

Planning Commission

Regular Session Agenda

November 1, 2011

6:00 P.M.

1. Call to Order – Planning Commission Regular Session
 - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
 - a. Approval of Agenda Format
 - b. Approval of Minutes
 - c. Reports
5. Old Business
 - a. Sign Ordinance Review – Draft Ordinance
 - b. Demolition of structures – Section 8.22
6. New Business
 - a. Review of Harbor District Zone
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
October 4, 2011

At 6:00 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 Malcolm Hayward, Dennis McCoy and Joan Natali. Commissioners Roger Munz and Mike Strub 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

Dennis McCoy stated that he would like to add an item for an update of the status of filling the vacancy on the Commission.

Tom Bonadeo stated that two applications have been received from Andy Buchholz and Gene Kelly.

Malcolm Hayward added that Steve Downing had expressed an interest in service on the Commission. Libby Hume asked Malcolm Hayward to inform Mr. Downing to submit an application which was available on the Town's website. Individuals could not be considered unless an application was submitted.

Motion made by Joan Natali, seconded by Dennis McCoy and unanimously approved to accept the agenda format as amended.

The Commissioners reviewed the minutes for the September 6, 2011 Regular Meeting and the September 22, 2011 Joint Public Hearing with the Town Council.

Dennis McCoy stated that in the September 6, 2011 Regular Meeting minutes, the last sentence of Item iii under the Sign Ordinance Review would read better if the word "language" was changed to "copy."

Motion made by Joan Natali, seconded by Dennis McCoy, to approve the minutes from the September 6, 2011 Regular Meeting as amended and September 22, 2011 Joint Public Hearing as presented. The motion was unanimously approved.

REPORTS

Tom Bonadeo reported the following: i) The Sinclair FM Tower was finally scheduled for modification. The plans were expected to be delivered this week and permits should be issued after review. The monopole had been ordered. Currently, the two clients were AT&T and Verizon, but Sprint and T-Mobile were also interested; ii) The County Board of Supervisors approved a modification to their Wind Turbine Ordinance. There was a company involved which would be competition with Gamesa; iii) Gamesa was still working on the environmental portion of the wind turbine application for a turbine to be placed in the Bay off Cape Charles by the 36A buoy; iv) The new force main on Mason Avenue was in the final phase with paving scheduled for October 6th; and

v) The Broadband project was nearing completion. The fiber was installed and about 90% spliced. Equipment had been ordered and we were awaiting delivery. Bay Creek Communications had been connected and had recently picked up two customers outside of Town via the backbone. Dennis McCoy asked what the Town's plans were regarding the broadband. Tom Bonadeo explained that Town had budgeted for broadband service for several locations including Town Hall, the Harbor and the Computer Lab, but the fiber had not yet been connected. The Town was negotiating with the Eastern Shore of Virginia Broadband Association and Bay Creek Communications for service. The estimated timeframe was approximately 30-60 days. The Library's Internet service was supplied by the Eastern Shore Public Library so it was not included in the Town's initial connection area. Dennis McCoy added that as a long-time Bay Creek Communications customer the Town would be hard pressed to find a better company to deal with. Malcolm Hayward asked if there were any plans of offering Wi-Fi at the Harbor to which Tom Bonadeo stated that there were none at this point but the service could be offered in the future. Tom Bonadeo also added that the Town was looking to take advantage of the Universal Service Fund, which provided money for schools and libraries, for future connection of the Library.

Malcolm Hayward stated that a property owner had contacted him regarding difficulties he was having with the Town in building a garage in his backyard. Tom Bonadeo stated that he was working with the property owner and added that he would like to take a few minutes to explain the Zoning Ordinance regarding this issue to the Commissioners. Bruce Brinkley stated that as long as the discussion stayed in general terms the time would be permitted. Tom Bonadeo stated that typical lots in Cape Charles were 40' x 140' and the Town was in the Chesapeake Bay Preservation Area which meant that runoff into the Bay must be limited. No more than 50% of the lot could be covered with impervious surface. Tom Bonadeo went on to explain the various issues regarding the particular application and property adding that an addition was approved in 2004 but not done. The plans which were submitted with this application did not show all the existing structures on the property nor the areas on either side of the house which were covered with pavers. Suggestions had been given to the applicant to rectify the problem. An updated plan was expected and would be reviewed by the Historic District Review Board later this month. Bruce Brinkley stated that discussion had moved beyond general terms and the Commission should move to Old Business. Malcolm Hayward complimented Tom Bonadeo on solving this applicant's problems and added that the Planning Commission's job was to hear complaints from citizens and to try to resolve their problems. Tom Bonadeo stated that it would be better to recommend the individual meet with Town staff during the day vs. bringing an issue up during a meeting. Bruce Brinkley agreed that issues such as this were issues with staff and not Planning Commission business. Tom Bonadeo added that the Planning Commission did not make decisions regarding these types of applications. These types of applications were handled by staff and the Historic District Review Board and there was a process in place. If the applicant did not like the zoning decision, he could make an appeal to the Board of Zoning Appeals, not the Planning Commission.

OLD BUSINESS

Sign Ordinance Review – Draft Ordinance

Tom Bonadeo stated that Bruce Brinkley's suggestion to review the International Building Code pointed the Commissioners in the right direction and the sign ordinance definitions were reviewed at the last meeting. Since then, Libby Hume was able to download the 2012 International Sign Ordinance which included more comprehensive definitions and added that they were included in the packet for review. One item in particular was Figure 1003.1(3) regarding the computation methodology for sign area which would have helped in a previous application if it had been included in the ordinance. The Commissioners reviewed the various sections as follows:

Section 1004 – General Provisions:

Tom Bonadeo stated that many provisions were similar to those in the Town's current ordinance but there were several differences. Section 1004.2-signs in rights-of-way would be modified since the Town allowed a sign to go to the edge of the right-of-way. Section 1004.6-Animation and

changeable messages were not permitted currently. Joan Natali suggested that this section be kept in the new ordinance but state that they were not permitted. Malcolm Hayward asked if it wasn't the job of the Commission to review everything and possibly allow some things that were currently not permitted. Tom Bonadeo stated that if changes were made, there was a process in place involving a public hearing, etc. Malcolm Hayward suggested that some items be permitted during certain times of the year. Tom Bonadeo noted that seasonal usage would be considered. Bruce Brinkley referred to Section 1004.8-Obsolete sign copy and suggested that some old signage, such as the sign painted on the old Wilson building, may have some historic significance. Tom Bonadeo stated that language would be added to reference the Historic District Guidelines which outline saving signs with historic significance.

Section 1005 - Exempt Signs:

Tom Bonadeo stated that these were very similar to the Town's current list.

Section 1006 - Prohibited Signs:

Tom Bonadeo stated that many provisions were similar to the Town's current ordinance. Dennis McCoy stated that he had some concern regarding Section 1006.1.6. in relation to "static displays" and suggested that the concept be defined. It was not in the Town's current ordinance, but it was an interesting idea to consider. Tom Bonadeo stated that he would modify the section to include the Town's current language and highlight areas to be considered.

Tom Bonadeo informed the Commissioners that he would compare the 2012 International Building Code to the Town's current ordinance and note areas for consideration and asked that if any of the Commissioners had any ideas or concerns to send them to him so he could develop a draft. Dennis McCoy suggested that attention be directed to Section 1006.1 - Prohibited Signs. Joan Natali suggested that all the pictures be kept so people would have a visual of what was or was not permitted. Dennis McCoy asked whether the Town would work with the PUD regarding these changes. Tom Bonadeo stated that he would provide the recommended changes to the PUD for their consideration as well.

Zoning Changes - Home Occupation

Tom Bonadeo stated that the Commission and Town Council had held public hearings regarding the proposed modifications and no comments were received. Tom Bonadeo added that he made one additional modification changing "occupation" to "business" explaining that Dennis McCoy had a home-based occupation but was not a business owner since he worked for another company and there were many individuals in Town working in similar circumstances. Joan Natali asked whether this ordinance applied to Bay Creek. Tom Bonadeo stated that the PUD documents were located in the back of the Zoning Book provided to all Commissioners and the language was very simple in permitting home businesses in the R-1, R-2 and R-3 zones. The revised intent statement allows home businesses in all residential zones in that the changes to R-1 covered R-2 and R-3 as those sections allowed all permitted uses in R-1. No changes were required to those sections.

Dennis McCoy asked whether a reference should be included to direct applicants to contact the Town regarding a business license. Tom Bonadeo stated that staff included it as part of the application process.

Motion made by Malcolm Hayward, seconded by Dennis McCoy, and unanimously approved to recommend adoption of the ordinance modifications to the Town Council.

Zoning Changes - Definitions

Tom Bonadeo stated that the Commission and Town Council had held public hearings regarding the proposed modifications and no comments were received. Tom Bonadeo read the proposed definition of "Agriculture."

Motion made by Malcolm Hayward, seconded by Dennis McCoy, and unanimously approved to recommend adoption of the new definition of "Agriculture" to the Town Council.

NEW BUSINESS

Demolition of Structures - Section 8.22

Tom Bonadeo stated that, after a recent authorization to demolish a house on Jefferson Avenue in accordance with the Ordinance, the Town Council requested the Planning Commission to review Section 8.22 of the Zoning Ordinance which currently allowed the demolition of a house on the report that the structure was unsafe. The Town Council was not in favor of just tearing down a structure, especially in the National Historic Overlay. There were some situations where tear-down was required but the majority of structures could be repaired. Tom Bonadeo explained that staff had added some additional requirements to ensure that abuse did not allow the demolition of a contributing structure that was not really a hazard to life and property and continued to review the four additional requirements and suggested incorporation of these requirements into the ordinance. Tom Bonadeo asked the Commissioners to review the ordinance for further discussion at the next meeting.

Planning Commission Vacancy Update

Dennis McCoy stated that his question regarding filling the vacancy on the Commission had been answered earlier in the meeting. Tom Bonadeo stated that two applications have been received and he had heard several others express an interest to serve. The Town Council needed to interview the applicants and their meeting schedule had been full. Staff was trying to schedule a closed session for Council to interview the applicants.

ANNOUNCEMENTS

There were no announcements.

Motion made by Dennis McCoy, seconded by Malcolm Hayward, and unanimously approved to adjourn the Regular Meeting of the Planning Commission.

Chairman Bruce Brinkley

Town Clerk

Planning Commission Staff Report

From: Tom Bonadeo
Date: November 1, 2011
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. A staff meeting with County Planning Staff has been planned to resume discussion on the corridor overlay.
2. The Harbor Redevelopment Plan – Proposals have been received and the committee is interviewing each responder. These interviews are taking place October 26 – 27. After the interviews, additions and subtractions will be made and final scoring will take place. The plan is to have selection completed by the November 10 Town Council meeting.
3. The RFP for a land lease at the Harbor has been advertised and a response has been received. The Council voted to allow the Mayor to approve the lease once all the requirements are met.
4. The WWTP is moving along well. Our employees are being trained and some testing of equipment has begun. The plant was expected to take waste water in November but with the schedule delays and holidays it may be early December.
5. The new force main on Mason Avenue is into the final phase with paving under as this is being written.
6. The Historic Review Board met last month and reviewed two projects. A garage project on Monroe Avenue was approved after being tabled at the previous meeting. The applicant had multiple unfinished projects and some would be in conflict with others. A rear home addition was also approved.
7. The Sinclair FM Tower has finally been permitted.
8. Gamesa is still working on the environmental portion of the wind turbine application for a turbine to be placed in the Bay just off Cape Charles. The location has moved slightly north of the original location, approximately midway between Old Plantation Light and Buoy 36A. They have worked out technical issues for getting a wire to shore and connected to the grid. Bird studies are being done this fall in addition to the summer studies.
9. The Broadband Network equipment is being delivered and circuits are being designed. The Management Team is looking for volunteers to teach computing classes for beginners. If you have any skills in this area please call the Library and talk to Ann.

Planning Commission Staff Report

From: Tom Bonadeo
Date: November 1, 2011
Item: 5A – Sign Ordinance
Attachments: Sign Ordinance Section 4.1 A thru G

Background

The sign ordinance definitions section was reviewed last month. Staff (Libby) was able to download the 2012 International Sign Ordinance. Libby has reformatted this first section of the Ordinance for the Commission to review.

Item Specifics

Please take time to read through this updated ordinance prior to the meeting and staff will go through the sample with mark- ups at the meeting. We should expect to spend 45 minutes to an hour on general review for additions and removal of information.

This is mostly the definition section. There were some suggestions for additional definitions such as seasonal signs. Please bring your suggestions with you.

Recommendations

Review and compare the new code to how signs should work in Cape Charles.

Section 4.1 Sign Regulations

A. Purpose

The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

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.
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. See "Off-premise sign" and "Outdoor advertising sign."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See "Wall or fascia sign."

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

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

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

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

GROUND SIGN. See "Free-standing sign."

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

INTERIOR SIGN. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MARQUEE. See "*Canopy* (attached)."

MARQUEE SIGN. See "*Canopy* sign."

MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.

MULTIPLE-FACED SIGN. A sign containing three or more faces.

OFF-PREMISE SIGN. See "Outdoor advertising sign."

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. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

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.

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.

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.

C. General

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

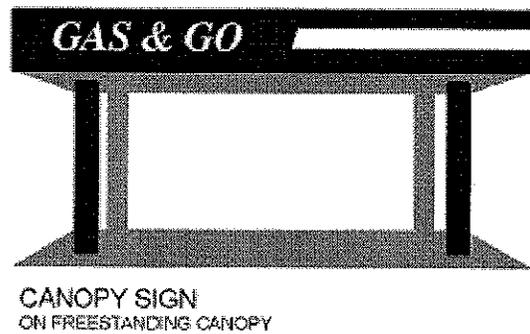
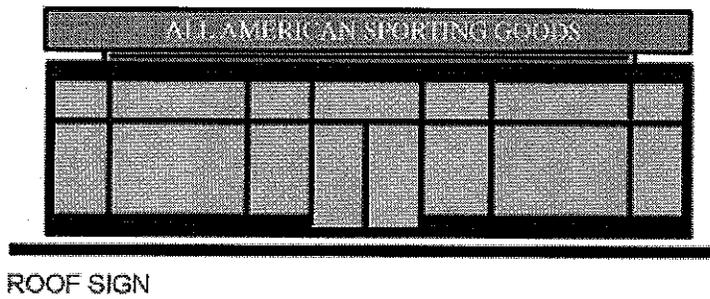
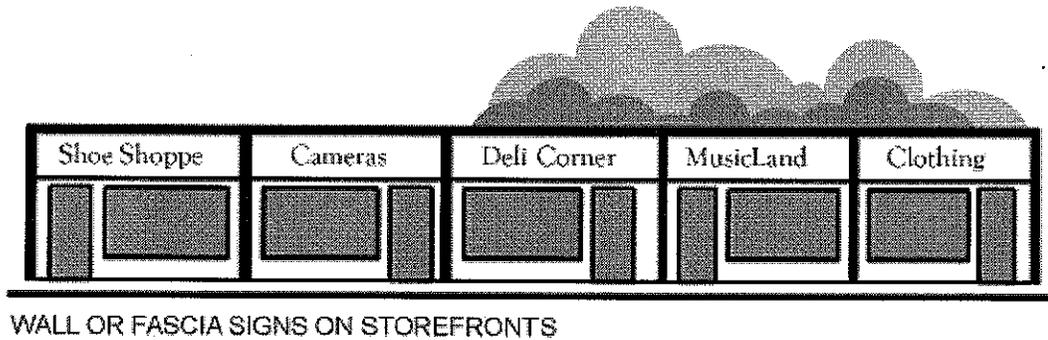
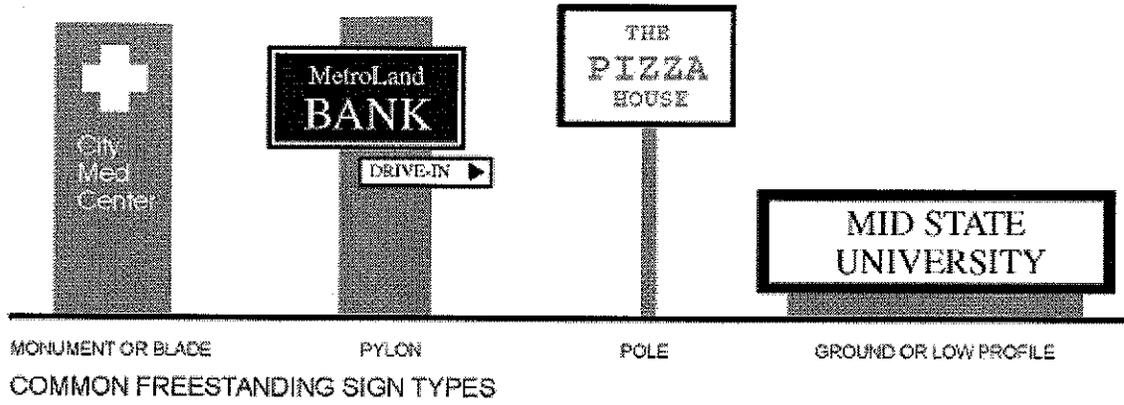


FIGURE C.1(1) GENERAL SIGN TYPES

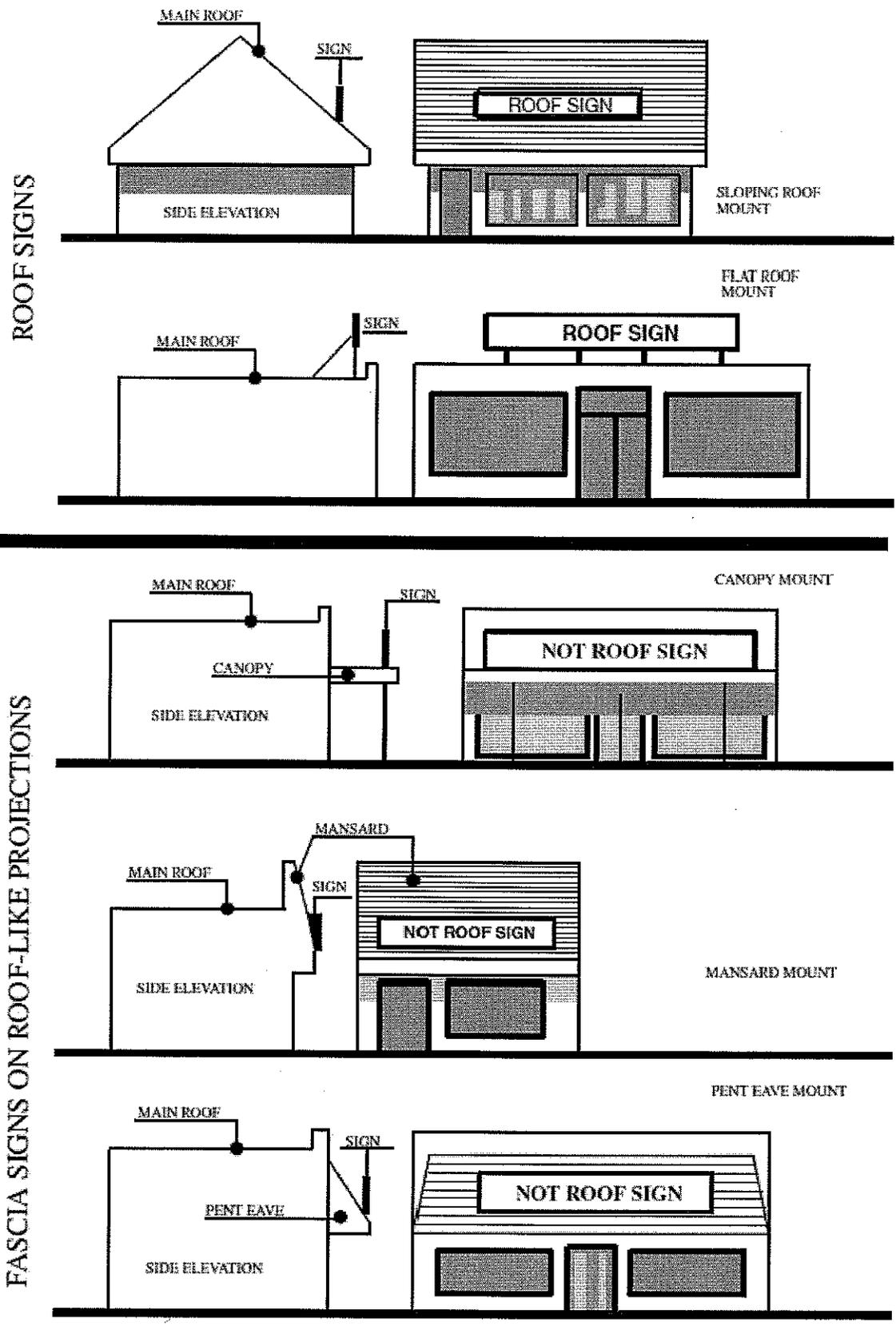
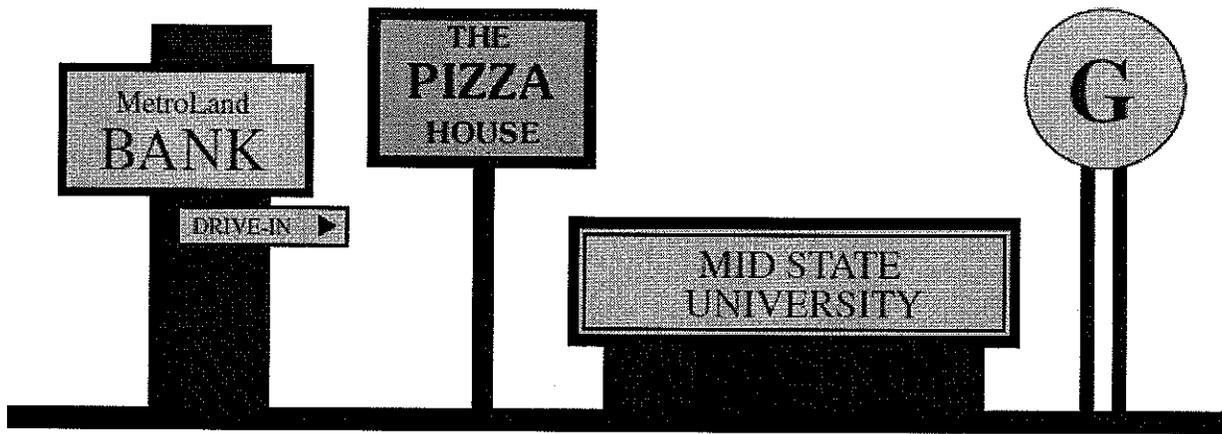
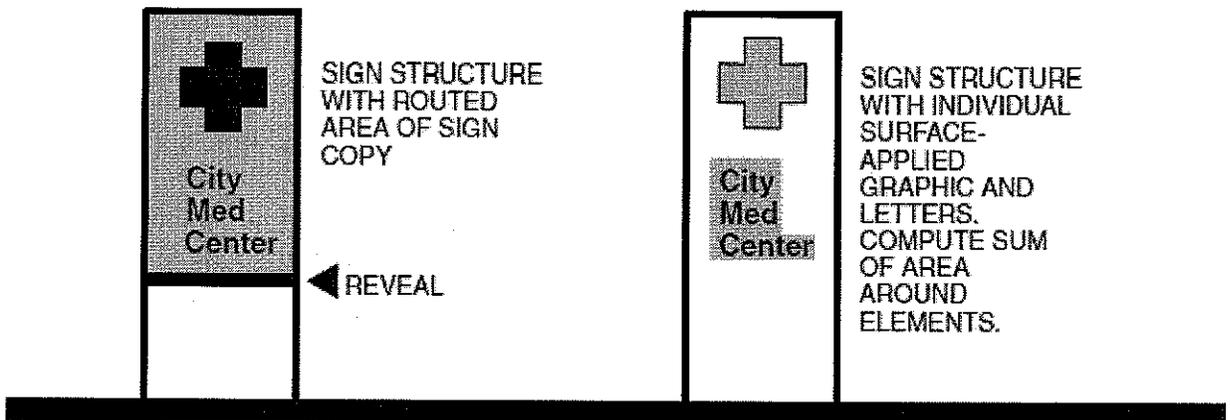


FIGURE C.1(2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS



SIGN STRUCTURES



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

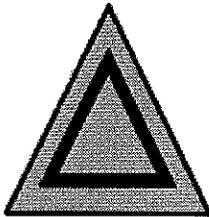
FIGURE C.1(3) SIGN AREA—COMPUTATION METHODOLOGY

METROLAND BANK
Drive-In Branch

COMPUTE AREA AROUND
COPY ELEMENTS ONLY.

COMPUTE AREA
INSIDE DEFINED
BORDER OR
INSIDE
CONTRASTING
COLOR AREA.

METROLAND BANK
Drive-In Branch



Arrowhead

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

PARKING

Village Center

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
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
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.
3. Projections over public ways
Signs projecting over public walkways shall be permitted to do so only 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
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
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, 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 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 shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
8. Obsolete sign copy
Any *sign* copy that no longer advertises or identifies a use conducted on the property on which said *sign* is erected must have the sign copy covered or removed within 30 days after written notification from the code official; and upon failure to comply with such notice, the code official 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.
- 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 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 6 square feet (0.56 m²) in area.

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, 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.

G. Permits Required

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

Planning Commission Staff Report

From: Tom Bonadeo
Date: November 1, 2011
Item: 5B – Section 8.22 Demolition of Structures
Attachments: None

Item Specifics

The zoning ordinance allows the demolition of buildings and structures based on their contribution to the Historic District and their effect on public safety. The ordinance protects contributing structures to the National Historic District with a set of requirements designed to keep the buildings in the historic inventory.

There is a large gap between the protection of the public safety and an eyesore. There is an "urban myth" that is always cheaper to tear a structure down and build new than it is to remodel or restore. This is simply not the case. It may well be easier to build new and some special skills are required for remodel or restoration.

Discussion

The process for demolition follows two tracks, one for contributing structures and one for non-contributing structures. Contributing Structures are regulated by the Historic District Review Board and the Building Code and Non-contributing Structures are regulated by the Building Code only.

The Historic District Overlay (Section VIII) regulates demolition of contributing structures in section 8.21 and 8.22.

Section 8.21 Demolition; Alternate Procedure: Offer to sell

This section requires an application to the Historic District Review Board to demolish a contributing structure. The Board, Zoning Administrator or the Town Council, as applicable, shall review the application following the four guidelines in the ordinance.

1. Whether or not the building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.
2. Whether or not the building or structure is of such interest or significance that it would qualify as a National, State, or local historic landmark.
3. Whether or not the retention of the building or structure would help to preserve and protect a historic place or area of the historic interest in the Town.
4. Whether or not plans for future use of the site after demolition are appropriate at this location.

This process seems fairly straight forward but the process is difficult in reality. What qualifies as "such architectural or historic interest"? This is a very difficult question to answer. I restored two homes nearly identical in size and shape but one was the home of the first elected mayor of Cape Charles. This fact was not recorded anywhere and the house might have been torn down if it didn't get rebuilt. The fact that the house was owned by the first elected Mayor of Cape Charles should qualify as such historic interest that removal would be to the detriment of the public interest.

If the demolition is denied by the above authorities the owner still retains the right to demolish the structure if an alternate procedure is followed. The alternate procedure is to offer the structure for sale for 12 months at a fair market value if no bona-fide offer is received from anyone giving the assurance that they will restore the structure then the structure can be demolished.

Section 8.22 Hazardous Buildings or Structures

This section allows demolition of any building or structure without the consideration of Historic Review Board if the building is in such an unsafe condition that it would endanger life or property provided the building code is followed. It required written approval of the "Town Administrator".

This is the section that could allow destruction of contributing structures and the Council would like to have reviewed. The very first issue is the name in quotes "Town Administrator". We have a Town Manager and a Zoning Administrator and the name should be changed.

Staff has added some additional requirements to assure that abuse does not allow the demolition of structure that are really not a hazard to life and property. Staff requires the following additional items:

1. If the request comes from the owner, the Code Official and Zoning Administrator require a letter from a structural engineer, licensed in Virginia, stating the structural problems that render the building a hazard and not practicably rebuildable.
2. The Zoning Administrator and the Code Official review the documentation and the survey of the property to be sure that the demolition creates a better situation after the demo than prior to the demo.
3. The Zoning Administrator reviews the plan to rebuild as required in the regular procedure for demolition.
4. There are times when no engineering report is required by staff. In the case of eminent danger to life and property the Code Official and Zoning Administrator may require the demolition of a structure for the protection of the citizens.

It may be of value to incorporate some of these procedures into the ordinance.

Recommendation

Comment on the process and forward to the Historic District Review Board.

Planning Commission Staff Report

From: Tom Bonadeo
Date: November 1, 2011
Item: 6A – Review of Harbor District Zone
Attachments: Table of densities

Item Specifics

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.

Discussion

A review of the "control" items that are in the ordinance and some that are missing is in order. Control items are those parts of the ordinance that can be measured such:

1. Setbacks measured in feet.
2. Elevation is measured in feet and stories.
3. Density can be measured in units per acre.
4. Open space is measured in a percent of gross square feet.

This list is only an example of some of the items that might benefit from review. Density is not defined in any zone except the basic residential zones. This should be reviewed and potentially added to Harbor District and other commercial zones where residential use is allowed by Conditional Use Permit (CUP).

The current ordinance allows residential 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. We will review these tables and review the existing density of other areas of Cape Charles. There are other areas that play into the density of dwelling units such as the square footage of the unit.

Staff will provide an exercise to review existing densities, square footages and elevations

Recommendation

Review and discuss the exercises and take a straw vote on density.

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

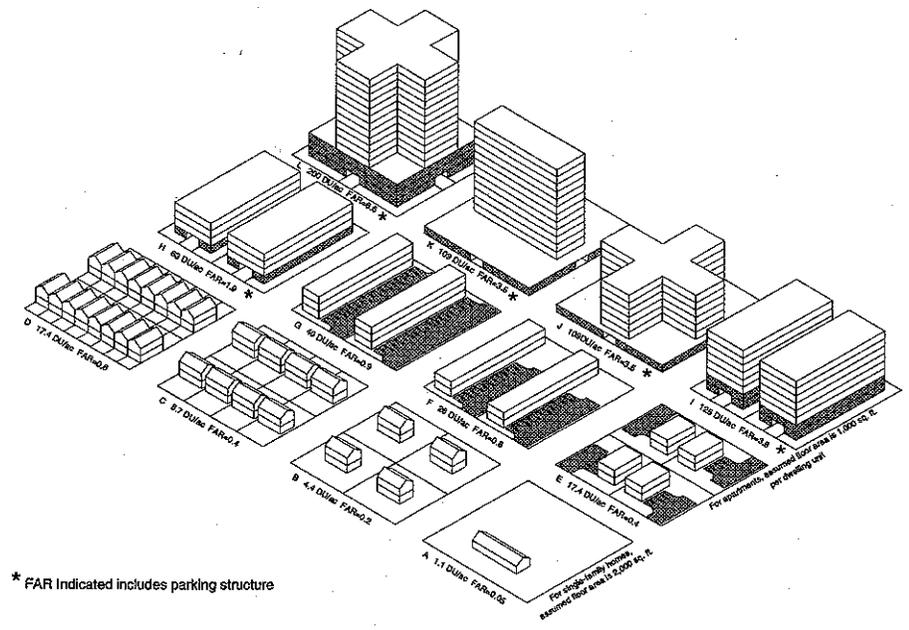
| Figure | Type of Structure | ASSUMED SPECIFICATIONS | | | | RESULTING PATTERN | | | |
|--------|---|------------------------|-----------------------------|-----------------------|-------------------|---|------------------|------------------------|--------------------|
| | | Lot Size (sq. ft.) | Floor Area per DU (sq. ft.) | Parking Spaces per DU | Number of Stories | Residential Density Lot Area per DU (sq. ft.) | DUs per Net 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 | 48 |
| I | 6-story apartment over 2-story parking | 20,000 | 1,000 | 1.0 | 6 res 2 pkg | 350 | 125 | 2.9 3.9* | 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* | 42 res 100 pkg |
| K | 12-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 6.9* | 39 res 64 pkg |

* DU = dwelling unit
 * This 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 14.5 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 a low-rise apartment houses, ranging in den-

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



* FAR Indicated includes parking structure

Figure 14.1. Examples of Building Coverage

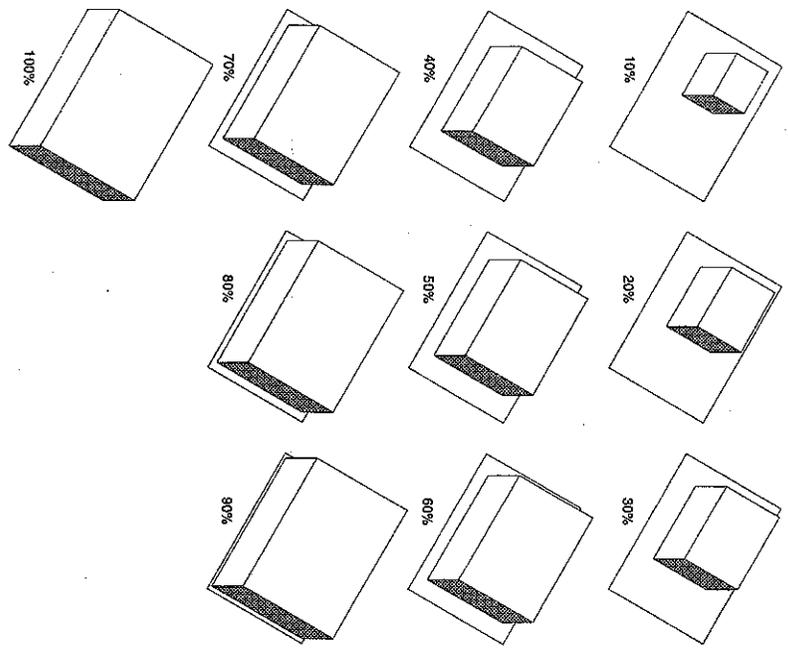


Figure 14.2. Sites Developed With a Floor Area Ratio of 1.0



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

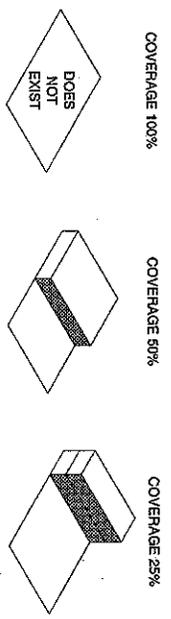
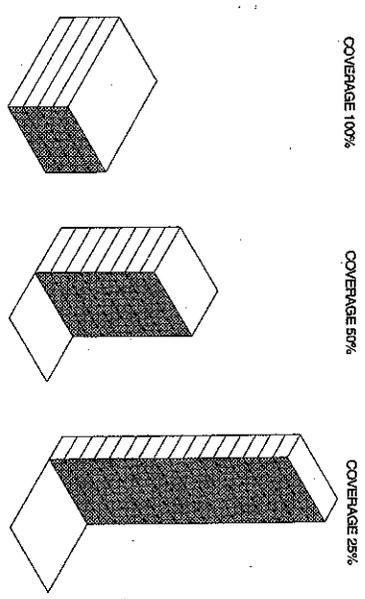


Figure 14.4. Sites Developed With a Floor Area Ratio of 4.0



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 | .20 | .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 | 145 | 100 | 80 |

* DU/ac = 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.