

Planning Commission

Regular Session Agenda

Town Hall

October 2, 2012

6:00 P.M.

1. Call to Order
 - 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. Density – Harbor District – Mason Avenue Corridor
 - b. Sign Ordinance – Review
6. New Business
 - a. Orientation Information and documentation.
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
September 4, 2012

At 6:00 p.m. in the Town Hall, Vice Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Joan Natali and Mike Strub. Commissioner Malcolm Hayward was not in attendance and there were currently three (3) vacancies on the Commission. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There was 1 member of the public in attendance.

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

PUBLIC COMMENTS

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

CONSENT AGENDA

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

The Commissioners reviewed the minutes for the August 7, 2012 Regular Meeting.

Joan Natali noted a typographical error on page 3 under Reports.

Motion made by Mike Strub, seconded by Joan Natali, to approve the minutes from the August 7, 2012 Regular Meeting as corrected. The motion was approved by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) The Wave Attenuation Devices (WADs) were being installed by the Bay Vista subdivision and Sea Breeze apartments. The WADs would extend from the Bay Creek breakwaters to the Sea Breeze shore. WADs had never been used before in Virginia but were successful in other places. Unlike regular breakwaters that developed scallop-shaped beaches, WADs collected the sand and filled in the beach area. The work was expected to be done by the end of next week; ii) The Reliable Building Supplies property was "under contract" and the Town hoped that it would go to closing. The roof of the old building was starting to cave in and the property could be going under code enforcement. Several houses had closed in August and all the buyers were people who planned to stay in Cape Charles in the future; iii) VDOT was working on the sidewalk and curb project. The contractor started on Washington Avenue and planned to work to the south towards Mason Avenue. In working in the areas where the curbs and gutters were broken, the contractor was finding underground holes which probably caused the curbs to break. These areas were being addressed as they were discovered; iv) There were numerous remodeling projects underway throughout the Town and there was some new construction in Bay Creek; v) The demolition of the old wastewater treatment plant was done. The polishing pond and liner have been removed and the remaining sludge was drying out to be spread out and covered with topsoil.

South Port was onsite cleaning up and removing shrubs, etc. The Town would still be using a portion of the property for the backwash filter. Everything was approved and regulated by the DEQ; vi) All buildings were done and the final parking layout was being completed at the Harbor; vii) A Watermen's Memorial could be constructed at the Harbor. A group had been raising funds for this memorial and a request was expected in the near future; viii) The Historic District Review Board met in August and approved one remodeling project at 615 Jefferson Avenue. The property owners also owned a lot in Bay Creek but opted to remodel this house vs. building a new one; and ix) It had been a good summer. The Town had been lucky so far regarding storms.

Mike Strub asked about a house on Plum Street that appeared to be getting ready to be moved. Tom Bonadeo stated that the house was being raised bringing the floor level above the flood level. A new foundation would be installed. There would be no change in the footprint.

OLD BUSINESS

A. Density - Harbor District - Mason Avenue Corridor

Tom Bonadeo began by explaining the concept of Floor Area Ratio (FAR) stating that FAR took into account open space and height. In the past, the Town decided how many units could be in a building for a conditional use permit, but FAR controlled how big and massive a building was vs. the number of units within the building. Tom Bonadeo went on to explain the following regarding the Harbor District: i) 25% open space was required; ii) parking was not part of open space; iii) current height regulation was 40' with a conditional use permit for some up to 55'; and iv) The Mason Avenue corridor was between Mason Avenue and the Harbor. The Master Plan recommended that this area be treated more like Mason Avenue than the Harbor.

Dennis McCoy asked whether the Town could limit the size of units so the units did not get too small. Tom Bonadeo stated that 950 SQFT was the minimum size for a single-family residence.

Tom Bonadeo drew several examples to demonstrate various floor area ratios for the Commissioners. Examples were drawn for .75 FAR, 3, 1.25 and .88. Tom Bonadeo pointed out that the Wilson Building was 5,600 SQFT and covered the entire lot and amounted to a FAR of 4. Currently, it was not possible for a building to be a FAR of 4 and meet the parking standards. Tom Bonadeo referred to Table 14.2, which was included in the agenda packet, which showed the relationships among the building type, residential density and the FAR.

There was some discussion regarding the preferred FARs and Tom Bonadeo summarized that a FAR between .88 and 1.9 was where the Town was headed with elevation control, open space control and parking space control.

There was discussion regarding the Mason Avenue skyline and it was mentioned that if the south side of Mason Avenue matched the north side, it would seem to get closed in. There was no way to protect the view from the north side of Mason Avenue if anything was built on the south side. Tom Bonadeo drew several examples to demonstration views from the street with buildings across the street.

Tom Bonadeo stated that for the next meeting, he would provide examples of various FARs, building heights, possible minimum unit sizes, etc. for the Harbor area. Examples would be drawn to demonstrate various scenarios. A good range for the Harbor area would possibly be .88 - 1.5. This was a different concept than using the number of units, but using FAR could be better in dealing with commercial and gave the Town more flexibility.

B. *Proposed Text Change – Section 3.6.C – Conditional Uses*

Tom Bonadeo stated that at the August meeting, the Commissioners reviewed a letter requesting a change to the C-1 zoning as it pertained to residential use in the commercial zone. The ordinance was reviewed and Tom Bonadeo had asked the Commissioners to visit the location and think about the potential impact on the C-1 zone overall.

Tom Bonadeo explained that currently the C-1 zone required commercial space on the first floor and allowed residential on the second floor. The Harbor District, however, did permit residential on 50% of the first floor. Tom Bonadeo asked the Commissioners to think about whether they felt it would be appropriate in the C-1 zone. No decision would be made tonight. Tom Bonadeo would talk to the property owner to see if he wanted to submit an application for review by the Commission.

Mike Strub stated that it appeared that the property owner would have two buildings on one lot which he did not feel fit in the district. Tom Bonadeo stated that currently, the property owner had a conditional use permit to build an apartment on the second floor of the second building and added that the Commissioners needed to discuss what impact it would have to allow the owner to have residential on the first floor of the second building vs. commercial on the first floor of that building. The property owner would still be required to meet the parking standards. Tom Bonadeo noted that the commercial districts did not require 25% open space.

Joan Natali stated that in looking at the south side of Route 184 to Fig Street to Mason Avenue, the south side of Mason Avenue became Harbor District and it would be possible for the owners of the former Belo building to turn 50% of the building into residential space. Tom Bonadeo agreed that owners of the Belo building could have 5K SQFT of commercial space in the front of the building and turn 5K SQFT of the space at the rear of the building into residential. The front needed to look like commercial per the ordinance but the rear portion of the building could be turned into ten 500 SQFT apartments. There would be plenty of space for parking.

Tom Bonadeo went on to explain that the existing buildings in the C-1 zone could be grandfathered under current regulations but an open space requirement could be added for any new construction in the zone.

NEW BUSINESS

A. *Review Bank of America Building and Property Purchase*

Tom Bonadeo stated that the Town Council executed a sales purchase agreement with Bank of America for the building and associate property. The property was located on the corner of Mason Avenue, Pine Street and Randolph Avenue and encompassed the building and three additional lots. Tom Bonadeo drew a diagram depicting the layout of the property adding that the two lots facing Randolph Avenue would make strategic parking spaced to alleviate on-street parking. These lots had been targeted for parking for some time. There was also currently a safety issue since no emergency vehicles could go behind the buildings along Mason Avenue. The Town's objective was to open the alley from Pine Street almost to Watson's Hardware.

The Commissioners reviewed the Comprehensive Plan Executive Summary which stated that Cape Charles would do the following: i) Build or acquire a new Municipal Center. The bank building had space on the third floor for additional offices that could be used for staff

if the needed. Public uses and office uses were both allowed in the C-1 zone; ii) Expand the parking in the Commercial District. On previous occasions, the Planning Commission had recommended that these lots along with the lots across from the Post Office be used for parking. These locations were both zoned C-1 and parking was allowed; and iii) Establish a complete network of community trails, sidewalks and alleyways for the health, safety and welfare of all. The Town Council had studied the implementation of an alley in the 200 block of Mason Avenue and the area was surveyed and Paul Watson reviewed the potential of the alley. The bank ownership of the property was in the way of the alley implementation and this purchase would enable the alley implementation. With the expansion of the alleyway, businesses could place their trash receptacles in the back of the property for pickup.

The Commissioners continued their review of the Comprehensive Plan Public Services and Programs section which stated that the Town Plan included the following: i) Relocating the Library to a larger space with adequate provisions for increased patronage, meeting rooms and technology. The first floor of the bank building was more than twice the space of the existing Library and had room for technology and meeting space. The current Library would also be available for meeting / community space. The Comprehensive Plan did not specify the location for the expanded library but libraries were permitted by right in the C-1 zone; ii) Relocating the Town offices including space for archives and the Police Department. The bank building had two safes which were well-suited for archives. Paper documents from the Town, the Historical Society and the Library could be housed there. The Police Department moved into the Municipal Building several years ago; and iii) Acquiring strategic undeveloped properties. The two lots on Randolph Avenue and the parking area to the north of the bank building were strategic properties for the implementation of the Comprehensive Plan. The assessed value of the properties was nearly five times the purchase price. The assessed value of the property was \$950K and the Town was purchasing the property at \$200K. The alleyway and parking area could not be reasonably established at "retail" prices.

Tom Bonadeo went on to explain that the Zoning Ordinance was the law that implemented the Comprehensive Plan. The Comprehensive Plan's State of Intent was "to preserve and enhance the mixed-use urban nature of Cape Charles." Mixed use was defined as the integrated uses such as office, retail, public or entertainment in a compact urban form. Tom Bonadeo noted that currently there was approximately 48K SQFT of retail space in the commercial area of Cape Charles. Even with taking the building off the tax rolls, the restoration and conversion of the former school building into apartments would add more to the tax rolls overall.

The Town was currently about half-way through the 30-day due diligence period. The building was a good space for the Library.

Dennis McCoy asked whether the floors could withstand the weight of the books. Tom Bonadeo stated that the floors were solid concrete and the building was steel covered with concrete.

Joan Natali asked about the alleyways. Tom Bonadeo explained that the alleys in the Historic District were actually easements in the private owners' properties. The Town would create a 16' wide easement to the western part of the Watson's building.

Joan Natali stated that she did not see anything contrary to the Comprehensive Plan which laid out the "roadway."

Motion made by Mike Strub, seconded by Joan Natali, stating that the plans and uses for the Bank of America building and associated properties seemed to be in substantial compliance with the Town's Comprehensive Plan. The motion was approved by unanimous consent.

Tom Bonadeo stated that he would draft a letter to the Town Council stating the Commissioners findings.

OTHER

Dennis McCoy asked about the progress with the Hotel Cape Charles regarding the clear glass panels on the balconies. Tom Bonadeo stated that he had met several times with the property owner and expected to receive a new application for review by the Historic District Review Board in September or October. The owner's architect was currently working on the plans. The Certificate of Occupancy would not be issued until all requirements were met.

Tom Bonadeo informed the Commissioners that review of the Sign Ordinance would begin again in October since all the vacancies were expected to be filled by Town Council in September.

ANNOUNCEMENTS

There were no announcements.

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

Vice Chairman Dennis McCoy

Town Clerk

Planning Commission Staff Report

From: Tom Bonadeo
Date: October 2, 2012
Item: 4C – Reports
Attachments:

Item Specifics

1. The Northampton County website is www.co.northampton.va.us and contains the updated information from county meetings. The Northampton Planning Commission also meets on this night and a copy of their agenda is attached when available prior to printing.
2. The Southport Project has submitted plans for permit updates. These plans include wetlands mitigation and will be reviewed by the Wetlands Board and others. We expect work to be done this fall along the wetlands near the harbor.
3. The old WWTP is undergoing demolition. The material is drying out and is nearly ready for spreading and final seeding.
4. The Historic Review Board met last month. The Board reviewed and application for modification of the Certificate of Appropriateness for the Hotel Cape Charles. The applicant will review another plan next month.
5. Numerous remodeling projects are underway throughout town. Two houses have been lifted to allow for new foundations and to meet or exceed the flood plain requirements. New foundations are underway.
6. Working with VDOT on a sidewalk repair project. The work is progressing on Jefferson and Madison at this time.
7. There is still an "under contract" sign on Reliable Building Supplies building. Let's hope it goes to completion. Several houses have closed this month and all are people who plan to stay in Cape Charles in the future.
8. If you visited the Bay Vista and Sea Breeze area you have seen the completed Wave Attenuation Devices (WADs). This installation was authorized by the Virginia Marine Resources Commission (VMRC) and regular measurements will be taken and reports made to VMRC to measure the effectiveness of these devices. The devices should accrete sand on their own with the need of regular nourishment as well as a straighter shoreline.

Planning Commission Staff Report

From: Tom Bonadeo
Date: October 2, 2012
Item: 5A – Review of Density in Harbor District Zone – Mason Avenue Corridor
Attachments: Table of densities, FAR examples

Item Specifics

The Commission reviewed the Density issue at the August and September meetings. The current economic situation has created new building challenges for real estate developers. The Harbor District Zone is the least developed area of Town. Two large projects were submitted and approved under this zoning ordinance. Both projects had positive growth potential while showing some of the potential weaknesses of the ordinance. No specific number of residential units (density) is specified in the Harbor Zone. The Harbor Area Conceptual Master Plan divides the zone into areas relative to their relationship with other zones such as Mason Avenue.

Discussion

A quick review of the September discussion on FAR will help the new members have an understanding of the scope of density measurements.

The Commission reviewed ways to measure density, by Units per Acre and Floor Area Ratio (FAR). We will review more detail on FAR as this is the general method for measuring density. FAR also takes into account open space and height. Some facts about Harbor District are:

1. 25% open space is required.
2. Parking is not part of open space.
3. Current height regulation is 40' with a CUP for some higher to 55'.
4. The Mason Avenue corridor is between Mason Avenue and the Harbor. The Master Plan recommends that this area be treated more like Mason Avenue than like the Harbor.

The Harbor District Zone allows residential units over commercial space. It also allows partial use (50%) of the first floor as residential space. All residential space must have its own entrance at street level. There is no limitation of the number of units on a property.

The planning book "Planning the Built Environment" has numerous tables and guidelines that are generally used for this type of definition. In addition to the tables from the last meeting, two new tables are included, one showing coverage and one showing different FAR and its relationship to coverage.

If we use FAR, open space and height together we can control density and keep the overall building size more in keeping with the north side of Mason Avenue.

Here are sample Densities of existing areas in Cape Charles using DU per acre:

1. The "standard" lot in the Cape Charles Residential area is 5600 square feet which yields 7.7 units per acre.
 - a. This allows for onsite parking and 50% open space.
 - b. Maximum elevation of 40 feet but no more than 2 ½ stories.
 - c. What is the FAR?

2. The C-1 Commercial area allows dwelling units only above the first floor and with separate access to the street level, not through a commercial unit.
 - a. The densest location is the Wilson Building that has nine dwelling units on three floors.
 - b. This location is covers one 5600 square foot lot.
 - c. All parking is on-street parking.
 - d. This is about 69 units per acre.
 - e. The building is 4 stories.
 - f. What is the FAR?

3. The building at 115 Mason Avenue is on a 35 foot wide lot with 4 dwelling units.
 - a. This provides a density of 35 units per acre
 - b. This lot only allows 3 on-site parking spaces.
 - c. The building is 3 stories.
 - d. What is the FAR?

New development also must meet the table of parking standards. This means that the development will be required to have on-site parking that will take up square footage. The table requires one parking space per bedroom. Parking is not allowed in the open space of the development in the Harbor District.

The definition of a dwelling unit says one or more rooms. The zoning ordinance does not regulate the number of bedrooms in the unit. The Floor Area Ration (FAR) would be useful in the Harbor District as it regulates total area not just units. FAR is often used in commercial development as it regulates the square footage relationship rather than the number of dwelling units. A dwelling unit can also vary in size and number of bedrooms. Figure 14.5 shows this relationship.

Reviewing Figure 14.5 shows that a density of 25 to 35 units per acre or a FAR of .5 to .9 allows enough open space to meet the parking requirements, keep the height relatively low and provide sufficient dwelling units.

Recommendation

Review and discuss the FAR examples as presented.

Figure 14.1. Examples of Building Coverage

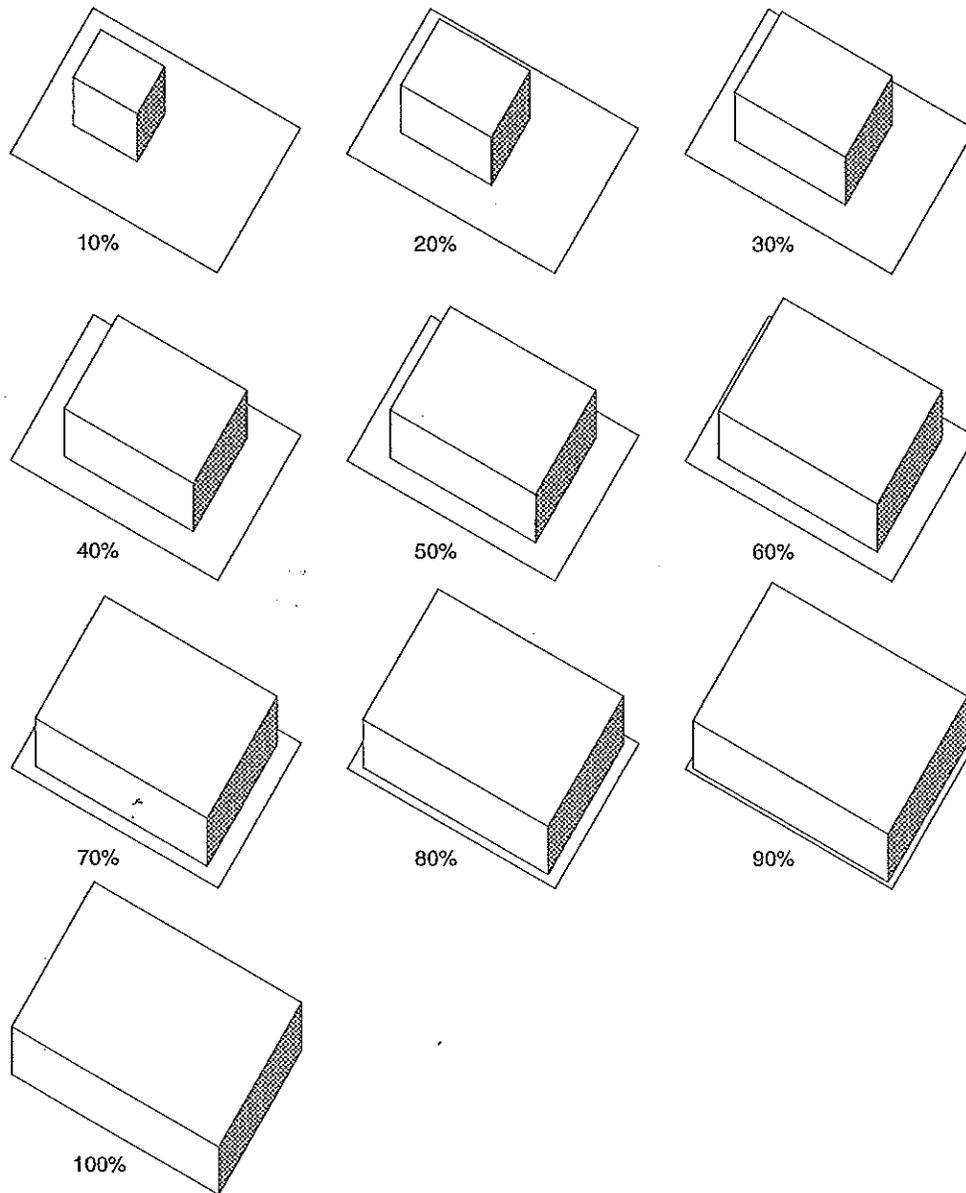


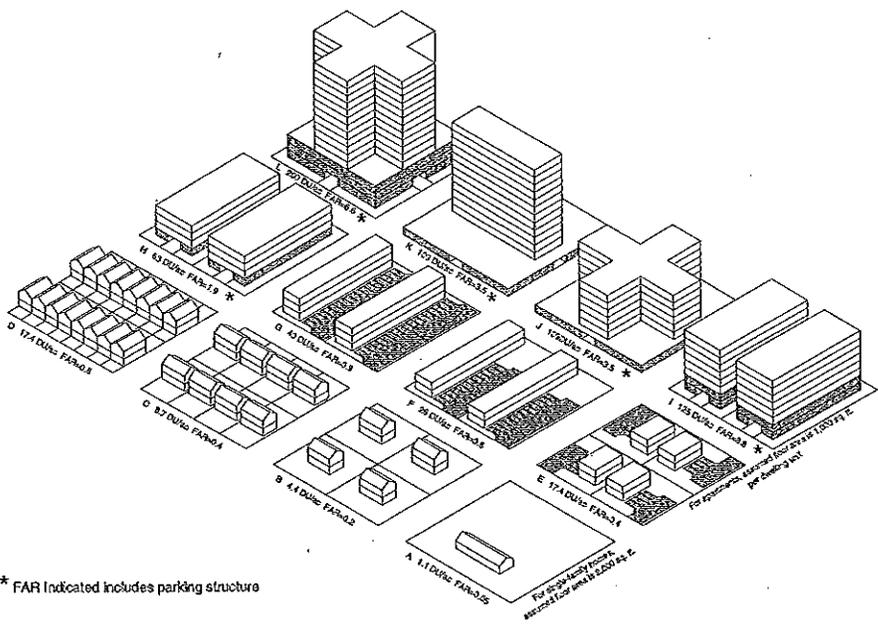
Table 14.2. Relationships Among Building Type, Residential Density, and Floor Area Ratio

Figure	Type of Structure	ASSUMED SPECIFICATIONS				RESULTING PATTERN			
		Lot Size (sq. ft.)	Floor Area per DU (sq. ft.)	Parking Spaces per DU	Number of Stories	Residential Density (DUs per DU)	DUs per Acre	Floor Area Ratio (FAR)	Coverage (percent)
A	Detached, single-family house	40,000	2,000	not shown	1	40,000	1.1	0.05	5
B	Detached, single-family house	10,000	2,000	not shown	2	10,000	4.4	0.2	10
C	Detached, single-family house	5,000	2,000	not shown	2	5,000	8.7	0.4	20
D	Row house	2,500	2,000	not shown	2	2,500	17.4	0.8	40
E	Fourplex	10,000	1,000	1.0	2	2,500	17.4	0.4	20
F	2-story garden apartment	20,000	1,000	1.0	2	1,850	26	0.6	30
G	3-story garden apartment	20,000	1,000	1.0	3	1,100	40	0.9	30
H	3-story apartment over parking	20,000	1,000	1.0	3 res 1 pkg	690	63	1.4 1.9*	48
I	6-story apartment over 2-story parking	20,000	1,000	1.0	6 res 2 pkg	350	125	2.9 3.8*	48
J	6-story apartment over 1-story parking	40,000	1,000	1.0	6 res 1 pkg	400	109	2.5 3.5*	48 res 100 pkg
K	18-story apartment over 1-story parking	40,000	1,000	1.0	12 res 1 pkg	400	109	2.5 3.5*	21 res 100 pkg
L	12-story apartment over 3-story parking	40,000	1,000	1.0	12 res 3 pkg	214	200	4.7 6.6*	39 res 64 pkg

* DU = dwelling unit
 * The FAR counts floor area in the structure devoted to both residential and parking uses. Other FARs, not marked by an asterisk, are calculated on the basis of residential floor area only.

Figure 14.2 illustrates what the buildings in our calculations that each dwelling unit has a floor area of 2,000 square feet. The space for parking cars has not been shown in these illustrations because off-street parking presents no serious problems at these residential densities.

The left-hand row in Figure 14.5 contains only single-family homes, ranging in density from a low-density suburban home with a density of 1.1 DU/ac. to urban row houses at a density of 17.4 DU/ac. It has been assumed low-rise apartment houses, ranging in den-



* FAR indicated includes parking structure

Figure 14.5. Relationships Among Building Type, Residential Density, and Floor Area Ratio

Figure 14.2. Sites Developed With a Floor Area Ratio of 1.0

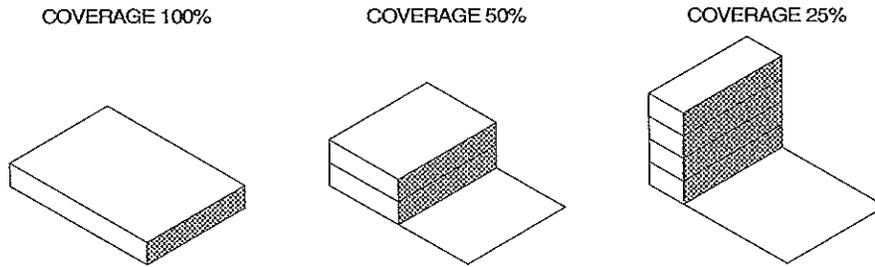


Figure 14.3. Sites Developed With a Floor Area Ratio of 0.5

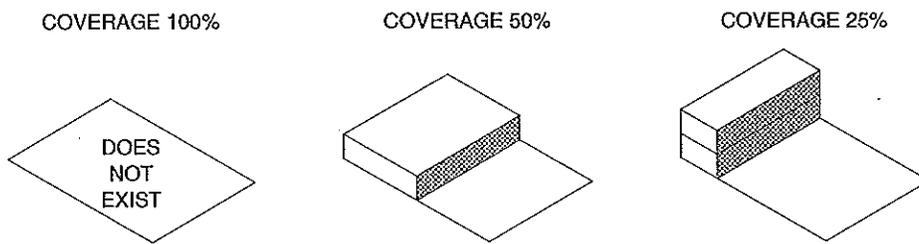
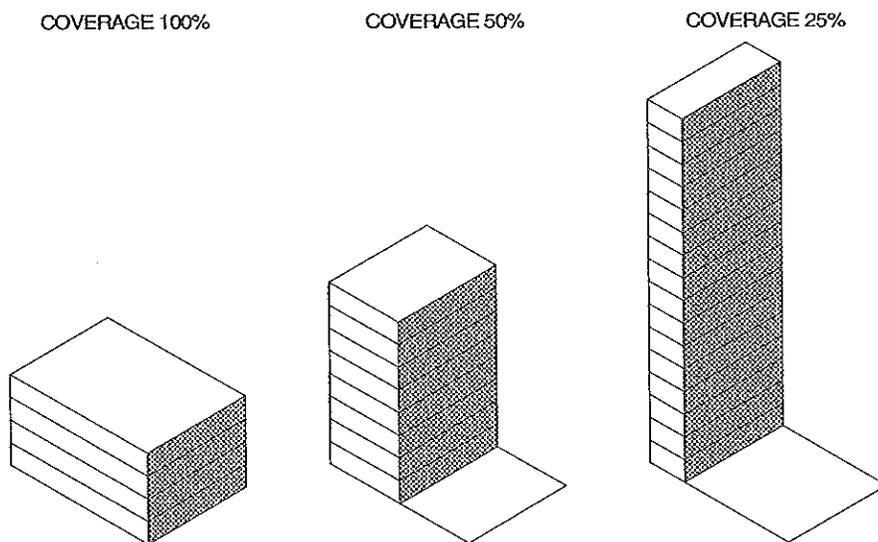


Figure 14.4. Sites Developed With a Floor Area Ratio of 4.0



streets, and facilities serving the local population (such as local schools, local parks, and local shopping facilities). The area specifically excludes land uses serving populations outside of the area being analyzed (such as state universities, regional shopping centers, and regional airports). The land area may or may not include vacant land.

Jurisdiction-wide residential density—The number of dwelling units per unit area (such as square miles or square kilometers) of land within the political boundaries of a jurisdiction. (The area usually includes residential, commercial, industrial, recreational, and institutional land uses, as well as vacant land, military bases, airports, and bodies of water.)

Residential density is most often expressed in terms of dwelling units (DU) per acre (ac). Sometimes, however, the inverse of this term, lot area per dwelling unit, is used.

USING RESIDENTIAL DENSITY AS A DESIGN TOOL

Residential density, expressed in *dwelling units per acre* (DU/ac) is used as an overview planning tool.

Residential density, expressed in *lot area per dwelling unit*, is used as a regulatory tool (e.g., in specific zoning regulations).

- When calculating the yield for single building sites, density figures (expressed in terms of square feet of lot area per DU) are used.

- For a site that is to be subdivided (with streets to be subtracted from the gross area) the number of gross acres in each land use is multiplied by the gross residential density of that land use which results in an approximate yield in number of dwelling units.

- For a site that is to be subdivided (with streets, parks, shopping centers, and schools), the gross area of the tract in

acres is multiplied by the neighborhood density figure which is closest to the typical type of dwelling that will be built on the property; this will produce an approximation of the number of dwelling units that the area will produce.

It must be noted that the above calculations will give approximations only. For more precise figures, one must specify how many units of each building type will be built, the average lot area per dwelling unit for each building type, the percent of the area that will be used for streets, and the percent of the area that will be used for community facilities. This detailed analysis can usually be made only after a fairly detailed site plan has been developed.

Table 14.1 reports typical residential densities. Note that these are generalized approximations only, and that the values reported in the table are not standards that apply everywhere.

COVERAGE AND FLOOR AREA RATIO

Some additional terms are used when describing or calculating residential density.

Coverage—The area of a building lot that is covered by a structure, expressed in square feet; the proportion of a building lot that is covered by a structure, expressed in percent or in decimal parts.

Floor area ratio (FAR)—The ratio between the total gross floor area on all stories of a structure to the gross area of the building lot on which the structure is located.

Floor area ratios are often used in regulating the density of development of commercial and industrial properties; they are rarely used in regulating residential properties. This is because experience has shown that when a FAR is the primary regulation in apartment zoning, property owners tend to crowd their properties with many small apartment units

Table 14.1. Typical Residential Densities

Residential Use	Lot Area (sq. ft./DU)	Net Residential Density (DU/acre)	Gross Residential Density (DU/acre)	Neighborhood Residential Density (DU/acre)
Rural estates	20 acres	.05	.05	.05
Rural residential	5 acres	2.0	.16	.15
Low-density, single family	20,000	2.2	1.7	1.5
Medium-density, single family	8,000	5.5	4.0	3.5
High-density, single family	5,000	8.7	6.5	5.2
Duplexes	4,000	11	8	6
Low-density row house	3,500	12	8	6
High-density row house	2,500	17	12	10
Low-density townhouse	5,400	8	6	5
High-density townhouse	2,700	16	12	10
1-story apartments	2,400	18	13	10
3-story apartments	1,200	36	25	20
6-story apartments	600	72	50	35
12-story apartments	300	144	100	60

• DU/acre = dwelling units per acre
 • sq. ft./DU = area in the building site in square feet per dwelling unit

rather than fewer moderate-sized units. (In some instances, this may be a desired effect; in others, it may be considered an adverse impact.)

Figure 14.1 illustrates a variety of building coverages. It may be noted that very low coverage figures are usually found only in low-density suburban and rural areas, and that very high coverage figures are usually found only in dense urban areas. A coverage of 100 percent is extreme and is almost never found.

Figure 14.2 illustrates three sites, each of which is developed to a FAR of 1.0 (that is, each site has a structure on it which is equal in floor area to the land area of the site). The figure on the left shows development when the building coverage is 100 percent; the figure in the middle shows development with a

coverage of 50 percent; the one on the right has a coverage of 25 percent.

Figure 14.3 illustrates the same three sites, but this time each of them is developed to a FAR of 0.5. Since it is impossible to develop a site at 100 percent coverage while having a FAR of 0.5, no structure is shown in the left-hand diagram.

Figure 14.4 again illustrates the three sites, but this time each one is developed to a FAR of 4.0.

RELATIONSHIPS AMONG BUILDING TYPE, RESIDENTIAL DENSITY, AND FLOOR AREA RATIO

Table 14.2 presents a number of examples of residential buildings that might be built under a variety of assumed conditions.

Planning Commission Staff Report

From: Tom Bonadeo
Date: October 2, 2012
Item: 5B – Sign Ordinance
Attachments: Ordinance pages to be reviewed

Background

The sign ordinance has had review and has been partially marked up. Attached are pages 1 - 20. The session this evening will be a review of the existing ordinance, the modifications of the ordinance and where we will go next. The modified ordinance is based on the International Zoning Code. This code is written by the International Code Council.

Item Specifics

Please take time to read through the attached version. You will receive a Zoning Ordinance book and this session will provide instruction on the use of the book.

Recommendations

Introduction to code Section IV, specifically Signs.

Section 4.1 Sign Regulations

A. Purpose

OK'd at
8/2/11
meeting
(language
from Ports)

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. ~~For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.~~

Deleted 11/2011.

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.

Definitions pulled from Internet. 1/2012. Need to decide which one to use.

Need to add size.

BILLBOARD. Any large sign/panel including supporting structure used as an outdoor display for the purpose of displaying advertisements making anything known; the product, business, or service so advertised or displayed being on or 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.")

OR

A large permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages. (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."

Need to add size. 8/2/11

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. For visual reference, see Section C.

Need to compare to existing. 8/2/11

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

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

GROUND SIGN. See "Free-standing sign."

Need to add language re: dark sky compliance. 8/2/11

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).

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*."

Rayfield's
could have
one. 11/1/11

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.

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. 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.

Need to add.
11/1/11

SANDWICH BOARD.

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.

11/1/11

C. General

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

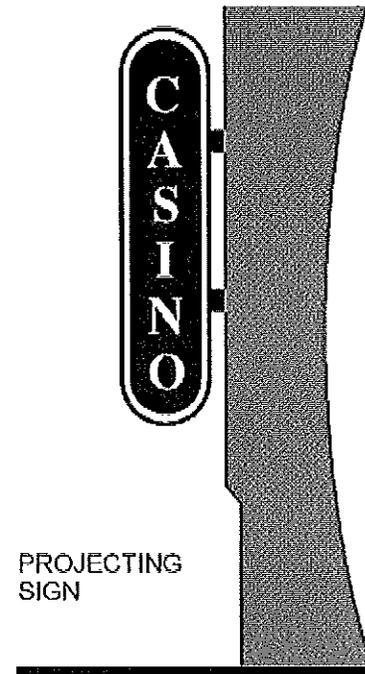
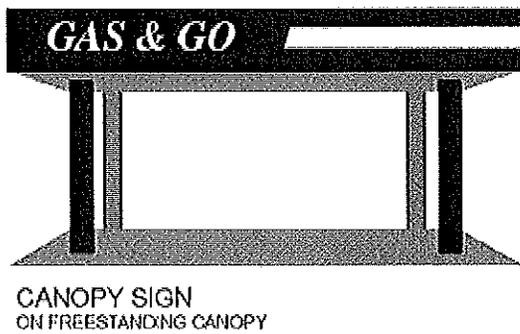
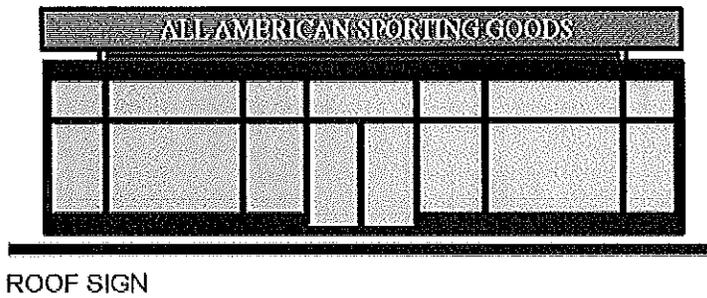
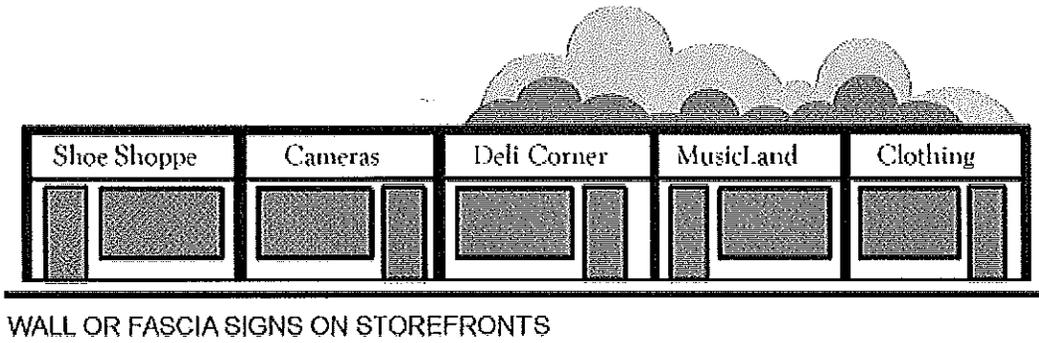
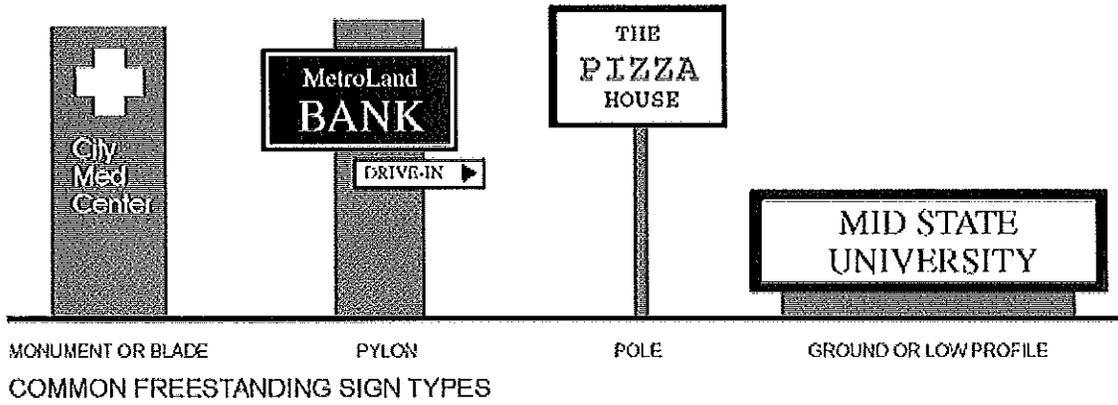


FIGURE C.1(1) GENERAL SIGN TYPES

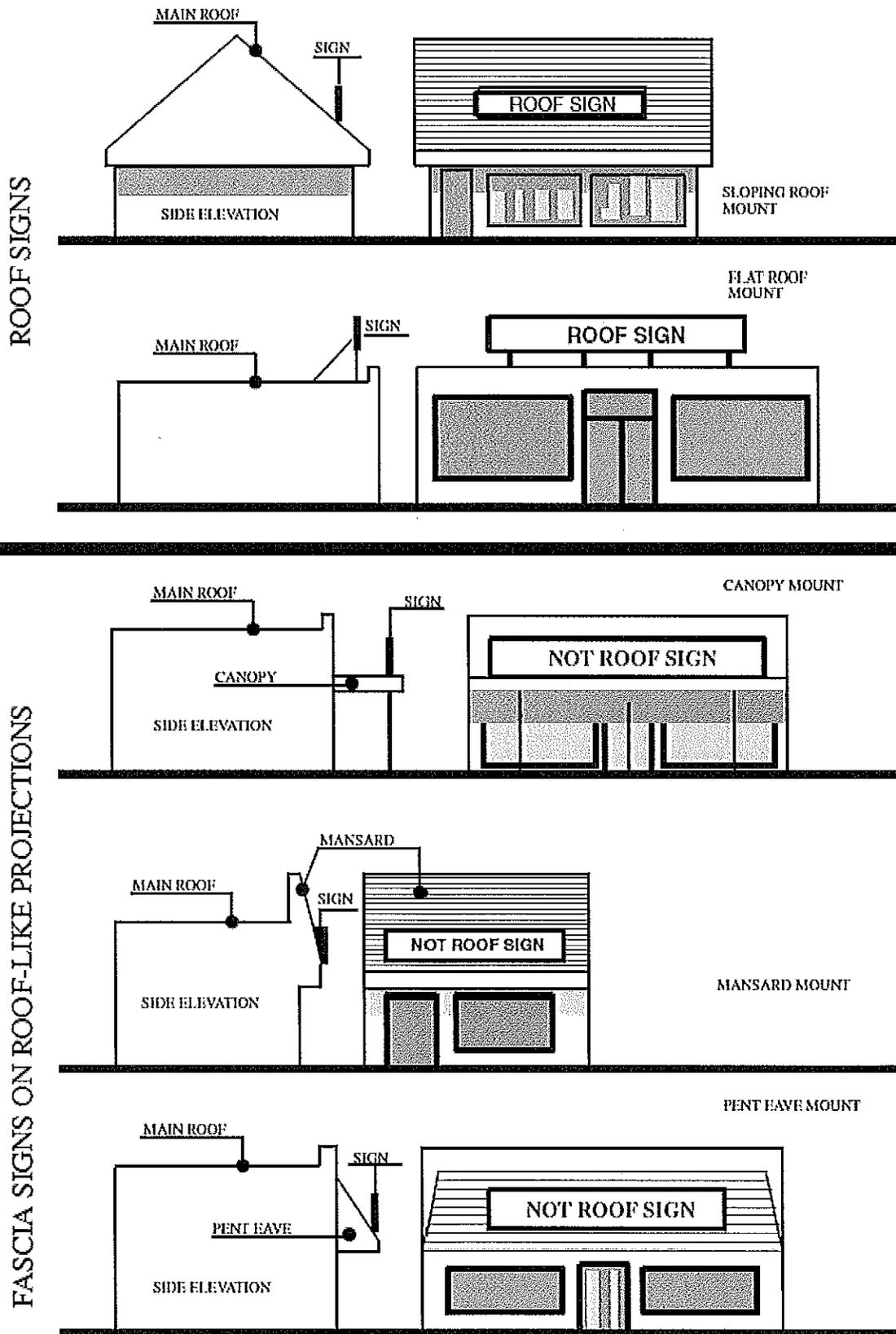
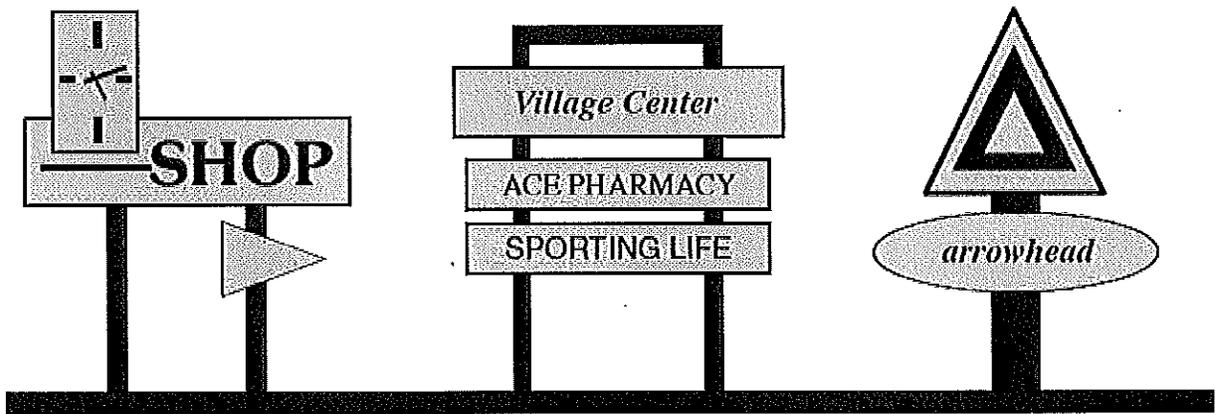
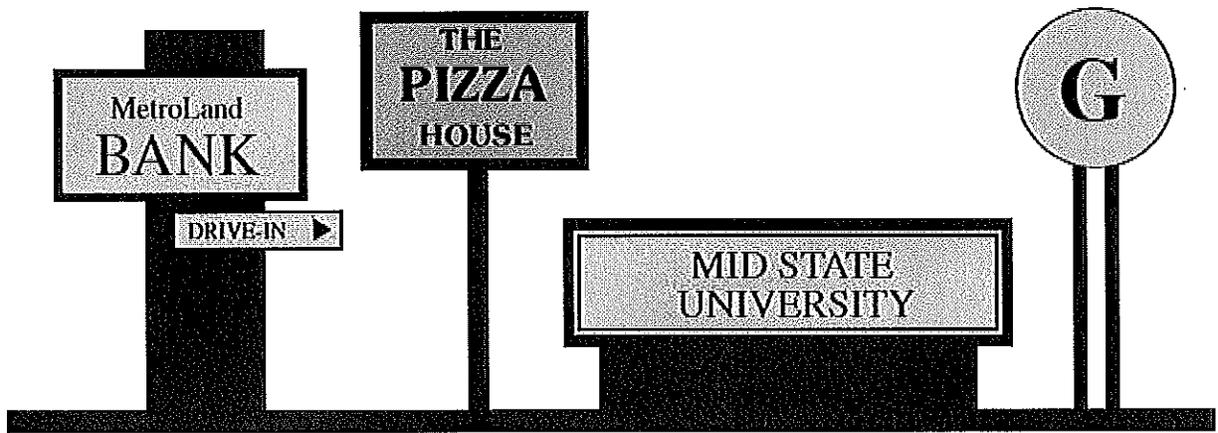
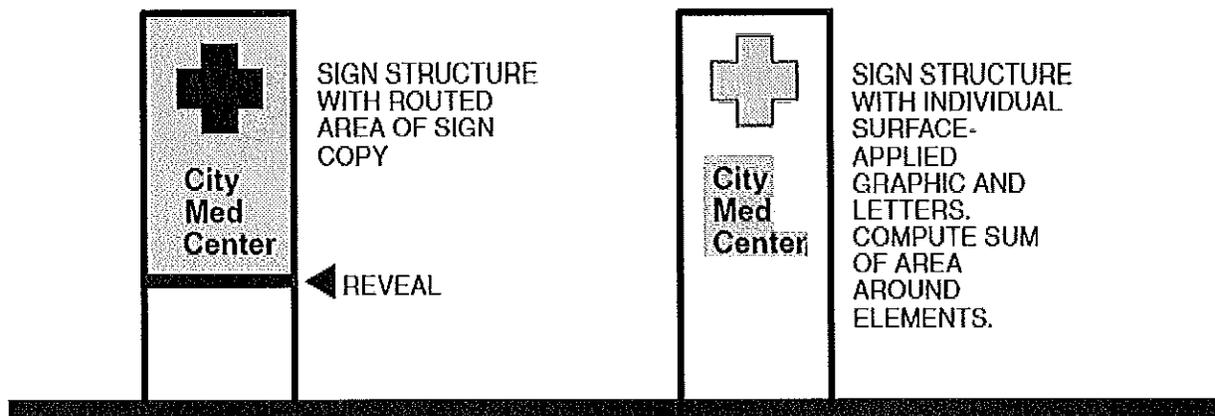


FIGURE C.1(2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS

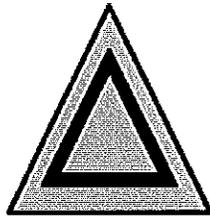


SIGN STRUCTURES



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

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



COMPUTE SUM OF AREAS OF INDIVIDUAL ELEMENTS ON WALL OR STRUCTURE.



IN COMPUTING AREA FOR UPPER- AND LOWER-CASE LETTERING, INCLUDE ASCENDERS OR DESCENDERS, BUT NOT BOTH. CALCULATE SUPER ASCENDERS SEPARATELY AS INDICATED.

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

Deleted 6/5/12

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

2. Signs in rights-of-way

Deleted 11/1/11.
6/5/12-changed to
Town Manager

No sign other than an official traffic sign or similar sign shall be erected ~~within 2 feet (610 mm) of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official zoning administrator~~ Town Manager.

3. Projections over public ways

11/1/11.

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

Need to put in "our" language.

~~If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.~~

Current language from § 4.1.J.2.b

6/5/12 added language for bldgs with more than 1 wall w/street 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

10/4/11-Not permitted.
6/5/12 TB to call Chincoteague

Animated signs, except as prohibited in Section F, are permitted in commercial and *industrial* zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.

7. Maintenance, repair and removal

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

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 ~~code official 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 ~~code official 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, the ~~code official zoning administrator~~ shall

be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

8. Obsolete sign copy

Add reference to
Historic Guidelines.
10/4/11

Any *sign* copy that no longer advertises or identifies a use conducted on the property on which said *sign* is erected must have the sign copy covered or removed within 30 days after written notification from the ~~code official~~ zoning administrator; and upon failure to comply with such notice, the ~~code official~~ 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.

6/5/12 Add exemption
for historic significance
(i.e., Wilson bldg)

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

9. Nonconforming signs

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

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

- a. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
- b. Any legal nonconforming *sign* shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the ~~code official~~ 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 6 square feet (0.56 m²) in area.

Added
9/6/11

Added
6/5/12.

Too big
11/1/11

F. Prohibited Signs

The following devices and locations shall be specifically prohibited:

Need to compare with current. 10/4/11

- 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. Portable signs except as allowed for temporary signs.
- 5. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - 5.1. The primary purpose of such a vehicle or trailer is not the display of signs.
 - 5.2. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - 5.3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- 6. 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.
- 7. 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.

Added 11/1/11

Need to define "static" displays.

G. Permits Required

- 1. Unless specifically exempted, a permit must be obtained from the ~~code-official~~ 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 ~~code-official~~ 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.

Need to add reference to pole at the post office 11/1/11.

Need to add reference to pole at the post office 11/1/11.

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.

H. Specific Sign Requirements

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

a. Wall signs

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

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

LAND USE	AGGREGATE AREA (square feet)
Single-family residential	2 SQFT
Multiple-family residential	12 SQFT
Nonresidential in a residential zone	Up to 50 SQFT
Commercial and industrial	See Table 1008.1.1(2)

For SI: 1 square foot = 0.0929 m².

b. Free-standing signs

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

Tom to work on. Table too complicated for our purposes. 01/03/12.

TABLE H.1.b IDENTIFICATION SIGN STANDARDS—FREE-STANDING SIGNS^{a,b,c}

LAND USE	NUMBER OF SIGNS	HEIGHT (feet)	AREA (square feet)	SPACING
Single-family residential	[JURISDICTION TO INSERT]	[JURISDICTION TO INSERT]	[JURISDICTION TO INSERT NUMBER]	1 per subdivision entrance ^a

	NUMBER]	NUMBER]		
Multiple-family residential	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	1 per driveway ^a
Nonresidential in a residential zone	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	300 ^a
Commercial and industrial	[JURISDICTION TO INSERT NUMBER]	See Figures 1008.1.2 (1), (2) and (3)	See Figures 1008.1.2 (1), (2) and (3)	150 ^b

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

a. For subdivision or apartment identification signs placed on a decorative entry wall approved by the ~~code official~~ zoning administrator, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the *driveway* or entry drive.

b. For shopping centers or planned *industrial* parks, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in Table H.1.b.

c. For any commercial or *industrial* development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned *industrial* parks, one free-standing sign per street front shall be permitted to be increased in sign area by up to 50 percent.

c. Directional signs

No more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential zones, the maximum area for directional signs shall be [JURISDICTION TO INSERT NUMBER] square feet. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be [JURISDICTION TO INSERT NUMBER] square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

2. Temporary signs

Temporary signs shall be in accordance with Sections H.2.a through H.2.f.

a. Real estate signs

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

- (1) Real estate signs located on a single residential lot shall be limited to one sign, not greater than 4 square feet in area.
- (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 ~~±0~~ 7 days after sale of the last original lot.

4 SQFT - Includes Open House Signs
Add AUCTION Signs – size up to 48 SQFT. Can be displayed up to 30 days.

5/1/12 – sizes added in #2 & 3. # days changed in #2.

5/1/12 – sizes added in #4 & # of days changed in #5.

- (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 (~~40-470 m²~~) or less, or ~~100~~ 32 square feet (~~9.3 m²~~) for property exceeding 10 acres (~~40-470 m²~~).
- (5) Real estate signs shall be removed not later than ~~10~~ 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.

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:

5/1/12 – sizes added in #1-4 & # of days changed in #5.
 6/5/12 – need to check #s in (1) with May notes.

- (1) Such signs on a single residential lot shall be limited to one sign, not greater than 6 feet in height and 32 square feet in area.
- (2) Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than 6 feet in height and 32 square feet in area.
- (3) Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than 6 feet in height and 4 square feet in area.
- (4) Such signs for commercial or *industrial* projects shall be limited to one sign per street front, not to exceed 6 feet in height and 12 square feet for projects on parcels 5 acres (~~20-235 m²~~) or less in size, and not to exceed 6 feet in height and 32 square feet for projects on parcels larger than 5 acres (~~20-235 m²~~).
- (5) Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than ~~24 hours~~ 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 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.

- (3) The total area of all such signs shall not exceed [JURISDICTION TO INSERT NUMBER] square feet in any single-family residential district, [JURISDICTION TO INSERT NUMBER] square feet in any multiple-family residential district and [JURISDICTION TO INSERT NUMBER] square feet in any commercial or *industrial* district.

d. Special event signs in public ways

Need to defer to VDOT since we don't own the streets & ROWs.
6/5/12 added VDOT. Need to submit LUP-A for VDOT approval.

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

e. Portable signs

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

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

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

f. Political signs

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

4/3/2012 changes made

- (1) Such signs shall not exceed an area of 4 square feet.
- (2) Such signs for election candidates or ballot propositions shall be displayed only for a period of ~~60~~ 45 days preceding the election and shall be removed within ~~10~~ 7 days after the election, ~~provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.~~
- (3) Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

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 height and area to [JURISDICTION TO INSERT NUMBER] square feet per each [JURISDICTION TO INSERT NUMBER] lineal feet of building frontage, except that no such sign shall exceed an area of [JURISDICTION TO INSERT NUMBER] square feet.
- (2) No such *sign* shall extend vertically above the highest point of the building facade upon which it is mounted by more than [JURISDICTION TO INSERT NUMBER] percent of the height of the building facade.
- (3) Such signs shall not extend over a public sidewalk in excess of [JURISDICTION TO INSERT NUMBER] percent of the width of the sidewalk.
- (4) Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of [JURISDICTION TO INSERT NUMBER] 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, and shall be limited to an area not to exceed [JURISDICTION TO INSERT NUMBER] square feet.
- (2) Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of [JURISDICTION TO INSERT NUMBER] feet.

e. Roof signs

- (1) Roof signs shall be permitted in commercial and *industrial* districts only.
- (2) Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of no more than [JURISDICTION TO INSERT NUMBER]

TO INSERT NUMBER] percent of the height of the roofline in commercial districts, and [JURISDICTION TO INSERT NUMBER] percent of the height of the roofline in *industrial* districts.

- (3) The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.

f. Window signs.

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) 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.
- (2) 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 50 square feet (4.6 m²).

I. Signs for Development Complexes

1. Master sign plan required

All landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376 m²) in size, such as shopping centers or planned *industrial* parks, shall submit to the ~~code-official~~ zoning administrator a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

- a. Proposed sign locations.
- b. Materials.
- c. Type of illumination.
- d. Design of free-standing sign structures.
- e. Size.
- f. Quantity.
- g. Uniform standards for nonbusiness signage, including directional and informational signs.

2. Development complex sign

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

3. Compliance with master sign plan

All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

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.

Planning Commission Staff Report

From: Tom Bonadeo

Date: October 2, 2012

Item: 6A – Orientation Information

Attachments: Zoning Ordinance will be available at the meeting

Background

The Zoning Ordinance is the major “rule book” by which the Planning Commissioners do their regular work. The Comprehensive Plan is the guiding document for the locality and the zoning ordinance is used to implement the Comprehensive Plan (Comp Plan). The Comp Plan is available on-line along with the zoning map.

Item Specifics

Please take time to look at some of the on-line items prior to the meeting. Documents include:

1. Comprehensive Plan
2. Harbor Area Conceptual Master Plan
3. Historic District Guidelines
4. Harbor Area Design Guidelines
5. Accawmacke Plantation – A Planned Unit Development
6. Town of Cape Charles Zoning Ordinance

Recommendations

Review the documents available.