

## ARTICLE IV

### General Regulations Applicable to All Districts

#### Section 4.0 Home Occupation

A. Statement of Intent

1. The purpose of this section is to allow home occupations in all districts that allow residential dwellings.

B. HOME OCCUPATION: The conduct of a business in a residence or on its premises is permitted providing the following characteristics are followed:

1. Use of the dwelling unit or premises for a home-based business is clearly incidental and subordinate to the use of the dwelling unit for residential purposes by the legal occupants.
2. There shall be no change in the exterior appearance of the residential dwelling unit or premises.
3. No storage of goods, products, equipment, solid waste or other similar items shall be stored outside of the home to an extent greater than that associated with normal neighborhood characteristics.
4. No more than fifty percent of the total living space shall be used in conducting the home based business.
5. Accessory use of other structures on the premises is acceptable provided regulations for that property zone are followed.
6. No home based business shall create noise, dust, vibration, smoke, smell, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent that would normally be expected in the immediately adjacent neighborhood if no home based business existed.
7. Pedestrian and commercial delivery traffic generated by the home based business should not be greater than normal traffic in the neighborhood. Any excessive parking shall be met using off street parking.
8. Any home based business requiring a conditional use permit must conform to the zoning requirements of the specific zoning district where it is located.
9. Nothing herein precludes compliance with any Federal, State, or Local regulatory agency requirements.

C. The following are specifically excluded:

1. Family care homes, group homes, nursing homes, convalescent homes, elderly care facilities.
2. Auto repair shops.
3. Kennels.
4. Any activity that includes the use of weapons, ammunition, explosives, chemicals, fireworks, or other hazardous materials.
5. Butchers.
6. Sexually oriented business including adult media, products, or activity.
7. Illegal drugs and equipment used for these drugs.
8. Funeral parlors.

(Ord. No. 11122003B; 11-12-03)

## Section 4.1 Sign Regulations

### A. Statement of Intent

1. The purpose of this section is to regulate all exterior signs, thus ensuring the protection of property values, character of the various neighborhoods, safety and welfare of pedestrians and traffic, and to encourage sound development of land throughout the town. This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. The standards of this section are to discourage offensive and unnecessary uses of signage.
2. A sign placed on a building or on a parcel of land for the purpose of identification, protection, or advertising a use conducted therein shall be deemed to be an integral part of the land or building. Therefore, the intent of this section is to establish limitations on signs in order to ensure the appropriateness to the land or building with which they are appurtenant and are adequate, but not excessive, for their intended purposes. Business sign regulations have been devised after considering, among other matters, shopping habits, extent of trade area, means of access, and the avoidance of competition among sign displays in their demand for public attention.
3. Any permanent widespread display of outdoor advertising is considered inappropriate to the character and sound development of the town, and it is intended by this section that the streets and highways in the town shall not be made available for such displays.

### B. Definitions

**SIGN** means 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 unit, educational, charitable, religious, or similar group, campaign, non-charitable or religious or similar group, campaign, nonprofit 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** is the area of a sign 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, BILLBOARD** means any sign including supporting structure used as an outdoor display for the purpose of making anything known; the product, business, or service so advertised or displayed being on or remote from the site of the sign.

**SIGN, CONSTRUCTION** means a temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**SIGN, DIRECTIONAL** means any sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way," "entrance," or "exit."

**SIGN, FIXED** is a sign attached, erected, or painted on the outside wall of a building and/or supported by any part of a building such as a wall, roof, window, canopy, awning, or marquee.

**SIGN FLASHING** or **CONTINUOUS READER BOARD** is 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, FREESTANDING** means 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, HEIGHT** means the maximum vertical distance from the uppermost extremity of a sign support to the average ground level at the base of the sign.

**SIGN, HOME OCCUPATION** means a sign containing only the name of the business of a permitted home occupation.

**SIGN, ILLUMINATION** is a sign illuminated by artificial means either internally or externally and directed towards the sign.

**SIGN, INTEGRAL** means the names of buildings, dates of erection, monumental citations, commemorative tablets and the like carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

**SIGN, POLITICAL** means a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

**SIGN, PORTABLE** is 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 attention of the motoring or pedestrian traffic.

**SIGN, PYLON** is 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, TEMPORARY** means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a period of time as specified in the zoning ordinance.

C. Sign Permit Required. A sign permit is required for the display and erection of any sign, with the exceptions listed in Item 5 below:

1. Issuance. A sign permit shall be issued by the Zoning Administrator.
2. Fee. A fee, as established by ordinance by the Town Council, shall be paid prior to the issuance of a sign permit. Under no circumstances are permit fees refundable.
3. Permit number. The permit number assigned shall be indicated on the lower right hand corner of all signs issued permits after the date of adoption of this ordinance.
4. Permit expiration. If a sign is not erected within twelve months following the issuance of a sign permit, such permit shall be null and void.
5. Exceptions to the permit requirements:
  - a. signs of a constituted government body, including traffic signs and signals, directional signs, and regulatory signs
  - b. national or state flags or other political units or of any civic, charitable, educational, philanthropic, or similar group or movement provided that no freestanding pole shall be erected in the public right-of-way nor within five feet of a service drive, travel lane, or adjoining streets.
  - c. legal devices or warnings at railroad crossings
  - d. freestanding signs or signs attached to fences, no more than one and one half square feet in area, to warn the public against hunting, fishing, trespassing, dangerous animals, swimming, the existence or danger of such, when placed on the periphery of the property or at a location where the warning is necessary

- e. directional signs
  - f. the changing of messages on marquees and the like and the repair of an existing permitted sign
  - g. temporary signs as defined and as specified herein may be used in every zoning district unless otherwise prohibited:
    - i. one contractor's sign per job site, no more than four square feet in area, located on the property where the work is being done.
    - ii. one real estate sign per lot, advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed, no more than four square feet in area. Real estate signs must be removed no more than seven days after the closing of the sale of the mentioned property. Signs are not permitted between sidewalk and street or within public right of way.
    - iii. official notices or advertisements posted or displayed by or under the direction of any public official or court in the performance of official duties provided that all such signs be removed no more than ten days after their purpose has been accomplished.
    - iv. political campaign signs provided proper and prompt removal of such sign with seven days of election.
    - v. temporary signs, no more than twelve square feet in area, or temporary banners announcing a campaign drive or an event of a civic, philanthropic, educational, or religious organization provided that the sponsoring organization shall ensure the proper and prompt removal of such sign within seven days after the event.
    - vi. temporary signs no more than twelve square feet in area, featuring such special events announcements as "Grand Opening," "Under New Management," or "Going out of Business" provided they are displayed for no longer than thirty days.
    - vii. any signs attached to windows or glass walls advertising weekly specials or special services offered for a limited time by a business establishment.
    - viii. sandwich boards on public right of way shall be removed at daily close of business
- D. No sign shall be erected to a height higher than the maximum building height allowed in the respective zoning districts.
- E. No sign shall be erected within any public right-of-way without the approval of the Zoning Administrator.
- F. Church, school, or other public or semi-public institutions may have one name sign or bulletin board not exceeding twenty square feet in area.
- G. Landscaping shall be integrated with each individual freestanding sign. Landscaping plans will be approved by the Zoning Administrator
- H. 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.
- I. 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

J. Permitted Signs

1. Residential districts
  - a. one home occupation, nameplate, or identification sign no more than four square feet in area per residential dwelling including farms
  - b. one identification sign, no more than 24 square feet in area for subdivisions, multi-family developments, and neighborhoods
  - c. signs as may be necessary to indicate entrances and exits on private property, no more than one square foot in area provided that such sign shall include only the words "entrance" or "exit"
  - d. informative, directional, or identifying signs, flags, or legal notices erected or required by the governing body
  - e. individual building numbers, historical markers, addresses, and the like shall not be included as signage
2. Commercial districts
  - a. all signs permitted in residential districts
  - b. business signs with an area of two square feet for each foot of facade width to a maximum of fifty square feet in sign area (where more than one business exists in a building, each maximum sign area is to be proportionate to the business square footage)
  - c. barber poles
  - d. no sign shall project into the public right of way from the building to which it is attached nor shall any sign extend more than four feet above the roof line. Minimum height to sign bottom must be at least eight feet from the sidewalk.
  - e. theater marquees, including chaser lights, neon, and backlit changeable lettering appropriate to its use
  - f. temporary signs attached to windows or glass walls, sandwich boards, menu boards, advertising daily or weekly specials or special services offered for a limited time. Maximum height is four feet; maximum width, two feet.
3. Industrial districts
  - a. all signs permitted in the commercial district

K. Signs Prohibited in All Districts

All signs not specifically permitted are prohibited, including but not limited to the following:

1. Signs, any part of which moves by any means, including but not limited to, flashing or rotating signs, propellers, discs, and such but excluding pennants and signs indicating time and temperature.
2. Any signs that use the word "stop" or "danger" or otherwise present or imply the need or requirement to stop or take caution of the existence of danger or which is a copy of, imitation of, or which for any reason is likely to be confused with any sign displayed or authorized by a public authority.
3. Any non-shielded illumination of a sign within 200 feet of a residential district.
4. Billboard signs.
5. Illuminated tubing or strings of lights solely for the purpose of illumination, except when displayed as decorations during the holiday seasons. This includes any lighting

- arrangement which outlines any portion of a building or structure by exposed tubing or strings of lights.
- 6. Signs in any public right-of-way without approval.
- 7. Signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than ninety days from the date of vacancy.
- 8. Signs which are pasted or attached to utility poles, trees, or fences, or in an unauthorized manner to walls or other signs, except funeral or public notices on the utility pole in front of the post office..
- 9. Signs advertising activities which are illegal under federal, state, or local laws and regulations.
- 10. Any sign displayed on an automobile, boat, truck, or other motorized vehicle which is used primarily for such advertising display.

L. Violations of Signs. The Zoning Administrator shall have the authority to determine violations of this preceding section and notify the owner of such violation in writing.

M. Nonconforming Signs

- 1. Signs which do not conform to the present regulations for the zoning district in which they are located but which were erected in accordance with those regulations in effect at the time of their erection may remain only as long as the existing use which they advertise or identify remains or until that time in which such sign is replaced.
- 2. No nonconforming sign shall be enlarged or worded so as to advertise or identify any use other than those uses in effect at the time it became a nonconforming sign.
- 3. No nonconforming sign shall be moved within the same lot or to another lot, unless the moving will relocate the sign to a zoning district in which it would conform.

**Section 4.2 Exceptions to the Regulations** *(Revised 9/2007)*

A. Gasoline Pumps. Gasoline pumps shall be setback a minimum of 15 feet from the property line.

B. Trailer Parking

- 1. Storage of travel or recreational trailers in an enclosed accessory building is permitted in any district provided that no living quarters are maintained within the trailer.
- 2. Travel and recreational trailers shall be parked to the rear of the front line of the main building in a residential district.
- 3. Construction trailers are permitted on the construction site for the duration of the construction project.

C. Structures Permitted Above Height Limitations. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, and similar equipment required to operate and maintain the building, fireproof, or parapet walls, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, cupolas, or similar structures may be erected above the height limit specified in the district in which the property is located, but no penthouses or roof shall be allowed for the purpose of providing additional floor space.

D. Vision Clearance at Intersections. At any corner lot there shall be no planting, structure, fence, retaining wall, shrubbery, or obstruction to vision more than three feet higher than the curb level within the triangle formed by the street right-of-way lines and a line connecting such street lines 25 feet from their intersections.

E. Accessory Buildings. The following restrictions shall apply to accessory buildings located in residential districts.

- 1. The accessory building shall not be located in a front or side yard.

Adopted January  
2006

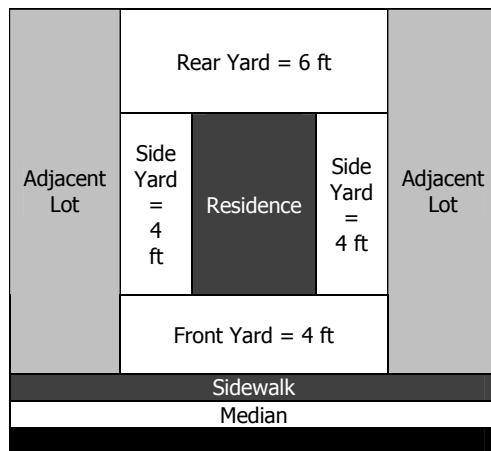
2. The accessory building shall not be closer than five feet (5') to any alley line.
3. The accessory building shall not be closer than two feet (2') to any side or rear lot line.
4. The accessory building shall not be closer than fifteen feet (15') from the main building.
5. A two-story building shall not be located any closer than five feet (5') to any lot line.
6. The sum of the footprint square footage (SF) of all buildings on the lot shall be less than 50% of the total lot SF.
7. Where total lot frontage on one (1) or more lots owned by the same party is less than eighty feet (80'), the sum of the footprint of all accessory buildings shall be less than the footprint of the primary residence or 550 SF whichever is lesser.
8. Where total lot frontage of one (1) or more lots owned by the same party is greater than or equal to eighty feet (80'), the sum of the footprint of all accessory buildings shall be less than the footprint of the primary residence or 660 SF, whichever is lesser.
9. Where the main structure possesses no more than one story above grade, no accessory structure shall be higher than the main structure.
10. Where the main structure possesses more than one story above grade, no accessory structure shall be higher than two-thirds the height of the main structure or twenty-four feet (24'), whichever is lesser.

F. Projections Allowed in Required Setbacks. No building or structure, or addition thereto, shall extend into a required setback area or yard area, except chimneys, heating and cooling equipment, structures less than sixteen (16) inches in height as measured from finished ground elevations, and steps may extend into such setback or yard area other than front yard setback. The following unenclosed uses may extend no more than four feet, but not nearer than five feet to any property line: balconies, eaves, trims, fascia boards, and similar architectural features, platforms, and terraces. In Commercial District C-1, no building or structure, or addition thereto, shall extend into the required front setback area or yard area except for the following: above street floor level balconies, porches, and terraces may extend therein. Support members for these structures may extend to the ground as required by the building and maintenance code. No part of any foundation for these support members shall extend above the ground or grade level. The following unenclosed structures located above the first floor level may extend to the front lot line: porches, balconies, terraces.

Adopted July 2006

G. Fences and Walls. The setback and yard requirements of this ordinance shall not deem to prohibit any otherwise lawful fence or wall. A fence or wall must be two feet from any sidewalk, alley, or public right of way.

1. In residential areas, fences and walls may be no closer than one inch from adjacent property boundaries (unless adjacent property owners agree to jointly construct the fence on the property line) and may be erected to a height as follows:

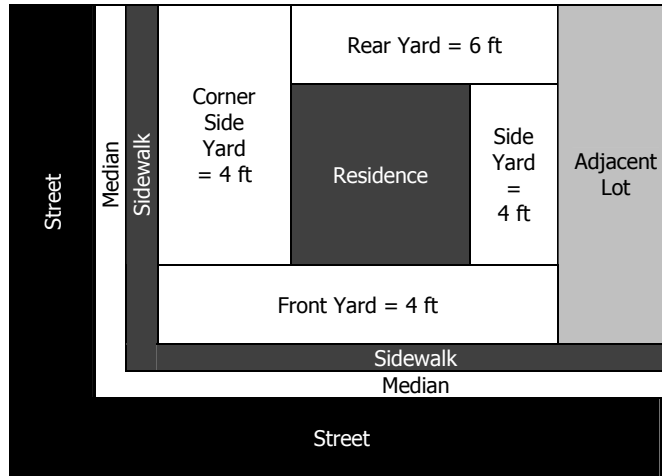


Street

Maximum fence heights for interior lots  
Rear Yard – Not to exceed 6 feet  
Side Yard – Not to exceed 4 feet  
Front yard – Not to exceed 4 feet

- a. Exception. No fence or wall in a corner side yard shall exceed four feet in height. On corner lots, fences and walls may be erected to a height as follows:

Corner Lot



Maximum fence heights for corner lots  
Rear Yard – Not to exceed 6 feet  
Side Yard – Not to exceed 4 feet  
Corner Side Yard – Not to exceed 4 feet  
Front yard – Not to exceed 4 feet

2. Materials. Fences and walls must be constructed of appropriate materials. Materials, both traditional and contemporary (e.g. wood, wrought and cast iron, vinyl, tubular metal), may be used in traditional styles. Certain materials such as razor, barbed, or similar wire are not permitted in residential areas.

Chain link fencing is acceptable in rear yards not facing a public street. Open mesh fencing that existed as of the effective date of this section of the Zoning Ordinance may be maintained; any new fencing must meet the requirements of this ordinance.

- a. All fencing must be constructed with finished side facing the exterior of the property or neighbor (facing out) unless otherwise agreed upon by the adjacent property owner.

3. Commercial and Industrial Fences. Fences in commercial and industrial zones are permitted if they comply with residential fencing requirements in Section 4.2 G 1 and 2. In commercial and industrial zones, the conditional use permit process shall be used for any non-conforming fences. Applicants shall demonstrate that the proposed fencing is consistent with the nature of and the security requirements of the business.

- H. Wetlands and Water Areas Excluded From Lot Areas. In calculating the area of any lot for the purpose of compliance with the minimum lot area requirements of the district regulations, wetlands, and areas outboard of the shoreline shall be excluded.
- I. Utility Lines Underground. All new 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.

**Section 4.3 Conditional Use Permits** *[Revisions adopted by Council 6/10/2010 – C & D]*

- A. Statement of Intent. The purpose of this section is to recognize certain uses which, by nature, can have a potentially unfavorable impact on or be incompatible with other uses of land within a given zoning district. These uses, as described, may be permitted within given designated districts under controls, limitations, and regulations of a conditional use permit. It shall be the duty of the Town Council under the provisions of this ordinance to evaluate the impact and the compatibility of each use and to stipulate such conditions and restrictions including those specifically contained herein as will assure the use being compatible with the neighborhood in which it is located, both in terms of existing land uses and conditions and in terms of development proposed or permitted by right in the area or, where that cannot be accomplished, to deny the use as not being in accordance with the adopted comprehensive plan or as being incompatible with the surrounding neighborhood.
- B. Conditions for Issuance. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provision of this ordinance in the specific districts provided that the Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:
  - 1. Adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood.
  - 2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
  - 3. Be in conflict with the purpose of the comprehensive plan of the town.

In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

- C. Procedures. Written application for a conditional use permit may be made by any property owner, tenant, department, board, or bureau of any government agency. The application shall be filed with the Zoning Administrator on forms provided by the town. The application shall be accompanied by a fee established by separate ordinance by the Town Council to defray cost of advertising and processing the application. A site plan in accordance with the site plan ordinance shall be submitted with each application. A list of additional required permits shall be submitted with the application and shall be submitted to the Planning Commission with the application, and the Zoning Administrator may add any additional required permits. Changes to the additional permit list may be made by mutual consent of the applicant and the commission. No changes shall be made to the list after the Planning Commission recommendations to Town Council. Conditional use permits shall include a disclosure statement, signed by the applicant and notarized, of the equitable ownership of the real estate affected, which shall list the names and

Adopted June  
2010

addresses of all the adjacent property owners and interested parties, including applicant, owners, contractors, purchasers, and lessees of the land described in the application, all partners, both general and limited, and partnerships, stockholders, officers, and directors. The applicant shall keep this information current at all times during the processing of the application. The procedures for approval of a conditional use permit shall be the same as those prescribed for zoning changes as set forth in this ordinance.

1. Action by the Zoning Administrator. The Zoning Administrator shall study the application and determine whether the proposed conditional use conforms to the general purpose and intent of the comprehensive plan, any applicable regulations that have been adopted, and the requirements of this ordinance. Upon completion of such review, if the administrator shall determine that any proposal in the application does not meet the requirements of this ordinance, he/she shall reject the application and return it to the applicant. If the applicant does meet the requirements of this ordinance, the administrator shall transmit all the findings and recommendations to the Planning Commission. However, nothing herein shall prohibit the administrator from accepting a conditional use permit application if failure to meet applicable requirements is due solely to area or dimension insufficiency of the lot upon which it is proposed. Any appeal of the Zoning Administrator may be made directly to the town manager.
2. Action by the Planning Commission. After receiving the report of the administrator with all pertinent materials, the Planning Commission shall give notice of and hold a public hearing. Within 45 days after the hearing, the Commission shall submit its recommendations to the Town Council through the Zoning Administrator. Upon mutual agreement between the Commission and the applicant, such time may be extended.
3. Action by the Town Council. After receiving the recommendations of the Zoning Administrator and the Planning Commission, the Town Council shall hold a public hearing and act upon the proposed conditional use permit, granting the applicant in whole or in part, with or without modifications, or denying the proposed application. In addition to the general or specific requirements set forth in the ordinance concerning the proposed use, which shall be considered minimum requirements with respect to the permit, additional requirements, conditions, and safeguards may be added by the Town Council as required for the protection of the public interest in the specific case.

D. Approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. Applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If Applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective as of this date, thirty (30) days after the Town Council approval, unless the Town Council allows for additional time for such application or applications.

Adopted June  
2010

1. Staff shall notify Town Council of the date that all additional permits have been approved which date shall be the commencement date for the one (1) year Conditional Use Permit
2. Staff shall notify Town Council of the status of the project at a regular meeting prior to the expiration of the one (1) year Conditional Use Permit.

If not acted upon within one (1) year, the conditional use permit shall become null and void, unless an extension of time is approved by the Town Council for good cause shown before the expiration of the Conditional Use Permit. Town Council may make additional one-year extensions for good cause. To be considered acted upon one (1) or more of the following is required:

1. The procurement of a Cape Charles Building Permit
  2. Payment of Water and Wastewater Connection and Facility Fees
  3. Completed Plans stamped by a Virginia Licensed Professional
- E. No application for a use permit for the same conditional use on a lot, parcel, or tract shall be considered by the Town Council within a one-year period from its last consideration. The provisions, however, shall not impair the right of the Town Council to propose a use permit on its own motion if it finds that there is public benefit to be gained.
- F. Revocation of a Conditional Use. If the provisions of this ordinance or the requirements of the conditional use permit are not met, then the Town Council may revoke the conditional use permit provided that ten days' written notice is given to the applicant.

#### **Section 4.4 Landscaping and Screening Regulations**

- A. Statement of Intent. The intent of this section is to protect water quality by minimizing erosion and sedimentation, enhancing the infiltration of storm water runoff, and maximizing nutrient uptake. The intent of this section is also to preserve and enhance the aesthetics of the Town, to reduce the negative impact such as noise and glare of uses and structures which are in close proximity to each other and generally regarded as incompatible, to promote attractive landscaping in commercial and industrial districts of the Town.

A comprehensive plan for each individual lot or parcel is essential for the visual enhancement of the Town and to protect and promote the appearance, character, and economic values of 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 provide transition and buffers between neighboring properties.

#### **B. General Requirements**

1. Landscaping shall be required in all commercial and industrial districts.
  - a. 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.
  - b. 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.
2. Commercial and industrial district uses that abut residential zones shall provide a landscape buffer or screened area between districts.
3. All parking lots shall be screened and landscaped from adjoining properties or every other use and zoning district.
4. Land disturbance shall be limited to the area necessary to provide for the desired use or development.
  - a. Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Zoning Administrator.
5. Indigenous vegetation shall be preserved to the maximum extent possible with the use and the development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook and the Chesapeake Bay Act.
  - a. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities as approved by the Zoning Administrator.

- b. Prior to clearing or grading, suitable protective barriers such as safety fencing shall be erected five feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
  - c. Trees may be pruned or removed as necessary to provide sight lines and vistas provided that, where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint pollution from runoff. Preservation of existing trees is encouraged to provide continuity, improved buffering ability, pleasing scale, and image.
  - d. Any path shall be constructed and surfaced so as to effectively control erosion.
6. Any land-disturbing activity exceeding 2,500 square feet, including construction of single-family homes, shall comply with the requirements of the Erosion and Sediment Control Regulations.

C. Commercial and Industrial Requirements

- 1. Required open spaces shall be landscaped in accordance with a landscape plan to be submitted with the site plan and approved by the Zoning Administrator.
- 2. Screening shall be provided along the common side and rear lot lines of every commercial and industrial district that abuts a residential use or zone. Such screening shall include either fencing or shrubs and trees that provide a six feet in height barrier to visual observation. Screening shall be shown on the landscape plan submitted.
- 3. Parking lots. There shall be a landscaped open space within the perimeter of the parking areas in the minimum amount of two square feet per parking space. At least one tree shall be planted for each forty square feet of landscaped area.

D. Multi-Family Developments and Mobile Home Parks

- 1. Screening may be required for multi-family developments and mobile home parks that abut single-family districts or uses.
- 2. Parking areas may require landscaping and screening in multi-family and mobile home parks. Where required, other provisions of this ordinance shall apply.

E. Exterior Lighting

- 1. All exterior lighting shall be arranged and installed so that the direct or reflected illumination does not exceed (0.5) foot candles above the background measured at the lot line of any adjoining parcel.
- 2. Lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining parcel.
- 3. All lighting shall comply with Dark Sky standards.

**Section 4.5 Parking Requirements**

Except as otherwise provided in this ordinance, wherever a zoning or conditional use permit is required under this ordinance, the development shall meet the standards set out in this section which include but are not limited to providing adequate off-street parking and loading spaces.

- A. **Parking Spaces Required.** Except as otherwise provided by this ordinance, every development or change of use shall provide a sufficient number of off-street parking spaces to accommodate the number of vehicles that are likely to be attracted to the development during the peak hour of a typical weekday or weekend, whichever is greater. In calculating the number of parking spaces

needed, the number of spaces established for uses as set up in this Article, Table of Parking Standards, is presumed to be sufficient; however, the permit-issuing authority may, where appropriate, establish a different number of spaces by calculating such as need from the appropriate methodology set out in the most recent version of the Institute of Transportation Engineers (ITE) Reference Manual entitled "Parking Generation" or where that methodology is inadequate or inappropriate, from studies in the town and/or similar-sized towns and communities.

B. New in-fill structures or change of use projects on the first floor of structures in Commercial District C-1 shall be exempt from complying with the exact requirement of Section 4.5.A (Parking Spaces Required), Section 4.6 (Loading and Unloading), and Section 4.8 (Table of Parking Standards). Owners are encouraged to provide off-street or remote parking for themselves, employees, and loading facilities where possible (i.e., alleys to back yard areas). Owners shall evaluate existing parking and access and submit proposed plan to Town. Projects will be evaluated on a case-by-case basis. New or change of use second and third floor units shall be required to conform to parking requirements as set forth herein.

C. Reading the Table of Parking Standards. When a determination of the number of parking spaces required by this table results in a requirement of a fraction of a space, any fraction shall be counted as one parking space.

D. Adjustments--Satellite Parking

1. General. If the number of off-street parking spaces required by this Article cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section.
2. Location. Off-street parking, other than those intended for employees' use, shall be located within 600 feet of a public entrance of a principal building housing the use associated with such parking.
3. Condition. Property owners who obtain satellite parking in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this ordinance. This means that the person owning the lot on which the satellite parking is being provided must secure a zoning or conditional use permit for the use and must meet the requirements of this ordinance. A developer desirous of taking advantage of the provisions for satellite parking must present satisfactory written evidence that he has the permission of the owner or the person in charge of the lot or parcel to use such space.

E. Adjustments--Shared Parking

One parking area may contain required spaces for several different uses, but except as provided below, the required space assignment to one use may not be credited to any other use. The extent that developments wish to make joint use of the same parking spaces operated at different times, the same space may be credited to both uses. In determining the parking requirements where the uses intend to share parking, the permit-issuing authority will establish the peak hourly demand by calculating such a need from appropriate methodology set out in the most recent version of ITE Reference Manual entitled "Parking Generation," or where that methodology is inadequate from studies done in the town or similar towns and communities. Persons intending to take advantage of this provision are required to demonstrate that an enforceable agreement exists between two parties who intend to share parking.

F. General Design of Parking Areas

1. Vehicular accommodation area
  - a. Safety in relation to streets. Every off-street vehicular accommodation area shall be designed so it has access to a public street without impeding vehicular movement in that street. Vehicle accommodation areas, other than for single-family dwellings and duplexes on local or minor streets, shall be designed so that vehicles exit such areas without backing onto a public street.
  - b. Pedestrian safety. Vehicular accommodation areas shall be designed so that vehicles can proceed without posing a significant danger to pedestrians or other vehicles. The permit-issuing authority may allow driveways handling two-way traffic to be built to one-way traffic standards where aisles will be less than sixty feet in length and where the number of parking spaces served will be fewer than five spaces.
  - c. Drainage. Except where the authority determines that adequate capacity in the storm drainage system to which the site is draining exists and is willing to accept the increase volume in runoff, no vehicle accommodation area shall be constructed in such a manner that a significant volume of surface water from the lot will be drained onto the public street or buildings. No vehicle accommodation area shall be constructed in such manner that will increase the quantity or decrease the quality of the runoff to adjacent lots.
  - d. Lighting. Adequate lighting shall be provided for vehicle accommodation areas that are used at night. Parking lights shall not exceed 18 feet in height. Lighting shall not interfere with the use of nearby properties or the safe use of public streets. All lighting is to be compliant with Dark Sky lighting standards.
  - e. Landscaping. All vehicle accommodation areas shall be landscaped. Said landscaping shall be in compliance with all other requirements of this ordinance.
    - i. The primary landscaping material used in parking areas shall be trees which provide shade or are capable of providing shade at maturity.
    - ii. 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.
  - f. Screening. Plantings which meet the standards for screening of this ordinance will be used to screen vehicle accommodation areas other than those serving single-family and duplex dwellings from an adjacent residential district or use. Fencing may be substituted for plantings with the approval of the Zoning Administrator.
  - g. Reductions for protecting trees. The minimum number of spaces required may be reduced where the permit-issuing authority has determined that the reductions are necessary to preserve a healthy tree or trees with a three-inch or greater diameter from being damaged or removed and where the site plan provides for the retention of said tree or trees.
  - h. Handicapped spaces. Any use shall be required to provide handicapped spaces in accordance with the provisions of the Americans with Disabilities Act. All handicapped spaces shall be identified by appropriate restrictive signing and markings.
  - i. Compact spaces. In parking areas containing ten or more spaces, up to 35 percent of the required parking spaces may be set aside for the exclusive use of compact cars (being defined as cars 100 inches or less). Compact car spaces must be clearly marked and designated as such.
  - j. Bicycle racks and motorcycle pads. The number of spaces required by this section may be reduced by one space for each bicycle rack for five or more bicycles and each motorcycle pad for two or more motorcycles which are provided up to a total of 5 percent of the number of spaces.

- k. Marking and maintenance. Parking stalls in paved areas shall be marked as such. Vehicular accommodation areas shall be properly maintained in all respects. Without limiting the foregoing, landscaping shall be kept healthy and well maintained, surfaces shall be free of potholes, and lines marking spaces shall be distinct and clear.
- l. Vehicles in working condition. All off-street parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work, except for emergencies, no storage of merchandise, and no motor vehicle parked for the sole purpose of sale shall be permitted in any required vehicle accommodation area.
- 2. Parking stalls and aisle dimensions
  - a. Normal. A required off-street parking space shall include a rectangular area with a length of at least 18 feet and a width of at least 9 feet, exclusive of access drives or aisles, ramps, columns, or office or work parking area. Such space shall have a vertical clearance of at least 6½ feet. Aisles shall not be less than 18 feet for 90° parking nor less than 13 feet for 45° parking. Angles shall be measured between centerline of the parking space and centerline of the aisle. For parallel parking, the length of the space shall be increased an additional two feet and the width increased by one foot.
  - b. Compact. A compact car parking space shall have a minimum length of 16 feet and a minimum width of 8½ feet.
- 3. Surfacing
  - a. Paved parking areas. All paved parking areas shall meet the following requirements:
    - i. a minimum depth of six inches of number 21A aggregate base and a minimum of one and one half inches of asphalt; or
    - ii. six inches of concrete on appropriate base; or
    - iii. four inches of brick or porous paving block on four inches of number 21A aggregate base.
    - iv. Land development shall minimize impervious cover to promote infiltration of storm water into the ground consistent with the use or the development permitted.
      - (a) Grid and modular pavements may be used for any required parking area, alley, or other low traffic driveway unless otherwise approved by the Zoning Administrator.
- 4. Standards for non-paved areas. Whenever a vehicle accommodation area is exempt from the paved parking requirements, the permit-issuing authority:
  - a. may require that landscaped aisles or special separations be provided every three or more spaces where it finds it is desirable to ensure that the parking stalls will be readily identifiable to the users, and
  - b. may require that the perimeter of the accommodation area, encompassing but not limited to the unpaved parking stalls and the side of any unpaved drive or aisle leading to said stalls, be rimmed or edged with landscape timbers, railroad ties, brick, or curbing of adequate size where it finds that it is desirable to prevent erosion or the washing away of the parking area.
- 5. Porous paving materials may be used. The permit-issuing authority may require that porous paving materials be substituted for other surfaces in any portion of an accommodation area where it finds it is necessary to protect the root system of a tree or trees from damage.

#### **Section 4.5.1 Table of Parking Standards**

Nature of Use

Parking Standards

A.	Park and Open Space:	
	1. Park and playground	as determined by authority
	2. Golf course	36.0 spaces per 18-hole course plus 1 space per employee
	3. Accessory building	as determined by authority
B.	Agricultural	
	1. Agricultural, as defined	1.0 space per employee
C.	Residential	
	1. Single-family dwelling	2.0 spaces per dwelling unit
	2. Two-family dwelling	2.0 spaces per dwelling unit
	3. Townhouse	2.0 spaces per dwelling unit
	4. Multi-family dwelling	1.0 space per one bedroom dwelling unit; otherwise 2.0 spaces per dwelling unit
	5. Mobile home	2.0 spaces per dwelling unit
D.	Care Facility/Institutional	
	1. Library	1.0 space per 300 sf GFA (Gross Floor Area)
	2. Museum	1.0 space per 300 sf GFA
	3. School	
	a. Nursery	1.0 space per employee
	b. Elementary	1.0 space per employee
	c. Middle	1.0 space per employee
	d. Junior	1.0 space per employee
	e. Other	.25 space per student plus 1.0 space per employee
	4. Instructional school	.5 space per student plus 1.0 space per employee
	5. Church	
	a. Parish house; Educational/ Social annex	.25 space per seat
	b. Place of Worship	.25 space per seat
	6. Hospital	2.0 spaces per bed
	7. Cemetery	20 spaces per chapel or .25 space per seat
	8. Funeral home	20 spaces per chapel or .25 space per seat, whichever is greater
E.	Residential/Commercial	
	1. Home occupation	see Section 4.8.C Residential Standards
	2. Bed and breakfast	1.0 space per bedroom plus 1.0 space per owner/resident (see Section 3.2.C 4 c)
	3. Rooming house	1.0 space per bedroom plus 1.0

	4.	Boarding house	space per employee 1.0 space per bedroom plus 1.0 space per employee
	5.	Hotel and motel	1.0 space per bedroom plus 1.0 space per employee
F.		Offices	
	1.	Office	
		a. Professional	1.0 space per 300 sf GFA
		b. Other	1.0 space per 300 sf GFA
	2.	Principal Office/Medical	
		a. Physician	1.0 space per 200 sf GFA
		b. Surgeon	1.0 space per 200 sf GFA
		c. Dentist	1.0 space per 200 sf GFA
	3.	Bank	
		a. Standard	1.0 space per 200 sf GFA
		b. Drive-in	1.0 space per 200 sf GFA (stacking as per Section 4.5.B)
	4.	Real estate	1.0 space per 250 sf GFA
G.		Retail	1.0 space per 200 sf GFA
H.		Restaurant	
	1.	Standard (no drive in)	1.0 space per 100 sf GFA
	2.	Carry out	1.0 space per 100 sf GFA
	3.	Fast food (no drive in)	1.0 space per 100 sf GFA
	4.	Drive in	1.0 space per 65 sf GFA
	5.	Delivery only/catering	1.0 space per employee and 1.0 space per each delivery vehicle
I.		Service/General	1.0 space per 275 sf GFA
J.		Entertainment	
	1.	Private club	1.0 space per 3 seats
	2.	Club and lodge	1.0 space per 3 seats
	3.	Auditorium/assembly hall	1.0 space per 3 seats
	4.	Theater	1.0 space per 3 seats
	5.	Commercial recreation/entertainment	1.0 space per 3 seats
	6.	Recreation facility	1.0 space per 3 seats
K.		Service/Manufacturing	
	1.	Sign printing shop	1.0 space per 400 sf GFA
	2.	Upholstery shop	1.0 space per 400 sf GFA
	3.	Cabinet and furniture	1.0 space per 400 sf GFA
	4.	Printing/publishing	1.0 space per 400 sf GFA
	5.	Blacksmith shop	1.0 space per 400 sf GFA

L. Motor Vehicles

- |    |                      |                                                              |
|----|----------------------|--------------------------------------------------------------|
| 1. | Convenience store    | 1.0 space per 200 sf GFA                                     |
| 2. | Auto service station | 2.0 spaces per service island<br>plus 1.0 space per employee |
| 3. | Car wash             | 3.0 spaces per washing bay                                   |
| 4. | Auto/trailer sales   | 3.0 spaces per employee                                      |
| 5. | Automobile service   | 1.0 spaces per employee plus<br>4.0 spaces per bay           |

M. Wholesale

- |    |            |                                   |
|----|------------|-----------------------------------|
| 1. | Nursery    | 1.0 space per 400 sf GFA          |
| 2. | Machinery  |                                   |
|    | a. Sales   | 1.0 space per 500 sf GFA          |
|    | b. Service | 3.0 spaces per service bay plus 2 |

N. Utilities

- |    |                                                                                                                                                                                                |                                                           |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| 1. | Transportation                                                                                                                                                                                 | 1.0 space per 200 sf GFA                                  |
| 2. | Public utilities and service                                                                                                                                                                   | 2.0 spaces per employee                                   |
| 3. | Public utility generating, booster, or relay stations, transmission lines and tower, for maintenance of public utilities, including railroads and facilities and water and sewerage facilities | 1.0 space per 1,500 sf GFA plus<br>1.0 space per employee |

O. Storage:

- |    |                                               |                            |
|----|-----------------------------------------------|----------------------------|
| 1. | Monumental stone works                        | 1.0 space per 1,500 sf GFA |
| 2. | Coal, wood yards, lumber yards, feed and seed | 1.0 space per 1,500 sf GFA |
| 3. | Frozen food locker                            | 1.0 space per 1,500 sf GFA |

P. Manufacturing

- |    |               |                          |
|----|---------------|--------------------------|
| 1. | Manufacturing | 1.0 space per 500 sf GFA |
|----|---------------|--------------------------|

Q. Storage and Stacking Spaces Required. Whenever a use involves the storage or stacking of vehicles awaiting service, the development shall also provide a sufficient number of storage spaces or adequately sized stacking lanes to accommodate the peak hourly demand for the peak day in a typical week for said storage. The following uses are presumed to require the following number of storage spaces or stacking area:

Typical Use--uses with a drive-in window including but not limited to banks and drive-in restaurants.

Space Required--lanes sufficient to stack six automobiles per window including, in the event of a staged drive-in, three automobiles beyond the stage farthest from the window without interfering with the use of the adjacent road or street.

Type Use--Vehicle repair uses including but not limited to enclosed auto repair and boat and trailer repair.

Space Required--four spaces per service bay or repair area.

Any stacking lane or storage space shall be required to be surfaced to the same standards as the paved parking area with which it is associated.

#### Section 4.6 Loading and Unloading

- A. Loading and Unloading Areas Required. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area shall be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner. This section also pertains to uses that generate a need for consumer pick up.
- B. Number of Loading Spaces Required. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are anticipated to use this area. The following indicates the number and size of spaces that are presumed to satisfy this requirement; however, the permit-issuing authority may require more or less loading and unloading area where it finds that such an area is more appropriate for the development.

Uses which normally handle large quantities of goods including but not limited to the following categories:

Schools  
Churches  
Care facilities  
Hospitals  
Retail sales  
Wholesale sales  
Storage  
Manufacturing  
Agricultural

Gross Floor Area (GFA)	Number of Spaces
2,500 - 19,999 sf	1
20,000 - 39,999 sf	2
40,000 - 99,999 sf	3

Uses which do not normally handle large quantities of goods presumably shall provide off-street loading facilities in the following amounts:

Gross Floor Area (GFA)	Number of Spaces
5,000 - 79,999 sf	1
80,000 - 200,000 sf	2
Each additional 200,000	1

- C. Location. Loading and unloading areas shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from the public right-of-way and complete loading and unloading operations without obstruction or interfering with on-site parking and movement of vehicles in the vehicle accommodation area. Loading and unloading areas shall be marked and designated with appropriate restrictive signage.

- D. 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 or residential district or any public right-of-way.

#### **Section 4.7 Stormwater Management**

- A. Purpose and Intent. The purpose and intent of the requirements contained in this section are to prevent a new increase in nonpoint source pollution from new development and achieve a 10 percent reduction in nonpoint source pollution from redevelopment to the greatest extent possible given the size and current development of lots within the Town.
- B. Except as provided in Section 4.7.C, for any development or redevelopment within the Town, stormwater runoff shall be controlled by the use of best management practices that achieve the following:
  - 1. For development, the post-development nonpoint source pollution runoff load shall not exceed .45 pounds per acre per year.
  - 2. For redevelopment, the nonpoint source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control provided the following provisions are satisfied:
    - a. In no case may the post-development nonpoint source pollution runoff exceed the pre-development load;
    - b. Runoff pollution loads must have been calculated and the best management practices selected for the expressed purpose of controlling nonpoint source pollution; and
    - c. If best management practices are structural, evidence shall be provided that the facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision.
  - 3. For redevelopment, both the pre- and the post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.
- C. For any development or redevelopment on any nonconforming lot within the Town, the Zoning Administrator may waive the requirements of this section upon receipt of a written request for such an administrative waiver provided, however, that in no case shall such development or redevelopment result in such nonconforming lot having total impervious coverage in excess of 40 percent for residential uses and 75 percent for commercial uses. The written request for an administrative waiver hereunder shall state the total estimated impervious coverage to result from such development or redevelopment.

#### **Section 4.8 Swimming Pool Regulations**

For the purpose of this ordinance, a swimming pool is defined as an artificial or man-made container of water capable of being filled to a depth exceeding 16 inches at the lowest point and is designed to be used for swimming or immersion purposes by individuals. Wading pools are exempt from the provisions of the Zoning Ordinance and are considered temporary pools if made of plastic, light metal, or other light duty materials which do not exceed a full volume depth of 16 inches at the lowest point, and which are completely emptied of water when not in use. Spas or health pools shall meet the same requirements as swimming pools, except when less than 10 feet in width.

Permanent swimming pools and associated decking and fencing, are required to meet all zoning and building code requirements, and are considered impervious structures. Building, electrical, and plumbing permits are required for the installation, alteration, repair or remodeling of all pools not exempt from the

Zoning Ordinance. In-ground pools require an approved site plan. Above-ground pools may be installed without a survey and engineering grading plan if permitted by the Code Enforcement Official, and where steep slope areas are not present. Abandoned pools must be removed or appropriately filled in and covered. Swimming pools must be discharged according to all regulations established by the Commonwealth of Virginia.

Swimming pools are permitted to be located no closer than 5 feet to a side or rear property line, and must be located no closer than 5 feet from any structures, either primary or accessory, located on the lot or premises. Above-ground pools are only allowed in rear yards. The 5-foot separation from structures shall not apply to spas or health pools adjoining the principal structure. Spas must be covered with approved spa cover when not in use. Swimming pools and spas are not permitted in the front yard or within approved swale or storm water management systems.

Water contained in swimming pools must be kept healthy and sanitary at all times, and shall not emit an offensive odor that creates a nuisance or unhealthy condition. Approved circulators and filtration systems must be provided for all pools, spas, and health pools. Wading pools are exempt from filtration system requirement.

All zoning and building code requirements shall be met. Swimming pools must be completely enclosed with a minimum 4-foot high fence with locking gate access. Such fence must be constructed of a material that meets the approval of the building code official.

#### **Section 4.9 Satellite Dish.**

- A. Dish type satellite or other ground or building mounted television, radio, or other communications receiving or sending devices.
  - 1. Large satellite dishes are not permitted within the Town of Cape Charles.
  - 2. Mini dishes shall be allowed with building permit and zoning clearance.
    - a. Building-mounted dishes shall not be on the front of any façade or structure. The dish must be mounted in such a way that it cannot be seen from the sidewalk or street.
    - b. Ground-mounted dishes shall not be in the front yard of any structure. Every effort shall be made to mount the dish in an unobtrusive location. Visible dishes shall be screened with plantings.

#### **Section 4.10 Demolition Policy Guidelines**

- A. The owner of a building or structure within the Town shall be entitled to raze or demolish such building or structure provided that he has applied to the Building Official for such right.
  - 1. The owner must first try to sell the property at the appraised price (the appraisal to be at the owner's expense).
  - 2. The owner must have the property for sale, actively marketing and advertising it for sale for that appraised price for a period of one year.
  - 3. If unsold, the Town may elect to purchase the property at the appraised price or permit the demolition.
- B. Demolition-By-Neglect. No officially designated contributing building, structure, or site within the Town shall be allowed to deteriorate due to neglect by the owner which would result in violation of the intent of this ordinance. Demolition-by-neglect shall include any one or more of the following courses of action or inaction:
  - 1. Deterioration of the exterior of a building to the extent that it creates or permits a hazardous or unsafe condition.

2. Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, windows, brick, plaster or mortar to the extent that it adversely affects the character of the district or could lead to irreversible damage to the structure.
3. Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Any fault in the building or structure which renders the same structurally unsafe or not properly watertight.

If the Building Official determines that a structure is being demolished by neglect, he or she shall send notification to the owners stating the reasons therefore and shall give the owner thirty days to respond with a plan of action and ninety days from the date of the notice in which to commence work. If appropriate action is not taken at this time, the Zoning Administrator may initiate appropriate legal action as provided further in this chapter.

C. Penalties for Noncompliance.

1. Failure to correct a defect after a notice that the Building Official has determined that a property is being demolished by neglect shall constitute a misdemeanor. Such misdemeanor shall be punished as set forth in §§18.2-9, 18.2-11 and §15.2-1429 of the Code of Virginia 1950 as amended. Each day that the violation continues is a separate offense.
2. Any property owner in the District who does not obtain approval as required within this ordinance shall be guilty of a misdemeanor and may be punished as set forth in §§18.2-9, 18.2-11 and §15.2-1429 of the Code of Virginia 1950 as amended.
3. Nothing in this chapter shall be deemed to restrict or prohibit the Town Council to acquire in any legal manner any historic area, site, building, or structure or the land pertaining thereto for the use, observation, education, pleasure, and welfare of the citizens of the Town.

**Section 4.11 Cape Charles Planning, Zoning, and Building Fee Schedule**

All charges for planning and zoning activities, including but not limited to permit applications, inspections, certificates, reviews, variances, and appeals, shall be established from time to time by the Cape Charles Town Council in its sole discretion.