

Planning Commission

Regular Session Agenda

May 3, 2011

6:00 P.M.

1. Call to Order – Planning Commission Regular Meeting
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. Review of Corridor Overlay material
6. New Business
 - a. Review of Home Business CUP – Paperwork Reduction
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Public Hearing & Regular Meeting
Town Hall
April 5, 2011

At 6:00 p.m. in the Town Hall, Chairman Bruce Brinkley, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In attendance were Commissioners Ben Lewis, Dennis McCoy, Roger Munz, Joan Natali and Mike Strub. Commissioners Malcolm Hayward arrived at 6:02 p.m. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as the applicant, Ms. Miriam Elton. There were no members of the public in attendance.

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

Bruce Brinkley stated that the business for the public hearing was to hear comments on the Conditional Use Permit (CUP) application for a home occupation at 548 Madison Avenue.

PUBLIC COMMENTS

There were no comments from the public.

Tom Bonadeo stated that he received an email from Mr. George Proto of 546 Madison Avenue, in support of a home bakery business at 548 Madison Avenue stating that he believed it would have no impact on the surrounding neighborhood and a positive impact on the Town of Cape Charles due to the additional revenues it would bring and the potential for increased visibility of the Town as a business-friendly environment.

Ms. Elton, the applicant, stated that she would like to have her business up and running by Memorial Day, but the US Department of Agriculture (USDA) had recently changed the permit process in that the applicant must have submit a copy of the approved CUP with the USDA application. Tom Bonadeo informed Ms. Elton that if the Planning Commission recommended approval of the CUP, he would write a letter informing the USDA of the recommendation for approval for her to submit with the application.

Bruce Brinkley closed the Public Hearing portion of the meeting.

REGULAR MEETING PUBLIC COMMENTS

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

CONSENT AGENDA

Tom Bonadeo asked that Item 7b – Sign Ordinance be added to the agenda. This section of the Zoning Ordinance needed to be reviewed and he would like to ask for assistance from the Planning Commission.

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

The Commissioners reviewed the minutes for the March 1, 2011 Regular Meeting.

Mike Strub noted a typographical error on the second page under Old Business – Corridor Overlay – Routes 184 & 642, fourth paragraph, sixth line, which should read “The Commissioners ... supply services to the Town Edge” vs. “Town.”

Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the March 1, 2011 Regular Meeting as amended. The motion was unanimously approved.

REPORTS

Tom Bonadeo reported the following: i) The Blessing of the Fleet was scheduled for this weekend and the main dock and finger docks at the Harbor were almost complete. The bathhouse building was reviewed by the Harbor Area Review Board and their comments will be forwarded to the Town Council; ii) The Cape Charles Trail Project was continuing into the next phase. Land Studio would be providing the design work and grants were in place to design and construct the next phase which includes North Peach Street and Washington Avenue; iii) There were two projects along Mason Avenue. The work on the Mason Avenue Forcemains was moving along and the Cape Charles Hotel was undergoing renovations and would probably be renamed the Hotel Cape Charles. The owners plan to open for business in late July or early August. A third of the building was slated to be a restaurant; iv) The deal for the former Delisheries Building was back on the table and the prospective owners were planning to open a sushi restaurant with a second and third floor addition/renovation; v) The Joint Permit Application for Gamesa, a wind turbine company, was approved by the VMRC. A recent article in the Virginian Pilot reported that Gamesa planned to build one turbine in the water and one on land for design and development purposes. Tom Bonadeo recommended that the Commissioners search the Internet regarding the wind turbine in Lewes, DE for more information; and vi) A Joint Permit Application had been received for the Bay Vistas subdivision on Washington Avenue to construct an offshore breakwater with beach nourishment. These lots suffered extreme erosion and the applicants need to do something to protect their property.

Malcolm Hayward asked about the Harbor bathhouses. Tom Bonadeo explained that the project had not yet been put out for bids. Staff was meeting tomorrow with the engineer to review some design changes.

OLD BUSINESS

Conditional Use Permit Application - 548 Madison Avenue - Home Occupation

Tom Bonadeo reviewed the CUP application to operate a home business producing baked goods in the R-1 zone at 548 Madison Avenue. The applicant would not be selling the baked goods from her house. The baked goods would be delivered to bakery subscribers and no large trailers would be delivering supplies so traffic would not be disrupted or increased. The character of the existing zoning district would not change as no evidence of a home based bakery would be apparent. Last month, the Commissioners reviewed the criteria outlined in Article 4 of the Zoning Ordinance for operating a home business and it was determined that the application met all nine criteria.

A public hearing was held earlier this evening and no comments were heard. Mr. George Proto submitted an email in support of this application.

Mike Strub asked if the baked goods would be sold to retailers. Ms. Elton stated that she would deliver her baked goods weekly to subscribers which were mostly consumers but several small retailers, such as the Gull Hummock, were also purchasing her products.

Motion made by Ben Lewis, seconded by Malcolm Hayward and unanimously approved to forward the application to Town Council with a recommendation for approval.

Sign Ordinance

Tom Bonadeo distributed Article IV of the Zoning Ordinance to the Commissioners and stated that he had received several requests for signs recently. The Sign Ordinance was Section 4.1. Tom Bonadeo stated that, in his opinion, the ordinance, as written, gave the impression that the Town was trying to control the signs and did not want to allow too many signs, but asked the Commissioners to read through the language to see how they would interpret the intent. Tom

Bonadeo also asked the Commissioners to look at the existing signs as they rode around the Town and further discussion would take place at the May meeting.

NEW BUSINESS

There was no new business to review.

OTHER BUSINESS

Roger Munz asked Tom Bonadeo for more details about Item #9 of his Staff Report regarding the Joint Permit Application for Bay Vistas. Tom Bonadeo explained that the Bay Vista property owners had lost significant property to beach erosion and have submitted an application for a breakwater and beach nourishment to protect their properties from further erosion. There was a question regarding the Sea Breeze Apartments and Tom Bonadeo explained that this plan would not protect the Sea Breeze property but the owners of Sea Breeze were working with the USDA, who was the mortgage holder for the property through 2033, for funding to do a similar project. Tom Bonadeo added that he was expecting to receive an application for a Wetlands Permit from the owners of Sea Breeze.

Roger Munz asked whether the Planning Commission should establish rules requiring plans for a breakwater, etc. for development of beachfront property or something to be handled at the time when lots were divided for subdivisions. Joan Natali stated that these lots were already subdivided and that she was not aware of any other beachfront property that had not yet been subdivided.

Tom Bonadeo stated that the entire area was in the Chesapeake Bay Preservation Area which required that 100' of the RPA could not be built upon and must be noted on a subdivision plat. Anything in the RPA must be resurveyed at the time of plat or development and must have been done within one year of development.

Roger Munz stated that guidelines should be in place requiring plans be made re: erosion for any new subdivisions. Tom Bonadeo stated that he would check with legal counsel but he did not think the Town could mandate such a plan. Tom Bonadeo added that if anyone had any questions regarding the Chesapeake Bay Preservation Act, to please stop in to see him and he would be glad to answer their questions.

ANNOUNCEMENTS

Tom Bonadeo stated that the Blessing of the Fleet started Friday evening with a ceremony and party. Joan Natali added that there would also be a second Harbor Party on Saturday from 3:30 p.m. - 7:30 p.m.

There were no other announcements.

Motion made by Roger Munz, seconded by Joan Natali and unanimously approved to adjourn the Public Hearing and Regular Meeting of the Planning Commission.

Chairman Bruce Brinkley

Town Clerk

Planning Commission Staff Report

From: Tom Bonadeo

Date: May 3, 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.
2. The Harbor Redevelopment Plan-Floating Slips are being installed. The harbormaster expected to have the D dock in service by the weekend of April 30. The water line is about 30% complete and we are waiting on ANEC for the additional transformer for there phase power.
3. Land Studio will be providing the design work and grants are in place to design and construct the next phase that includes north Peach Street and Washington Avenue sections of the trail. Grants for this project are approved but have matching fund requirements. Next year's budget is still under development. It is expected that the time schedule could change for this part of the project depending on the final budget outcome for next year. These grants have matching funds that come from the Town either in cash or "in-kind".
4. The WWTP is moving along well. Each day new items have been added and the buildings continue to take shape. It really doesn't look like a treatment plant.
5. The new force main on Mason Avenue is now under construction. The construction will be partly in the street and partly south of Mason Avenue. Pavement has been cut and digging is underway. The pipe runs from the new treatment plant to the base of the hump and from the Mason Avenue pump station across the TAVI property and is ready to come out onto Mason Avenue. The large pipe on the ground is a dewatering system to remove excess water from the ground prior to digging the ditch.
6. The Historic Review Board met this month to consider another home remodel and addition. The Cape Charles Hotel at 235 Mason Avenue is now under full renovation with the expectation of opening later this summer. The renovation will have 16 rooms and will be a full service hotel. The Board reviewed modifications to the Hotel plan and approved the project.
7. A JPA has also been received for Bay Vistas Subdivision on Washington Avenue. These lots suffered extreme erosion. Their permit application is to construct an offshore breakwater with beach nourishment. This application was approved by the Wetlands Board and VMRC with other approvals to come from Fish and Wildlife.
8. A grant was received to build a cart path from the bottom of the hump to the Bay Creek Golf Resort property. Some legal issues are being worked out right now.

Planning Commission Staff Report

From: Tom Bonadeo
Date: May 3, 2011
Item: 5A – Historic Town Entrance Corridor Overlay District
Attachments: Package of info to County Planner

Background

We are looking for a new view of the Corridor Overlay. This "new look" includes the two areas of Route 184 and Route 642 that we have been talking about but also includes the area along Route 13 as discussed in the Annexation Agreement.

The objective is to work with the County Planning Commission and Board of Supervisors to incorporate features in our Comprehensive Plans and ultimately in our zoning ordinances that would recognize this area of joint concern. This area is also a concern to the Town of Cheriton and Cape Charles plans to keep working with Cheriton in their boundary adjustment process.

Item Specifics

We have had an initial meeting at the County and plan to meet again next week. There could be possible committee assignments as the plan goes forward. This is just an update for future meetings.

Recommendations

Discuss the info and make suggestions for town staff meeting with the county staff.

Corridor Overlay
Route 184 and Route 642 and Route 13

We are looking for a new view of the Corridor Overlay. This "new look" includes the two areas of Route 184 and Route 642 that we have been talking about but also includes the area along Route 13 as discussed in the Annexation Agreement. This area is a one mile stretch of Route 13 at the intersection with Route 184.

The objective is to work with the County Planning Commission and Board of Supervisors to incorporate features in our Comprehensive Plans (County and Town) and ultimately in our (County and Town) zoning ordinances that would recognize this area of joint concern. This area is also a concern to the Town of Cheriton who is currently working on a boundary adjustment to include a portion bordering on Route 13. Cape Charles does not plan to continue with a boundary adjustment but plans to keep working with Cheriton in their boundary adjustment process so that the best interests of both towns are represented along Route 13.

How could this work? There are several possible scenarios that could make this work and the Cape Charles Planning Commission (CCPC) has worked on the overlay district for the entrance to town for some time. Here are the things that the CCPC would like to see in an overlay district/county zone.

Overlay on 642 AND 184

1. The view sheds along the entrances (184 and 642) to the Historic District would be protected from visual development.
2. The entrances would have similar sign control and a historic guideline as the Town currently has.
3. Commercial development would be very limited.
4. Access (driveways) would be limited to the extent possible within the Code of Virginia.
5. Dark sky compliant light fixtures would be required for every outside light fixture.
6. The Crape Myrtles along 184 are a "signature" view for the town.
7. Trees such as sycamores along 642 would also be desired. These have been planted by Bay Creek on its property that borders 642.
8. Reduced speed limit to 25 mph, within the Town boundaries.

Item Specifics

The areas for study are as follows:

1. Route 184 Corridor Overlay
 - a. Part of the Annexation Agreement
 - b. Protection of the view-sheds
 - c. Started but never finished
 - d. Code of Virginia allows overlays on entrances to historic districts
2. Route 642 Corridor Overlay
 - a. This wasn't in the Annexation Agreement because it was expected to be closed – won't happen now
 - b. Protection of the view-sheds
 - c. Has been rezoned Town Edge
 - d. Town Edge creates some expectations for town services such as water, wastewater and transportation connectivity to downtown.
3. Route 13 Special Commercial Zoning at Route 184 intersection
 - a. Annexation Agreement recommended this one mile area of special commercial zoning to protect the commercial businesses in the two nearby towns of Cheriton and Cape Charles.
 - b. Food Lion example

4. Town Edge
 - a. Work on Town edge definition with Towns to include these overlay characteristics if applicable.
5. What needs work?
 - a. County and Town Comprehensive Plans need specific coordination in this area.
 - i. Common section in each plan recognizing the value of these zones to the County and Towns.
 - b. County could adopt the regulation of the Towns in each respective entrance for the following items.
 - i. Historic/Architectural regulations (related to an entrance to a historic district)
 - ii. Coordinated sign regulations with Towns
 - iii. Landscaping Requirements
6. How do we get there?
 - a. Planning Commissions set up a committee(s) with narrowly defined goals to work on coordinated efforts.
 - i. Committee for Historic/Architectural Guidelines – All Historic Towns
 - ii. Committee for Signs – All Historic Towns
 - iii. Committee for Special Commercial Zone – Cape Charles per the annexation agreement but other Towns as needed.
 - iv. Comprehensive Plan Coordination – All Towns
 - v. Town Edge definition – All Towns

which are rented for occupancy.

7. For the first ten (10) years following the imposition of such tax by the County, the County shall cause such revenue as is derived from collections within the corporate limits of the Town of Cape Charles to be forwarded annually to the Town to be used by the Town for purposes of beach replenishment, harbor improvements, recreation or beautification within the corporate limits of the Town of Cape Charles or along the corridor between the Town of Cape Charles and U.S. Route 13. Thereafter the County shall retain such revenue and may use same for any purposes permitted by law.

8. The County acknowledges that the Town and the Commission have concerns about the potential impact to the existing business districts within the towns of Cape Charles and Cheriton caused by commercial development along the Virginia State Route 184 corridor and at the traffic light on U.S. Route 13. The Town and County also acknowledge that land use and development decisions within the post-annexation boundaries of Cape Charles, the corridor between Cape Charles and U.S. Route 13 and the area adjacent to U.S. Route 13 at the intersection with Old Stone Road (Virginia State Route 184) are important matters both to the Town and County. Each party agrees to receive comments from the other relative to these matters and to give due consideration to the comments and other input made by the other. In addition, the County agrees that if the Town submits within twelve months of the effective date of annexation a proposal for amendment to the land use section of the Northampton County Comprehensive Plan regarding land use in such

area or submits within twelve months of the effective date of annexation a proposal for additional or modified land use controls along such corridor, then the County shall refer such proposals to the Northampton County Joint Local Planning Commission for its review, public hearings and recommendations thereon. Upon receipt of such recommendations, the County shall hold a public hearing and take such action as it deems appropriate. In the event that the County receives a rezoning application for proposed commercial or industrial use or a preliminary subdivision plat or any preliminary site plan submitted for the development of any commercial or industrial property located in that area at the intersection of Highway 13 and Route 184, which is recommended for commercial development in the County's current Comprehensive Plan, then the County shall promptly forward to the Town a copy of such submittal. Comments made to the County by the Town will be considered by the County in its decision-making process.

9. The parties acknowledge receipt of the "Report on the Town of Cape Charles-County of Northampton County Annexation Action" dated February 19, 1991, prepared by the Commission on Local Government and believe that the parties have adequately addressed the Commission's concerns and therefore urge the Commission to recommend and/or the Court to approve this Annexation Agreement.

10. All the terms and provisions of this Agreement shall be binding upon and inure to the benefit of and to the extent permitted by law shall be enforceable by and upon the respective successors and assigns of the parties.

retention and access rights to the wetlands park. Brown & Root agrees to file a Rezoning Application for 10 acres of its Property adjacent to the property owned by the Virginia Port Authority, to light industrial. If all or portions of the rezoned light industrial property are not utilized within 10 years of said rezoning, Brown & Root reserves the right to submit a rezoning application to the Town for this 10 acre area to a more appropriate category. Should the Town grant a rezoning application for Brown & Root's property, following annexation, the Town agrees to grant density credit to Brown & Root for the property dedicated for the wetlands park, at the same unit per acre ratio as that approved by the Town for the balance of Brown & Root's property.

14. Brown & Root and the Town agree to jointly support the creation of a special zoning district along Route 184 into the Town and along Route 13 within one mile of each direction of the intersection of Route 13 and Route 184. The Town and Brown & Root agree to urge reasonable restrictions on commercial development, sign restrictions, increased setbacks, landscaping requirements and other measures to encourage quality development within the this area.

15. Brown & Root covenants and agrees that the obligations set forth herein shall run with the land and be binding upon the owners of its property, their successors and assigns.

16. The Town hereby expressly waives any defenses available to it by statute such as sovereign immunity with respect to obligations made by the Town herein. The Town represents that it intends to fulfill its obligations in this Agreement and will

ARTICLE 19
CORRIDOR OVERLAY DISTRICT

Now therefore be it resolved by the Town Council of the Town of Cape Charles, Virginia that this Article of the Zoning Ordinance of the Town of Cape Charles was adopted as follows:

SECTION 19.1 PURPOSE AND INTENT.

The purpose and intent of this section is to protect and enhance the Town's attractiveness to residents, tourists, and visitors; to promote the protection of scenic, historic, and environmental resources; to improve pedestrian and vehicular circulation; and to encourage the most desirable use of land in accord with the Comprehensive Plan.

SECTION 19.2 DEFINITIONS.

Arterial Roadway. A roadway primarily designed for the movement of traffic, usually in high volumes, from one destination to another.

Berm. A continuous bank of earth, primarily designed and located to hide or partially obscure from view elements of a site (such as parking areas), or of a building (such as a loading dock) and are supplemented by trees and shrubs.

Office Park. A development that contains three or more separate office buildings planned, developed or managed as a unit related in location, size, and type of shops to the area that the unit serves and providing on-site parking in relationship to the types and sizes of stores.

Sign. Any display of letters, figures, designs, devices, pictures, logos, emblems, insignia, numbers, lines or colors, or any combination thereof visible to the public for the purpose of making anything known or attracting attention.

The flag, emblem, insignia, poster or other display of a nation, political units, educational, charitable, religious or similar group, campaign, non-charitable, or religious or similar group, campaign, non-profit drive or event, or the architectural features or characteristics of a building which do not have an advertising message on or as an integral part thereof, shall not be included within the meaning of this definition.

Sign Area. The area of a sign shall be determined from its outside measurements, including any framing, trim, or molding, but excluding the height and width of supports and supporting structure. For the purpose of computing area, a sign consisting of two or more sides, where the interior angle between any of the sides exceeds sixty degrees, each side shall be counted when computing sign area.

DAVE KABLER

→ Existing buildings will not be affected. Buildings constructed before passage of this ordinance.

Sign, Freestanding. A non-movable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.

Sign, Fixed. A sign attached, erected, or painted on the outside wall of a building and supported by any part of a building such as a wall, roof, window, canopy, awning, or marquee.

Sign, Portable. Any sign not permanently affixed to the ground nor to a building, which is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes (including any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, or service, when the vehicle is parked so as to attract the attention of the motoring or pedestrian traffic.

Sign, Pylon. A freestanding sign that is supported by one or more poles or posts or other uprights and where the sign is not encased within a structure.

Sign, Flashing or Continuous Reader Board. Any sign displaying flashing or intermittent lights, or other lights of changing degree of intensity, brightness or color, or electronically moving copy. This definition shall not apply to signs which display public service information such as time, date, temperature, weather, or similar information provided the message does not change more frequently than once every ten seconds.

Sign, Height. The vertical distance from the street grade or the average lot grade at the required minimum front setback line for signs, whichever allows for the greater heights, to the highest point of the sign.

Sign, Illumination. A sign illuminated by artificial means either internally or externally and directed towards the sign.

SECTION 19.3 AREAS OF APPLICABILITY.

The Corridor Overlay District shall include all parcels of land within 500 feet north and south of the centerline of State Route 184 from State Route 1105 (Fig Street) east to the corporate limits of Cape Charles.

SECTION 19.4 YARD AND HEIGHT REQUIREMENTS.

- A. Yards. The following yard requirements shall apply to any zoning lot or parcel:
1. Setbacks along major arterial. All buildings, drives, and parking areas, shall have a minimum thirty foot setback from the existing and/or proposed right-of-way. Within these setbacks, landscaping shall be provided in accordance with section 19.6.

2. Side Yard. The side yard setbacks for buildings, drives, and parking areas shall be a minimum of ten feet. The minimum corner side yard shall be twenty feet.
 3. Rear Yard. The minimum rear yard setback for buildings, drives, and parking areas, shall be ten feet.
- B. Height Requirements. The maximum height of all buildings ^{shall be 25' (exclusive of chimneys)} as permitted by the underlying zoning ordinance.

SECTION 19.5 DEVELOPMENT STANDARDS.

- A. Utility lines underground. All utility lines such as electric, telephone, CATV, or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within a project. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.
- B. Loading Areas. Sites shall be designed and buildings shall be oriented so that loading areas are not visible from any of the project perimeters adjoining any Agricultural (A) or Residential (R) or any public right-of-way.
- C. Architectural Treatment. No building exterior (whether front, side, or rear) will consist of architectural materials ^{Judgement Call.} inferior in quality, appearance, or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different building exteriors (which would be acceptable if representative of good architectural design) but rather, shall preclude the use of inferior materials on sides which face adjoining property and thus, might adversely impact existing or future development causing a substantial depreciation of property values. No portion of a building constructed of unadorned cinder block or corrugated and/or sheet metal shall be visible from any adjoining A or R District or public right-of-way. Mechanical equipment whether ground level or roof top shall be shielded and screened from public view and designed to be perceived as an integral part of the building.
- D. Exterior Lighting. All exterior lighting shall be arranged and installed so that the direct or reflected illumination does not exceed (0.5) foot candles above background measured at the lot line of any adjoining ^{question wording.}
maybe add "footcandle" to definitions. Or choose enforceable wording.

define:

residential or agricultural parcel. Lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining residential or agricultural parcel and public right-of-way.

E. **Driveways and Parking Areas.** Driveways and parking areas shall be paved with concrete, bituminous concrete, or other similar material. Surface penetration treated parking areas and drives shall be prohibited. Concrete curb and gutter shall be installed around the perimeter of all driveways and parking areas. Other curbing material of similar quality like brick or cobblestone shall be permitted at the discretion of the Director of Planning. Drainage shall be designed to meet the requirements of the Virginia Department of Transportation.

F. **Outside Storage Areas.** All outdoor storage areas shall be visually screened from public streets, internal roadways, and adjacent property. Screening shall consist of wither a ventilated solid board fence, masonry wall, dense evergreen plant materials or such other materials as may be approved. All such screening shall be of sufficient height to screen storage areas from view. Outdoor storage shall include the parking of all company owned and operated vehicles, with the exception of passenger vehicles. *clarification*

SECTION 19.6 LANDSCAPING REQUIREMENTS.

A. A comprehensive plan for each individual visual lot or parcel within the Overlay District is essential for the visual enhancement of the Corridor; and to protect and promote the appearance, character, and economic values of land along the corridor and surrounding neighborhoods. The purpose and intent of such landscaping requirements are to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety. Landscaping will reduce the amount of storm water runoff and provide transition and buffers between neighboring properties.

B. **Landscape Plan and Planting Requirements.**

1. A landscape plan shall be submitted in conjunction with final site plan approval.
2. Such landscape plan shall be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, walkways, driveways, and the location, size, and description of all landscape materials.

C. **Plant Material Specifications.**

1. **Quality.**

All plant materials shall be living and in a healthy condition. Plant materials used specified shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen.

2. Size and Type.

- a. Small Deciduous Trees. Small deciduous trees shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. A minimum caliper of at least two and one half (2 1/2) inches at the time of planting shall be required.
- b. Large Deciduous Trees. Large deciduous trees shall be of a species having an average minimum mature crown spread of greater than thirty (30) feet. A minimum caliper of at least three and one half (3 1/2) at the time of planting shall be required.
- c. Evergreen Trees. Evergreen trees shall have a minimum height of five (5) feet at the time of planting.
- d. Medium Shrubs. Shrubs and hedge forms shall have a minimum height of two (2) feet at the time of planting.

3. Landscaping Design.

- a. Generally, planting required by this section should be in an irregular line and spaced at random.
- b. Clustering of plant and tree species shall be required to provide a pleasing composition and mix of vegetation.
- c. Decorative walls and fences may be integrated into any landscaping program. The use of such walls or fences, when having a minimum height of three (3) feet, may reduce the amount of required plant materials at the discretion of the Director of Planning.

4. Tree Preservation.

Preservation of existing trees is encouraged to provide continuity, improved buffering ability, pleasing scale and image along the corridor.

All existing trees on the site shall be shown on the required landscaping plan, or where there are groups of trees, said stands shall be outlined. Trees desired to be removed shall be clearly

delineated on the landscaping plan.

D. MAINTENANCE.

1. The Owner, or his agent, shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required by the provisions of this Article.
2. All plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris at all times. All unhealthy, dying or dead plant materials shall be replaced during the next planting season.

E. ARTERIAL FRONTAGE LANDSCAPING.

Landscaping shall be required along Route 184 and all side roads within the required setback of any lot or parcel and shall be provided except where driveways or other openings may be necessary. The minimum required landscaping for this setback shall be provided as per Perimeter Landscaping B below.

F. Landscaping shall be required at the outer boundaries or in the required yards of a lot or parcel or development and shall be provided except where driveways or other openings may be required. The minimum required landscaping shall be provided as per Perimeter Landscaping A below.

1. Perimeter Landscaping A.

- a. At least one small deciduous tree for each fifty lineal feet and at least one evergreen for each fifty lineal feet shall be planted within setback area.
- b. At least one medium shrub for each twenty lineal feet shall be planted within the setback area.
- c. Low shrubs and ground cover shall be reasonable dispersed throughout.

2. Perimeter Landscaping B.

- a. At least one large deciduous tree for each fifty lineal feet and at least one evergreen for each thirty lineal feet shall be planted within the setback area.
- b. At least one small deciduous tree for each fifty lineal feet shall be planted within the setback area.
- c. At least one medium shrub for each fifteen lineal feet shall be planted within the setback area.

d. Low shrubs and ground cover shall be reasonably dispersed throughout.

OR

a. A minimum three (3) foot high undulating berm, and

b. Perimeter Landscaping A.

3. LANDSCAPING STANDARDS FOR PARKING AREAS.

Interior Parking Landscaping

a. The primary landscaping material used in parking areas shall be trees which provide shade or are capable of providing shade at maturity. Each landscaped area shall include at least one small tree.

b. Landscaping areas shall be reasonably dispersed throughout, located so as to divide and break up the expanse of paving. The area designated as required setbacks shall not be calculated as required landscaping area.

SECTION 19.7 LIMITATION OF SIGNS

A. Purpose and Intent. The purpose and intent of this section is to regulate the use of signs, displays or graphics to protect and enhance the character of Route 184, to prevent diminishing property values within these areas; to safeguard the public use and nature of major arterial roadways; and to minimize visual distractions to motorists along public roads.

B. General Regulations for All Signs.

1. Applicable State and Federal sign control.

2. Applications for permits shall be submitted on forms obtained at the Department of Planning. Planner shall check for compliance with the requirements of the Virginia Department of Transportation, the Uniform Statewide Building Code, and with the regulations of this chapter. Once compliance is determined, a sign permit may be issued. Each application shall be accompanied by plans, showing the size, location, and property identification. In the case of projecting signs and outdoor advertising structures, complete specifications and methods of anchoring and support shall be required. Each sign and outdoor advertising structure shall have the permit number and date of issuance affixed.

3. Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air, or ingress and egress for any building structure.
4. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, it shall be made safe or removed in accordance with the Uniform Statewide Building Code.
5. Where permits are required, all signs, including directional signs, shall be set back at least fifteen feet from the front property lines or existing right-of-way lines unless a greater setback is specified.
6. Sign lighting shall be positioned and shielded so as not to impair the vision of any motor vehicle operator or cause any direct ^{or harmful} glare into or upon any property other than the property to which the sign may be accessory.
7. Outdoor (billboard) advertising signs shall be prohibited within the Overlay District.
8. Portable signs shall be prohibited on a temporary or permanent basis within the Overlay District.
9. An abandoned sign shall be removed by the owner of the sign or the owner or leasee of the property. Any sign located on property which becomes vacant and is unoccupied for a period of two (2) years or more shall be deemed abandoned. If the owner or lessee fails to remove the sign, the Director of Planning shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the Planning Director may initiate such action as may be necessary to gain compliance with this regulation.
10. No sign shall be higher than the roof line or parapet wall of any building for which the sign is proposed.

C. PERMITTED SIGNS.

1. One sign not exceeding four square feet in area, identifying a dwelling, its occupant, its location, or home occupation.
2. One name sign or bulletin board not exceeding twenty square feet in area for any club, church, school, or other public or semi-public institution.
3. One temporary real estate sign, not exceeding four square feet in area in a Residential or

Agricultural District advertising the sale or rent of the premises. Such sign shall be located on the premises at least twenty feet from the nearest corner of a street intersection, shall not be illuminated, shall be neatly painted or maintained, and shall be removed within one month after the transfer of title or rental of such property.

4. Signs displayed for the purpose of farm identification shall be located on the farm premises, shall be set back at least fifty feet from the nearest corner or street intersection, shall be neatly painted or printed and maintained and shall not be illuminated. The total aggregate area of all signs shall not exceed twelve square feet.
5. One temporary sign advertising the sale of farm products grown or produced on the premises; provided that such sign shall not exceed twelve square feet in area, and shall not be less than fifteen feet from any street right-of-way or lot line. Such sign shall not be illuminated, shall be neatly painted or printed, maintained and shall be removed within ten days after the end of each season.
6. Directional signs not over four square feet in area, indicating the location of churches, schools, parks, scenic or historic places, or other places of general public interest. Any such signs and mounting shall not exceed seven feet in total height and not more than one sign neatly painted or printed, pertaining to a single place, shall be displayed along any one street.
7. Directional signs indicating location of truck entrances, employee parking, shipping and receiving, and similar activities; provided that all such signs are located on the property of the business and no such sign exceeds ten feet in height and four square feet in area.
8. One temporary on-site real estate sign, not exceeding thirty two feet in area, advertising a residential development project.
9. A permanent sign, not exceeding twenty square feet in area and ten feet in overall height, identifying the name and nature of a residential development. Once such sign shall be permitted on the premises for each separate street entrance to the development.
10. A shopping center, office park, or similar group of buildings may have one freestanding on-site directory sign near each major entrance. Such sign(s) shall be limited to identifying and providing

1. A scale drawing of the proposed sign.
2. Proposed materials for the sign, including construction and the lighting method.
3. Style and size of lettering.

SECTION 19.11 PLAN SUBMISSION REQUIREMENTS.

All uses within the Overlay District shall be required to file an application and appropriate plans to assure compliance of all applicable requirements of this chapter.

Plan submissions as herein shall include the following:

1. Site plans in accordance with the provisions of that section.
2. Architectural renderings and/or elevations including: main structure, all outbuildings, fences, walls, lamp post, and lamp fixtures.
3. Complete material samples.
4. Proposed colors.
5. Lighting Plan.
6. Landscape plan and plant materials schedule sheet which shall include latin and common names and sizes at installation.
7. Proposed signage plan.

SECTION 19.12 WAIVERS OF CERTAIN REQUIREMENTS.

Upon written notice from the applicant, the Director of Planning may waive any of the above requirements deemed not to be necessary for review of the application.

SECTION 19.13 ADMINISTRATION RESPONSIBILITIES.

The Director of Planning shall approve or disapprove plans in accordance with the reviewing authorities recommendations. He shall return notification of plan review results to the applicant, including recommended conditions or modifications. In the event that the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved.

SECTION 19.14 DENIAL OF PLAN; APPEAL OF CONDITIONS OR MODIFICATIONS

In the event the plans are disapproved or recommended conditions or modifications are unacceptable to the applicant, said plans shall be forwarded to the Board of Zoning Appeals for review. The plans shall be

ARTICLE V
CORRIDOR OVERLAY DISTRICT

Sec. 5.1

A. Purpose and Intent. The purpose and intent of this section is to protect and enhance the Town's attractiveness to residents, tourists, and visitors; to promote the protection of scenic, historic, and environmental resources; to improve pedestrian and vehicular circulation; and to encourage the most desirable use of land in accord with the Comprehensive Plan.

Sec. 5.2

A. Definitions.

Aerial Roadway. A roadway primarily designed for the movement of traffic, usually in high volumes, from one destination to another.

Berm. A continuous bank of earth, primarily designed and located to hide or partially obscure from view elements of a site (such as parking areas), or of a building (such as a loading dock) and are supplemented by trees and shrubs.

Office Park. A development that contains three or more separate office buildings planned, developed or managed as a unit related in location, size, and type of shops to the area that the unit serves and providing on-site parking in relationship to the types and sizes of stores.

Sign. Any display of letters, figures, designs, devices, pictures, logos, emblems, insignia, numbers, lines or colors or any combination thereof visible to the public for the purpose of making anything known or attracting attention. The flag, emblem, insignia, poster or other display of a nation, political units, educational, charitable, religious or similar group, campaign, non-charitable or religious or similar group, campaign, non-profit drive or event or the architectural features or characteristics of a building which do not have an advertising message on or as an integral part thereof, shall not be included within the meaning of this definition.

Sign Area. The area of a sign shall be determined from its outside measurements including any framing, trim or molding, but excluding the height and width of supports and supporting structure. For the purpose of computing area, a sign consisting of two or more sides where the interior angle between any of the sides exceeds sixty degrees, each side shall be counted when computing sign area.

Sign, Freestanding. A non-movable sign supported by a fence, retaining wall or by upright structural members or braces on or in the ground and not attached to a building.

Sign, Fixed. A sign attached, erected or painted on the outside wall of a building and supported by any part of a building such as a wall, roof, window, canopy, awning or marquee.

Sign, Portable. Any sign not permanently affixed to the ground nor to a building which is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes (including any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product or service when the vehicle is parked so as to attract the attention of the motoring or pedestrian traffic.

Sign, Pylon. A freestanding sign that is supported by one or more poles or posts or other uprights and where the sign is not encased within a structure.

Sign, Flashing or Continuous Reader Board. Any sign displaying flashing or intermittent lights or other lights of changing degree of intensity, brightness or color or electronically moving copy. This definition shall not apply to signs which display public service information such as time, date, temperature, weather or similar information provided the message does not change more frequently than once every ten seconds.

Sign, Height. The vertical distance from the street grade or the average lot grade at the required minimum front setback line for signs, whichever allows for the greater heights to the highest point of the sign.

Sign, Illumination. A sign illuminated by artificial means either internally or externally and directed towards the sign.

Sec. 5.3 Areas of Applicability.

- A. The Corridor Overlay District shall include all parcels of land within 140 feet or a plotted lot depth, whichever is the greater, on both sides of State Route 184 from the intersection of Fig Street and Randolph Avenue, following State Route 184 south to the end of Fig Street, then west to the end of Mason Avenue, then north to the end of Bay Avenue.

Sec. 5.4 Yard and Height Requirements

- A. Yards. The following yard requirements shall apply to any zoning lot or parcel:
1. Setbacks along Fig Street, Mason Avenue, and Bay Avenue; all buildings, drives, and parking areas shall have a minimum _____ setback from the existing right-of-way. Within these setbacks, landscaping shall be provided in accordance with Section 5.6.
 2. Side Yard. The side yard setbacks for buildings, drives, and parking areas shall be a minimum of _____ feet. The minimum corner side yard shall be _____ feet.
 3. Rear Yard. The minimum rear yard setback for buildings, drives, and parking areas, shall be _____ feet.
- B. Height Requirements. The maximum height of all buildings as permitted by the underlying zoning ordinance.

Sec. 5.5 Development Standards.

- A. Utility lines underground. All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within a project. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.
- B. Loading Areas. Sites shall be designed and buildings shall be oriented so that loading areas are not visible from any of the project perimeters adjoining any Commercial (C); Residential (R) or any public right-of-way.

- C. **Architectural Treatment.** No building exterior (whether front, side or rear) will consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different building exteriors (which would be acceptable if representative of good architectural design) but rather, shall preclude the use of inferior materials on sides which face adjoining property and thus, might adversely impact existing or future development -- causing a substantial depreciation of property values. No portion of a building constructed or unadorned cinder block or corrugated and/or sheet metal shall be visible from any adjoining District or public right-of-way. Mechanical equipment whether ground level or roof top shall be shielded and screened from public view and designed to be perceived as an integral part of the building. All remaining provisions of this Article shall comply with the provisions of Article V Corridor Overlay District.
- D. **Exterior Lighting.** All exterior lighting shall be arranged and installed so that the direct or reflected illumination does not exceed (0.5) foot candles above background measured at the lot line of any adjoining residential or agricultural parcel. Lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining residential or agricultural parcel and public right-of-way.
- E. **Driveways and Parking Areas.** Driveways and parking areas shall be paved with concrete, bituminous concrete or other similar material. Surface penetration treated parking areas and drives shall be prohibited. Concrete curb and gutter shall be installed around the perimeter of all driveways and parking areas. Other curbing material of similar quality like brick or cobblestone shall be permitted at the discretion of the Director of Planning. Drainage shall be designed to meet the requirements of the Virginia Department of Transportation.
- F. **Outside Storage Areas.** All outdoor storage areas shall be visually screened from public streets, internal roadways and adjacent property. Screening shall consist of wither a ventilated solid board fence, masonry wall, dense evergreen plant materials or such other materials as may be approved. All such screening shall be of sufficient height to screen storage areas from view. Outdoor storage shall include the parking of all company owned and operated vehicles with the exception of passenger vehicles.

Sec. 5.6 Landscaping Requirements.

- A. A comprehensive plan for each individual visual lot or parcel within the Overlay District is essential for the visual enhancement of the Corridor; and to protect and promote the appearance, character and economic values of land along the corridor and surrounding neighborhoods. The purpose and intent of such landscaping requirements are to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety. Landscaping will reduce the amount of storm water runoff and provide transition and buffers between neighboring properties.
- B. **Landscape Plan and Planting Requirements.**
1. A landscape plan shall be submitted in conjunction with final site plan approval.
 2. Such landscape plan shall be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, walkways, driveways and the location, size and description of all landscape materials.

C. Plant Material Specifications.

1. Quality.

All plant materials shall be living and in a healthy condition. Plant materials used specified shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock", published by the American Association of Nurserymen.

2. Size and Type.

- a. Small Deciduous Trees. Small deciduous trees shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. A minimum caliper of at least two and one half (2 1/2) inches at the time of planting shall be required.
- b. Large Deciduous Trees. Large deciduous trees shall be of a species having an average minimum crown spread of greater than thirty (30) feet. A minimum caliper of at least three and one half (3 1/2) inches at the time of planting shall be required.
- c. Evergreen Trees. Evergreen trees shall have a minimum height of five (5) feet at the time of planting.
- d. Medium Shrubs. Shrubs and hedge forms shall have a minimum height of two (2) feet at the time of planting.

3. Landscaping Design.

- a. Generally, planting required by this section should be in an irregular line and spaced at random.
- b. Clustering of plant and tree species shall be required to provide a pleasing composition and mix of vegetation.
- c. Decorative walls and fences may be integrated into any landscaping program. The use of such walls or fences, when having a minimum height of three (3) feet, may reduce the amount of required plant materials at the discretion of the Director of Planning.

4. Tree Preservation.

Preservation of existing trees is encouraged to provide continuity, improved buffering ability, pleasing scale and image along the corridor.

All existing trees on the site shall be shown on the required landscaping plan or where there are groups of trees, said stands shall be outlined. Trees desired to be removed shall be clearly delineated on the landscaping plan.

D. Maintenance.

1. The Owner or his agent shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required by the provisions of this Article.

2. All plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris at all times. All unhealthy, dying or dead plant materials shall be replaced during the next planting season.

E. Arterial Frontage Landscaping.

Landscaping shall be required along Route 184 and all side roads within the required setback of any lot or parcel and shall be provided except where driveways or other openings may be necessary. The minimum required landscaping for this setback shall be provided as per Perimeter Landscaping B below.

- F. Landscaping shall be required at the outer boundaries or in the required yards of a lot or parcel or development and shall be provided except where driveways or other openings may be required. The minimum required landscaping shall be provided as per Perimeter Landscaping A below.

1. Perimeter Landscaping A.

- a. At least one small deciduous tree for each fifty lineal feet and at least one evergreen for each fifty lineal feet shall be planted within setback area.
- b. At least one medium shrub for each twenty lineal feet shall be planted within the setback area.
- c. Low shrubs and ground cover shall be reasonably dispersed throughout.

2. Perimeter Landscaping B.

- a. At least one large deciduous tree for each fifty lineal feet and at least one evergreen for each thirty lineal feet shall be planted within the setback area.
- b. At least one small deciduous tree for each fifty lineal feet shall be planted within the setback area.
- c. At least one medium shrub for each fifteen lineal feet shall be planted within the setback area.
- d. Low shrubs and ground cover shall be reasonably dispersed throughout.

OR

- a. A minimum three (3) feet high undulating berm, and
- b. Perimeter Landscaping A.

3. Landscaping Standards for Parking Areas.

Interior Parking Landscaping

- a. The primary landscaping material used in parking areas shall be trees which provide shade or are capable of providing shade at maturity. Each landscaped area shall include at least one small tree.
- b. Landscaping areas shall be reasonably dispersed throughout, located so as to divide and break up the expanse of paving. The area designated as required setbacks shall not be calculated as required landscaping area.

Sec. 5.7 Limitation of Signs.

- A. Purpose and Intent. The purpose and intent of this section is to regulate the use of signs, displays or graphics to protect and enhance the character of Route 184, to prevent diminishing property values within these areas; to safeguard the public use and nature of major arterial roadways; and to minimize visual distractions to motorists along public roads.
- B. General Regulations for All Signs.
 1. Applicable State and Federal sign control.
 2. Applications for permits shall be submitted on forms obtained at the Department of Planning. Planner shall check for compliance with the requirements of the Virginia Department of Transportation, the Uniform Statewide Building Code, and with the regulations of this chapter. Once compliance is determined, a sign permit may be issued. Each application shall be accompanied by plans, showing the size, location, and property identification. In the case of projecting signs and outdoor advertising structures, complete specifications and methods of anchoring and support shall be required. Each sign and outdoor advertising structure shall have the permit number and date of issuance affixed.
 3. Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air or ingress and egress for any building structure.
 4. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, it shall be made safe or removed in accordance with the Uniform Statewide Building Code.
 5. Where permits are required, all signs, including directional signs, shall be set back at least fifteen feet from the front property lines or existing right-of-way lines unless a greater setback is specified.
 6. Sign lighting shall be positioned and shielded so as not to impair the vision of any motor vehicle operator or cause any direct glare into or upon any property other than the property to which the sign may be accessory.

7. Outdoor (billboard) advertising signs shall be prohibited within the Overlay District.
8. Portable signs shall be prohibited on a temporary or permanent basis within the Overlay District.
9. An abandoned sign shall be removed by the owner of the sign or the owner or leasee of the property. Any sign located on property which becomes vacant and is unoccupied for a period of two (2) years or more shall be deemed abandoned. If the owner or lessee fails to remove the sign, the Director of Planning shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the Planning Director may initiate such action as may be necessary to gain compliance with this regulation.
10. No sign shall be higher than the roof line or parapet wall of any building for which the sign is proposed.

C. Permitted Signs.

1. One sign not exceeding four square feet in area, identifying a dwelling, its occupant, its location or home occupation.
2. One name sign or bulletin board not exceeding twenty square feet in area for any club, church, school or other public or semi-public institution.
3. One temporary real estate sign, not exceeding four square feet in area in a Residential or Agricultural District advertising the sale or rent of the premises. Such sign shall be located on the premises at least twenty feet from the nearest corner of a street intersection, shall not be illuminated, shall be neatly painted or maintained, and shall be removed within one month after the transfer of title or rental of such property.
4. Signs displayed for the purpose of farm identification shall be located on the farm premises, shall be set back at least fifty feet from the nearest corner or street intersection, shall be neatly painted or printed and maintained and shall not be illuminated. The total aggregate area of all signs shall not exceed twelve square feet.
5. One temporary sign advertising the sale for farm products grown or produced on the premises; provided that such sign shall not exceed twelve square feet in area, and shall not be less than fifteen feet from any street right-of-way or lot line. Such sign shall not be illuminated, shall be neatly painted or printed, maintained and shall be removed within ten days after the end of each season.
6. Directional signs not over four square feet in area, indicating the location of churches, schools, parks, scenic or historic places or other places of general public interest. Any such signs and mounting shall not exceed seven feet in total height and not more than one sign neatly painted or printed, pertaining to a single place, shall be displayed along any one street.
7. Directional signs indicating location of truck entrances, employee parking, shipping and receiving, and similar activities; provided that all such signs are located on the property of the business and no such sign exceeds ten feet in height and four square feet in area.

8. One temporary on-site real estate sign, not exceeding thirty two feet in area, advertising a residential development project.
9. A permanent sign, not exceeding twenty square feet in area and ten feet in overall height, identifying the name and nature of a residential development. One such sign shall be permitted on the premises for each separate street entrance to the development.
10. A shopping center, office park or similar group of buildings may have one freestanding on-site directory sign near each major entrance. Such sign(s) shall be limited to identifying and providing directional information to the individual business located within the shopping center, office park or similar group of buildings. This sign area shall not exceed twenty square feet in area and eight feet in height or be located within a complex so as to be a traffic and/or safety hazard.

Sec. 5.8 Sign Design Standards.

1. A unified system of signage and graphics shall be designed for each individual development. Letter style, graphic display, and color shall be analogous for all signage and within each individual development. Signage concepts should be considered during the design of buildings so that the signage and graphics are architecturally incorporated into those buildings and the site they inhabit. Size, height, location, material, and color should strongly relate to building and site design.
2. Freestanding sign design. Freestanding signs shall be enclosed within a structure that is architecturally related to and compatible with the main building(s) and overall architectural design of the development; designed and certified to withstand a wind velocity exceeding 100 MPH.
3. Landscaping. Landscaping shall be integrated with each individual freestanding sign. Clustering of plant species shall be required to provide a pleasing composition and mix of vegetation.

Sec. 5.9 Sign Illumination.

1. External Illumination. External lighting shall be limited to light fixtures utilizing white, not colored, lighting and shall not be blinking, fluctuating or moving. External lighting shall be provided by concealed and/or screened spots or floods and shall be arranged and installed so that direct or reflected illumination does not exceed (0.5) foot candles above background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way.
2. Internal Illumination. Internal lighting shall be limited to internal light contained within translucent letters and internal illuminated sign boxes, provided the background or field on which the copy and/or logos are placed, is opaque. The area illuminated is restricted to the sign face only. The direct or reflected illumination shall not exceed (0.5) foot candles above the background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way.

Sec. 5.10 Sign Program.

When filing an application for Corridor Overlay approval, applicants must submit the following:

1. A scale drawing of the proposed sign;
2. Proposed materials for the sign, including construction and the lighting method;
3. Style and size of lettering.

Sec. 5.11 Plan Submission Requirements.

All uses within the Overlay District shall be required to file an application and appropriate plans to assure compliance of all applicable requirements of this chapter.

Plan submissions as herein shall include the following:

1. Site plans in accordance with the provisions of that section.
2. architectural renderings and/or elevations including: main structure, all outbuildings, fences, walls, lamp posts, and lamp fixtures.
3. Complete material samples.
4. Proposed colors.
5. Lighting Plan.
6. Landscape plan and plant materials schedule sheet which shall include latin and common names and sizes at installation.
7. Proposed signage plan.

Sec. 5.12 Waivers of Certain Requirements.

Upon written notice from the applicant, the Director of Planning may waive any of the above requirements deemed not to be necessary for review of the application.

Sec. 5.13 Administration Responsibilities.

The Director of Planning shall approve or disapprove plans in accordance with the reviewing authorities recommendations. He shall return notification of plan review results to the applicant, including recommended conditions or modifications. In the event that the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved.

Sec. 5.14 Denial of Plan; Appeal of Conditions or Modifications.

In the event the plans are disapproved or recommended conditions or modifications are unacceptable to the applicant, said plans shall be forwarded to the Board of Zoning Appeals for review. The plans shall be approved by the Board of Zoning Appeals if they find such plans to be in accordance with all applicable Ordinances or necessary elements to mitigate any detrimental impact upon adjacent property and the surrounding area. If the Board of Zoning Appeals finds that said plans do not meet the above state criteria, they shall deny approval of said plans.

Planning Commission Staff Report

From: Tom Bonadeo

Date: May 3, 2011

Item: 6A – 548 Madison CUP Home Occupations – streamline the process

Attachments: Staff report to Town Council for April

Item Specifics

A complete application for a home occupation has been received to operate a home business in the R-1 zone at 548 Madison Avenue. The R-1 zone allows home occupations by conditional use permit.

Mr. and Mrs. Elton have requested a CUP to operate a home business producing baked goods. As the report was created there was a realization of the time and cost required for such a simple process that was really decided by a questionnaire. Would it be possible to reduce the time, cost and paperwork for the “simple” home businesses? This is a practice that the Town Council would like to continue to promote.

Council has asked that the Commission review the process for home occupations and see if some could be allowed administratively.

Discussion

The following is an excerpt from the staff report to Council from last month. The Council asked if we couldn't reduce the effort and time required to authorize a home business.

1. The Planning Commissioners worked on a Conditional Use Permit for 548 Madison.
 - a. CUP for a Home Occupation – The Commission recommends approval of the CUP to Town Council.
 - b. This CUP involves a home occupation that involves cooking in the home kitchen. This use requires approval by USDA. USDA has recently changed its rules so that it will not process an application without an approved CUP. They have had several applications where they did all the work and to permit was issued or obtained. This adds to the lead time for someone to actually open a business.
 - c. This is the regular time cycle for opening a home bakery in your kitchen.
 - i. Application received by Planner on the 15th of the month (Day 1).
 - ii. Planning Commission hears the application and sets a public hearing at its meeting on the first Tuesday of the following month (Day 19).
 - iii. Planning has its public hearing and recommends approval of the CUP at its next meeting (Day 49).
 - iv. Town Council gets the recommendation to approve the CUP and sets a public hearing at its next meeting (Day 58).
 - v. Town Council holds a public hearing and approves the CUP at its next meeting (Day 88).
 - vi. The applicant takes the approved CUP to USDA to schedule an inspection and get a permit. (Day 102).
 - vii. This process assumes that the applicant improves the kitchen to meet USDA requirements prior to having an approved CUP from the Town. The total time involved is about 3.5 to 4 months just for permitting.

Article 4 of the zoning ordinance has 9 criteria for operating home businesses. This application meets all nine criteria. One possible action would be to create a list of occupation that doesn't need a CUP as they are so benign. Secondly, an affidavit could be used to authenticate answers to a questionnaire based on the check list already used by staff (zoning ordinance). The following are the answers to the questions from the ordinance for the 548 Madison CUP. The same applied to the chocolate candy business a few months ago. There are many folks who work from home but have never gotten a CUP as the occupation is completely "under the radar" and would not be noticed by neighbors and therefore not a detriment to the neighborhood.

1. The use is clearly incidental to single family residence.
2. No change to the exterior is proposed.
3. No storage of goods is proposed outside the house.
4. Less than 50% of the space will be used for the business.
5. No accessory building will be used.
6. None of the hazards listed will be produced by the business.
7. The business will not increase traffic.
8. The applicant is meeting the CUP requirement.
9. The applicant has made application with other agencies as required.

As stated in the letter, Mrs. Wagner-Elton wishes to start a home based bakery business. The use of Bakery is not an excluded use as listed in the Article 4 of the Zoning Ordinance. The application meets all 9 of the above criteria.

This is the second such application to start a home occupation with expectations for growth to a larger business outside the home. This is generally considered an early sign of revitalization in urban areas.

Recommendation

Review the process and recommend an action for "streamlining" to Council.