

ARTICLE IV

General Regulations Applicable to All Districts

Section 4.0 Home-Based Occupation

A. Statement of Intent

The purpose of this section is to allow home-based occupations in all districts that allow residential dwellings provided that the home-based occupation meets the requirements in 4.0.B below.

B. HOME OCCUPATION: The conduct of a business in a residence or on its premises is permitted providing the following characteristics are followed:

1. Is the home-based occupation business clearly incidental and subordinate to the residential use of the dwelling (YES)?
2. Is any change required to the exterior of the dwelling (NO)?
3. Will there be any storage of goods, products, equipment, solid waste or other similar items stored outside the house to a greater extent than that associated with normal neighborhood characteristics (NO)?
4. If any accessory building on the property used for the home-based occupation, do they meet the requirement of the zone (YES)?
5. Will the home-based occupation create noise, dust, vibration, smoke, smell, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent that would normally be expected in the immediately adjacent neighborhood if no home-based business existed (NO)?
6. Will the pedestrian and commercial delivery traffic generated by the home-based occupation be greater than normal traffic in the neighborhood (NO)?
7. Will any excessive parking requirements be met using off street parking (YES)?
8. If the home-based occupation meets the above requirements and the Home-Based Occupation Affidavit is signed, zoning clearance may be granted. If the home-based occupation does not meet the above requirements, a conditional use permit will be required.
9. Nothing herein precludes compliance with any Federal, State, or Local regulatory agency requirements.

C. The following are specifically excluded:

1. Family care homes, group homes except as allowed under § 15.2-2291 of the Code of Virginia, nursing homes, convalescent homes, elderly care facilities.
2. Auto repair shops.
3. Kennels.
4. Any activity that includes the use of weapons, ammunition, explosives, chemicals, fireworks, or other hazardous materials.
5. Butchers.
6. Sexually oriented business including adult media, products, or activity.
7. Illegal drugs and equipment used for these drugs.
8. Funeral parlors

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

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT COMPLEX SIGN. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned *industrial* park, which is controlled by a single owner or landlord, approved in accordance with Section I.2 of this chapter.

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

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

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

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

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See "Wall or fascia sign."

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

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

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 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.

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 simple geometric measure of the sign material substrate.

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.

C. General

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

Figures depicted beginning on next page.

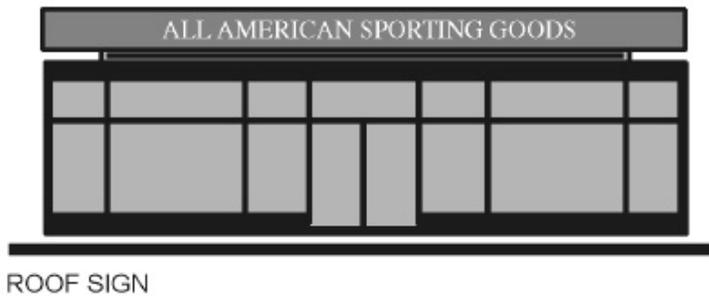
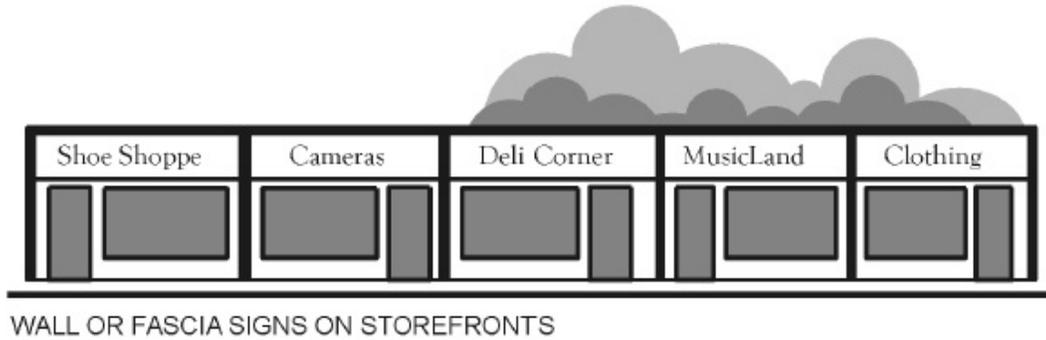
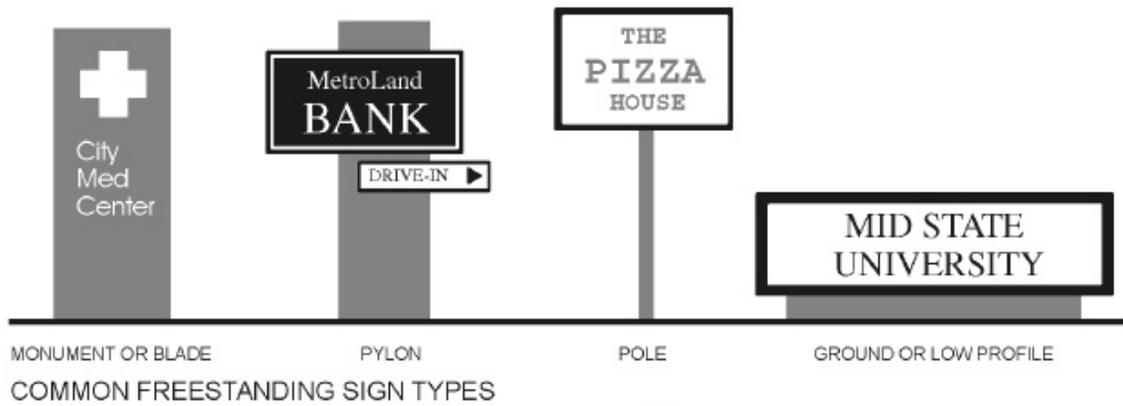


FIGURE C.1(1) GENERAL SIGN TYPES

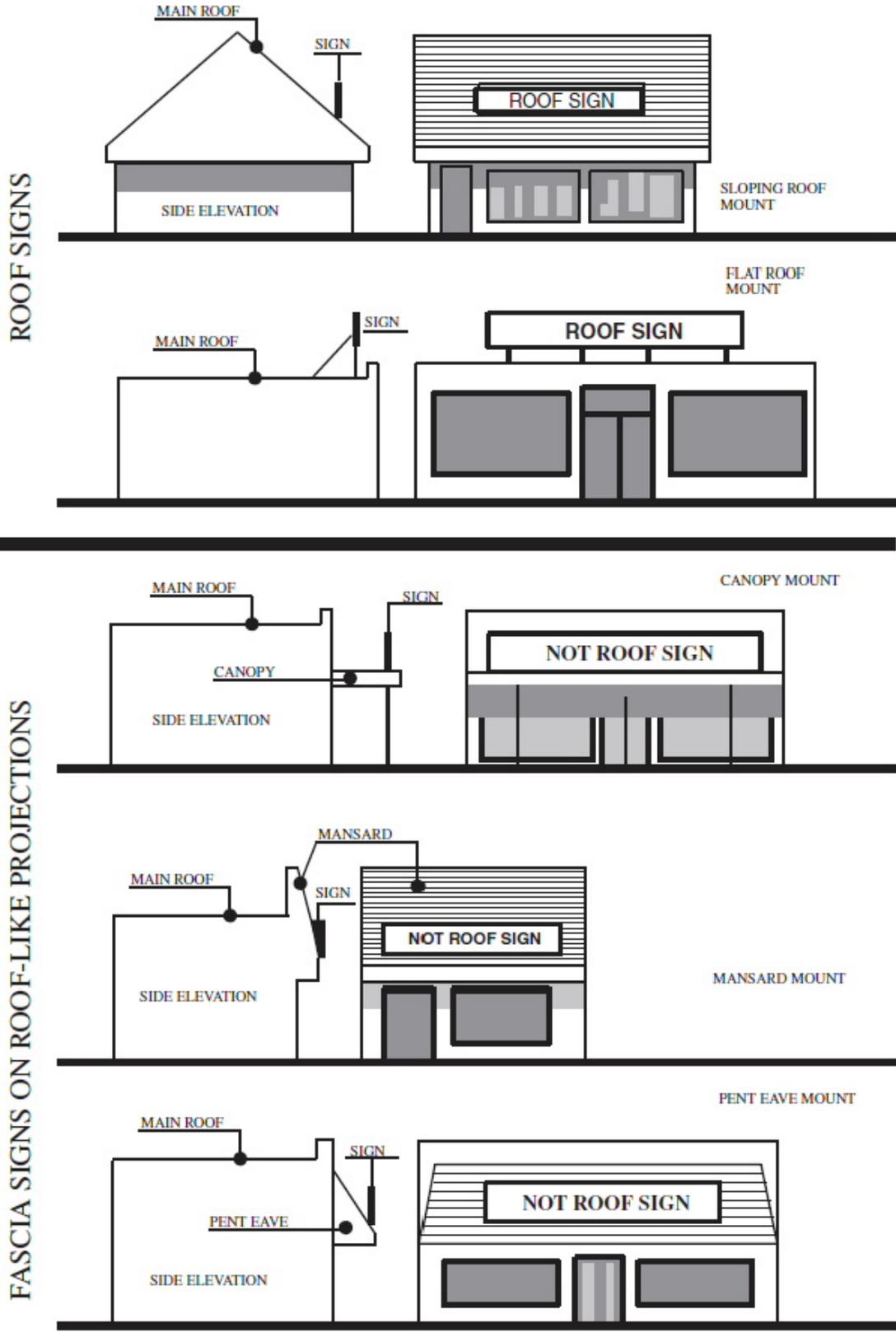


FIGURE C.1(2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS

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 Zoning Administrator 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 are not permitted in any areas of the Town.
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. The Town will store the sign for 30 days to give the owner an opportunity to reclaim the sign. The sign will be destroyed if unclaimed after 30 days. If ownership of the sign cannot be determined, the sign shall be removed and destroyed after 30 days if unclaimed.

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 10 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 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:
 - 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 but 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 which do not exceed 4 square feet 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.

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. All 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:
 - a. The primary purpose of such a vehicle or trailer is not the display of signs.
 - b. 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.
 - c. 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.

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. 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 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.

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

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

For SI: 1 square foot = 0.0929 m².

- a. 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
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	<u>1</u>	6'	64 Sq Ft	150 ^b
Mason Avenue Commercial	1 per store front	6'	12 Sq Ft	1 per store front

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

- a. 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.
- b. 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, including Open House Signs, located on a single residential lot shall be limited to one sign, not greater than 4 square feet in area.
- (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.
- (6) Real estate auction signs advertising the sale of residential, commercial or *industrial* property shall be no greater than 32 square feet, and may be displayed for up to 30 days.

b. Development and construction signs

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

- (1) Such signs on a single residential lot shall be limited to one sign, not greater than 6 feet in height and 4 square feet in area.
- (2) Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than 6 feet in height and 32 square feet in area.
- (3) Such signs for 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.
- (4) 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:
 - (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 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 number of all such signs shall not exceed 5 in any single-family residential district, limited to 4 square feet in any multiple-family residential district and in any commercial or *industrial* district.
 - d. Political signs
Political signs shall be permitted in all zoning districts, subject to the following limitations:
 - (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.
 - e. Other Temporary Signs
This category includes temporary signs that do not conform to any of the other categories listed above.
 - (1) Such signs on a single residential lot 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 Zoning Administrator.
 - (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.
- g. Menu boards
 Menu board signs shall not be permitted to exceed 10 square feet and are limited to one sign per business.
- 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 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.
 4. 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
 - 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

The Zoning Administrator shall have the authority to determine violations of this preceding section and notify the owner of such violation in writing. In addition to penalties described in Section 2.4.3, if it is determined that a sign is 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. The Town will store the sign for 30 days to give the owner an opportunity to reclaim the sign. The sign will be destroyed if unclaimed after 30 days. If ownership of the sign cannot be determined, the sign shall be removed and destroyed after 30 days if unclaimed. For repeat offenses, the Zoning Administrator is authorized to immediately remove any unlawfully placed sign.

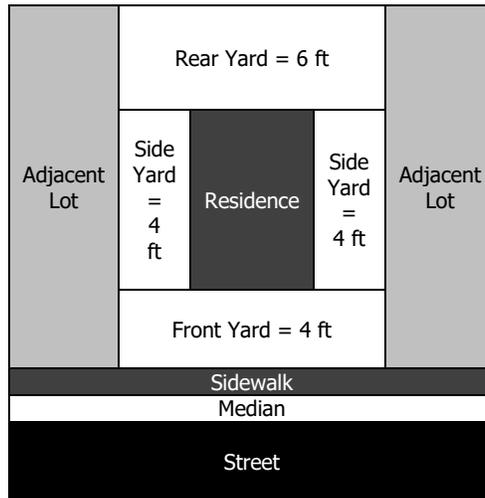
Section 4.2 Exceptions to the Regulations

- A. Gasoline Pumps. Gasoline pumps shall be setback a minimum of 15 feet from the property line.
- B. Trailer Parking
 - 1. Storage of travel or recreational trailers in an enclosed accessory building is permitted in any district provided that no living quarters are maintained within the trailer.
 - 2. Travel and recreational trailers shall be parked to the rear of the front line of the main building in a residential district.
 - 3. Construction trailers are permitted on the construction site for the duration of the construction project.
- C. Structures Permitted Above Height Limitations. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, and similar equipment required to operate and maintain the building, fireproof, or parapet walls, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, cupolas, or similar structures may be erected above the height limit specified in the district in which the property is located, but no penthouses or roof shall be allowed for the purpose of providing additional floor space.
- D. Vision Clearance at Intersections. At any corner lot there shall be no planting, structure, fence, retaining wall, shrubbery, or obstruction to vision more than three feet higher than the curb level within the triangle formed by the street right-of-way lines and a line connecting such street lines 25 feet from their intersections.
- E. Accessory Buildings. The following restrictions shall apply to accessory buildings located in residential districts.
 - 1. The accessory building shall not be located in a front or side yard.
 - 2. The accessory building shall not be closer than five feet (5') to any alley line.
 - 3. The accessory building shall not be closer than two feet (2') to any side or rear lot line.

4. The accessory building shall not be closer than fifteen feet (15') from the main building.
 5. A two-story building shall not be located any closer than five feet (5') to any lot line.
 6. The sum of the footprint square footage (SF) of all buildings on the lot shall be less than 50% of the total lot SF.
 7. Where total lot frontage on one (1) or more lots owned by the same party is less than eighty feet (80'), the sum of the footprint of all accessory buildings shall be less than the footprint of the primary residence or 550 SF whichever is lesser.
 8. Where total lot frontage of one (1) or more lots owned by the same party is greater than or equal to eighty feet (80'), the sum of the footprint of all accessory buildings shall be less than the footprint of the primary residence or 660 SF, whichever is lesser.
 9. Where the main structure possesses no more than one story above grade, no accessory structure shall be higher than the main structure.
 10. Where the main structure possesses more than one story above grade, no accessory structure shall be higher than two-thirds the height of the main structure or twenty-four feet (24'), whichever is lesser.
 11. Temporary Family Health Care Structures are only allowed per § 15.2-2292.1 of the Code of Virginia.
 12. The total footprint area of all accessory building lot coverage shall not exceed seven (7) percent and no one accessory building shall have an area greater than twelve-hundred (1,200) square feet in the Residential Estate District.
 13. Non-conforming lots smaller than fifty-six hundred (5,600) square feet in the R-1 District the total footprint area of all accessory building lot coverage shall not exceed ten (10) percent.
- F. Projections Allowed in Required Setbacks. No building or structure, or addition thereto, shall extend into a required setback area or yard area, except chimneys, heating and cooling equipment, structures less than sixteen (16) inches in height as measured from finished ground elevations, and steps may extend into such setback or yard area other than front yard setback. The following unenclosed uses may extend no more than four feet, but not nearer than five feet to any property line: balconies, eaves, trims, fascia boards, and similar architectural features, platforms, and terraces. In Commercial District C-1, no building or structure, or addition thereto, shall extend into the required front setback area or yard area except for the following: above street floor level balconies, porches, and terraces may extend therein. Support members for these structures may extend to the ground as required by the building and maintenance code. No part of any foundation for these support members shall extend above the ground or grade level. The following unenclosed structures located above the first floor level may extend to the front lot line: porches, balconies, terraces.

G. Fences and Walls. The setback and yard requirements of this ordinance shall not deem to prohibit any otherwise lawful fence or wall. A fence or wall must be two feet from any sidewalk, alley, or public right of way.

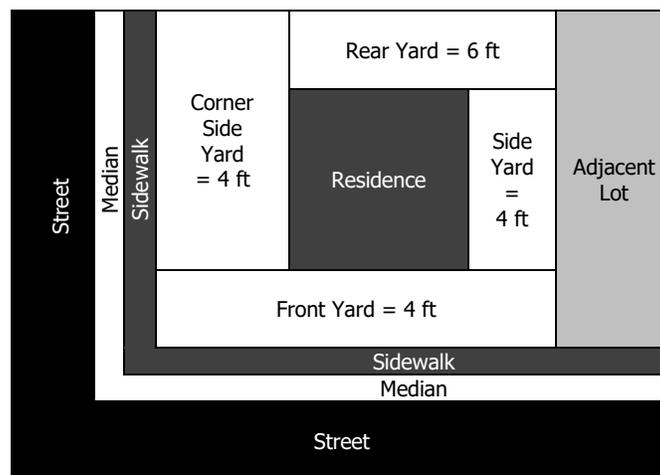
1. In residential areas, fences and walls may be no closer than one inch from adjacent property boundaries (unless adjacent property owners agree to jointly construct the fence on the property line) and may be erected to a height as follows:



Maximum fence heights for interior lots
 Rear Yard – Not to exceed 6 feet
 Side Yard – Not to exceed 4 feet
 Front yard – Not to exceed 4 feet

- a. Exception. No fence or wall in a corner side yard shall exceed four feet in height. On corner lots, fences and walls may be erected to a height as follows:

Corner Lot



Maximum fence heights for corner lots
 Rear Yard – Not to exceed 6 feet
 Side Yard – Not to exceed 4 feet
 Corner Side Yard – Not to exceed 4 feet
 Front yard – Not to exceed 4 feet

2. Materials. Fences and walls must be constructed of appropriate materials. Materials, both traditional and contemporary (e.g. wood, wrought and cast iron, vinyl, tubular metal), may be used in traditional styles. Certain materials such as razor, barbed, or similar wire are not permitted in residential areas.

Chain link fencing is acceptable in rear yards not facing a public street. Open mesh fencing that existed as of the effective date of this section of the Zoning Ordinance may be maintained; any new fencing must meet the requirements of this ordinance.

- a. All fencing must be constructed with finished side facing the exterior of the property or neighbor (facing out) unless otherwise agreed upon by the adjacent property owner.

3. Commercial and Industrial Fences. Fences in commercial and industrial zones are permitted if they comply with residential fencing requirements in Section 4.2 G 1 and 2. In commercial and industrial zones, the conditional use permit process shall be used for any non-conforming fences. Applicants shall demonstrate that the proposed fencing is consistent with the nature of and the security requirements of the business.

H. Wetlands and Water Areas Excluded From Lot Areas. In calculating the area of any lot for the purpose of compliance with the minimum lot area requirements of the district regulations, wetlands, and areas outboard of the shoreline shall be excluded.

I. Utility Lines Underground. All new utility lines such as electric, telephone, CATV, or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within a project. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.

J. Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3, and subject to the following:

1. Physical characteristics.

- a. Accessory dwellings shall be located in an accessory building.
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.
- c. Accessory dwellings shall have one kitchen and one bathroom.
- d. Accessory buildings and shall not have the appearance of a single-family dwelling.

2. Occupancy characteristics.

- a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape

Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.

- b. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.
3. Other requirements.
 - a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
 - b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
 - c. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6. (Table of Parking Standards) using both on and off-street parking areas.
 - d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

Section 4.3 Conditional Use Permits

- A. Statement of Intent. The purpose of this section is to recognize certain uses which, by nature, can have a potentially unfavorable impact on or be incompatible with other uses of land within a given zoning district. These uses, as described, may be permitted within given designated districts under controls, limitations, and regulations of a conditional use permit. It shall be the duty of the Town Council under the provisions of this ordinance to evaluate the impact and the compatibility of each use and to stipulate such conditions and restrictions including those specifically contained herein as will assure the use being compatible with the neighborhood in which it is located, both in terms of existing land uses and conditions and in terms of development proposed or permitted by right in the area or, where that cannot be accomplished, to deny the use as not being in accordance with the adopted comprehensive plan or as being incompatible with the surrounding neighborhood.
- B. Conditions for Issuance. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provision of this ordinance in the specific districts provided that the Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:
 1. Adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood.
 2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
 3. Be in conflict with the purpose of the comprehensive plan of the town.

In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

- C. Procedures. Written application for a conditional use permit may be made by any property owner, tenant, department, board, or bureau of any government agency. The application shall be filed with the Zoning Administrator on forms provided by the town. The application shall be accompanied by a fee established by separate ordinance by the Town Council to defray cost of advertising and processing the application. A site plan in accordance with the site plan ordinance shall be submitted with each application. A list of additional required permits shall be submitted with the application and shall be submitted to the Planning Commission with the application, and the Zoning Administrator may add any additional required permits. Changes to the additional permit list may be made by mutual consent of the applicant and the commission. No changes shall be made to the list after the Planning Commission recommendations to Town Council. Conditional use permits shall include a disclosure statement, signed by the applicant and notarized, of the equitable ownership of the real estate affected, which shall list the names and addresses of all the adjacent property owners and interested parties, including applicant, owners, contractors, purchasers, and lessees of the land described in the application, all partners, both general and limited, and partnerships, stockholders, officers, and directors. The applicant shall keep this information current at all times during the processing of the application. The procedures for approval of a conditional use permit shall be the same as those prescribed for zoning changes as set forth in this ordinance.
1. Action by the Zoning Administrator. The Zoning Administrator shall study the application and determine whether the proposed conditional use conforms to the general purpose and intent of the comprehensive plan, any applicable regulations that have been adopted, and the requirements of this ordinance. Upon completion of such review, if the administrator shall determine that any proposal in the application does not meet the requirements of this ordinance, he/she shall reject the application and return it to the applicant. If the applicant does meet the requirements of this ordinance, the administrator shall transmit all the findings and recommendations to the Planning Commission. However, nothing herein shall prohibit the administrator from accepting a conditional use permit application if failure to meet applicable requirements is due solely to area or dimension insufficiency of the lot upon which it is proposed. Any appeal of the Zoning Administrator may be made directly to the town manager.
 2. Action by the Planning Commission. After receiving the report of the administrator with all pertinent materials, the Planning Commission shall give notice of and hold a public hearing. Within 45 days after the hearing, the Commission shall submit its recommendations to the Town Council through the Zoning Administrator. Upon mutual agreement between the Commission and the applicant, such time may be extended.
 3. Action by the Town Council. After receiving the recommendations of the Zoning Administrator and the Planning Commission, the Town Council shall hold a public hearing and act upon the proposed conditional use permit, granting the applicant in whole or in part, with or without modifications, or denying the proposed application. In addition to the general or specific requirements set forth in the ordinance concerning the proposed use, which shall be considered minimum requirements with respect to the permit, additional requirements, conditions, and safeguards may be added by the Town Council as required for the protection of the public interest in the specific case.

- D. Approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. Applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If Applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective as of this date, thirty (30) days after the Town Council approval, unless the Town Council allows for additional time for such application or applications.
1. Staff shall notify Town Council of the date that all additional permits have been approved which date shall be the commencement date for the one (1) year Conditional Use Permit
 2. Staff shall notify Town Council of the status of the project at a regular meeting prior to the expiration of the one (1) year Conditional Use Permit.
- If not acted upon within one (1) year, the conditional use permit shall become null and void, unless an extension of time is approved by the Town Council for good cause shown before the expiration of the Conditional Use Permit. Town Council may make additional one-year extensions for good cause. To be considered acted upon one (1) or more of the following is required:
1. The procurement of a Cape Charles Building Permit
 2. Payment of Water and Wastewater Connection and Facility Fees
 3. Completed Plans stamped by a Virginia Licensed Professional
- E. No application for a use permit for the same conditional use on a lot, parcel, or tract shall be considered by the Town Council within a one-year period from its last consideration. The provisions, however, shall not impair the right of the Town Council to propose a use permit on its own motion if it finds that there is public benefit to be gained.
- F. Revocation of a Conditional Use. If the provisions of this ordinance or the requirements of the conditional use permit are not met, then the Town Council may revoke the conditional use permit provided that ten days' written notice is given to the applicant.

Section 4.4 Landscaping and Screening Regulations

- A. Statement of Intent. The intent of this section is to protect water quality by minimizing erosion and sedimentation, enhancing the infiltration of storm water runoff, and maximizing nutrient uptake. The intent of this section is also to preserve and enhance the aesthetics of the Town, to reduce the negative impact such as noise and glare of uses and structures which are in close proximity to each other and generally regarded as incompatible, to promote attractive landscaping in commercial and industrial districts of the Town.

A comprehensive plan for each individual lot or parcel is essential for the visual enhancement of the Town and to protect and promote the appearance, character, and economic values of neighborhoods. The purpose and intent of such landscaping requirements are to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety. Landscaping will provide transition and buffers between neighboring properties.

B. General Requirements

1. Landscaping shall be required in all commercial and industrial districts.
 - a. The owner or his agent shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required by the provisions of this Article.
 - b. All plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris at all times. All unhealthy, dying, or dead plant materials shall be replaced during the next planting season.
2. Commercial and industrial district uses that abut residential zones shall provide a landscape buffer or screened area between districts.
3. All parking lots shall be screened and landscaped from adjoining properties or every other use and zoning district.
4. Land disturbance shall be limited to the area necessary to provide for the desired use or development.
 - a. Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Zoning Administrator.
5. Indigenous vegetation shall be preserved to the maximum extent possible with the use and the development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook and the Chesapeake Bay Act.
 - a. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities as approved by the Zoning Administrator.
 - b. Prior to clearing or grading, suitable protective barriers such as safety fencing shall be erected five feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
 - c. Trees may be pruned or removed as necessary to provide sight lines and vistas provided that, where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint pollution from runoff. Preservation of existing trees is encouraged to provide continuity, improved buffering ability, pleasing scale, and image.
 - d. Any path shall be constructed and surfaced so as to effectively control erosion.
6. Any land-disturbing activity exceeding 2,500 square feet, including construction of single-family homes, shall comply with the requirements of the Erosion and Sediment Control Regulations.
7. The comprehensive plan for each parcel shall include the requirement to retain the 100 foot Resource Protection Area (RPA) and associated buffer area.

C. Commercial and Industrial Requirements

1. Required open spaces shall be landscaped in accordance with a landscape plan to be submitted with the site plan and approved by the Zoning Administrator.

2. Screening shall be provided along the common side and rear lot lines of every commercial and industrial district that abuts a residential use or zone. Such screening shall include either fencing or shrubs and trees that provide a six feet in height barrier to visual observation. Screening shall be shown on the landscape plan submitted.
 3. Parking lots. There shall be a landscaped open space within the perimeter of the parking areas in the minimum amount of two square feet per parking space. At least one tree shall be planted for each forty square feet of landscaped area.
- D. Multi-Family Developments and Mobile Home Parks
1. Screening may be required for multi-family developments and mobile home parks that abut single-family districts or uses.
 2. Parking areas may require landscaping and screening in multi-family and mobile home parks. Where required, other provisions of this ordinance shall apply.
- E. Exterior Lighting
1. All exterior lighting shall be arranged and installed so that the direct or reflected illumination does not exceed (0.5) foot candles above the background measured at the lot line of any adjoining parcel.
 2. Lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining parcel.
 4. All lighting shall comply with Dark Sky standards.

Section 4.5 Off-Street Parking and Loading Standards. [updated 2/6/2020]

A. General requirements.

1. It is the intent of this zoning ordinance that all buildings, structures, and uses of land shall provide off-street vehicular and bicycle parking in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are readily useable for such purposes.
2. Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When a change is proposed to a building that is nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.
3. No addition, renovation, or change of use to an existing building shall be constructed or established which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.
4. The parking lot shall not be modified, enlarged, relocated, or expanded in a manner that violates any portion of this zoning ordinance.
5. No non-single-family detached residential parking area may be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicles or equipment,

unless such use is permitted by the zoning district in which the area is located. Any repairs deemed an emergency by the Zoning Administrator is exempt from this requirement.

- 6. Inoperable vehicles may not be parked in required parking spaces or in any side or front yard and shall be completely screened from view of all surrounding public streets.

B. Minimum number of parking spaces required.

- 1. The following are the parking space requirements by permitted use:
 - a. For any use not listed, the Zoning Administrator shall determine the proper requirements by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Zoning Administrator shall follow the principles set forth in the statement of purpose for the zoning ordinance in Article I.
 - b. New infill structures or change of use projects on the first floor of structures in Commercial District C-1 and shall be exempt from complying with the requirements of this Section. New uses or changes of use units above the first floor shall be required to conform to the parking requirements set forth herein.
- 2. Maximum number of parking spaces.
 - a. The total number of permitted parking spaces shall not exceed 110 percent of the minimum number of off-street parking spaces required by type of permitted use, except when the excess spaces are contained in a parking structure.
 - b. Any parking not included within a parking structure that is between 100 and 110 percent of the minimum number of off-street parking spaces required by type of permitted use shall be "grasscrete" or "grasspave" or other pervious paving systems as approved by the Zoning Administrator.
- 3. The following table states the minimum number of off-street parking spaces required by use. Any uses not listed would be required to provide the minimum number of parking spaces required by the parent category. When a determination of the number of parking spaces required by this table results in a requirement of a fraction of a space, any fraction shall be counted as one parking space.

Minimum Parking Space Requirements Table

Land Use	Minimum Parking Space Requirements
a. Residential	
1. Single-family residences	2 spaces per dwelling unit in all districts other than R-1, otherwise none
2. Multifamily residences	1 space per one-bedroom dwelling unit, otherwise

	two spaces per dwelling unit
3. Mixed-use developments	1.5 spaces per dwelling unit; 1 space per dwelling unit for age-restricted; plus 1 additional space per 200 square feet of commercial gross floor area
4. Home occupations	No additional spaces required
5. Accessory dwelling units	1 space per bedroom
6. Child and personal care uses	1 space per 2 employees
7. Institutional residence or care or confinement facilities	1 space per 2 beds
8. Rooming houses, boarding houses	1 space per bedroom
9. Tourist homes, bed and breakfasts, other temporary residences renting by the day or week	1 space per rentable bedroom plus 2 spaces if owner/landlord lives on premises
10. Temporary mobile homes approved in the event of an emergency, construction, or repair	2 spaces per temporary mobile home
b. Sales and Rental of Living Space and Goods	
1. Sales and rental of goods, merchandise or equipment, non-motor vehicle related	1 space per 300 square feet of gross floor area
2. Wholesale sales, with or without outdoor display or storage of goods	1 space per 300 square feet of gross floor area devoted to sales or display, plus one space per 2,000 square feet of gross storage area
3. Hotels, motels and similar businesses or institutions providing overnight accommodations	1 space per unit plus 1 space per 5 units for visitors
4. Extended-stay motels/hotels	1 space per unit plus 1 space per 5 units for visitors
c. Restaurants	
1. Restaurants	1 space per 100 square feet of gross floor area
2. Event center	1 space per 3 seats
d. Motor vehicle-related sales and service operations and modifications	
1. Motor vehicle-related sales and service operations and modifications	Not including outdoor car display areas for dealerships, 1 space per 200 square feet of gross floor area
e. Office, Clerical, Repair, Research and Personal	
1. Services – Office, clerical, repair, research, and personal, not primarily related to the sale of goods and merchandise	1 space per 300 square feet of gross floor area
f. Offices	
1. Services – office, clerical, repair, research, and personal, not primarily	1 space per 300 square feet of gross floor area

related to the sale of goods and merchandise	
g. Recreation, amusement, and entertainment	
1. Baseball batting range	20 spaces
2. Bowling alleys	5 spaces per alley
3. Golf driving range and/or miniature golf	20 spaces
4. Health clubs and other physical fitness establishments	1 space per 300 square feet
5. Park, playground, community center, swimming pool and other recreational facilities as a principal use	1 space per 2000 square feet of surface area of parks, playgrounds, and/or swimming pools; plus 2 spaces per tennis court; plus 1 space per 500 square feet of recreational facility
6. Theaters (indoors)	1 space per 3 seats
7. Performing arts center	1 space per 3 seats
8. Subdivision recreation area	1 space per 200 square feet of surface area of swimming pools, plus 2 spaces per tennis court, plus 1 space per 500 square feet of clubhouse, offices, meeting rooms, or other similar enclosed buildings
h. Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, or equipment	
1. Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, or equipment	1 space per 2,000 square feet of gross office, plant, and/or storage
2. Innovator space	1 parking space per 500 square feet
i. Storage and parking	
1. Storage and parking	1 space per 2,000 square feet of gross storage area
j. Services and enterprises related to animals	
Services and enterprises related to animals	1 space per 250 square feet of gross floor area
k. Funeral related services (human and animal related)	
1. Funeral related services (human and animal related)	1 space per 3 seats
l. Educational, cultural, religious, philanthropic, social, or fraternal uses	
1. Public and private schools offering general education courses (including associated grounds and athletic and other facilities)	2 spaces per classroom for K - 8th grade, plus 1 space per teacher or staff member for grades above 8th
2. Trade or vocational schools	10 spaces per classroom
3. College, universities, community colleges (including associated facilities)	10 spaces per classroom

such as dormitories, office buildings, athletic fields, etc.)	
4. Assembly halls, including union halls, conference halls, civic halls and activities of similar nature	1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit
5. Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)	1 space per 300 square feet of gross floor area
6. Place of worship and places of assembly	1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit
7. Social, fraternal clubs or lodges, union halls, and similar uses	4 spaces per 1,000 square feet of gross floor area
8. Clubs and lodges catering exclusively to members and their guests	4 spaces per 1,000 square feet of gross floor area
m. Miscellaneous public and semi-public facilities	
1. Miscellaneous public and semi-public facilities	None
n. Agricultural, forestry, mining, and quarrying operations	
1. Agricultural, forestry, mining, and quarrying operations	1 space per employee
o. Temporary structures and special events used in connection with the construction of a permanent building or for some non-recurring purpose	
1. Temporary structures and special events used in connection with the construction of a permanent building or for some non-recurring purpose	Regulated on a case-by-case basis

C. Shared parking.

1. Reduction of parking requirements through a shared parking arrangement may be granted by the Zoning Administrator through written request from an applicant and provision of one of the options provided in subsection C.2.
2. Options for a reduction of parking through a shared parking arrangement:
 - a. Option one: For properties sharing parking spaces under this provision, cross-easements shall be filed establishing access to the shared parking spaces in perpetuity and documentation of filing provided to the Town.
 - b. Option two: The minimum number of parking spaces where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, Institute of Transportation Engineers Shared Parking Guidelines, or other approved procedures with approval by the Zoning Administrator.
 1. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the Urban Land

Institute or Institute of Transportation Engineers reports. If shared parking rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates.

2. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.
3. Said study must receive Zoning Administrator review and approval. The study shall document that the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.
3. Shared parking agreements shall be fully executed and submitted to the Zoning Administrator for review prior to receiving a Certificate of Occupancy.
4. In no case shall the Zoning Administrator approve a reduction of parking through a shared parking arrangement of greater than 25 percent for any use.
5. Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in use, the owner must apply to the Zoning Administrator for an evaluation and confirmation of the change. If the Zoning Administrator finds that the parking reduction is no longer justified, the Zoning Administrator shall notify the owner to construct the number of parking spaces necessary to meet the difference in the required parking between the proposed and previous uses.
6. A formal parking study may be waived by the Zoning Administrator for small developments where there is established experience with the land use mix and its impact is expected to be minimal.

D. Bicycle parking.

1. Development of new primary buildings in all R-3, CR, C-1, C-2, C-3, H, GBI, M-1, M-2, and OSD districts, other than single-family residential, shall provide bicycle parking spaces at a ratio of at least one bicycle parking space for every 20 automobile parking spaces.
2. No primary building, other than single-family residential, shall have fewer than three bicycle parking spaces nor be required to exceed a maximum of 20 spaces. If three or more bicycle parking spaces are located within 100' of the primary entrance of the proposed development on the same street frontage, they are exempt from this requirement.
3. Bicycle parking spaces shall be located within 20 feet of the front entrance of the primary structure, or as approved by the Zoning Administrator. Bicycle parking spaces shall not interfere with pedestrian access along sidewalks or walkways.
4. Bicycle parking shall provide an inverted U steel frame or decorative rack approved by the Zoning Administrator. The rack shall be anchored to a concrete pad.

E. Golf cart parking.

1. Golf cart parking spaces are permitted in all off-street surface parking lots and parking structures.
2. Each golf cart parking space shall be six feet wide and at least 11 feet deep.

3. Golf cart parking spaces shall be identified by paving markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
4. Permeable pavers shall be used for golf cart parking spaces as approved by the Zoning Administrator.
5. Wheel bumpers shall be placed at the head of all golf cart parking spaces that do not abut a curb. Wheel bumpers shall be made of concrete, a minimum of four feet long, five inches high, and six inches wide and securely fastened to the pavement by steel re-bars or steel anchors.

F. Electric vehicle charging stations.

1. Electric vehicle charging stations are permitted in all off-street surface parking lots and parking structures.
2. Spaces for electric charging shall be identified by paving markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
3. Spaces reserved for electric vehicle charging stations may be counted as part of the minimum required parking spaces but shall not be counted toward the maximum.
4. Any new building with over 20,000 square feet of gross floor area space shall equip at least one required parking space on its property with an electric vehicle charging station prior to receiving a Certificate of Occupancy.
5. The owner of the property shall be responsible for the installation, maintenance, and operation of electric vehicle charging stations. The owner of the property may determine if a fee is associated with the electric vehicle charging station.
6. Electric vehicle charging stations shall be installed per U.S. Green Building Council (USGBC) standards.

G. Parking in non-single-family zoning districts.

1. *Parking spaces.*
 - a. Off-street surface parking lots shall not be located between the principal building and the street except where otherwise permitted below.
 1. Lots within CR, C-1, C-2, C-3, H, GBI, M-1, and M-2 districts with a lot area of less than 13,000 square feet shall be permitted to have automobile parking located within the front yard only when the following regulations are met:
 - a. Front yard parking shall be limited in area to a maximum of 50 percent of the area of the front yard.
 - b. When permitted, automobile parking is only permitted in front yards when located on the permitted access driveway on a paved surface.
 - c. *Required dimensions for each parking space.* Each automobile parking space shall be not less than nine feet wide and 18 feet deep. Adequate interior driveways shall connect each parking space with a public right-of-

- way, and each space shall have an overhead clearance of at least 6.5 feet.
- d. Shall have access to a public street.
 - e. Shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control, and meet the following requirements:
 - 1. A minimum depth of six inches of number 21A aggregate base and a minimum of 1.5 inches of asphalt; or
 - 2. Six inches of concrete on appropriate base; or
 - 3. Four inches of brick or porous paving block on four inches of number 21A aggregate base.
 - 4. Permeable pavers may be used for any parking area, alley, or other low traffic driveway as approved by the Zoning Administrator.
 - f. Shall have spaces marked with painted lines, curbstones, or other similar devices, and areas shall be properly maintained in all respects. Landscaping shall be kept healthy and well maintained, surfaces shall be free of potholes, and lines marking spaces shall be distinct and clear.
 - g. Shall be drained so as to prevent damage to abutting properties or public streets and where possible shall be drained towards infiltration swales located in the five-foot, head-to-head landscape strips required between vehicles in Section 4.5.J.1.d.
 - h. Shall have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties. Light poles used in parking lots with 100 parking spaces or less may not exceed 20 feet in height. Light poles used in parking lots with more than 100 parking spaces may not exceed 35 feet in height. All lighting is to be compliant with Dark Sky lighting standards.
 - i. Shall be designed to conform to the geometric design standards of the Institute of Traffic Engineers (ITE) when not expressly required in this section.
 - j. Wheel bumpers shall be placed at the head of all parking spaces that do not abut a curb and any spaces that abut a sidewalk. Wheel bumpers shall be made of concrete, a minimum of six feet long, five inches high, and six inches wide and securely fastened to the pavement by steel re-bars or steel anchors. Individual wheel bumpers shall be placed a minimum of 24 inches from the end of each required parking space.
 - k. Shall be required to provide handicapped spaces in accordance with the provisions of the Americans with Disabilities Act. All handicapped spaces shall be identified by appropriate restrictive signing and markings.
 - l. *Pedestrian circulation.*
 - 1. Parking areas shall be designed to facilitate safe and convenient use by pedestrians.
 - 2. Parking areas with more than 50 cars shall provide safe pathways from aisles of parking to the nearest building entrance and to adjacent streets. Such pathways shall be at least five feet wide

and consist of raised pathways constructed of pavers or other contrasting material.

H. Compact parking spaces.

1. Developments where 30 or more parking spaces are provided shall be required to provide compact parking spaces, as follows:
 - a. A minimum of five spaces, or ten percent of the total number of parking spaces, whichever is greater, shall be set aside for compact cars.
 - b. A maximum of 25 percent of the total required parking spaces may be set aside for compact cars, up to a maximum of 50 spaces, whichever is less.
 - c. Compact parking spaces shall be identified by pavement markings and/or by appropriate signage.
 - d. Parking spaces for compact cars shall not be less than eight feet wide and 16 feet deep.

I. Stacking spaces for drive-through service windows and drive-through facilities.

1. Stacking spaces shall be provided for any use having a drive-through service window or areas having drop-off and pick-up areas in accordance with the following:
 - a. Inbound stacking spaces shall be provided before the first service window as stipulated below and at least one outbound stacking space shall be provided after each service window of a drive-through facility.
 - b. Each stacking space shall be a minimum of 22 feet long.
 - c. Designated stacking spaces shall not interfere with circulation of the lot or free movement or access to parking spaces.
2. Banks with drive-through facilities shall provide a minimum of six spaces before each service position and one outbound space after the service window.
3. Restaurants with drive-through service windows shall provide a minimum of ten stacking spaces for inbound drive-through customers and one additional outbound space after each service window.
4. Other facilities with drive-through service windows shall provide three stacking spaces for each window or drive-through service facility.
5. Drive-through service window lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
6. Stacking lanes shall be a minimum of 8.5 feet adjacent to the service window.
7. All drive-through service windows shall be provided with a bypass lane with a maximum width of 8.5 feet.
8. All stacking lanes shall be at least 75 feet from an intersection with the nearest street or internal driveway. The distance is measured from the back of the stacking space nearest the entrance to the curb line of the nearest intersection.

9. Pedestrian pathways crossing drive-through lanes shall be clearly signed and identified using alternative materials or raised crosswalks. Painted crosswalks alone are not permitted.

J. Landscaping in parking lots.

1. Interior landscaping for off-street parking areas shall be required for all surface parking lots designed for 20 or more spaces. The following requirements shall apply.
 - a. Landscape islands shall be located no farther apart than every ten parking spaces and at the terminus of all rows of parking. Each landscaped island shall be at least 200 square feet in area with a minimum width of ten feet.
 - b. There shall be at least one overstory tree, ten low shrubs and a minimum of 60 percent living ground cover, sod, and/or annual or perennial color in each landscaped island. Shrubs, sod and/or living ground cover shall not to exceed three feet in height.
 - c. Vehicles shall be separated from sidewalks, driveways, and streets in public rights-of-way by wheel bumpers and by a strip of land at least ten feet wide, reserved as open space, and planted in grass containing at least one understory or overstory tree, as appropriate, and ten shrubs per 50 linear feet, and a minimum of 80 percent living ground cover, sod, and/or annual or perennial color in the landscape strip surface area. Wheel bumpers shall be placed a minimum of 48 inches from the nearest tree trunk.
 - d. Head-to-head parking shall provide a five-foot grass strip with curb. The grass strip may be counted as part of the landscaped areas and shall have one tree every 50 feet containing at least one overstory tree, and ten shrubs, per 50 linear feet, and a minimum of 70 percent living ground cover, sod, and/or annual or perennial color in the landscape strip surface area.
 - e. *Perimeter landscape strips.* The perimeter of a surface parking lot shall provide a five-foot wide landscape strip where such parking lot abuts side or rear property lines. The perimeter landscape strip shall be planted with a single row of overstory trees of a species appropriate for buffers and spaced every 40 linear feet of landscape strip, and evergreen shrubs spaced every 5 linear feet of landscape strip. The perimeter landscape strip shall be continuous except for near perpendicular crossings of driveways and sidewalks.
 - f. Landscaped areas in parking lots shall provide drainage and irrigation that ensures full drainage to the storm drainage system.
 - g. See the Cape Charles Master Tree Plan for trees that shall and shall not be permitted within parking lot landscape areas.
2. The minimum number of spaces required may be reduced where the Zoning Administrator has determined that the reductions are necessary to preserve a

healthy tree or trees with a three-inch or greater diameter from being damaged or removed and where the site plan provides for the retention for said tree or trees.

3. *Screening.* Plantings which meet the standards for screening as approved by the Zoning Administrator will be required to screen vehicle accommodation areas other than those serving single-family and duplex dwellings from an adjacent residential district or use. Fencing may be substituted for plantings with the approval of the Zoning Administrator.

K. Access management.

1. *Driveways.*
 - a. *Interior driveway.* Where 90-degree parking is utilized, all interior driveways shall be a minimum of 22 feet in width. If 45- or 60-degree angle parking is used, then the interior driveway shall be at least 12 feet in width. Where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of 10 feet in width for one-way traffic and 20 feet in width for two-way traffic.
 - b. Driveways and drive aisles are not permitted between the sidewalk and a building and shall be perpendicular to any adjacent street.
 - c. All developments other than single-family detached dwellings shall have pedestrian walkways a minimum width of five feet connecting ground level parking to the public sidewalks and to all building entrances.

L. Provisions for off-street loading.

1. This subsection shall apply to all activities related to loading and unloading.
 - a. Loading activities within 150 feet of residential uses shall only be permitted to undertake said activities Monday through Friday from 7:00am to 10:00pm and on Saturdays from 9:00am to 9:00pm.
 - b. In no case shall loading activities hinder or obstruct free movement of vehicles, and pedestrians over a street, sidewalk, alley, or interrupt parking lot circulation.
 - c. All off-street loading activities and access shall be provided with an asphalt or concrete surface, or shall be "grasscrete" or "grasspave" or other pervious paving systems as approved by the Zoning Administrator.
 - d. Loading structures and bays.
 1. Buildings or structures shall be designed so that the loading areas are not visible from any adjoining residential district or any public right-of-way.
 2. When required, one or more off-street loading spaces shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building or structure.
 3. A loading space shall have a minimum dimension of 12 feet wide and 35 feet deep.

4. All loading spaces shall maintain overhead clearance of at least 14 feet.
 5. All off-street loading spaces shall have access from an alley, or if there is no alley, from a street.
- e. Minimum loading space requirements for non-residential uses:

Gross floor area	Required loading spaces
0 – 49,000 square feet	1
49,000 – 100,000 square feet	2
100,000 – 160,000 square feet	3
160,000 – 240,000 square feet	4
240,000 – 320,000 square feet	5
320,000 – 400,000 square feet	6
Each 90,000 above 400,000 square feet	1

M. Dumpsters.

1. A solid fence on three sides shall enclose all dumpsters.
 - a. The height of the fence shall be equal to or higher than the height of the dumpster, in accordance with Section 4.2.G.
 - b. The visible material of the fence shall be made up of brick, stucco, or stone.
2. The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque and constructed of durable materials.
3. Dumpsters shall be placed in the rear yard and shall be located a minimum of five feet from property lines.
4. In no case shall loading activities hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk, alley, or to interrupt parking lot circulation.
5. Service activities within 150 feet of residential uses shall only be permitted Monday through Friday between 7:00am to 10:00pm and on Saturdays from 9:00am to 9:00pm.
6. Access to dumpsters shall be provided via a paved, dust-free surface.
7. Temporary construction trash and recycling dumpsters, which are not enclosed, shall be permitted up until such time as a Certificate of Occupancy is issued.

Section 4.6 Stormwater Management

- A. Purpose and Intent. The purpose and intent of the requirements contained in this section are to prevent a new increase in nonpoint source pollution from new development and achieve a 10 percent reduction in nonpoint source pollution from

redevelopment to the greatest extent possible given the size and current development of lots within the Town.

- B. Except as provided in Section 4.7.C, for any development or redevelopment within the Town, stormwater runoff shall be controlled by the use of best management practices that achieve the following:
1. For development, the post-development nonpoint source pollution runoff load shall not exceed .45 pounds per acre per year.
 2. For redevelopment, the nonpoint source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control provided the following provisions are satisfied:
 - a. In no case may the post-development nonpoint source pollution runoff exceed the pre-development load;
 - b. Runoff pollution loads must have been calculated and the best management practices selected for the expressed purpose of controlling nonpoint source pollution; and
 - c. If best management practices are structural, evidence shall be provided that the facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision.
 3. For redevelopment, both the pre- and the post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.
- C. For any development or redevelopment on any nonconforming lot within the Town, the Zoning Administrator may waive the requirements of this section upon receipt of a written request for such an administrative waiver provided, however, that in no case shall such development or redevelopment result in such nonconforming lot having total impervious coverage in excess of 40 percent for residential uses and 75 percent for commercial uses. The written request for an administrative waiver hereunder shall state the total estimated impervious coverage to result from such development or redevelopment.

Section 4.7 Swimming Pool Regulations

For the purpose of this ordinance, a swimming pool is defined as an artificial or man-made container of water capable of being filled to a depth exceeding 16 inches at the lowest point and is designed to be used for swimming or immersion purposes by individuals. Wading pools are exempt from the provisions of the Zoning Ordinance and are considered temporary pools if made of plastic, light metal, or other light duty materials which do not exceed a full volume depth of 16 inches at the lowest point, and which are completely emptied of water when not in use. Spas or health pools shall meet the same requirements as swimming pools, except when less than 10 feet in width.

Permanent swimming pools and associated decking and fencing are required to meet all zoning and building code requirements and are considered impervious structures. Building, electrical, and plumbing permits are required for the installation, alteration, repair or remodeling of all

pools not exempt from the Zoning Ordinance. In-ground pools require an approved site plan. Above-ground pools may be installed without a survey and engineering grading plan if permitted by the Code Enforcement Official, and where steep slope areas are not present. Abandoned pools must be removed or appropriately filled in and covered. Swimming pools must be discharged according to all regulations established by the Commonwealth of Virginia.

Swimming pools are permitted to be located no closer than 5 feet to a side or rear property line and must be located no closer than 5 feet from any structures, either primary or accessory, located on the lot or premises. Above-ground pools are only allowed in rear yards. The 5-foot separation from structures shall not apply to spas or health pools adjoining the principal structure. Spas must be covered with approved spa cover when not in use. Swimming pools and spas are not permitted in the front yard or within approved swale or storm water management systems.

Water contained in swimming pools must be kept healthy and sanitary at all times and shall not emit an offensive odor that creates a nuisance or unhealthy condition. Approved circulators and filtration systems must be provided for all pools, spas, and health pools. Wading pools are exempt from filtration system requirement.

All zoning and building code requirements shall be met. Swimming pools must be completely enclosed with a minimum 4-foot high fence with locking gate access. Such fence must be constructed of a material that meets the approval of the building code official.

Section 4.8 Satellite Dish.

- A. Dish type satellite or other ground or building mounted television, radio, or other communications receiving or sending devices.
 - 1. Large satellite dishes are not permitted within the Town of Cape Charles.
 - 2. Mini dishes shall be allowed with building permit and zoning clearance.
 - a. Building-mounted dishes shall not be on the front of any façade or structure. The dish must be mounted in such a way that it cannot be seen from the sidewalk or street.
 - b. Ground-mounted dishes shall not be in the front yard of any structure. Every effort shall be made to mount the dish in an unobtrusive location. Visible dishes shall be screened with plantings.

Section 4.9 Demolition Policy Guidelines

- A. The owner of a building or structure within the Town shall be entitled to raze or demolish such building or structure provided that he has applied to the Building Official for such right.
 - 1. The owner must first try to sell the property at the appraised price (the appraisal to be at the owner's expense).
 - 2. The owner must have the property for sale, actively marketing and advertising it for sale for that appraised price for a period of one year.
 - 3. If unsold, the Town may elect to purchase the property at the appraised price or permit the demolition.
- B. Demolition-By-Neglect. No officially designated contributing building, structure, or site within the Town shall be allowed to deteriorate due to neglect by the owner which would result in violation of the intent of this ordinance. Demolition-by-neglect shall include any one or more of the following courses of action or inaction:

1. Deterioration of the exterior of a building to the extent that it creates or permits a hazardous or unsafe condition.
2. Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, windows, brick, plaster or mortar to the extent that it adversely affects the character of the district or could lead to irreversible damage to the structure.
3. Defective or deteriorated flooring or floor supports, or flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Any fault in the building or structure which renders the same structurally unsafe or not properly watertight.

If the Building Official determines that a structure is being demolished by neglect, he or she shall send notification to the owners stating the reasons therefore and shall give the owner thirty days to respond with a plan of action and ninety days from the date of the notice in which to commence work. If appropriate action is not taken at this time, the Zoning Administrator may initiate appropriate legal action as provided further in this chapter.

C. Penalties for Noncompliance.

1. Failure to correct a defect after a notice that the Building Official has determined that a property is being demolished by neglect shall constitute a misdemeanor. Such misdemeanor shall be punished as set forth in §§18.2-9, 18.2-11 and §15.2-1429 of the Code of Virginia 1950 as amended. Each day that the violation continues is a separate offense.
2. Any property owner in the District who does not obtain approval as required within this ordinance shall be guilty of a misdemeanor and may be punished as set forth in §§18.2-9, 18.2-11 and §15.2-1429 of the Code of Virginia 1950 as amended.
3. Nothing in this chapter shall be deemed to restrict or prohibit the Town Council to acquire in any legal manner any historic area, site, building, or structure or the land pertaining thereto for the use, observation, education, pleasure, and welfare of the citizens of the Town.

Section 4.10 Cape Charles Planning, Zoning, and Building Fee Schedule

All charges for planning and zoning activities, including but not limited to permit applications, inspections, certificates, reviews, variances, and appeals, shall be established from time to time by the Cape Charles Town Council in its sole discretion.

Section 4.11 Wind Turbines

A. Statement of Intent.

The intent of this ordinance is to regulate the placement, construction and modification of wind energy systems while promoting the safe, effective and efficient use of the wind energy resource and wind energy systems while not interfering with the development of independent renewable energy sources. Wind Energy Systems meeting the requirements will be allowed by Conditional Use Permit. The Zoning Administrator shall maintain an inventory of wind energy systems to include their installation, operation and removal dates to be updates annually.

B. Applicability

The requirements set forth in this section shall govern all zones and wind energy systems used to generate electricity or perform work which may be connected to the utility grid pursuant to Virginia’s net metering laws (Code of Virginia, 56-594), serve as an independent source of energy or serve in a hybrid system.

Wind Energy Systems Setback Matrix

	Minimum Lot Size	Minimum Setback Requirements ¹					Maximum Height From Grade
		Occupied Buildings (Subject Property) ²	Occupied Buildings (Adjacent Prop.) ^{2,3}	Property Lines	Public/Private Right-of-Way	Hwys 184 & 642	
Anemometers	20,000 Sq. Ft.	1.0	1.5	1.0	1.5	2.5	Nacelle Height
Micro System	5,600 Sq. Ft.	0.0	1.0	1.0	1.5	1.0	Note 4
Small System	20,000 Sq. Ft.	0.0	1.5	1.0	1.5	2.5	120 Ft.
Large System	5 Acres	1.0	2.0	1.0	1.5	2.5	250 Ft.
Utility System	25 Acres	1.5	2.5	1.5	1.5	2.5	500 Ft.

¹ Measured from the center of the wind turbine base to the property line, ROW, or nearest point on the fountain of an occupied building.

² Calculated by multiplying the required setback number by the wind turbine height.

³ This setback proposes to reduce noise and shadow flicker impacts to any previously existing occupied buildings on adjacent property or work site.

⁴ One system per lot with a maximum of 18 feet above the roof.

1. As part of the Conditional Use Permit Process the setback requirements may be waived if the following conditions are met:
 - a. Property owners may waive the occupied building setback requirements on both the subject property and/or the adjacent properties, and the property line setback requirements for wind turbines, by executing a signed waiver that sets forth the applicable setback provisions and proposed changes.
 - b. The written waiver shall notify the applicable property owners of the setback required by this ordinance, describe how the proposed wind turbine and/or wind energy facility is not in compliance and state that the consent is granted for the wind turbine and/or wind energy facility to not be setback as required by this ordinance.
 - c. Any such waiver shall be signed by all affected property owners and be recorded in the Northampton County Clerk’s office. The waiver shall describe the properties benefited and/or burdened and advise all subsequent purchasers of any burdened property that waiver of setback shall run with the land and may forever burden the subject property.

C. Definitions

Anemometer – Measures the wind speed and may transmit wind speed data to the controller.

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

kW – Kilowatt

mW – Megawatt

Nacelle – The cover housing surrounding the turbine, usually at the center of the blades.

Tower – The structure on which the wind system is mounted.

Tower Height – The height above grade of the fixed portion of the tower, including the nacelle and excluding the rotor blades.

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

Wind Energy Facility, Large System – A system which has a rated capacity of not more than 999kW.

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

Wind Energy Facility, Small System – A system which has a rated capacity of not more than 25kW and primarily used for onsite consumption.

Wind Energy Facility, Utility Scale – A wind energy conversion system consisting of one or more wind turbine(s), tower(s), and associated control or conversion electronics, which has a rated capacity of 1mW or greater.

Wind Farm – See "Wind Energy Facility – Utility Scale."

Wind Power – Electrical Power generated by wind driven turbine blades turning an electrical generator.

Wind Pump – A type of windmill used for pumping water from a well or pond.

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

Wind Turbine Height – The distance measured from the grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

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

D. Conditional Use Permit Requirements

1. The application shall demonstrate that the proposed wind energy facility will comply with this ordinance and shall contain at a minimum the following:
 - a. A narrative describing the proposed wind energy facility;
 - b. The approximate generating capacity of the wind energy facility;

- c. The specific number, representative types and heights or range of heights of the wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers and description of ancillary facilities;
 - d. Identification and location of the properties on which the proposed wind energy facility will be located;
 - e. A plot plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and location of all structures and properties with the geographical boundaries of any applicable setback;
 - f. Evidence of compliance with Federal Aviation Administration regulations;
 - g. Signed and approved copies of any negotiated power purchase agreement and the utility company's approved schematics.
 - h. An Environmental Assessment is required for small, large and utility scale wind energy facilities, which shall include review and comments from the applicable state and federal agencies, including but not limited to, Virginia Department of Mines, Minerals and Energy, DNR, USACE, US Fish and Wildlife and a completed Virginia Renewables Siting Scoring System (VRS3). The Planning Commission may require an additional Environmental Impact Statement (EIS) for the installation of three (3) or more turbines or if significant impacts could result from the installation.
 - i. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for the decommissioning and restoration and the anticipated manner in which the wind power project will be decommissioned and the site restored. This obligation shall be recorded and goes with the land.
 - j. Signature of the property owner(s) and the facility owner/operator of the energy facility;
 - k. Other relevant studies or reports that may be reasonably requested by the Town of Cape Charles to ensure compliance with this ordinance.
- 2. Throughout the permit process the applicant shall promptly notify the Town of any changes to the information contained in the permit application.
 - 3. Changes to the pending application that do not materially alter the initial site plan may be adopted administratively.
 - 4. Historic District Review Board or Harbor Area Review Board approval is required for systems within the Historic District Overlay District or Harbor District.
- E. Installation and Design
- 1. The installation and design of the wind energy facility shall conform to applicable industry standards, including those of ANSI (American National Standards Institute).
 - 2. All electrical and mechanical components of the wind energy facility shall conform to relevant and applicable town, state and national codes and ordinances. A Cape Charles Building Permit is required.

3. Small and Micro wind energy facilities shall not exceed 60 decibels as measured at the property line. The level, however, may be exceeded during short term events such as utility outages and/or severe windstorms.
 4. Any on-site transmission or power lines shall, to the maximum extent possible, be placed underground.
 5. The visual appearance of wind energy facilities shall at a minimum:
 - a. Maintain a galvanized finish and be a non-obtrusive color such as white, off-white or gray;
 - b. Not be artificially lighted, except to the extent required by the FAA or other applicable authority that regulates air safety;
 - c. Not display advertising, including flags, streamers or decorative items, except for the identification of the turbine manufacturer, facility owner and operator.
- F. Decommissioning or Abandonment
1. The wind energy facility owner, and/or operator and/or property owner shall have 3 months to complete decommissioning of the facility if no electricity is generated for a continuous period of 12 months. Repair, maintenance or redesign plans shall be submitted to the zoning administrator if turbines will be off-line for 12 months or more.
 2. Decommissioning shall include removal of the wind turbines, buildings, cabling, electrical components, roads and any other associated facilities. Foundations shall be removed to a depth of 48" below finished grade.
 3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored. The required Erosion and Sediment measures shall be put in place per the Virginia Erosion and Sediment Control Handbook.