

Planning Commission

Regular Session Agenda

October 4, 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. Zoning Changes
 - i. Home Occupation
 - ii. Definitions
6. New Business
 - a. Demolition of structures – Section 8.22
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
September 6, 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, Roger Munz, Joan Natali and Mike Strub. 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

Malcolm Hayward stated that he would like to add discussions regarding blighted houses and houses with debris. Bruce Brinkley stated that these items could be added under New Business.

Motion made by Mike Strub, seconded by Roger Munz and unanimously approved to accept the agenda format as amended.

The Commissioners reviewed the minutes for the August 2, 2011 Regular Meeting.

Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the August 2, 2011 Regular Meeting as presented. The motion was unanimously approved.

REPORTS

Tom Bonadeo gave a storm update as follows: i) The Town had some worries regarding the 736' antenna as winds of 115MPH, as predicted, could have caused damage. The total fall radius included both wastewater treatment plants and the intersection of Marina and Bayshore Roads; ii) An electrical short on a pole near the Rosenwald School caused a power outage to the Bay Creek Golf Community and points west, including the tower. It was also learned that AT&T only had battery backup for their cell node and after eight hours without power, the batteries dies and cell service went dead for AT&T customers; iii) Some fairly extensive erosion was observed on the north side of Sea Breeze causing the bank to erode into the Sea Breeze property and the electrical transformer to drop over the bank. ANEC moved the transformer Sunday morning and emergency fill work had started; and iv) High tide on Saturday night reached about 7.5' which was less than the level of the boardwalk but some wave action water did come over the edge at Jefferson Avenue; v) There was a small sinkhole on Bay Avenue which was an old storm water outfall. VDOT was working to fix it.

Tom Bonadeo continued to report the following: i) The construction of the new wastewater treatment plant was moving along and the Town employees were being trained and some equipment testing had begun. The Town expected to begin taking effluent in early November; ii) The Sinclair FM Tower, standing 736' tall, survived the storm. The tower was constructed in 1983 as an FM tower and since then other equipment and antennae have been added. The current load had a wind problem at about 115MPH and was scheduled to be unloaded when the new monopole was built. Sinclair was waiting on the final environmental studies and payment from AT&T and

Verizon for tower usage in order to start constructing the new tower. Bruce Brinkley added that permits should be required for each cell unit going on the tower along with an engineer's design to ensure it could withstand a wind load of 115MPH. Tom Bonadeo stated that both he and Jeb Brady require this information; and iii) The County Board of Supervisors have not had great success with their wind ordinance. Gamesa had continued their work on the offshore turbine and bird studies would resume in the fall. He recently saw an advertisement from the County regarding their wind ordinance so it appears they were ready to move forward.

OLD BUSINESS

Sign Ordinance Review - Definitions

Tom Bonadeo informed the Commissioners that Bruce Brinkley recommended that the International Zoning Code Definitions, which were used by numerous jurisdictions, be reviewed and added that the definitions were good with pictures to explain the language. Tom Bonadeo proposed using the majority of the definitions and drafting a replacement ordinance for further review at the October meeting.

The Commissioners reviewed the International Zoning Code Sign Ordinance and the following comments were made:

- i) The definition of "Billboard" referred individuals to "Off-premise sign" or "Outdoor advertising sign." When you went to the definition of "Off-premise sign," it referred you to "Outdoor advertising sign" which the Commissioners did not think was appropriate. After some discussion, it was agreed that a good definition of "Billboard" was needed and the definition of "Off-premise sign" would be deleted and under the definition of "Outdoor advertising sign" the phrase "sometimes referred to as Off-premise sign" would be added. Tom Bonadeo stated that he would also add a size for "Outdoor advertising sign" to differentiate a Billboard.
- ii) Joan Natali stated that she did not see a definition for "movable sign" which needed to be addressed. Tom Bonadeo stated that he would include language from the Town's existing ordinance. There was some discussion as to whether this would fall under "Temporary sign" but the Commissioners felt that a temporary sign was more for events, political signs, etc. Movable signs were like sandwich boards that shop owners take inside when their business was closed.
- iii) Under Section 1004 - General Provisions, there was some discussion regarding § 1004.6 - Animation and changeable messages and whether these types of signs were permitted in the Town. Tom Bonadeo stated that electronically animated signs were not permitted but manually changeable signs were permitted. A church sign where the language is changed manually is an example of this type of sign.
- iv) Joan Natali stated that she did not see historical markers as permitted signs. Roger Munz asked whether the historical signs became a part of the real estate once hung on a building and added that they could be included under Item 3 of Section 1005.1 - Exempt signs. Tom Bonadeo stated that the Town's current ordinance referenced historical markers and agreed that they would be included in Section 1005.1.3.
- v) There was some discussion regarding prohibited signs and items 2 and 5 in Section 1006.1. Various signs within Town were discussed as well as trailers parked on the streets. Tom Bonadeo noted that there was a difference between trailers parked on the street vs. trailers stored on the street.
- vi) On Figures 1003.1(1) and 1003.1(2), Tom Bonadeo stated that "Roof signs" were not permitted and discussed removing the example from the page. Bruce Brinkley recommended keeping the example so people would be able to see it and know what was not permitted.

Tom Bonadeo stated that this information was very helpful and thanked Bruce Brinkley for providing this document for review. Tom Bonadeo informed the Commissioners that he would

rewrite the Definition Section and Ordinance as discussed for further review at the October meeting.

NEW BUSINESS

Blighted/Derelict Houses

Malcolm Hayward stated that there were two houses on Randolph Avenue which were in a terrible condition and causing a hardship on a property owner trying to sell their house which was across the street. The houses were a disgrace and the Town needed to tear them down and put liens on the properties. One of the properties got around the Town ordinance by putting on a new roof. Tom Bonadeo stated that the one house that Malcolm Hayward referred to was currently under Code Enforcement which forced the owner to install a new roof. Both properties were on a list that Council would be reviewing at their next work session. These houses were in this condition when the property owner across the street purchased their home. The houses were contributing structures and could be saved.

Bruce Brinkley stated that the Town had a history in dealing with derelict structures and added that he wrote an article for Virginia Town & City magazine regarding this issue. Municipalities were limited in their authority to force a property owner to do anything. The Town Council needed to decide which direction they wanted to go regarding whether to get the owners to fix the properties or to demolish them. Malcolm Hayward felt that it was the Commissioners' responsibility to do this. Tom Bonadeo explained that this was not under the purview of the Planning Commission, but a decision to be made by the Town Council.

There was much discussion and debate regarding this issue and Bruce Brinkley pointed out that a property that did not look good was entirely different from a derelict structure and should be handled differently. The Town faced difficulty in enforcing these cases especially in the historic district. If a house was a contributing structure but falling down, the owners should either fix the property, sell it or demolish it. Tom Bonadeo stated that many of the owners of these houses could not afford to fix them up. The properties were selling and the new owners were renovating them. Joan Natali agreed with Bruce Brinkley regarding the distinction between a derelict structure and one in need of repair and the Town needed to keep its inventory of historic buildings. Joan Natali added that some people bought their homes which were next to derelict structures and probably got a good deal, but were thinking differently now that they were trying to sell. These buildings might not be pleasant to look at but there were procedures that must be followed in dealing with these properties. Tom Bonadeo reiterated that the Town Council was in the process of reviewing this issue and a work session was being held next week. Demolition of a property could cost up to \$10K and the Town did not have any money budgeted for this purpose. Joan Natali asked whether there was any provision in the law that permitted the Town to seize a property and sell it to get it fixed up. Bruce Brinkley stated that if the taxes are paid and the structure was not deemed as unsafe, there was not anything that the Town could do. Under eminent domain, the Town needed to compensate the owner for the value of the property. Bruce Brinkley stated that there were laws in place regarding derelict structures but the enforcement process was lengthy and expensive and usually a complicated and emotional issue.

Properties in Town with Accumulation of Debris

Malcolm Hayward asked whether this issue was part of the Planning Commission's purview to which Tom Bonadeo responded that it was not. The Town Council would be reviewing the Nuisance Ordinance at their next work session. Enforcement process for debris was very complicated. If there was a fence around the property, the Town could not even look into the yard or enter the property. Bruce Brinkley agreed and added that the Town could address the issue if rats or vermin were spotted around the property which would make it a health and safety issue. Tom Bonadeo informed the Commissioners that the Town had been working to update the Nuisance Ordinance and had been working with the attorneys to get their input regarding the

proposed revisions. The attorney suggested the Town pursue enforcement under the fire code which was governed by the State.

ANNOUNCEMENTS

Joan Natali informed the Commissioners that the Fall Festival was scheduled for September 24th with the parade beginning at 10:00 AM.

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

Chairman Bruce Brinkley

Town Clerk

DRAFT



DRAFT
TOWN COUNCIL & PLANNING COMMISSION

Joint Public Hearing
Town Hall
September 22, 2011
6:00 p.m.

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Evans, Sullivan and Veber and Councilwoman Natali.

Vice Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing of the Planning Commission. In addition to Vice Chairman McCoy, present were Commissioners Roger Munz, Joan Natali and Mike Strub. Chairman Bruce Brinkley and Commissioner Malcolm Hayward were not in attendance. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. There was also one (1) member of the public in attendance.

Town Planner Tom Bonadeo read the Joint Public Hearing advertisement which stated that the evening's public hearing was to hear public comment regarding the proposed Cape Charles Zoning Ordinance modifications to Sections 3.2.C., 3.2.B. and 4.0.B. regarding Home Occupations, and Section 2.9 regarding the definition of Agriculture.

PUBLIC COMMENTS:

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

Motion made by Mike Strub, seconded by Roger Munz, to close the Planning Commission Public Hearing. The motion was approved by unanimous consent.

Motion made by Councilman Veber, seconded by Councilwoman Natali, to close the Town Council Public Hearing. The motion was approved by unanimous consent.

Mayor Sullivan

Vice Chairman McCoy

Town Clerk

Planning Commission Staff Report

From: Tom Bonadeo
Date: October 4, 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.
2. The Harbor Redevelopment Plan – The RFP is out to the qualified vendors. The responses are due back on October 18.
3. The RFP for a land lease at the Harbor has been advertised and responses are due September 29. An update will be supplied at the meeting.
4. The WWTP is moving along well. Our employees are being trained and some testing of equipment has begun. Fresh water is used for testing at this time.
5. The new force main on Mason Avenue is into the final phase with paving scheduled for October 6. This should be a one day project, the south ½ of the street will be ground down and resurfaced.
6. The Historic Review Board met last month and reviewed two projects. A garage project on Monroe Avenue was tabled for more information and a rear screen porch addition on Randolph Avenue.
7. The Sinclair FM Tower is finally scheduled for modification. The plans are being delivered this week and permits should be issued after review. The monopole is on order.
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. 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 has been off the radar for some time but we are now nearing completion. The fiber has been installed and is about 90% spliced. Equipment has been ordered and we are awaiting shipment. Bay Creek Communications has been connected and is using the network for its Internet access.

Tom Bonadeo

From: kdowning@co.northampton.va.us
Sent: Thursday, September 29, 2011 10:40 AM
To: planner@capecharles.org
Cc: byork@tbaonline.org; 'Ron West'; wbaines@microenterprises.com;
anthony_picardi@alum.mit.edu; obxgolf@aol.com; Artie Miles; 'Stacey Sparrow, Clerk';
'Estelle Murphy'; 'Jim Sturgis'
Subject: County Planning Commsn. Agenda

Agenda
Northampton County Planning Commission
Tuesday, October 4, 2011
7247 Young Street, Machipongo, Virginia
7:00 p.m., Auditorium

1. Call to order
2. Establishment of a quorum
3. Review and acceptance of the agenda
4. Public hearings: none.
5. Matters from the public
6. Consideration of minutes
 - A. September 6, 2011
7. New business
 - A. Town of Eastville draft comprehensive plan
 - B. Memo from Zoning Administrator on behalf of Northampton County Board of Zoning Appeals –
Zoning Code §154.111
8. Unfinished business
 - A. Procedural matters – Revision of By-Laws
 - B. Low Impact Commercial Uses (micro-business) draft language
 - C. Update - Town of Cape Charles Historic Town Entrance Overlay District
9. Communications
 - A. Town Planning Commission/Town Council Agendas
 - B. FOIA Hand-out and discussion
10. Committee reports/presentations
11. Director's report

Planning Commission Staff Report

From: Tom Bonadeo
Date: October 4, 2011
Item: 5A – Sign Ordinance
Attachments: International Code Sign Ordinance 2012

Background

The sign ordinance definitions section was reviewed last month. Staff (Libby) was able to download the 2012 International Sign Ordinance. This ordinance is more comprehensive than the definitions section that was reviewed at last month's meeting. It is attached for your review.

Item Specifics

At the last meeting staff agreed to rewrite the ordinance using the International Code as a template. Staff has included the sample ordinance for your review. We did not change the numbers or do any other modification to the sample.

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

Recommendations

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

Chapter 10 - Sign Regulations

SECTION 1001 PURPOSE

1001.1 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.

SECTION 1002 DEFINITIONS

1002.1 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 1003.

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 1009.2 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 1003.

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 1003.

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 1003.

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 1003.

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.

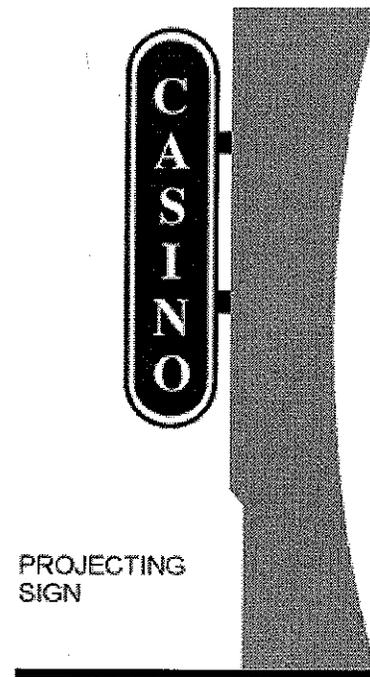
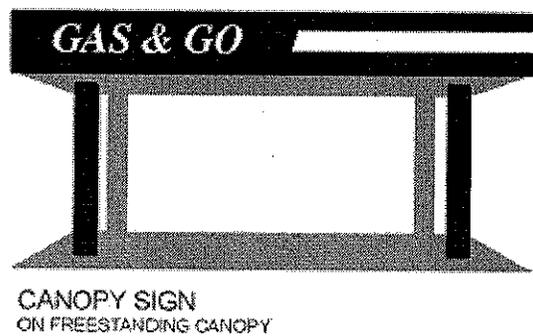
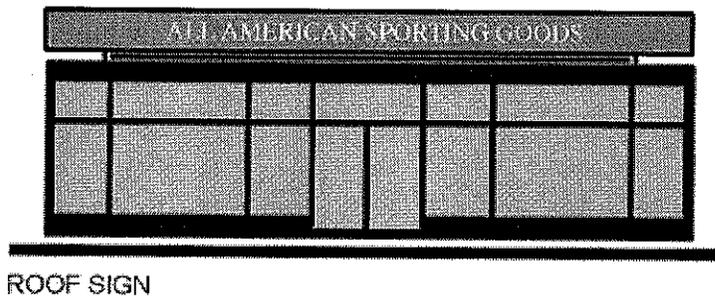
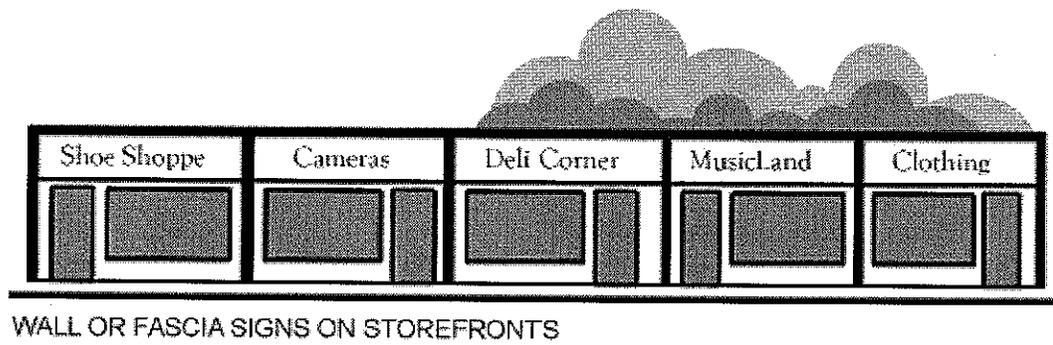
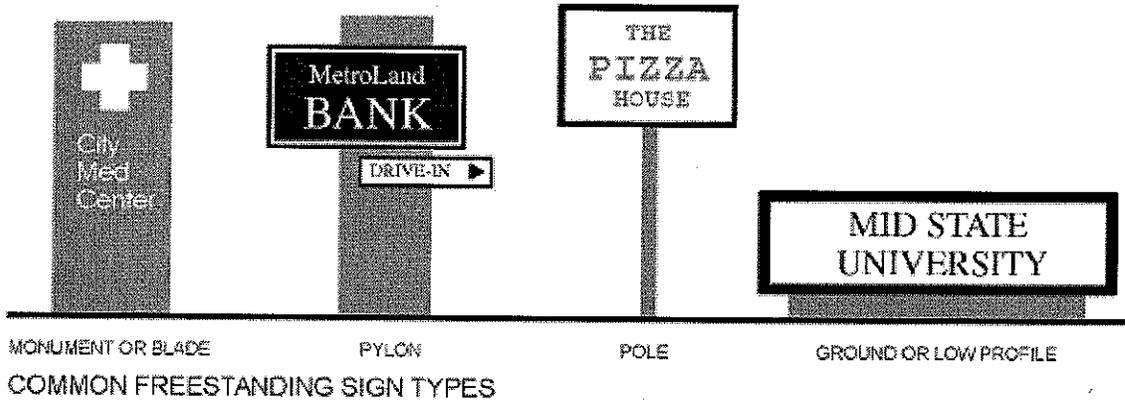
WALL OR FASCIA SIGN. A *sign* that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs 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 1003.

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.

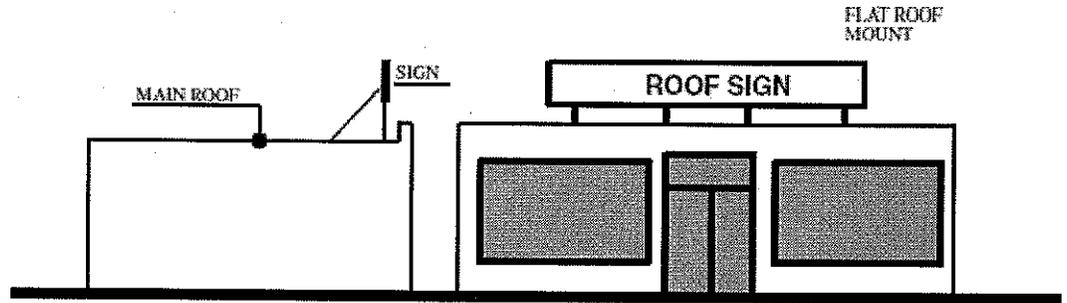
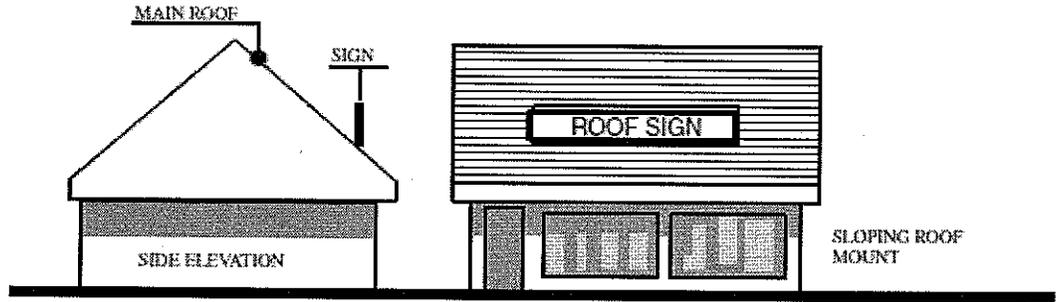
SECTION 1003 GENERAL SIGN TYPES

1003.1 General.

Sign types and the computation of *sign* area shall be as depicted in Figures 1003.1(1) through 1003.1(4).



ROOF SIGNS



FASCIA SIGNS ON ROOF-LIKE PROJECTIONS

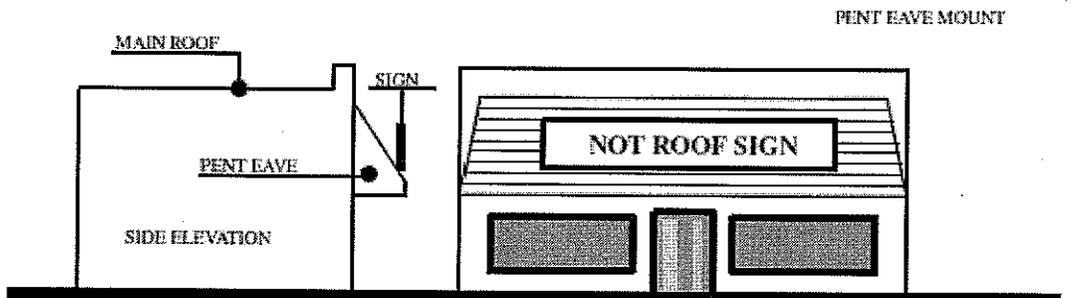
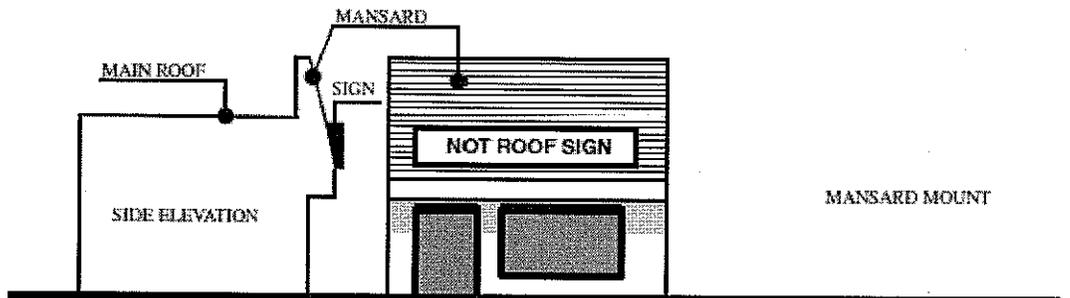
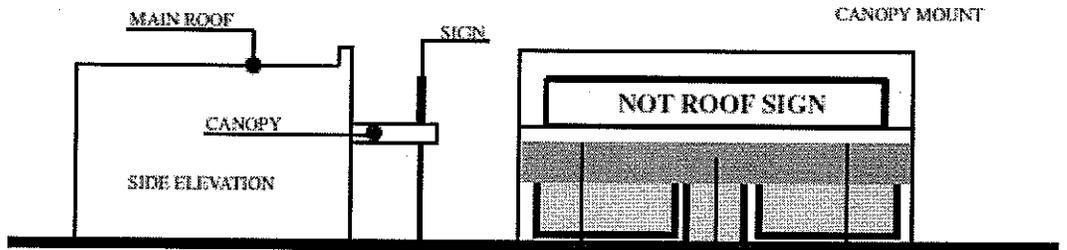
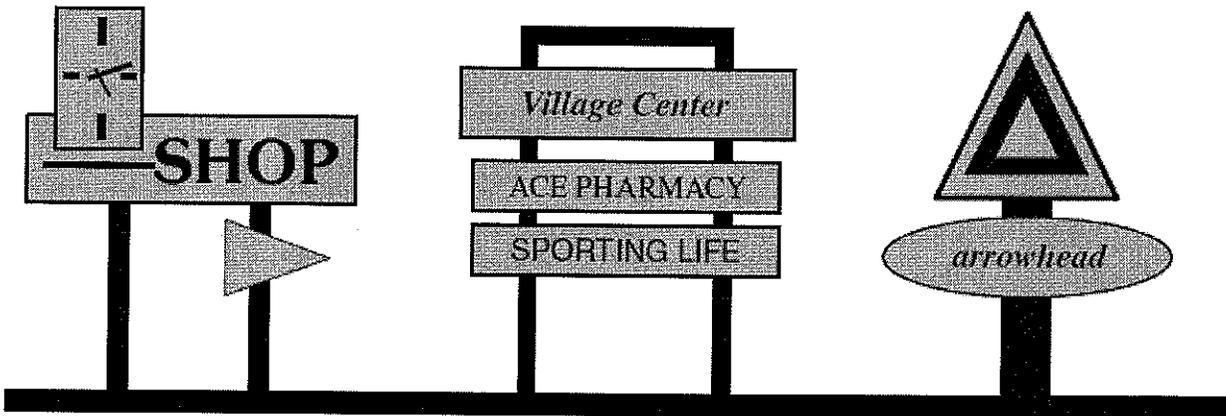
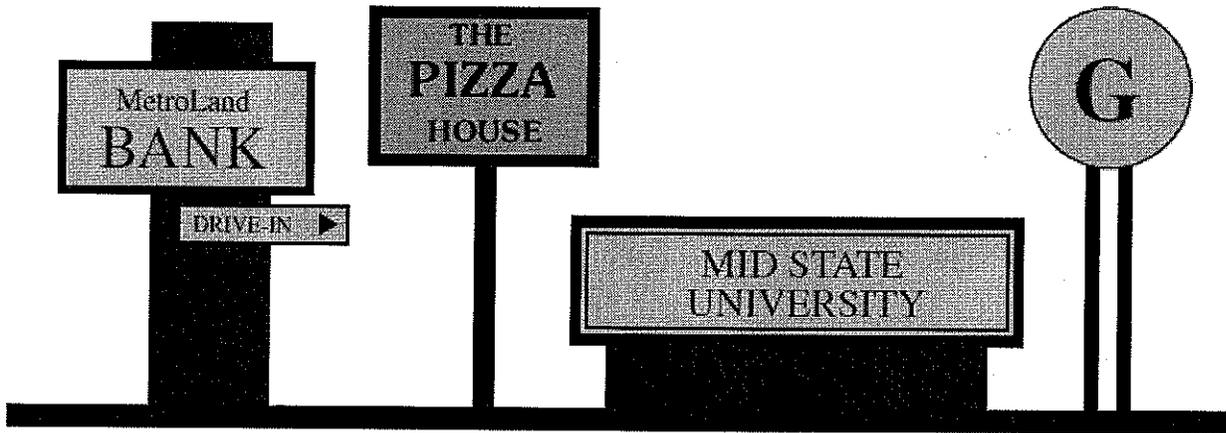
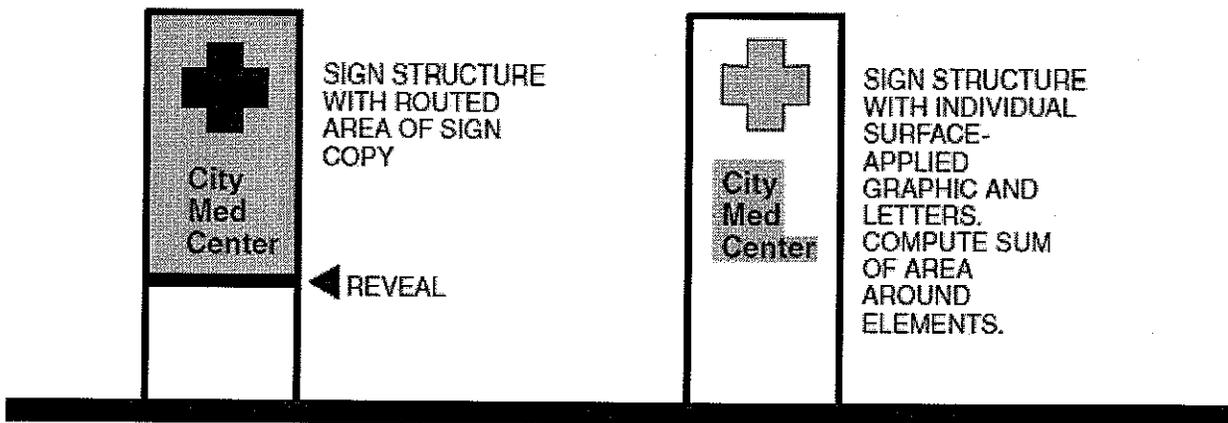


FIGURE 1003.1(2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS

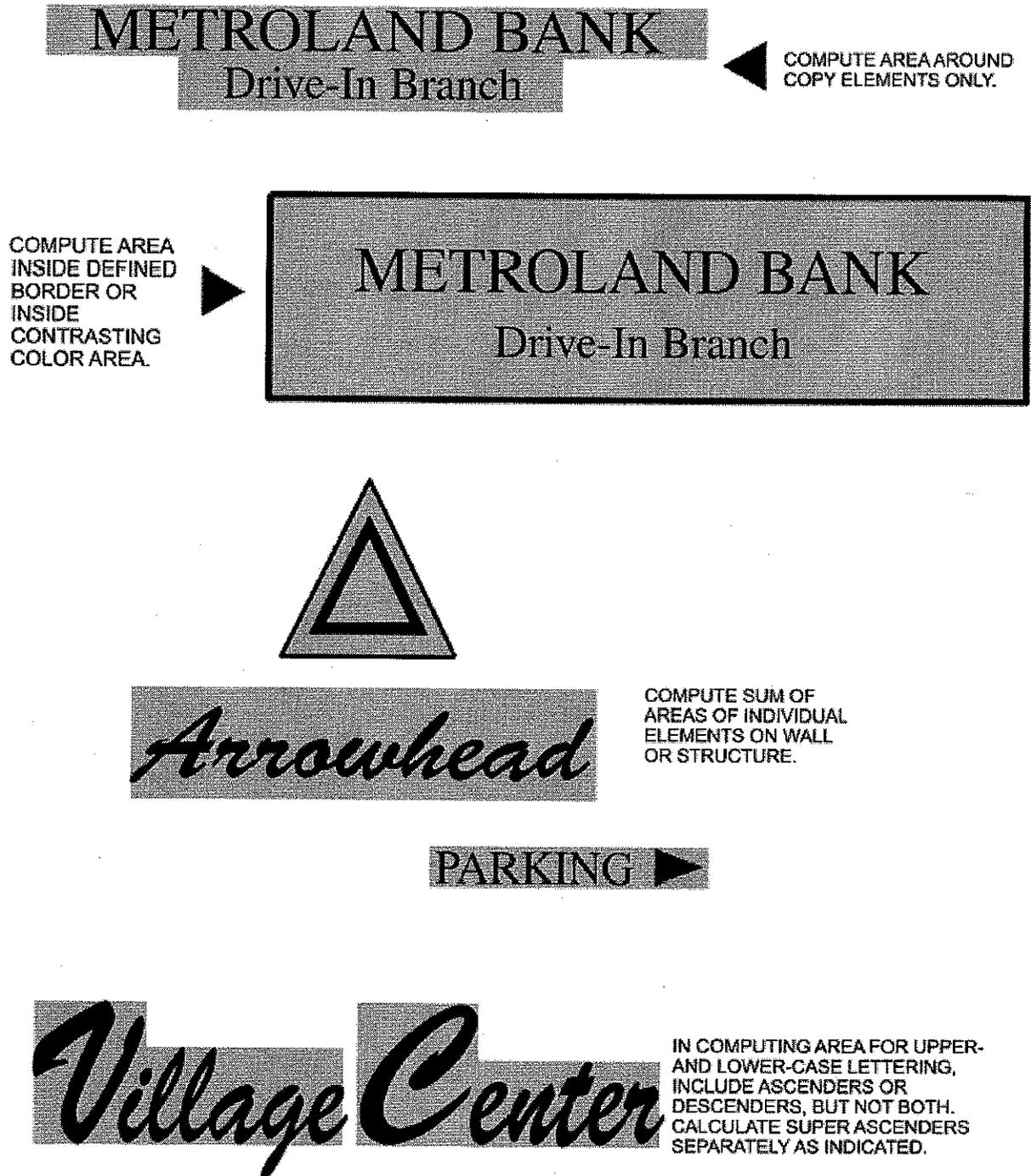


SIGN STRUCTURES



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

FIGURE 1003.1(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 1003.1(4) SIGN AREA—COMPUTATION METHODOLOGY

SECTION 1004 GENERAL PROVISIONS

1004.1 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.

1004.2 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.

1004.3 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.

1004.4 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.

1004.5 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.

1004.6 Animation and changeable messages.

Animated signs, except as prohibited in Section 1006, 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.

1004.7 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.

1004.8 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.

1004.9 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:

1. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
2. 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.
3. Signs that comply with either Item 1 or 2 above need not be permitted.

SECTION 1005 EXEMPT SIGNS

1005.1 Exempt signs.

The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from Section 1004.4.

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.

SECTION 1006 PROHIBITED SIGNS

1006.1 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.

SECTION 1007 PERMITS

1007.1 Permits required.

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.

1007.2 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*.

1007.3 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.

1007.4 Permit fees.

Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

SECTION 1008 SPECIFIC SIGN REQUIREMENTS

1008.1 Identification signs.

Identification signs shall be in accordance with Sections 1008.1.1 through 1008.1.3.

1008.1.1 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 1008.1.1(1) IDENTIFICATION SIGN STANDARDS—WALL SIGNS

LAND USE	AGGREGATE
----------	-----------

	AREA (square feet)
Single-family residential	[JURISDICTION TO INSERT NUMBER]
Multiple-family residential	[JURISDICTION TO INSERT NUMBER]
Nonresidential in a residential zone	[JURISDICTION TO INSERT NUMBER]
Commercial and industrial	See Table 1008.1.1(2)

For SI: 1 square foot = 0.0929 m².

TABLE 1008.1.1(2) SIGN AREA

DISTANCE OF SIGN FROM ROAD OR ADJACENT COMMERCIAL OR INDUSTRIAL ZONE	PERCENTAGE OF BUILDING ELEVATION PERMITTED FOR SIGN AREA
0 to 100 feet	[JURISDICTION TO INSERT NUMBER]
101 to 300 feet	[JURISDICTION TO INSERT NUMBER]
Over 301 feet	[JURISDICTION TO INSERT NUMBER]

For SI: 1 foot = 304.8 mm.

1008.1.2 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 1008.1.2.

**TABLE 1008.1.2 IDENTIFICATION SIGN STANDARDS—
FREE-STANDING SIGNS^{a,b,c}**

LAND USE	NUMBER OF SIGNS	HEIGHT (feet)	AREA (square feet)	SPACING
Single-family residential	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	1 per subdivision entrance ^a
Multiple-family residential	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	1 per driveway ^a
Nonresidential in a residential zone	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	300 ^a
Commercial and industrial	[JURISDICTION TO INSERT NUMBER]	See Figures 1008.1.2 (1), (2) and (3)	See Figures 1008.1.2 (1), (2) and (3)	150 ^b

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

a. For subdivision or apartment identification signs placed on a decorative entry wall approved by the code official, 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 1008.1.2.

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.

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.

1008.2 Temporary signs.

Temporary signs shall be in accordance with Sections 1008.2.1 through 1008.2.6.

1008.2.1 Real estate signs.

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

1. Real estate signs located on a single residential lot shall be limited to one sign, not greater than [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 m²) or less, or 100 square feet (9.3 m²) for property exceeding 10 acres (40 470 m²).
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.

1008.2.2 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 m²) 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 m²).

5. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any or all portions of the project.

1008.2.3 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.

1008.2.4 Special event signs in public ways.

Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the code official as to the size, location and method of erection. The code official 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.

1008.2.5 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.

1008.2.6 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.

1008.3 Requirements for specific sign types.

Signs of specific type shall be in accordance with Sections 1008.3.1 through 1008.3.7.

1008.3.1 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.

1008.3.2 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.

1008.3.3 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.

1008.3.4 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.

1008.3.5 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.

1008.3.6 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.

1008.3.7 Menu boards.

Menu board signs shall not be permitted to exceed 50 square feet (4.6 m²).

SECTION 1009 SIGNS FOR DEVELOPMENT COMPLEXES

1009.1 Master sign plan required.

All landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376 m²) in size, such as shopping centers or planned *industrial* parks, shall submit to the code official 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:

1. Proposed sign locations.
2. Materials.
3. Type of illumination.
4. Design of free-standing sign structures.
5. Size.
6. Quantity.
7. Uniform standards for nonbusiness signage, including directional and informational signs.

1009.2 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.

1009.3 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.

1009.4 Amendments.

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

Planning Commission Staff Report

From: Tom Bonadeo
Date: October 4, 2011
Item: 5.b.i – Home-Based Business
Attachments:

Item Specifics

The current zoning ordinance Section 3.2 Single Family Residential allows Home-Based businesses under Conditional Uses Section 3.2.C.3. This requires that any home business be subject to the Conditional Use permit process which is costly and time consuming. The Commission has rewritten the ordinance to streamline the application and make the process easier for qualifying home businesses.

The intent statement allows home businesses in all residential zones. This change to R-1 covers R-2 and R-3 as those sections allow all permitted uses in R-1. No changes to those sections are required.

The Commission and the Town Council have held public hearings and no public comment was received.

Discussion

The following changes to the ordinance would be made:

1. Move "Home Business" from 3.2.C to 3.2.B Permitted uses reading as follows:
 - a. 7. Home Business in accordance with Section 4.0.
2. Section 4.0 Home Business
 - A. Statement of Intent
 - a. The purpose of this section is to allow home-based businesses in all districts that allow residential dwellings provided that the home-based business meets the requirements in 4.0B below.
 - B. Home-Based Business: The conduct of a business in a residence or on its premises is permitted providing the following characteristics are followed:
 - a. Is the home-based business clearly incidental and subordinate to the residential use of the dwelling (YES)?
 - b. Is any change required to the exterior of the building (NO)?
 - c. Will there be any storage of goods, products, equipment, solid waste or other similar items stored outside the house to a greater extent than that associated with normal neighborhood characteristics (NO)?
 - d. If any accessory buildings on the property will be used for the home-based business, do they meet the requirements of the zones (YES)?
 - e. Will the home-based business create noise, dust vibration, smoke, smell, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent than would normally be expected in the immediately adjacent neighborhood if no home-based business existed (NO)?
 - f. Will the pedestrian and commercial delivery traffic generated by the home based business be greater than normal traffic in the neighborhood (NO)?
 - g. Will excessive parking requirements be met using off street parking (YES)?

- h. If the home-based business meets the above requirements and the Home-based Business Affidavit is signed, zoning clearance may be granted. If the home-based business does not meet the above requirements, a conditional use permit will be required.
- i. Nothing herein precludes compliance with any Federal, State or Local regulatory agency requirements.

The attached revision incorporates the questionnaire into the ordinance to avoid additional paper requirements. The affidavit will still be required along with zoning clearance form. The forms are retained in the zoning file in address order. This file also contains Historic Review documentation along with any other planning related documents.

Should complaints arise after zoning clearance is granted the affidavit would be used to substantiate initial compliance and if the requirements have been violated the zoning clearance could be revoked.

Recommendation

Planning Commission recommends the adoption of the ordinance changes by the Town Council.

Planning Commission Staff Report

From: Tom Bonadeo
Date: October 4, 2011
Item: 5.b.ii - Old Business – Text Change Definitions - Agriculture
Attachments: None

Item Specifics

After a recent zoning inquiry it was discovered that the definition for Agriculture in our zoning ordinance was unclear. The definition reads as follows:

AGRICULTURE means the tilling of the soil, the raising of crops, horticulture, forestry, gardening, the keeping and raising of livestock and fowl, and including the process of any products produced on the premises, such as milk, eggs, and the like.

In the R-E zone, Non-commercial agriculture is a permitted use and the intent of the zones states that it is a rural like setting. In the R-1 zone and the other R zones, Agriculture is not a permitted use and one could conclude that gardening and horticulture are not allowed.

Discussion

The Planning Commission and Town Council held a joint Public Hearing on September 22, 2011 and no public comment was heard. The suggested change would be as follows:

In Section 2.9, the words "horticulture" and "gardening" would be deleted from the definition of the word Agriculture. The following definition would result:

"AGRICULTURE means the tilling of the soil, the raising of crops, forestry, the keeping and the raising of livestock and fowl, and including the processing of any products produced on the premises, such as milk, eggs, and the like."

Recommendation

Staff recommends that the Planning Commission recommend to Town Council the adoption of the new definition of the work Agriculture.