

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE, ENTITLED "ZONING," ARTICLE 3, SECTION 3-403; ARTICLE 6, SECTION 6-2206; ARTICLE 7, SECTION 7-512; ARTICLE 10, SECTION 10-402 AND 10-452; ARTICLE 11, SECTIONS 11-803 AND 11-1114; ARTICLE 12, SECTIONS 12-605, 12-606, AND 12-708; ARTICLE 13, SECTIONS 13-605 AND 13-1402; ARTICLE 14, SECTIONS 14-104, 14-206 AND 14-700 THROUGH 14-710; ARTICLE 16, SECTION 16-105; ARTICLE 19, SECTION 19-403; ARTICLE 20, SECTION 20-202 AND ENACTING ARTICLE 14, SECTION 14-703.1, TO AMEND THE PROVISIONS REFERENCING SIGNS TO BE IN COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS AND TO AMEND OTHER SECTIONS TO UPDATE REFERENCES TO MAINTAIN CONSISTENCY.

PHASE 4: AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE, ENTITLED "ZONING," ARTICLE 3, ENTITLED "INTERPRETATION AND DEFINITIONS," SECTION 3-403; ARTICLE 6, ENTITLED "RESIDENTIAL DISTRICTS," SECTION 6-2206; ARTICLE 7, ENTITLED "BUSINESS DISTRICTS," SECTION 7-512; ARTICLE 10, ENTITLED "CONSERVATION AND AGRICULTURAL DISTRICTS," SECTIONS 10-402 AND 10-452; ARTICLE 11, ENTITLED "PLANNED UNIT DEVELOPMENT DISTRICTS," SECTIONS 11-803 AND 11-1114; ARTICLE 12, ENTITLED "SPECIAL OVERLAY DISTRICTS," SECTIONS 12-605, 12-606, AND 12-708; ARTICLE 13, ENTITLED "SUPPLEMENTAL REGULATIONS," SECTION 13-605; ARTICLE 14, ENTITLED "ACCESSORY USES AND STRUCTURES," SECTIONS 14-104, 14-206, 14-704, 14-709, AND 14-710; ARTICLE 16 ENTITLED "ZONING AMENDMENTS; CONDITIONAL ZONING," SECTION 16-105; ARTICLE 19, ENTITLED "PARKING AND TRAFFIC CIRCULATION AREA DESIGN," SECTION 19-403; ARTICLE 20, ENTITLED "ADMINISTRATION, ENFORCEMENT, VARIANCES AND OTHER RELIEF," SECTION 20-202; TO UPDATE CITATIONS TO THE VIRGINIA CODE, CLARIFY WHICH TYPES OF SIGNS SHALL BE CONSIDERED PERMANENT SIGNS TO MAINTAIN CONSISTENCY, CORRECT CLERICAL ERRORS AND REMOVE CONTENT-BASED SIGN NAMES TO COMPLY WITH CONSTITUTIONAL REQUIREMENTS.

WHEREAS, the Council of the City of Chesapeake finds the public necessity, convenience, general welfare and good zoning practice so requires;

BE IT ORDAINED by the Council of the City of Chesapeake, Virginia that Appendix A of the City Code, entitled "Zoning," Article 3, entitled "Interpretation and Definitions," Section 3-403; Article 6, entitled "Residential Districts," Section 6-2206; Article 7, entitled "Business Districts," Section 7-512; Article 10, entitled "Conservation and Agricultural Districts," Sections 10-402 and 10-452; Article 11, entitled "Planned Unit Development

Districts,” Sections 11-803 and 11-1114; Article 12, entitled “Special Overlay Districts,” Sections 12-605, 12-606, and 12-708; Article 13, entitled “Supplemental Regulations,” Section 13-605; Article 14, entitled “Accessory Uses and Structures,” Sections 14-104, 14-206, 14-704, 14-709, and 14-710; Article 16, entitled “Zoning Amendments; Conditional Zoning,” Section 16-105; Article 19, entitled “Parking and Traffic Circulation Area Design,” Section 19-403; Article 20, entitled “Administration, Enforcement, Variances and Other Relief,” Section 20-202; be amended and reordained, as follows:

ARTICLE 3. – INTERPRETATION AND DEFINITIONS

Section 3-403. - Definitions.

Commercial vehicle. Any motor vehicle used for business, industrial, office or institutional purposes or having painted thereon or affixed thereto a sign ~~identifying a business, industry, office or institution or a principal product or service of such.~~ Agricultural equipment used as part of a permitted agricultural principal use shall not be considered a commercial vehicle.

ARTICLE 6. – RESIDENTIAL DISTRICTS

Section 6-2206. - Residential design standards for cluster development.

E. *Street buffers.* Street buffers shall be required along all off-site existing and reserved arterial streets, as follows:

- (1) The buffer shall be no less than seventy-five (75) feet in width;
- (2) The buffer shall be exclusive of residential lots and shall be free of buildings, structures, improvements and parking, except for the following allowable improvements:
 - (a) An entrance road approved by the Department of Public Works;
 - (b) Signs in a residential cCommunity or directional signage to the extent permitted by section 14-700 of this Code or by subsection F. below;

- (c) Bicycle, pedestrian and recreational paths;
- (d) Public utility facilities; and
- (e) Retention and detention areas and stormwater management facilities approved by the Department of Public Works.

(3) In cases where street buffers contain bicycle, pedestrian or recreational trails that provide an approved link to a community trail system or conservation land area, the street buffer area is to be counted toward meeting the required conservation land. Street buffers with any of the other allowable improvements specified in subsection E(2) above shall not be counted toward meeting the required designated conservation land.

(4) If the street buffer is non-wooded, or lacks sufficient vegetative screening as determined by the Director of Planning or designee, the applicant shall install vegetation that is twice the required street frontage buffer in the landscape Ordinance.

F. Signs located at a community entrance~~sign~~. Notwithstanding anything to the contrary in section 14-700 et seq. of this Code, one (1) detached ~~community entrance~~ sign is permitted at each community entrance from an offsite public street, provided that each such sign meets the following criteria.

- (1) Has a maximum area of thirty-two (32) square feet;
- (2) Has a maximum height of eight (8) feet;
- (3) Is located at least fifty (50) feet from any residence;
- (4) Is located at least fifteen (15) feet from any public street right-of-way line (including, without limitation, alleys and drive aisles) or other property line;
- (5) Is not illuminated; and

- (6) Includes a landscaped area around the base of the sign at least twice the size of the sign area. Such landscaped area shall be a minimum of four (4) feet in width; protected from vehicular encroachment; and planted with a combination of low-growing shrubs and groundcovers (other than grass), including at least four (4) small shrubs as approved by the Planning Director or designee. The vegetation shall be designed and maintained to a maximum a height of four (4) feet above the grade.

ARTICLE 7. – BUSINESS DISTRICTS

Section 7-512. - Development standards.

K. *Off-street parking.*

1. Each mixed use development shall provide areas for parking and traffic circulation that meets the parking space standards for both sections 19-410 and 19-411 of this Ordinance.
2. Off-street parking requirements may be reduced by City Council with the approval of a parking management plan that is adopted as part of the master development plan.

Such parking plan shall include:

A parking schedule detailing the total square footage of gross floor area, the minimum number of parking spaces required for uses in the development, and the proposed number of off-street parking spaces and the proposed number of on-street parking spaces for each use.

- a. The location of all proposed on-street parking areas, shared parking areas, remote parking areas, parking structures, pedestrian crossings, cross-access easements and rights-of-way.
- b. Public transit routes to serve the development, if any.

- c. Off-street parking spaces should be largely located to the rear of the principal buildings or otherwise screened so as to not be visible from public rights-of-way or residential zoning districts.
- d. Surface lots shall provide green space meeting subsection 19-601(D) of this Ordinance.

N. *Signage.* A signage plan shall be submitted and be incorporated into the master development plan. Signs in the MXD-U mixed use urban district shall meet signage general requirements for residential districts as specified in sections 14-700 et seq. of this Ordinance except that the provisions set out below shall also apply and control where there is a conflict:

- 1. The total sign area for all signs on premises shall not exceed one (1) square foot of sign area for each linear foot of public right-of-way frontage.
- 2. No sign shall extend above or on the roofline of the building face.
- 3. The use of box signage is prohibited.
- 4. Freestanding signs are prohibited between a street and principal building when there is no front yard setback for the principal building.
- 5. Overhanging signs, extending out from the building and overhanging a sidewalk, street, alley or other passageway, are prohibited unless a special permit is approved by the Director of Development and Permits, or designee in accordance with section 66-121.1 of the City Code.
- 6. Billboards ~~Outdoor advertising signs~~ are prohibited.
- 7. Flashing signs or variable message signs are prohibited.

ARTICLE 10. – CONSERVATION AND AGRICULTURAL DISTRICTS

Section 10-402. - Development standards.

C. *Signs.* Signs shall be permitted ~~limited to facility identification signs and on-site direction signs~~ in accordance with section 14-700 et seq. of this Ordinance.

Section 10-452. - Development standards.

C. *Signs.* Signs shall be permitted ~~limited to facility identification signs and on-site direction signs~~ in accordance with section 14-700 et seq. of this Ordinance.

D. *Outdoor artificial illumination.*

7. Additional illumination. ~~In the event of the installation of~~ If the installation of new or additional artificial illumination that was not approved on a final site plan is proposed, ~~then the Department of Zoning Administrator or designee must determine that the~~ design and installation of said illumination is to be in conformance with the Zoning Ordinance prior to any such installation.

ARTICLE 11. – PLANNED UNIT DEVELOPMENT DISTRICTS

Section 11-803. - Sign regulations.

Development criteria shall contain a detail of sign regulations permitted in the development. This should include details in regard to freestanding signs, wall signs, projecting signs, canopy signs, and directional signs. At a minimum, all signs within the PUD shall comply with the regulations for exterior signs as specified in article 14. ~~Outdoor advertising signs (Billboards)~~ signs shall not be permitted in the PUD. Any Development Criteria containing content-based sign regulations must further a compelling governmental interest and be narrowly tailored toward achieving that interest.

Section 11-1114. - Signs.

- A. Signs should be designed using materials compatible with the architecture of the principal building.
- B. Freestanding signs should be incorporated into the landscaping plan for the development.
- C. No ~~outside advertising signs (billboards)~~ shall be permitted.
- D. Any Development Criteria containing content-based sign regulations must further a compelling governmental interest and be narrowly tailored toward achieving that interest.

ARTICLE 12. – SPECIAL OVERLAY DISTRICTS

Section 12-605. - General development standards.

- E. *Off-street loading.* Off-street loading shall be provided as required under the terms of this Zoning Ordinance; provided, however, that an on-street location for loading activities may be approved by the designated approval agent for preliminary site plans upon a showing that the site configuration precludes off-street loading. Such on-street locations shall not be within a fire lane and shall be configured to minimize disruption of street traffic in the area.
- F. *Signs.* Signs in the proposed overlay district shall meet the ~~general~~ requirements of section 14-700 et seq. of the Zoning Ordinance, entitled "Signs;" provided, however, that regardless of any contrary provisions in section 14-700 et seq., the provisions set out below shall also apply.
 - 1. The total sign area for all signs on a premises shall not exceed one (1) square foot of sign area for each linear foot of public right-of-way frontage.
 - 2. No sign shall extend above the roofline of the building face.
 - 3. No freestanding signs shall be permitted when there is no front yard setback for the principal building.

4. Overhanging signs, extending out from the building and overhanging a sidewalk, street, alley or other passageway, shall not be permitted, unless a special permit is approved by the Director of Development and Permits, or designee, in accordance with section 66-121.1 of the City Code.
 5. Signs located at the entrances to the Chesapeake Historic and Cultural Preservation Overlay District may be erected subject to the review and approval of ~~Welcome signs identifying the entrances to the distinct South Norfolk district may be erected at locations approved by the Planning Director, or designee,~~ and, where located on a public right-of-way, by the Director of Development and Permits, or designee. Such signs shall not exceed eight (8) feet in height, with a sign face not exceeding sixteen (16) square feet. The materials, design and configuration of any such sign must be approved by the Planning Director, or designee, in compliance with the requirements of section 12-606 below.
- G. *Height of building.* The maximum height of a building or structure shall be thirty-five (35) feet. Under section 19-205, the maximum building height may be exceeded upon approval of a conditional use permit.
- I. *Building exteriors.* In order to promote the development of an integrated and compatible appearance among the buildings located within the district, the exteriors of buildings located in the district may be altered only in accordance with the standards set out below.
1. Only neutral colors shall be used on the exterior of buildings. Those colors considered neutral include: white, beige, cream, gray, tan, brown or other similar colors approved by the Director of Planning, or designee. Colors such as yellow, black, orange, green, blue, bright pink or any other similar color identified by the Director of Planning, or designee shall be prohibited.

2. No permanent overhangs, including awnings and other building extensions other than signs, shall be constructed on any building located within the district; provided, however, that the Planning Director may approve a proposed overhang if the Director determines that the proposed overhang is of such design, construction and color that it provides the visual integration and harmony with other buildings and sites intended under the standards for this district.
3. Awnings which are already in existence on the date that this district is created or which are subsequently approved in accordance with district standards shall be kept free of any writing except for the business's name and address.
4. The type, design and appearance of materials used on the exterior of a building shall be compatible with the overall integrated appearance intended for the district.

Section 12-606. - Review of projects within the overlay district; appeals.

A. Improvements requiring site plan review.

1. Where site plan review and approval is required under this Zoning Ordinance for a proposed site development within the district, the final site plan shall include all information required by the Planning Director, or designee, regarding the architecture, color and related characteristics of the buildings, structures and signs on the site, both as currently existing and as proposed, and their relationship to neighboring sites. The Planning Director, or designee, shall review and act upon the proposed architectural, color and related characteristics of the buildings, structures and signs on the site as part of the final site plan review process and shall use the standards and criteria set out in section 12-605(J) above.
2. If aggrieved by the decision of the Planning Director in regard to the approved architecture, color and related characteristics of the building, the applicant may appeal

to the Planning Commission and City Council as provided for in section 12-606(C) below.

B. *Improvements not requiring site plan review.*

1. Any proposed construction or exterior reconstruction, alteration or restoration of a building, structure or sign within the district for which a site plan is not required under this Zoning Ordinance may not occur and shall not be valid until reviewed by the Planning Director, or designee, for compliance with the standards applicable to the district. No building permit issued for such work shall be valid until the work has been approved by the Planning Director, or designee, as being in full compliance with the requirements for this district.
2. Any person proposing work that is subject to review and approval by the Planning Director under this subsection shall provide to the Planning Director all information which the Director may require regarding the architecture, color and other characteristics of the buildings on the site.
3. The regular exterior maintenance of a building, structure or sign within the district shall not require review and approval by the Planning Director; provided, however, that any exterior painting which changes the colors on such building, structure or sign or which uses a color other than those authorized under section 12-605(I) above shall not be deemed maintenance and shall be subject to review and approval by the Director, or designee.
4. If aggrieved by the decision of the Planning Director in regard to the approved architecture, color and related characteristics of the building, the applicant may appeal to the Planning Commission and City Council as provided for in section 12-606(C) below.

C. *Appeals.* The determinations of the Planning Director may be appealed by the applicant to the Planning Commission, upon timely filing of appeal with the Director within thirty (30) days of the Director's decision. The Planning Commission shall hear such appeal as a site plan review item. The property affected shall be posted in the manner prescribed by Ordinance for site plan applications. If aggrieved by the decision of the Planning Commission, the applicant may appeal directly to the City Council, provided that such appeal is filed with the Planning Director within thirty (30) days of the decision of the Planning Commission. If aggrieved by the decision of the City Council, the applicant may appeal directly to the Chesapeake Circuit Court, as provided for in ~~section 15-1-503.2~~ of the Code of Virginia, 1950, as amended. Only the applicant shall have the right of appeal from decisions of the Planning Commission and City Council.

Section 12-708. - Certificate of appropriateness.

No building, structure (including signs), or landmark, or portion thereof, that is or will be visible from a paved public street shall be constructed, erected, extended, enlarged, altered, repaired, renovated, dismantled, demolished or moved unless and until a certificate of appropriateness has been issued by the review board, or in the case of administrative certificates of appropriateness, by the Director of Planning, for such action. Notwithstanding the foregoing, no certificate of appropriateness shall be required for the following: (i) ordinary maintenance activities and minor repairs, other than painting or replacement of siding, roofing, windows or doors, that do not require a building permit and that must be performed on a regular and relatively frequent basis to maintain architectural and structural integrity, provided that such maintenance or repair is performed using materials which are of the same design and type as those on the existing building, structure or landmark and which preserve the architectural defining features of said building, structure or landmark; (ii) removal of storm windows, storm

doors, television and radio antennas, satellite dishes, or solar collectors; and (iii) the installation or removal of window air conditioner units or fans. Where certificates of appropriateness are required, the following shall apply:

(b) *Materials to be submitted for review.* In addition to the application, the review board may require submittal of any or all of the following in connection with an application for a certificate of appropriateness: architectural plans; site plans; proposed signs (including appropriate detail as to historic character and location, but in no case shall the review include the content of the sign); exterior lighting plans; elevations of all portions of buildings and structures visible from a public street; construction materials; design plans for doors and windows; plans for exterior ornamentation, color and other architectural details; photographs or perspective drawings indicating visual relationships to adjoining structures and spaces; and such other exhibits and reports as the review board determines to be necessary to a final determination.

(j) *Issuance of temporary certificate of appropriateness under certain conditions.* Upon application by the owner of any non-income-producing, owner-occupied building or structure proposed for alteration, renovation or repair, the review board may issue a temporary certificate of appropriateness for a period of time not to exceed one year from the date of issuance. No such temporary certificate shall be issued, however, unless the review board receives an opinion from the independent committee reviewing hardship applications that the applicant suffers from economic hardship. The Board shall not review hardship applications submitted to the independent committee. No temporary certificate of appropriateness shall be issued where in the opinion of the board the alleged economic hardship results from the following:

1. Willful or grossly negligent acts of the applicant; or

2. Failure to perform regular maintenance in conformance with the Virginia Uniform Statewide Building Code. Denial of an application for a temporary certificate of appropriateness may be appealed as specified in section 12-712 below. Issuance of a temporary certificate of appropriateness shall in no event excuse a failure to comply ~~compliance~~ with building maintenance requirements set out in the Virginia Uniform Statewide Building Code or any other applicable laws or codes. A one-year extension may be granted, provided 1) the application for the extension is filed prior to the expiration of the original temporary certificate of appropriateness, and 2) the applicant demonstrates diligence in seeking to upgrade the alteration, renovation or repair to conform with applicable architectural guidelines and findings of the review board. In any event, the owner of the property shall obtain a permanent certificate of appropriateness, as required by this subsection, prior to the expiration of the temporary certificate of appropriateness, or any extension thereof. Failure to obtain a permanent certificate of appropriateness before the expiration of the temporary certificate of appropriateness shall be deemed a violation of this Ordinance.

ARTICLE 13. – SUPPLEMENTAL REGULATIONS

Section 13-605. - Special requirements for communication towers.

A. *Painting and finish on towers.*

1. Communication towers two hundred (200) feet or less in height shall have a galvanized finish, be painted silver, or be a natural grey in color. However, if any regulation of the Federal Aviation Administration contradicts this requirement, then that regulation shall govern.

2. Communication towers more than two hundred (200) feet in height shall be painted in accordance with regulations of the Federal Aviation Administration.
3. No signs ~~shall be advertisements~~ placed on a communication tower if ~~and~~-visible beyond the site on which the tower is located, ~~shall be allowed on the communication tower. Any written material placed on a communication tower and visible beyond the site on which the tower is located shall constitute a snipe sign, prohibited under this Ordinance.~~
4. Stealth towers shall be maintained in substantially the same condition as when first built for as long as the tower is standing.

Section 13-1402. - Outdoor sales as part of an agricultural, horticultural, or aquacultural operation.

B. Site plan and permit required.

1. A site plan showing conformance with the standards set out below shall be submitted to the Department of Public Works for review and approval. No agricultural outdoor sales facility shall be established or used to conduct sales activities until the site plan has been approved.
2. In addition, no agricultural outdoor sales facility shall be established or used to conduct sales activities until a permit is issued for the operation by the Zoning Administrator. The permit shall be issued at no charge to the applicant and shall be valid until such time, if any, that the outdoor sales facility is abandoned for more than two (2) consecutive years. However, a permit may be revoked by the Zoning Administrator for violation of this Ordinance.

- D. Where permitted.* An agricultural outdoor sales facility shall be permitted on property other than commercially zoned property if the following requirements are met:

1. The property on which the agricultural outdoor sales facility is located is generally used for agricultural, horticultural or aquacultural operations and is a minimum of three (3) acres in size; provided that, however, no agricultural outdoor sales facility shall be permitted on any residential lot which was created as a major subdivision or which is otherwise a part of a subdivision consisting of more than five residential lots.
2. A growers certificate furnished by the Chesapeake Agricultural Extension Agent and any required growers license issued by the City of Chesapeake are displayed on the property on which the agricultural outdoor sales facility is located. The growers certificate shall be valid for one (1) year.

E. *Site standards.* All agricultural outdoor sales facilities shall meet the requirements set out below.

1. Stands, tables and other structures which are part of the agricultural outdoor sales facility shall be set back a minimum of fifty (50) feet from the nearest edge of the sidewalk pavement or street pavement, if there is no sidewalk, of any public right-of-way which abuts or is in close proximity to the property on which the agricultural outdoor sales facility is located and shall be set back a minimum of one hundred (100) feet from any adjoining lot which is zoned or used for residential purposes. No other setback requirements shall be imposed.
2. Stands, tables and other structures used in support of the agricultural outdoor sales facilities may be placed on the same parcel as other structures and buildings associated with the agricultural, horticultural or aquacultural activity and may also be placed in the front yard of a lot, provided that the setbacks provided for in subsection 13-1402(E-)(1) above are met.

3. The total area occupied by all covered sales facilities shall not exceed five hundred (500) square feet for every acre of land devoted to the agricultural, horticultural or aquacultural operation, provided that the total area for all covered sales facilities shall not exceed two thousand five hundred (2,500) square feet. There shall be no limit on the amount of uncovered sales areas on the property.
4. The agricultural outside sales facility shall have off-street parking arrangements meeting the following standards:
 - a. An entrance from the street, approved by the Department of Public Works as meeting public safety needs, shall be provided.
 - b. An area of sufficient size for five (5) customer parking spaces shall be provided. In addition, an area one thousand two hundred (1,200) square feet in size shall be reserved for parking as needed.
 - c. The parking area need not be paved.
5. Portable toilets or similar sanitary facilities may be located on the site, provided that the facilities are set back at least one hundred (100) feet from all property lines. Portable toilets and similar sanitary facilities shall be screened from view from any public arterial street. The term "arterial street" shall mean a right-of-way at least eighty (80) feet in width.
6. Materials related to the display and sale of agricultural, horticultural and aquacultural products, including stands, tables, and structures and signs, section 14-704 notwithstanding, may remain on the site from season to season. However, if an outdoor sales facility is abandoned without any use at all for two (2) consecutive years, all structures and signs shall then be removed unless a new site

plan is approved by the Department of Public Works and a new permit is obtained from the Zoning Administrator.

ARTICLE 14. – ACCESSORY USES AND STRUCTURES

Section 14-104. - Temporary family health care structures.

A. Temporary family health care structures, which are temporary transportable residential structures that provide an environment facilitating the care for a mentally or physically impaired person, shall be a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings if the property is owned or occupied by the adult who provides care for a mentally or physically impaired person that they are either related to by blood, marriage, or adoption or the legally appointed guardian of a mentally or physically impaired person for whom they are caring. Only one (1) temporary family health care structure shall be allowed on a lot or parcel of land. The person who owns or occupies the lot on which a temporary family health care structure is placed shall comply with the following:

1. Obtain a permit from the Department of Development and Permits, for which a fee of one hundred dollars (\$100.00) will be charged and paid in full prior to the issuance of the permit.
2. A permit for a temporary family health care structure shall not be issued unless compliance with the following is demonstrated:
 - a. That the structure in which temporary care will be provided is primarily assembled at a location other than the site of installation.
 - b. That the structure is limited to one (1) occupant who shall be a mentally or physically impaired person who is a resident of Virginia and who requires assistance with two (2) or more activities of daily living, as defined in Virginia

Code Section 63.2-2200, and written certification by a physician licensed in the Commonwealth verifying the status of the mentally or physically impaired occupant of the structure is provided. Or, in the case of a married couple, occupancy shall be limited to two (2) occupants, one of whom is a mentally or physically impaired person as defined above, and the other requires assistance with one more or activities of daily living as defined in Section 63.2-2200, and written certification by a physician licensed in the Commonwealth verifying the status of the mentally or physically impaired occupants of the structure is provided.

- c. That the structure meets all requirements applicable to accessory structures as provided in accordance with section 14-100 et seq. of this Code and shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.
- d. The structure shall have a maximum gross floor area of three hundred (300) square feet.
- e. The structure shall comply with applicable provisions of the Industrialized Building Safety Law (Virginia Code Section 36-70 et seq.) and the Uniform Statewide Building Code (Virginia Code Section 36-97 et seq.).
- f. The structure shall be placed on a temporary foundation approved by the building official and shall not be placed on a permanent foundation.
- g. The structure shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

- h. No signage ~~that advertises or promotes the structure~~ shall be permitted on the structure ~~or elsewhere on the property~~.
3. Evidence of compliance with this section must be provided annually on the anniversary date of the initial zoning approval, including a current written certification by a physician licensed by the Commonwealth.
4. The structure shall be removed within sixty (60) days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services in need of the assistance provided for in this section.
5. The Zoning Administrator may revoke the permit granted pursuant to this section if the permit holder violates any provision of this section.

Section 14-206. - Exceptions to height limitations for fences, walls and hedges.

B. Walls supporting residential development/subdivision signs.

1. Walls supporting entrance signs to residential developments or subdivisions may exceed the fence height limitations for residential property only if such structures are approved in advance by the Director of Development and Permits or designee. A specific design plan for the proposed wall and sign, which shall be subject to the review and approval of the Director of Development and Permits or designee, shall be submitted for review during the preliminary subdivision or site plan review process. ~~planning commission~~. Any such approval shall be based upon the following factors:
 - a. The structure must be located outside of any public street right-of-way.
 - b. The structure shall not create a detriment to traffic safety or other neighborhood safety concerns.

- c. The structure does not so dominate the area as to have an adverse impact on neighboring structures and properties.
 - d. The appearance of the structure is consistent with that of existing and planned structures in the neighborhood.
2. ~~A specific design plan for the proposed wall and sign, meeting the requirements of the planning director and planning commission, shall be submitted for review by the commission. Construction shall be in full compliance with the approved plan.~~
3. ~~Review and approval of such a structure may be accomplished in any of the following ways:~~
- a. ~~As part of a preliminary subdivision or site plan review.~~
 - b. ~~As a planning director's item, not requiring public hearing or advertisement.~~
 - c. ~~As a site plan review, with advertisement and posting of the property as required for other site plans, if the commission determines that the potential impact of the proposed structure warrants public notice of the commission's review of the proposed design.~~

Section 14-703. Definitions.

Roof sign. An attached sign which is erected to project upward above the roof of the building, unless the sign is located on a parapet wall that is no less than two-thirds (2/3) of the frontage of the building. Any sign located on a parapet wall that is at least two-thirds (2/3) the length of the building frontage shall be attached below the lowest elevation of that parapet wall.

Section 14-704. - General requirements.

General requirements apply to all signs and are in addition to the regulations contained elsewhere in this ordinance.

A. *Table of basic design elements.* A table of basic design elements for signs is hereby attached to and made a part of this Ordinance. Any sign which is erected, displayed or structurally altered or reconstructed shall be in conformance with the applicable provision of the table of basic design elements, except as otherwise specified elsewhere in this Ordinance. However, when only a sign graphic is altered, only the new graphic shall be required to conform to the requirements for sign graphics in this Ordinance.

TABLE A – Permanent Signage

<i>Land Use</i>	<i>Freestanding Signs</i>	<i>Wall Signs</i>	<i>Ground Signs</i>	<i>Permit Required and/or other Limitations</i>
Signs Permitted in Residential Districts				
Multi-family; uses not otherwise noted	Number of signs: <100 ft. lot frontage: 0 >=100 ft lot frontage: 1 Maximum cumulative sign area: 32 square feet Setback: 5 feet from right-of-way Maximum height: 8 feet	Number of signs: 1 per 50 feet of building frontage Maximum cumulative sign area: 32 square feet Maximum area per sign face: 8 square feet	Number of signs: Located at a vehicular entrance to the site: 1 per entrance All other locations: no maximum Maximum sign area per face: 9 square feet Maximum height: 2.5 feet	Yes

I. *Miscellaneous permitted permanent signs.* The following permanent types of signs are permitted and may be erected without a permit, but shall be subject to the requirements of the building code and other applicable law:

1. ~~Signs relating to certain government, public service or public utility operations.~~

- a. ~~Official historic markers.~~
- b. ~~Official traffic signs, provisional warning signs or sign structures when erected or required to be erected by a governmental agency and temporary signs indicating danger.~~
- c. ~~Signs authorized by the state highway department to be placed on a highway right-of-way.~~
- d. ~~Signs erected by a public agency which identify or give direction to public facilities and/or uses. Such signs may be freestanding or building mounted and may be located off site. If freestanding, such signs shall not exceed eight (8) feet in height.~~
- e. ~~Small signs placed by a public utility or public franchise showing the location of underground facilities. Such signs may be up to two (2) square feet in sign area and four (4) feet in height.~~

2. ~~Flags, emblems or insignia of the United States and of other nations and of the commonwealth of Virginia, the City of Chesapeake and other political subdivisions of the United States and of bona fide civic, charitable, fraternal and welfare organizations.~~

3. ~~Small decals (less than one (1) square foot) applied to the interior of display windows or doors, which provide notice of credit affiliations, service clubs or civic sponsorships, etc.~~

4. ~~Seasonal displays and decorations advertising a product, service or entertainment.~~

- 1 5. Letters less than nineteen (19) inches in height and one (1) inch in thickness carved into or constructed of the same material as the building frontage in such a way that they are an architectural detail of the building, provided that they are not illuminated apart from the building, are not made of a reflecting material and are the same color as the building.
6. ~~Signs which have special historical value or significance to the community, with approval of the Planning Commission and subject to the following guidelines:~~
- a. ~~The sign relates to a significant time period, person, place or event in the history of the City.~~
 - b. ~~The sign's characteristics reflect a unique tradition of the community in which it is located or displays a commodity or a type of business having unique historical relationship with and significance to the community.~~
- 2 7. Changing of the copy on a sign used as a freestanding sign at an establishment with drive-through lanes menu board, message board or other similar use, as determined by the Zoning Administrator.
- 3 8. Changing of the graphics on a legal nonconforming billboard outdoor advertising sign.
9. ~~Nonilluminated signs warning trespassers or announcing property as posted, not exceeding four (4) square feet in sign area and six (6) feet in height.~~
- 4 10. Home, pavement and mailbox markings. Any sign applied directly to a home, mailbox or entirely to and flush with an asphalt, concrete or similar paved surface; provided that such sign shall not exceed two (2) square feet in sign area and not exceed more than two (2) such signs per residence. Signs located on a home, mailbox or similar legally conforming structure, identifying a private residence, not exceeding two (2) square feet in sign area and not exceeding one (1) such sign per residence.

- ~~11. Home-occupation signs not exceeding four (4) square feet in sign area and not exceeding one (1) such sign per home. Such signs shall not be illuminated and shall be attached to the dwelling.~~
- ~~12. Small directional signs displayed on site for the direction or convenience of the public, such as signs which direct traffic or identify the location of restrooms, public telephones, freight entrances or parking areas. No such sign shall exceed four (4) square feet in sign area or be located closer than five (5) feet from any property line.~~
5. ~~13. Handicapped parking signs.~~
- ~~14. Signs on trucks, buses or other vehicles, while in use in a normal course of business, subject to the limitations set out in section 14-705(F) below.~~
- ~~15. Signs stating that an establishment is authorized to perform state safety and/or emission control inspections, subject to the following: (a) the establishment has such authorization; (b) the sign does not exceed ten (10) square feet in sign area; (c) the sign is either building mounted or attached to an existing authorized freestanding sign; (d) there is not more than one such sign per establishment.~~
- ~~16. Signs required to be maintained by law or governmental order, rule or regulation, with a total area of all such signs not to exceed twelve (12) square feet on any lot or parcel, or, where applicable, the minimum size required under state or federal regulation.~~

Section 14-705. Special situations.

E. Residential development/subdivision signs.

1. Signs in residential developments and subdivisions shall be installed on private property included in the subdivision or development, provided that the signs are approved and installed as required by the Director of Development and Permits, or designee, as part of the subdivision and development review and approval process. No

~~building permit shall be required for such signs, provided that they are installed and maintained in compliance with the requirements of this Ordinance.~~ In no event shall any such sign be placed in a public water or sewer utility easement without the express written consent of the Director of Public Utilities, or designee.

2. Notwithstanding anything to the contrary in this Ordinance, the Zoning Administrator may issue a permit for the placement of a residential development and subdivision sign on private property located outside of the boundaries of the development or subdivision, provided that the following criteria are met:

d. The sign shall: 1) have a maximum sign area of forty-eight (48) square feet; 2) a maximum sign height of eight (8) feet; and 3) shall be setback at least fifteen (15) feet from the right-of-way. Further, the applicant shall comply
~~complies with any special requirements deemed necessary or advisable by the zoning administrator, including without limitation, landscaping, setbacks, and design criteria, and limitations on size, dimension or height.~~

Section 14-709. - Construction specifications.

A. *Compliance with building and electrical codes.* All signs shall be constructed in accordance with the requirements of the Uniform Statewide Building Code (USBC), BOCA Basic National Building Code, the National Electrical Code and the Life Safety Code.

B. *Anchoring.*

1. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.
2. All permanent freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations or otherwise anchored in an comparably

secure manner approved by the code or Zoning Administrator or the Administrator's designee.

3. All portable signs on display shall be braced or secured to prevent motion.

C. Additional construction specifications.

1. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
2. No signs shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the USBC, BOCA building or fire prevention codes.
3. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electrical Code specifications, depending on voltages concerned.

Section 14-710. - Administration and enforcement.

A. Application for permits. Application for a permit for the erection, alteration or relocation of a sign shall be made to the Administrator upon a form provided by the Administrator and shall include the following information:

1. Name and address of the owner of the sign.
2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
3. The type of sign or sign structure as defined in this Ordinance.
4. A site plan showing, at a minimum, the following: (a) an accurate mapping of the lot on which the sign is to be erected; (b) the size and location of all adjacent streets and other rights-of-way; (c) the location of all buildings and other structures on the site

and their distance from the proposed sign; (d) the proposed location and dimensions of the sign, along with the locations and square footage areas of all existing signs on the same lot. The Zoning Administrator may require such additional information as the Administrator may deem necessary or appropriate to properly review the application.

5. Specifications and scale drawings showing the materials, design, dimensions, structural supports and electrical components of the proposed sign.

B. *Permit fees.* All applications for permits filed with the Administrator shall be accompanied by a payment of the initial permit fee for each sign.

1. Fees for the erection, placing, replacing, hanging or rehangng of signs not otherwise specified in this section shall be based on the area of sign faces as follows:

1 to 99 square feet\$50.00

100 to 299 square feet\$75.00

300 square feet and over\$100.00

2. The minimum fee for repair of any sign shall be \$20.00 for each sign.
3. The fee for a temporary sign shall be \$50.00.

C. *Issuance and denial.*

1. The Administrator or the Administrator's designee shall issue a permit and permit sticker for the erection, alteration or relocation of a sign as soon as practicable and normally within three (3) business days of receipt of a complete and valid application, provided that the sign complies with all applicable laws and regulations of the City. In all applications, where a matter of interpretation arises, the more specific definition or more restrictive standard shall prevail.

2. When a permit is denied by the Zoning Administrator or the Administrator's designee, the Administrator shall give a written notice to the applicant along with a brief statement of the reasons for denial. The Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application or for any act by the permit holder or the permit holder's designee which is contrary to the terms of the permit.

D. *Permit conditions, refunds and penalties.*

1. If a permit is denied, the permit fee will be refunded to the applicant.
2. If a permit is issued but the permit holder decides not to erect the sign and no inspections have been made and no work authorized by the permit has been performed, the permit fee, except for twenty-five dollars (\$25.00) shall be refunded to the applicant upon request, provided that the permit and permit sticker are returned to the Administrator within six (6) months of issuance.
3. A permit issued by the Administrator becomes null and void if work is not commenced within six (6) months of issuance. If work authorized by the permit is suspended or abandoned for six (6) months, the permit must be renewed in order for any construction to be resumed, with an additional payment of one-half (1/2) of the original fee.
4. If any sign is installed or placed on any property prior to receipt of a permit, such sign shall be an illegal sign, and the Zoning Administrator or the Administrator's designee may require its immediate removal. If a sign so erected would otherwise be a lawfully conforming sign, a special permit application may be made for such sign within three (3) calendar days of notice from the Zoning Administrator or the Administrator's designee that the sign has been illegally erected. The specified permit fee otherwise applicable for such a sign shall be doubled. However, payment of the doubled fee shall

not relieve any person of any other requirements or penalties prescribed in this Ordinance.

E. *Inspection upon completion.* Any person erecting, altering or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator or the Administrator's designee may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs. The Administrator may require in writing upon issuance of a permit that he be notified for inspection prior to the installation of certain signs.

1. *Violations.*

When in the opinion of the Administrator, a violation of the code exists, the Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the code of which the individual may be in violation and shall state that the individual has ten (10) days from the date of the order in which to correct the alleged violation or to appeal to the Board of Zoning Appeals.

If, upon inspection, the Administrator finds that a sign is abandoned or structurally, materially or electrically defective or in any way endangers the public, the Administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within ten (10) days of the date of the order.

In cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the Uniform Statewide Building Code article 1 of the BOCA Code/National Building Code and in accordance with the traffic code (Va. Code Section 46.2-800 et seq.).

In addition to any other requirements under this Ordinance, the Administrator may, in his discretion, send by telephone, when such number is known to the Administrator, a prerecorded message to any person who, in the Administrator's determination, violates subsection 14-707(3). The prerecorded telephone message must inform the violator that the snipe sign(s) violate this Ordinance and provide a return number to contact the Administrator or the Administrator's designee. The prerecorded message may also inform the violator that legal action may be taken, which could result in a fine or other penalty, should the violation continue. There shall be no limit on the number of times the prerecorded message may be sent.

2. *Removal of signs by the Administrator.*

The Administrator may cause the removal of an illegal sign in cases of emergency or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs incurred, as certified by the Administrator.

If the amount specified in the notice is not paid within ten (10) days of the notice, it shall become an assessment upon a lien against the property of the sign owner and will be certified as an assessment against the property together with a penalty for collection in the same manner as the real estate taxes.

Except in cases in which the sign is located in the public right-of-way, tThe owner of the property upon which the sign is located shall be presumed to be the owner of the signs thereon unless facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

3. *Penalties.* Any person who fails to comply with the provisions of this Ordinance may be subject to a fine of fifty dollars (\$50.00) for each week or portion thereof that the violation continues, up to a maximum of one thousand dollars (\$1,000).

4. *Appeals.*

~~Any failure by the Zoning Administrator or the Administrator's designee to respond to an application for a permit required under this section within three (3) days of receipt of such application by the Department of Development and Permits or any decision rendered by the Administrator or the Administrator's designee in denying a permit or variance or in alleging a violation of this Ordinance may be appealed to the Board of Zoning Appeals within thirty (30) days of the Administrator's or designee's decision or failure to respond to the application.~~

The action being appealed shall be held in abeyance pending the decision of the Board, unless the Zoning Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would in the Administrator's opinion cause imminent peril to life or property. In that case the action being appealed shall not be held in abeyance except by a restraining order granted by the Board or by a court of record, on application by the appealing party and on notice to the Zoning Administrator and for good cause shown.

F. Private Signage Agreements. Nothing in this chapter shall prevent any persons from establishing, by deed restriction or private agreement, sign regulations which are more

stringent than those set forth in this chapter. Such private agreements shall not be enforced by the City.

ARTICLE 16. – ZONING AMENDMENTS; CONDITIONAL ZONING

Section 16-105. - Notice of hearing before Planning Commission.

A. *Types of notice required.* Following completion of a staff report and recommendations on an application for rezoning or on a proposed change in the text of the Zoning Ordinance, a hearing before the Planning Commission shall be scheduled. Notice of the Planning Commission public hearing on such matters shall be provided as follows:

1. Notice of the public hearing shall be advertised once a week for two (2) successive weeks in some newspaper published or having general circulation in the City. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after the second advertisement appears in such newspaper. Every such notice shall contain a reference to the place or places within the City where copies of the proposed plans, ordinances or amendments may be examined, which documents need not be advertised in full, but may be identified by reference. Each notice shall also contain a descriptive summary of the proposed action. In the case of a proposed conditional rezoning in which proffers are made for the extension of an existing public street, the advertised notice shall contain a reference to the proposed general location of the street extension.
2. When a proposed amendment of the Zoning Ordinance involves a change in the zoning classification of twenty-five (25) or fewer parcels of land, then, in addition to the notice required above, written notice shall be given by the Planning Commission, with the Planning Department acting as its agent, at least five (5) days before the hearing to

the owner or owners, their agent or the occupant of each parcel involved and to the owners, their agent or the occupant of all abutting property and property immediately across the street or road from the property affected. If the affected property is within a planned or mixed use development, then such notice shall also be given to those incorporated property owners associations within the development which have members owning property located within two thousand (2,000) feet of the affected property, as may be required by the Commission or the Planning Director. Notice shall also be given to the owner, their agent or the occupant of all abutting property and property immediately across the street from the property affected which lies in an adjoining municipality of the commonwealth of Virginia. Notices sent registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If hearing on the application is continued, notice shall be remailed. The Planning Department, as agent of the Planning Commission in providing notice by mailing, may send such notice by first class mail, provided that a representative of the Department makes an affidavit that such mailing has been made and files such affidavit with the papers related to the application. In any event, the applicant shall be solely responsible for ensuring that the mailing list provided to the Department fully complies with the requirements of this subsection, and the Department may require the applicant to provide properly addressed envelopes and appropriate postage and such other materials and information as the Department may deem necessary.

3. When a proposed amendment of the Zoning Ordinance involves a change in the zoning map classification of more than twenty-five (25) parcels of land or a change to the

applicable Zoning Ordinance text regulations that decreases the allowed dwelling unit density of any parcels of land then, in addition to the advertising required in subparagraph 2. above, written notice shall be given by the Planning Commission, with the Planning Department acting as its agent, at least five (5) days before the hearing to the owner, owners or their agent of each parcel of land involved; provided, however, that written notice of amendments to Zoning Ordinance text regulations shall not have to be mailed to the owner, owners or agent of lots shown on a subdivision or resubdivision plat, or any plat showing a valid division of land, approved by the City and recorded in the Clerk's office of the Circuit Court pursuant to Chapter 70 of the City Code, where such lots are less than eleven thousand five hundred (11,500) square feet in area. One notice sent to the last known address of such an owner as shown on current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the Department makes an affidavit that such mailings have been made and files such affidavit with the papers in the case. The Planning Department, as the agent of the Planning Commission, shall provide the service of mailing such notices, provided that the applicant shall be responsible for the accuracy of the mailing list and for furnishing envelopes, proposed postage and other materials as set out in subsection (3) above. No remailing shall be required in the event that a hearing is continued. Nothing in this paragraphs shall be construed as to invalidate any subsequently adopted amendment or Ordinance because of the inadvertent failure to give written notice to the owner, owners or their agent of any parcel involved in the rezoning or affected by a text amendment as described above.

4. In the case of a proposed conditional rezoning in which proffers are made for the extension of an existing public street, then, in addition to the advertising required in subparagraphs 1., 2. and 3. above, written notice shall be given by the Planning Commission, with the Planning Department acting as its agent, at least five (5) days before the hearing, to the owner, owners or their agent of each parcel of land involved in the proffered street extension, as well as to the owner, owners or their agent of each parcel abutting the land proposed to be improved as a public street. One (1) notice sent by first-class mail to the last known address of such owner as shown on the current real estate assessment book or current real estate assessment records, shall be deemed adequate compliance with this requirement, provided that a representative of the Department makes an affidavit that such mailings have been made and files such affidavit with the papers in the case. The Planning Department, as the agent for the Planning Commission, shall provide the service of mailing such notices, provided that the applicant shall be responsible for the accuracy of the mailing list and furnishing envelopes, proposed postage and other materials as set out in subsection (3) above. No remailing shall be required in the event the matter is continued, except that where the location of the proposed public street extension is changed, written notice shall be sent to the owner, owners or their agent, of all newly-involved parcels of land, as well as to the owner, owners or their agent of parcels of land abutting the proposed modified location of the proffered public street. Nothing in this subsection shall be construed to invalidate any subsequently adopted amendment or Ordinance because of the failure to give written notice required hereunder so long as all notice procedures in Virginia Code section 15.2-2204 ~~15.1-431~~ are met.

5. In the case of a proposed rezoning, the advertised and mailed public notice required above shall state the general usage and density range, if any, for the property under the proposed classification and the general usage and density range, if any, for the property under the City's comprehensive plan.
6. In the case of an application for a change in the zoning classification of property, it shall be the responsibility of the applicant to post on the property for which the application is filed one or more signs, provided by the City, so that at least one (1) sign is facing and clearly visible from each public right-of-way from which the property is visible. In cases where the property is not visible from a public right-of-way, the location of the sign shall be specified by the Planning Department. Where the subject property abuts more than one right-of-way and is one acre or more in size, signs shall be placed on all rights-of-way at every five hundred (500) feet of road frontage. As used in this subsection, the term "right-of-way" shall not include interstates. In the case of a proposed conditional rezoning in which proffers are made for the extension of an existing public street, signs shall be posted at the beginning and terminus of the proposed street extension. All signs required under this subsection shall be erected not less than fourteen (14) days prior to the date of the first scheduled public hearing before the Planning Commission and shall include notice of the time and place of that first hearing and the specific nature of the matter involved. The posting of the signs shall be in accordance with section 14-700 of this Ordinance. The signs shall not be posted on trees, towers, utility poles, fence posts or similar freestanding objects or on buildings or structures unless the application pertains to the reconstruction, renovation or expansion of the building or structure to which the sign is attached. The signs shall be continually maintained by the applicant on the site to the conclusion of the public

hearing by City Council. Applicants shall be required to pay the sum of twenty-five dollars (\$25.00) for the first sign which is required, and twenty dollars (\$20.00) for each additional required sign. In the event it is shown to the satisfaction of the Planning Commission or City Council, as the case may be, that improper posting or removal of required signs has occurred, the hearing on the application may be continued at the discretion of the commission or Council. Nothing in this subsection shall be construed to invalidate any subsequently adopted amendment or Ordinance because of the failure to post signs in accordance with the requirements herein so long as all notice procedures in Virginia Code section 15.2-2204 are met. All signs shall be removed from the property within five (5) days of final determination of the matter by City Council. Any sign remaining on a property more than five (5) days after final City Council action on the rezoning application to which it refers shall be an illegal sign and a violation of this Ordinance.

7. The applicant shall be responsible for all of the costs of providing required notice of hearing.
8. Nothing in this section shall be construed as to invalidate any subsequently adopted amendment or Ordinance because of the failure to give notice under this section, provided that all notice procedures required by state law are satisfied in full.
9. When a proposed change in zoning map classification; or an application for conditional use permit for a change in use or to increase by greater than fifty (50) percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half (½) mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as

required by this section, written notice shall also be given by the Planning Commission, or its representative, at least ten (10) days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

10. When a proposed change in zoning map classification, or an application for conditional use permit for a change in use involves any parcel of land located within three thousand (3,000) feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the Planning Commission, or its representative, at least thirty (30) days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.
11. The Planning Commission shall consult with the installation commander of any military installation that will be affected by potential development within the City so as to reasonably protect the military installation against any adverse effects that might be caused by the development.

ARTICLE 19. – DESIGN, DEVELOPMENT AND PERFORMANCE STANDARDS

Section 19-403. - Parking and traffic circulation area design.

- A. *In general.* Parking areas shall be designed to minimize on-site and off-site traffic hazards and conflicts in order to provide safe and convenient access to the travelling public; to reduce or prevent congestion in the public streets; and to facilitate the provision of emergency services.

B. *Stacking lanes, internal circulation and parking for developments providing drive-through or window pickup service for vehicles.*

1. Those developments providing an order and drive-through service on the site shall be designed so that those vehicles engaged in ordering and pickup do not interfere with the parking and movement of other vehicles, including vehicles engaged in loading and off-loading activities at the site. Stacking lanes shall be provided to accommodate at least five (5) vehicles, regardless of the number of service windows. The site shall also be designed to include a minimum of two (2) designated extra off-street parking spaces, above the number otherwise required by this Zoning Ordinance for such developments, for vehicles having to move out of the drive-through line and await service after ordering. ~~Any identifying sign or signs~~, approved by the Director of Development and Permits, or designee, and complying with this Zoning Ordinance, shall be provided for the spaces.
2. Those developments providing a pickup service by vehicle, with no ordering on site, shall be designed so that those vehicles waiting for pickup service do not interfere with the parking and movement of other vehicles, including vehicles engaged in loading and off-loading activities at the site. Unless one or more stacking lanes are provided to accommodate at least five (5) vehicles as required for drive-through facilities, such developments shall provide special parking areas which shall include a minimum of five (5) designated extra parking spaces, above the number otherwise required by this Zoning Ordinance for such developments, for vehicles to wait for pickup service. ~~Any identifying sign or signs~~, approved by the Director of Development and Permits, or designee, and complying with this Zoning Ordinance, shall be provided for the spaces.

**ARTICLE 20. – ADMINISTRATION, ENFORCEMENT, VARIANCES AND
OTHER RELIEF**

Section 20-202. - Conformity with ordinance required; penalties for violation.

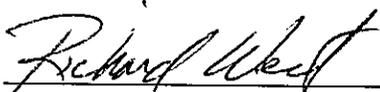
C. Infractions and civil penalties.

1. A violation of the following provisions of this ordinance shall be deemed an infraction and shall be punishable by a civil penalty of \$50.00 for a first offense, \$75.00 for a second offense, and \$150.00 for each subsequent offense arising from the same set of operative facts:

d. Failing to comply with sign regulations set out in section 14-700 of this ordinance, ~~except for section 14-707(10) of this ordinance.~~

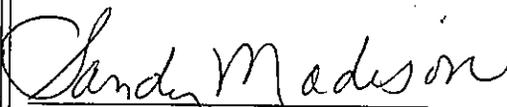
ADOPTED by the Council of the City of Chesapeake, Virginia, this 20th day of March, 2018.

APPROVED:



Mayor

ATTEST:



Clerk of the Council