

PLANNING COMMISSION MEETING
A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

August 17, 2010 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES:

1. Approval of June 15, 2010 minutes
2. Old Business
 - Work Plan – Zoning Ordinance (Resort Residential District and Resort Commercial District)
3. New Business
 - Sign Ordinance Review
4. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN

**PLANNING COMMISSION MEETING
15 JUNE 2010
MINUTES**

Members Present:

Mr. Tripp Muth
Mr. Gene Wayne Taylor
Mr. Steve Katsetos
Mrs. Mollie Cherrix, Vice Chairperson
Mr. Jeff Potts

William Neville, Planning Director

Members Absent:

Mr. Ray Rosenberger, Chairman
Vice Mayor John Jester

CALL TO ORDER – Vice Chairperson Cherrix called the meeting to order at 7:00 pm and established a quorum.

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Taylor led the invocation followed by the Pledge of Allegiance.

PUBLIC COMMENT

There were no members of the public who wished to address the Planning Commission.

AGENDA REVIEW/DISCLOSURES

Vice Chairperson Cherrix requested if there were any changes to the Agenda or any disclosures. There were none.

Mr. Muth motioned, seconded by Mr. Katsetos to adopt the agenda. The motion was unanimously approved.

1. Approval of May 11, 2010 minutes

The minutes as submitted were reviewed and no changes were requested. Mr. Katsetos moved to approve the minutes of the last meeting, seconded by Mr. Muth. The motion was unanimously approved.

2. Old Business

a) **Home Occupation Regulations/Signs**

Vice Chairperson Cherrix introduced the item for consideration. Town Planner Neville summarized the revisions that were requested by the Planning Commission at the last meeting.

- Limited home occupations are permitted in housing types other than single family homes
- Use of Accessory Structures for limited home occupation use is permitted
- Clarify parking requirements for limited home occupations
- Correction to allow up to two (2) signs for home occupations
- Discussion of criteria #4 regarding storage of equipment or materials.

Mr. Taylor raised several questions regarding use of accessory structures, the 30% area restriction for home occupations in the R-3 district and storage of materials and equipment. General discussion was centered on making sure that uses such as decoy carvers or a sign company working from a garage would still be permitted. There was support for the use of accessory structures as the main location for home occupation activity and storage of equipment or materials. It was unresolved whether the 30% calculation would allow the type of uses currently found in the Town, however all agreed that criteria #4 of home occupation uses should be revised to delete the first sentence that restricts storage of equipment or materials in the accessory structure.

- Further clarification of parking requirements in Section 6.6.4 so that limited home occupations are only required to meet the minimum 2 space requirement for residential use
- Sign standards revised to permit up to 2 signs for home occupations including a sandwich board sign.

Mr. Taylor questioned the restriction of what the sign may say. For example, would a phone number be permitted information? It was agreed that limiting the sign content to only the name of the business or owner may be too restrictive and the regulation should be more general.

Vice Chairperson Cherrix brought up another concern about lighting of home occupation signs, particularly in residential neighborhoods where there may be more than one in a row. Following a discussion, it was agreed that limited home occupation signs should be ‘non-illuminated’.

The Planning Commission confirmed their prior recommendation to forward the updated draft ordinance back to the Town Council including the revisions as noted.

b) Work Plan – Zoning Ordinance (Commercial Corridor)

The staff report was presented by Mr. Neville with ‘redline’ revisions for the combination of two existing zoning districts (C-1, C-2) to be re-named as the Commercial Corridor district. Minimum revisions are proposed and

all changes are documented on the cover/tracking sheet. The area proposed for this district was identified to include the Maddox Boulevard corridor including several extensions along Deep Hole Road and Teal Lane. Properties located east of Deep Hole Road that are currently zoned R-3 Residential would be rezoned Commercial Corridor to allow either commercial or residential use. This recommendation of the adopted Town Land Use Plan is consistent with a planning principle that similar uses should be located across the street from each other. Discussion of the district followed:

Commercial Corridor District –

Mr. Taylor asked if this district would encourage mixed use buildings with commercial on the first floor and residential units above like the concept that was proposed for the downtown main street. Mr. Neville responded that the Maddox Boulevard corridor is envisioned by the Town Plan to be a more vehicle oriented commercial area compared to the pedestrian focus of the Main Street and that the architectural solutions would be different. Mr. Taylor repeated his interest in allowing residential apartments to be included with commercial uses.

Mr. Muth commented that this corridor from the Plan was described as a ‘gateway’ creating a transition from beach to business. Existing uses from the C-1 and C-2 districts will be combined, however, mixing in characteristics of the R-3 district may not be the way to go. It was noted that the existing commercial regulations do allow for residential use by-right. Mr. Neville conveyed comments from Mr. Jester that the ‘cottage style’ of architecture is what currently establishes the character of Chincoteague along the corridor and that should be continued. (Beach Bay Realty example)

Mr. Taylor described an approach that would suggest to business owners and developers what types of uses and buildings were preferred and most people will build what the Town says it wants. Mr. Potts noted that central sewer service would be needed to encourage new types of commercial development.

Vice Chairperson Cherrix commented on the small area of R-3 zoned property along Deep Hole Road and there was a general discussion regarding the recommendation for future commercial use of these parcels. Re-mapping to the Commercial Corridor District would extend commercial use up both sides of the road to the Town Government Center. Mr. Taylor spoke about the current Town regulations that only allow for one use per lot and do not encourage mixed use buildings or a consolidated site plan.

The commissioners agreed with Mr. Taylor that a letter should be sent to the owners of the R-3 zoned property requesting that they express their opinion regarding the proposed change to the Commercial District before the Planning Commission recommends the change. Mr. Muth called for a full consideration of the benefits or liabilities of the land use change in addition to consulting with the property owners.

Mr. Potts discussed the situation of commercial districts abutting residential districts and whether there should be buffering or transition in the type of development permitted on either side of a zoning line. For example, the Chester Park subdivision on Teal Lane/Chicken City Road, backs up to commercial uses and perhaps should be zoned R-2 instead of R-1.

Mr. Neville suggested that the district by district review should be finished and a complete draft made available to the public before meetings with affected property owners would be scheduled in the Fall. It was noted that a list of questions and issues will be maintained to document the process and other issues (such as design guidelines, landscaping/buffering, lighting, signage) for later study and work effort.

The next review of zoning districts will focus on the Resort Commercial District along with any remaining district revisions.

3. New Business

On-street Parking Restrictions/Safety Concerns

Several ideas and concerns have been brought to the Planning Commission's attention from Mr. Potts and Mr. Muth, about safety issues created by narrow sections of roads and the effect of on-street parking. Traffic patterns have changed with the new Bridge which creates a need to look at the problem areas.

Church Street – on street parking in front of the Methodist Church creates a hazard for 2 way traffic and pedestrian safety on the sidewalk. This condition is complicated by the current site construction and additional large vehicles using the street. Mr. Muth discussed the parking necessary for the "Opportunity Shop" and the need for handicap parking in front. A question was raised about whether the drop-off parking could be moved to the rear with access from the Town parking lot. If the on-street parking could be limited to 2 or 3 spaces, it would be easier for vehicles to pass or wait for an opportunity to pass the cars parked at the curb.

Vice Chairperson Cherrix agreed with Mr. Taylor that any proposal for restriction of parking should be held off until construction at the Methodist

Church is completed. Mr. Muth offered the idea that on-street parking restrictions could be lifted on Sundays.

Further discussion of the issue involved reduction of on-street parking from 10 spaces down to 2 loading/handicap spaces, question about parking for the Watson House B&B, better use of off street parking. Mr. Potts suggested that an interim improvement would be to enforce the 'no left hand parking' rule. It was noted that the addition of bicycle traffic complicates these situations even more.

Willow Street/Libertino Lanes – Mr. Muth provided an example of single car parking at a narrow section at a bend in the road and long term residential use causing conflicts with business use that requires available short term/seasonal parking nearby.

South Main Street/Castle – Mr. Muth illustrated another location where a single car parked at a bend in the street can block visibility and create a safety hazard. The location of a rental property which is routinely 'over-booked' without adequate offstreet parking can create problems for street parking and enforcement.

North Main/Taylor Street – Vice Chairperson Cherrix discussed the former B&B that currently creates an on street parking problem because they do not use available off street parking.

Identification of what action should be taken included a request that one or more Commissioners should plan for an informal meeting with the Methodist Church leaders who operate the Opportunity Shop to discuss alternatives. Mr. Neville suggested that if on street parking is to be restricted, general criteria should be prepared to apply evenly to all situations and should emphasize safety, minimum width of pavement, visibility, obstructions (power poles) etc. Discussion continued about finding solutions on Church Street and the idea of providing access to the Opportunity Shop from the rear.

4. Commission Member Announcements or Comments

Mr. Muth presented a concern and suggestion about crosswalk use in the Downtown/Main Street area (need better pavement markings) and confusion over pedestrian right of way. There was no visible police presence on a second Saturday night between 8 and 10pm.

ADJOURN

Commissioner Taylor moved to adjourn the meeting, seconded by Commissioner Katsetos. The motion was unanimously approved.

Mollie Cherrix, Vice Chairperson



STAFF REPORT

To: Chincoteague Planning Commission

From: Bill Neville, Director of Planning

Date: August 12, 2010

Subject: Work Plan – Zoning Ordinance (Resort Residential/Resort Commercial)

The Planning Commission Work Plan that was reviewed at the last several meetings identifies those zoning districts, recommended by the Comprehensive Plan 2010, which must be created or modified to align with the recommended land use planning areas.

A strategy is underway to prepare the zoning revisions over the next year and to update the Official Town Zoning Map so that the proposed land use policies of the Plan will be implemented. The public will be kept informed and encouraged to participate. The approach will be to make only minimum incremental changes to each district rather than to completely revise the zoning ordinance. The process began with a focus on the Downtown Commercial district along Main Street as the heart of Town. (See May 2010 PC packet). The next area reviewed was the Commercial Corridor district along Maddox Boulevard (see June 2010 PC packet).

This report examines the Resort Residential and Resort Commercial districts generally located at the central and south ends of the Island. The purpose of these planning areas is to allow the continuation, expansion, and redevelopment of existing resort uses while encouraging future well planned mixed-use residential or commercial developments that are linked to the existing scale, character and fabric of Chincoteague.

There are a range of policies, objectives and implementation strategies that are recommended by the Comprehensive Plan for the Resort Districts:

- Zoning standards similar to the existing R-3 and C-1 districts respectively

- Continue to permit resort recreation including, but not limited to, campgrounds, rental cottages, bed and breakfast, and tourist homes (mobile homes and RV use)
- Create a new mixed use development zoning district that permits a mix of uses including residential, commercial, employment office, civic, and open space (Planned Unit Development PUD ordinance for redevelopment of larger sites)
- Encourage interconnected ‘complete’ streets and open spaces that are integral to the community
- Adopt development standards to minimize impacts to environmental resources and drainage patterns

Attached to this report is an example of how the R-3 zoning district ordinance could be re-named to “Resort Residential”, and how the C-1 zoning district ordinance could be re-named to “Resort Commercial” with very small changes made to implement the Plan recommendations. This proposed district has been prepared for initial review and consideration by the Planning Commission.

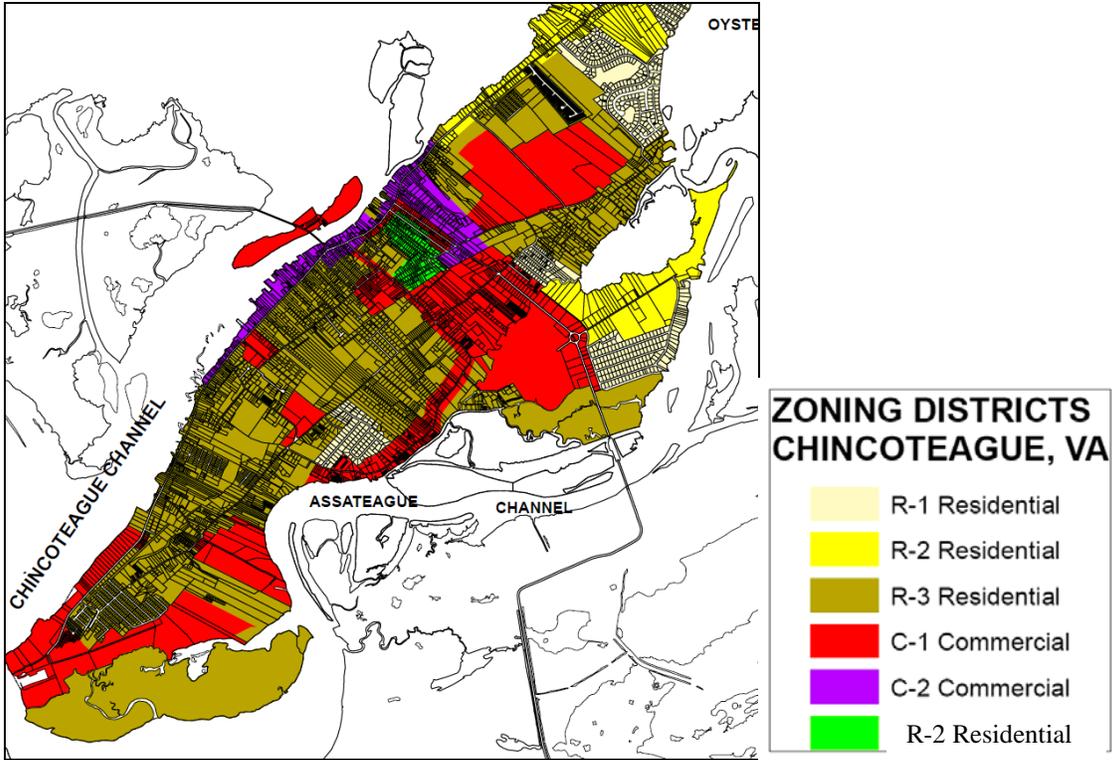
The unique recommendation for the Resort areas is that redevelopment of large properties in the future should be guided by one or more new zoning districts that encourage well planned mixed use development with specific design characteristics. This idea should be discussed by the Planning Commission and consideration given to deferring the creation of new zoning districts until such time as public sewer service becomes a viable option.

The Planning Commission should continue its preliminary review of the draft zoning districts, and update a list of key questions to resolve.

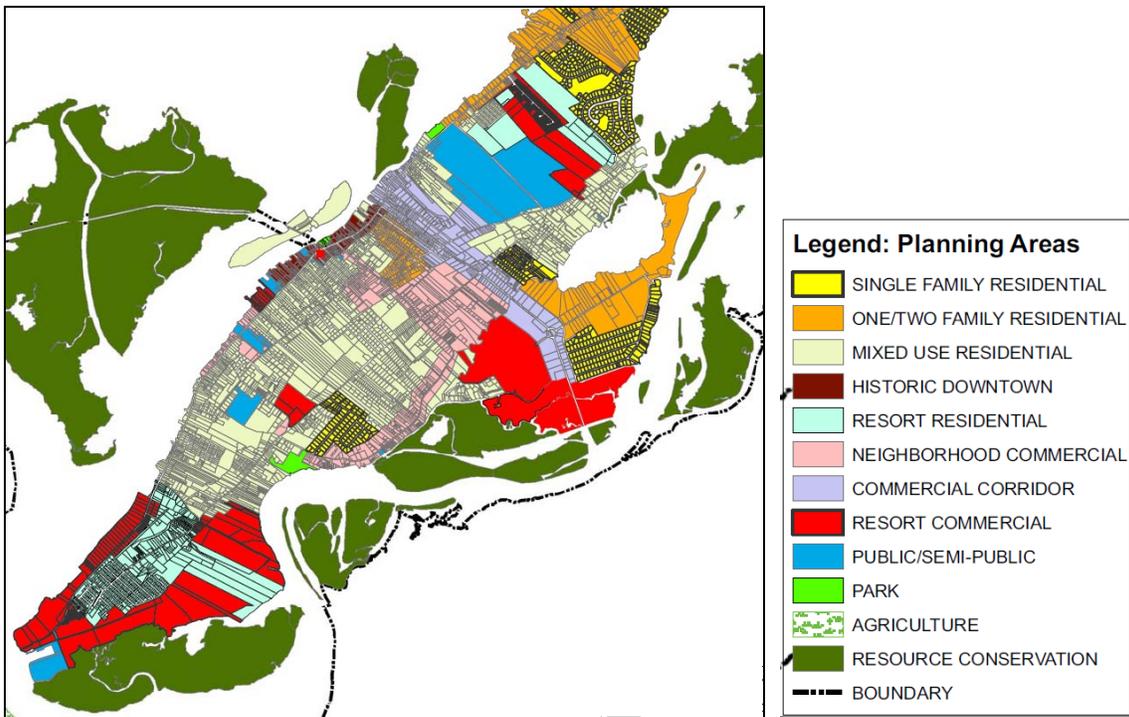
1. _____
2. _____

The following existing zoning districts are proposed by the Comprehensive Plan to be re-zoned as follows:

Existing District	Proposed District
R-3	Resort Residential
C-1	Resort Commercial



Existing zoning districts



Proposed re-mapping

Zoning District Summary

Status/Next Steps – August 2010

Planning Area #	Proposed Zoning District	Existing Zoning District	Status (Initial PC Review)
1	Single Family Residential	R-1	✓
2	One & Two Family Residential	R-2	✓
3	Mixed Use Residential	R-3	✓
4	Historic Downtown	C-1, C-2 and R-3	✓
5	Resort Residential	R-3	8.10.10
6	Neighborhood Commercial	C-1	✓
7	Commercial Corridor	C-1 and C-2	✓
8	Resort Commercial	C-1	8.10.10
*	Planned Mixed Use Development	Resort	Future
9	Public-Semi Public	C-1, C-2 and R-3	9.14.10
10	Park & Open Space	R-2 and R-3	✓
11	Resource Conservation	R-3	9.14.10
12	Agriculture	A	9.14.10

- ❖ Complete review of individual districts
- ❖ Prepare summary document of all Districts
- ❖ Consider 'Outstanding Issues' list for additional work required
- ❖ Consider other Zoning updates for adoption concurrently (or not)
- ❖ Prepare Zoning Map Update
- ❖ Preliminary Legal and Peer Review to confirm adoption process and policies
- ❖ Identify landowners for notification (total list, plus highlight those who will have a significant change in zoning)
- ❖ Prepare public information package and presentation
- ❖ Schedule public meetings
- ❖ Final Peer Review
- ❖ Revise to address Public Comment
- ❖ Forward to Town Council

Zoning Conformance Worksheet 5

C-1 and R-3 to Resort Residential District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	August 12, 2010	Copy R-3 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	August 12, 2010	Add reference to Mixed Use PUD district	Town Staff for Planning Commission Review

Example (for discussion purposes only):

RESORT RESIDENTIAL DISTRICT ~~R-3~~

Statement of intent. This district is composed of certain medium to high concentrations of residential uses, ordinarily located adjacent to commercial areas, and/or between residential and commercial areas, plus certain open space areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life ~~composed of a population with some children,~~ and to permit, under certain conditions, certain neighborhood commercial uses of a character unlikely to develop extreme concentrations of traffic and crowds of customers, with the strict regulation of permitted outdoor advertising. ~~To these ends, retail activity is limited and this district is protected against encroachment of general commercial and industrial uses. Most residential types of structures for both permanent and transient occupancy, including institutions, are permitted. Some structures for commercial uses conforming to the patterns of the district and several low-impact commercial uses are allowed. The positive characteristics of residential neighborhoods shall be maintained while allowing for appropriate infill and redevelopment on vacant and under-utilized parcels.~~

Properties within this district have the potential to be redeveloped only with the provision of public sewer and will be eligible for assemblage and rezoning to a planned mixed use development district.

Sec. 3.7. Uses permitted by right.

The following uses shall be permitted in resort residential district ~~R-3~~ subject to all other provisions of this ordinance:

- 3.7.1. Single-family dwelling.
- 3.7.2. Two-family dwelling.
- 3.7.3. Mobile home.
- 3.7.4. Home occupation.
- 3.7.5. Tourist home/tourist rental home.
- 3.7.6. Vacation rental cottages.
- 3.7.7. Boardinghouse.
- 3.7.8. Bed and breakfast.
- 3.7.9. Rest home.
- 3.7.10. Beauty/barber shop.
- 3.7.11. Professional office.
- 3.7.12. Day care facilities.
- 3.7.13. Nursing homes.
- 3.7.14. Municipal facilities.
- 3.7.15. Accessory structure.

(1) No accessory building/structure may be closer than five feet to any side or rear property line. No accessory building/structure may be closer than 25 feet from the front property line or more than the average setback of the structures on either side.

(2) The use of semi-trailers, trailers or other types of vehicles or parts of vehicles as storage or accessory structures is not allowed.

3.7.16. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

3.7.17. Public utilities.

3.7.18. Signs.

(1) Street address signs.
(2) Home occupation signs.
(3) Resident identification signs.
(4) Temporary signs.
(5) Business signs only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to six square feet, will be allowed on each lot. See article VII, Signs.

(6) Church bulletin boards and identification signs as defined in article VII.

3.7.19. Recreational parks and playgrounds.

3.7.20. Schools.

3.7.21. Churches.

3.7.22. Public piers, public boat ramps.

3.7.23. Pony Penning sales, yard sales.

3.7.24. Mobile home parks.

3.7.25. Other. The temporary location of construction "site trailers" or other protective, storage or other office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued or halted for 30 days or longer.

3.7.26. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel so long as it remains a part of the original lot.
{Ord. of 8-1-1994; Ord. of 4-3-1995; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999}
(Amended 06-02-03) (Amended 09-02-03)

Sec. 3.8. Special exceptions; special use permits; conditional use.

- 3.8.1. Cemetery.
- 3.8.2. Light waterfront seafood industry.
- 3.8.3. Townhouse.
- 3.8.4. Condominiums.
- 3.8.5. Multifamily dwelling.
- 3.8.6. Campgrounds.
- 3.8.7. Camper/travel trailer parks.
- 3.8.8. Hotels/motels.

~~3.8. Power generating windmills.~~

3.8.10 Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

3.8.10.1 Small wind energy systems
(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 05-03-04*)

Sec. 3.9. Area regulations.

- 3.9.1. Lot size.

(1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

(2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

3.9.2. Setback. Structures shall be located a minimum of 25 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to comer lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

- 3.9.3. Open space.

(1) The minimum side yard for each main structure shall be ten feet.

(2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

3.9.4. Height regulations.

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aeriels maybe no higher than 70 feet above mean sea level (excluding public utilities).

3.9.5. Corner lots.

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard abutting or next to the street shall be 25 feet for both the main and accessory buildings/structures.

(Ord. of 4-3-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 2-5-2001; Ord. of 5-17-2001)

Zoning Conformance Worksheet 8

C-1 to Resort Commercial District

Revision #	Revision Date	Section/Subject of Revision	Revised By
1	August 12, 2010	Copy C-1 ordinance and rename district, align purpose with Comprehensive Plan text	Town Staff for Planning Commission Review
2	August 12, 2010	Add reference to Mixed Use PUD district	Town Staff for Planning Commission Review

Example (for discussion purposes only):

RESORT COMMERCIAL DISTRICT C-1

Statement of intent. The primary purpose of this district is to ~~establish and protect a district that will serve the tourist trade that is vital to the growth of Chincoteague. Of the two commercial districts, C-1 is designed to be a lower density with more open space type activities than C-2. It will also allow for some residential uses which are compatible with certain retailing operations. The district recognizes the demand for a variety of land uses adjacent to the major traffic arteries which link the recreational facilities on Assateague Island to the mainland.~~ Encourage the continuation of seasonally and permanently occupied homes, campground facilities, and resort commercial uses. These uses support Chincoteague's role as a visitor destination and improve the local economy.

Properties within this district have the potential to be redeveloped only with the provision of public sewer and will be eligible for assemblage and rezoning to a planned mixed use development district.

Sec. 4.1. Uses permitted by right.

The following uses shall be permitted in Resort C Commercial district ~~C-1~~, subject to all other provisions of this ordinance:

- 4.1.1. Health clubs, spas, and gyms.
- 4.1.2. Home occupation.
- 4.1.3. Beauty/barber shop.
- 4.1.4. Professional office.
- 4.1.5. Wearing apparel shops.
- 4.1.6. Gift shops.
- 4.1.7. Motels.
- 4.1.8. Restaurants.
- 4.1.9. Day care facilities.
- 4.1.10. Nursing home.
- 4.1.11. Wayside stands, tailgate sales.

- *Cross reference–Businesses, ch. 18.
- 4.1.12. Retail stores, any retail business.
- 4.1.13. Funeral homes.
- 4.1.14. Caterer.
- 4.1.15. Schools.
- 4.1.16. Municipal facilities.
- 4.1.17. Churches.
- 4.1.18. Light waterfront seafood industry.
- 4.1.19. Light industry.
- 4.1.20. Mobile home parks.

4.1.21. ~~Reserved~~ Camper/travel trailer parks
(Amended 05-03-04)

4.1.22. Campgrounds, in compliance with state regulations.

4.1.23. Accessory structures.

(1) No accessory structure may be closer than five feet to any property line.

4.1.24. Public utilities.

4.1.25. Signs; see article VII.

4.1.26. Pony Penning sales, yard sales.

4.1.26.1 Recreational parks and playgrounds

4.1.27. Fences.

(1) All fences located from a point even with the front, for commercial uses, [or] rear, for residential uses, of the main structure extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. Open decks and open porches are exempted from being considered the rear of the main structure for residential uses. A fence previously in compliance with this section may remain in place if a new addition is constructed to the existing residential main structure.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Containment fences of solid construction may be erected to enclose fuel storage tanks, dumpsters and aboveground sewage disposal systems. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of eight feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

4.1.28. Single-family dwelling.

4.1.29. Two-family dwelling.

4.1.30. Townhouse.

4.1.31. Condominiums.

4.1.32. Rooming and boarding houses.

4.1.33. Tourist home.

4.1.33.1 Mobile Home

4.1.34. Multifamily dwelling.

4.1.35. Vacation rental cottages.

4.1.36. Boardinghouse.

4.1.37. Bed and breakfast.

4.1.38. Rest home.

4.1.39. Site trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted

providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.

4.1.40. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

Area and setback requirements for 4.1.28 thru 4.1.38 shall use R-3 area regulations. (Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999) (Amended 06-02-03) (Amended 09-02-03)

Sec. 4.2. Special exceptions; special use permits; conditional use.

4.2.1. Cemetery.

~~4.2.2. Power generating windmills.~~

4.2.2 The use of semi-trailers or trailers as accessory structures for storage.

4.2.3 Such other temporary or permanent use of land, buildings, or structures as may be permitted by the Town Council of the Town of Chincoteague as a conditional use in accordance with Article IX of this Code.

4.2.3.1 Small wind energy systems

(Ord. of 4-3-1995; Ord. of 8-2-1999; Ord. of 5-17-2001) (*Amended 09-02-03, 05-03-04*)

Sec. 4.3. Area regulations.

4.3.1. Lot size. No minimum lot size for permitted uses shall be required except as noted for 4.1.28 thru 4.1.38.

4.3.2. Setback. Structures shall be located a minimum of ten feet from any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots.

4.3.3. Open space.

(1) The minimum side yard for each main structure shall be five feet.

(2) Each main structure shall have a minimum rear yard of 15 feet except waterfront properties would have no required setbacks for both residential and commercial structures.

4.3.4. Height regulations.

(1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level {excluding public utilities}.

4.3.5. Corner lots.

(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard abutting or next to the street shall be ten feet for both the main and accessory buildings/structures.
{Ord. of 5-19-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 2-5-2001; Ord. 5-17-2001)



STAFF REPORT

To: Chairman Ray Rosenberger and Planning Commissioners

From: Bill Neville, Director of Planning

Date: August 13, 2010

Subject: Work Plan – Sign Ordinance Review

The Chincoteague Town Council and the Town Zoning Administrator have referred several concerns and questions regarding the current Sign Ordinance regulations to the Planning Commission for consideration. In preparation for receiving public comment at the next meeting, please review the existing sign ordinance sections of the Town Code.

Many of the issues related to enforcement of the existing requirements may be improved by preparing an illustrated version of the Code and distributing a ‘Citizen’s Guide’ document along with the annual business license renewal. Several samples are attached for discussion.

If the Planning Commission determines that minor changes to the Sign Ordinance are necessary to support the requests of the Town Business Community, a strategy should be identified for either including this with the comprehensive adoption of the Zoning Map and Districts or considering the topic separately.

ARTICLE VII. SIGNS

SECTION A. PURPOSE AND INTENT

Sec. 7.1. Introduction.

7.1.1. Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and property.

7.1.2. The provisions of this ordinance are made to establish reasonable and impartial regulations for all signs wherever placed out-of-doors in view of the general public or wherever placed indoors as a window and to further the objectives of the comprehensive plan; to protect the general public health, safety, convenience, and welfare; to reduce traffic

hazards caused by unregulated signs which may distract, confuse, and impair the visibility

of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals;

to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to preserve our natural, architectural and cultural uniqueness assets; to protect property values; and to further economic development.

(Ord. of 4-3-1995)

Sec. 7.2. Definitions.

For the purpose of this ordinance, certain words and terms are defined as follows (words used in the present tense include the future, words in the singular include the plural, and the

plural includes the singular).

7.2.1. *Abandoned sign.* A sign which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and/or for which no legal

owner can be found. The definition shall also include any sign structure which no longer supports the sign for which it was designed.

7.2.2. *Address and name of resident.* A sign indicating address and/or name of residential occupants of the premises, and not including any commercial advertising or identification. (Additional address numbers are permitted on structures.)

7.2.3. *Animated Sign.* A sign which uses movement or change of lighting to depict action, words, graphics, commercial message or creates a special effect or scene. Includes Scrolling Signs.

7.2.4. *Awning sign.* A sign placed directly on the surface of an awning.

7.2.5. *Banner.* A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper.

7.2.6. *Beacon.* Any light with one or more beams directed into the atmosphere or directed at one or more points not in the same zone as the light source; also light with one or more beams that rotates or moves.

7.2.7. *Billboard.* See "Off-premises sign."

7.2.8. *Bulletin board sign.* A particular type of changeable copy sign that displays copy in a casement made of glass or plexi-glass. See "Changeable letter sign."

7.2.9. *Canopy sign.* A sign attached to a canopy.

7.2.10. *Changeable letter sign.* A sign that is designed so that characters and letters

can be changed or rearranged without altering the face or surface of the sign.

7.2.11. *Clearance (of a sign)*. The smallest vertical distance between the existing grade and the lowest point of any sign, including framework and embellishment.

7.2.12. *Commercial message*. Any sign, logo, or other representation that, directly or indirectly, names advertises, or calls attention to a business, product, service, or other commercial activity.

7.2.13. *Directional sign*. A sign that provides on-site directional assistance for the convenience of the public such as location of exits, offices, entrances, and parking lots.

The name of the firm or business may be included on the sign.

7.2.14. *Directory sign (commercial)*. A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

7.2.15. *Directory sign (governmental)*. A sign erected, owned and maintained by the Town of Chincoteague within the public right-of-way to indicate to the traveling public

the route and distance to public accommodations, facilities, commercial services and points

of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall

conform to all applicable state regulations regarding the placement of signs in public right-of-ways.

7.2.16. *Festoons*. A string of ribbons, tinsel, or pinwheels used for commercial purposes not including not-for-profit, or charitable organizations.

7.2.17. *First Amendment right signs*. Any sign lawfully advocating any political, social, religious, or other cause or position of the person or persons exhibiting such, the content of

which would be protected by such person or person's right to freedom of speech as defined

under the First Amendment to the United States Constitution and/or article I, section 12 of

the Constitution of Virginia, subject to the restrictions hereinafter provided. Such permitted

signs shall not contain any message of a commercial nature and shall not direct attention to

a business operated for profit or any entity operated on a non-profit basis, or to the sale or gift of any commodity or service, nor shall such exhibitor charge a fee therefore. Such signs

shall be permitted both in residential and commercial districts. No such sign, or combination

of signs, in a residential district shall exceed thirty two (32) square feet in area, exceed five

(5) feet in height, and shall comply with all applicable setbacks in such residential district.

Any such sign or signs within a commercial district shall comply with all the criteria of 7.12.1 as to size and location. Any such sign may be constructed of cardboard. Any such sign shall comply with all other applicable provisions of Article VII, except as expressly

excepted.

(Amended 4/3/95)

7.2.18. *Flags (commercial)*. Any fabric, banner, or bunting, containing distinctive colors, patterns, or symbols or wording.

7.2.19. *Flag (governmental)*. Any fabric, banner, or bunting, containing distinctive colors, patterns, or symbols, used as a symbol of a government political subdivision or other entity.

7.2.20. *Flashing sign*. Any sign that includes light(s) which flash, blink or turn on and off intermittently, including searchlights (not including time and temperature signs).

7.2.21. *Freestanding sign*. The general term for any on-site sign which is supported from the ground and not attached to a building.

7.2.22. *Glaring signs*. Signs with light sources or with such reflective or brightness qualities that they constitute a hazard or nuisance.

7.2.23. *Handicapped parking space sign*. Signs reserving parking spaces for handicapped motorists.

7.2.24. *Height (of a sign)*. The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever ground elevation is less. (This is not the same as clearance)

7.2.25. *Home occupation sign*. A sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

7.2.26. *Illegal sign*. A sign that was constructed, erected or placed in violation of regulations that existed at the time it was built.

7.2.27. *Illuminated sign*. A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

7.2.28. *Inflatable sign*. Any sign or advertising structure which uses air or gas to expand.

7.2.29. *Incidental sign*. A sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, whose purpose is secondary to the use of the zoned lot. No sign with a commercial message legible from a position off the zoned lot on which the sign is located shall be considered incidental.

7.2.30. *Maintenance*. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

7.2.31. *Mansard facade*. A facade designed to replicate the Mansard concept of design but which does not structurally support the wall to which it is attached and may extend above the actual roofline.

7.2.32. *Marquee sign*. A sign attached to and made a part of a marquee or any other similar projection from a building.

7.2.33. *Monument sign*. A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign.

7.2.34. *Nonconforming sign*. A sign that met all legal requirements when constructed but

that is not in compliance with this ordinance. An illegal sign is not a nonconforming sign.

7.2.35. *Off-premises sign.* Any sign which is not located on the premises that it identifies or advertises.

7.2.36. *Pennants.* A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

7.2.37. *Permanent sign.* A sign which is permanently affixed into the ground or a building and meets the requirement of a structure under the Virginia Uniform Statewide Building Code.

7.2.38. *Pinwheels.* See “Rotating signs.”

7.2.39. *Pole sign.* A freestanding sign with a base at least seven feet above the ground which is supported from the ground by a pole or a similar support structure of narrow width.

7.2.40. *Portable sign.* A sign that is not permanently affixed to a building, structure, or the ground. This shall not apply to signs permitted under 7.3.5 or 7.5. This definition shall not apply to menu or sandwich board signs on private property.

7.2.41. *Projecting Signs.* A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

7.2.42. *Roof sign.* Sign mounted on and supported by the main roof portion of a building. Signs mounted on mansard facade shall not be considered to be roof signs.

7.2.43. *Rotating sign.* A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

7.2.44. *Scrolling sign.* See “Animated sign.”

7.2.45. *Security and warning signs.* On-premises signs regulating the use of the premises, such as "no trespassing," "no hunting," and "no soliciting.”

7.2.46. *Sexually Graphic Sign.* Any sign containing any photograph, silhouette, drawing, or pictorial representation or description of any specified anatomical area or specified sexual activities as those terms defined in the Code of the Town of Chincoteague.

7.2.47. *Sign.* Any device which is visible from a public byway, and all supporting poles, brackets, braces, wires, foundations, etc., that displays letters, characters or graphics to identify a land use or is meant to attract the public's attention.

Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts of combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any

rock, tree or other natural object, which display is visible beyond the boundaries of the parcel

of land on which the same is made. A display of less than one square foot in area is excluded

from this definition.

7.2.48. *Sign structure.* Includes the supports, uprights, bracing and framework of

any structure, be it single- or double-faced or V-type or otherwise, exhibiting, illuminating, holding and/or supporting a sign.

7.2.49. *Sign, temporary*. See "Temporary sign."

7.2.50. *Simulated traffic signs and obstructions*. Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance

triangle at any street intersection, or extend into the public right-of-way.

7.2.51. *Snipe sign*. A sign that is attached to a utility pole, tree, fence or any object located or situated on public property.

7.2.52. *Street frontage*. The side of a lot nearest the street. The frontage of a corner lot is the shorter of the two sides facing a street. Frontage may also be described as a distance, e.g. "The lot has 243 feet of frontage."

7.2.53. *Temporary sign*. Temporary signs shall be permitted for the purpose of advertising any event held by any nonprofit or charitable organization.

7.2.54. *Temporary real estate signs*. Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold.

7.2.55. *Vending machine identification signs*. Signs or decals identifying a product which is used for public convenience.

7.2.56. *Vehicular signs*. Any sign displayed on an inoperable vehicle and or watercraft, where the primary purpose of the vehicle and or watercraft is to advertise a product or business or to direct people to a business or activity.

(Ord. of 4-3-1995)

7.2.57. *Wall sign*. A sign painted on or attached to a wall of a building and parallel to the wall.

7.2.58. *Window sign*. Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service

that is inside a window or upon the window panes or glass and is visible from the exterior of the window.

7.2.59. *Yard Sale Signs*. Sign advertising for a yard sale. See Section 2.181. for definition of yard sale.

7.2.60. *Sidewalk Sign*. Any portable or temporary sign used for commercial purposes placed on a sidewalk and/or public right-of-way.

7.2.61. *Statues*. A three-dimensional form or likeness sculpted, modeled, carved, or cast in material such as stone, clay, wood, or bronze.

7.2.62. *Air or gas filled balloons*. An inflatable object used to draw attention to a business.

7.2.63. *Menu or sandwich board sign*. A portable, usually freestanding sign which is generally two-sided and of "A" frame construction, located on the ground, easily movable, and not permanently attached thereto.

Sec. 7.3. Signs as a matter of right.

The following signs shall be permitted as a matter of right, and no sign permit shall be required:

7.3.1. Address and name of resident. Such sign shall not exceed four square feet in area.

7.3.2. Directional signs; private directional signs on site: Shall not exceed four square

feet in area and shall not be located closer than five feet to any property line. The name of the firm or business may be included on the sign. See definition of directional signs.

7.3.3. First Amendment right signs. Such permitted signs shall not contain any message of a commercial nature and shall not direct attention to a business operated for profit or any

entity operated on a nonprofit basis, or to the sale or gift of any commodity or service, nor

shall such exhibitor charge a fee therefore. Such signs shall be permitted both in residential

and commercial districts. No such sign, or combination of signs, in a residential district shall

exceed 32 square feet in area or exceed five feet in height, and shall comply with all applicable setbacks in such residential district. Any such sign or signs within a commercial

district shall comply with all the criteria of 7.12.1 as to size and location. Any such sign may

be constructed of cardboard. Any such sign shall comply with all other applicable provisions

of Article VII, except as expressly excepted.

7.3.4. Flags, emblems, and insignia. Of any governmental agency or religious, charitable, public or nonprofit organization.

7.3.5. Handicapped parking space sign. Such signs shall meet the minimum standards set forth by ADA.

7.3.6. Home occupation signs. Such signs shall not exceed four square feet in area and shall contain only the name of the business and/or business owner.

7.3.7. Private drive signs. On-premises private drive signs limited to one per drive entrance, not exceeding two square feet in area.

7.3.8. Public signs. Signs erected by government agencies or utilities including traffic, utility, safety, directional and identification signs for public facilities.

7.3.9. Security and warning signs. Such signs shall not exceed two square feet in area. On unimproved lots, signs shall not be closer than 50 feet to each other and shall not be placed within ten feet of any property line. On improved lots, signs shall be placed five feet

or less from the structure protected. Signs shall not exceed four feet in height.

7.3.10. Vending machine identification signs. All identification shall be placed within the square footage of the vending machine unit.

7.3.11. Menu and sandwich board signs. Sign of not more than eight square feet shall be displayed on private property. Per this ordinance this sign type shall not constitute a "portable sign." Only one sandwich board allowed per business or home occupation.

Sec. 7.4. Temporary signs.

7.4.1. Permitted by right. The following temporary signs shall be permitted as a matter of right and no sign permit is required, subject to the conditions specified, and the other provisions of Article VII, as applicable.

7.4.2. Temporary real estate sign. A real estate sign is permitted provided such sign shall not exceed four square feet in area, and 6 feet in height and shall be located no closer

than 15 feet from the edge of the established roadway. If the main structure is located less than 15 feet from the edge of the established roadway the sign may be placed at the midpoint between the main structure and the edge of the established roadway provided it is not in the public right-of-way. Display of such sign is limited to one per property. When a development contains four or more parcels/ units, the developer may choose to install one sign, in lieu of individual signs, not to exceed 32 square feet in area, and shall place the sign parallel with the right-of-way. Such sign shall be removed within 30 days of the settlement or lease of the property. One directional sign may be erected if the said property is not easily visible from the adjoining state road.

7.4.3. Vacation rental signs. A vacation rental sign for rentals less than 12 months to one tenant are permitted; such sign shall not exceed four square feet in area and shall be located within two feet of the structure. Display of such sign is limited to one per property.

Sign shall not exceed six feet in height.

7.4.4. Banners. On-premises banners shall not be more than 30 square feet in area. Total banners shall not exceed one per residence and one per business. Such placement shall not exceed 2 times per calendar year not to exceed 4 consecutive weeks for each placement.

Non-profit organizations are exempt from the above time limit provided the banner is removed within 7 days after the event has ended. Placement of such banners must comply with Article VII of this ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required.

7.4.5. Political campaign signs. Owner of said parcel must give consent on the placement of such signs. Such signs shall not exceed 16 square feet in area and be located on private property. Political signs may not be placed in the sight distance triangle, and shall be removed no later than 14 days after the election has occurred.

7.4.6. Nonprofit or charitable organizations event signs. Any sign or signs for the purpose of advertising any event held by a nonprofit or charitable organization. Such signs or combination thereof shall not exceed 32 square feet in size and shall be permitted to be displayed only on private property for a period not to exceed seven consecutive days. Such signs, if located, at any intersection shall be set back a minimum of ten feet from the edge of the street for safety purposes. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. A permit is required.

7.4.7. Construction, contractor and job site signs. One contractor sign, not exceeding

32 square feet in area, and subcontractors' signs not exceeding eight square feet in area each,

when erected or displayed on the premises upon which building operations are being conducted; provided, that such signs shall be removed upon completion of the work. No sign shall be erected that will obstruct the sight distance triangle at any street intersection.

7.4.8. Special event signs. Signs announcing special events including but not limited to open houses, auctions, grand openings, new management and going out of business. Each lot shall be limited to one of each of the following types of signs unless otherwise noted and does not count in the total allowed per lot or business.

A sign advertising auctions and grand openings may be erected seven days prior to the event and shall contain the date(s) of the event. Such sign shall not exceed 16 square feet in area. No permit is required.

A sign advertising going out of business, or new management shall be limited to once in a 12-month period for up to seven days. Such sign shall not exceed 16 square feet in area. No permit is required.

A sign for open houses may be erected up to six days prior to the open house if the sign contains the day of the week or the date of the open house or may be erected the day of the open house if it does not contain the day of the week or the date of such open house. Such sign shall not exceed 4 square feet in area. No permit is required.

All special event signs must be removed immediately following the event, shall be setback a minimum of twenty-five feet from the edge of the public right-of-way. No sign shall be erected that will obstruct the sight distance triangle of any street intersection.

7.4.9. Pony Penning sales signs. No more than four square feet (two feet by two feet) shall be permitted to be displayed no more than three days prior to the sale, to be located only on private property, without requiring any permits. Signs displayed under this section

must be removed within 48 hours of the close of the sale activities.

7.4.10. Yard sale sign. Signs of not more than four square feet (two feet by two feet) shall be permitted to be displayed no more than three days prior to the sale, to be located only on private property. Signs displayed under this section must be removed within 48 hours of the close of the sale activities. No permit required.

7.4.11. Festoons (nonprofit and charitable organizations). May be allowed for groups and organizations that are established as 501 C.

7.4.12. Pennants. There shall be no more than two fifty foot (50') long pennants, or one one hundred foot (100') long pennant per business. Such placement shall not exceed two (2)

times per calendar year not to exceed two (2) consecutive weeks for each placement.

Nonprofit organizations are exempt from the above time limit provided the pennant or pennants are removed within seven days after the event has ended. Placement of such pennants must comply with Article VII of this ordinance. Pennants shall not be placed closer

than ten feet (10') from any property line. A permit is required.

(Amended 04-06-09)

Sec. 7.5. Construction and maintenance.

7.5.1. Building code compliance. All signs shall be constructed in compliance with the

current Virginia Uniform Statewide Building Code.

7.5.2. General restrictions. Signs shall not be erected in or over a street or highway right-of-way, or on public land except as permitted in section 7.3.9. and 7.11.

7.5.3. Condition of sign. All signs and components shall be maintained in good repair and in a safe, clean and attractive condition. Any sign found to be in disrepair, upon written

notice, must be immediately removed by such owner. Failure to remove such sign shall result in legal action and, if applicable, the sign permit may be revoked.

Sec. 7.6. Prohibited signs.

The following are expressly prohibited unless specifically stated otherwise in this ordinance:

7.6.1. Animated signs. (defined 7.2.3.)

7.6.2. Flashing signs. (defined 7.2.20.)

7.6.3. Glaring signs. (defined 7.2.22.)

7.6.4. Portable signs. (defined 7.2.40.)

7.6.5. Simulated traffic signs and obstructions. (defined 7.2.50.)

7.6.6. Vehicular signs. (defined 7.2.56.)

7.6.7. Sidewalk signs. (defined 7.2.60.)

7.6.8. Air or gas filled balloons and inflatable objects. Balloons and inflatable objects not exceeding ten (10) cubic feet in volume are exempt from this regulation provided no commercial message is displayed on such balloon(s).

(Amended 04-06-09)

7.6.9. Beacons. (defined 7.2.6.)

7.6.10. Rotating signs. (defined 7.2.43.)

7.6.11. Pinwheels for commercial use. (defined 7.2.38.)

7.6.12. Sexually graphic signs. (defined 7.2.46.)

7.6.13. Statues, placed for or with a commercial message used for the purpose to draw attention to a particular business exceeding 4 feet in height, 3 feet in width and/or 3 feet in length. (defined 7.2.61.)

7.6.14. Changeable letter signs either freestanding or stand alone. (This shall not include changeable letter signs incorporated in an approved freestanding sign as identified in section

7.13.1.12). (defined 7.2.10.)

7.6.15. Off-premise signs. (defined 7.2.35.)

7.6.16. Snipe Signs. (defined 7.2.51.)

7.6.17. Festoons (defined 7.2.16.)

Sec. 7.7. Nonconforming signs.

Any sign which does not conform to the provisions herein as of the effective date hereof or subsequent amendment.

7.7.1. A nonconforming sign lawfully existing at the time of adoption or subsequent amendment may continue although such a sign does not conform to the provisions of this ordinance, however, it shall not be enlarged, or structurally altered in any way excluding general maintenance, except to conform to the requirements of this chapter.

7.7.2. A change in property ownership, requires that a non-conforming sign be removed or brought into compliance of Article VII within one year of a change in property

ownership,. Whenever the property ownership, changes the new owner, shall be required to remove, change or alter such signs to conform to this chapter. For purposes of this ordinance area and height requirements must be brought into conformity; however location or setback requirements will not be applicable to 7.7.2.

Sec. 7.8. Protection of First Amendment rights.

Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this ordinance.

Sec. 7.9. Removal.

7.9.1. Illegal signs. The zoning administrator or his designee may order the removal of any sign not in conformance with the provisions of this ordinance at the expense of the sign owner or lessor, after giving the owner or lessor written notice of such violation and giving notice to correct such violation within ten days from date of receipt of said notice by registered or certified mail at the last known address.

7.9.2. Immediate peril. If the zoning administrator shall find any sign which is an immediate peril to persons or property, the sign shall be removed by owner immediately. If the zoning administrator cannot locate the sign owner or lessor for immediate removal of the sign, he shall be empowered to order the removal of the sign at the expense of the sign owner or lessor.

7.9.3. Abandoned signs. Any business advertising products or services which are no longer available shall remove such signs within two years. Such signs will be identified as “abandoned” by the Zoning Administrator or his designee and shall be removed by the property owner within sixty days of notification by certified letter.

Sec. 7.10. Variances.

See Article VIII of the Zoning Ordinance.

SECTION B. STANDARDS AND CRITERIA

Sec. 7.11. Generally.

The regulations in this section specify the number, types, sizes, heights and locations of signs which are permitted within the jurisdictional boundaries of the Town of Chincoteague

and which require a permit. Any sign regulations incorporated into a development plan approved by council may supersede all or part of this section.

Unless otherwise provided in this chapter, all signs shall be set back a minimum of ten feet from the right-of-way, unless attached to a building without any ground supports, in which case it shall conform with the required size restrictions and not protrude into any right-of-way unless a land use permit is obtained from the Town of Chincoteague.

All permitted signs in this chapter shall only advertise those uses being conducted on the premises on which they are displayed.

7.11.1. Determination of sign area. In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable

display, one side only shall be used to compute the allowable size of the sign. Where the sign

consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

7.11.2. Determination of sign height. The height of a sign shall not exceed 12 feet in height. The height of all signs shall be the distance from the grade level where the sign is erected to the top of the sign or, whichever is greater. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. roof signs shall be excluded from 7.11.2.

7.11.3. Sign Illumination.

(1) Externally lit signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.

(2) External illumination for signs and outdoor advertising structures in which electrical wiring and connections are to be used shall require a permit and shall comply with the Virginia Uniform Statewide Building Code and approved by the building inspector.

(3) The fixtures and source(s) of illumination used to illuminate signs shall not be directed toward nearby residential properties.

(4) Illumination of a grandfathered off premise sign is prohibited.

7.11.4. Installation of wall signs. All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 18 inches.

7.11.5. Other uses. In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the zoning administrator shall

make a written interpretation of the ordinance, which shall be kept in the permanent record

for that application. (Ord. of 4-4-1994)

Sec. 7.12. Residential districts.

Within residential districts, permits are required for all allowed signs. All signs must conform to the following criteria:

7.12.1. Single-family subdivision identification signs. Signs that identify the name of a single-family residential subdivision, located at any street entrance to the subdivision, shall

be erected as follows:

(1) Number: one per main entrance, not to exceed two per subdivision.

(2) Type: monument.

(3) Maximum size and height: 32 square feet in area and five feet in height.

(4) Minimum setback: ten feet from any property line and outside of all visibility triangles.

7.12.2. Multifamily complex signs. Signs that identify the name and/or address of an apartment, townhouse, condominium or other multifamily residential complex, located at any street or private drive entrance to the complex, shall be erected as follows:

- (1) Number: one per main entrance, not to exceed two per complex.
- (2) Type: monument.
- (3) Maximum sizes and heights: 32 square feet in area and five feet in height.
- (4) Minimum setback: ten feet from any property line and outside of all sight visibility triangles.

7.12.3. Accessory management or rental office signs. Signs that identify an accessory management or rental office shall be erected as follows:

- (1) Number: one.
- (2) Type: wall.
- (3) Maximum size and height: six square feet in area and located below the roof line.

Sec. 7.13. Commercial districts.

Within commercial districts all allowed business signs require a permit. All signs must conform to the following criteria:

7.13.1. The number of signs shall be limited to two (2) per business not including incidental, directory or directional signs unless otherwise noted. Total square footage area of all permitted signs upon any one lot shall not exceed 100 square feet in area unless noted

otherwise. Two additional signs shall be permitted, maximum of twenty five (25) square feet

each if the building fronts upon more than one public right-of-way or waterfront. Sign bases

without commercial messages are not included in the sign area. Sign bases are included in

the overall height.

7.13.1.1. Buildings occupied by a single business. The total combined area of all signs shall not exceed one square foot for each foot of building width or one hundred square feet, whichever is less, however no one sign can exceed 64 square feet in area, not including the sign base, and shall not exceed 12 feet in height.

7.13.1.2. Buildings occupied by more than one business. The total combined area of all Signs shall not exceed one square foot for each foot of building width facing such lot line, or one hundred square feet whichever is less, however, no sign can exceed 64 square feet in area and shall not exceed 12 feet in height. In addition to the maximum allowed combined total area permitted for each business in a multi-business building, there shall be permitted one additional wall sign or projecting sign, not to exceed 20 square feet for business identification.

7.13.1.3. Multiple incidental and directory signs. Signs on the interior of a lot shall be allowed and do not require a permit. The square footage of these signs is not counted as part of the total area permitted. Such signs must relate to the business being conducted on the lot and such signs shall not be advertising for business located off premise.

7.13.1.4. Signs hung on marquees. No sign shall be hung on a marquee,

canopy, awning or portico if such sign shall extend beyond the established street line. The area of any such sign shall be included in determining the total area of signs erected or displayed.

7.13.1.5. Signs, advertising occupants, etc. Signs advertising only the name of the occupant of a store, office or building, the business or occupation conducted or the products sold therein may be placed on show windows; provided, that not more than 30 percent of the area of such windows shall be covered.

7.13.1.6. Roof and mansard facade signs. Shall not exceed 32 square feet in sign area. The total area shall be included in the total area of signage permitted in this section and shall not be in addition thereto. Signs on Mansard facade shall not extend above the highest point of the Mansard facade. Roof Signs shall begin one foot from roof edge and not extend more than four vertical feet from that point.

7.13.1.7. Freestanding signs. Shall be limited to one per lot, maximum area of 64 square feet in area and not exceeding 12 feet in height. Each building must incorporate its legally assigned street number into its freestanding sign. Freestanding signs shall not be placed within the established sight distance triangle. The height of a freestanding sign shall be determined from existing grade of a radius not to exceed six feet out from the support system of the freestanding sign.

7.13.1.8. Window sign. A window sign shall be considered as a wall sign, and shall not exceed more than 30% of the window area in which they are displayed and shall not be placed higher than ten (10) feet above the entrance of the door sill plate. Such signs shall be limited to a maximum combined area of 64 square feet total and shall not exceed ten (10) feet in height.

7.13.1.9. Flags, Commercial. Two flags, displaying a commercial message, per lot maximum each limited to an area of 15 square feet. Flags must be mounted securely to a wall or from a permanent flag pole. A home occupation is allowed one flag with a commercial message no greater than 15 square feet. Flags not exceeding 15 square feet in area and displaying an art design which reflects merchandise sold on the premises without any commercial wording, or “open and welcome flags” are exempt.

(Amended 04-06-09)

7.13.1.10. Projecting signs. Projecting signs shall be permitted on any street frontage limited to one (1) sign per occupancy along any public road or parking lot frontage with public entrance to such occupancy and shall be limited in height of twelve feet and limited in area to six (6) square feet. Such sign shall maintain a vertical clearance from the sidewalk, adjacent to said occupancy, a minimum of nine (9) feet and shall not extend beyond the outside edge of the public sidewalk. If such sign extends over the right-of-way, a Land Use

Permit is required. Maximum square footage is six (6) square feet.

7.13.1.11. Changeable letter signs. Manually changeable sign(s) shall be permitted when included within the sign area and built as an integral part of the business identification sign(s). Area of the changeable letters portion of the business identification sign(s) shall not exceed fifteen square feet or one third of the total area of the sign(s) whichever is less. The total area of the changeable letter area shall be included in the total square footage of the sign area permitted for a business or shopping center and shall meet all height restrictions for signs. Nonprofit and charitable organizations shall be permitted stand alone changeable letter signs which conform to Section 7.4.2. Temporary signs nonprofit and charitable organizations.

7.13.2. Gasoline stations. Automobile service, convenience stores and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile and service and gasoline stations:

7.13.2.1. Changeable fuel price signs. Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be excluded in the sign area for the business.

7.13.2.2. Gas pump signs. Each gas pump shall be permitted a total of 1.5 square feet of sign area to identify the product dispensed. (Gas pump signs shall not apply to total square footage of sign area permitted.) Canopy's that are used to cover fuel pumps may extend 20 feet in height and may include the name of the brand of fuel upon the canopy, however this advertisement shall not cover more than 50% of the each side of the facing of the canopy.

7.13.3. Office and/or industrial centers. Office and/or industrial centers at least one acre in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:

7.13.3.1. Center identification signs. One monument sign per public street frontage, identifying the name of the center only and not exceeding 32 square feet in area and six feet in height.

7.13.3.2. Individual establishment signs. Each individual establishment within an office and/or industrial building may erect one wall sign of a size which does not exceed a maximum of 16 square feet in area. The top of the wall sign shall be located below the roof line and at a height no greater than 12 feet above the ground.

7.13.3.3. Directory signs. Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed 16 square feet in area and six feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.

7.13.3.4. Theaters. Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy letter board displaying the name and time of the current motion picture or theatrical production. (Ord. of 4-4-1994)

Article VII. Amended 6/19/08.

The City of Asheville first adopted a sign ordinance in 1977. The most significant revision of the sign ordinance occurred in 1990.

The sign ordinance applies to the erection and maintenance of all signs within the city limits of Asheville as well as the Extraterritorial Jurisdiction (ETJ).

Signs are governed by Article 13 in Chapter 7 of the City's Code of Ordinances.

The Planning & Development Department administers and enforces the sign ordinance in partnership with other city departments as necessary.

This publication serves to give a **general** overview of the sign ordinance and define types of permitted and prohibited signs as well as when permits are required.

Additional questions about sign permits should be directed to the Sign Administrator at 828-259-5822.

Sign permit applications may be found at the City's website

www.ashevillenc.gov/planning

or by visiting the Permit Center at 161 South Charlotte Street.

How do I know if I need a sign permit?

Permits are required for all permanent signs to be erected in the city limits or ETJ of the City of Asheville. Signs that are not permanent (examples include real estate signs, construction signs and political signs) do not require a permit.

May I get a copy of the Sign Ordinance?

The ordinance is available on the City's website (www.ashevillenc.gov/planning) or you may contact the Sign Administrator and a copy may be emailed to you in pdf format.

Who do I contact with questions?

Direct all questions to the Sign Administrator in the Planning Department at 259-5822 or email jwilliams@ashevillenc.gov.

How do I report a sign that I believe is in violation of the Sign Ordinance?

Contact the Planning & Development Department at 259-5831 and a Code Enforcement Officer will visit the site to determine if the sign is in violation.

What is the cost of a Sign Permit?

The cost of your permit is determined by the size and scope of your sign. Contact the Sign Administrator for more specific information.

Do banners require a permit?

Freestanding or attached temporary signs will require a sign permit. Contact the Sign Administrator for more information.

Where do I submit my application? How long does the review take?

Applications are submitted in the Permit Center at 161 South Charlotte Street. The review time once a completed application is submitted is 5-10 working days.

What can I do if my proposed sign or existing sign does not meet all the requirements of the sign ordinance?

Variance requests for nonconforming signs may be heard by the Board of Adjustment. Requests are subject to specific standards as defined in the application. Contact 259-5627 to request an application and information about meeting dates and deadlines.

Code Enforcement staff in the Planning & Development Department enforce the sign ordinance through proactive patrols and citizen complaints.

Sign sweeps for snipe signs (small temporary signage placed in the right-of-way of a public road) are conducted regularly in geographic areas of town. Signs that are removed during a sign sweep or other proactive enforcement may be claimed by their owners for a fee of \$50/sign. Signs are only held for seven days after pick-up.

Signs that are erected within the jurisdiction of the City of Asheville or the ETJ are subject to Notice of Violation and double the application fees.

Questions about enforcement of the sign ordinance should be directed to the Sign Administrator at 259-5822.

applications wall signs political signs banners frame signs construction signs yard sale signs snipe signs free standing signs off-premise signs real estate changeable copy billboards variances FAQ prohibited signs directional signs applications wall signs political signs banners a-frame signs construction signs yard sale signs snipe signs free standing signs off-premise signs real estate changeable copy billboards variances FAQ prohibited signs directional signs applications wall signs political signs banners a-frame signs construction signs yard sale signs snipe signs free standing signs off-premise signs real estate changeable copy billboards variances FAQ prohibited signs directional signs applications wall signs political signs banners a-frame signs construction signs yard sale signs snipe signs



City of Asheville
Planning & Development Department
PO Box 7148
Asheville, NC 28802
828-259-5831
www.ashevillenc.gov

Permanent Signs

Standards for All Signs

- A permit is required for all signs located in the City of Asheville corporate limits and the ETJ.
- Signs must meet the standards of the North Carolina Building Code
- Illuminated signs may not shine into surrounding areas and may not create a traffic hazard.
- Signs may not be placed in the Right of Way.
- A Certificate of Appropriateness is required for all signs in an historic district and on landmark properties.

Wall Signs

- Generally, a wall sign is any sign attached to a building. Types include projecting, window, awning/canopy, suspended, or transom.
- Wall signs can be internally-illuminated, non-illuminated, or externally-illuminated.
- Size allowances are based on zoning district and single tenant or multi-tenant locations.

Freestanding Signs

- Generally, freestanding signs are signs that stand alone and advertise a business or a group of businesses.
- Size allowances are based on zoning district and single tenant or multi-tenant locations.

Light Emitting Diode (LED)

- LED signs shall be permitted for all changeable copy, time and temperature, and marquee signs. Please call the Sign Administrator for restrictions.

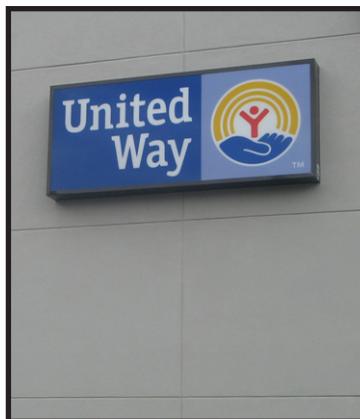
Home Occupation

- Attached home occupation signs shall not exceed one square foot per face, with no more than two faces per sign, and shall not be illuminated.

Places of Worship, Schools and Institutions in a Residential Zoning

- These uses are allowed a total of 60 square feet of signage to be located on a maximum of two signs.
- Only one sign may be freestanding.
- One of the allowed signs may contain a changeable copy panel.
- No sign may contain more than 30 square feet per face with two faces per sign.
- Signs may not exceed six feet in height.

For All Signs - Contact the Sign Administrator at 259-5822 for size allowances and permit pricing.



Temporary Signs

Temporary signs are allowed in all nonresidential zoning districts subject to specific restrictions: (1) Businesses are limited to 60 days of temporary signage per year. (2) Days of display may be separated into six separate 10 day occurrences, not to exceed 60 days. (3) Temporary signs include banners for special events and will require a permit.

- Temporary signs placed on the property of a business or attached to the outside of a building will require a temporary sign permit.
- A-Frame signs are only allowed in these zoning districts: Central Business, Neighborhood Corridor, Urban Village, and Urban Residential. Permits for A-Frame signs must be renewed each year. For questions on A-frame signs, please call 259-5829.
- Inflatable Balloon signs are allowed for a period of 10 days per calendar year and only one per business per year.

Permits for temporary signs are **generally** not required in these cases:

Temporary window signs - 16 square feet or less is allowed without a permit.

Yard sale signs - maximum of four signs on private property, no more than four square feet per sign face.

Political signs - no greater than eight square feet, specific restrictions on dates of installation and removal.

Construction signs - no greater than four square feet for residential, 32 square feet for multi-family or commercial, height not to exceed ten feet.

Real Estate Signs - contact Sign Administrator for size and number restrictions.

Prohibited Signs

The following signs are prohibited:

- Signs on roadside appurtenances including utility poles, bus shelters, parking meter poles, refuse containers, etc.
- Signs located in any public right-of-way.
- Signs on vehicles (exception - the vehicle must have valid registration and inspection, used in the course of the business and parked away from the street as feasible possible).
- Roof signs
- Wind signs
- Signs of illusion
- Signs resembling traffic signals
- Animated signs and flashing signs.
- Flags (exception - flags showing the insignia of nation, state, county or city)
- Snipe signs.
- Portable or moveable display signs.
- Signs obstructing access.

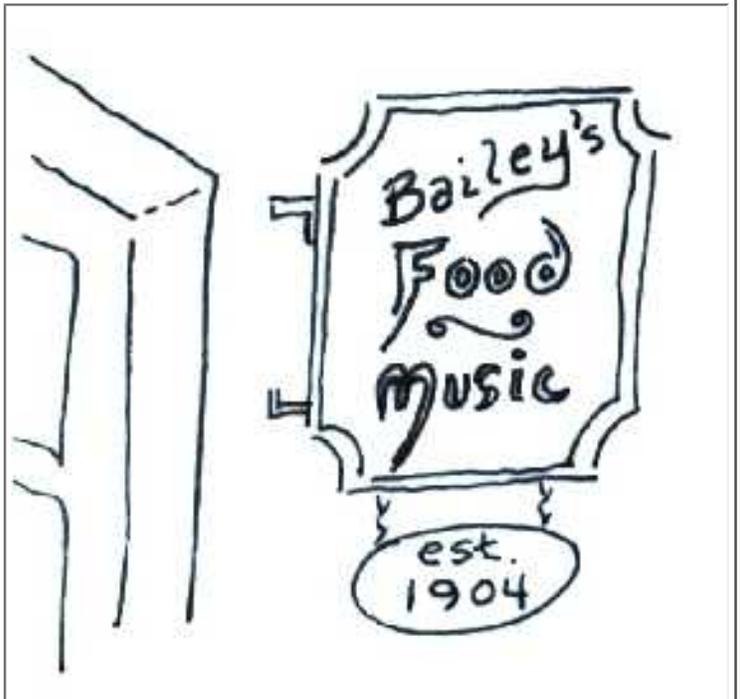


Snipe signs (left) and signs on utility poles are prohibited.

Disclaimer - This document is to serve as a general guide to the sign ordinance and does not encompass all requirements and restrictions of that ordinance. Please contact the Sign Administrator in the Planning & Development Department for clarification and additional information on signs and sign permits.

Code of the City of Washington, North Carolina
Chapter 27 - Zoning
Article XVI. Signs
Illustrated Sign Ordinance
Section 178: Nonconforming signs

(a) Signs in existence on the effective date of this ordinance which do not conform to the provisions of this Chapter, but which were constructed, erected, affixed, or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs. Although it is not the intent of this section to encourage the continued use of nonconforming signs; nonconforming signs, except those specifically listed in [Section 27-183](#), shall be allowed to continue and a decision as to the continued existence and use or removal of such signs shall be controlled as follows:



(1) No nonconforming sign shall be changed to another nonconforming sign. "Changing" includes replacing a sign panel within an existing frame with another panel of identical size or shape.

(2) No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.

(3) No nonconforming sign shall be structurally altered so as to change the shape, size, type, or design.

(4) No nonconforming sign shall be re-established after the activity, business, or use to which it relates has been discontinued or changed to another use. Such signs shall be removed in accordance with [Section 27-182](#).

(5) No nonconforming sign shall be re-established and all remains of the sign must be removed in accordance with [Section 27-182](#) if the sign is damaged or destroyed, such that the estimated expense of repairs exceeds fifty (50) percent of the estimated total value of the sign at the time of damage or destruction. If damaged by less than fifty (50) percent of the

estimated total value, but repairs are not made within three (3) months of the time such damage occurs, the nonconforming sign shall not be allowed to continue and must be removed in accordance with [Section 27-182](#).

(6) No nonconforming sign shall be relocated.

(7) Normal maintenance and repair of a nonconforming sign is permitted providing the shape, size, type, or design of the sign is not altered.

(b) Signs located on premises which come into the extraterritorial planning and zoning jurisdiction of the City of Washington after the effective date of this Ordinance, which signs do not comply with the provisions of this Article, shall be subject to the requirements listed in subsection (a) above.

(c) Any nonconforming sign which is structurally altered, relocated, or replaced shall immediately be brought into compliance with all the provisions of this Article, and be subject to [Section 27-182, Sign Removal and Discontinued Signs](#).

NOTE: The on-line version may vary from the official version of the Washington City Code.

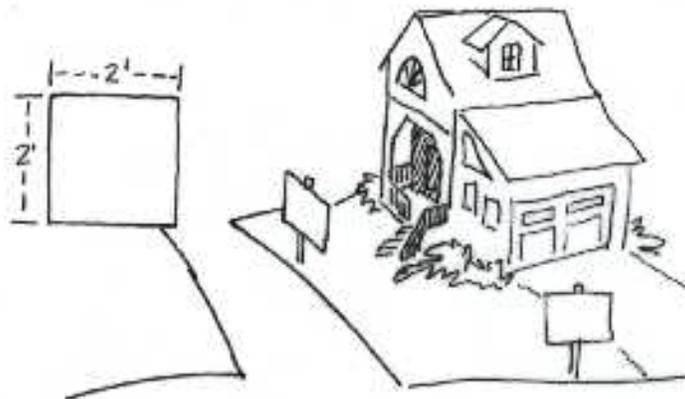
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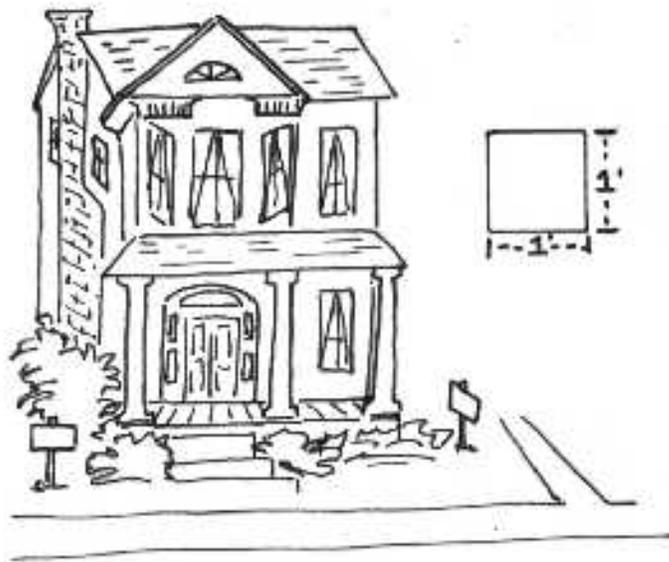
Code of the City of Washington, North Carolina
Chapter 27 - Zoning
Article XVI. Signs
Illustrated Sign Ordinance
Section 170: Total allowable sign surface area

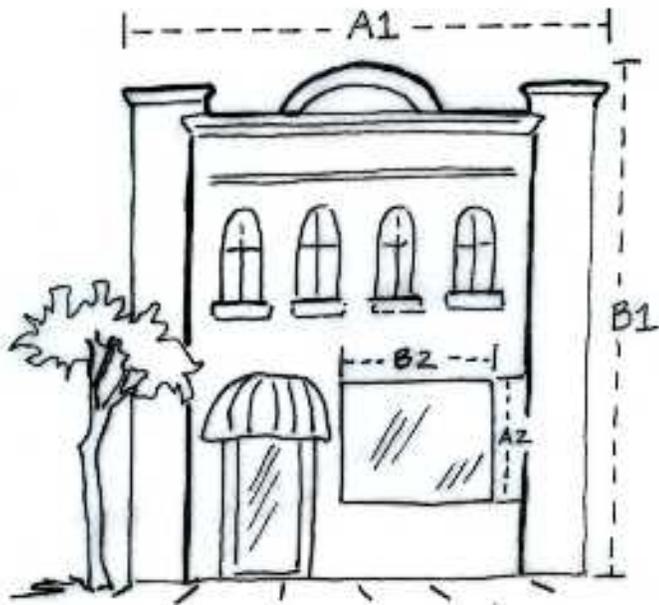
(a) Unless otherwise provided in this Article, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.

(b) Unless otherwise provided in this Article, the maximum sign surface area permitted on any lot in any residential district is four (4) square feet.



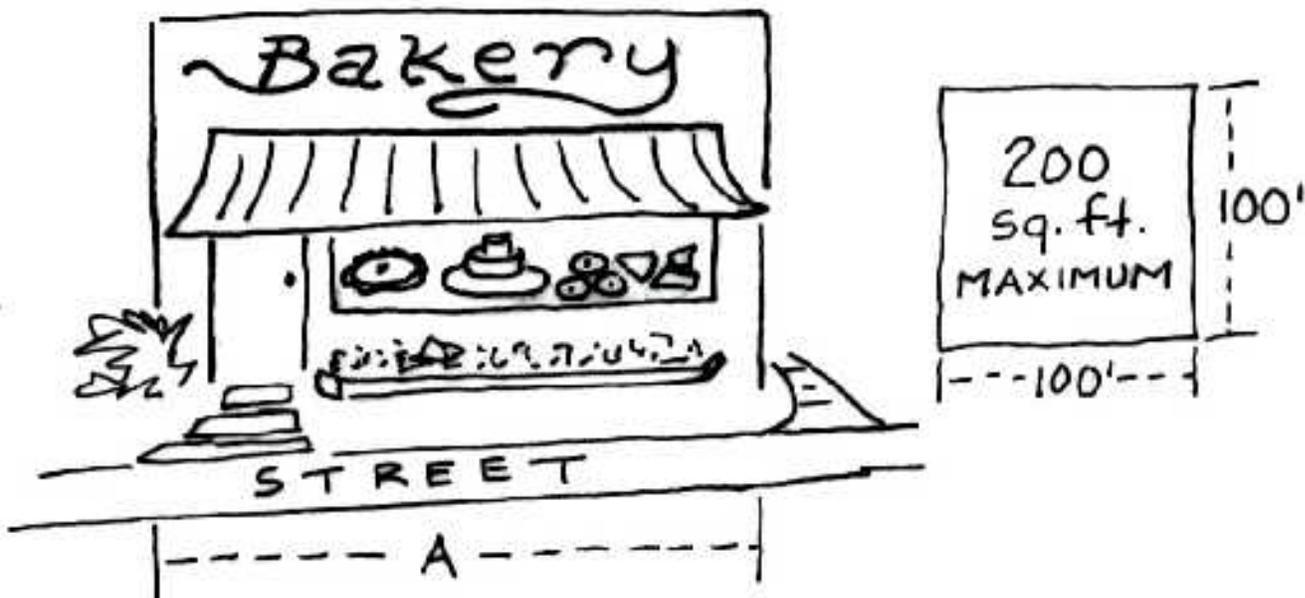
In the [RHD district](#), the maximum sign surface area permitted on any lot is two (2) square feet. The maximum sign surface area allowed for approved home occupations is set out in [Section 27-175\(e\)](#).



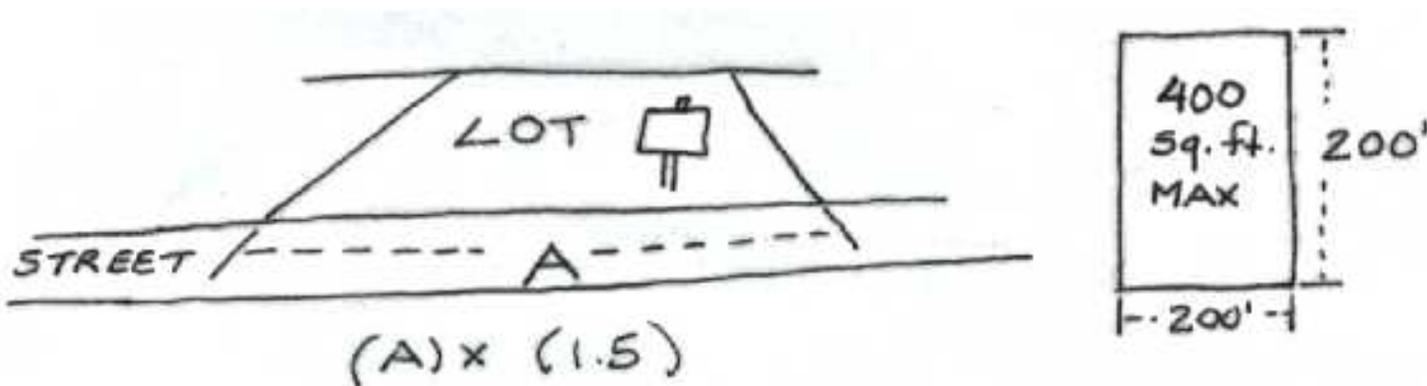


(c) Subject to the other provisions of this ordinance, the maximum sign surface area permitted on any lot in a [B1H district](#) shall be five (5) percent of the area of the building facade plus twenty (20) percent of the area of the front display window. However, in no case may the total sign surface area exceed one hundred (100) square feet.

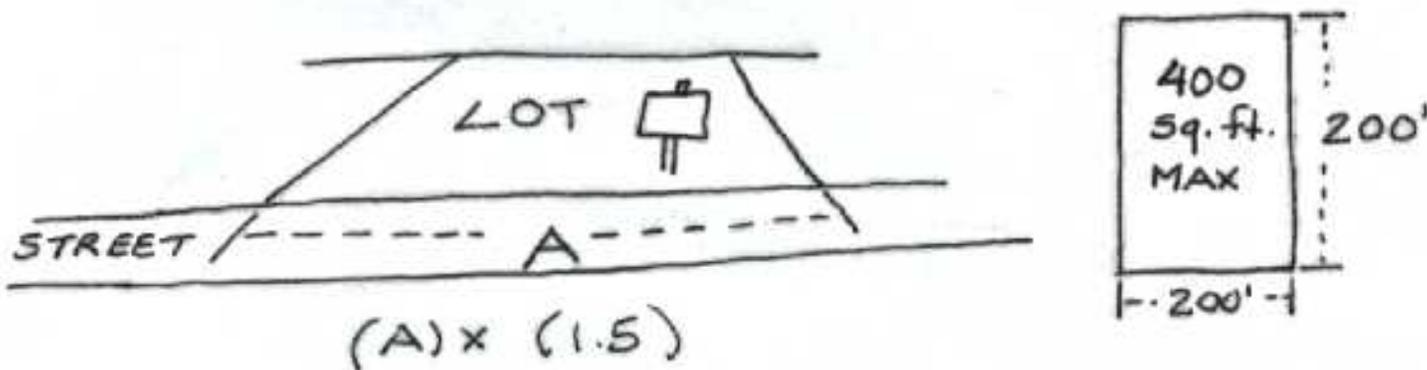
(d) Subject to the other provisions of this Section, the maximum sign surface area permitted on any lot in an [O&I](#) or [B4](#) district shall be determined by multiplying the number of linear feet of street frontage by seventy-five one-hundredths (0.75) of a foot. However, in no case may the total sign surface area exceed two hundred (200) square feet.



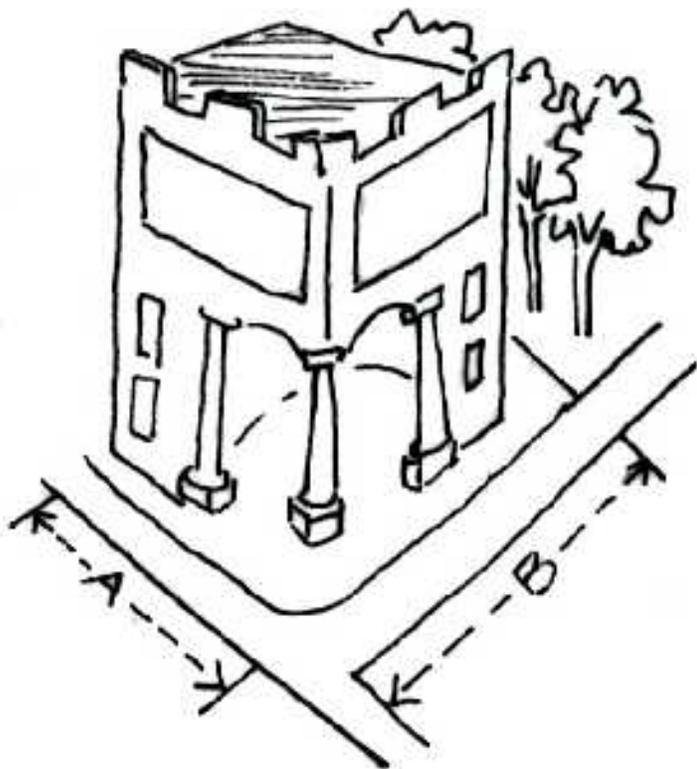
(e) Subject to the other provisions of this Ordinance, the maximum sign surface area permitted on any lot in a [B2](#), [B3](#), [I1](#), or [I2](#) district shall be determined by multiplying the number of linear feet of street frontage of the lot by one and one-half (1.5) feet. However, in no case may the total sign surface area exceed four hundred (400) square feet.



(f) Within a [Planned Unit Development \(PUD\)](#), the maximum sign surface area permitted for each use shall be determined by multiplying the number of linear feet of street frontage of the development by one and one-half (1.5) feet. However, in no case may the total sign surface area for each use exceed four hundred (400) square feet.



(g) If a lot has frontage on more than one (1) street, then the total surface area permitted on

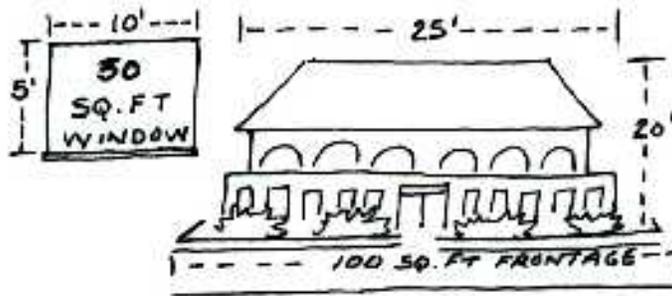


that lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street.

(h) Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be the sign surface area that would be allowed if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street. The applicant shall be restricted to using only one (1) street and the closest lot boundary to this street for determining the total permitted sign surface area. However, the applicant shall be given the opportunity to determine the one (1) street used in the calculation.



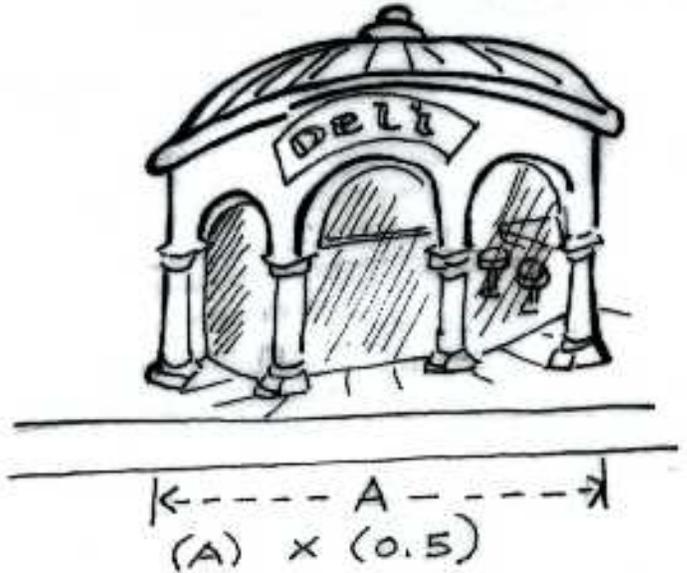
(i) The total sign area delineated in this section may be allocated among the various types of permissible signs at the discretion of the sign permit applicant. However, the maximum sign area allocated to any one (1) particular type of sign is outlined in [Sections 27-171](#) and [27-172](#). Therefore, the total sign area determined by this section may not be attained in some cases because of the sign area cap for individual freestanding or wall signs. For example, a use in the [B1H district](#) with one hundred (100) feet of lot frontage, five hundred (500) square feet of building facade, and a front display window area of fifty (50) square feet would be allowed a total sign area of thirty-five (35) square feet, since freestanding signs are not permitted in the B1H district. A maximum wall sign of twenty-five (25) square feet (500 feet building facade surface area x 5% = 25 square feet) and a maximum window sign of ten (10) square feet (50 feet display window area x 20% = 10 square feet) would be allowed.



Consequently, the limited amount of building facade area and the fact freestanding signs are not allowed in the district, in this case, would prevent the total sign surface area from being attained. The amount of total permissible sign area not utilized for freestanding and wall signs could, however, be applied to other types of allowable signs.

(j) The maximum sign surface area permitted in the [AP zone](#) shall be determined by multiplying the number of linear feet by one-half (0.5) foot. However, in no case may the total sign area exceed one hundred (100) square feet.

(Ord. No. 01-01, 01-08-01)



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residential districts located on a nonresidential property shall be located no closer than fifty (50) feet to any property line used for residential purposes.

- d) All signs shall comply with Section 1171.9 Unobstructed Sight Distance.

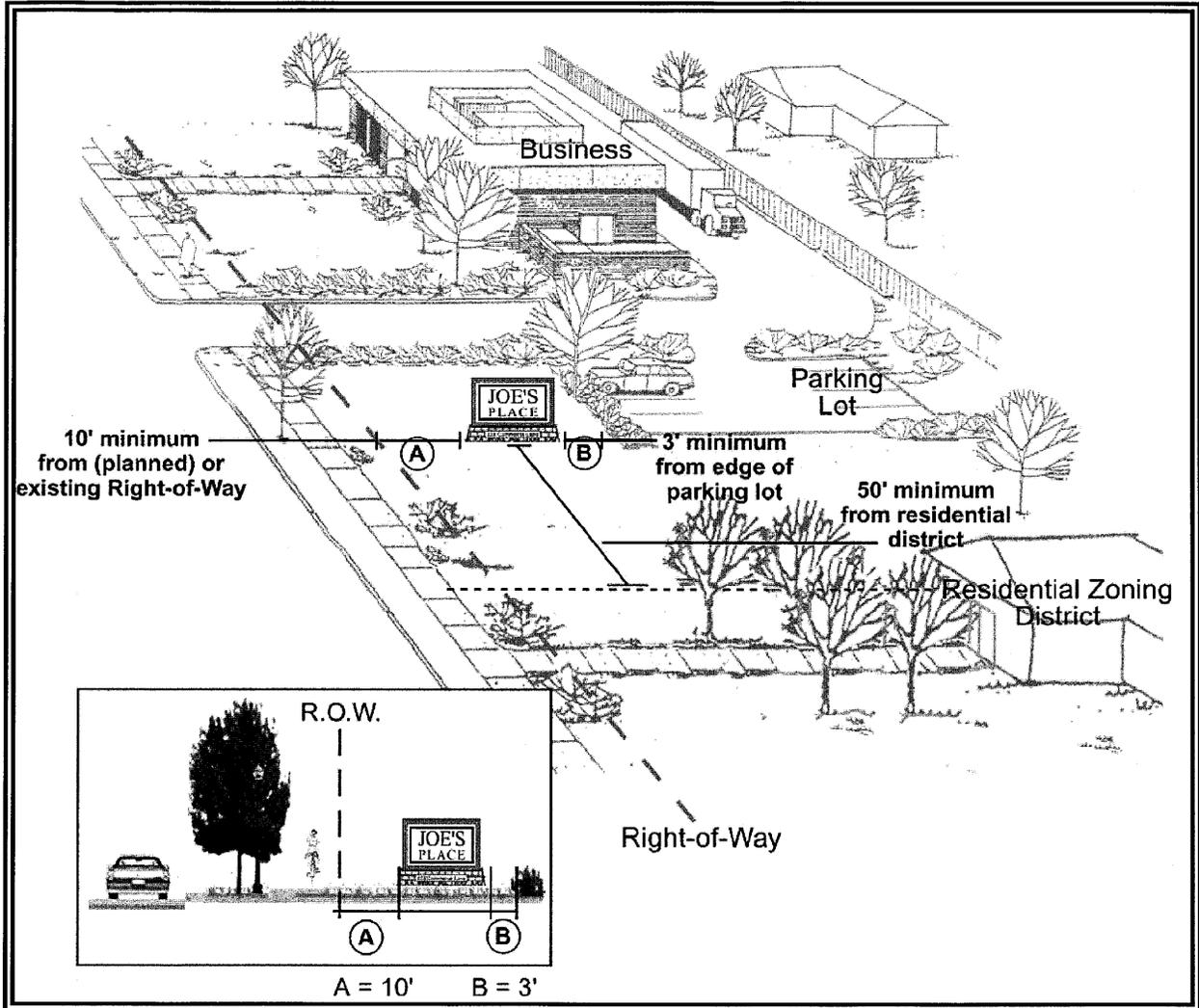


Figure 1187.1: Sign Setbacks

C) Construction Standards.

- 1) General Requirements. All signs shall be designed and constructed in a safe and stable manner in accordance with the Building Code and other applicable codes. All electrical wiring associated with a freestanding sign shall be installed underground.
- 2) Framework. All signs shall be designed so that all internal support framework is contained within the sign or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

D) Sign Area, Setback and Height Measurements.1) Sign Area Measurements. Sign area shall be computed as follows:

- a) General Requirements. Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign, including any frame which forms an integral part of the sign display (see Figure 1187.2).
- b) Individual Letters. Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the rectangular envelope required to enclose the lettering and logo.
- c) Freestanding Sign. The area of a freestanding sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.

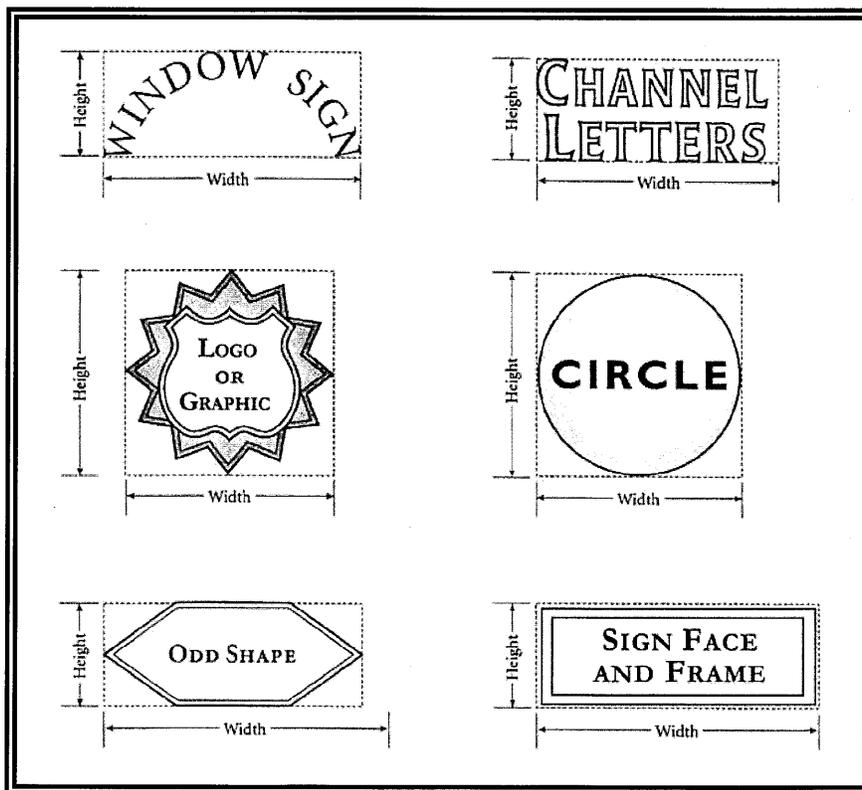


Figure 1187.2: Sign Area Measurements

- 2) Setback and Distance Measurements. The following guidelines shall be used to determine compliance with setback and distance measurements:
- The distance between two (2) signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
 - The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the sign and the outer edge of the parking lot or building.
 - The distance between a sign and a property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and property line.
 - The distance between a sign and a right-of-way line shall be measured along a straight horizontal line that represents the shortest distance between the sign and right-of-way line.
- 3) Height Measurements. Sign height shall be computed as follows:
- The height of a freestanding sign shall be determined by measuring the vertical distance between the top part of the sign or its structure or frame, whichever is highest, to the elevation of the ground directly beneath the sign or the elevation of the street centerline of the road that the sign fronts on, whichever is lowest (see Figure 1187.3). In the event that the sign height is less than allowed under this Chapter due to the differences in elevation between the street centerline and the ground beneath the proposed sign, the applicant may request a sign height determination from the Zoning Board of Appeals. The Zoning Board of Appeal's determination may not exceed the maximum permitted height of a freestanding sign as regulated in this Chapter.

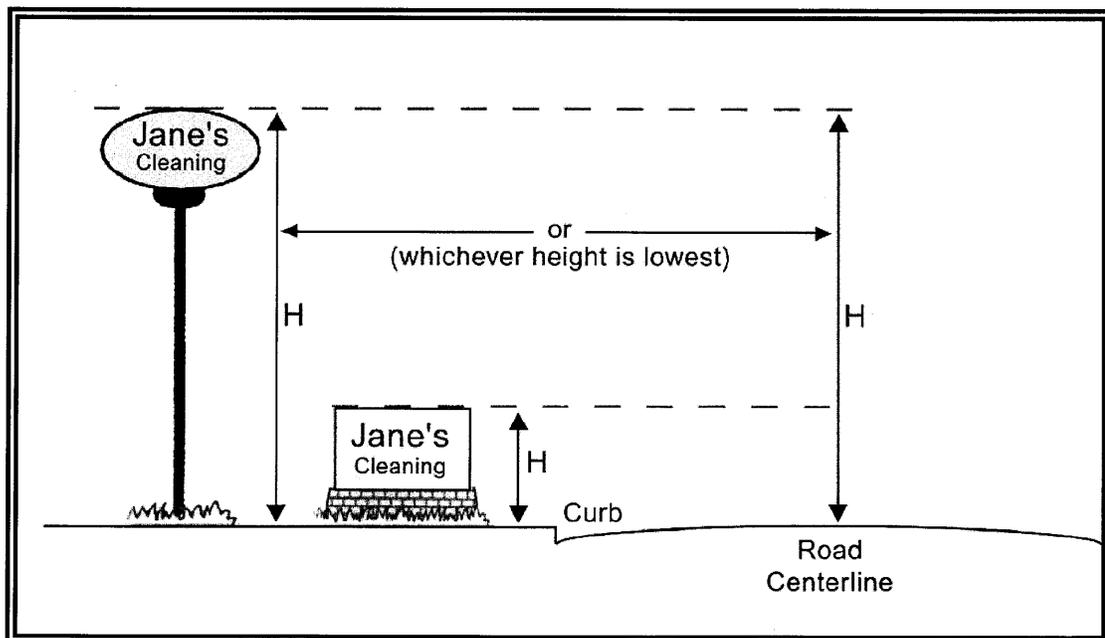


Figure 1187.3: Freestanding Sign Height Measurements

- b) The height of an awning, canopy, marquee, window, wall, or projecting sign shall be determined by measuring the vertical distance between the top part of the of a sign letter, symbol, panel, or frame, whichever is highest to the elevation of ground underneath the sign (see Figure 1187.4).
- c) Any material whose major function is to provide structural support for a sign shall be considered part of the sign for purposes of determining sign height.

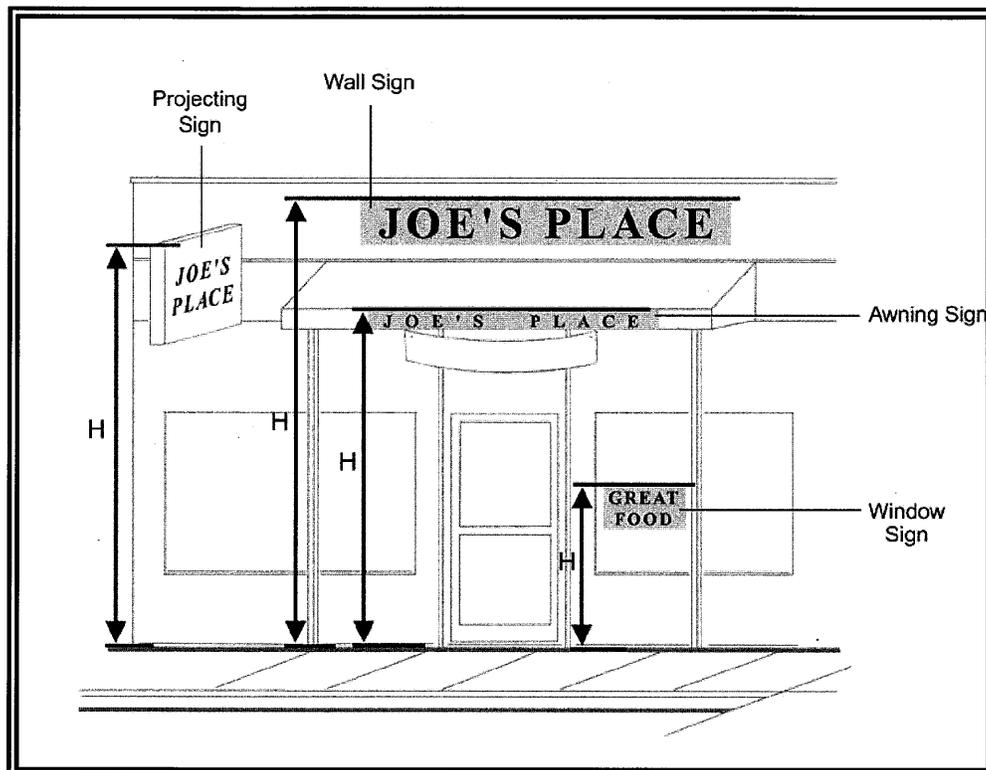


Figure 1187.4: Window, Awning, Projecting and Wall Sign Height Measurements

E) Illumination.

- 1) General Requirements. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, except for all signs located in the B-1 Central Business District, which shall be externally lit.
- 2) Non-Glare, Shielded Lighting. Use of glaring, unshielded or undiffused lights or bulbs shall be prohibited. Lights shall be shielded so as not to project onto adjoining properties or thoroughfares.
- 3) Traffic Hazards. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
- 4) Bare Bulb Illumination. Illumination by bare bulbs or flames is prohibited.

- 5) **Intensity.** Illumination resulting from all signs and sign lighting on any property in a non-residential zoning district shall not exceed one-half (½) foot candles at a height of five (5) feet when measured at any point on property in a residential zoning district or at any point on any road right-of-way.
- F) **Sign Design Features.** The following standards shall apply to all signs:
- 1) All signs shall be designed, constructed, and maintained so as to compliment the construction materials and architectural style of the principal structure on the lot and to prevent nuisances and distractions to motorists.
 - a) **Location.** Signs shall not cover architectural details such as arches, transom windows, doors, moldings, columns, capitals, sills, cornices, and similar details.
 - b) **Material.** Sign materials shall compliment the construction materials and architectural style of the building facade.
 - c) **Lettering Style.** Lettering style shall be clean and simple to assure readability (see Figure 1187.5).
 - d) **Colors.** Colors used on any sign should be in harmony with the building color and architecture.
 - e) **Text Lines.** The amount and number of text and text lines on any sign should be kept to a minimum to aid in effective communication and to prevent a nuisance (see Figures 1187.5 and 1187.6).

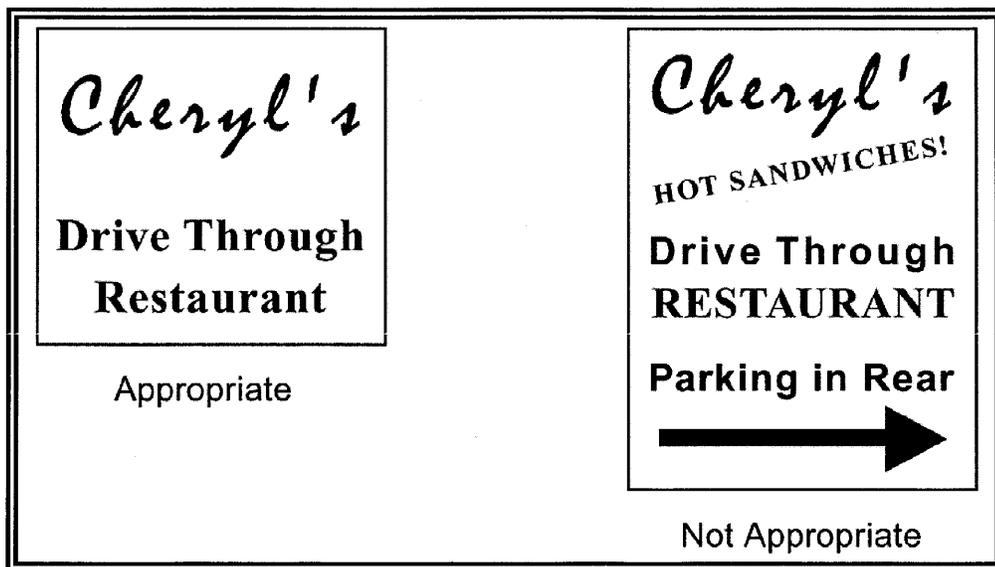


Figure 1187.5: Appropriate Lettering Style and Number of Text Lines

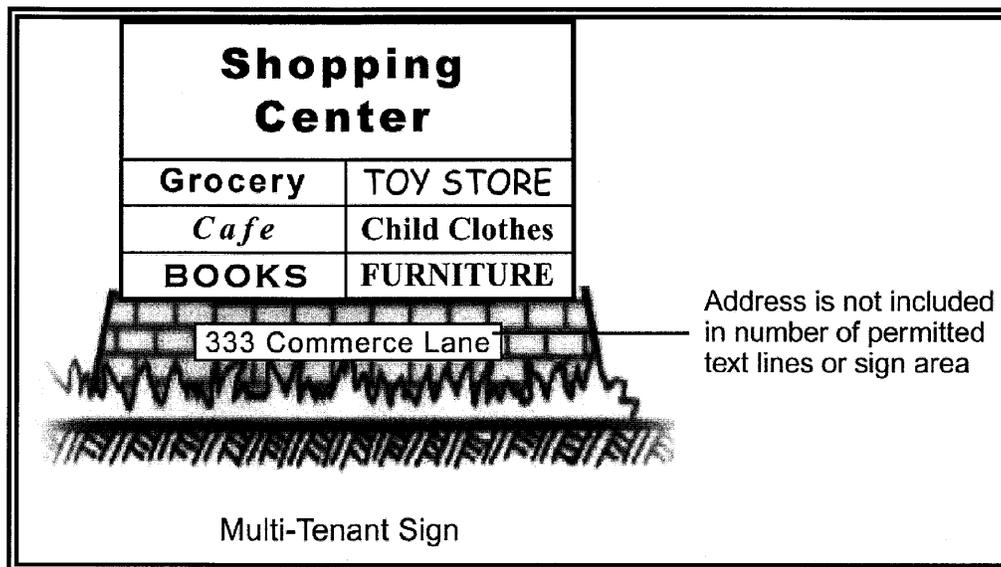


Figure 1187.6: Example Multi-Tenant Ground Sign

G) Treatment of Existing Signs.

1) Maintenance.

- a) All signs and sign structures shall be kept in repair and in a proper state of preservation.
- b) Sanitation/Landscaping. Property surrounding any freestanding sign shall be kept clean, sanitary, and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials.

2) Inspection of Existing Signs. The Building Official shall have the authority to routinely enter onto property to inspect existing signs for compliance with this Chapter. In conducting such inspections, the Building Official shall determine whether the sign is compliant with the City of Mason Building Code. The sign owner shall be notified of any defects or deferred maintenance requiring corrective action in writing.

3) Correction of Defects. If any sign reaches a state of disrepair and is deemed unsightly or unsafe or abandoned by the Zoning Administrator and is not properly renovated within thirty (30) days, it shall be condemned and an order issued for its immediate removal by sign erector, owner of the sign, or owner of the land.

4) Removal of Signs.

- a) Public Nuisance. Signs that exhibit a material defect or lapse of maintenance to such an extent that the sign jeopardize public safety shall be deemed a nuisance by the Building Official or his designee and be removed immediately at the expense of the property owner. The Building Official or his designee



Citizen's Guide To Code Compliance

BEING A GOOD NEIGHBOR

Updated May 10, 2007

Neighborhoods and structures in the City of Sarasota require proper maintenance to stay in good condition as they age. Maintaining good neighborhoods is the cooperation of individual property owners and tenants. The Sarasota City Commission has adopted a standard housing code and other ordinances, which create minimum standards for the betterment of our neighborhoods. These standards protect surrounding property owners and tenants from having property values negatively affected by substandard conditions.

The following are some recommended inspections which you can utilize to evaluate whether your property or your neighbors' property is in compliance with the City's minimum standards.

PROPERTY INSPECTION CHECKLIST:

Exterior Inspection (Exterior must be resistant to water and in good condition):

- Roof coverings
- Roof parts including rafters, trusses, soffit, and fascia
- Exterior walls
- Windows and screens
- Railings on stairs, landings, and porches
- Fences

Exterior Inspection Actions:

- Repair rotted wood
- Replace/repair broken or missing boards, siding or shingles
- Make all exterior parts weather tight, rodent proof, and sound

Interior Inspection:

- Walls
- Ceilings, and floors
- Plumbing pipes and fixtures

Interior Inspection Actions:

- Repair holes in walls or ceilings
- Replace/repair broken or missing floorboards or tiles
- Replace/repair broken or leaking plumbing pipes or fixtures (Stopping leaks can also help reduce your water bill)

Additional items to check:

- Address numbers are attached to the residence and are clearly visible from the street
(Residential requires 4-inch numbers, commercial 6-

inch numbers)

- Insects and rodents are exterminated.

The following are some maintenance recommendations which you can utilize to keep your property in a safe and sanitary condition.

PROPERTY MAINTENANCE:

- Keep your buildings substantially free of dirt, stains, rust, mold and mildew
- Ensure surfaces are free of broken glass and loose shingles
- Maintain brick, stone, stucco, spray crete and painted surfaces so as to not reflect inadequate maintenance or deterioration

YARD MAINTENANCE:

- Mow the lawn so that grass, weeds, or other vegetation is 10 inches or less in height on developed property
- Mow the lawn so that grass, weeds, or other vegetation is 12 inches or less in height on undeveloped property
- Mow to the edge of any paved roadway or street
- Trees over the public right-of-way and sidewalks must be trimmed up to a height of 10 ft
- Trees over the street must be trimmed to the height of 14 ½ ft. above street surface

STORAGE:

- Outdoor storage of materials not specifically designed for or commonly used outdoors is prohibited
- An inoperable or unlicensed motor vehicle must be completely enclosed in a building otherwise:
 - It must have a current registration
 - A valid license affixed to it
 - Shall be stored outdoors for no more than three calendar days

BUSINESS ACTIVITIES:

Garage sales:

- Two per calendar year
- No more than two consecutive days
- Between the hours of 7 a.m. and 6 p.m.
- Signs must be placed on private property only

Home Occupations (any business conducted from your home):

- Properly licensed and meet strict criteria
- Information on obtaining Local Business Tax Receipt call (941) 954-4186



Citizen's Guide To Code Compliance

SOLID WASTE AND RECYCLABLE CONTAINERS:

Solid waste and recyclable containers shall be placed at curb or roadside no earlier than 5 p.m. of the day prior to the regularly scheduled collection and returned to the side or rear yard no later than 8 a.m. on the following day. *Note: (This also applies to a corner or through zoning lot which has frontage on more than one street.)

JUNK, TRASH, RUBBISH, AND ABANDONED ITEMS:

Discarded items that are allowed to accumulate that are valueless, or have only nominal or salvage value and are abandoned or left unprotected from the elements on public or real property are prohibited. Yard waste must be prepared properly for pick up. Refer to Public Works Department information on the website at <http://publicworks.sarasotagov.com> and then click on FAQ for more information or call (941) 953-6559.

RECREATIONAL EQUIPMENT:

Boats, trailers, motor homes, campers, etc. may be parked or stored in a rear or side yard, but not in the front yard setback area.

SALE OF MOTOR VEHICLES FROM VACANT LOTS:

The sale of motor vehicles is prohibited on property not zoned for this use. Motor vehicle sales on vacant lots are prohibited unless the vehicle and property are owned by the same person.

CODE ENFORCEMENT/COMPLAINT RESPONSE:

In many instances, Code Compliance investigates a code violation and takes compliance action when a citizen reports a potential violation. If you think you know of a potential violation, you may report it in any of the following ways:

Online: <http://www.sarasotagov.com/CRM/CRMHomePage.html>

Telephone: (941) 954-4125

In person: Code Compliance, 2nd floor of City Hall Annex
1565 1st Street, Sarasota, FL 34236

If you are willing to identify yourself and provide your phone number or email address, you will be contacted in regards to the status of the investigation. You may remain anonymous if you wish, to learn the results of the investigation or to get a status you can either go online to <http://www.sarasotagov.com/CRM/CRMHomePage.html> and Check the status using the number you will be given upon complaint submittal or call (941) 954-4125 and ask for an update.

When reporting a possible violation, you should provide Code Compliance with the exact address of the building, unit number if applicable, or as specific a location as possible to enable the inspector to locate the site. Then describe the condition you have observed. After receiving a citizen request, Code Compliance will inspect any property as soon as possible to determine if a code violation exists. Health and safety related housing complaints are the highest priority. If a violation is found, a notice will be either mailed to the property owner or they may receive a door hanger requiring compliance by a certain date.

IF YOU RECEIVE A NOTICE OF VIOLATION FROM THE CODE COMPLIANCE DEPARTMENT, carefully read the notice to find out what the violation is, correct the problem, and do so promptly. You can ask for additional time provided you are making progress on the violations. Some of the problems may be serious and correction must not be delayed. YOUR CODE COMPLIANCE DEPARTMENT WILL HELP ANSWER ANY QUESTION YOU MIGHT HAVE AT (941) 954-4125 Weekdays between 8 a.m. and 5 p.m. If appropriate action to correct the problems is not taken, there are several possible consequences. The City can arrange for property to be mowed, or a vacant open structure can be boarded up, and the cost is then billed to you. A code compliance order can be issued with daily running fines, which could result in liens against your property. If legal action becomes necessary, you will appear before the Code Compliance Special Magistrate to explain your case and ultimately fines and liens may be assessed. If you have a complaint to file, you may call the Code Compliance Department at (941) 954-4125. On Weekends the Code Compliance department's answering machine is on, and you may leave a message and the weekend inspector will return your call, or you may leave a complaint and the weekend inspector will handle it.

For more detailed information on the ordinances, procedures and penalties involved with Code Compliance refer to the relevant codes at <http://www.municode.com/resources/gateway.asp?pid=11553&sid=9> this database is searchable by keyword.

THANK YOU FOR HELPING KEEP YOUR CITY A BEAUTIFUL PLACE TO LIVE!

Legal Disclaimer: This Citizen's Guide to Code Compliance should not be used in place of the existing codes and ordinances. Details of your situation should be reviewed for specific compliance by Code Compliance Staff.