

***Town Council: Ray Burger, Thelma Gillespie, Cynthia Holdren, Joy Marino, Sarah Nock and Maphis Oswald
Mayor: Fletcher Fosque | Town Manager: Matt Spuck***

Planning Commission

May 2, 2022

5:30PM Council Chambers

Agenda

- 1) Call to Order
- 2) Attendance/ Establish Quorum
- 3) Review meeting minutes from April 4, 2021, meeting
- 4) Special Use Permit – Homestay – 60 Kerr
- 5) Commissioner Ordinance Review and Discussion, Previously Discussed:
 - (a) Article VII: Business Waterfront (B-W)
 - (b) Article V: Business, Downtown, District (B-1)
- 6) Commissioner Review of Ordinance for Future Discussion
 - (a) Article XI: Sign Regulations
 - (b) Article VI: Business, Highway, District (B-2)
- 7) Commissioner comments
- 8) Adjourn

**Town of Onancock
Planning Commission Meeting
Monday, April 4, 2022
5:30 PM**

1) Call to Order

Chairperson Schreiber called the meeting to order at 5:30 PM.

2) Attendance/Establish Quorum

Chairperson Schreiber, Commissioner Brockmeier, Commissioner Tunstall, Commissioner Byrd, Commissioner Fosque were present. Commissioner Byrd and Commissioner Frey were not present. A quorum was established.

Town Manager Matt Spuck and Town Clerk Debbie Caton were present.

3) Minutes

Chairperson Schreiber asked for a motion to approve March 7,2022 minutes as presented. Commissioner Tunstall made a motion to approve. Commissioner Brockmeier seconded the motion. The motion was approved by 5-0 vote.

4) Review March through June discussion topics.

The April 4,2022 agenda listed ordinances to be reviewed each month by Planning Commission. The recommendation to make changes (or not) to these ordinances will be presented to Town Council. The published schedule was changed because Town Council felt it necessary to expedite the review of Business Waterfront – BW district. The Town Council and citizens expressed concerns if other parcels are sold within the BW district that we need a clearer ordinance governing the use of property. The revised schedule is as follows:

- (a) May – BW -Business Waterfront and B1 – Business Downtown District
- (b) June – B2 – Business Highway District
- (c) July – Spot blight

April discussion focused on B1 ordinance. The recommended changes are to include apartment by right on second floor, allow Homestay by right but require special use permit, eliminate the cluster rule that is currently part of the Homestay ordinance and suggested solutions to public parking. All changes will work toward the Comprehensive Plan and a clear vision of Onancock's future. Matt Spuck will update the ordinances for review at the May meeting. The May meeting will also include recommend changes to BW District.

5) Chapter 34 – Utilities

Matt updated the Commission that the zoning designation to allow sewer pumping stations in town was approved by Town Council.

6) No new agenda items were recommended.

7) Meeting adjourned at 7:00 PM.

TOWN OF ONANCOCK

15 NORTH STREET
ONANCOCK, VIRGINIA 23417

SPECIAL USE PERMIT APPLICATION

Applicant's Name: Diana K. Reed

Address: 412 Sinclair St., Norfolk, VA 23505

Telephone: 757-389-1080 Date: 4-3-22

Location & Legal Description of Property Proposed* : _____

60 Kerr St.

Tax Parcels # 85A2-19-1 & 85A2-19-2

See Attachment # 2

No. of total guests (for homestay applicants only): 4

No. of proposed parking spaces (for homestay applicants only): 2

Parcel Number: 085A21900000100

Zoning Classification: Single Family Residential District (R-1)

Name and telephone number for local emergency contact: Pete Messick -

Broker-Owner Peninsula Properties of Virginia (O) 757-787-2618 (C) 757-

Description of Proposed Use: Homestay / Short-term Rental for 607-6036

temporary periods of time not to exceed three weeks.

Home will be listed through AirBnB or VRBO. Property
will be managed locally by Pete Messick, licensed agent-broker,
who resides in Melfa.

My husband and I will use the property for

brief periods of time throughout the year.

We do not own any other Homestay properties in Onancock
or elsewhere.

The property was purchased / closed on 3-31-22.

(* See HUD Attachment # 1. Please do not post this
on the publicly viewed Town Council minutes.)

(757) 787-3363
Phone

(757) 787-3309
Fax

www.onancock.com
Website

TOWN OF ONANCOCK

15 NORTH STREET
ONANCOCK, VIRGINIA 23417

I certify that the information listed above is true and accurate to the best of my knowledge,
and I will comply with all provisions of the Code for the Town of Onancock.

Diana H. Reed

Signature of Applicant

4-3-22

Date

***For requests to operate homestays, the applicant must attach a site plan that provides location of the home, setbacks from all property lines and the street, no. of proposed parking spaces, and traffic flow patterns entering and leaving the property. The zoning administrator will conduct a site visit of the property as part of the review of the application.**

(757) 787-3363
Phone

(757) 787-3309
Fax

www.onancock.com
Website

Diana K. Reed -
Owner
60 Kerr St.
Attachment #2

Accomack & Northampton Surveying & Mapping PLLC
Marshall B. Parks LS #2995
22248 PARKER'S LANDING ROAD
BLOXOM, VIRGINIA 23308
gosterling40@yahoo.com
757-709-4192
March 20, 2022
A & N JOB #1363

Legal Description

Accomack County Tax Parcels #85A2-19-1 & 85A2-19-2
#60 Kerr Street Town of Onancock, Virginia

Beginning at an iron pipe set at the southeast corner of the intersection of Kerr Street and Jackson Street thence along the southern side of Kerr Street a bearing of S 78D 30' 00" E a distance of 95.57' to an iron axle found at the corner of Tax Parcel #85A2-19-2A owned by Carroll B. Justis III Testamentary Trust. Thence along the property line of Carroll B. Justis III Testamentary Trust a bearing of S 08D 50' 26" W a distance of 174.64' to an iron axle found at the corner of Tax Parcel #85A2-19-4 owned by Shore Waves Properties LLC. Thence along the property line of Shore Waves Properties LLC the following two courses: a bearing of N 78D 25' 23" W a distance of 31.48' to an iron pipe found thence N 78D 25' 23" W a distance of 63.25' to an iron pipe found on the eastern side of Jackson Street. Thence along the eastern side of Jackson Street a bearing of N 08D 33' 48" E a distance of 174.55' to the point of beginning.

Parcel having an area of 16,592 SF or 0.381 Acre. Better known as Accomack County Tax Parcels 85A2-19-1 & 85A2-19-2. Also Known as Lot #1 and part of Lot #2 "Map of the A.P. Platt Property" recorded in Plat Book 2, Page 35 in the Land Records of Accomack County, Virginia.

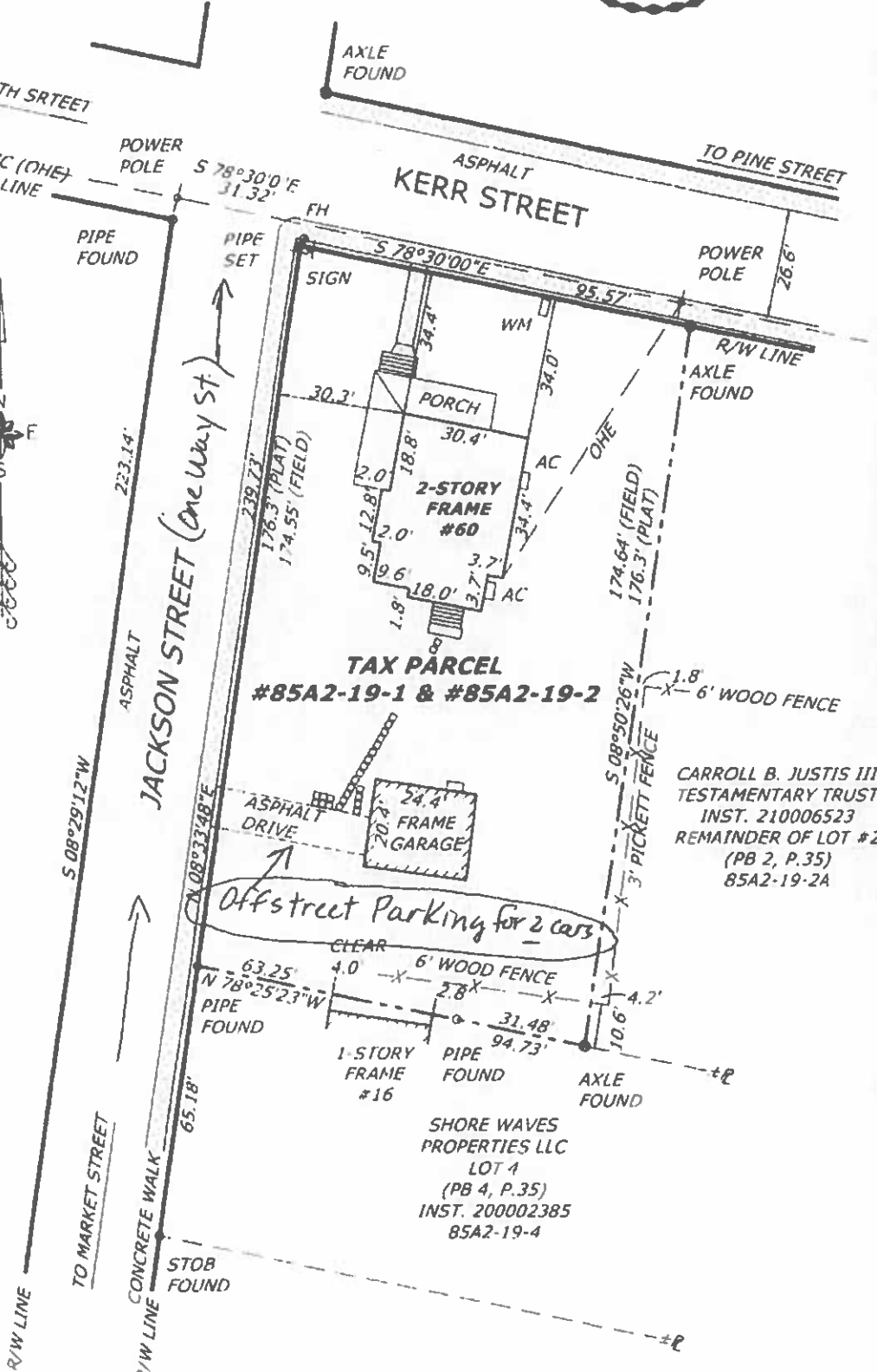
PERSON AND THAT INFORMATION IS SUBJECT TO CHANGE OR WILL BE SET BY POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.



Attachment # 3

GENERAL NOTES:

1. TAX PARCEL:
085A219000000100 &
085A219000000200
2. OWNERS: JAMIE S HOFFMAN
3. SOURCE OF TITLE:
INST. 210003866
4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN MARCH 2022 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.
6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51001C 0630G DATED 05-18-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAPS. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
7. AREA: 16,592 SQ. FT.
0.381 ACRES.
8. PLAT REFERENCES:
1) PLAT BOOK 2, PAGE 35
2) PLAT BY ACCOMACK & NORTHAMPTON SURVEYING & MAPPING PLLC DATED MAY 10, 2017 TITLED "PHYSICAL SURVEY OF #58 KERR STREET" SIGNED BY MARSHALL PARKS LS.

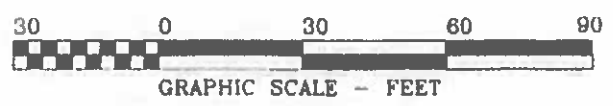


TAX PARCEL #85A2-19-1 & #85A2-19-2

CARROLL B. JUSTIS III
TESTAMENTARY TRUST
INST. 210006523
REMAINDER OF LOT #2
(PB 2, P.35)
85A2-19-2A

SHORE WAVES
PROPERTIES LLC
LOT 1
(PB 4, P.35)
INST. 200002385
85A2-19-4

PHYSICAL SURVEY
60 KERR STREET
BEING LOT #1 & PART OF LOT #2
(PLAT BOOK 2, PAGE 35)
LOCATED IN THE TOWN OF
ONANCOCK



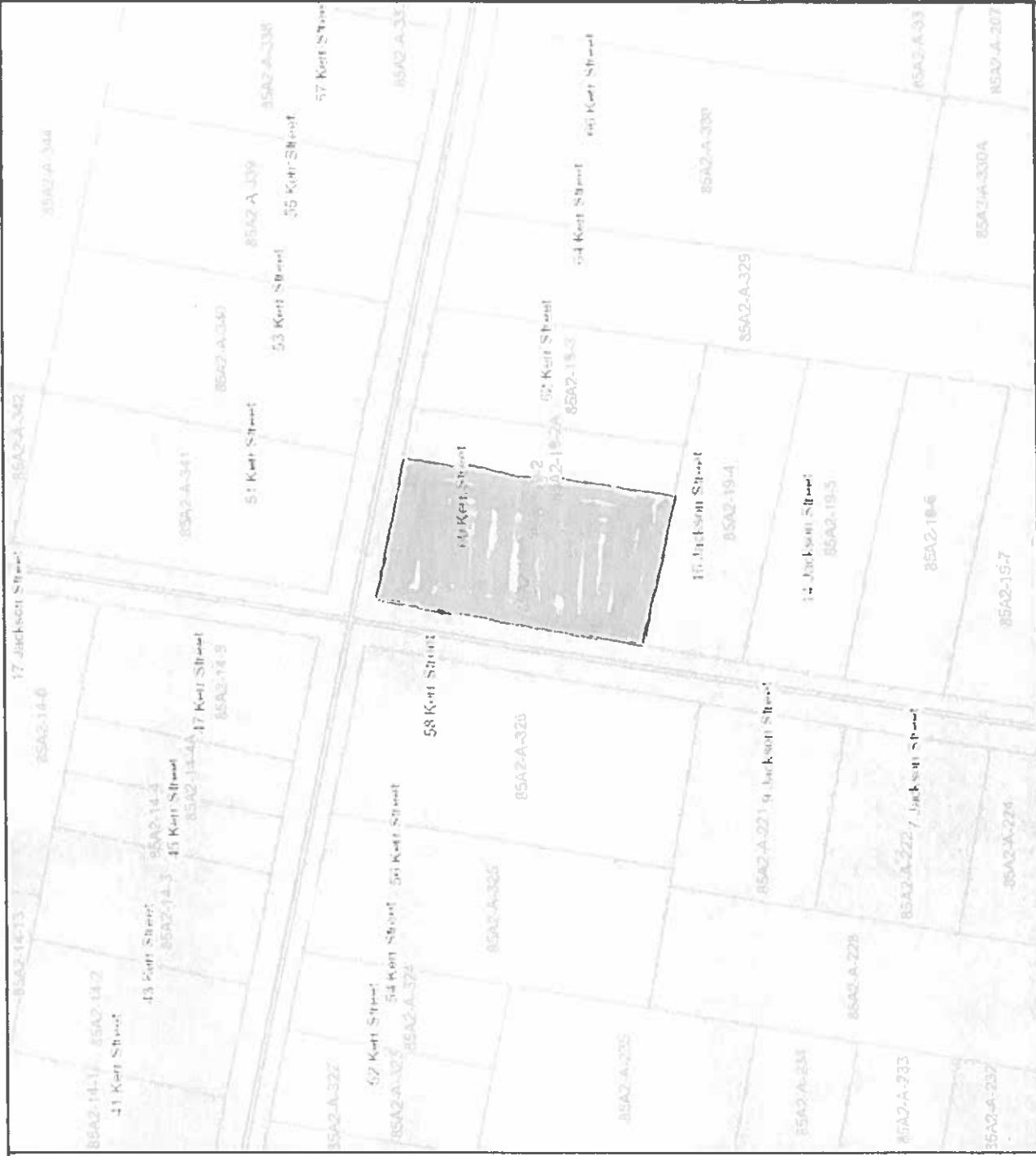
**ACCOMACK-NORTHAMPTON
SURVEYING & MAPPING**

36308 Lankford Highway, Belle Haven, Virginia 23306

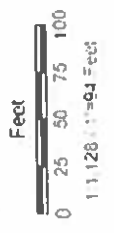
Accomack County, Virginia

Legend

Parcels



Map Printed from AccoMap
<https://parcelviewer.geodictions.com/Accomack>



Title:

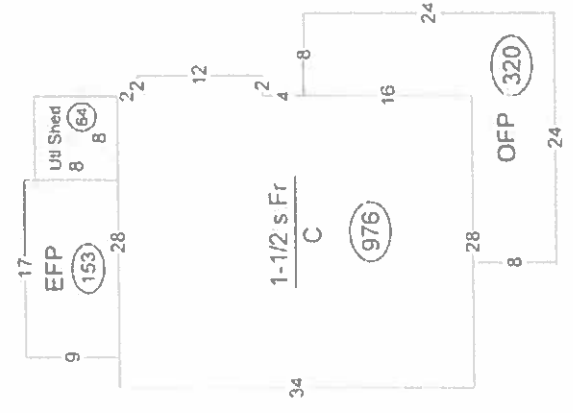
Date: 3/30/2022

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources and Accomack County is not responsible for its accuracy or how current it may be.

Attachment # 5

IMPROVEMENT DATA

02 03
 05



PHYSICAL CHARACTERISTICS

Occupancy: Single family
 Story Height: 1.5
 Finished Area: 1541
 ALIB: NDM
 Baseboard: None

ROOFING
 Material: Comp sh on 2x6"
 Type: Hip
 Framing: Std for class
 Pitch: Medium, 5/12-R/12

FLOORING
 Sun and Room's 1.0, 1.5
 Hardwood-Str: oak

EXTERIOR COVER
 Vinyl siding

INTERIOR FINISH
 Sheetrock

ACCOMMODATIONS
 Finish: 2000's
 Bedrooms: 3
 Bathrooms: 2

HEATING AND AIR CONDITIONING

Primary Heat: Heat pump
 Lower: Full Part
 /5000 1 Upper Upper
 No. Comp: 0 078 0

PLUMBING

3 Fixt. Batht
 2 Fixt. Kitch
 1 Klt. SINK
 1 Water Hndg
 TOTAL

REMODELING AND MODERNIZATION

Amount: \$0.00
 Date:



LOC: 100.00

SPECIAL FEATURES

Description Value
 1 PICTURED 100
 2 :SWB-PWB 6-00

SUMMARY OF IMPROVEMENTS

TD	Use	SLV	Const	Year Bt	Base	Feat-	Age	Size or	Computed	Phys	Market	Comp	Value
		Rtg	Type	Const	Date	ures	Area	Area	Value	Depr	Adj	Value	Value
D	DRECC	0.00	G	1975	1980	AV	0.00	2452	1857.20	40	0	1.25	100
0C	BEICAR	0.00	1	1975	1976	AV	25.80	247.20	13780	90	0	1.88	100
02	SWB	0.00	C	2000	2000	AV	0.00	0	1040	0	0	1.88	100
04	UTLSHEP	0.00	C	1975	1975	AV	13.34	8X 8	880	90	3	1.00	100
05	FRV	0.00	D	1975	1975	AV	1.76	28X 40	1260	70	0	1.00	100

Date Collector/Date Appraiser/Date
 05/04/2007

Neighborhood
 Neigh 05 AV

Supplemental Cards
 TOTAL IMPROVEMENT VALUE

Town of Onancock
Misc. Payment
Payment Date: 04/06/2022
Reprint Date: 4/27/2022

CUSTOMER NAME & DESC. OF PAYMENT
DIANA K REED

CK# 1318 SPECIAL USE PERMIT 60 KERR STREET

Cash:	\$0.00
Check:	\$150.00
Charge:	\$0.00
MoneyOrder:	\$0.00
Total Fee:	\$150.00
TOTAL PAID:	\$150.00
Change Due:	\$0.00

Details:
ZP \$150.00

Operator: 2
Receipt#: 26248

T H A N K Y O U !

ARTICLE VII. BUSINESS-WATERFRONT DISTRICT (B-W)

Sec. 38-205. Statement of intent.

Certain types of commercial activities either require waterfront ~~location, or location~~ or are enhanced by such location. The purpose of this district is to provide a multi-use district allowing compatible and complementary water-dependent businesses. Certain limitations may be imposed to protect residential desirability of adjacent neighborhoods and enhance the town's tidal water resources. As a general rule, uses which do not require waterfront locations are not permitted in the B-W District.

(Code 1989, § 24-45; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-206. Principal permitted uses and structures.

The following uses and structures shall be permitted by right in the Business-Waterfront District (B-W) subject to the provisions herein:

- (1) Marinas and yacht clubs, and servicing facilities for the same, including boat storage, fueling and repair of watercraft.
- ~~(2) Marine sales and services.~~
- (3) Retail shops and outlets in seafood; marine related equipment sales and repairs.
- (4) Facilities for the landing, storage and shipment of seafood and shellfish. Specifically, those activities conducted by local waterman.
- (5) Boat ramps, dock, piers and related facilities available to local or transient boaters.
- (6) Waterborne commerce, including docks and areas for the receipt, temporary storage, trans-shipment and freighting of waterborne commerce.
- (7) Recreational activities primarily conducted on a waterfront provided that such uses shall be contiguous to a waterfront.
- ~~(8) Bulk storage and freighting of petroleum.~~
- (9) Signs, as permitted in article XI of this chapter.
- (10) Public utilities. Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- ~~(11) Public parking~~
- ~~(12) Restaurants as defined in § 16-340~~

(Code 1989, § 24-46; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-207. Special exceptions.

~~The following uses shall be permitted~~ Any other use in the Business-Waterfront District (B-W), subject to all the other requirements of this chapter, only upon the obtaining of a special use permit from the town council.

- ~~(1) Boat buildings.~~
- ~~(2) Motels, hotels, inns and bed and breakfast type inns.~~
- ~~(3) Office buildings.~~
- ~~(4) Restaurants and soda fountains; restaurants in motels, hotels and inns.~~
- ~~(5) Gift stores and specialty shops; retail business; gift stores, specialty shops and retail businesses in motels, hotels and inns.~~
- ~~(6) Residential apartments above stores and offices. This shall exclude condominiums, as defined in the Code of Virginia, title 55, ch. 4.2, to § 55.1-1900.~~
- ~~(7) Libraries and museums.~~

(Code 1989, § 24-47; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-208. Setback regulations.

Structures shall be located five feet or more from any street right-of-way.

(Code 1989, § 24-48; Ord. of 6-5-1962; Ord. of 3-24-1997; Ord. of 7-14-1997)

Sec. 38-209. Height regulations.

Buildings may be erected up to 35 feet or 2 ½ stories high, except that:

- (1) Accessory buildings shall be limited to 1 ½ stories high.
- (2) Public utility structures, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, residential television antennas and residential radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(Code 1989, § 24-49; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-210. Limitations to Protect Residential Community and Other Supplemental regulations.

- (a) No activity which involves the use or handling of any noxious materials (any materials which are injurious to health upon casual human exposure without protective clothing or other protective equipment), no materials which have an offensive odor (as determined by a 2/3 majority of property owners within 1,000 feet of the operation), no waste and waste-related material, including materials for recycling and no radioactive materials shall be permitted in this district.
- (b) For permitted uses requiring an inventory of materials for onsite construction or repair, such materials shall be stored under cover.
- ~~(c) Non-retail operations may not operate between the hours of 5PM and 7AM Monday through Thursday and may not operate between 5PM Friday and 7AM Monday.~~
- ~~(d) As truck traffic negatively affects the residential character of the Town, transporting materials on or off the property shall be limited to no more than 30 cubic yards per day~~

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- (e) Noise levels for any operation, including equipment or safety systems may not exceed 50 decibels, which shall be randomly monitored by Town personnel, or by complaint, with Town provided equipment and measured from the property edge.
 - (f) Loading, unloading, handling, or transporting any material that may cause dust or residue of any kind that may be affected by wind shall be mitigated by fully enclosing the material handling process, watering the material as it is handled to mitigate dust but not cause run off into the Creek, and screen the property edge with natural barriers.

(Code 1989, § 24-50; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-211. Penalties.

- (a) Penalty for violating any regulation within this section is equivalent to a Class 4 Misdemeanor and subject to the maximum fine of \$250, or that maximum established by the Commonwealth of Virginia. Each violation will be treated as a separate violation and subject to the maximum fine per incident.

Secs. 38-21~~2~~—38-228. Reserved.

ARTICLE V. BUSINESS, DOWNTOWN, DISTRICT (B-1)

Sec. 38-148. Statement of intent.

This district is intended to provide for the conduct of limited business which provide convenience, goods and services to town residents and those people living in close proximity to the town.

(Code 1989, § 24-31; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-149. Principal permitted uses and structures.

The following uses shall be permitted by right:

- (1) ~~Apartments on floors above the ground floor~~ Accessory buildings.
- (2) Professional and business offices.
- (3) Banks and lending institutions.
- (4) Theaters
- (5) Restaurants, as defined in 16-340, micro-brewery, or catering establishments.
- (6) Signs as permitted under article XI of this chapter.
- (7) ~~Retail~~ Personal service retail stores, such as, but not limited to, barbershops, beauty parlors, spa services, and shoe repair shops.
- (8) ~~Stores for r~~ Retail sales, such as, but not limited to, dry goods, pharmaceuticals, gifts, general merchandise, food and food products of any kind, including production of bakery goods for retail sale in the same establishment, hardware, office supplies and similar retail establishments.
- (9) Public utilities. ~~Poles distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities. Transmission lines, transmission towers and electrical substations are not deemed necessary facilities under this section.~~
- (10) Virginia ABC Stores.
- (11) Libraries, museums, education facilities.
- (12) Exercise gyms.
- (13) Homestay, as defined in 38-77 herein, in apartments on floors above the ground floor (Business Apartments)
- (14) Hotels with up to 10 rooms
- (15) Churches and other places of worship
- (16) Public or Farmer's Market
- (17) Public Parking
- (18) Public outdoor spaces including community gardens

(19) Art galleries or studios

(Code 1989, § 24-32; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-150. Special exceptions.

~~The following uses shall be permitted~~ Any other use in the Business, Downtown, District (B-1), subject to all of the other requirements of this chapter, only upon obtaining a special use permit, as defined in article XV of this chapter, from the town council.

- ~~(1) Clubs and lodges.~~
- ~~(2) Churches.~~
- ~~(3) Apartments on floors above the ground floor with occupants to use off-street parking.~~
- ~~(4) Public billiard parlors, poolrooms, dance studios and similar forms of public amusement.~~
- ~~(5) Hotels.~~
- ~~(6) Nightclubs, meaning an establishment that provides live amplified music, karaoke, disc jockeys (DJs), and/or dancing between the hours of 9:00 p.m. and 6:00 a.m.; provided, however, that any special exception issued for this use shall be valid for 365 days only, unless further renewed by the town council for successive terms of 365 days, each.~~
- ~~(7) Open air produce and arts and crafts markets.~~

(Code 1989, § 24-33; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 7-27-1998; Amd. of 2-24-2003; Mo. of 2-22-2010; Ord. No. O-06-2012, § 24-33, 10-22-2012)

Sec. 38-151. Area regulations.

There are no area regulations for the Business, Downtown, District (B-1).

Sec. 38-152. Setback regulations.

There are no setback regulations for the Business, Downtown, District (B-1).

Sec. 38-153. Frontage and yard regulations.

There are no frontage and yard regulations for the Business, Downtown, District (B-1).

Sec. 38-154. Height regulations.

- (a) Buildings may be erected to a height not to exceed 2 ½ stories or 35 feet.
- (b) Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennas and radio aerials are exempt. Parapet walls may be to four feet above the height of the building on which the walls rest.
- (c) No accessory building may be more than 1 ½ stories or 20 feet in height.

(Code 1989, § 24-37; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-155. Parking in B-1.

- (a) Parking on public streets allowed between the hours of 5:00am and 3:00am (no parking between 3 and 5 am).
- (b) Parking by permit only in Town owned parking lots after 10:00pm

Secs. 38-~~155~~156—38-176. Reserved.

ARTICLE XI. SIGN REGULATIONS

Sec. 38-405. Statement of purpose.

The following sign regulations are established to ensure compatibility of signs with surrounding land usage, to enhance the economy of the town, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to promote the reasonable, orderly and effective display of outdoor advertising.

(Code 1989, § 24-73; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-406. Advertising outdoors regulated.

No person except a public officer or employee in performance of a public duty, shall paste, post, paint, print, nail, tack, erect, place, maintain or fasten any sign, pennant, flags, outdoor advertising signs, billboard or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided in this article.

(Code 1989, § 24-74; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-407. Signs and flags permitted by right in the various districts.

- (a) The following are signs and flags permitted by right in the various districts:
- (1) Memorial tablets or signs.
 - (2) Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding ten square feet on any lot or parcel.
 - (3) Signs which are within a ball park or other similar private recreational use and which cannot be seen from a public street or adjacent properties.
 - (4) Flags or emblems of civic, governmental, philanthropic, educational or religious organizations, and corporate designed flags.
 - (5) Signs displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephones, freight entrances, no trespassing and posted signs or the like not exceeding a total area of eight square feet per sign.
 - (6) Signs placed by a public utility showing the location of underground facilities.
 - (7) Church bulletin board and identification signs with a total surface area not exceeding 20 square feet per sign.
 - (8) Home occupation signs with a total surface area not exceeding four square feet per sign.
 - (9) Up to four signs, not to exceed four square feet each, advertising the sale or rent of the specific premises where the sign is located.

-
- (10) Signs or a combination of letters may be attached to a building or structure, where business is conducted on the premises, for the purpose of advertising and displaying the name, address, and/or a business slogan, of the specific business.
 - (11) Signs advertising only the price of a product, provided that the sign is attached to a permanent structure on the specific premises where the business is located. These signs shall be limited to the B-1, B-2 and B-W districts.
 - (12) In the B-1 and B-W districts, but not in residential districts, up to 32 square feet of signage shall be permitted by right only on the specific premises where the business is located, subject to other applicable provisions of this article. See B-2, Business District Highway for specific provisions relating to that district.

(b) All signs and supporting structures shall be maintained in good repair.

(Code 1989, § 24-75; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-408. Determination of sign area.

In measuring the area of signs permitted under these regulations, the entire face of the sign (on one side only) shall be included. Where both sides of the 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.

(Code 1989, § 24-76; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-409. Height regulations.

Signs shall not exceed a height of 20 feet above ground level or the street to which it is oriented, whichever is higher. In no case will any sign project above the top of the building to which it is attached.

(Code 1989, § 24-77; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-410. General regulations.

- (a) Except for authorized traffic signs, no sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of 2 ½ feet and eight feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- (b) No sign will be erected which imitates or resembles any official traffic sign, signal or device or uses the words "stop" or "danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any street.
- (c) No sign will be erected which advertises any activities which are illegal under state or federal law or regulations in effect at the location of such sign or at the location of such activities.
- (d) No sign will be erected which is inconsistent with state law or the provisions of this chapter.
- (e) No sign will be erected which involves noise, motion or rotation of any part of the structure or displays intermittent or flashing lights
- (f) No sign will be erected which is mobile. Except for signs attached to buildings or permanent structures and those permitted in section 38-407(9) and (10), all other signs of whatever type or size permitted in this

chapter shall be permanently anchored in concrete or permanently attached to piling or posts firmly embedded in the ground. All wheels and other portable structural equipment shall be removed from the structure.

(g) The bottom of an overhanging sign shall be at least eight feet above the ground.

(Code 1989, § 24-78; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-411. Nonconforming signs.

Any sign lawfully in existence at the time of the effective date of the ordinance from which this chapter is derived may be maintained although it does not conform with the provisions of this chapter. Such nonconforming signs shall comply in all respects with the requirements of article XIII of this chapter relating to nonconforming uses. If such nonconforming sign is destroyed, demolished, or removed due to any reason, it shall not be replaced without complying with all provisions of this article XI.

(Code 1989, § 24-79; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-412. Off-premises signs.

Off-premises signs are not permitted in any district except for civic, philanthropic or religious organizations. Off-premises signs shall not exceed three square feet in area.

(Code 1989, § 24-80; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Secs. 38-413—38-437. Reserved.

ARTICLE VI. BUSINESS, HIGHWAY, DISTRICT (B-2)

Sec. 38-177. Statement of intent.

It is the intent of this district to provide appropriate locations for a broad range of commercial activities which are characterized by heavy truck and vehicle traffic and occasional nuisance factor and which are highway oriented.

(Code 1989, § 24-38; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-178. Principal permitted uses and structures.

The following uses and structures shall be permitted by right subject to other provisions herein:

- (1) All permitted uses in the Business, Downtown, District (B-1).
- (2) Supermarkets.
- (3) Churches.
- (4) Automobile service stations, with repairs under cover.
- (5) Wholesale and retail plumbing and electrical supply, with storage under cover.
- (6) Marine sales and service, with repairs under cover.
- (7) Machinery sales and services, with repairs under cover.
- (8) Car washes.
- (9) Funeral homes.
- (10) Hospitals and medical clinics.
- (11) Lumber and building supply, with storage under cover.
- (12) Print shops.
- (13) Signs, as permitted under section 38-183.
- (14) Clubs and lodges.
- (15) Apartments on floors above the ground floor, owner-occupied only, with occupants to use off-street parking. For the purposes of this subsection, the term "owner" means the owner of the premises, the owner of the business located on the premises or an employee of the business located on the premises.
- (16) Exercise gyms.
- (17) Mobile food vendors, meaning businesses who sell food stuffs and/or beverages from a non-fixed location.

(Code 1989, § 24-39; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. No. O-01-2011, 9-26-2011)

Sec. 38-179. Special exceptions.

The following uses shall be permitted in the Business, Highway, District (B-2), subject to all of the other requirements of this chapter, only upon obtaining a special use permit, as defined in article XV of this chapter, from the town council:

- (1) Public billiard parlors, poolrooms, dance studios, and similar forms of public amusement.
- (2) Inns.
- (3) Nightclubs. For the purpose of this section, the term "nightclub" means an establishment that provides live amplified music, karaoke, disc jockeys (DJs) and/or dancing between the hours of 9:00 p.m. and 6:00 a.m.; provided, however, that any special exception issued for this use shall be valid for 365 days only, unless further renewed by the town council for successive terms of 365 days each.

(Code 1989, § 24-40; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 7-27-1998; Amd. of 6-24-2002; Ord. No. O-06-2012, § 24-40, 10-22-2012)

Sec. 38-180. Setback regulations.

Buildings shall be located 45 feet or more 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 to allow the setback line to be the average setback of the structures fronting on either side.

(Code 1989, § 24-41; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Sec. 38-181. Frontage and yard regulations.

- (a) For permitted uses the minimum side yard shall be ten feet and off-street parking shall be in accordance with the provisions contained in article XII of this chapter.
- (b) Main buildings shall have a ten-foot rear yard setback
- (c) Accessory buildings shall have a ten-foot rear yard setback

(Code 1989, § 24-42; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 1-10-2000)

Sec. 38-182. Height regulations.

Buildings may be erected up to a height of 35 feet, except that:

- (1) Buildings may be erected to a height of more than 35 feet, provided that both required side yards setbacks are increased one foot for each foot in height by which the building exceeds 35 feet. In no case shall the building height exceed 60 feet.
- (2) Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (3) No accessory building shall be more than 1 ½ stories high.

(Code 1989, § 24-43; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 1-26-2004; Amd. 3-27-2006)

Sec. 38-183. Signage regulations.

Up to 100 square feet of signage shall be permitted by right only on the specific premises where the business is located, subject to other applicable provisions of article XI of this chapter. A special use permit shall be required for signage over 100 square feet. The zoning administrator shall be required to approve or disapprove the issuance of such permit.

(Code 1989, § 24-44; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

Secs. 38-184—38-204. Reserved.