

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

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**Planning Commission**

**June 6, 2022**

**5:30PM Council Chambers**

**Agenda**

- 1) Call to Order
  - 2) Attendance/ Establish Quorum
  - 3) Review meeting minutes from May 2, 2021, meeting
  - 4) Special Use Permit – Homestay – 1 Hillcrest
  - 5) Special Use Permit – Homestay – 78 Market
  - 6) Special Use Permit – Homestay – 26 King
  - 7) Commissioner Ordinance Review and Discussion, Previously Discussed:
    - (a) Article VII: Business Waterfront (B-W)
    - (b) Article V: Business, Downtown, District (B-1)
    - (c) Article XI: Signs
  - 8) Commissioner Review of Ordinance for Future Discussion
    - (a) Spot Blight
    - (b) Article VI: Business, Highway, District (B-2)
  - 9) Commissioner comments
  - 10) Adjourn
-

**Town of Onancock  
Planning Commission Meeting  
Monday, May 2, 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 Bagwell, Commissioner Byrd, Commissioner Frey, and Commissioner Fosque (via Zoom) were present. Town Manager Matt Spuck and Town Clerk Debbie Caton were present.

**3) Minutes**

Chairperson Schreiber asked for a motion to approve April 4, 2022, minutes with updated attendee changes. Commissioner Brockmeier made a motion to approve. Commissioner Byrd seconded the motion. The motion was approved by 6-0 vote.

**4) Special Use Permit – Homestay – 60 Kerr**

Diana K. Reed submitted a special use permit Homestay application. All requirements have been met for the applicant is compliant. No issues were addressed. Town Council will consider final approval at Town Council's public hearing in May 2022.

**5) Commissioner Ordinance Review and Discussion, Previously Discussed:**

- a) Article VII: Business Waterfront – Chairperson Schreiber opened discussion to recommended changes to the BW District ordinance structured by Town Manager Spuck. More discussion is required to determine the desired outlook of the BW district. The following topics require more discussion: Subletting, fee structure for heavy truck transport, too strict guidelines that will affect the marketability of real estate, and non-conforming use (grandfathering) upon sale of property.
- b) Article V: Business, Downtown, District – Chairperson Schreiber opened discussion to recommended changes to B1 District ordinance structured by Town Manager Spuck. The committee feels like the ordinance is moving in the right direction but would like more clarity on "Special Use" requirements. The goal is to review each application with "special" consideration. Zoning ordinances should not tone that each application is a guaranteed approval. Janet Fosque commented that Onancock Main Street plans to present feedback on B1 as B1 district zoning will be a heavily discussed topic at the upcoming Main Street conference in Richmond, VA.

**6) Commissioner Review of Ordinance for Future Discussion:**

- a) Article XI: Sign Regulations – The new sign ordinance needs to address potentially allowing sandwich boards for retail shops. The ordinance should also include guidelines for internally lit signs, downward facing signs and the lumen limits for a dark sky lighted area. The ordinance needs to address the upkeep and citation process.
- b) Article VI: Business, Highway, District – The new ordinance needs to address the option for clubs and lodges by special use permit. Town Manager Spuck has been approached from a commercial building owner expressing the desire to convert the building to condos. Also, should the ordinance be written to preclude businesses that do not help converse the aquifer (i.e., laundry mats and car washes?)

**Town of Onancock**  
**Planning Commission Meeting**  
**Monday, May 2, 2022**  
**5:30 PM**

- 7) Commissioner comments - Commissioner Schreiber plans to revisit the BW, B1 and sign ordinances at the June meeting.
- 8) Adjourn – Commissioner Tunstall made a motion to adjourn the meeting. Commissioner Frey seconded the motion. The motion was approved 6-0 vote. Meeting adjourned at 7:30 PM

# TOWN OF ONANCOCK

15 NORTH STREET  
ONANCOCK, VIRGINIA 23417

RECEIVED  
MAY 24 2022  
TOWN OF ONANCOCK

## SPECIAL USE PERMIT APPLICATION

Applicant's Name: Diachary Rieneerth / Linda Rieneerth

Address: 1 Hillcrest Dr Onancock VA 23417

Telephone: 757-777-6375 Date: 5/9/22

Location & Legal Description of Property Proposed\*: Corner of  
Mill St. & Hillcrest Dr. 1 story home  
1 Hillcrest Dr.

No. of total guests (for homestay applicants only): 6

No. of proposed parking spaces (for homestay applicants only): 3-4

Parcel Number: 085A40100000400

Zoning Classification: Residential 1A

Name and telephone number for local emergency contact: \_\_\_\_\_

Dawn Weston, 2 Millcrest Dr. 757-894-4954

Description of Proposed Use: To create a family friendly retreat  
for people to stay & explore the area.

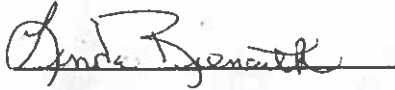
PASTY  
MAY 2 2022  
BY: [Signature]  
150.

# 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.

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Signature of Applicant *Mr. Bennett*

5/9/22

Date *5/9/22*

**\*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.**

# Accomack County, Virginia

**Tax Map #:**  
85A4-1-4

**Parcel ID:**  
085A40100000400

The assessment information is obtained from the total value of these tax map numbers...  
85A4-1-4

## Summary

**Owner's Name**  
RIENERTH, LINDA M  
*No Data*  
**Mailing Address**  
1033 BALDWIN AVE  
NORFOLK, VA 23507-1223

**Base Zoning**  
Note: Part or all of this area falls within the limits of an Incorporated Town. Please check with applicable Town for zoning classification within town limits.

**Overlay Zoning**

**Tax District**

14



## Sale Information

<b>Transfer Date:</b>	1/1/1900 12:00:00 AM
<b>Sales Price:</b>	\$0
<b>Grantor:</b>	No Data
<b>Deed Reference:</b>	2001 4082
<b>Additional Ref:</b>	Book 2001
<b>Additional Ref:</b>	Page 4082

## Assessment Information

	New 2022 Assessment	Prior Assessment
<b>Land Value</b>	\$31,500	\$31,500
<b>Improvement</b>	\$162,600	\$122,600
<b>Total Value</b>	\$194,100	\$154,100

The assessment information is obtained from the total value of these tax map numbers...  
85A4-1-4

## Land

<b>Property Class:</b>	100-Incorporated Town
<b>Legal Description:</b>	HILL ST DEV PART LOT 4
<b>Land Description:</b>	HOMESITE - PAVED ROAD
<b>Street Type:</b>	Paved

<b>Electricity:</b>	No Data
<b>Gas:</b>	No Data
<b>Sewer:</b>	No Data
<b>Water:</b>	No Data

**Building**

<b>Building Type:</b>	DWELLING	<b>Total Rooms:</b>	4
<b>Description:</b>	Single family	<b>Number of Bedrooms:</b>	2
<b>Stories:</b>	1	<b>Number of Baths:</b>	1
<b>Year Built:</b>	1970	<b>Number of Half Baths:</b>	1
<b>Finished Sq Ft:</b>	1488	<b>Heat Type:</b>	Electric baseboard
		<b>Air Conditioning:</b>	N

<b>Construction</b>		<b>Additional Data</b>	
<b>Foundation Type:</b>	Full Crawl	<b>Attic:</b>	None
<b>Construction Type:</b>	Wood frame	<b>Finished Attic Sq Ft:</b>	No Data
<b>Exterior:</b>	Brick	<b>Basement Sq Ft:</b>	No Data
<b>Condition:</b>	normal for age	<b>Finished Basement Sq Ft:</b>	No Data
<b>Roof Type:</b>	Gable	<b>Attached Garage Sq Ft:</b>	406
<b>Roof Material:</b>	Comp sh to 235#	<b>Detached Garage Sq Ft:</b>	No Data
		<b>Deck Sq Ft:</b>	No Data

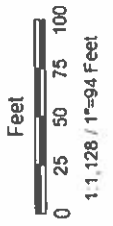
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# Accomack County, Virginia

## Legend

Parcels

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



**Title: Parcels**

**Date: 6/1/2022**

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# TOWN OF ONANCOCK

15 NORTH STREET  
ONANCOCK, VIRGINIA 23417

RECEIVED  
MAY 12 2022  
TOWN OF ONANCOCK

## SPECIAL USE PERMIT APPLICATION

Applicant's Name: Thomas DeLisle  
Address: 28375 YEO NECK RD Melba, VA 23410  
Telephone: 757 710 4759 Date: 5/10/22  
Location & Legal Description of Property Proposed\* : 78 MARKET STREET  
ONANCOCK, VA 23417

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

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

Parcel Number: 095A2A000011300

Zoning Classification: Residential

Name and telephone number for local emergency contact: Mona Cossitt  
757 787 3207

Description of Proposed Use: OPERATION OF AIR B&B OR VRBO  
and TRAVELING NURSES and doctors. Property  
will be MANAGED by Tom DeLisle and/or  
Mona Cossitt both within 8 miles of property.  
PARKING will be on concrete apron or in  
attached garage.

PAID  
MAY 12 2022  
BY: [Signature] #1068  
\$150.

# 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.

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Signature of Applicant

5/12/2022

Date

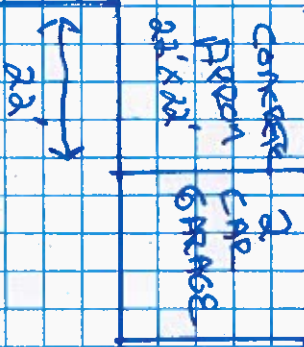
**\*For requests to operate homestays, the applicant must attach a site plan that provides location of the home, setbacks from all property lines and the street, no. of proposed parking spaces, and traffic flow patterns entering and leaving the property. The zoning administrator will conduct a site visit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

(757) 787-3363  
Phone

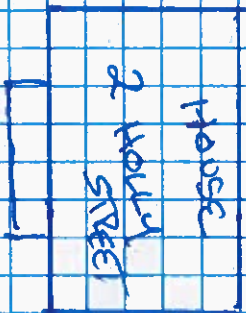
(757) 787-3309  
Fax

[www.onancock.com](http://www.onancock.com)  
Website

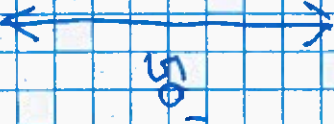
HOLLY STREET



HOUSE  
78 MARKET ST



HOUSE  
76 MARKET STREET



MARKET STREET



# Accomack County, Virginia

**Tax Map #:**

85A2-A-113

**Parcel ID:**

085A2A000011300

The assessment information is obtained from the total value of these tax map numbers...

85A2-A-113

**Summary**

**Owner's Name**

DAVIS,JODY

*No Data*

**Mailing Address**

78 MARKET ST  
ONANCOCK, VA 23417-4224

**Base Zoning**

Note: Part or all of this area falls within the limits of an Incorporated Town. Please check with applicable Town for zoning classification within town limits.

**Overlay Zoning**

**Tax District**

14



**Sale Information**

<b>Transfer Date:</b>	10/21/2011 12:00:00 AM
<b>Sales Price:</b>	\$0
<b>Grantor:</b>	DAVIS,ANITA E
<b>Deed Reference:</b>	2011 00263
<b>Additional Ref:</b>	Book 0610
<b>Additional Ref:</b>	Page 00562

**Assessment Information**

	New 2022 Assessment	Prior Assessment
<b>Land Value</b>	\$31,500	\$31,500
<b>Improvement</b>	\$141,500	\$106,000
<b>Total Value</b>	\$173,000	\$137,500

The assessment information is obtained from the total value of these tax map numbers...

85A2-A-113

**Land**

<b>Property Class:</b>	100-Incorporated Town	<b>Electricity:</b>	No Data
<b>Legal Description:</b>	RES	<b>Gas:</b>	No Data
<b>Land Description:</b>	HOMESITE - PAVED ROAD	<b>Sewer:</b>	Y
<b>Street Type:</b>	Paved	<b>Water:</b>	Y

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**Building**

<b>Building Type:</b>	DWELLING	<b>Total Rooms:</b>	5
<b>Description:</b>	Single family	<b>Number of Bedrooms:</b>	1
<b>Stories:</b>	1	<b>Number of Baths:</b>	1
<b>Year Built:</b>	1965	<b>Number of Half Baths:</b>	No Data
<b>Finished Sq Ft:</b>	1395	<b>Heat Type:</b>	Heat pump
		<b>Air Conditioning:</b>	P

<b>Construction</b>		<b>Additional Data</b>	
<b>Foundation Type:</b>	3/4 Crawl	<b>Attic:</b>	None
<b>Construction Type:</b>	Wood frame	<b>Finished Attic Sq Ft:</b>	No Data
<b>Exterior:</b>	Brick	<b>Basement Sq Ft:</b>	No Data
<b>Condition:</b>	normal for age	<b>Finished Basement Sq Ft:</b>	No Data
<b>Roof Type:</b>	Gable	<b>Attached Garage Sq Ft:</b>	575
<b>Roof Material:</b>	Comp sh to 235#	<b>Detached Garage Sq Ft:</b>	No Data
		<b>Deck Sq Ft:</b>	No Data

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# Accomack County, Virginia

## Legend

Parcels

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**Title: Parcels**

**Date: 6/1/2022**

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# TOWN OF ONANCOCK

15 NORTH STREET  
ONANCOCK, VIRGINIA 23417

## SPECIAL USE PERMIT APPLICATION

**Applicant's Name:** Brad Robinson

**Address:** 8118 Hampton Bluff Ter, Chesterfield, VA 23832

**Telephone:** 804-840-1883 **Date:** 5/27/2022

**Location & Legal Description of Property Proposed\* :** 26 King Street  
Tax Map: 85A2-A-48B

**No. of total guests (for homestay applicants only):** 6

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

**Parcel Number:** 085A2A0000048B0

**Zoning Classification:** B-1

**Name and telephone number for local emergency contact:** Keith Koerner 757-999-4670  
Koerner Group - Century 21

**Description of Proposed Use:** \_\_\_\_\_

Homestay / Short term rental for periods not to exceed three weeks. The property  
will be advertised on sites such as AirBnB and VRBO .

It will also sometimes be used as a vacation / 2nd home for my family.

The property is currently under contract contingent on obtaining the SUP Homestay permit.

We do not own any other properties in Onancock.

We intend to apply for a business license and will collect and pay all occupancy taxes.

(757) 787-3363  
Phone

(757) 787-3309  
Fax

[www.onancock.com](http://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.

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Signature of Applicant

5/27/2022

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](http://www.onancock.com)  
Website



# Accomack County, Virginia

**Tax Map #:**

85A2-A-48B

**Parcel ID:**

085A2A0000048B0

The assessment information is obtained from the total value of these tax map numbers...

85A2-A-48B

**Summary**

**Owner's Name**

YOUMANS, CHARLES E II  
OR DONNA C YOUMANS

**Mailing Address**

23186 PRINCE HENRY LN UNIT 2  
ONANCOCK, VA 23417-0000

**Base Zoning**

Note: Part or all of this area falls within the limits of an Incorporated Town. Please check with applicable Town for zoning classification within town limits.

**Overlay Zoning**

**Tax District**

14



**Sale Information**

<b>Transfer Date:</b>	12/23/2015 12:00:00 AM
<b>Sales Price:</b>	\$117,000
<b>Grantor:</b>	WILLET, BARBARA
<b>Deed Reference:</b>	2015 05544
<b>Additional Ref:</b>	Book
<b>Additional Ref:</b>	Page

**Assessment Information**

	New 2022 Assessment	Prior Assessment
<b>Land Value</b>	\$31,500	\$31,500
<b>Improvement</b>	\$101,800	\$77,500
<b>Total Value</b>	\$133,300	\$109,000

The assessment information is obtained from the total value of these tax map numbers...

85A2-A-48B

**Land**

<b>Property Class:</b>	100-Incorporated Town	<b>Electricity:</b>	No Data
<b>Legal Description:</b>	KELLAM HOUSE AND LOT	<b>Gas:</b>	No Data
<b>Land Description:</b>	HOMESITE - PAVED ROAD	<b>Sewer:</b>	Y
<b>Street Type:</b>	Paved	<b>Water:</b>	Y

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**Building**

<b>Building Type:</b>	DWELLING	<b>Total Rooms:</b>	5
<b>Description:</b>	Single family	<b>Number of Bedrooms:</b>	3
<b>Stories:</b>	1	<b>Number of Baths:</b>	1
<b>Year Built:</b>	1940	<b>Number of Half Baths:</b>	No Data
<b>Finished Sq Ft:</b>	1512	<b>Heat Type:</b>	Forced hot air
		<b>Air Conditioning:</b>	N

<b>Construction</b>		<b>Additional Data</b>	
<b>Foundation Type:</b>	Full Crawl	<b>Attic:</b>	None
<b>Construction Type:</b>	Wood frame	<b>Finished Attic Sq Ft:</b>	No Data
<b>Exterior:</b>	Vinyl siding	<b>Basement Sq Ft:</b>	No Data
<b>Condition:</b>	normal for age	<b>Finished Basement Sq Ft:</b>	No Data
<b>Roof Type:</b>	Gable	<b>Attached Garage Sq Ft:</b>	No Data
<b>Roof Material:</b>	Comp sh to 235#	<b>Detached Garage Sq Ft:</b>	No Data
		<b>Deck Sq Ft:</b>	No Data

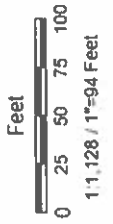
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# Accomack County, Virginia

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<https://parcelviewer.geodecisions.com/Accomack>



**Title: Parcels**

**Date: 6/1/2022**

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## **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.**

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

**Sec. 38-148. Statement of intent.**

This district is intended to provide ~~carefully planned business and community use with residential space above retail space in the Downtown area, 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, or catering establishments that close before 11pm.
- (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 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 for products with no age restrictions.~~
- (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 or studios.
- (13) Homestay, as defined in 38-77 herein, in apartments on floors above the ground
- (14) Hotels with up to 10 rooms
- (15) Churches and other places of worship
- (16) Town owned Welcome Centers and or public bathroom
- (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~~ The following uses shall be permitted in the Business, Downtown, District (B-1), subject to ~~all of a)~~ 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~~ Clubs and lodges.
- ~~(2) Cigar, Hookah, or Vaping Lounges~~ Churches.
- ~~(3) Retail establishments that sell any product with age limitations~~ Apartments on floors above the ground floor with occupants to use off-street parking.
- ~~(4) Any business open after 11pm~~ Public billiard parlors, poolrooms, dance studios and similar forms of public amusement.
- ~~(5) The use of semi-trailers, trailers, or any movable or temporary structure used as accessory structures~~ Hotels.
- ~~(6) Hotels with more than 10 rooms~~ 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) Public or Farmer's Markets~~ Open-air produce and arts and crafts markets.
- ~~(8) Such other temporary or permanent use of land, buildings, or structures as may be permitted by Town Council of the Town of Onancock as a Special Use, in accordance with Article XV of this Code.~~

(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) There is no parking on public streets allowed between 11pm and 5am the following morning.

(b) Parking by permit only in Town owned parking lots after 10:00pm.

**Commented [MS1]:** The goal is to make sure parking is available for business customers during business hours and that B-1 Residents have parking overnight. We will issue parking permits to B-1 Residents that allows for parking in Town-owned parking lots every night. Any vehicle without permit will be ticketed, as will on-street parking after 11pm

**Secs. 38-~~155~~156—38-176. Reserved.**

## **ARTICLE XI. SIGN REGULATIONS**

### **Sec. 38-405. Statement of purpose.**

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.

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 culturally unique assets; to protect property values; and to further economic development.

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. 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).

*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.

*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.)

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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.

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

Banner. A temporary sign that is mounted on or attached to any non-rigid surface such as cloth, fabric, or paper, vinyl, or similar material.

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.

Billboard. See "Off-premises sign."

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

Canopy sign. A sign attached to a canopy.

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.

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

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.

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.

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

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

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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 rights-of-way.

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

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 business 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 as to size and location. Any such sign may be constructed of cardboard. Any such sign shall comply with all other applicable provisions, except as expressly excepted.

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

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.

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).

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

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

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

Height (of a sign). The vertical distance measured from the highest point of the sign, including any

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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)

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.

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

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

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

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.

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.

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.

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

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

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.

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

Pennants. A lightweight plastic, fabric, or other material, whether or not containing a message of

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any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

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.

Pinwheels. See "Rotating signs."

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.

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

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.

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.

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.

Scrolling sign. See "Animated sign."

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

Sexually Graphic Sign. Any sign containing any photograph, silhouette, drawing, or pictorial representation or description of any specified anatomical area or specified sexual

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.

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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.

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.

Sign, temporary. See "Temporary sign."

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.

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

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."

Temporary sign. A sign for the purpose of advertising during a limited period of time.

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

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

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.

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

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 windowpanes or glass and is visible from the exterior of the window.

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Yard Sale Signs. Sign advertising for a yard sale.

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

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

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

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. 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)



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**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 all~~ districts ~~subject to all other provisions of this ordinance~~:
- (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~~ ~~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~~ ~~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 of the like~~ ~~public parking~~ 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 two~~ 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.

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

~~Directional signs, private directional signs on site: Shall not exceed four square~~

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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.

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.

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

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

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.

Limited home occupation signs. Such sign shall not exceed four square feet in area and shall only identify business information and/or the business owner. There shall not be more than one sign permitted per dwelling. The sign shall be non-illuminated.

Home occupation signs. Such sign shall not exceed four square feet in area and shall only identify business information and/or the business owner. There shall not be more than one sign permitted per dwelling. The sign shall be non-illuminated.

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

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

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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.

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

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.

### **Temporary signs.**

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. Use of banners, flags and pennants for the purpose of advertising home occupation business is prohibited in residential zoning districts.

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.

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.

Banners. On-premises banners shall not be more than 32 square feet in area. No more than one banner per business or one per commercial building lot for each 100 linear feet, or less, of public road frontage shall be permitted, provided however for each

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additional 100 feet of public road frontage after the first 100 feet, an additional banner shall be permitted. 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 the ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required.

Political campaign signs. Owner of said parcel must give consent on the placement of such signs. Such signs shall not exceed 32 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.

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.

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.

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.

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.

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

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.

Pennants displaying the likeness of the American Flag are exempt from the above time and length limits. These pennants shall be no longer than the front facade of the main structure. The likeness of the American Flag must follow all the proper detail, proportions, and design as given in Executive Order 10834/Chapter 1 of Title 4 of the United States Code. Any such pennant shall comply with all other applicable provisions of Article VII, except as expressly excepted. A permit is required.

(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)

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### 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) — The regulations in this section specify the types, sizes, heights and locations of signs which are permitted within the jurisdictional boundaries of the Town of Onancock 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 Onancock.~~

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

~~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.~~

~~Determination of sign height generally. 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. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. roof signs shall be excluded.~~

~~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.~~

#### 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) The fixtures and source(s) of illumination used to illuminate signs shall be directed downward with no more than 1,000 total lumens.~~

~~(3) Internally lighted signs are prohibited.~~

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

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)

**Commented [MS1]:** I would like to consider making nonconforming signs comply within 36-months – possibly with Town grant funds to pay for upgrade or removal of sign.

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**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)

**Sec. 38-413. Prohibited signs.**

The following signs are not permitted in any district:

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

- Animated signs
- Flashing signs
- Glaring signs
- Portable signs
- Simulated traffic signs and obstructions
- Vehicular signs
- Sidewalk signs
- Air or gas filled balloons and inflatable objects
- Beacons
- Rotating signs
- Pinwheels for commercial use
- Sexually graphic signs
- 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
- Internally lighted signs
- Changeable letter signs either freestanding or stand alone. (This shall not include changeable letter signs incorporated in an approved freestanding sign
- Off-premises signs
- Snipe Signs
- Festoons



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### **Secs. 38-414—Removal**

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.

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.

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.

### **Secs. 38-413—38-437. Reserved**<sup>415</sup> **Penalties.**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and fined up to \$250.00. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued or permitted by such person and shall be punishable as herein provided.

### **Secs. 38-416—38-437. Reserved.**

Code of Virginia  
Title 36. Housing  
Chapter 1. Housing Authorities Law

**§ 36-49.1:1. Spot blight abatement authorized; procedure.**

A. Notwithstanding any other provision of this chapter, an authority, or any locality, shall have the power to acquire or repair any blighted property, as defined in § [36-3](#), whether inside or outside of a conservation or redevelopment area, by purchase or through the exercise of the power of eminent domain provided in Chapter 2 (§ [25.1-200](#) et seq.) of Title 25.1, and, further, shall have the power to hold, clear, repair, manage or dispose of such property for purposes consistent with this chapter. In addition, the authority and locality shall have the power to recover the costs of any repair or disposal of such property from the owner or owners of record, determined in accordance with subsection B of § [36-27](#). This power shall be exercised only in accordance with the procedures set forth in this section.

B. The chief executive or designee of the locality or authority shall make a preliminary determination that a property is blighted in accordance with this chapter. It shall send notice to the owner or owners of record determined in accordance with subsection B of § [36-27](#), specifying the reasons why the property is blighted. The owner or owners of record shall have 30 days from the date the notice is sent in which to respond in writing with a spot blight abatement plan to address the blight within a reasonable time.

C. If the owner or owners of record fail to respond within the 30-day period with a written spot blight abatement plan that is acceptable to the chief executive of the agency, authority or locality, the agency, authority or locality may request the locality to declare the property as blighted, which declaration shall be by ordinance adopted by the governing body.

D. No spot blight abatement plan shall be effective until notice has been sent to the property owner or owners of record and an ordinance has been adopted by the local governing body. Written notice to the property owner shall be sent by regular mail to the last address listed for the owner on the locality's assessment records for the property, together with a copy of such spot blight abatement plan prepared by the agency, authority, or locality. If the repair or other disposition of the property is approved, the authority, agency, or locality may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and the applicable law.

E. If the ordinance is adopted by the governing body of the locality, the locality shall have a lien on all property so repaired or acquired under an approved spot blight abatement plan to recover the cost of (i) improvements made by such locality to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien on such property shall bear interest at the legal rate of interest established in § [6.2-301](#), beginning on the date the repairs are completed through the date on which the lien is paid. The lien authorized by this subsection may be recorded as a lien among the land records of the circuit court, which lien shall be treated in all respects as a tax lien and enforceable in the same manner as provided in Articles 3 (§ [58.1-3940](#) et seq.) and 4 (§ [58.1-3965](#) et seq.) of Chapter 39 of Title 58.1. The governing body may recover its costs of repair from the owner or owners of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner or owners. If the property is acquired by the governing body through eminent domain, the cost of repair may be recovered when the governing body sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.

F. Notwithstanding the other provisions of this section, unless otherwise provided for in Title 36, if the blighted property is occupied for personal residential purposes, the governing body, in approving the spot blight abatement plan, shall not acquire by eminent domain such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisitions, under an approved spot

blight abatement plan, by any locality of property which has been condemned for human habitation for more than one year. In addition, such locality exercising the powers of eminent domain in accordance with Title 25.1, may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such person.

G. In lieu of the acquisition of blighted property by the exercise of eminent domain, and in lieu of the exercise of other powers granted in subsections A through H, any locality may, by ordinance, declare any blighted property as defined in § [36-3](#) to constitute a nuisance, and thereupon abate the nuisance pursuant to § [15.2-900](#) or § [15.2-1115](#). Such ordinance shall be adopted only after written notice by certified mail to the owner or owners at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records. If the owner does not abate or remove the nuisance and the locality abates or removes the nuisance at its expense, the costs of the removal or abatement of the nuisance shall be a lien on the property and such lien shall bear interest at the legal rate of interest established in § [6.2-301](#), beginning on the date the removal or abatement is completed through the date on which the lien is paid.

H. The provisions of this section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

1994, 2nd Sp. Sess., cc. [5](#), [10](#); 1995, cc. [702](#), [827](#); 1996, c. [847](#); 1997, c. [572](#); 1998, cc. [690](#), [898](#); 1999, cc. [39](#), [410](#), [418](#); 2001, c. [482](#); 2003, c. [940](#); 2006, c. [784](#); 2007, c. [763](#); 2009, cc. [181](#), [551](#).

Code of Virginia  
Title 36. Housing  
Chapter 1. Housing Authorities Law

**§ 36-27. Eminent domain.**

A. An authority shall have the right to acquire by the exercise of the power of eminent domain any real property pursuant to a duly adopted redevelopment or conservation plan, or otherwise only in accordance with this chapter, after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such public purposes. An authority may exercise the power of eminent domain in the manner provided in Chapter 2 (§ [25.1-200](#) et seq.) of Title 25.1. In condemnation proceedings evidence may be presented as to the value of the property including but not limited to the owner's appraisal and the effect that any pending application for a zoning change, special use permit application or variance application may have on the value of the property. The court may also determine whether there has been unreasonable delay in the institution of the proceedings after public announcement by the condemnor of a project that necessitates acquisition by the condemnor of a designated land area consisting of or including the land sought to be condemned. If the court determines that such unreasonable delay has occurred, it shall instruct the commissioners or jurors in such proceedings to allow any damages proved to their satisfaction by the landowner or landowners to have been sustained to his or their land during and because of such delay, in addition to and separately from the fair market value thereof, but such damages shall not exceed the actual diminution if any in fair market value of the land in substantially the same physical condition over the period of the delay.

B. Prior to the adoption of any redevelopment plan for a redevelopment area pursuant to § [36-49](#) or any conservation plan for a conservation area pursuant to § [36-49.1](#), an authority shall send by certified mail, postage prepaid, to the record owner or owners of every parcel of property to be acquired pursuant to such plan, at their last known address as contained in the records of the treasurer, the current real estate tax assessment records, or the records of such other officer responsible for collecting taxes in that locality, a notice advising such owner that (i) the property owned by such owner is proposed to be acquired, (ii) such owner will have the right to appear before the local governing body and present testimony with respect to the proposed redevelopment or conservation area, and (iii) such owner will have the right to appear in any condemnation proceeding instituted to acquire the property and present any defense which such owner may have to the taking. Such notice shall not be the basis for eligibility for relocation benefits. At the time it makes its price offer, the authority shall also provide to the property owner a copy of the appraisal of the fair market value of such property upon which the authority has based the amount offered for the property, which appraisal shall be prepared by a real estate appraiser licensed in accordance with Chapter 20.1 (§ [54.1-2009](#) et seq.) of Title 54.1.

C. In all such cases the proceedings shall be according to the provisions of Chapter 2 (§ [25.1-200](#) et seq.) of Title 25.1, so far as they can be applied to the same. No real property belonging to the city, the county, the Commonwealth or any other political subdivision thereof may be acquired without its consent.

1938, p. 453; Michie Code 1942, § 3145(12); 1958, c. 518; 1972, cc. 466, 782; 1989, c. 593; 1998, c. [880](#); 2000, c. [1029](#); 2001, c. [729](#); 2002, c. [272](#); 2003, c. [940](#); 2006, cc. [586](#), [784](#).

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Chapter 9. General Powers of Local Governments

**§ 15.2-900. Abatement or removal of nuisances by localities; recovery of costs.**

In addition to the remedy provided by § 48-5 and any other remedy provided by law, any locality may maintain an action to compel a responsible party to abate, raze, or remove a public nuisance. If the public nuisance presents an imminent and immediate threat to life or property, then the locality may abate, raze, or remove such public nuisance, and a locality may bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance.

The term "nuisance" includes, but is not limited to, dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants thereof or the public. The term "responsible party" includes, but is not limited to, the owner, occupier, or possessor of the premises where the nuisance is located, the owner or agent of the owner of the material which escaped, spilled, or was released and the owner or agent of the owner who was transporting or otherwise responsible for such material and whose acts or negligence caused such public nuisance.

1990, c. 674, § 15.1-29.21; 1997, c. 587.

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Chapter 11. Powers of Cities and Towns

**§ 15.2-1115. Abatement or removal of nuisances.**

A. A municipal corporation may compel the abatement or removal of all nuisances, including but not limited to the removal of weeds from private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level, fencing or protection by other means, of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; and the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. If after such reasonable notice as the municipal corporation may prescribe the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to abate or obviate the condition or nuisance, the municipal corporation may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.

B. Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as liens for other unpaid local real estate taxes and shall be enforceable in the same manner as provided in Articles 3 (§ [58.1-3940](#) et seq.) and 4 (§ [58.1-3965](#) et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

Code 1950, § 15-77.31; 1958, c. 328; 1962, c. 623, § 15.1-867; 1997, c. [587](#); 2004, cc. [533](#), [968](#); 2017, cc. [118](#), [610](#).

ORDINANCE REGARDING THE REQUIREMENT OF PROPERTY OWNERS TO MAINTAIN THE APPEARANCE AND STRUCTURAL INTEGRITY OF ALL BUILDINGS WITHIN THE TOWN OF PARKSLEY

At a regular meeting of the Council of the Town of Parksley, Virginia, held on June 14, 2021, at which the Mayor and all members of the council were present, the following ordinance was unanimously adopted:

AYES: Nicholson, Taylor, Layne, Welch, Matthews, and Hamlin

NAYS: None

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PARKSLEY AS FOLLOWS:

That the owners of property within the Corporate Limits of the Town of Parksley shall, at all times, ensure that all structures on said property are physically maintained so as not to endanger the health or safety of other residents of the Town, or to fall into a state of disrepair such that outside elements can freely enter the structure and contribute to the structure's deterioration, or generally diminish the overall appearance of the surrounding properties and the Town of Parksley as a whole.

To this end, owners of property within the Corporate Limits of the Town of Parksley shall ensure that all structures on said property, whether occupied, vacant, or abandoned, both residential and commercial, be kept in good repair.

- 1 (a) That property owners ensure that all structures be equipped with proper windows and doors, in all pertinent locations on the structure where doors or windows are required.
- (b) That the property owner, if proper windows or doors are not readily available, must ensure all window and door openings on all structures are otherwise covered/closed/boarded up to prevent entrance into the structure of people, animals, and/or weather conditions.
  - (b-1) In the event of damage to / removal of existing windows or doors on a given structure, the property owner must ensure that the openings are covered/closed/boarded up within 10 (ten) days of damage/removal, and that said covering/boarding be replaced with proper windows or doors within 30 (thirty) days of damage/removal.
  - (b-2) In the event that a structure is in a state of being repaired or restored, the owners may be granted a temporary exemption

spot blight abatement plan prepared by the agency, authority, or locality. If the repair or other disposition of the property is approved, the authority, agency, or locality may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and the applicable law.

E. If the ordinance is adopted by the governing body of the locality, the locality shall have a lien on all property so repaired or acquired under an approved spot blight abatement plan to recover the cost of (i) improvements made by such locality to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien on such property shall bear interest at the legal rate of interest established in § 6.2-301, beginning on the date the repairs are completed through the date on which the lien is paid. The lien authorized by this subsection may be recorded as a lien among the land records of the circuit court, which lien shall be treated in all respects as a tax lien and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. The governing body may recover its costs of repair from the owner or owners of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner or owners. If the property is acquired by the governing body through eminent domain, the cost of repair may be recovered when the governing body sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.

F. Notwithstanding the other provisions of this section, unless otherwise provided for in Title 36, if the blighted property is occupied for personal residential purposes, the governing body, in approving the spot blight abatement plan, shall not acquire by eminent domain such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisitions, under an approved spot blight abatement plan, by any locality of property which has been condemned for human habitation for more than one year. In addition, such locality exercising the powers of eminent domain in accordance with Title

25.1, may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such person.

G. In lieu of the acquisition of blighted property by the exercise of eminent domain, and in lieu of the exercise of other powers granted in subsections A through H, any locality may, by ordinance, declare any blighted property as defined in § 36-3 to constitute a nuisance, and thereupon abate the nuisance pursuant to § 15.2-900 or § 15.2-1115. Such ordinance shall be adopted only after written notice by certified mail to the owner or owners at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records. If the owner does not abate or remove the nuisance and the locality abates or removes the nuisance at its expense, the costs of the removal or abatement of the nuisance shall be a lien on the property and such lien shall bear interest at the legal rate of interest established in § 6.2-301, beginning on the date the removal or abatement is completed through the date on which the lien is paid.



H. The provisions of this section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

1994, 2nd Sp. Sess., cc. 5, 10;1995, cc. 702, 827;1996, c. 847;1997, c. 572;1998, cc. 690, 898;1999, cc. 39, 410, 418;2001, c. 482;2003, c. 940;2006, c. 784;2007, c. 763;2009, cc. 181, 551.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia

Title 15.2. Counties, Cities and Towns

Subtitle II. Powers of Local Government

Chapter 9. General Powers of Local Governments

Article 1. Public Health and Safety; Nuisances

§ 15.2-907.1. Authority to require removal, repair, etc., of buildings that are declared to be derelict; civil penalty

Any locality that has a real estate tax abatement program in accordance with this section may, by ordinance, provide that:

1. The owners of property therein shall at such time or times as the governing body may prescribe submit a plan to demolish or renovate any building that has been declared a "derelict building." For purposes of this section, "derelict building" shall mean a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, it has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.

2. If a building qualifies as a derelict building pursuant to the ordinance, the locality shall notify the owner of the derelict building that the owner is required to submit to the locality a plan, within 90 days, to demolish or renovate the building to address the items that endanger the public's health, safety, or welfare as listed in a written notification provided by the locality. Such plan may be on a form developed by the locality and shall include a proposed time within which the plan will be commenced and completed. The plan may include one or more adjacent properties of the owner, whether or not all of such properties may have been declared derelict buildings. The plan shall be subject to approval by the locality. The locality shall deliver the

assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated for a period of not less than 15 years, and is transferable with the property. The abatement of taxes for demolition shall not apply if the structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district. However, if the locality has an existing tax abatement program for less than 15 years, as of July 1, 2009, the locality may provide for a tax abatement period of not less than five years.

9. Notwithstanding the provisions of this section, the locality may proceed to make repairs and secure the building under § 15.2-906, or the locality may proceed to abate or remove a nuisance under § 15.2-900. In addition, the locality may exercise such remedies as may exist under the Uniform Statewide Building Code and may exercise such other remedies available under general and special law.

2009, cc. 181, 551;2020, c. 9.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Frank A. Russell ii

Mayor

Lauren A. Lewis

Clerk