the table for the benefit of all in attendance.

Rob Testerman thanked the Northampton County Planning Commission and staff for taking the time to meet with the Cape Charles Planning Commission and went on to state that there was a concern in the Town regarding development along U.S. Route 13 and how it could affect the businesses in the Town and asked the County Commissioners to keep this concern in mind during their planning process. Included in the information provided for this meeting were the draft Historic Entrance Corridor Overlay District language, excerpt from the Annexation Agreement which outlined how the Town and County would work together regarding commercial development "within one mile in each direction of the intersection of Route 13 and Route 184," an overlay summary and suggested language for the County Comprehensive Plan.

Peter Stith stated that it was good to get together to resume conversation especially since there were some new Commissioners and new staff on both Commissions.

Mike Strub stated that the 2010 Census showed no sense of growth in either County on the Eastern Shore and asked about the need for requiring economic development along Route 13 and where the anticipated growth was coming from.

Bill Stramm stated that currently the Northampton County Comprehensive Plan stated that the County was trying to drive businesses into the Towns and asked if the County was still leaning in this direction.

Martina Coker stated that the County was in the process of redoing the Comprehensive Plan. They were working on the economic development chapter and in the process of reviewing feedback from the public input meetings. Public Hearings would be held after the Comprehensive Plan had been drafted. The timeframe for completion of the draft was discussed and Peter Stith stated that he did not anticipate that it would be finalized by the end of this year.

Dan Burke stated that the important businesses needed to be protected, such as Rayfield's Pharmacy and asked if there was a way to include language to preclude a chain pharmacy from opening up on the highway. Roberta Kellam stated that it would be very difficult to prohibit pharmacies from the commercial district. Martina Coker commented that she had heard a lot about Rayfield's and its vulnerability if a chain drug store opened on the highway and added that she did not believe that the County could disallow chain establishments from the area. Dan Burke added

that the Town also had a historic hardware store that could be affected. Martina Coker noted that Cheriton also had an old hardware store.

There was some discussion regarding the Northampton County Public Service Authority (PSA) and the proposed regional wastewater system utilizing the Cape Charles Wastewater Plant for the southern node. Currently the proposed service area included commercial properties along the U.S. Route 13 corridor. Roberta Kellam explained that the County Planning Commission had not reviewed the sewer extension and the thoughts of the Board of Supervisors had not been presented or explained to the Commission. Roberta Kellam went on to state that she had heard two arguments: i) It would be good for Cape Charles if a hotel was built on the highway because it would bring people into the Town; and ii) It would be bad for Cape Charles if competing businesses were located along the highway.

Andy Buchholz commented that the PSA and the corridor overlay were two different issues. The PSA would facilitate an environment for people to build along the highway, but added that he did not see any immediate growth in the area. Adding more competing businesses would not work because there weren't enough full-time people in the area to sustain numerous competing businesses. Hotels would hurt the bed & breakfasts. The new owner of Aqua was planning to build a 50-100 room hotel at the Kings Creek Marina. Andy Buchholz added that the Cape Charles Town Council did not bring the PSA information to the Planning Commission for review either, but the PSA would have a big effect on the Town and its businesses. Martina Coker stated that since the Town owned the wastewater plant, why couldn't it limit the area of service regardless of what the PSA did. Andy Buchholz added that the Town had an agreement with the PSA and continued to express his concern that the current plant's capacity was not enough to service the Town when it reached build-out and almost reached capacity during the summer months. Joan Natali interjected that the plant was built for easy expansion with the addition of bio filters. The current capacity of the plant should be good for another 10-15 years at the current rate of growth. Projections could only be made based on current information.

There was some discussion regarding the Town's population during the summer months vs. the remainder of the year and it was noted that the Town's population almost tripled in numbers during the summer, not including day visitors. Dennis McCoy stated that there had been a pretty drastic increase in business activity over the last two years and the Town was on the upswing.

The discussion went on regarding development in the Harbor area. There were several large parcels, i.e., the Gallagher and Landmark Holdings properties, which could be developed and impact the Town's population and water and sewer capacity.

Joan Natali mentioned the construction of the Harbor Access Road which had just been approved and funded by VDOT through 2020 and added that the County was instrumental in getting the road approved. It could be built sooner if additional funding could be obtained. Charles McSwain added that a meeting was held recently in an effort to push the road project forward but no commitments had been received as yet.

Roberta Kellam referenced the document relating to the Corridor Overlay of Routes 184, 642 and 13 and asked what the basis was for including the additional area. Joan Natali stated that item #14 of the Annexation Agreement detailed "the creation of a special zoning district along Route 184 into the Town and along Route 13 within one mile of each direction of the intersection of Route 13 and Route 184."

Martina Coker asked how much available undeveloped and vacant commercial property there was in the Town. Andy Buchholz stated that there were about 4-5 vacant properties along Mason Avenue, but the majority of the south side of Mason Avenue and the Harbor District was undeveloped.

Roberta Kellam asked the Cape Charles Commissioners what they saw as a good vision for the area to have a positive impact to both the Town and County. Andy Buchholz commented that he would like to see businesses and growth driven into the towns and off the highway where people could see the towns, stay overnight and possibly buy property within the town.

Dennis McCoy stated that it would make sense to consider the types of businesses desirable to have on the highway. The nature of the businesses would keep the customers there for more than just a short time (other than a stop at McDonald's, etc.) and would complement the businesses within the town. Signage could be placed in the area along the highway to direct people into the Town to see what was available.

Dan Burke stated that there had been some discussion regarding an outlet mall which would not have too much impact on the businesses in the Town and could bring people into Town.

Joan Natali referred to language in the County's current comprehensive plan regarding limiting development on Route 13 and directing businesses to key locations within the towns. This was a major concern for the Town of Cape Charles and probably other towns in the County as well. Joan Natali went on to state that she was not sure of a mix of businesses that could work along the highway and added that there were people out there who dealt with this type of thing to keep towns thriving but also increase the economic development in the County.

Roberta Kellam stated that she had lived here for 5 years and Cape Charles was doing well. The Town was a huge attraction, especially in the summer. She went on to ask whether the Town had studied the tourism population and what it could look like in the next 5 years. Dennis McCoy responded that the Town would also begin its Comprehensive Plan update process soon and would be looking at the populations, etc. Andy Buchholz added that Cape Charles was a pretty inexpensive place to go on vacation and offered a beach, boating, fishing, golfing, etc. It was much more costly to travel to the Outer Banks or Virginia Beach. Sandra Salopek also added that the Harbor brought in more and more people.

Bill Stramm read from a report compiled by the former Town Planner Tom Bonadeo which stated that the Town had 958 houses, 516 of which were occupied by full-time residents. 442 were unoccupied full-time but 402 of them were vacation rentals. Dan Burke stated that the Town's population also surged during events adding that there were over 5K people in the Town for the 4th of July.

Martina Coker stated that there were probably quite a few day trippers and added that she was amazed at the number of people in town for the Tall Ships event. The tourism in the County would also impact the Town. Cape Charles was the center of activity and it seemed that we were benefitting on the unfortunate effect of Hurricane Sandy.

There was discussion regarding the potential growth for residential properties in Cape Charles. Joan Natali stated that there were a couple dozen undeveloped residential lots in the historic part of Town and Bay Creek was about a third built out. Bay Creek was designed for 3K lots and there were currently 2,700 building sites and about 700 houses were built. 12 more permits had been pulled for new houses in Bay Creek over the next several months in addition to the Beach Club which was under construction. If the economy continued to increase or even level off, the Beach Club would be a pull for people to buy in Cape Charles. There were two areas of concern – the school system if the people had children and health care if people were of retirement age. Both issues needed to be addressed.

Dennis McCoy stated that the Cape Charles Planning Commission needed to spend more time thinking about the boundary with Cape Charles and the County and how we would like to see it in the future.

Roberta Kellam noted that she was on the County Planning Commission when Corridor Overlay language was originally drafted and remembered when the language was reviewed and their changes were reflected in the handout included in the packet. Martina Coker added that the Town of Smithfield had some good information regarding an entrance corridor overlay district. Joan Natali agreed and stated that the Town often referenced information from Smithfield.

Mike Ward stated that parts of Bay Creek had been sold and asked if there had been any discussion with Sinclair regarding what their plans were. Joan Natali stated that she lived in Bay Creek and was the representative for her village and everything that she had heard indicated that Sinclair wanted to continue working with Richard Foster and agreed with his vision for the development. She also heard that the new owner of the Kings Creek Marina was continuing with Richard Foster's plan.

Roberta Kellam asked if there were any plans for the Town to extend the bike path from the highway into the Town, or possibly create a linear park into the Town. Rob Testerman stated that he had spoken with Councilman Frank Wendell last week who had the same thought. The County's trail began at Kiptopeke and ran parallel to Route 13 north and it would be nice to have the path come into the Town. He had emailed Sue Rice with the U.S. Fish & Wildlife Service and she informed him that their plan was to bring the path into Cape Charles.

Joan Natali brought up the language regarding protection of the view sheds in the overlay corridor because she believed the drive in to Cape Charles from the highway was inviting without any buildings and the crape myrtles lining both sides of the road made a nice entrance into Town. Cape Charles was the only town in the County with no presence on Route 13. Joan Natali stated that we needed a way to invite people to come into Town.

Martina Coker asked the Cape Charles Planning Commission to work on their ideas and language and submit it for their review as soon as possible so they could review it as part of their Comprehensive Plan.

Rob Testerman stated that the Cape Charles Planning Commission was winding down on their review of the sign ordinance and the Town Council, at their last meeting, identified the top 2 priorities for the Planning Commission as development of the corridor overlay district and review/update of the Comprehensive Plan.

Martina Coker also asked for any other thoughts regarding desirable and undesirable businesses for the Route 13 corridor. Joan Natali added that it would be good to include the new proposed access road in the plans as well.

Dennis McCoy thanked the County Planning Commission and staff for taking the time to meet to discuss this issue.

Motion made by Bill Stramm, seconded by Andy Buchholz, to adjourn the Cape Charles Planning Commission meeting. The motion was approved by unanimous consent.

Chairman Dennis McCoy

Town Clerk

Planning Commission Staff Report

From: Rob Testerman

Date: August 1, 2013

Item: 4C – Reports

Attachments: None

Item Specifics

1. VDOT has nearly completed the sidewalk repair projects in town.
2. I am in the process of revising land use applications and procedures to enable a more streamlined process. Land use applications include conditional use permits, rezonings, zoning clearance, etc. I aim to have these completed shortly.
3. I have been revising the draft zoning map that was presented at the July 9 meeting. I had hoped to have a revised draft to present at the September meeting, but due to time constraints and other workload, I have not yet completed my revisions. I hope to have it completed in time for the October meeting.
4. The Historic Review Board met August 20 to continue review and discussion on the Cape Charles School. The proposal was approved by a vote of 3 to 1, with one member absent from the meeting. The Board will meet on September 17 to hold a public hearing to change its by-laws.
5. The Wetlands Board will be holding a public hearing on Monday, September 23 to review plans for shoreline hardening at Aqua restaurant. The applicant is also proposing the installation of offshore revetments, but that does not fall under the purview of the Wetlands Board.
6. The Board of Zoning Appeals will be holding a public hearing Tuesday, September 24 to review an issue with a home in Bay Creek.
7. At its August 15 meeting, the Town Council affirmed that in developing our work plan, the Comprehensive Plan update and the Town Entrance Corridor Overlay District remain the top priorities of the Planning Commission.

Planning Commission Staff Report

From: Rob Testerman

Date: September 3, 2013

Item: 5A – Harbor District Zoning Ordinance Modification

Attachments: **Draft Ordinance Markup**

Item Specifics

The ordinance was last reviewed at the July Planning Commission meeting. The proposed modifications were sent for legal review. The draft ordinance, including recommendations by the legal review, is attached.

Discussion

The Commission reviewed ways to measure density, by Units per Acre and Floor Area Ratio (FAR). FAR is the generally preferred method for measuring density, especially in commercial districts. FAR also takes into account open space and height. Some facts about Harbor District are:

1. 25% open space is required.
2. Parking is not part of open space.
3. Current height regulation is 40' with a CUP for some higher to 55'.
4. The Mason Avenue corridor is between the National Historic District and the Harbor. The Master Plan recommends that this area be treated more like Mason Avenue than like the Harbor.
5. The Harbor District Zone allows residential units over commercial space. It also allows partial use (50%) of the first floor as residential space. All residential space must have its own entrance at street level.
6. There is currently no limitation of the number of units (residential) on a property.

The attached draft modified ordinance was previously sent for legal review. The draft modifications show how the FAR concept may be integrated in the Harbor District.

1. Section 3.9(B) was added to define the "Mainstreet Mixed Use Area", as well as defining the Floor Area Ratio standards for the Harbor District. The Mainstreet Mixed-Use area will have a maximum FAR of 1.25. Other areas in the district will have a maximum FAR of 1.5. Section 3.9(B) also states that parking at levels other than ground level will count as floor space.
2. In Section 3.9(E)1 the block lengths on the south side of Mason Avenue are proposed to be regulated. The block lengths shall be equal to those on the north side and the viewsheds shall be maintained. These two items are not in the current ordinance.
3. Section 3.9(E)2 states that the maximum height of buildings in the Mainstreet Mixed Use Area shall be 40 feet, and that in other parts of the district, buildings over 40 feet, and equal to or less than 55 feet will require a conditional use permit.
4. Section 3.9(E)2 added that no building shall have the same continuous elevation for a distance of more than 80 linear feet.

Recommendation

Review the attached materials. After discussion, make a recommendation to Town Council regarding approval or disapproval of the proposed modifications.

Town of Cape Charles

ARTICLE III

District Regulations

Section 3.9 Harbor District (revised 01-08-09)

A. Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

B. Mainstreet Mixed Use Area; Floor Area Ratio.

1. 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 300 feet from the south side of Mason Avenue, is defined as the "Mainstreet Mixed Use Area."

2. The Mainstreet Mixed Use Area shall use the Floor Area Ratio (FAR) to measure the density of permitted and conditional development. For each lot, the FAR is calculated as the ratio of the gross floor area of all structures and improvements on the lot to the lot area in square feet. For purposes of this Article III, "floor area" shall also include parking areas other than uncovered ground level parking areas. The maximum FAR for the Mainstreet Mixed Use Area shall be 1.25. The maximum FAR for the balance of the Harbor District shall be 1.50. Nothing in this paragraph shall modify or waive the open space requirement set forth in subsection F of this Article III.

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

1. Accessory uses customarily associated and clearly incidental and subordinate to a principal use.
2. Food service related uses of the following types:
 - a. Bakeries, confectionaries, delicatessens, and catering services
 - b. Cafes and coffee shops
 - c. Delicatessens

- d. Eating and drinking establishments
 - e. Ice cream parlors
 - f. Restaurants
3. Marine related uses of the following types:
- a. Bait and tackle shops
 - b. Boat rentals
 - c. Marinas, docks and wharves if contiguous to harbor
 - d. Sail and canvas making and repair
 - e. Ship stores and chandleries
4. Office and institutional uses of the following types:
- a. Business studios
 - b. Civic and government facilities
 - c. Educational facilities
 - d. Financial institutions
 - e. Medical clinics
 - f. Medical, dental and other laboratories
 - g. Offices
 - h. Office supply stores
 - i. Real estate sales and rentals
5. Recreational, cultural, and entertainment uses of the following types:
- a. Art galleries and art studios
 - b. Athletic clubs
 - c. Conference centers
 - d. Health and fitness facilities
 - e. Libraries and galleries
 - f. Museums and cultural centers
 - g. Outdoor recreational uses
 - h. Parks
6. Retail goods establishments of the following types with 2,500 square feet or less of gross floor area:
- a. Antique shops
 - b. Bookstores, new and used
 - c. Camera shops
 - d. Candy stores
 - e. Clothing stores
 - f. Dry goods stores
 - g. Florists, gift shops, card shops, and stationery shops
 - h. Grocery stores
 - i. Music stores
 - j. Newsstands
 - k. Tobacco stores
 - l. Upholstering shops and fabric stores
 - m. Video stores
 - n. Watch and jewelry stores

7. Retail service establishments of the following types with 2,500 square feet or less of gross floor area:
 - a. Beauty and barbershops
 - b. Bicycle, moped, and street legal golf cart sales and rentals
 - c. Blueprinting shops
 - d. Dressmaking, tailoring, millinery, dry cleaning
 8. Public Utility Facility
- D. Conditional Uses. The following uses may also be permitted, subject to securing a conditional use permit as provided for in this ordinance:
1. Marine related uses of the following types:
 - a. Boat and marine engine repair shops
 - b. Boatels
 - c. Marine and sports equipment consignment stores
 2. Markets of the following types:
 - a. Crafts markets
 - b. Farmers' markets
 - c. Watermen's markets
 3. Recreational, cultural, and entertainment uses of the following types:
 - a. Assembly halls
 - b. Auditoriums
 - c. Commercial recreational uses
 - d. Entertainment establishments
 - e. Theaters
 4. Retail goods establishments of the following types with more than 2,500 square feet of gross floor area:
 - a. Antique shops
 - b. Bookstores, new and used
 - c. Camera shops
 - d. Candy stores
 - e. Clothing stores
 - f. Dry goods stores
 - g. Florists, gift shops, card shops, and stationery shops
 - h. Grocery stores
 - i. Music stores
 - j. Newsstands
 - k. Tobacco stores
 - l. Upholstering shops and fabric stores
 - m. Video stores
 - n. Watch and jewelry stores

5. Retail service establishments of the following types with more than 2,500 square feet of gross floor area:
 - a. Beauty and barbershops
 - b. Bicycle moped, and golf cart sales and rentals
 - c. Blueprinting shops
 - d. Dressmaking, tailoring, millinery, dry cleaning

 6. Single-family and multi-family dwellings provided the following requirements are met:
 - a. All dwelling units shall have direct access to the street level. Means of access may be shared with other dwelling units, but not commercial uses. Access through a commercial establishment on the first level is not permitted.
 - b. Dwelling units shall occupy no more than 50 percent of the first floor of any building.
 - c. The first floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance.

 7. Other miscellaneous uses of the following types:
 - a. Bed and breakfasts and tourist homes, provided the following requirements are met:
 - (1.) The owner and family must occupy the residence. The owner and his/her appointed agent is responsible for supervising guests.
 - (2.) The single-family dwelling appearance must be maintained.
 - (3.) Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.8.E.2 (Table of Parking Standards) using both on and off street parking areas.
 - (4.) A sign no larger than four square feet shall be permitted.
 - (5.) The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council.
 - (6.) The dwelling must meet all of the requirements of Section 3.9 C. 6.
 - b. Child care and child care education centers
 - c. Hotels and motels
 - d. Laundromats
 - e. Liquor and package stores
 - f. Off-site parking

 8. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which is determined to be compatible with the intent of the District.
- E. Lot and Height Requirements. Within the Harbor District, the following standards shall apply:
1. Minimum lot requirements
lot area 11,200 square feet

lot frontage 80 feet
lot depth 140 feet
block length.....all blocks in the Mainstreet Mixed Use Area 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 shall be maintained.

2. Height

- a. Measurement criteria. For the purpose of the Harbor District, height means the vertical distance measured from the crown of the nearest street to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. When the crown of the nearest street has an elevation greater than three feet above the adjacent ground elevation of the building, the adjacent ground elevation shall be used in place of the crown of the nearest street when measuring height. 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.
- b. Maximum permitted height. No building or structure shall exceed 40 feet in height in the Mainstreet Mixed Use Area. No building shall have the same continuous elevation for a distance of more than 80 linear feet. ~~Unless a conditional use permit is obtained.~~ Building heights greater than 40 feet and equal to or less than 55 feet may also be permitted in other parts of the Harbor District, subject to securing a conditional use permit as provided for in this ordinance. When reviewing a conditional use permit application for the height of a building in the Harbor District, the following criteria shall be met:
 - (1.) On each block, the average height of all buildings greater than 40 feet and equal to or less than 55 feet in height shall not exceed 45 feet. For the purpose of this section, a block is defined as the property fronting on one side of a right-of-way or waterway, and lying between two intersecting rights-of-way or otherwise limited by a waterway or other physical barrier of such nature as to interrupt the continuity of development.
 - (2.) The application shall adhere to policies established in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, the Comprehensive Plan, and other officially adopted plans of the Town.

3. Setback Regulations.

- a. Mason Avenue setback requirement. No building or structure shall be located within 8 feet of the Mason Avenue VDOT right-of-way.

- b. Waterfront setback requirement. No building or structure shall be located within 30 feet of the Cape Charles Harbor or within 30 feet of a Resource Protection Area [not part of an Intensely Developed Area \(IDA\)](#). This requirement shall not preclude any other applicable regulations, including but not limited to those associated Chesapeake Bay Preservation Areas. The following shall be exempt from the waterfront setback requirement when permitted by all other applicable regulations:
 - (1.) Water-dependent facilities as defined by Zoning Ordinance Section 7.3.
 - (2.) Walkways, promenades, decks, gazebos, permitted signs, and similar structures intended to accommodate or provide amenities for pedestrians.

- F. Required open space. Open space shall be provided equivalent to 25 percent of lot area. For the purpose of this section, the term open space shall be construed to consist of open space amenities and spacing between buildings. Open space amenities include plazas, esplanades, landscaped areas, walkways, public recreational facilities, and the like designed and maintained for use by pedestrians and open to the public. Such open space amenities shall not be open to vehicular uses except for public safety purposes, and shall be directly accessible from street level. Where feasible, open space shall be designed to serve as part of a coordinated pedestrian circulation system.

- G. Utilities. All utilities shall be installed underground.

- H. Harbor Development Certificate required. No zoning clearance shall be issued for location, construction, or enlargement of any building or structure within the Harbor District until a Harbor Development Certificate has been issued. Submission of a Harbor Development Certificate Application and approval by the Town Council shall be required to obtain a Harbor Development Certificate.

- 1. Content of Harbor Development Certificate Application. The Harbor Development Certificate Application shall consist of the General Application and the Detailed Application.
 - a. General Application. The General Application shall include the following items:
 - (1.) An application on forms provided by the Zoning Administrator.
 - (2.) A fee established by the Town Council.
 - (3.) A letter of application stating in general terms the proposed use of the property, the effect of the changes on the surrounding area, and the reason for the request.
 - (4.) A plot plan in accordance with the Site Plan Ordinance.

 - b. Detailed Application. The contents of the Detailed Application may be delineated on the plot plan required for the General Application, or

provided in separate maps, elevations, or written document as appropriate. The Detailed Application shall indicate the following:

- (1.) Location, amount, character and continuity of open space.
- (2.) A delineation of those general areas that have scenic assets or natural features deserving protection and preservation, including elevations demonstrating protection of views from existing streets, and a statement of how such will be accomplished.
- (3.) Convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets.
- (4.) Separation of pedestrian and vehicular traffic.
- (5.) Landscape plans delineating dimensions and distances and the location, type, size, and description of all existing and proposed plant materials.
- (6.) Location and dimensions of on-site signage.
- (7.) Conceptual renderings of building exteriors.
- (8.) Such other matters as are appropriate to determinations in the specific case. Other information may be requested by the Zoning Administrator, the Harbor Area Review Board, or Town Council.

2. Review procedure.

- a. Pre-application meeting. Prior to application submission, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a pre-application meeting. The purpose of the meeting shall be to discuss the general goals of the project and application procedures.
- b. General Application. Following the pre-application meeting, the applicant shall submit a General Application. The contents of the General Application are detailed in Section 3.9 G. 1. a.
- c. Post-application meeting. Within 30 days of receipt of the complete General Application, the Zoning Administrator and the Harbor Area Review Board shall meet in a post-application meeting. The purpose of the meeting shall be to discuss the content of the General Application and to formulate recommendations for the applicant.
- d. First review meeting. Within 30 days of the post application meeting, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a first review meeting. The purpose of the meeting shall be to provide the applicant with the Harbor Area Review Board's recommendations and to provide notice to proceed with the Detailed Application.
- e. Town Council summary. Following the first review meeting, the Harbor Area Review Board will present the Town Council with the General Application and a general description of discussion held at the first review meeting. The Town Council summary will be provided at a Town Council

- regular session or a Town Council work session for informational purposes.
- f. Detailed Application. Following the first review meeting, the applicant shall submit a Detailed Application. The contents of the Detailed Application are provided in Section 3.9 G. 1. b.
 - g. Zoning Administrator action. Following the Zoning Administrator's receipt of the Detailed Application and his determination that it is complete pursuant to Section 3.9 G. 1. b, the Zoning Administrator shall prepare a thorough review and analysis of the Harbor Development Certificate Application and a written staff report. The Zoning Administrator's written report shall be forwarded to the Harbor Area Review Board within 45 days of receipt of the Detailed Application.
 - h. Second review meeting. After receipt of the Detailed Application, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a second review meeting. The purpose of the meeting shall be to review the Harbor Development Certificate Application, consisting of the General Application and the Detailed Application, and provide the applicant with any necessary recommendations. Follow up meetings may be scheduled to further review the application or to review modifications to the application.
 - i. Harbor Area Review Board action. After the second review meeting, the Harbor Area Review Board shall forward its recommendation to approve, deny, or approve subject to modification, to the Town Council along with written findings of fact supporting its recommendation.
 - j. Town Council action. After receipt of the Harbor Area Review Board's recommendations and findings, the Town Council shall decide to approve, deny, or approve subject to modification.
 - k. Concurrent review permitted. Other development applications, including application for any necessary Certificate of Appropriateness, may be submitted concurrently with an application for a Harbor Development Certificate.
3. Criteria for review. In reviewing the Harbor Development Certificate Application, the Zoning Administrator, the Harbor Area Review Board, and the Town Council shall consider the following criteria:
- a. Use characteristics of the proposed development.
 - b. Preservation of historic structures; preservation of significant features of existing buildings when such buildings are to be renovated; relation to nearby historic structures or districts including a need for height limits.
 - c. Location and adequacy of off-street parking and loading provisions, including the desirability of bicycle parking.

- d. Vehicular circulation within the development and its relation to other existing and proposed transportation facilities.
 - e. Inclusion of alleys to enhance vehicular transportation within the development.
 - f. Provision of concealed commercial loading and unloading areas adjacent to alleys to prevent loading, unloading, and trash collection along public rights of way.
 - g. Traffic generation characteristics of the proposed development in relation to street capacity.
 - h. Provision of open space to meet the requirements of the district; the location, design, landscaping and other significant characteristics of this public open space, and its relation to existing and planned public and private open space.
 - i. Multi-modal transportation facilities within the proposed development and their relation to public open space and pedestrian circulation patterns.
 - j. Architectural relationships, both formal and functional, of the proposed development to surrounding buildings, including building siting, massing, proportion, and scale.
 - k. Use of architectural details, storefront design, window openings, roof shapes, porches, and columns to balance the proportions of facades into pleasant and cohesive compositions.
 - l. Microclimate effects of proposed development, including effects on wind velocities, sun reflectance, and sun access to streets and/or existing buildings and/or public open space.
 - m. Protection of significant views and view corridors, particularly views of the Cape Charles Harbor from existing road intersections.
 - n. Relationship of on-site lighting and landscaping to other surrounding lighting and landscaping designs both public and private.
 - o. Relationship of on-site signage to architectural elements of the proposed development and relationships to nearby development.
 - p. Adherence to policies included in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, the Comprehensive Plan, and other officially adopted plans of the Town.
 - q. Adherence to the intent and requirements of the Harbor District.
4. Other requirements. Issuance of a Harbor Development Certificate shall not exempt a property owner from obtaining other necessary zoning clearances and building permits as required.

I. Exemption.

Railroad activities in this district are subject to federal preemption to the extent that the activities are an integral part of the railroad's interstate operations. 49 U.S.C. 10501 (b). Therefore, "state and local permitting or pre-clearance requirements [such as building permits, zoning clearances, and site plan requirements] which, by their nature, interfere with interstate commerce by giving the [Town of Cape Charles] the ability to delay or deny the [railroad's] right to construct facilities or conduct operations are preempted." Borough of

Riverdale v. New York Susquehanna & Western Railway Corporation, Surface Transportation Board, Docket No. FD 33466 0, September 9, 1999.

However, environmental and other public health and safety issues and “activities and facilities not integrally related to the provision of rail service are not subject to [Surface Transportation Board] jurisdiction or subject to federal preemption.” Id. Also, “interstate railroads ... are not exempt from certain local fire, health, safety and construction regulations and inspections.” Id.

4810-4397-4933, v. 1

Planning Commission Staff Report

From: Rob Testerman
Date: September 4, 2013
Item: 5b – Sign Ordinance
Attachments: Proposed draft ordinance update

Background

The sign ordinance was last reviewed at the August 6, 2013 Planning Commission meeting.

Item Specifics

Modifications that were proposed at the August 6, 2013 meeting have been made to the draft sign regulation ordinance, and are attached for your review.

Commissioners should review the draft modifications, and identify any additional concerns. Consequences of sign violations also needs to be added to Section 4.1(L) Violations of Signs. Section 4.1(D)7 Maintenance, Repair and Removal touches on this. It calls for the zoning administrator to issue a letter, giving the owner of the sign 10 days to bring the sign into compliance, or remove it. If the owner does not respond, the zoning administrator may remove the sign at the owners expense after 10 days. We can simply put the same provision in Section L, to avoid any confusion. We may also want to add in section L, as previously discussed that after removal, the Town would hold the sign for 30 days before disposing of it, giving the owner a chance to reclaim the sign.

Other items in need of addressing include:

1. Page 13, F(7) – Draft notes state that we need to define “static” displays
2. Page 15, need to discuss spacing for signs in the Mason Avenue area
3. Page 16, H(1)a – We need to add “Auction Signs” in the section on Real Estate Signs, may also need to define auction signs

It was also mentioned at the August 6 meeting that it might be a good idea to invite the business owners to a meeting to discuss the new sign ordinance prior to taking the ordinance to public hearing. If we would like to follow through with this, we could invite them to the next meeting for discussion and unless major changes result from that discussion, schedule the public hearing.

Recommendations

Review and discuss the attached materials. If the Commission is satisfied with the draft modifications, staff can then send it off for legal review, in order to schedule a public hearing.

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."

Size added
7/9/13.

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.

Need to
compare to
existing.
8/2/11

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.

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.
Definition
added
8/6/2013.

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. 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).

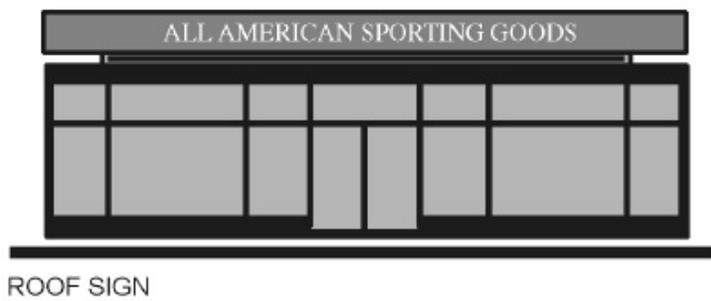
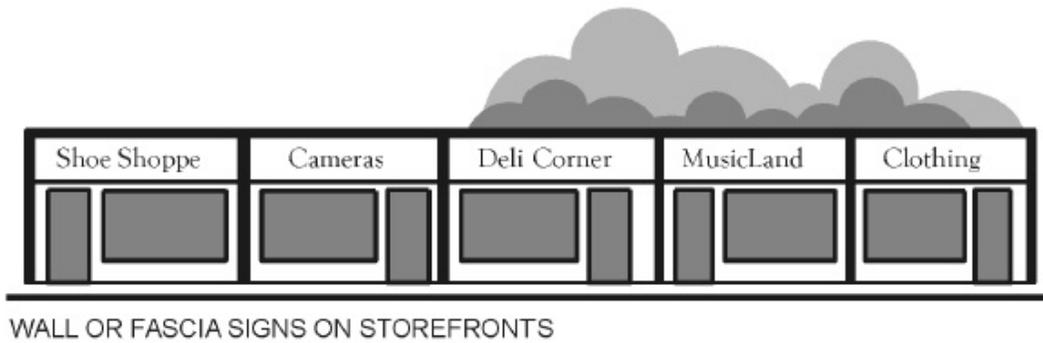
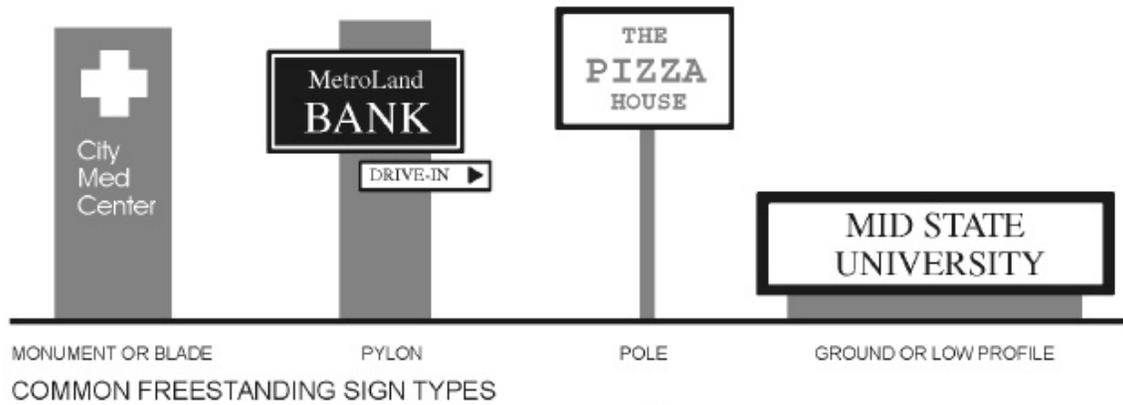


FIGURE C.1(1) GENERAL SIGN TYPES

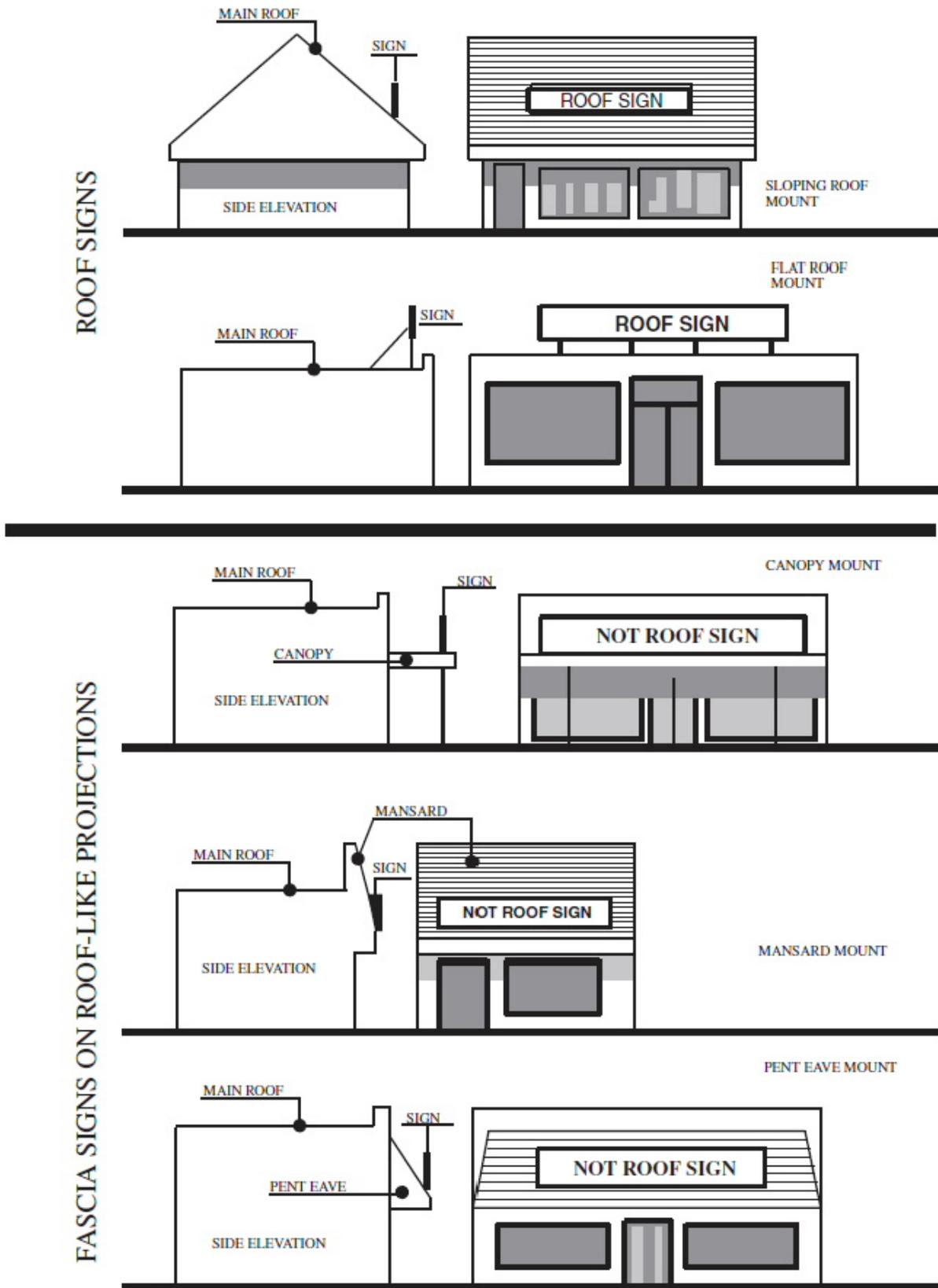
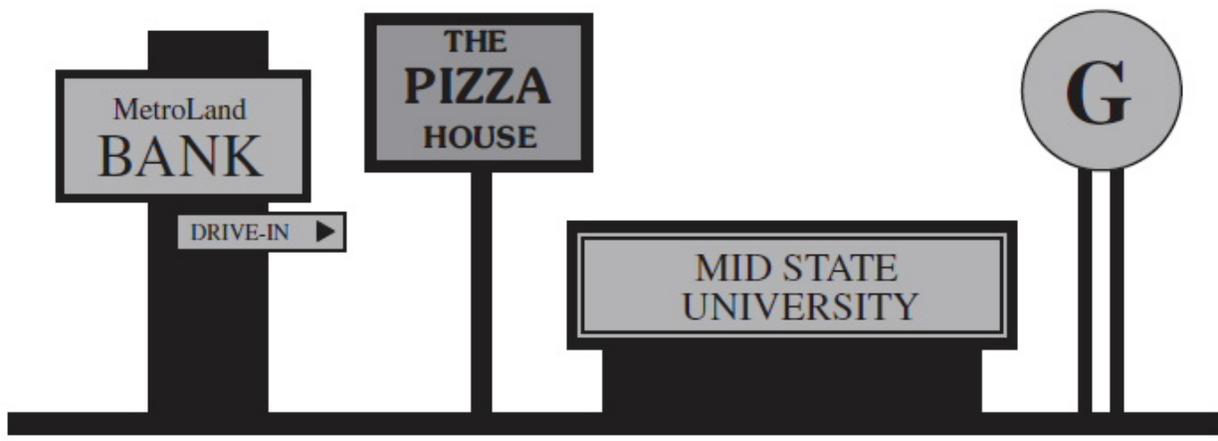
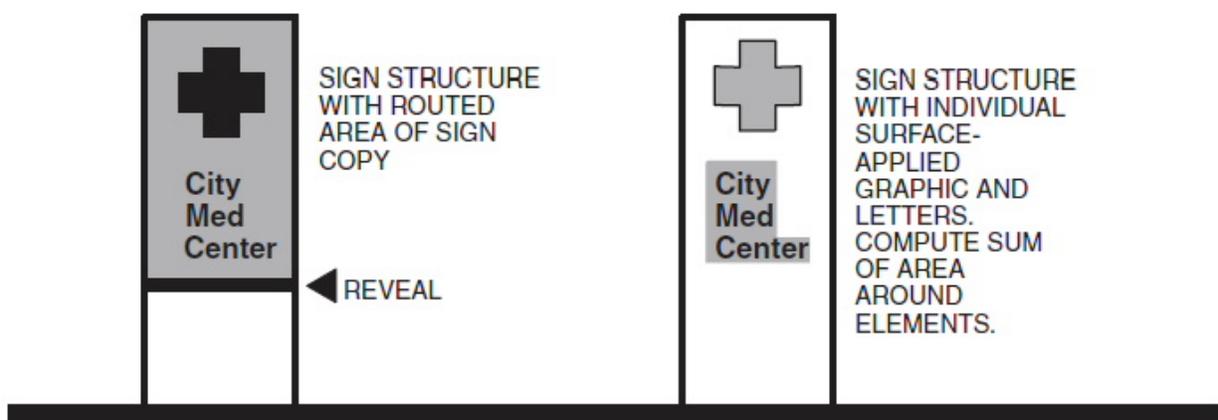


FIGURE C.1(2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS

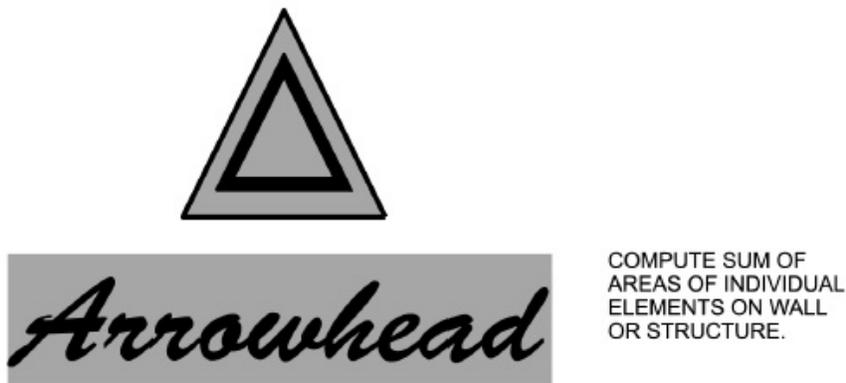


SIGN STRUCTURES



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 m²) 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.
9. Political signs during the election season. All requirements shown in § H.2.f must be followed.

Added #8
2/26/2013

Added #9
8/6/2013

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.~~ Permit must be made available upon request.

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.~~

Revised
8/6/2013

Revised
8/6/2013

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

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

Revised 8/6/2013

For SI: 1 square foot = 0.0929 m².

- 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^{a,b,c}

LAND USE	NUMBER OF SIGNS	MAXIMUM HEIGHT (feet)	AREA (square feet)	SPACING
Single-family residential Residential Subdivision	1	6'	12 Sq Ft	1 per subdivision entrance ^a
Multiple-family residential	1	6'	12 Sq Ft	1 per driveway ^a
Commercial and industrial	1	6'	64 Sq Ft	150 ^b

Category chg'd 7/9/13.

Sizes added 8/6/2013.

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

Deleted 8/6/2013. Conflict w/table.

~~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.

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

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.

- 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.

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

(6) Real estate auction signs advertising the sale of residential, commercial or *industrial* property shall be no greater than 32 Sq Ft, and may be displayed for you 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:

Back to original language & changed to 7 days. 8/6/2013.

Added size 8/6/2013.

- (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 7** days prior to the event or grand opening, 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]~~ **limited to 4** square feet in any multiple-family residential district and ~~[JURISDICTION TO INSERT NUMBER]~~ **square feet** in any commercial or *industrial* district.

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

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

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

(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

Deleted dimensions
& added 1 sign
limitation 7/9/13

- 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.

Added size & 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.

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 m²) 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: September 4, 2013
Item: 6a – Route 13 Business Discussion
Attachments: none

Background

This discussion is a follow up to our August 19 joint meeting with the Northampton Co. Planning Commission. As a first step, the Commission should think about types of businesses that they feel would be appropriate as well as those that would be inappropriate along Rt. 13 near the intersection with Route 184.

Item Specifics

The Commission has been requested to compile a list of types of businesses that they feel could be detrimental to businesses here in town, as well as types of businesses that could be complimentary to those in town. After these lists of have been compiled, staff will submit them to the Northampton County Planning Commission for their consideration while updating their Comprehensive Plan and Zoning Ordinances.

After completing the lists, the next step for the Town Planning Commission will be to resume discussion and review of the draft overlay district that was last discussed in 2010. Please familiarize yourselves with the draft ordinance that was included in the packet for the August 19 meeting, as we will resume discussion at our October meeting.

Recommendations

Discuss and develop the lists mentioned above to be submitted to the County upon completion.