

# Planning Commission

## Regular Session Agenda

October 1, 2013

6:00 P.M.

1. Call to Order – Planning Commission Regular Session
  - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
  - a. Approval of Agenda Format
  - b. Approval of Minutes
  - c. Reports
5. Old Business
  - a. Sign Ordinance- Continue discussion on the draft modifications of the sign regulations.
  - b. Historic Town Entrance Corridor Overlay District – Resume discussion on the draft district.
6. New Business
7. Announcements
8. Adjourn



**DRAFT**  
**TOWN COUNCIL & PLANNING COMMISSION**  
**Joint Public Hearing**  
**Town Hall**  
**September 10, 2013**  
**6:00 p.m.**

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm, and Mike Strub. Also in attendance were Town Planner Rob Testerman and Town Clerk Libby Hume. There were 4 members of the public in attendance.

Mayor Dora Sullivan, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Godwin, Sullivan and Wendell and Councilwoman Natali. Councilman Bennett arrived at 6:05 p.m.

Dennis McCoy announced that the evening's Joint Public Hearing was to hear public comment regarding the proposed modifications to the Cape Charles Zoning Ordinance Section 3.9 – Harbor District.

**PUBLIC COMMENTS:**

*Councilman Frank Wendell, 515 Monroe Avenue*

Councilman Wendell stated that he had spoken to Town Planner Rob Testerman regarding the Floor Area Ratio (FAR) concept and had asked him what other localities in Virginia and the Delmarva region used FAR and whether they were pleased with the concept. Councilman Wendell went on to state that when you went to the doctor, you got second opinions and checked references and advised that the Town do the same in regards to FAR and suggested that more study was needed. The Town needed to find out where it had worked and/or not worked before moving forward.

*Dorie Southern, 104 Monroe Avenue*

Ms. Southern stated that she was curious where the 1.25 FAR came from and what it meant regarding development in the Harbor area. Ms. Southern then asked if there was a reason to do it that way and added that Tom Bonadeo had said that it would keep people from building underground garages. Ms. Southern suggested making a rule that prohibited underground garages vs. using FAR. Ms. Southern concluded by asking what the purpose was and whether the people understood the concept.

There were no other public comments to be heard nor any written comments submitted prior to the hearing.

**Motion made by Joan Natali, seconded by Bill Stramm, to close the Planning Commission Public Hearing. The motion was approved by unanimous consent.**

**Motion made by Councilman Sullivan, seconded by Vice Mayor Bannon, to adjourn the Town Council Public Hearing. The motion was approved by unanimous consent.**

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Chairman Dennis McCoy

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Mayor Dora Sullivan

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Town Clerk



***DRAFT***  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Town Hall**  
**September 10, 2013**

At 6:08 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There were four members of the public in attendance.

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

**PUBLIC COMMENTS**

*Frank Wendell, 515 Monroe Avenue*

Councilman Wendell asked Rob Testerman if he had found any information regarding any other localities using FAR. Rob Testerman replied that he was still waiting to hear back from the other localities that he had contacted.

Councilman Wendell stated that Rob Testerman was going to get guidance from the Virginia and National Planners Associations and asked whether that had been done. Rob Testerman replied that he had requested input from members of the associations.

Councilman Wendell went on to state that in the 12 years that he had not been on the Town Council, he had only attended one meeting which was about the proposed construction on the Tavi property and added that he felt that it would be wonderful to see the property be used and that it was important to protect the viewsheds. Councilman Wendell continued to state that he had researched the Internet regarding FAR and found a number of articles. Many of the articles stated that FAR was not recommended for residential neighborhoods. Councilman Wendell asked if the Tavi property were to have been built as proposed several years ago, what the FAR would have been for the project and added that it would be a good exercise for the Planning Commission to compare. Councilman Wendell concluded by stating that he would hate to see this issue move forward without more research and the Town have regrets regarding its decision.

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

**CONSENT AGENDA**

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

The Commissioners reviewed the minutes for the August 6, 2013 Regular Meeting and the August 19, 2013 Joint Meeting with the Northampton County Planning Commission.

**Motion made by Bill Stramm, seconded by Mike Strub, to approve the minutes from the August 6, 2013 Regular Meeting and the August 19, 2013 Joint Meeting with the Northampton County Planning Commission as presented. The motion was unanimously approved.**

## **REPORTS**

Rob Testerman reported the following: i) VDOT had completed their sidewalk repair project. Mike Strub asked about some areas in Town where holes had been left in the streets and sidewalks. Rob Testerman stated that he would check with Public Works Director Dave Fauber regarding this issue; ii) He was in the process of revising land use applications, which include conditional use permits, rezonings, zoning clearances, etc., and procedures to streamline the administrative process; iii) He was still working to revise the draft zoning map that was reviewed at the July meeting. Due to time constraints and other work load, he had not been able to complete the revisions as yet; iv) The Historic District Review Board met on August 20 and approved the proposal for the former Cape Charles School by a vote of 3 to 1, with one member absent from the meeting. The Board would meet on September 17 to hold a public hearing to change its by-laws; v) The Wetlands Board would be holding a public hearing and meeting on September 23 to review plans for shoreline hardening at Aqua; vi) The Board of Zoning Appeals would be holding a public hearing and meeting on September 24 to review an issue with a home in Bay Creek; and vii) At its August 15 meeting, the Town Council affirmed that in developing the Planning Commission's work plan, the Comprehensive Plan update and the Town Entrance Corridor Overlay District remain the top priorities of the Commission.

Rob Testerman added that he and Town Manager Heather Arcos met with Elaine Meil, executive director of the Accomack-Northampton Planning District Commission (ANPDC) regarding their assistance with the Comprehensive Plan update process. The ANPDC would set the public hearings and meetings to obtain input from the citizens, etc. The ANPDC would be able to begin their work in January 2014 so now would be a good time for the Commissioners to review the current Comprehensive Plan and discuss the main issues which need to be updated.

## **OLD BUSINESS**

### **A. *Section 3.9 Harbor District Modifications, Recommendations to Town Council***

Rob Testerman stated that the ordinance was last reviewed by the Commissioners at their July meeting and the proposed modifications were sent for legal review. The draft ordinance, including recommendations by the legal review, were discussed by the Commissioners as follows: i) Mike Strub suggested that the last sentence in §3.9.B.2. be moved to a separate paragraph "C" since it covered the areas in the District outside of the Mainstreet Mixed Use Area. There was some discussion regarding the definition of Floor Area Ratio (FAR) and Dennis McCoy pointed out that the language in the beginning of §3.9.B.2. was the definition for FAR. It was also suggested that public meetings could be held to help the citizens understand the FAR concept and Dennis McCoy stated that Tom Bonadeo's demonstration using the blocks were the easiest and most effective way to describe the FAR Concept. Bill Stramm stated that he had done some research and found that the cities of Fairfax, Alexandria, Leesburg, and Herndon used FAR and that Chincoteague was looking at it; ii) There was some discussion regarding the possibility that a FAR of 1.25 in the Mainstreet Mixed Use Area was too restrictive with the added requirement of 25% open space and the setbacks. Andy Buchholz stated that the setbacks were included as part of the open space requirement. Joan Natali added that if it was found to be too restrictive, it could be modified, but currently the Town did not have any controls regarding density in this area. Andy Buchholz stated that the Town was trying to avoid what happened in Crisfield, MD. Dan Burke stated that he would like to get feedback from a developer. Andy Buchholz added that a developer would be opposed to this concept because it would restrict the size of a project; and iii) Bill Stramm pointed out a typographical error in §3.9.H.2.b. for a paragraph reference. Joan Natali stated that this would change again with the addition of "C" earlier. This reference would be corrected and the entire document would be checked to insure correct paragraph references throughout.

**Motion made by Bill Stramm, seconded by Andy Buchholz, to recommend Town Council approval for Zoning Ordinance Section 3.9 Harbor District as amended. The motion was unanimously approved.**

**B. *Sign Ordinance***

The Commissioners continued their review of the Sign Ordinance. Rob Testerman stated that consequences of sign violations needed to be added to §4.1(L) – Violations of Signs. §4.1(D)7 – Maintenance, Repair and Removal touched on this issue calling for the zoning administrator to issue a letter giving the owner of the sign 10 days to bring the sign into compliance or remove it. If the owner did not respond, the zoning administrator could remove the sign at the owner's expense after 10 days. This provision could be added to §4.1(L) to avoid confusion. It would also be added, as previously discussed, that after removal, the Town would hold the sign for 30 days before disposing of it, giving the owner a chance to reclaim the sign. This language would be added to both (D)7 and (L). It was noted that violations would be for the location of the sign, not the content.

There was some discussion regarding political signage. Dennis McCoy stated that political signs were included as an exempt sign but the provisions of §4.1(H)2.f. still had to be followed. Dan Burke stated that he felt that the regulation that a sign could only be displayed for 45 days prior to the election was illegal adding that the instructor at the Planning Commissioner class stated that a political sign could be erected at any time. Andy Buchholz stated that the signs could be placed on private property at any time, but not on public land. Joan Natali stated that she thought other localities permitted the signage 60 days prior to the election. Rob Testerman stated that he would research the timeframe for further discussion at the October meeting.

Other areas of the ordinance were discussed as follows: i) Page 11, #8 – The timeframe for removal of the sign was changed from 30 days to 10 days for consistency. There was some discussion regarding the Town's ability to store the signs for 30 days and the issue with space. Andy Buchholz stated that if the sign was removed from a public area and the owner could not be determined, the Town should remove the sign and destroy it. Mike Strub suggested this language be added to #7 on page 11 and Joan Natali stated that the language should also be added to §4.1(L); ii) The draft notes on page 13, #F.7. stated that "static" displays needed to be defined. Mike Strub stated that a legal review needed to be completed regarding the language; iii) On page 15, the spacing for signs in the Mason Avenue Area were discussed and whether any of the businesses along Mason Avenue had sufficient space to erect a free-standing sign. Joan Natali noted that the Putt Putt Golf on Mason Avenue could have a sign on the north side of the sidewalk. A line was added to Table H.1.b. for Mason Avenue Commercial permitting 1 sign per storefront with a maximum height of 6' and a maximum area of 12 square feet; iv) On page 16, a typographical change was noted in #6. There was some discussion regarding the 20 square foot size permitted by #4 for properties of 10 acres or less. The consensus was that if a sign of this size was erected and the Town received complaints regarding the size, this issue could be revisited; and v) On page 17, #d, Joan Natali suggested the a portion of the language be changed to read "shall be allowed" vs. "shall not be prohibited."

Rob Testerman stated that at the last meeting, the Commissioners had mentioned that the business owners should be invited to attend a meeting to review the sign ordinance and asked whether the Commissioners wanted to invite them to the October regular meeting or schedule a special meeting. There was some discussion and Joan Natali suggested holding a work session to get input from the businesses. After further discussion, it was agreed that a letter be sent to George Proto, President of the Cape Charles Business Association, inviting the businesses to attend either the October or November meeting.

Dan Burke brought up that he felt that the 30 day timeframe for special promotion, event and grand opening signs addressed on page 17, #c.2, was excessive and should be no more than 10 days. There was much discussion regarding this item and it was noted that most organizations typically placed their special event signage up one week prior to the event with the exception of the Cape Charles Christian School for their Crabby Blues Festival. No changes were made to this section at this time.

## **NEW BUSINESS**

### *A. Route 13 Business Discussion*

Rob Testerman stated this item was a follow up to the August 19 joint meeting with the Northampton County Planning Commission and as a first step, the Commission needed to think about types of businesses that they felt would be appropriate as well as those that would be inappropriate along Route 13 near the intersection with Route 184. The County Planning Commission requested a list of the types of businesses to be compiled for their consideration while updating their Comprehensive Plan and Zoning Ordinances.

Joan Natali added that this was our opportunity to provide input to the County. We needed to take this opportunity or keep quiet if the County adopts something that we did not agree with.

Rob Testerman stated that localities could dictate the types of businesses to allow and not allow and added as an example that strip clubs were businesses and many localities did not allow them.

Joan Natali stated that the Town's Zoning Ordinance shows "By-Right" businesses, etc. by district and the County could also do that.

Dennis McCoy suggested that the Commissioners think about businesses along Route 13 which would make people stay and explore vs. a fast food or other restaurant. Some possibilities were outlet malls, hotels, etc.

Dan Burke stated that the Town staff did a great job cleaning up the crape myrtles and added that the Tavi property was an eye sore and asked why something couldn't be done about that. Joan Natali suggested he contact Willie Randall, Northampton County District 1 Supervisor, since the Tavi property was not in the Town's limits.

Andy Buchholz stated that the County needed to deal with improving the school system and the healthcare issues before people would consider moving here.

Dan Burke stated that an emergency medical care facility would be good on the highway and added that a hotel would harm the B&Bs in Town. Joan Natali commented that B&Bs and hotels have different clientele.

Bill Stramm stated that commercial development brought jobs to the area. Andy Buchholz stated that economic development was more important than building a strip mall. We needed to bring educated people into the area and that could not be done without good schools and healthcare. We needed to look at the big picture vs. the small area along Route 13.

Rob Testerman brought the discussion back to the list for the County reiterating that this was the Town's opportunity to give our input. Rob Testerman asked the Commissioners to think of their list of businesses over the next few weeks for further discussion at the October meeting and added that the Commissioners should also begin their review of the Comprehensive Plan to determine the areas that needed updating. Joan Natali stated that it was a long document and suggested the Commission start with sections 1-3 for this month.

**OTHER**

Dan Burke commented that there were a lot of people in Town over the Labor Day holiday weekend.

Mike Strub stated that over the last several years, two joint meetings were held with the County Planning Commission. It was nice meeting with them to discuss various issues and suggested that joint meetings be planned at least on an annual basis. Rob Testerman stated that he would contact the County Planner and added that he felt the County was interested in continuing the communication between the two Commissions.

Joan Natali agreed and expressed her disappointment that the Town missed the County Planning Commission's public hearings adding that we needed to organize to provide our input to the County at their public hearings. Libby Hume stated that part of the issue was that our Planning Commission met the same night at the County Planning Commission and we were not provided their agendas until days prior to our meetings. Joan Natali stated that we might consider changing the date of our meetings and added that we needed to be more proactive and work together.

**ANNOUNCEMENTS**

There were no announcements.

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

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Chairman Dennis McCoy

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Town Clerk

# Planning Commission Staff Report

From: Rob Testerman  
Date: September 26, 2013  
Item: 4C – Reports  
Attachments: None

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## Item Specifics

1. The Historic Review Board met September 17 to review an application for 209 Jefferson Avenue, and to hold a public hearing to revise its by-laws. The Board voted to approve the Certificate of Appropriateness for 209 Jefferson, which is a noncontributing structure, to construct an addition on the rear of the house. The Board also voted in favor of the revised by-laws.
2. On September 19, 2013, an appeal of the decision of the HDRB regarding the Cape Charles School was received from Old School Cape Charles.
3. A new application has been received for the HDRB to review. This application is for an addition to the rear of 309 Mason Avenue. The Board will meet October 15 to hear this application.
4. The Wetlands Board met and held a public hearing on Monday, September 23 to review plans for shoreline hardening at Aqua restaurant. The application was approved unanimously. The owner plans on beginning work as soon as possible, they are still awaiting approval from other permitting agencies.
5. The Board of Zoning Appeals met and held a public hearing Tuesday, September 24 to review an issue with a home in Bay Creek. The Board approved a variance by a vote of 4 to 1, to allow a chimney encroachment into the side yard of a lot four inches farther into the side yard than is allowed by the PUD Document, as was originally approved by the Town. In upcoming months, we will need to take a look at the PUD Document as a few items may need clarification.
6. At its September 19 meeting, the Town Council continued discussion on the Harbor District and FAR. After discussion, the Council decided to table the decision until more information was known regarding the current FAR of the north side of Mason Ave. It was felt by at least one Councilman that the proposed FAR of 1.25 in the “Main Street Mixed Use Area” was too restrictive. At this point, the proposed modifications do not need to come back to the Planning Commission. If the Council should decide that a higher FAR is needed, it may do so at the next discussion, as that would make the modifications less restrictive than advertised.

# Planning Commission Staff Report

From: Rob Testerman  
Date: September 26, 2013  
Item: 5A – Sign Ordinance  
Attachments: Proposed draft ordinance update

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## Background

The sign ordinance was last reviewed at the September 10, 2013 Planning Commission meeting.

## Item Specifics

Modifications that were proposed at the September 10 meeting have been made to the draft sign regulation ordinance, and are attached for your review.

As discussed at the last meeting, I have contacted Mr. George Proto of the Cape Charles Business Association regarding the proposed modifications to the ordinance. He has indicated that he will be attending the meeting to provide input, as the businesses are those who will be most affected by the regulations.

After many lengthy discussions regarding the sign regulations, the document seems to be in a good position. Commissioners should hear the input from the Business Association, and dependent on their thoughts, discuss whether any further changes are needed.

## Recommendations

After hearing thoughts from the representatives of the Business Association, if the Commission is satisfied with where the draft modifications currently are, staff can send the drafts for legal review, in order to schedule a public hearing.

## Section 4.1 Sign Regulations

### A. Purpose

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

### B. Definitions

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

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

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

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

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

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

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

**AWNING.** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable,

including such structures that are internally illuminated by fluorescent or other light sources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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 area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the *sign*.

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

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

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

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

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

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

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

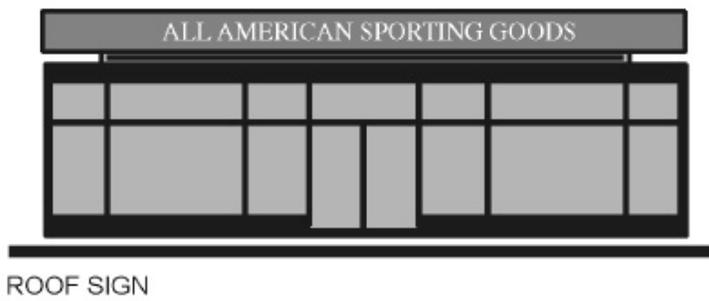
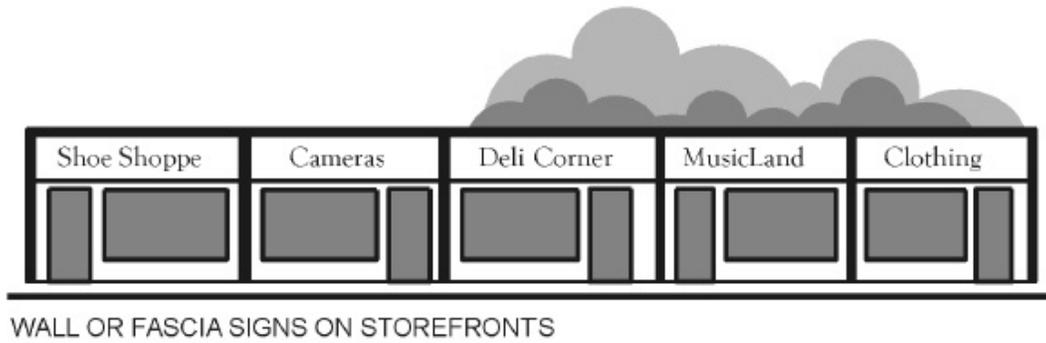
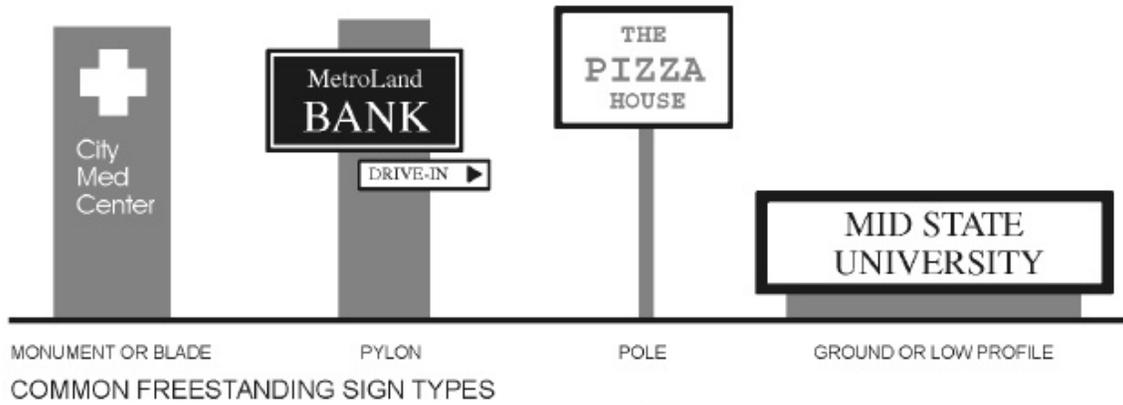
**WALL OR FASCIA SIGN.** A *sign* that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs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

affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section C.

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

C. General

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



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

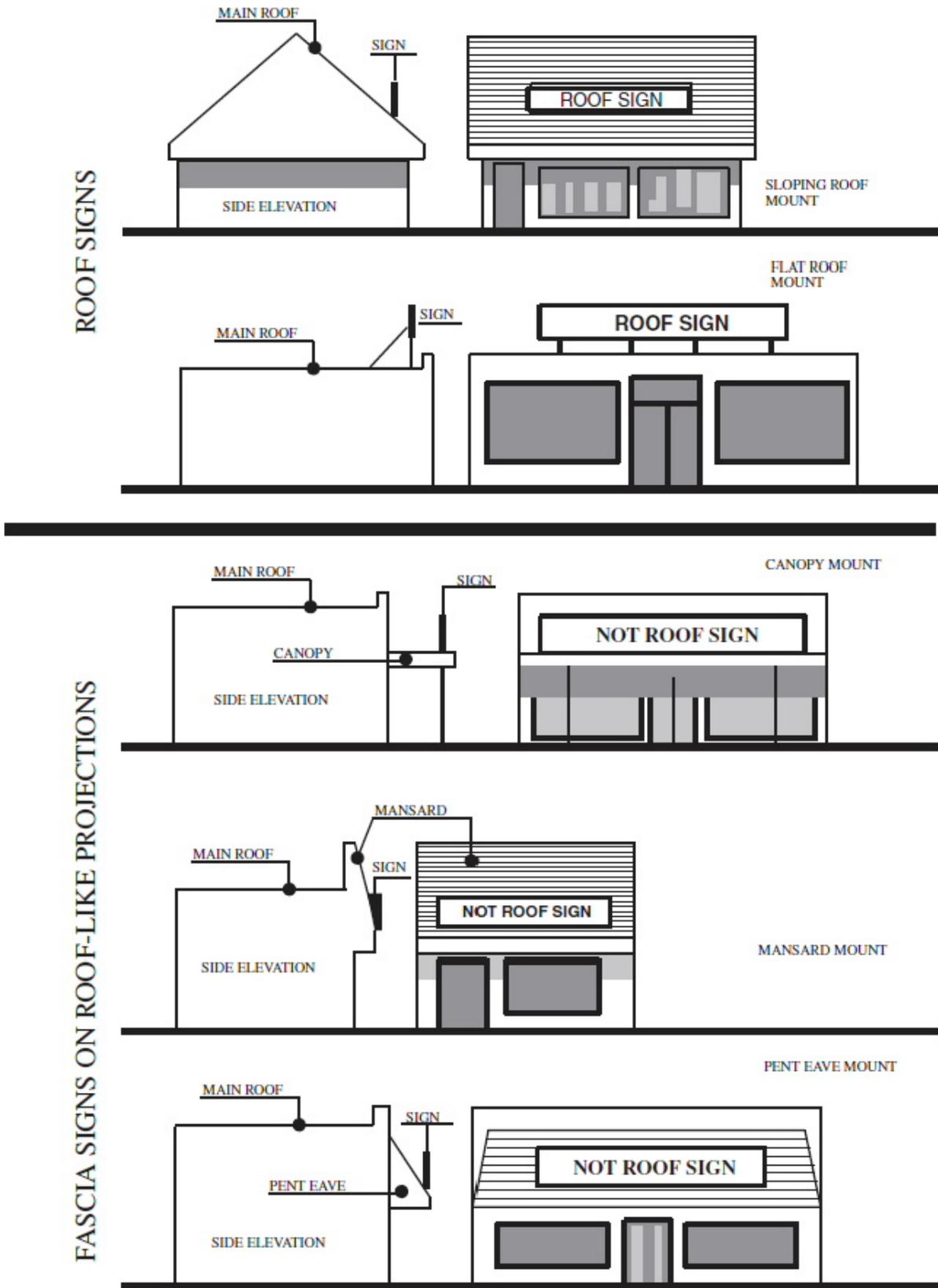
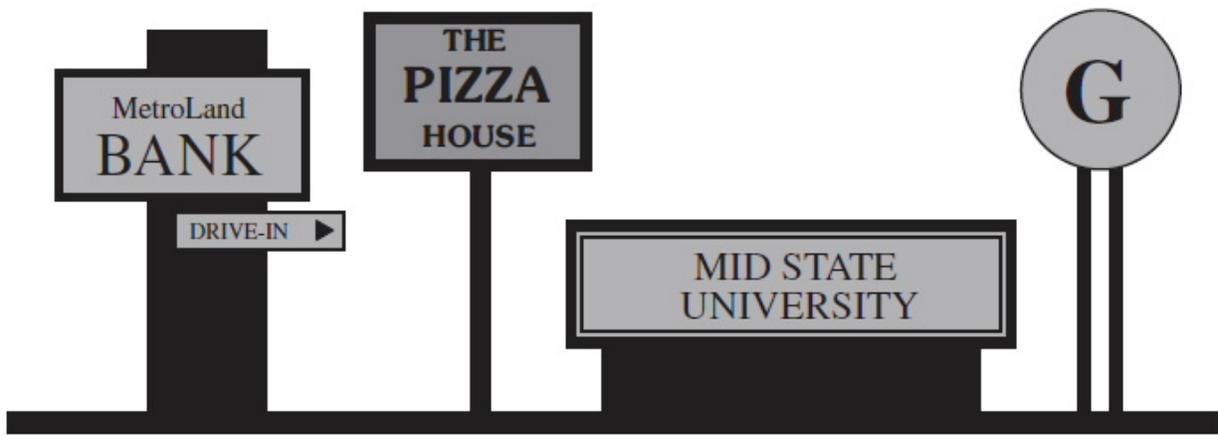
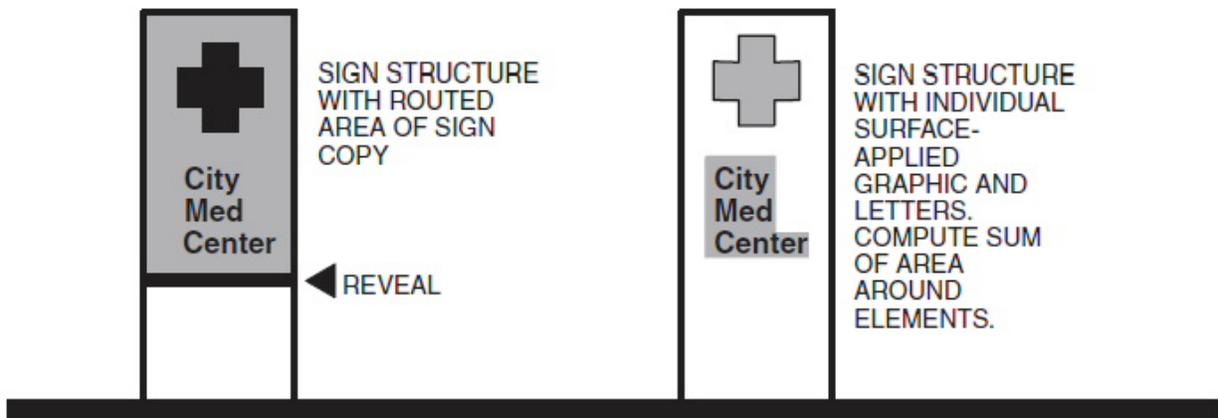


FIGURE C.1(2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS

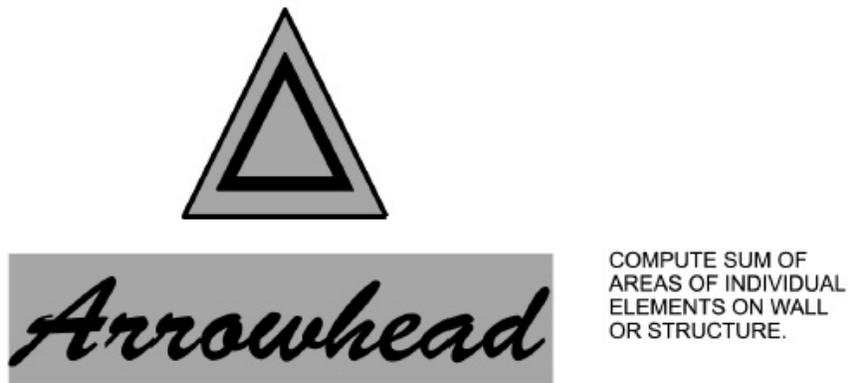


**SIGN STRUCTURES**



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

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



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

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

D. General Provisions

1. Conformance to codes

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

2. Signs in rights-of-way  
No sign other than an official traffic sign or similar sign shall be erected within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the Town Manager and the Virginia Department of Transportation (VDOT).
3. Projections over public ways  
Signs projecting over public walkways shall be permitted to do so only with the approval of the Town Manager on a temporary basis. These signs are subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet (2438 mm) from *grade* level to the bottom of the sign. Signs, architectural projections or *sign* structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
4. Traffic visibility.  
No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
5. Computation of frontage  
Business signs with an area of two square feet for each foot of facade width to a maximum of fifty square feet in sign area (where more than one business exists in a building, each maximum sign area is to be proportionate to the business square footage). For buildings with more than one wall facing a street, each side of the building will be computed separately.
6. Animation and changeable messages  
Animated signs 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.
8. Obsolete sign copy  
Any *sign* copy that no longer advertises or identifies a use conducted on the property on which said *sign* is erected must have the sign copy covered or removed within ~~30~~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

9/10/13 – Added that signs to be stored for 30 days then destroyed if unclaimed.

9/10/13 – timeframe changed to 10 days.

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. No sign shall be exempt from Section D.4.

1. Official notices authorized by a *court*, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs, historical markers and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art or historical signs displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 4 square feet (0.56 m<sup>2</sup>) in area.
8. Freestanding signs or signs attached to fences, no more than one and one half square feet in area, to warn the public against hunting, fishing, trespassing, dangerous animals, swimming, the existence or danger of such, when placed on the periphery of the property or at a location where the warning is necessary.
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. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No *sign* shall be attached to any utility pole (with the exception of the utility pole located at the Post Office on Randolph Avenue), light standard, street tree or any other public facility located within the public right-of-way.
3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
4. Signs, any part of which moves by any means, including but not limited to rotating signs, propellers, discs, and such but excluding pennants and signs indicating time and temperature.
5. Portable signs except as allowed for temporary signs.
6. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
  - 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 m<sup>2</sup>.

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

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

LAND USE	NUMBER OF SIGNS	MAXIMUM HEIGHT (feet)	AREA (square feet)	SPACING
Residential Subdivision	1	6'	12 Sq Ft	1 per subdivision entrance <sup>a</sup>
Multiple-family residential	1	6'	12 Sq Ft	1 per driveway <sup>a</sup>
Commercial and industrial	1	6'	64 Sq Ft	150 <sup>b</sup>
<u>Mason Avenue Commercial</u>	<u>1 per store front</u>	<u>6'</u>	<u>12 Sq Ft</u>	<u>1 per store front</u>

9/10/13  
 Added  
 Mason Ave

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

a. For 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.

9/10/13 - revised

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

e. 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.

f. 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 slot shall be limited to one sign per lot which shall not exceed an area of 4 square feet.

3. Requirements for specific sign types  
 Signs of specific type shall be in accordance with Sections H.3.a through H.3.g.

a. Canopy and marquee signs

- (1) The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee or architectural projection upon which such sign is affixed or applied.
- (2) Graphic striping, patterns or color bands on the face of a building, *canopy*, marquee or architectural projection shall not be included in the computation of sign copy area.

b. Awning signs

- (1) The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning

surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.

- (2) Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

c. Projecting signs

- (1) Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in area to 2 square feet per each lineal foot of building frontage, except that no such sign shall exceed an area of 50 square feet.
- (2) No such *sign* shall extend vertically above the highest point of the building facade upon which it is mounted.
- (3) Such signs shall not extend over a public sidewalk without approval of the Town Manager.
- (4) Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 8 feet.

d. Under *canopy* signs

- (1) Under *canopy* signs shall be limited to no more than one such sign per public entrance to any occupancy.
- (2) Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of 8 feet.

e. Roof signs

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

f. Window signs (Inside).

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

- (1) Any signs attached to windows or glass walls advertising weekly specials or special services offered for a limited time by a business establishment.
- (2) The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.
- (3) Window signs shall not be assessed against the sign area permitted for other sign types.

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 m<sup>2</sup>) 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.

10. Amendments

Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

J. Other Permitted Signs

1. Commercial Districts

- 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. 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.

Consequences  
added from D.7.  
9/10/13

# Planning Commission Staff Report

From: Rob Testerman  
Date: September 26, 2013  
Item: 5B – Historic Town Entrance Corridor Overlay District  
Attachments: Draft Overlay District, 2010

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## Background

As was discussed at the joint work session with the County Planning Commission, we are going to revisit the Historic Town Entrance Corridor Overlay District (HTE District) that was last worked on in 2010. As the County is moving forward with their Comprehensive Plan and Zoning Ordinance updates, now would be an appropriate time to submit to them our thoughts regarding commercial development along Route 13, near the entrance to town.

## Item Specifics

As mentioned, the draft HTE District was last worked on in late 2010. In its current form, it seems to look at setback, site access, etc., ensuring that the view shed leading into town is preserved. It does not focus on regulated uses in the area. In addition, the draft district does not look at Route 13, rather Rt. 184 and 642.

While revisiting this draft, I suggest that we expand the focus of the district to look at the uses allowed, and expand the draft district to Rt. 13. While we need to look at Rt.'s 184, 642, and Rt. 13 regarding uses, I do not believe we can or should necessarily attempt to regulate setbacks, site access, plantings, signage, etc. on Rt. 13 through this document.

Last month I asked you all to think about preparing lists of business types that may be complimentary to businesses in towns, as well as those that would be detrimental. With regards to the overlay district, I feel that we can incorporate these lists into the uses. My thought would be that those uses that may be detrimental to businesses in town should be listed as allowed with a Conditional Use Permit. If this were the case, the business owners in Town, Planning Commissioners, and anyone else would be provided the opportunity to give both the Planning Commission and the Board of Supervisors their input on these proposals.

As far as the Town is concerned, those businesses that could be detrimental to businesses in Town would ideally not be allowed in the district; however, I don't feel that we would get much support from the County if we were to propose completely banning these uses on Rt. 13.

## Recommendations

Discuss the HTE District, decide how we wish to move forward working on this, to complete a draft that we can submit to the County for their review.

**Historic Town Entrance Corridor Overlay District (HTE District)**

1. Title: This section shall be known and referenced as the Historic Town Entrance Corridor Overlay (HTE) District of Northampton County and the Town of Cape Charles.
2. Findings of Fact: As Cape Charles' primary connections to U.S. Route 13, U.S. State Route 184 and U.S. State Route 642 represent a significant community investment and contribute to Cape Charles and Northampton County's public health, safety, and welfare. U.S. State Route 184 and U.S. State Route 642 provide access to one of Northampton County's major centers of commercial and residential development. Furthermore, the Town's entrance corridors provide a first impression of Cape Charles for tourists and the traveling public entering the Town's Historic District and, as safe and accessible roadway facilities, serve a vital economic development function. The HTE District designation will provide for development as permitted by the underlying zoning districts, while preserving and enhancing the safety, function, capacity, and visual appearance of the U.S. State Route 184 and U.S. State Route 642 corridors.
3. Purpose and Intent: ~~As the primary entrances to the Cape Charles Historic District, U.S. State Route 184 and U.S. State Route 642 provide tourists and the traveling public with a visual first impression of the community. Seems redundant from #2~~ As provided in Section 15.2-2306 of the Code of Virginia, the HTE District is intended to preserve rural and scenic characteristics which compliment the Cape Charles Historic District. Additionally, pursuant to the authority granted by the Code of Virginia, and in particular the legislative intent established in Section 15.2-2200 and the purposes of zoning ordinances established in Section 15.2-2283, the HTE District is intended to enhance the safety, function, and capacity of U.S. State Route 184 and U.S. State Route 642 ~~and to encourage appropriate economic development near the Town of Cape Charles. As major traffic routes, these corridors represent significant community investments, and contribute to the public health, safety, and welfare. These corridors serve a vital economic development function, which the HTE District is intended to preserve. Seems redundant from #2~~
4. Areas of Applicability: The HTE District shall apply to all lands identified as HTE as designated by the Northampton County Board of Supervisors and as shown on the Northampton County Zoning District Map, and also as designated by the Cape Charles Town Council and as shown on the Town of Cape Charles Official Zoning Map. Such maps together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ~~Article~~ **Section**.

The HTE District regulations shall apply to all development within the designated HTE District requiring site plan or subdivision review. The HTE District shall also apply to redevelopment projects, as outlined in ~~Section~~ **Sub-section** 10, Redevelopment, ~~below~~, regardless of whether such redevelopment requires site plan or subdivision review.

5. Use Regulations: Permitted uses, special permit uses, accessory uses, and special requirements shall be established by the underlying zoning district, unless specifically modified by the requirements set forth herein. These requirements may include, but shall not be limited to, requirements for setbacks, parking, landscaping, signs, and lighting.
6. Lot Size: Lot size shall be subject to the requirement of the underlying zoning district(s).

*Northampton County Planning Commission comments as of 9/15/10*

7. Conflict with Other Regulations: In any case where the requirements of this Article Section conflict with any other provision of the Northampton County Zoning Ordinance or Cape Charles Zoning Ordinance, as applicable, and other regulations or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.
8. Performance Standards:
  - a. Purpose and Intent: The purpose and intent of these performance standards is to minimize the impact of highway-oriented development on the safety, function, and traffic capacity of the U.S State Route 184 and U.S. State Route 642 corridors.
  - b. General Performance Standards for Development and Redevelopment:
    1. Site Plans: All site plans shall include an access plan drawn to the same scale as the site plan and showing the location and dimensions of all streets, sidewalks, driveways, crossovers, parking areas, access aisles, landscape areas, and any other relevant information in accordance with §154.045 Site Plans of this Chapter.
    2. Site Access: Access to U.S. State Route 184 and U.S. State Route 642 shall be provided by direct or indirect means, consistent with the following:
      - (a.) Number of Access Points: Each tract of land recorded prior to January 1, 1998, is entitled to one direct access point to the public roadway network, provided that VDOT approves. Where multiple tracts of land are developed as a single entity, as in the case of a shopping center, office park, residential subdivision, or similar development, they shall be treated as one tract of land for the purposes of determining the permitted number of access points. (What was rationale/standard for using Jan. 1, 1998? The County used the date of adoption of the original Highway Corridor Overlay District as the date upon which the limitation on access points to U. S. 13 was imposed and would be expected to follow same approach for a new corridor overlay district.)
      - (b.) Corner Clearance: The minimum corner clearance of driveways from intersecting streets shall be 400 feet approaching the intersection. Downstream corner clearance shall be 250 feet minimum. For side street approaches, the minimum corner clearance shall be 250 feet. At signalized intersections, corner clearances in excess of these minimum dimensions may be required, in consultation with the VDOT. Where a traffic study is submitted that shows 20-year peak period 95 percentile queue lengths will not extend past the driveway location, corner clearances may be reduced, in consultation with the VDOT.
      - (c.) Minimum Sight Distance: Minimum sight distances along the highway shall be provided to allow vehicles to safely turn left or right onto the highway. Sight distances provided along the HTE District shall be a minimum of 1,000 feet.
      - (d.) Outparcels: All access to outparcels must be internalized utilizing the main access drive of the principal retail center. Access to each outparcel shall be as direct as possible, avoiding excessive movement across the parking aisles and queuing across surrounding parking and driving aisles. In no instance shall the circulation and access of the principal commercial facility and its parking and service be impaired. (Recommend adding definition of "outparcel:" A parcel of land depicted on a final subdivision plat which is designated for public or private open space, right-of-way, utilities, or other similar purposes; or a parcel of land

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left over after platting which is smaller than the minimum permitted lot size for the zoning district in which it is located and therefore unbuildable unless combined with additional land; or a parcel of land located adjacent to a shopping center which shares a common parking lot with other establishments within said shopping center but is separated from the principal buildings and establishments by a parking area.)

- (e.) Residential Developments: Where practicable, **N** new residential subdivisions shall include an internal street layout which shall continuously connect to the streets of surrounding developments to accommodate travel demand between adjacent neighborhoods without the necessity of using the highway. [Note: concern was expressed about neighborhoods which are separated by water.]
  - (f.) Median Crossovers: Where a proposed development fronts an existing or planned median crossover, access from the development to adjacent sites shall be provided, so as to promote shared access and minimize demand for additional crossovers.
  - (g.) Shared Access and Reverse Frontage: Internal access roads and inter-parcel connections shall be provided to facilitate the local movement of traffic between existing and proposed development and minimize demand for local trips on the highway. Based on consultation with the appropriate VDOT staff **Resident Engineer**, inter-parcel access may take the form of direct driveway connections or reverse frontage roads. [Note: One NC Planning Commissioner expressed concern that this might result in the backs of houses facing the Cape Charles Historic Gateway.]
  - (h.) Pedestrian access: Pedestrian walkways shall be incorporated into each project so as to minimize conflicts with vehicular traffic. Pedestrian circulation systems shall connect uses within individual projects, and shall be extended to adjacent parcels where inter-parcel vehicular access is required.
  - (i.) Bicycle access: Bicycle facilities may be incorporated into each project so as to minimize conflicts with vehicular traffic. If installed, bicycle circulation systems shall connect uses within individual projects, and shall be extended to adjacent parcels where inter-parcel vehicular access is required.
3. Traffic Impact Analysis: All developments generating more than 2,000 average daily trips shall prepare and submit a traffic impact analysis. The projected number of average daily trips shall be based on trip generation rates as defined by the most recent publication of the Institute of Transportation Engineers "Trip Generation." In addition, a traffic impact analysis may be required for developments generating 2,000 or fewer average daily trips when it is determined, in consultation with the appropriate VDOT staff **Resident Engineer**, that safety considerations or a degradation in the level of service of the roadway warrant such analysis. The traffic impact analysis shall identify level of service impacts of the proposed development, based on a twenty-year demand projection, and shall be used to determine necessary improvements to support the development. At a minimum, the impact analysis shall address the following:
- (a.) Turn lane and access improvements
  - (b.) Internal site circulation

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- (c.) Shared access / access to adjacent sites
  - (d.) Impacts to intersections and median crossovers
  - (e.) Potential need for signalization
4. Required Improvements: Required improvements, the need for which is generated by the proposed development, shall be determined in consultation with the **appropriate** VDOT **staff**. The developer shall be responsible for providing any required improvements, which shall be shown on site plans. The need for required improvements shall be based on the following:
- (a.) Applicable traffic impact analyses
  - (b.) Highway safety and capacity
5. Setback from VDOT Right-of-Way: Buildings shall be set back from the VDOT right-of-way a minimum of 100 feet, the first 20 feet of which abutting the **roadway right-of-way** shall be a vegetated buffer which includes the vegetation installation required in **Article VII, Section F. of this Ordinance §154.105 (G) of the Northampton County Code**. The remaining area in the 20-foot buffer may be planted in grass and/or groundcover. Parking areas and stormwater best management practices may be located in the setback outside the vegetated buffer.
9. Redevelopment: In order to promote the orderly retrofit of existing developments that do not conform to the requirements of the HTE District, while encouraging reuse of previously developed properties, the following redevelopment standards shall apply. The following standards provide guidelines for use in bringing nonconforming sites as close to conformance as possible. All trip generation shall be based on ITE methods as described herein.
- a. Access: Reconstruction, relocation, or elimination of access points shall be required under any of the following circumstances. In such cases, necessary improvements shall be identified in consultation with the **appropriate** VDOT **staff**, and shall be designed to bring the site as close to compliance as possible with the access provisions of this ordinance.
    - 1. The redevelopment will cause an increase of 10 average daily trips (ADT) and 20% or more ADT. **(This and the follow subparagraph are used in the conjunctive, meaning that if the ADT increases by 50, but not 20%, then this is not applicable. This is the language in the model and Northampton's adopted US 13 Corridor Overlay District; Cape Charles should ensure that it wants to adopt the same standard.)**
    - 2. The redevelopment will cause any turning movement to increase by 5 ADT and 20% or more ADT.
    - 3. The redevelopment will cause an increase in use by vehicles exceeding 30,000 pounds gross vehicle weight of 10 vehicles per day or 20% or more vehicles exceeding 30,000 pounds gross vehicle weight per day.
    - 4. Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value.

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5. As required to address identified safety deficiencies, based on consultation with the ~~appropriate VDOT staff~~ **Residency Administrator**.
- b. Traffic Impact Analysis: A traffic impact analysis shall be submitted for all redevelopment projects in which the proposed use will generate more than 2,000 ADT and increase existing ADT by 50% or more.
- c. Required Improvements: Improvements required to support the redevelopment shall be based on consultation with the ~~appropriate VDOT staff~~ **Residency Administrator**, required traffic impact analyses, and highway safety and capacity.
- d. Signage: Reconstruction, relocation, or elimination of freestanding signs shall be required under the following circumstances when (1) structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current building value or (2) existing signs interfere with required site distances. Required improvements shall bring on-site signage as close to compliance as possible with ~~Article 12 §154.190 et seq~~ of the Northampton County Zoning Ordinance Code or Section 4.1 of the Town of Cape Charles Zoning Ordinance, as applicable. Additional signage requirements are as follows:
  1. ~~Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current building value.~~
  2. ~~Existing signs interfere with required site distances.~~
  3. Billboards are not allowed in the overlay district. **[Note: billboards are not allowed in the County, so this is not necessary for the county—not sure about CC regs]**
  4. ~~New signs shall be designed to meet the architectural standards of the project for which they are to installed.~~ **[Note: County does not have architectural standards.]**
  5. New, freestanding signs shall not exceed 8 feet in height and shall **otherwise conform to §154.190 of this Chapter.** ~~the Cape Charles sign ordinance for size and lighting.~~ **[Note: a reference to Cape Charles regulations would not be appropriate in the County's zoning ordinance. If CC decides to use the same regulations, the wording could be similar to that in d. above or e. & f. below, where it's either county or town, whichever is applicable.]**
- e. Lighting: Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value, all lighting shall be brought into compliance with ~~Article 7 §154.112 et seq.~~ of the Northampton County Zoning Ordinance Code or Section 4.4 of the Town of Cape Charles Zoning Ordinance, as applicable.
- f. Landscaping: Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value, landscaping shall be brought as close to compliance as possible with ~~Article 7 §154.105 et seq.~~ of the Northampton County Zoning Ordinance or Section 4.4 and Appendix F of the Town of Cape Charles Zoning Ordinance, as applicable. This shall include appropriate landscaping of existing green space, as well as provision of additional green space to the extent that it does not

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interfere with traffic flow or required parking. Where additional green space is required, priority shall be given to establishing front yard green space.

1. Existing ~~trees and landscaping~~ **vegetation** shall be retained. Trees over 6" DBH shall be protected during construction. ~~Bushes, such as Crepe Myrtles,~~ **Shrubs** shall also be protected during construction.

~~2. Penalty for removal or destruction of existing trees and landscaping shall be \$xxx per tree or shrub. [Note: County does not have monetary penalties for vegetation removal.]~~

3. All existing trees and ~~landscaping~~ **shrubs** shall be identified on the site plan or plot plan prior to construction and tagged in the field.

11. Other Standards: TBD