

# **Planning Commission**

## **Public Hearing**

### **and**

## **Regular Session Agenda**

**March 6, 2012**

**6:00 P.M.**

1. Call to Order – Planning Commission Public Hearing and Regular Session
  - a. Roll Call – Establish a quorum
  - b. Hear Public Comment on the Adaptive Reuse Modification to the R-1 Zone
  - c. Close Public Hearing
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
  - a. Approval of Agenda Format
  - b. Approval of Minutes
  - c. Reports
5. Old Business
  - a. Sign Ordinance Review – Draft Ordinance
  - b. Adaptive Reuse – Text Change R-1
6. New Business
  - a. CUP and Rezoning of parcel
7. Announcements
8. Adjourn



**DRAFT**  
**TOWN COUNCIL & PLANNING COMMISSION**  
**Joint Public Hearing**  
**Town Hall**  
**February 7, 2012**  
**6:00 p.m.**

At 6:00 p.m. Vice Mayor Chris Bannon, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Sullivan and Veber and Councilwoman Natali. Mayor Sullivan and Councilman Evans were not in attendance.

Chairman Bruce Brinkley, having established a quorum, called to order the Public Hearing of the Planning Commission. In addition to Chairman Brinkley, present were Commissioners Roger Munz, Joan Natali and Mike Strub. Vice Chairman Dennis McCoy and Commissioner Malcolm Hayward were not in attendance. Also in attendance were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

Bruce Brinkley announced that the evening's Joint Public Hearing was to hear public comment regarding the proposed modifications to the Cape Charles Zoning Ordinance Section 8.22 regarding Hazardous Buildings or Structures.

**PUBLIC COMMENTS:**

There were no public comments to be heard and no written comments were submitted prior to the hearing.

**Motion made by Joan Natali, seconded by Roger Munz, to close the Planning Commission Public Hearing. The motion was unanimously approved.**

**Motion made by Councilman Sullivan, seconded by Councilman Bennett, to close the Town Council Public Hearing. The motion was approved by unanimous consent.**

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Vice Mayor Bannon

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Chairman Brinkley

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Town Clerk



**DRAFT**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Town Hall**  
**February 7, 2012**

At 6:05 p.m. in the Town Hall, Chairman Bruce Brinkley, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Roger Munz, Joan Natali and Mike Strub. Vice Chair Dennis McCoy and Commissioner Malcolm Hayward were not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

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

**REGULAR MEETING PUBLIC COMMENTS**

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

**CONSENT AGENDA**

Tom Bonadeo requested that Item 5a-Sign Ordinance Review be removed from this month's agenda and substituted with an update regarding the Northampton County Zoning Text Amendment and a review of current bills in legislation.

**Motion made by Joan Natali, seconded by Mike Strub and unanimously approved to amend the agenda as discussed.**

The Commissioners reviewed the minutes for the January 3, 2012 Public Hearing & Regular Meeting.

Mike Strub noted that under Reports, item iii), the word "and" was omitted. Joan Natali noted that the word "and" was omitted in the first sentence under Subdivision Ordinance Modification. In this same sentence, there was some discussion regarding the use of the term "except." Tom Bonadeo stated that this was the legal terminology where exceptions from the ordinance were made for certain actions. Mike Strub stated that the second paragraph under Other Business was confusing and suggested the language be changed for better clarification.

**Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the January 3, 2012 Regular Meeting as modified. The motion was unanimously approved.**

**REPORTS**

Tom Bonadeo stated that January had been a tremendously busy month and reported the following: i) Northampton County was holding several comp plan meetings throughout the County and the meeting in Cape Charles was very well attended and lots of comments were received. He submitted statistical data to the County regarding the amount of available commercial space and buildable lots in Town. Currently, there was over 48K SQFT of commercial space ready to rent and 700 empty residential lots. The County staff was amazed at these numbers; ii) Boytos & Boytos had laid the foundation blocks for the Harbor bath house. Due to a survey error, two more rows of block had to be added to the foundation. The restaurant was ready for walls to be installed and the boardwalk had been installed along the west dock; iii) The new wastewater treatment plant was now taking effluent from the Town and processing it using the new technology. The contract for the removal of the old plant was expected to be awarded at the next Council meeting; iv) The Sinclair Tower had been installed and was ready to do. AT&T and Verizon would be moving their antennae to the new tower soon and there was room for three additional providers; v) Gamesa had submitted their Joint

Permit Application for a 5MW wind turbine in the Bay about two to three miles off the coast of Cape Charles. An electric line would be coming ashore in the Cape Charles Harbor area. The Wetlands Board will be reviewing the information at their February 29<sup>th</sup> public hearing and meeting; vi) The Bay Vista subdivision also submitted an application to install a new form of breakwater. This system was new to Virginia and would require some monitoring from VIMS and VMRC to get full approval. The system would use a nearly continuous line of protection similar to a coral reef causing the wave energy to be absorbed by the concrete shapes and sand would be deposited landward. The system had the potential to build the beach on its own which would be straighter than the scalloped system currently used. This would also be reviewed by the Wetlands Board on February 29<sup>th</sup> and the VMRC in March.

Joan Natali asked about the status of the effluent reuse of the water from the new wastewater treatment plant by Bay Creek. Tom Bonadeo stated that there were legal issues regarding land ownership and the DEQ's ability to issue variances. Once the variances were received from the DEQ, everything should be okay for Bay Creek to reuse the effluent.

#### **OLD BUSINESS**

##### *Northampton County Zoning Text Amendment*

Tom Bonadeo explained that the County's Zoning Ordinance included a Dual Planning Area which would be considered an equivalent to the Town's Corridor Overlay area. This was an area where the Town and County would work together to regulate what was permitted to be built. The County was holding a public hearing tonight and reviewing an application requesting a zoning amendment to permit structures up to 60' in height in the County. If approved, this would also permit 60' structures along Route 184 (Stone Road) coming into Town. Tom Bonadeo stated that he submitted an email to the County Planning Commission expressing the Town's opposition to the zoning amendment which would be read at the public hearing.

##### *Review of Current Bills in Legislature*

Tom Bonadeo stated that a list of bills being reviewed by the House and Senate was included in the agenda packet and demonstrated the Legislative Information System (LIS) website where individuals could search and track the process of various bills. The Commissioners briefly reviewed the following bills: i) HB 327 - Would provide that a locality could require by ordinance that certain structures within a historic district not be demolished except in compliance with the local ordinance, unless the local building department determined that it constituted such a hazard that it should be razed and removed. This bill unanimously passed the House of Delegates on February 1<sup>st</sup> and would cross over to the Senate on February 15<sup>th</sup>; ii) SB 68 - Would create a tax credit, not to exceed \$100K, for businesses that rehabilitate or retrofit older industrial building in which a new business was located for taxable years beginning on or after January 1, 2013. No action had been taken by Senate Finance to date; iii) SB 130 - Would establish the Building Revitalization Grant Fund, administered by the Housing Development Authority, to award grants up to \$100K to businesses that made a capital investment of \$1M in revitalizing or retrofitting buildings to serve as a new place of business. The bill reported unanimously by the Senate General Laws Committee on January 23<sup>rd</sup> and was referred to Senate Finance; iv) HB 491 and SB 122 - Would authorize localities to serve as a receiver, appointed by a Circuit Court, to repair blighted and derelict buildings. HB 491 unanimously passed by the House of Delegates on January 25<sup>th</sup> and the Senate would take action on February 15<sup>th</sup>. SB 122 was reported unanimously from the Local Government Committee on January 31<sup>st</sup> and was unanimously passed by the full Senate this week; v) HB 527 - Would establish the Virginia Slave Commission which would, among other things, determine the educational and economic value to the Commonwealth of preserving sites and facilities of historic and archaeological significance to African American Culture and contributions. This bill could be significant for the Rosenwald School, but had been tabled.

##### *Section 8.22 - Demolition of Structures*

Tom Bonadeo stated that a Joint Public Hearing with the Town Council was held earlier this evening and no public comments were received. The Commissioners reviewed the proposed language.

Roger Munz asked what would happen if, upon receipt of the engineer's report, the Code Official agreed with the report and the Zoning Administrator could not reach an agreement. Tom Bonadeo stated that the Town Manager would be the final authority and added that occasionally, he and Jeb Brady disagreed on issues. Tom went on to state that he leaned more toward historic preservations and Jeb Brady leaned more toward public safety.

Roger Munz noted that several meetings ago, he had expressed his concern regarding the current language in § 8.21.B.1. where a property owner could demolish a structure if the structure had been available for sale at fair market value for a period of 12 months with no offers and had suggested that "fair market value" be changed to "appraised value." Tom Bonadeo explained that the Town would have to obtain an appraisal on each request to determine whether the property was being offered for sale at an appropriate price which would increase costs for the Town. Joan Natali stated that the language being modified was in a different section of the ordinance.

**Motion made by Joan Natali, seconded by Roger Munz, to recommend approval of the proposed text changes to Section 8.22 of the Zoning Ordinance as presented. The motion was unanimously approved.**

*Adaptive Reuse*

The Commissioners reviewed the proposed modifications to § 3.2.C.7. of the Zoning Ordinance to allow for adaptive reuse of some buildings in the Residential (R-1) Zone of the Historic District, such as the old Presbyterian Church, the former Cape Charles School, the Cape Charles Memorial Library along with other church buildings that were not candidates for single family homes.

Joan Natali asked whether an exception to the requirement that new utility services be placed underground could be made if the power pole for a property was across the street. Tom Bonadeo stated that the utility wires could be bored under the street and no exceptions would be made. Bruce Brinkley asked why ANEC would not be responsible to bury the electrical wires adding that if the Town had an ordinance requiring underground utilities, ANEC would be responsible to follow the ordinance. Tom Bonadeo stated that he would refer this issue to legal counsel for their input.

**Motion made by Mike Strub, seconded by Roger Munz, to schedule a Joint Public Hearing with Town Council immediately preceding the March Planning Commission Meeting. The motion was unanimously approved.**

**NEW BUSINESS**

There was no New Business to review.

**ANNOUNCEMENTS**

Bruce Brinkley asked for an update on Chase Brady. Tom Bonadeo stated that Chase was off the ventilator and was being taken off oxygen. Joan Natali added that Jeb and Marie Brady were hoping to be able to bring Chase home this Friday.

**Motion made by Roger Munz, seconded by Mike Strub, and unanimously approved to adjourn the Regular Meeting of the Planning Commission.**

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Chairman Bruce Brinkley

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Town Clerk

# Planning Commission Staff Report

**From:** Tom Bonadeo

**Date:** March 6, 2012

**Item:** 4C – Reports

**Attachments:**

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## Item Specifics

1. The Northampton County website is [www.co.northampton.va.us](http://www.co.northampton.va.us) and contains the updated information from county meetings. The Northampton Planning Commission also meets on this night and a copy of their agenda is attached when available prior to printing.
2. The Harbor Redevelopment Plan –Boyto & Boyto has raised the walls and roof of the bathhouse building. The metal roof should go on shortly
3. The Restaurant Building for the Harbor has been erected and the roof is well underway. The interior concrete floor has been poured.
4. The boardwalk along the south and west sides of the dock have been completed and we now have a great walkway with benches and rails. The connection to the RR crossing will be next.
5. The WWTP is taking most of the load and is working towards certification. There is still a list of items to be completed.
6. The new force main on Mason Avenue is pumping again! The final inspections were done and the system is now in use.
7. The Historic Review Board met last month. The Board reviewed and approved two remodeling projects. The house on Peach Street bordering the Park is being repaired and a small addition on a house in the 600 block of Monroe Avenue.
8. The Sinclair FM Tower has been erected next to the tall FM tower. The AT&T antennas have been installed but not yet connected. Verizon will be next and as mentioned earlier, there is room for 3 competing cell phone providers.
9. Gamesa has submitted its Joint Permit Application (JPA) to place a 5MW wind turbine in the Bay just off Cape Charles with the electric line coming ashore in the Cape Charles Harbor area. The Wetlands board has reviewed the application and issued a permit for the submarine cable to cross the intertidal zone as it comes ashore on the RR property. Gamesa presented their plan for 50 feet of new sheet piles and the proper use of erosion and sedimentation practices.
10. The Wetlands Board has received a new application from the owners of lots in the Bay Vista subdivision. The application is to install a new form of breakwater called Wave Attenuation Devices (WADs). This breakwater would extend from the existing Bay Creek system to the old ferry dock area. This system is “new” to Virginia and will require some monitoring to get full approval from VIMS and VMRC but it looks promising. The Board

approved the upland restoration plan and the beach nourishment plan with the requirement that the emergency concrete riprap be removed as part of the project.

11. The Broadband Network equipment is installed and the Town Hall is working on the new service. The computer lab should be online this week.

# Planning Commission Staff Report

**From:** Tom Bonadeo  
**Date:** January 3, 2011  
**Item:** 5A – Sign Ordinance  
**Attachments:** Ordinance

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## **Background**

The sign ordinance has had a first round of review and has been marked up. Staff provide and outline and work session for the meeting to continue mark up.

## **Item Specifics**

Please take time to read through the attached marked up version.

## **Recommendations**

Review the new code previously discussed.

## 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.

**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.")

Current definition. Needs to be revised. 8/2/11

Need to add size.

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 1.2 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. For visual reference, see Section C.

Need to add size. 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.

Need to compare to existing. 8/2/11

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

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

**ILLUMINATED SIGN.** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

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

**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.

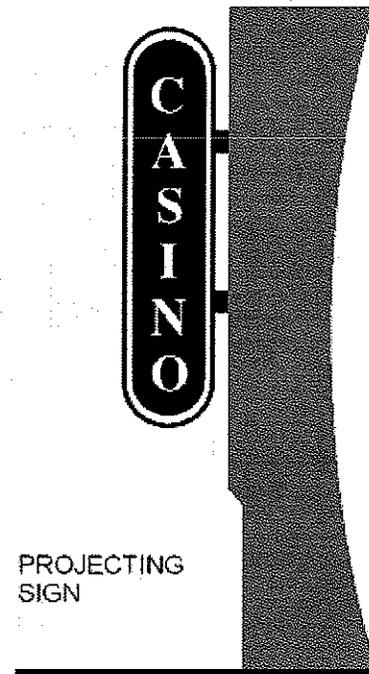
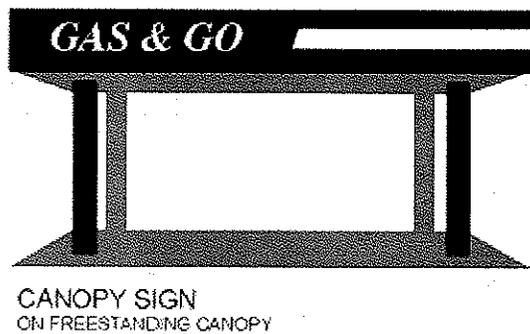
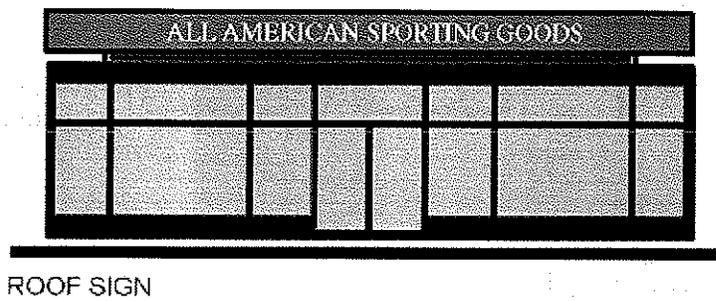
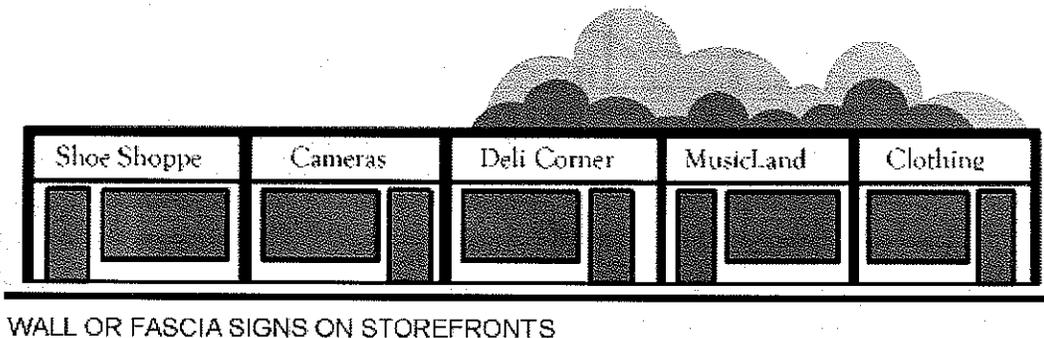
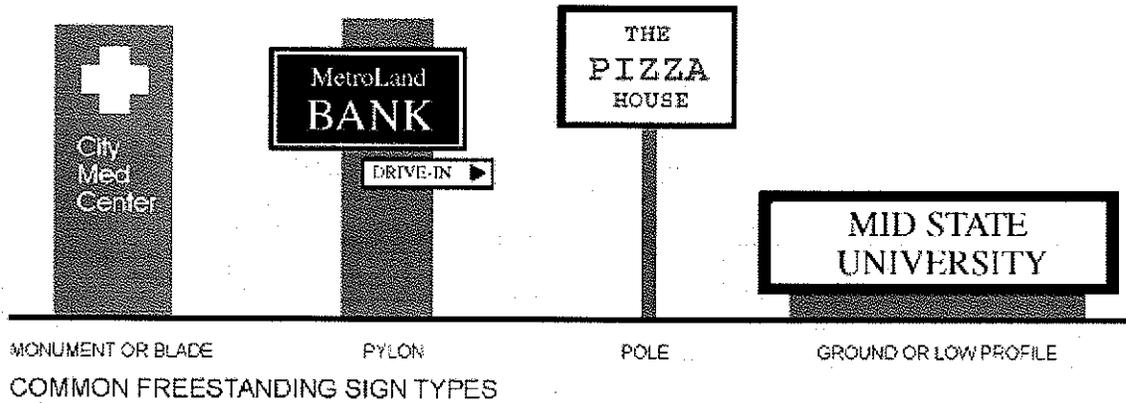
**WALL OR FASCIA SIGN.** A *sign* that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs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

11/1/11

**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.

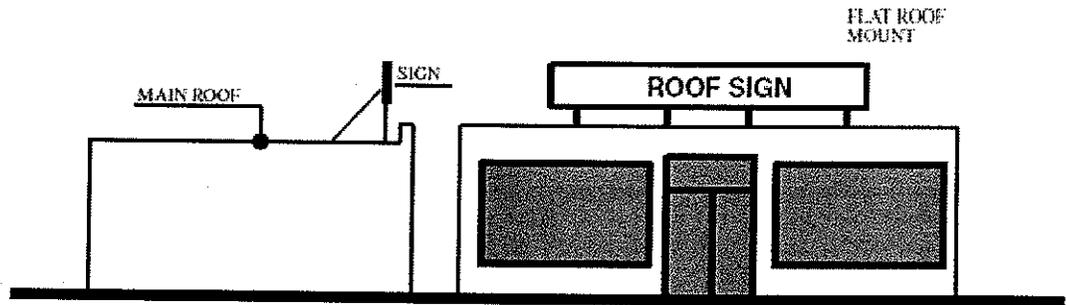
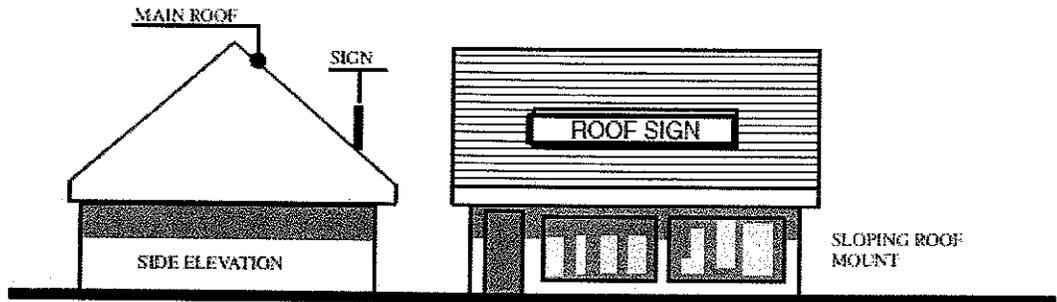
C. General

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

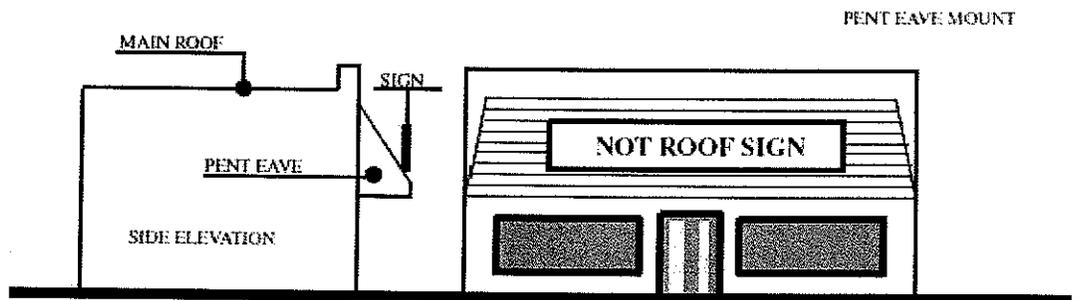
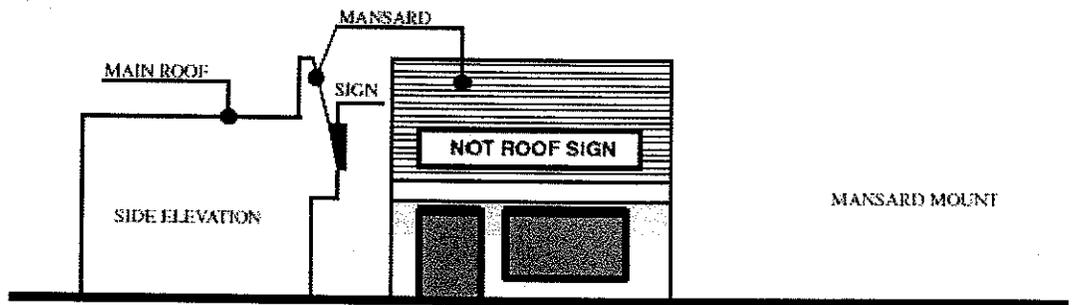
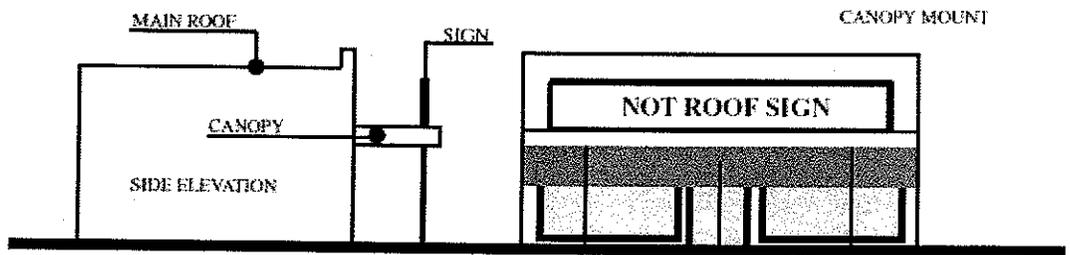


**FIGURE C.1(1) GENERAL SIGN TYPES**

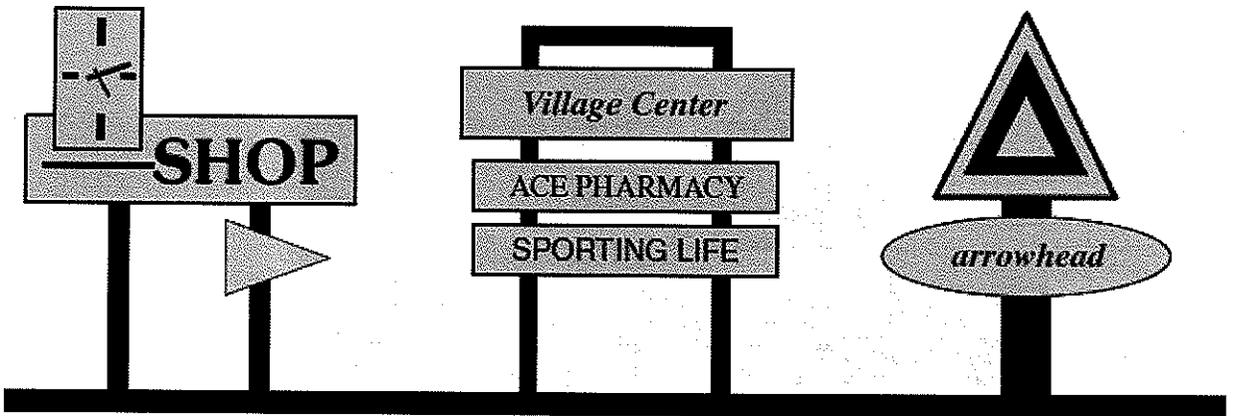
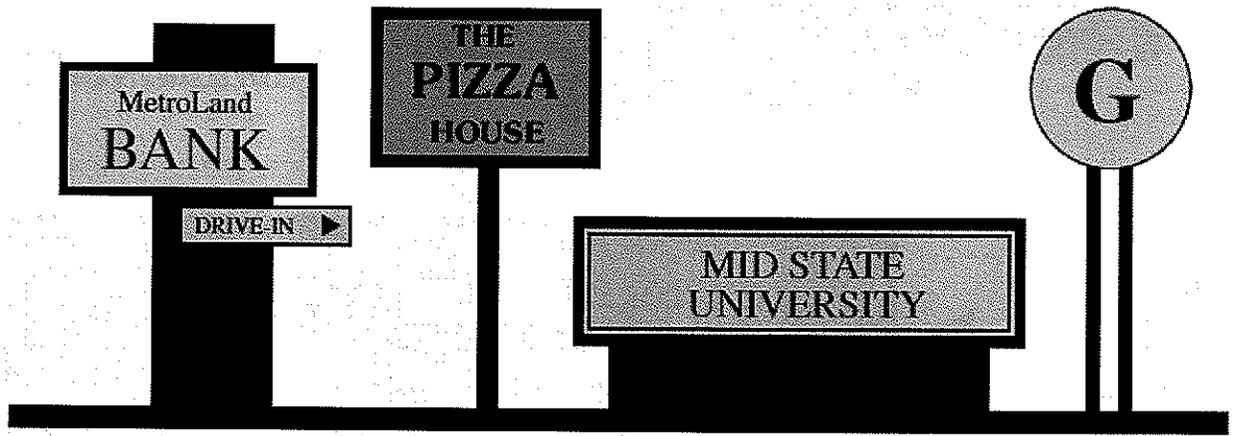
ROOF SIGNS



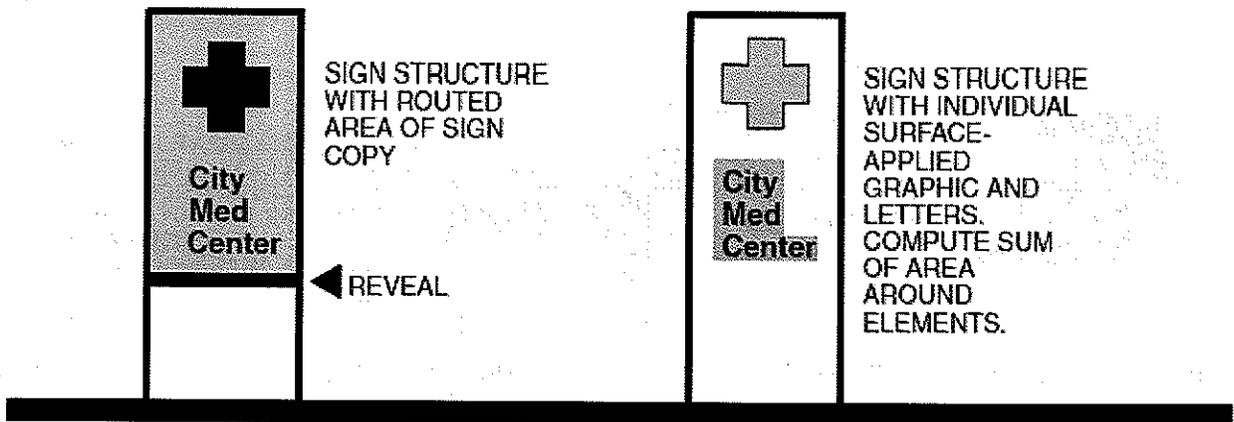
FASCIA SIGNS ON ROOF-LIKE PROJECTIONS



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

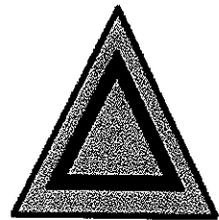


**SIGN STRUCTURES**



**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 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.

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.~~

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.~~

6. Animation and changeable messages

Not permitted. Need to change to state that. 10/4/11

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

7. Maintenance, repair and removal

Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the ~~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.

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 ~~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 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 [REDACTED] (0.56 m<sup>2</sup>) in area.

Added  
9/6/11

Too big  
11/1/11

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.

Need to  
compare  
with  
current.  
10/4/11

Added  
11/1/11

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.

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. 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.

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.

#### 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 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.

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

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

| LAND USE                             | NUMBER OF SIGNS                 | HEIGHT (feet)                         | AREA (square feet)                    | SPACING                                 |
|--------------------------------------|---------------------------------|---------------------------------------|---------------------------------------|---|
| Single-family residential            | [JURISDICTION TO INSERT NUMBER] | [JURISDICTION TO INSERT NUMBER]       | [JURISDICTION TO INSERT NUMBER]       | 1 per subdivision entrance <sup>a</sup> |
| Multiple-family residential          | [JURISDICTION TO INSERT NUMBER] | [JURISDICTION TO INSERT NUMBER]       | [JURISDICTION TO INSERT NUMBER]       | 1 per driveway <sup>a</sup>             |
| Nonresidential in a residential zone | [JURISDICTION TO INSERT NUMBER] | [JURISDICTION TO INSERT NUMBER]       | [JURISDICTION TO INSERT NUMBER]       | 300 <sup>a</sup>                        |
| 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 <sup>b</sup>                        |

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

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

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

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

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:

4 SQFT  
Includes Open House  
Signs

Add AUCTION Signs -  
size up to 48 SQFT. Can  
be displayed up to 30  
days.

(1) Real estate signs located on a single residential lot shall be limited to one sign, not greater than [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] 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 [JURISDICTION TO INSERT NUMBER] square feet in area nor [JURISDICTION TO INSERT NUMBER] feet in height. All signs permitted under this section shall be removed within 10 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 [JURISDICTION TO INSERT NUMBER] square feet in area nor [JURISDICTION TO INSERT NUMBER] 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

[JURISDICTION TO INSERT NUMBER] feet in height, and [JURISDICTION TO INSERT NUMBER] square feet for property of 10 acres (40 470 m<sup>2</sup>) or less, or 100 square feet (9.3 m<sup>2</sup>) for property exceeding 10 acres (40 470 m<sup>2</sup>).

- (5) Real estate signs shall be removed not later than 10 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:

- (1) Such signs on a single residential lot shall be limited to one sign, not greater than [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] 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 [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] 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 [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet in area.
- (4) Such signs for commercial or *industrial* projects shall be limited to one sign per street front, not to exceed [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet for projects on parcels 5 acres (20 235 m<sup>2</sup>) or less in size, and not to exceed [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet for projects on parcels larger than 5 acres (20 235 m<sup>2</sup>).
- (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 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.

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~~ 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

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:

- (1) Such signs shall not exceed a height of [JURISDICTION TO INSERT NUMBER] feet nor an area of [JURISDICTION TO INSERT NUMBER] square feet.
- (2) Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 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] 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 m<sup>2</sup>).

I. Signs for Development Complexes

1. Master sign plan required

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

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

2. Development complex sign

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

3. Compliance with master sign plan  
All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.
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:** March 6, 2011  
**Item:** 5B – Adaptive Reuse  
**Attachments:** Adaptive Reuse modification

---

## Background

The Town Council wishes to amend the zoning ordinance to allow for the adaptive reuse of some buildings in the Historic District of Cape Charles. Buildings like the old Presbyterian Church, Cape Charles High School, the Cape Charles Memorial Library, along with other buildings that are 50 years old or older such as the old medical center in the 700 block of Tazewell Avenue.

The purpose is to save these historic structures from destruction while preserving the residential character of the neighborhood. The Cape Charles Christian School reused the church as a school which is a permitted use in the R-1 zone. When a building changes use, the new use must meet the zoning ordinance requirements such as parking, etc. The Christian School was required to provide off street parking to avoid the impact of additional cars every day as opposed to Sunday cars for a few hours if used as a church.

## Item Specifics

The R-1 ordinance currently has 6 Conditional Uses including such things as Libraries, Museums and Civic Meeting Spaces. An Adaptive Reuse would add the seventh conditional use with some special requirements. The following were recommended by Council and Planning Commission:

1. The Adaptive Reuse is for a structure that is a contributing structure to the Cape Charles National Historic District or at least 50 years old or is representative of a particular American Architectural Style.
2. The proposed reuse is compatible with existing permitted, accessory and conditional uses but possibly denser.
3. The proposed reuse meets the conditional use requirements and process while meeting the other requirements of the ordinance for change of use such as the table of parking standards and landscaping standards.

The Planning Commission and Town Council has held a public hearing this evening to receive comments.

## Recommendations

Review the public comments and recommend the approval of the text change to Town Council.

## Adaptive Reuse

### Text Addition to the R-1 Zone, Section III of the Zoning Ordinance

#### Section 3.2.C.7

7. Adaptive Reuse of existing structure is a new use different than the intended use for which the structure was originally constructed. The Reuse is generally a permitted, accessory or conditional use with an adaptation such as density or size that is greater than the ordinance allows.

The Reuse would require a conditional use permit (CUP). The following additional requirements must also be met:

1. The use must be compatible with the permitted uses in the zone.
2. The Reuse plan must meet the table of parking and landscaping standards (unlike reuse in the C-1 Zone where parking requirements are on a case by case basis).
3. Replacement and new utility services shall be placed underground.
4. The structure shall be a contributing structure to the Cape Charles National Historic District or at least 50 years old and the exterior of the structure must be restored in accordance with the Cape Charles Historic District Guidelines.

# Planning Commission Staff Report

**From:** Tom Bonadeo  
**Date:** March 6, 2012  
**Item:** 6A – CUP and Zoning Map Amendment  
**Attachments:** Bauman's Map of Cape Charles (1884), North Park Row Map

---

## Background

The Town Council wishes to amend the zoning map of the Town of Cape Charles. The original design of the lots in Cape Charles included residential lots on both the north and south sides of the central park area as shown on Bauman's Map. The lots along South Park Row and the western half of North Park Row have been used for single family houses as intended. Prior to the introduction of zoning ordinances the lots on the northeast corner were used to construct a school to replace the aging school in the 600 block of Monroe Avenue.

The park property and the school property were zoned Open Space when Cape Charles adopted a zoning ordinance. In the zoning ordinance process the definition of Open Space was left out until recently when the Planning Commission and Council adopted a definition for the zone. Schools and churches are not part of that definition but they are part of the R-1 definition. This would change the school from a nonconforming structure to a legal structure in the R-1 Zone.

The Council also requests the Planning Commission Review of a Conditional Use Permit for the Adaptive Reuse of the School. The Council has received an unsolicited proposal for the Historic Restoration of the building. This proposal includes the restoration for tax credits that requires the review and approval of the Virginia Department of Historic Resources for both Federal and State tax credits. The Adaptive Reuse of the building for 16-17 apartments is in accordance with the proposed Adaptive Reuse text amendment now before Council.

## Item Specifics

The Zoning Map Amendment is for lots 281,282, 283, 284, 285, part of 286 and the area that was originally North Park Row. This is the area now used for the school and parking as shown on the attached map.

The goal of this Adaptive Reuse is to enable the Historic Restoration of the Old High School Building. During the years before the transfer to the county and subsequent closing the building had become a liability. The roof was in need of replacement and the Town would not spend the money to replace it. The building was transferred to the county school system with a "promise" that the building would be repaired. The roof was not replaced at that time and after closing of the school the building was transferred back (1993) to the Town. The lack of maintenance by previous councils ended in the replacement of the roof as a proffer from Brown & Root as part of the annexation agreement. The roof was finally replaced in 1995 with B&R paying \$69,000 and the Town paying the cost overrun of just over \$9000. The roof has been maintained annually since that time.

The primary purpose of the Adaptive Reuse is to provide for the Historic Restoration of the building (cost of \$2m plus) and to change the long standing liability to an asset for the Cape Charles National Historic District.

The CUP process requires that the permitted use will not:

1. Adversely affect the health, safety or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect the other land uses within the particular surrounding neighborhood.
  - a. This use will restore the building to a safe condition and correct the problem of broken windows and a location for vandalism.
2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
  - a. The historic restoration and adaptive reuse will be an investment of over \$2 million dollars in the neighborhood in an area that has been depressed for over 20 years. This restoration will improve the neighborhood values with a newly renovated building.
  - b. The density of the site will be no more than the western park row site or the underlying zoning of R-1. This property covers the equivalent of 7 town lots or the equivalent space for 7 single family residences.
  - c. The historic renovation will be an asset to the improvements in the adjacent Park.
3. Be in conflict with the purpose of the Comprehensive Plan.
  - a. The current Comprehensive Plan stresses the preservation of contributing historic structures and the Virginia Department of Historic Resources in partnership with the U.S. Secretary of the Interior have promulgated rules and tax credits especially for the adaptive reuse of these contributing structures.

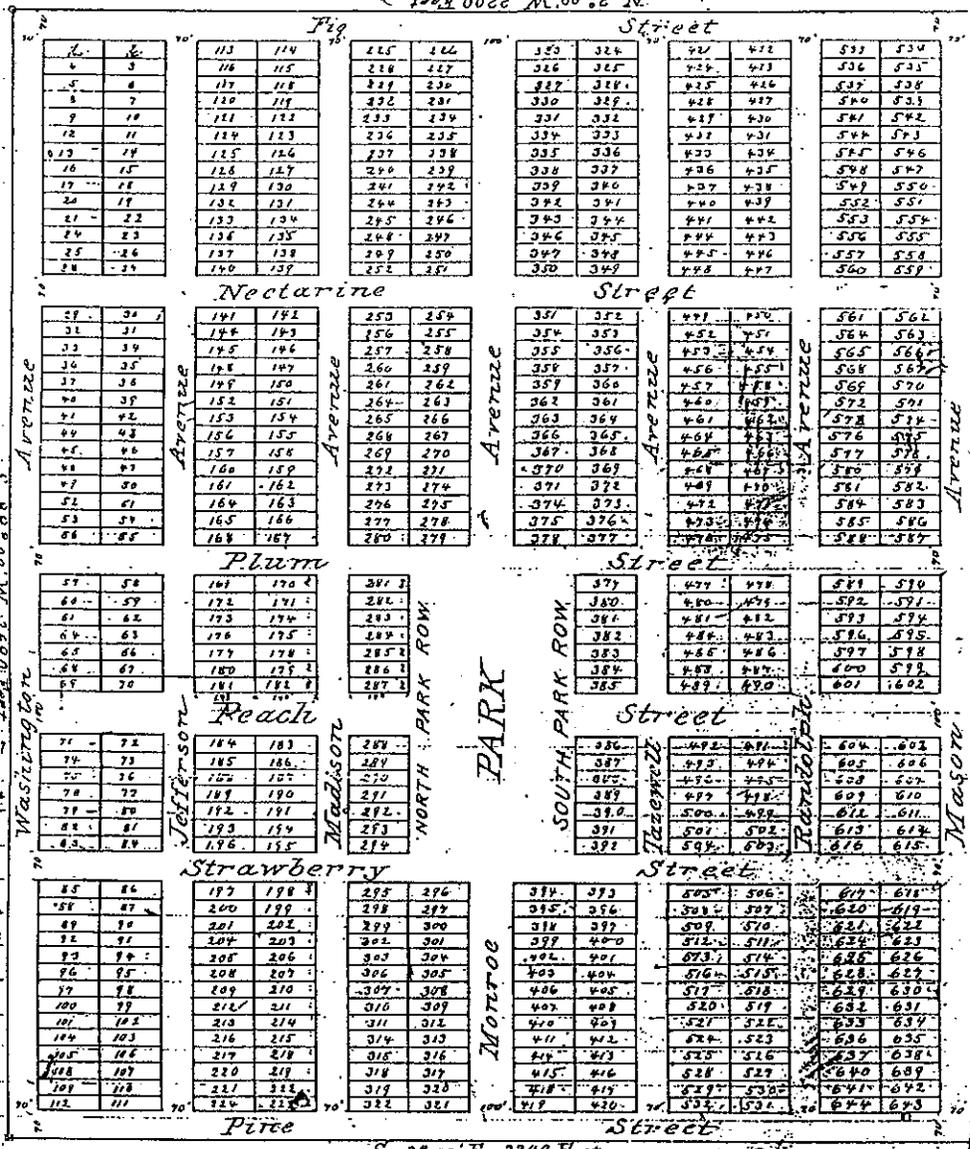
This application meets the requirements of the zoning ordinance for conditional use permits.

### **Recommendations**

Discuss the CUP and schedule a joint public hearing with Town Council pending the approval of the adaptive reuse text amendment.

BAUMAN'S MAP

← 222 0022 M. 00 22 N.



Map #6 (plat map)

SANBORN MAPS  
1931

1931:15

