

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 7, 2016
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. CONSENT AGENDA

1. Minutes Adoption - November 2, 2016 Regular Meeting

E. REPORTS OF THE COMMISSION

F. PUBLIC HEARINGS

1. SUP-0012-2016. Chickahominy Summerplace
2. ZO-0014-2016. 2016 Sign Ordinance Update

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - December 2016

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 12/7/2016
TO: The Planning Commission
FROM: Paul D. Holt, III, Secretary
SUBJECT: Minutes Adoption - November 2, 2016 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	Minutes of the November 2, 2016 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	11/29/2016 - 4:22 PM
Planning Commission	Holt, Paul	Approved	11/29/2016 - 4:22 PM
Publication Management	Burcham, Nan	Approved	11/29/2016 - 4:31 PM
Planning Commission	Holt, Paul	Approved	11/30/2016 - 2:32 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 2, 2016
7:00 PM

A. CALL TO ORDER

Mr. Tim O'Connor called the meeting to order at 7:00 p.m.

B. ROLL CALL

Mr. Holt stated that Ms. Robin Bledsoe is out of town attending to personal business and has requested to participate remotely from Washington, DC. Mr. Holt stated that pursuant to the Commission's adopted policy and consistent with State Code, members present must consider the request for remote participation by a majority vote.

Mr. Rich Krapf made a motion to allow Ms. Bledsoe to participate remotely.

On a roll call vote the Commission voted to allow Ms. Bledsoe to participate remotely (6-0).

Ms. Bledsoe joined the meeting by telephone.

Planning Commissioners

Present:

Tim O'Connor
Rich Krapf
Chris Basic
John Wright
Heath Richardson
Danny Schmidt

Remote Participation:

Robin Bledsoe

Staff Present:

Paul Holt, Planning Director
José Ribeiro, Senior Planner, II
Roberta Sulouff, Planner
Maxwell Hlavin, County Attorney

C. PUBLIC COMMENT

Mr. O'Connor opened public comment.

As no one wished to speak, Mr. O'Connor closed public comment.

D. CONSENT AGENDA

1. Minutes Adoption - October 5, 2016 Regular Meeting

2. Development Review Committee Action Item: Case No. C-0031-2106, Noland Blvd. AutoZone (DRC Recommendation: Preliminary Approval, 3-1)

Mr. Heath Richardson clarified that as a condition of the DRC approval, the applicant will provide revised elevations that are more consistent with the surrounding development for DRC for approval at a future meeting.

Mr. Krapf made a motion to approve the Consent Agenda.

The consent agenda was approved by voice vote (7-0).

E. REPORTS OF THE COMMISSION

Mr. Krapf stated that the Policy Committee met twice in October to consider proposed amendments to the Zoning Ordinance.

Mr. Krapf stated that at its meeting on October 4, the Committee took the initial steps to consider amendments to the County's Sign Ordinance. Mr. Krapf further stated that the Committee reviewed draft language to permit mobile food vending vehicles in the B-1, General Business District. Mr. Krapf stated that the Committee discussed the Supreme Court ruling requiring that sign regulations be content neutral and reviewed preliminary revisions to the Sign Ordinance. Mr. Krapf stated that the discussion would continue over the course of several upcoming meetings. Mr. Krapf stated that the Committee also provided feedback to staff on amendments to allow mobile food vending vehicles in the B-1, General Business district in advance of the public meeting.

Mr. Krapf further stated that the Policy Committee met on October 17 to review results of the online survey pertaining to mobile food vending vehicles in the B-1, General Business District, to receive public comment and to provide final feedback to staff. Mr. Krapf stated that the survey was identical to the previous survey and that there was a significant overlap in the affected businesses. Mr. Krapf noted that one individual from the public provided comments not in favor of allowing food trucks in James City County. Mr. Krapf stated that the Committee voted to forward the ordinance amendments to the Planning Commission for consideration.

F. PUBLIC HEARINGS

Mr. O'Connor recognized Mr. Richard Bradshaw, Commissioner of the Revenue, who was in attendance.

1. SUP-0014-2016/MP-0002-2016, Warhill Sports Complex Master Plan Amendment

Mr. José Ribeiro, Senior Planner II, presented a report to the Commission on the request to amend the Special Use Permit and Master Plan for the Warhill Sports Complex to allow the addition of a running center building, a Williamsburg Area Transit Authority (WATA) bus transfer station, the relocation of a proposed indoor sports facility and other minor changes.

Mr. Ribeiro stated that traffic impacts were among the primary concerns. Mr. Ribeiro stated that according to the Traffic Impact Analysis, the intersection of Longhill Road and Warhill Trail currently operates at a Level of Service F during the weekday evening and Saturday peak hours, but operates at acceptable levels during non-peak hours. Mr. Ribeiro stated that the TIA provided several recommendations to remedy the deficiency including signalization or manual traffic control, lengthening of the southbound right-turn lane on Warhill Trail, and potential realignment of the residential driveway west of the intersection to align with Blue Bill Run at the

Mallard Hill subdivision. Mr. Ribeiro further stated that while the intersection meets the warrants for a traffic signal during peak hours, it does not meet the warrants at other times. Mr. Ribeiro stated that VDOT does not typically approve traffic signals when only peak hour warrants are met. Mr. Ribeiro stated that one of the SUP conditions would require a traffic management plan to be submitted and reviewed and updated yearly. Mr. Ribeiro stated that the proposed running center and the WATA facility are anticipated to generate higher daily trips during peak hours; however, these facilities will be accessed from Centerville Road. Mr. Ribeiro further noted that an SUP condition has been included to require signage and or pavement markings indicating that the intersections with the residential neighborhoods must not be blocked.

Mr. Ribeiro stated that staff finds the proposal to be compatible with surrounding zoning and development and that it is consistent with the Comprehensive Plan. Mr. Ribeiro stated that on September 21, 2016, the Parks & Recreation Advisory Commission approved the proposed amendments to the Master Plan. Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. Ribeiro stated that it is also necessary that the Commission make a determination regarding consistency with Section 15.2-2232 of the Code of Virginia which requires that the location of the facility be found to be consistent with the Comprehensive Plan.

Mr. John Carnifax, Director of Parks and Recreation, made a presentation to the Commission to clarify some of the questions and concerns that have come forward. Mr. Carnifax stated that the proposed pool would be used predominantly for high school and local swim team practice and would not generate large traffic impacts. Mr. Carnifax noted that, due to the nature of sports facilities, some traffic delays at peak times will be unavoidable. Mr. Carnifax noted that having the service road open 6 a.m. to 9 p.m. year-round will have a positive effect on the traffic flow. Mr. Carnifax stated that in addition to potential traffic improvements, staff has asked tournament directors to stagger their games since the turnover between games contributes greatly to the traffic delays.

Mr. O'Connor opened the floor to questions from the Commission.

Mr. Wright inquired if any consideration has been given to allowing traffic to enter only from Longhill Road and exit only from Opportunity Way on tournament days.

Mr. Carnifax stated that the option has not been discussed; however, staff would be willing to consider it.

Mr. Schmidt inquired if the County has the authority to make the decision to leave the service road open all the time.

Mr. Carnifax stated that Opportunity Way up to Wanner Stadium is maintained by VDOT; however, the County has the authority to open and close the service road as necessary.

Mr. Wright inquired if the County would need to bring the service road up to VDOT standards.

Mr. Carnifax stated that improvements are not needed at this time; however, maintenance will be needed in the future as the road is used more. Mr. Carnifax noted that the intent is to keep this a road for park users entering or exiting the park and not a general thoroughfare.

Mr. Holt noted that because the service road is a private right-of-way it would be possible for the County to establish traffic calming measures to address speed concerns.

Mr. Richardson inquired about an extra southbound right turn lane on Warhill Trail and how it might mitigate traffic flow.

Mr. Steve Schmidt, Timmons Group, stated that lengthening the turn lane would allow right-turning traffic to get past the vehicles stacked for the left turn lane.

Mr. Danny Schmidt inquired if thought had been given to providing an acceleration lane on Longhill Road for the right-turning traffic to address sight distance concerns.

Mr. Steve Schmidt stated that consideration has been given to moving the stop bar forward to address the concern. Mr. Schmidt noted that consideration was not given to the acceleration lane due to the residential drive immediately adjacent to the intersection. Mr. Schmidt further stated that the future widening of Longhill Road would negate any lane improvements done on Longhill Road.

Mr. Basic inquired about the rationale for potentially delaying the road improvement specified in SUP Condition #4.

Mr. Holt stated that it would depend on if the Board of Supervisors funded the work in the CIP.

Ms. Bledsoe inquired when the next traffic impact analysis would be conducted.

Mr. Ribeiro responded that a traffic study will be required within five years of approval of the SUP.

Ms. Bledsoe inquired about the expectations for the Traffic Management Plan.

Mr. Ribeiro stated that the intent is to ensure that the traffic impacts are reviewed on a yearly basis and steps are taken to address the issues.

Mr. Holt noted that the Traffic Management Plan would allow for proactive planning for manual traffic control such as having police officers direct traffic at peak times until a time when permanent measures are fully warranted.

Ms. Bledsoe inquired why peak hour impacts are not sufficient to warrant a traffic signal.

Mr. Steve Schmidt stated that traffic signals have both benefits and consequences. Mr. Schmidt stated that one of the consequences is stopping through traffic. Mr. Schmidt stated that VDOT typically will not approve a traffic signal unless it is warranted throughout the entire course of the day. Mr. Schmidt stated that the possibility of installing a signal to operate only at peak hours and flash during off-peak times was discussed; however, VDOT was not inclined to approve that option at this time.

Mr. Wright inquired about the timeframe for construction of the running center, community gym and WATA facility.

Mr. Carnifax stated that none of the projects are currently funded; however, the County is pursuing private partnership options for constructing the running center and community gym.

Mr. Josh Mohr, Deputy Executive Director of WATA, stated that WATA is currently working to fund the project and that it could be in their budget as early as FY 18. Mr. Mohr stated that it would be at least four years until construction begins.

Mr. Holt noted that the SUP would limit bus access to using only Opportunity Way and that no busses would use Warhill Trail.

Mr. Richardson inquired whether the locality could fund and install a signal without VDOT concurrence.

Mr. Holt stated that VDOT would have to approve the signal.

Mr. Basic requested elaboration on the traffic management plan.

Mr. Carnifax stated that the plan would include having an officer direct traffic at Warhill Trail during peak hours, striping if approved, at the intersections with Mallard Hill, opening the service road for a set time every day and staggering use of the fields for tournaments and practices. Mr. Carnifax noted that many of the items are budgetary items and will require financial resources.

Mr. O'Connor opened the public hearing.

Mr. Gregory Carpenter, 5516 N. Mallard Run, addressed the Commission on concerns about the traffic that would be generated by the WATA transfer station. Mr. Carpenter inquired why the transfer station was needed in that location.

Ms. Vicky Schmidt, 5513 N. Mallard Run addressed the Commission on concerns about additional traffic and excessive speed. Ms. Schmidt requested that the County consider options for traffic calming measures on Warhill Trail.

LTC (RET) Stephen Slyfield, 5509 S. Mallard Run, addressed the Commission on the need for a traffic signal, traffic calming measures and improvement of sight distance.

Mr. James Prins, 8317 Barons Court, addressed the Commission on behalf of the Longhill Gate Homeowners Association. Mr. Prins expressed concerns about alignment of the intersection including the single center turn lane on Longhill Road, and conflicts with turning movements into and out of the subdivision and the Warhill Sport Complex. Mr. Prins noted that painting lines for the turning paths reduce some of the safety issues. Mr. Prins further noted that aligning the entrance for Longhill Gate with the entrance for the Sports Complex was done in 1999 in support of meeting the warrants for a traffic signal. Mr. Prins requested that the County use its influence with VDOT to have the traffic signal included in the plans for the Longhill Road improvements.

Mr. James Gable, 4808 Blue Bill Run, addressed the Commission on concerns about traffic impacts once all the features included in the existing Master Plan are built out. Mr. Gable noted that the peak traffic is heavier later in the summer than the times chosen for the traffic analysis.

Mr. Christopher Owens, 5533 Swan Road, addressed the Commission on concerns about speeding issues, traffic volume and the level of service at the intersection. Mr. Owens noted that a traffic signal is the only way to truly resolve issues at the intersection. Mr. Owens further noted that the service road should be open at all time the Warhill Sports Complex is open.

As no one further wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Krapf inquired if the safety concern about the single left turn lane was examined during the traffic impact analysis or during staff review.

Mr. Holt stated that the crash data was considered. Mr. Holt further stated that when the entrance was realigned, it was done to VDOT standards in terms of the geometry.

Mr. Steve Schmidt stated that the crash data for the five years between 2010 and 2015 was reviewed and that ten crashes occurred within 200 feet of the intersection. Mr. Schmidt noted that eight involved vehicles and two involved pedestrians. Mr. Schmidt stated that staff also reviewed the police reports to determine what common factors might exist. Mr. Schmidt stated that based on the police reports, the common left turn lane was not the cause of the crashes.

Mr. Wright inquired where VDOT maintenance ends on Warhill Trail.

Mr. Holt stated that VDOT maintenance extends to the roundabout at the soccer fields.

Mr. Wright inquired if VDOT approval would be required for traffic calming measures on Warhill Trail.

Mr. Holt confirmed.

Mr. O'Connor requested that Mr. Mohr address the question on the need for the WATA transfer facility at that location.

Mr. Mohr stated that the previous transfer center was at the old Outlet Mall. Mr. Mohr stated that WATA was able to negotiate a temporary location in the Wal-Mart area. Mr. Mohr emphasized that the current location could not be permanent. Mr. Mohr stated that the facility at the Warhill Sports Complex would provide a safer place for passengers to transfer from one bus to another or wait for a connection. Mr. Mohr stated that WATA hoped that the new facility would be staffed to answer questions and sell passes.

Mr. Schmidt stated that he supports the option of having the service road open every day. Mr. Schmidt further stated that he would recommend that staff look at providing additional signage indicating that the road is open.

Mr. Richardson stated that the Warhill Sports Complex was planned and built to allow for growth and additional future facilities. Mr. Richardson stated that he understand VDOT's position on the signalization of the intersection; however, he believes that making the intersection less stressful to negotiate would benefit the individuals who must negotiate the intersection to use the Sports Complex.

Mr. Schmidt stated that he would support considering traffic calming measures for Warhill Trail, particularly in the area where pedestrians cross.

Mr. Krapf noted that there are really only two items being added to the Master Plan, the WATA Transfer Station and the running Center. Mr. Krapf stated that he would support the Master plan amendment. Mr. Krapf stated that he appreciated the efforts of staff in crafting the SUP conditions and addressing the concerns brought forward at the previous meeting.

Mr. Basic stated that he believes that expanding the Warhill Sports Complex will be beneficial and that the central location is essential. Mr. Basic further stated that he

does not believe the timing of the next traffic impact analysis should be tied to build out of certain facilities because the County is growing and will be drawing more users whether there are new facilities or not. Mr. Basic stated that he is prepared to support the application; however, the Commission, the Board and the community need to work together to address the traffic issues before the facilities are constructed.

Mr. Wright stated that he can support the application which will allow for additional facilities at a future date; however, it appears that there is already a situation with traffic and safety that needs to be addressed more immediately by the Police Department.

Ms. Bledsoe stated that she concurs that there are two separate issues with the expansion of the park and the existing traffic concerns. Ms. Bledsoe stated that she is concerned that allowing the expansion of the Warhill Sports Complex will compound the existing problem. Ms. Bledsoe stated that she has concerns about approving the application due to the existing traffic concerns.

Mr. O'Connor stated that the amendments do not constitute a major expansion and that he could support the application.

Mr. Holt noted that Section 15.2-2232 of the Code of Virginia states, in part, that no public building or public structure be constructed or authorized unless the Planning Commission finds the location of the proposed facility "substantially" consistent with the adopted Comprehensive Plan. Mr. Holt stated that the Commission would need to make a finding of consistency prior to voting on the SUP and Master Plan Amendment.

Mr. Basic made a motion to find the location of the proposed facilities consistent with the Comprehensive Plan.

On a roll call vote the Commission voted to find the location of the facilities consistent with the Comprehensive Plan and adopt the associated resolution (6-1). Ayes: Schmidt, Richardson, Basic, Wright, Krapf, O'Connor. Nay: Bledsoe.

Mr. Krapf made a motion to recommend approval of the SUP and Master Plan Amendment.

On a roll call vote the Commission voted to recommend approval of SUP-0014-2016/MP-0002-2016, Warhill Sports Complex Master Plan Amendment (6-1). Ayes: Schmidt, Richardson, Basic, Wright., Krapf, O'Connor. Nay: Bledsoe

2. SUP-0015-2016, Lafayette High School Auxiliary Gym

Ms. Roberta Sulouff, Planner I, presented a report to the Commission on the request for a Special Use Permit to allow the construction of an auxiliary gym at Lafayette High School. Ms. Sulouff stated that the application, if approved, would permit the construction of an approximately 10,000 square foot auxiliary gymnasium and associated infrastructure. Ms. Sulouff stated that Lafayette High School did not require an SUP when it initially opened; however, the school site was rezoned to the Public Land District in 2007, where schools are a specially permitted use. Ms. Sulouff stated that while the school is a legally nonconforming use, an SUP is required for any expansion. Ms. Sulouff further stated that the SUP would also bring the existing school use into conformance with the Zoning Ordinance and allow for the improvements to the property. Ms. Sulouff stated that Section 15.2-2232 of the Code of Virginia states, in part, that no public building or public structure be constructed or authorized unless the Planning Commission finds the location of the proposed facility "substantially" consistent with the adopted Comprehensive Plan.

Ms. Sulouff stated that the Comprehensive Plan designates the Lafayette site as Federal, State and County land. Ms. Sulouff further stated that staff finds the proposed improvements consistent with the Comprehensive Plan as they are accessory to a recommended land use. Ms. Sulouff stated that staff recommends that the Commission adopt the resolution finding the location of proposed facility consistent with Section 15.2-2232 of the Code of Virginia and recommend approval of the Special Use Permit to the Board of Supervisors.

Mr. O'Connor opened the public hearing.

As no one wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Richardson made a motion to find the location of proposed facility consistent with the Comprehensive Plan and to adopt the resolution.

On a roll call vote the Commission voted to find the location of the facility consistent with the Comprehensive Plan and adopt the associated resolution (7-0).

Mr. Richardson made a motion to recommend approval of SUP-0015-2016.

On a roll call vote, the Commission voted to recommend approval of SUP-0015-2016, Lafayette High School Auxiliary Gym (7-0).

3. ZO-0013-2016. Zoning Ordinance Amendments to Permit Mobile Food Vending Vehicles (Food Trucks) in the B-1, General Business District

Ms. Roberta Sulouff provided a report to the Commission on the Zoning Ordinance amendments to permit mobile food vending vehicles in the B-1, General Business District. Ms. Sulouff stated that on September 27 the Board of Supervisors adopted an initiating resolution for the consideration of amendments to allow food trucks to operate in B-1, General Business District. Ms. Sulouff stated that the additional amendments were an expansion of the work done to develop performance standards for mobile food vending vehicles and allow them to operate in the M-1, M-2, PUC-C and PL Districts. Ms. Sulouff stated that the Policy Committee met twice in October to consider draft language. Ms. Sulouff stated that staff incorporated feedback from those meetings as well as the results of the Business Community Survey and feedback from the public meeting in the draft ordinance. Ms. Sulouff stated that no changes to the performance standards are proposed; only amendments to make mobile food vending vehicles a permitted use in the B-1 District. Ms. Sulouff stated that staff recommends that the Commission recommend approval of the amendments to the Board of Supervisors.

Mr. O'Connor opened the floor for questions from the Commission.

Mr. Richardson inquired when the Board of Supervisors would consider the amendments.

Ms. Sulouff stated that the ordinance amendments would be considered by the Board at their December meeting.

Mr. Wright inquired about who would be required to give permission to use the property in the instance of a shopping center where the storefronts are leased.

Ms. Sulouff stated that only the owner of the shopping center would be required to give permission.

Mr. Holt clarified that where there are restaurants on outparcels, those parcels are often subdivided out. Mr. Holt noted that food trucks would not be able to operate within 100 feet of any off-site restaurant.

Ms. Bledsoe commended staff and the Policy Committee for their efforts in moving the ordinance amendments forward.

Mr. O'Connor opened the public hearing.

Mr. Tim Harris, 117 Argall Town Lane, representing the Economic Development Authority, addressed the Commission in support of the amendments. Mr. Harris noted that the amendments put the County on competitive footing with adjacent localities. Mr. Harris further noted that food trucks are important amenity for younger residents. Mr. Harris stated that food trucks support the growing craft brewery industry and will help the County grow as a food destination by encouraging new and innovative food offerings.

As no one further wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Krapf made a motion to recommend approval of the ordinance amendments.

Mr. Wright stated that he supported food trucks in the M-1, M-2, PUD-C and PL district to allow these businesses an opportunity to grow. Mr. Wright further stated that he believed allowing food trucks in the B-1 District would disadvantage the existing brick and mortar restaurants which have higher operational costs. Mr. Wright stated that he would not support the amendments.

Mr. Schmidt stated that he is supportive of the current amendment but would be hesitant to support further amendments until enough time passes to evaluate the impact of the current amendments.

Ms. Bledsoe noted that craft breweries cannot sell food and that as the industry grows in James City County, being able to provide food trucks in the B-1 District will be very important. Ms. Bledsoe stated that she supports the amendments.

Mr. O'Connor stated that he sees food trucks as a complimentary use and not competitive to brick and mortar restaurants as each fills a different niche.

On a roll call vote, the Commission voted to recommend approval of ZO-0013-2016. Zoning Ordinance Amendments to Permit Mobile Food Vending Vehicles (Food Trucks) in the B-1, General Business District (6-1). Ayes: Schmidt, Richardson, Basic, Bledsoe, Krapf, O'Connor. Nay: Wright.

G. PLANNING COMMISSION CONSIDERATIONS

1. ZO-0014-2016, Initiation of Consideration of Amendments to the Sign Ordinance

Mr. Paul Holt, Planning Director stated that last year, the Supreme Court issued a ruling that will require amendments to the James City County Zoning Ordinance. Mr. Holt stated that if a sign ordinance organizes and regulates signs based on their message or content, then those portions of the ordinance will be subject to strict scrutiny. Mr. Holt stated that the County's sign ordinance does, in fact, contain regulations which are based on message and content and amendments are necessary to ensure the County's regulations are content neutral. Mr. Holt further stated that staff recommends that the Commission adopt the resolution to initiate more formal consideration of amendments to the Zoning Ordinance and refer the matter to the Policy Committee for further study and work.

Mr. Wright made a motion to adopt the initiating resolution.

On a roll call vote, the Commission voted to adopt ZO-0014-2016, Initiation of Consideration of Amendments to the Sign Ordinance (7-0).

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - November 2016

Mr. Holt stated that there was nothing more to add other than what was submitted in the Planning Commission packet.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. O'Connor noted that Mr. Wright would serve as the Planning Commission representative to the Board of Supervisors for the month of November.

Mr. Wright stated that he would be available to attend the first meeting but not the second meeting. Mr. Wright noted that he would arrange for one of the other Commissioners to cover the second meeting.

J. ADJOURNMENT

Mr. Wright made a motion to adjourn.

The meeting was adjourned at approximately 8:50 p.m.

ITEM SUMMARY

DATE: 12/7/2016
TO: The Planning Commission
FROM: Jose Ribeiro, Senior Planner II
SUBJECT: SUP-0012-2016. Chickahominy Summerplace

ATTACHMENTS:

	Description	Type
▣	Staff report	Exhibit
▣	Deferral request from applicant	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	11/30/2016 - 3:36 PM
Planning Commission	Holt, Paul	Approved	11/30/2016 - 3:36 PM
Publication Management	Babbitt, Katterina	Approved	11/30/2016 - 3:52 PM
Planning Commission	Holt, Paul	Approved	11/30/2016 - 3:53 PM

SPECIAL USE PERMIT-0012-2016. Chickahominy Summerplace
Staff Report for the December 7, 2016, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Mr. Jason Grimes of AES Consulting Engineers

Land Owner: Chickahominy Summerplace, LLC

Proposal: A request to reduce the minimum lot size to less than three acres to allow a rural cluster development of up to 150 lots at the proposed Summerplace subdivision.

Location: 1613 Jolly Pond Road

Tax Map/Parcel No.: 2920100004

Project Acreage: +/- 767 acres out of 924 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

PUBLIC HEARING DATES

Planning Commission: December 7, 2016, 7:00 p.m.
January 4, 2017, 7:00 p.m.

Board of Supervisors: February 14, 2017, 6:30 p.m. (tentative)

Staff Contact: Jose Ribeiro, Senior Planner II

STAFF RECOMMENDATION

The applicant has requested deferral of this SUP application in order to allow for additional time to evaluate the proposed SUP conditions. Staff recommends the Planning Commission defer consideration of this application to the January 4, 2017, Planning Commission meeting.

JR/nb
SUP12-16CSummerPl

Attachments:

1. Correspondence from the applicant requesting deferral of this SUP application to January 2017.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

From: Reimert, Adam [mailto:adam.reimert@aesva.com]
Sent: Wednesday, November 30, 2016 2:22 PM
To: Jose Ribeiro <Jose.Ribeiro@jamescitycountyva.gov>
Cc: 'Branch Lawson' (blawson@eastwestr.com) <blawson@eastwestr.com>; Aaron Millikin <aaronm@eastwestr.com>; 'Dean Vincent' <dvincent@eastwestp.com>; totrant@kaufcan.com; Grimes, Jason <jason.grimes@aesva.com>; Abbott, Bruce <bruce.abbott@aesva.com>
Subject: Summerplace

Mr. Ribeiro,

We are formally requesting deferral of the Summerplace SUP-0012-2016 review to the January 2017 Planning Commission Meeting. Thankyou.

Adam Reimert, P.E.
Senior Engineer I
AES Consulting Engineers



Hampton Roads | Central Virginia | Middle Peninsula
Office (757) 253-0040
aesva.com

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 Please consider the environment before printing this email.

ITEM SUMMARY

DATE: 12/7/2016
TO: The Planning Commission
FROM: John Rogerson, Senior Zoning Officer
SUBJECT: ZO-0014-2016. 2016 Sign Ordinance Update

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	VML Article	Backup Material
▣	Current Sign Ordinance	Backup Material
▣	PowerPoint Presentation summarizing needed changes	Exhibit
▣	Revised Ordinance (strikethrough version)	Exhibit
▣	Revised Ordinance (clean version)	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	ComSecretary, Planning	Approved	11/30/2016 - 3:52 PM

M E M O R A N D U M

DATE: December 7, 2016
TO: The Planning Commission
FROM: John Rogerson, Senior Zoning Officer
SUBJECT: ZO-0014-2016, 2016 Sign Ordinance Update

Last year, the Supreme Court issued a ruling that will require amendments to the James City County Zoning Ordinance.

As noted in the attached article by Virginia Town & City (the magazine of the Virginia Municipal League), if a sign ordinance organizes and regulates signs based on their message or content, then those portions of the ordinance will be subject to strict scrutiny.

The current James City County Sign Ordinance does, in fact, regulate signs based on content. As such, revisions to the code are necessary to ensure the ordinance is content-neutral.

On November 10, 2016, the Policy Committee voted 3-0 to recommend approval of these changes and to forward the revised ordinance to the Planning Commission. Staff recommends the Planning Commission recommend approval of the attached changes to the Board of Supervisors.

Attachments:

1. VML Article
2. Current Sign Ordinance
3. PowerPoint Presentation summarizing needed changes
4. Revised Ordinance (strikethrough version)
5. Revised Ordinance (clean version)



ADOPTION OF SIGN ORDINANCES is a delicate balancing of the interests of community beautifiers, landowners and businesses. In a decision straight out of a planner's nightmares, the United States Supreme Court, in *Reed v. Town of Gilbert*¹, handed down a decision that changes the landscape of sign regulation, disrupting the balance in favor of the "sign owner." If a locality regulates what can be said on a sign, the locality is more at risk of being sued for violating free speech, i.e. the First Amendment of the U.S. Constitution. Therefore, localities must review their sign ordinances to minimize the risk to the public pocketbook from meritorious lawsuits.

Thanks to a challenge by a minister/church to the sign regulations of an Arizona town, the Supreme Court has placed the categorization and regulation of signs under a proverbial microscope by courts and made sign ordinances subject to the legal hurdle known as "strict scrutiny." Simply put, if a locality has a sign ordinance that organizes and regulates signs based on their message or content, then that ordinance is subject to highest level of legal review. Local government officials will be hearing from their legal counsel and planners who may propose revisions to their sign regula-

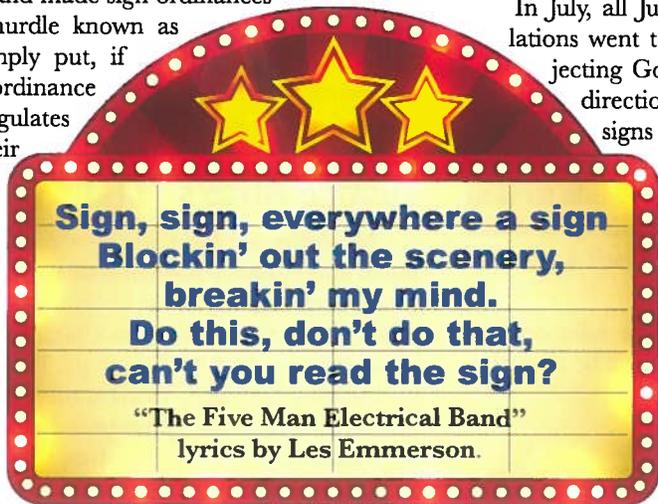
tions. Prudent local officials will patiently heed their lawyers' advice about constitutional analysis, and look for creative ways to achieve the public interest in signage.

Precipitating the *Reed* case, the rapidly growing Town of Gilbert, Arizona, prohibited the display of outdoor signs anywhere within the town without a permit but allowed exceptions for 23 "categories of signs." The town subjected "temporary directional signs" to the most restrictive regulations regarding the size and time they could be displayed. The town, to different degrees, also regulated "political" and "ideological" signs.

In July, all Justices concurred that the town's sign regulations went too far under the First Amendment in subjecting Good News Community Church's temporary directional signs to greater restriction than political signs in terms of time limits for display and for failing to include an event date at the various locations where the church was temporarily meeting. The Court reversed the lower court decisions and remanded (sent back) the case for further proceedings consistent with its opinion.

Writing for the Court, Justice Thomas found the multitude of distinctions in the town's ordinance, based on the message or content of the sign, to be "content-based regulation." The Court said laws "that

The simple answer is that all regulation or categorization of signs based on message or content will be subject to strict scrutiny.





cannot be justified without reference to the content of the regulated speech” are content based. Content-based regulations of speech are presumptively unconstitutional under the First Amendment, and require a “compelling government interest” to survive a free speech challenge. The Court found the town’s interest in regulating the specific signs differently, based on their messages, less than compelling, and ruled the regulations unconstitutional. The Court placed the burden on the town “to demonstrate that the Code’s differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, further a compelling governmental interest and is narrowly tailored to that end.”² This is an extremely high standard.

In separate opinions concurred with by their colleagues, a total of six Justices indicated concerns with Justice Thomas’ sweeping aside of sign regulations with the First Amendment broom. Justice Alito, with Justices Kennedy and Sotomayor, stated that strict scrutiny “does not mean, however, that municipalities are powerless to enact and enforce reasonable sign regulations.”³ He then listed seven categories of rules that would not be content based.⁴

Justice Kagan, with two other justices, bristled at the Court placing many sign ordinances in jeopardy⁵ because Gilbert could not provide a “sensible basis” for its directional sign ordinance. “...I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us...This Court may soon find itself a veritable Supreme Board of Sign Review.”⁶

In short, the Supreme Court changed the rules on sign ordinances, but failed to offer clarity on what will be allowed.

Impact on Cities and Towns

What does this mean for Virginia’s local governments? The nightmare aspect is that a locality will lose on a “facial” chal-

lenge to its ordinance and be subject to damages and attorneys’ fees. How the *Reed* decision will be applied is yet to come. The simple answer is that all regulation or categorization of signs based on message or content will be subject to strict scrutiny. “Strict scrutiny” requires the regulation to be narrowly tailored to serve a compelling governmental interest. Because these regulations, by their nature, differentiate signs based on their message, it is likely the courts will find that they are facially content-based restrictions on speech. This means the town or city doesn’t get to try and give justifications or purposes for the ordinance’s enactment.

However, those worried about sign blight will want a more detailed response and options. Justice Alito offers some options and localities can explore other alternatives. Another court opinion is coming soon to Virginia which may provide further/better guidance. The Supreme Court has remanded to the Fourth Circuit Court of Appeals the case of *Central Radio Company, Inc., et al. v. City of Norfolk, Va.* for decision consistent with its ruling in *Reed*. The Fourth Circuit has requested briefs from the parties.⁷ Central Radio brought a facial challenge against the City of Norfolk’s sign ordinance, and after losing in the Fourth Circuit, argued to the Supreme Court that its case involved similar issues as *Reed*.

Justice Alito’s “List”

All ability for localities to regulate signs is not lost. As noted above, Justice Alito provides a list of ways signs could be categorized and regulated without violating the First Amendment. Alito focuses on sign characteristics: size, attached to a structure or freestanding, type, lighted or unlighted, fixed or changing messages, location on public, private, residential, or commercial property, on-premises or off-premises, and the total number per mile of roadway.

Justice Alito also mentions time restrictions for one-time

event signs (Although this would likely fail Justice Thomas' facial neutrality test in striking down the Gilbert ordinances. To determine if one is looking at a one-time event sign, the reader of the sign needs to comprehend the message of the sign. If the sign has to be read to ascertain what category it falls into, then the ordinance regulating that sign is now likely to be subjected to strict scrutiny.)

Justice Alito's suggestions for avoiding failing the facial neutrality test are time, place and manner restrictions. Local officials are likely to hear these terms frequently going forward. "Time" restrictions deal with the period a sign is up. "Place" restrictions limit where signs can be located. "Manner" restrictions control the physical characteristics of the sign, e.g., the overall size. Limiting sign restrictions to these terms without distinctions based on the sign's message can keep ordinances safe from a tougher facial content discrimination challenge. To that end, these concepts are explored a bit more below.

Time, Manner and Place restrictions explained

In practice, time restrictions could limit the period during which political signs are erected. For example, the ordinance wouldn't refer to the signs as "political signs." Instead the signs can be referred to as signs posted in the public right-of-way. In an overlap with manner restrictions, the amount of time a sign is illuminated can be regulated.

Place restrictions give an array of options for regulation. An easy way to break locations down is into residential,

commercial, public, and private. All of these locations can have different sign rules. The number of signs per parcel can be limited as long as the number isn't so low that it restricts speech. Regulation of commercial signs can be predicated on whether the sign is located on the premises of the building or off the premises. The *Reed* decision appears to include commercial speech regulation "because of the topic discussed" as "content based." Therefore, the distinction made in past ordinances which allowed localities to treat the two types of speech (commercial versus non-commercial) differently may be gone. More stringent restrictions might apply when a sign for a business is off the premises. Basing regulation on the location of a sign in no way looks at the message or content of the sign, which keeps the ordinance facially content neutral, and easier to defend against a legal challenge.

Manner regulation of signs can include the sizing, attachment to structure, or illumination. Signs can be regulated most heavily for safety reasons. The materials used to make the sign, anchor it to the ground, or even attach it to a building can be regulated on grounds of public safety. A city/county certainly has an interest in making sure signs are not made of flammable materials, do not block the view of motorists using the streets and are anchored safely in place.

Mobile or readily movable signs might be categorized by their physical characteristics. Signs that are wheeled or self-propelled can be categorized as such and have their own set of rules. Campaign signs or "popsicle signs" can be grouped due to similar construction. Banner-type signs might be described as signs made of a canvas or tarpaulin material that is generally tethered to another structure by rope or wire.

Successfully identifying different types of signs by their physical characteristics allows for more specific regulation of individual signs. Individual sign types can be identified as long as they are identified by something other than their content or message. Since the descriptions wouldn't be content based, the signs can be regulated differently and the regulations won't be subject to strict scrutiny.

Some sign regulations will clearly be a time, place or manner restriction but most may be a combination of all three. For instance, a city might want to only allow illuminated signs during certain hours in a residential area. In a commercial area, a local government could limit the brightness of the illumination, size, and the number of signs on the structure of the business.



Limiting sign restrictions to these terms without distinctions based on the sign's message can keep ordinances safe from a tougher facial content discrimination challenge.

Preventing litigation

The possible sweeping implications of *Reed* can be a lot to digest, and the differing opinions of the Justices create puzzlement as to how the Court will treat the next sign case. But localities ignore this decision at their peril.

It is also important to remember that *Reed* didn't overrule any prior decisions. The Supreme Court has held that it doesn't like implicit overruling. Unless a case is explicitly overruled it will remain in force.⁸ Signs in residential areas cannot be banned completely. The Supreme Court has ruled prior to *Reed* that putting a sign in one's yard or window is a constitutionally protected right.⁹ The number of political signs per yard cannot be limited either.¹⁰ Billboards can be banned altogether.¹¹ So *Reed* comes on top of and must be read with several other decisions.

To prevent possible litigation, local officials should ask their planners and legal counsel to review the locality's sign ordinance in light of *Reed*.

Complying with *Reed* can be a matter of semantics. Think about whether a sign ordinance should be modified to be focused on time, place and manner restrictions. Using these types of restrictions, instead of content, can avoid the harder to sustain facial challenges. A challenger would have to show that the restriction, as applied to the challenger, is unconstitutional – switching the very high burden away from the locality. These sorts of challenges are more difficult to prove and allow the city to offer explanations and reasoning for the ordinance. If an ordinance is content based on its face, the locality has little opportunity to rebut.

To prevent possible litigation, local officials should ask their planners and legal counsel to review the locality's sign ordinance in light of *Reed*. Ask legal counsel to also evaluate whether enforcement should be suspended while codes are being reviewed for facial problems to avoid time-consuming, and possibly fatal, facial attacks by disgruntled sign owners. Ask planners and counsel to provide creative alternatives to maintain the substance of the provisions.

Stay tuned for the Fourth Circuit's ruling in the Central Radio case in Norfolk to see whether further enlightenment on the implications of *Reed v. Gilbert* is forthcoming in additional case law applicable to Virginia jurisdictions. Emmerson's lyrics may buzz in your minds for some time. 

About the authors

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¹ *Reed v. Town of Gilbert*, No. 13-502, 2015 WL 2473374 (U.S. June 18, 2015) (Thomas, J., majority), pending 576 U.S. ____.

² *Id.* at *11.

³ *Id.* at *13.

⁴ *Id.*

⁵ *Id.* at *16.

⁶ *Id.* at *19.

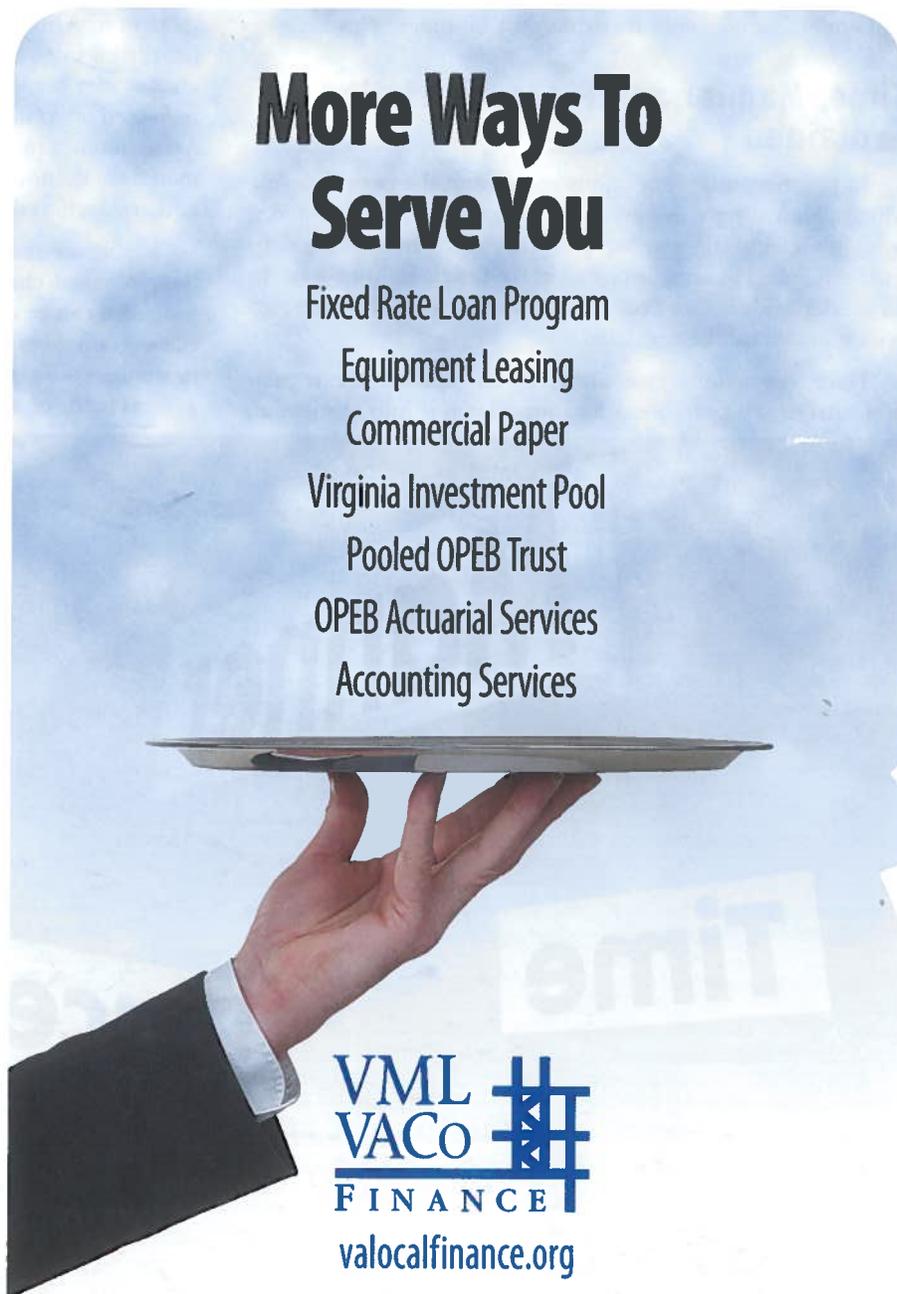
⁷ Court Order 1-2, 776 F.3d 229 (4th Cir. 2015)

⁸ *Agostini v. Felton*, 521 U.S. 203, 237 (1997).

⁹ *City of Ladue v. Gilleo*, 512 U.S. 43, 55 (1994).

¹⁰ *Arlington County Republican Comm. v. Arlington County, Va.*, 983 F.2d 587, 595 (4th Cir. 1993).

¹¹ *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 491 (1981).



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DIVISION 3. - EXTERIOR SIGNS

Sec. 24-65. - Statement of intent.

The purpose of this article is to regulate exterior signs to protect the health, safety, and general welfare of the community; to protect property values; to protect the historic and natural character of the community; to protect the safety of the traveling public and pedestrians; to promote the creation of an attractive and harmonious community; and to ensure the equitable distribution of public space for the purpose of communication.

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-269, 9-11-12)

Sec. 24-66. - Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Back-lit or channeled lettered sign. Any sign in which only the letters, characters, or figures are internally lighted. The background of the sign shall be opaque and shall not be internally illuminated.

Blade sign. A two-sided flat sign that projects more than 18 inches from, and that is mounted perpendicularly to, a vertical building wall. Such sign may be suspended from an arm or bracket, or may be directly mounted to a building wall or the underside of a canopy or awning.

Building face sign. Any sign attached to and erected parallel to the face of or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 18 inches from the building wall.

Double-faced sign. A sign with two parallel or nearly parallel faces, back-to-back, and located not more than 24 inches from each other.

Flashing sign. An illuminated sign on which the artificial or reflected light is not maintained stationary or constant in intensity and/or color at all times when in use, and whose intermittent or sequential lights are used primarily to attract attention. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign. Signs which display only the time of day and temperature or changeable LED signage used to advertise a single gas price shall not be considered a flashing sign when the message is changed fewer than four times in a 24 hour period.

Freestanding sign. A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not a part of a building, shall be considered a freestanding sign.

Gross sign area. That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in a sign area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of signs with more than two faces shall be computed by multiplying one-half the circumference of the footprint of the sign by the height of the sign. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.

Figures 1a through 1d: How to measure gross sign area:  = *Gross Sign Area*

Figure 1a- Building mounted signs where letters are mounted individually and the sign uses external illumination or internally illuminated channel letters



Figure 1b- Building mounted signs where the entire sign area is internally illuminated



Figure 1a Freestanding sign where letters/ logos

Figure 1b Freestanding sign where letters/ logos

Illuminated sign. Any sign designed to give forth artificial light or designed to reflect light from one or more sources of artificial light erected for the purpose of providing light for the sign.

Indirectly illuminated sign. A sign which does not produce artificial light from within itself, but which is opaque and backlit or illuminated by spotlights or floodlights not a part of or attached to the sign itself.

Internally illuminated sign. A sign of translucent or transparent material with the source of illumination, exposed or shielded, enclosed within the face or supporting structure of the sign. This term shall not apply to a sign in which only the letters, characters, or figures are internally lighted and the background of the sign is opaque.

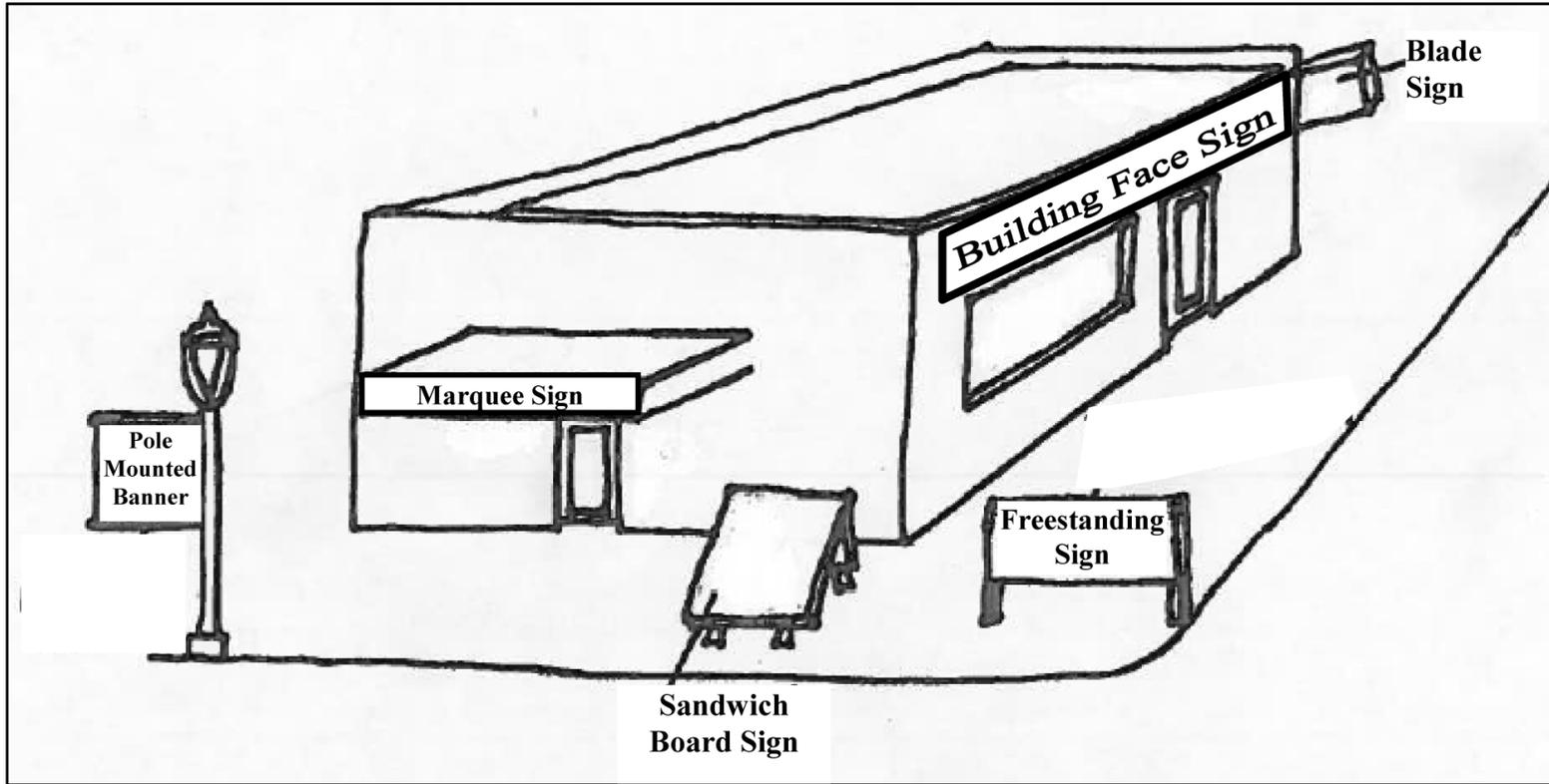
Marquee sign. Any sign attached to or hung from a marquee. For the purpose of this article, a "marquee" is a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

Projecting sign. A sign which is attached to and projects more than 18 inches from the face of a wall of a building. The term "projecting sign" includes a marquee sign.

Shopping center. A group of four or more commercial establishments having a minimum combined total square footage of 25,000 square feet, planned, constructed, and/or managed as a single entity, with customer and employee parking provided onsite, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

Sign. A structure, display or device that is arranged, intended, designed or used as an advertisement, announcement, identification, description, information or direction.

Figure 2- Types of signs



(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-224, 6-27-06; Ord. No. 31A-269, 9-11-12)

Sec. 24-67. - Permits.

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this chapter:

- (1) *Required application; inspection of signs.* No sign, unless herein exempted, shall be erected, constructed, structurally altered or relocated, except as provided in this article and in these regulations, until a permit has been issued by the administrator or his designee. Before any permit is issued, an application provided by the administrator or his designee shall be filed together with two sets

of drawings and specifications, one to be returned to the applicant, as such may be necessary to advise and acquaint the administrator or his designee fully with the location in relation to adjacent buildings, construction, materials, manner of illuminating or securing or fastening, and number of signs applied for and the wording of the sign or advertisement to be carried on the sign.

- (2) *Electrical permit.* All signs which require electricity or are electrically illuminated shall require a separate electrical permit and an inspection.
- (3) *Permit time limit.* All signs shall be erected on or before the expiration of six months from the date of issuance of the permit, otherwise the permit shall become null and void and a new permit shall be required.
- (4) *Permit number.* Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.
- (5) *Fees required.* For all sign permits, fees shall be required in accordance with section 24-7 of this chapter.

(Ord. No. 31A-185, 12-22-98)

Sec. 24-68. - Content of signs.

No exterior sign shall advertise a product, service, business activity or institution which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located. The content or advertising message carried by signs hereafter erected shall be limited to one or more of the following:

- (1) The identification of a building or its owners or occupants of the premises.
- (2) Information concerning any lawful business-related activities on the premises and/or goods or services offered in connection therewith, or information concerning any lawful, nonbusiness, nonservice-related activities or messages on or off the premises.
- (3) Information concerning the sale, rental or lease of the premises.
- (4) Information on directional signs as prescribed in section 24-73 (e).

(Ord. No. 31A-185, 12-22-98)

Sec. 24-69. - Residential subdivision signs.

- (a) *Requirements.* For identification of residential subdivisions, no sign intended to be read from any public right-of-way adjoining the district shall be permitted except for:

- (1) An identification sign, not exceeding 32 square feet in area, for each principal entrance. Such sign shall be bound by all other provisions of this section and shall also conform with the following criteria:
 - a. If freestanding, such sign shall not exceed a height of 15 feet above natural grade.
 - b. If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.
 - c. If the sign is located at the corner of two rights-of-way, the sign may be placed no closer than ten feet to the corner property lines;
or
 - (2) Two identification signs for each principal entrance whereby the cumulative size of the signs at each entrance does not exceed 32 square feet in area. The signs shall be placed on each side of the principal entrance and shall also conform to the following criteria:
 - a. Each sign shall not exceed a height of eight feet above natural grade.
 - b. If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.
 - c. If the signs are located at the corner of two rights-of-way, the signs may be placed no closer than ten feet to the corner property lines.
- (b) *Special requirements for subdivision identification signs located within community character areas or along community character corridors.*

The planning director shall review and approve residential subdivision signs, supporting structures, and entrance features to be placed within a community character area or along roads designated as community character corridors as identified by the James City County Comprehensive Plan. An applicant may appeal the decision of the planning director to the Development Review Committee (DRC). The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's request based on the review criteria outlined in this section.

Plans indicating the location of the sign(s), supporting structure(s), location and type of landscaping, and entrance features relative to surrounding streets, lots, and other features of the subdivision shall be provided to the administrator or his designee along with the application and drawings as specified in section 24-67 (1).

In reviewing the plans for subdivision signs, supporting structures, and entrance features, the following criteria shall be considered in deciding whether to approve the residential subdivision sign application:

- (1) *Scale.* The scale of the sign(s), supporting structure(s), and entrance features shall be consistent with, and complement, the adjacent properties and the road(s) on which the subdivision is located.
 - (2) *Materials, colors, and construction.* The materials, colors, and construction of the sign(s), supporting structure(s), and entrance features shall complement the character of the road on which the subdivision is located and shall not detract from the aesthetics of adjacent properties.
 - (3) *Landscaping.* An appropriate mix of deciduous and evergreen trees and/or shrubs shall be provided that enhance the appearance of the sign(s), supporting structure(s), and associated entrance features.
 - (4) *Safety.* The sign(s) and entrance features shall be located in such a manner that they do not impair the safety of motorists, pedestrians, or bicyclists.
- (c) *Content of residential identification signs.* Aside from identifying the name of the subdivision, additional information pertaining to the subdivision such as marketing and sales information may be included on the sign. The information shall be an integral part of the sign(s) and in no case shall the size of the sign(s) exceed the size permitted by section 24-69 (a)(1) and (2).

(Ord. No. 31A-185, 12-22-98)

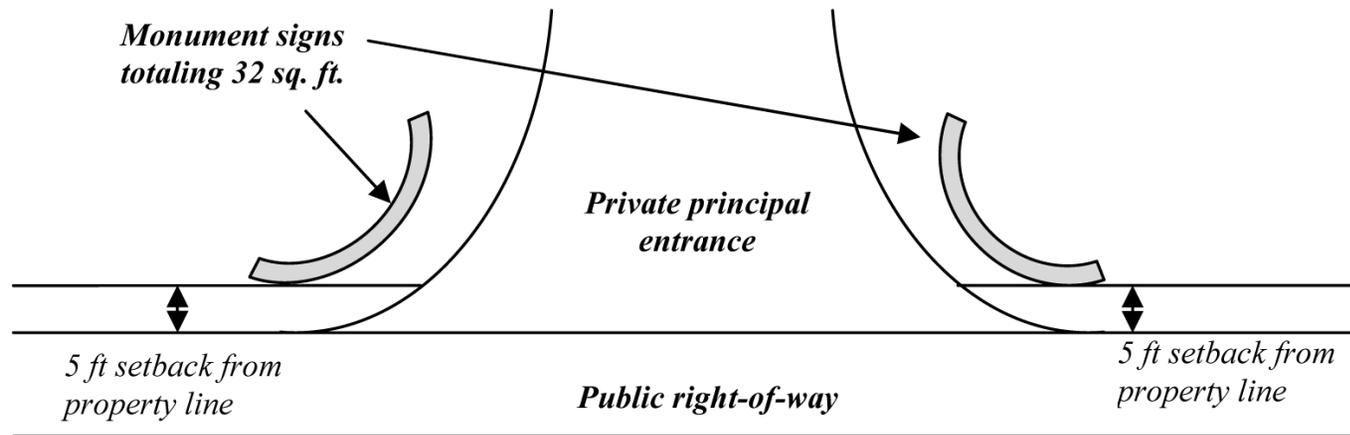
Sec. 24-70. - Freestanding signs.

Freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:

- (a) *One freestanding sign* shall be permitted on each street frontage if in compliance with the following regulations:
 - (1) *Sign location and setbacks.* Such signs may only be placed on the property within the required sign setbacks. Sign setbacks shall be located at least five feet from any property line.
 - (2) *Sign area.* Such signs shall not exceed:
 - a. 32 square feet per face if located less than 75 feet from the road right-of-way;
 - b. 50 square feet per face if located 75 to 150 feet from the road right-of-way; or
 - c. 60 square feet per face if located more than 150 feet from the road right-of-way.
 - (3) *Sign height.* Such signs shall not exceed an overall height of 15 feet above natural grade.
- (b) *Two freestanding monument-style identification signs* shall be permitted on each street frontage if in compliance with the following regulations:

- (1) *Sign location and setbacks.* The signs shall be placed on each side of the principal entrance. Such signs may only be placed on the property within the required sign setbacks. Sign setbacks shall be located at least five feet from any property line. If the signs are located at the corner of two rights-of-way, the signs may be placed no closer than ten feet to the corner property lines.
- (2) *Sign area.* The cumulative size of the signs at each entrance shall not exceed 32 square feet in area.
- (3) *Sign height.* Each sign shall not exceed an overall height of eight feet above natural grade.

Figure 3- Two freestanding signs placed at a principal entrance



(c) *Sign lighting.*

- (1) Internally illuminated signs shall be prohibited in the following cases:
 - a. When such signs are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map; or
 - b. When such signs are visible from and located within 150 feet of the existing or proposed rights-of-way of roads designated as community character corridors by the James City County Comprehensive Plan.
- (2) Illuminated signs within community character areas and along community character corridors, as defined above in (c)(1) a. and b. are permitted as long as they comply with the following:
 - a. composed of back-lit or lighted channeled letters as approved by the planning director in accordance with the criteria outlined in section 24-72 except that changeable digital displays or LED displays used specifically for indication of gas pricing on the premises are exempt from this requirement as long as they are constructed in accordance with section 24-73(m). An applicant may appeal

the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or

- b. externally illuminated by either sign-mounted lighting or ground-mounted horizontal light bars, light strips, or spotlights, which shall be concealed by landscaping, or by sign-mounted lighting. With either ground-mounted or sign-mounted lighting, the bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians.

Figure 4- Options for sign mounted lighting

Figure 4a- Sign mounted lighting (side view)

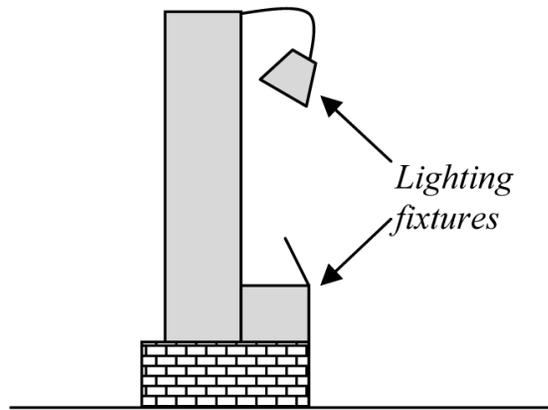
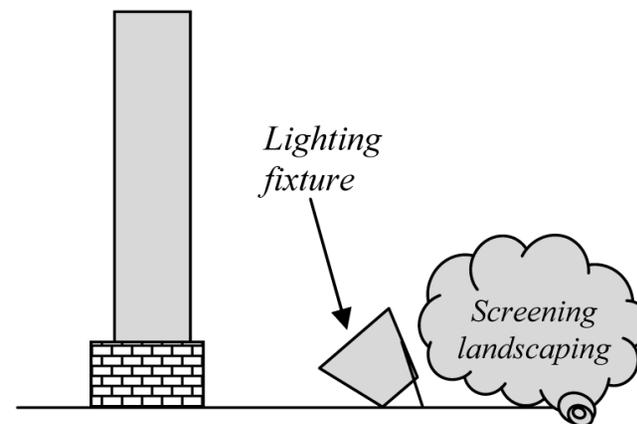


Figure 4b- ground mounted lighting (side view)

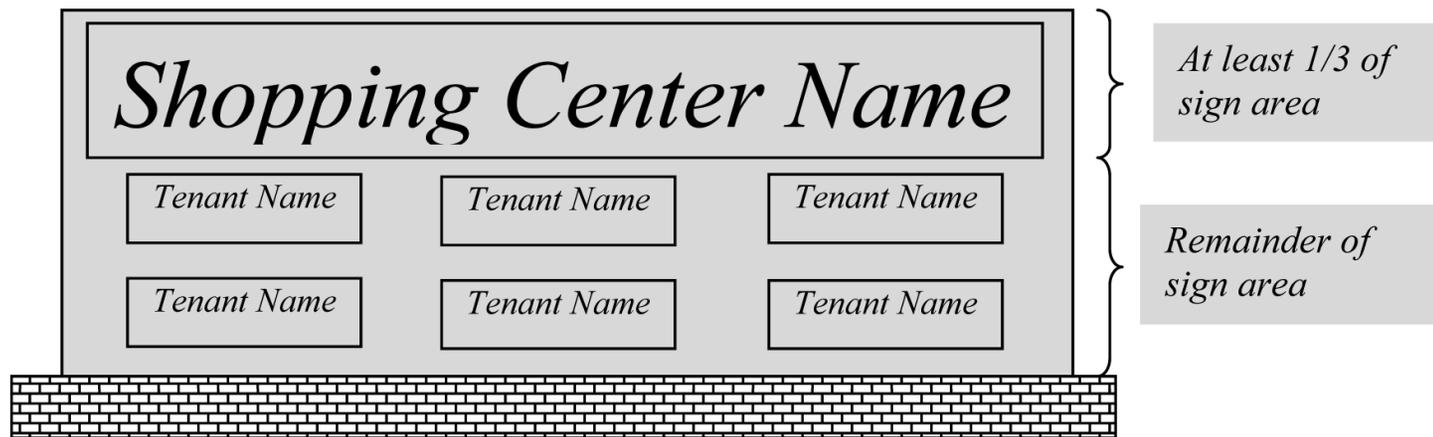


- (3) Signs shall cast no glare upon any adjacent property or public or private right-of-way.
- (d) *Signs for individual stores, businesses or professions on the same property.* Individual stores, businesses or professions on the same property, exclusive of shopping centers, shall combine signs on a single standard and the square footage of the combined signs shall not exceed 32 square feet per face.
- (e) *Shopping center signs.* Shopping centers shall be permitted up to two freestanding signs per major street frontage as permitted above in (a) and (b). A freestanding shopping center sign shall display only the shopping center name. Individual shops and businesses in shopping centers may have building face signs as provided for in section 24-71 or specially designed signs consistent with the overall development plan for the shopping center and approved as a part thereof by the planning commission.

(f) *Alternative shopping center sign.* In lieu of (e) above, shopping centers may be permitted one maximum 42 square foot freestanding sign per primary entrance which indicates individual stores and includes the shopping center name if in compliance with the following regulations:

- (1) The shopping center is located in a mixed-use zoning district and on property designated as mixed use on the James City County Comprehensive Plan;
- (2) The property is regulated by a design review board with approved architectural and design standards;
- (3) The property is guided by a master plan of development approved by the board of supervisors; and
- (4) The signs are consistent with the overall development plan and approved by the planning director or his designee as part of a comprehensive signage plan for the entire shopping center.
- (5) Sign location and setbacks. Such signs may only be placed on the property within required sign setbacks. Sign setbacks shall be located at least five feet from any property line.
- (6) Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.
- (7) Assignment of space. The shopping center name shall comprise at least 1/3 of the sign area. The remaining area of the sign may be used for individual tenants located internal to the shopping center.

Figure 5- Alternative shopping center sign



(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-224, 6-27-06; Ord. No. 31A-239, 5-12-09; Ord. No. 31A-269, 9-11-12)

Sec. 24-71. - Building face signs.

In zones where business or manufacturing is permitted, a building face sign shall also be permitted. The signs shall be in compliance with the following regulations:

- (a) *Sign location and area.* The building face sign(s) shall be placed on the front facade of the building, except in cases outlined below in subsections (d) and (g). The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the building's or unit's front facade or 60 square feet, whichever is smaller. The front facade of the building shall be considered the side that has the main public entrance.

For industrial uses in the M-1, M-2, PUD-C, and RT zoning districts, the applicant may request an exception from the planning director to allow the building face sign(s) to exceed 60 square feet. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in this section. For the purposes of this section, industrial uses shall mean any industrial use that involves the manufacture and/or assembly of products or components/parts for products. In addition to the submittal requirements outlined in section 24-67, the applicant shall provide scale drawings of the building elevation(s) and proposed sign(s). A conceptual plan shall also be submitted which shows the location of the sign relative to the existing and proposed landscaping, sight lines, distances from rights-of-way, and other pertinent site features.

In reviewing an exception request, the following criteria shall be considered in deciding whether to approve the request.

- (1) *Scale and proportion.* The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public rights-of-way. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure, with additional size aimed primarily at making the use identifiable from an adjoining public road. In no case shall the size of the sign exceed ten percent of the building's wall surface upon which the sign is placed.
- (2) *Materials, lighting, colors, and construction.* The materials, lighting, and colors of the sign shall not negatively impact adjacent properties or the aesthetics of the adjacent public roads. No exceptions will be granted for signs located within 150 feet of the road right-of-way of roads designated community character corridors.
- (b) *Sign mounting.* Such signs shall be mounted flat against the building on the side measured above.
- (c) *Sign lighting.*

- (1) Internally illuminated signs shall be prohibited in the following cases:
 - a. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map; or
 - b. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of roads designated as community character corridors by the James City County Comprehensive Plan.
 - (2) Illuminated, signs within community character areas and along community character corridors, as defined above in (c)(1)a. and b., shall be signs composed of:
 - a. back-lit or lighted channeled letters as approved by the planning director in accordance with the criteria outlined in section 24-72. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or
 - b. shall be externally illuminated in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way.
 - (3) Signs shall cast no glare upon any adjacent property or public or private right-of-way.
- (d) *Additional signs for buildings facing onto public rights-of-way or parking lots.* When the same building faces onto a public right-of-way or parking lot on the rear or side of the building, an additional sign may be erected at the public entrance on that side. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the building's side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.
 - (e) *Additional signs for buildings in excess of 40,000 square feet.* If the footprint of an individual store exceeds 40,000 square feet in size and contains major retail departments (i.e. bakery, restaurant, pharmacy, etc.), four additional building face signs advertising these retail departments, in addition to the main identification sign, may be permitted. The size of these individual sign(s) shall not exceed one square foot of sign area for each linear foot of the retail department's interior facade or 75 percent of the size of the main building face sign, whichever is smaller.
 - (f) *Exterior signs for stores within an enclosed shopping mall.* If there are individual stores located within an enclosed shopping mall and the stores are not directly accessible from the outside, each of the interior stores shall be allowed to display one exterior wall sign in accordance with the following regulations:
 - (1) The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the unit's front facade or 60 square feet, whichever is smaller.

(2) The sign shall be mounted flat against the building at one of the mall's public entrances.

(g) *An option for building face signs.* An owner may elect to relocate the building face sign, which would typically be placed above the building's main public entrance, on the side of the building that faces the public road right-of-way or parking lot. This provision would only apply if the side of the building facing the public road right-of-way or parking lot has no public entrance. This provision would not allow for additional building face signs beyond the maximum number permitted by section 24-71; it only provides the applicant an option on which side of the building to place the building face sign. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the building's side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-207, 12-11-01)

Sec. 24-72. - Review criteria for back-lit/channeled lettered signs within community character areas and along community character corridors.

In reviewing applications for signs containing back-lit or channeled letters, the following criteria shall be used in deciding whether to approve the application.

- (a) *Scale and proportion.* The scale of the sign and proportion of lettering, characters, and figures shall be of a scale, size, and character in keeping with the historic and/or rural ambience of the county and Williamsburg.
- (b) *Materials, colors, and construction.* The materials, colors, and construction shall complement the character of surrounding development and shall be in keeping with the historic and/or rural ambience of the county and Williamsburg.
- (c) *Intensity and quantity of lighting.* The area of the sign that is lit shall be a small proportion of the overall size of the sign. The lighting used shall be of a subdued nature and shall not dominate the streetscape.

(Ord. No. 31A-185, 12-22-98)

Sec. 24-73. - Special regulations for certain signs.

- (a) *Logos, trademarks, murals, etc.* Any logo, trademark, mural, copyright or recognizable symbol pertaining to the use or business contained within the building painted on any face of the building shall be treated as a building face sign.
- (b) *Flags as signs.* Flags used as signs shall be allowed by permit, provided that the same are installed in a permanent fashion, are maintained in good repair and will not constitute a hazard to vehicular or pedestrian traffic.
- (c)

Signs on entrance marquees or canopies. Signs on entrance marquees or canopies shall be allowed, provided that the total area of such signs if constructed alone or in combination with other building signs does not exceed the maximum allowable dimensions and square footage as set forth in section 24-71 (a) above.

(d) *Signs on corner lots.* Except for those provided for under section 24-69 and 24-70, signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, the administrator or his designee may permit setbacks of less than 50 feet.

(e) *Directional signs.* Directional signs may be allowed upon the determination of the administrator or his designee that the sign(s):

- (1) Are necessary to permit vehicular traffic to locate distinctive places of historical significance, businesses, campgrounds, industries, residential areas, or other activities which are located off the state primary roads;
- (2) Show only the name and/or logo, mileage and direction; and
- (3) Do not exceed ten square feet in size or seven feet in height.

(f) *Freestanding signs on properties adjacent to and visible from residential districts.* On properties adjacent to residential districts, any freestanding sign, visible from an adjacent residential district, shall be limited to 32 square feet in area. The top of the freestanding sign shall not exceed 15 feet above grade. If illuminated, freestanding signs within these areas shall be signs composed of:

- (1) Back-lit or lighted channeled letters; or
- (2) Shall be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.

In either case, there shall be no glare cast upon any adjacent property or public or private right-of-way. The freestanding sign shall be lit only during the normal operating hours of the associated use.

(g) *Signs for new commercial, industrial, and institutional construction projects.* Temporary nonilluminated signs may be erected in connection with new commercial, industrial, and institutional development and displayed on the premises during such time as the actual construction work is in progress. The signs shall also conform with the following criteria:

- (1) The maximum number and size of signs shall be:
 - a. A maximum of three signs with a cumulative sign area not to exceed 24 square feet; or,
 - b. A maximum of one sign with a sign area not to exceed 32 square feet.
- (2) The sign(s) shall only be placed along one of the property's street frontages.

- (h) *Home occupation signs.* Reference section 24-74 (10).
- (i) *Setback reductions in mixed-use districts.* In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance, and good visibility is maintained for all motorists and pedestrians traveling the intersection, the zoning administrator or his designee may permit setbacks of less than five feet on any lot in a mixed-use district.
- (j) *Blade signs in mixed-use districts.* Blade signs are permitted in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors. Blade signs must adhere to the following limitations and requirements:
 - (1) There shall be no more than one sign per public entrance to any given building;
 - (2) The sign(s) shall be positioned at the public entrance(s) of the building;
 - (3) An individual blade sign shall be no more than 12 square feet in area;
 - (4) The sign shall be mounted such that the bottom edge of the sign is not less than eight feet from the finished grade directly underneath it;
 - (5) Blade signs shall be unlit, or externally illuminated in such a way that bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;
 - (6) Blade signs that extend over a public right-of-way are subject to the prior approval of the controlling public entity. If approved, the developer shall provide positive proof of insurance for each sign mounted over the public right-of-way, or an alternate liability instrument deemed suitable by the controlling public entity;
 - (7) All blade signs shall obtain the prior approval of the design review board for the mixed-use project before they are installed.
- (k) *Pedestrian-scale directional signs in mixed-use districts.* Small, free-standing signs designed to direct pedestrian traffic to locations of interest within the development may be placed in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors. Pedestrian-scale directional signs must adhere to the following limitations and requirements:
 - (1) Such individual signs shall be no more than 24 square feet in total area, and may not have more than two faces. Only one side of a double-faced sign shall be included in a computation of sign area;
 - (2) The top edge of a pedestrian-scale directional sign shall be no more than seven feet above finished grade;
 - (3) Any lighting that is used shall be externally mounted and either supported solely from the sign structure, or ground-mounted. The ground-mounted lights shall be concealed by landscaping. Lighting shall be directed only onto the sign's face. Bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or

pedestrians;

- (4) Signs shall generally include elements such as the name and logo of the overall development, maps, and the business names, logos, and directional information for businesses that are located within the development;
 - (5) The number, relative positioning, and placement of each sign in a given mixed-use development shall be subject to the prior approval of the design review board and the planning director, or his designee.
- (l) *Pole-mounted banners.* Seasonal and/or holiday banners that are affixed to light poles that generally identify a season and/or holiday and advertise or promote the development as a whole (by including only the development name and/or logo), rather than individual enterprises, are permitted, subject to the prior approval of the zoning administrator, or his designee. Banners shall be mounted such that the bottom edge of any given banner is not less than eight feet from the finished grade directly beneath it. Banners are permitted only in shopping centers, (as defined in section 24-66), or in mixed-use districts.
- (m) *Digital or LED signage.* Digital or LED signage advertising gas price in community character corridors and community character areas must adhere to the following requirements:
- (1) Signs shall only advertise gas pricing on premises;
 - (2) Sign shall be of monument style and of a brick or stone foundation;
 - (3) Digital/LED displays shall be limited to advertising a single gas price and each digital character may not exceed one square foot and may not accommodate more than 50 percent of the total sign area;
 - (4) Digital/LED lighting shall be of one color that does not mimic emergency services lighting;
 - (5) There shall be no trespass of light onto adjacent properties from the sign. Light trespass shall be defined as more than 0.1 footcandles as measured at the property line. An iso-footcandle diagram may be required with permit submission;
 - (6) Sign copy neither flashes nor scrolls;
 - (7) Any portion of the sign other than the gas pricing component requires the review and approval of the planning director in accordance with section 24-70;
 - (8) Signage must otherwise comply with the provisions of this chapter.
- (n) *Sandwich board signs.* Sandwich board signs may be permitted in areas designated for commercial use located in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors. Alternatively, such signs may be located in other areas where there exists approved design guidelines adopted by the board of supervisors when such signs comply with said guidelines.

Sandwich board signs must adhere to the following requirements:

- (1) One sandwich board sign displaying menu items or daily specials on the premises shall be permitted at each public entrance of a business location.
- (2) Such sign(s) shall not exceed 12 square feet in area and five feet in height,
- (3) Sign(s) shall be located on premises or no more than ten feet from the seating area or access door and shall not block the flow of pedestrian traffic.
- (4) Any such sign shall be removed at close of business each day.

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-224, 6-27-06; Ord. No. 31A-239, 5-12-09; Ord. No. 31A-245, 6-22-10; Ord. No. 31A-269, 9-11-12)

Sec. 24-74. - Exemptions.

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the building code:

- (1) Official traffic signs, historical markers, provisional warning signs or sign structures when erected or required to be erected by a governmental agency and temporary signs indicating danger;
- (2) Traffic signs authorized by the Virginia Department of Transportation to be placed on a street right-of-way;
- (3) Changing of the copy on a bulletin board, poster board, display encasement, reader board or billboard;
- (4) Temporary nonilluminated signs, not more than six square feet in area, advertising residential real estate for sale or lease and located on the premises, one such sign for each street frontage;
- (5) Temporary nonilluminated signs, not more than six square feet in area, advertising commercial real estate for sale or lease and located on the premises, provided such signs conform to the following regulations:
 - a. One sign is permitted for each street frontage per parcel.
 - b. The maximum height of the sign shall not exceed eight feet.
 - c. The sign shall be erected in such a manner that it does not obstruct views of existing signs and/or create a safety hazard.
- (6) Temporary nonilluminated signs, not more than ten square feet in area, erected in connection with new single-family residential construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each parcel. Reference section 24-73 (g) for construction signs for commercial, industrial, and institutional projects;

- (7) Nonilluminated signs warning trespassers or announcing property as posted, not to exceed two square feet per sign in residential, commercial and industrial areas, and four square feet per sign in agricultural areas;
- (8) Sign on a truck, bus or other vehicle, while in use in a normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle (to which signs are attached) in designated customer or employee parking at the place of business.
- (9) Mailboxes and similarly located signs identifying a private residence;
- (10) Home occupation signs not to exceed four square feet. Such signs shall:
 - a. Not be illuminated.
 - b. Be attached to the dwelling.
- (11) Signs within a business or manufacturing district or within a nonresidential development in any zoning district which are not visible from a public road or abutting property line;
- (12) Signs not to exceed six square feet in area, within a business or manufacturing district, which state the name or number of a building, to be located on the rear or sides of a building on a parcel containing four or more buildings;
- (13) Signs placed upon the exterior of a structure indicating the location of restrooms, bathhouses, entrances or exits;
- (14) Signs not to exceed six square feet in area indicating the entrance or exit from a parking lot, potable water supply, sewage station for recreational vehicles or other notices related to public health or safety. Such signs shall be adjacent to the facility;
- (15) Temporary signs not to exceed 12 square feet per face erected for a period of up to 60 days, advertising seasonal agricultural products for sale within the general agricultural district;
- (16) One special notice placard, not to exceed four square feet in size, attached to a building or to a freestanding sign indicating credit cards which are accepted on the premises; group affiliations of which the business is a member or clubs or groups which utilize, recommend, inspect or approve the business for use by its members;
- (17) Signs conveying political, ideological, religious, social or governmental messages unrelated to businesses, services or manufacturing activities or the goods connected therewith; provided such signs shall not exceed 32 square feet in size; and provided, that any such signs related to or connected with political campaigns shall not be maintained for longer than 90 days and shall be removed within ten days after the election to which they pertain.
- (18) Off-premises, directional, temporary, and generic open-house realty signs may be erected in any zoning district in accordance with the following regulations:

- a. The function of such signs shall be limited to directional purposes, as opposed to the advertisement of an individual realtor or realty firm. The signs shall be generic in style and color. No specific realtor or realty firm name(s) shall appear on such signs provided; however, the registered trademark of the National Association of Realtors, the equal housing opportunity logo, and identification as provided for in (18) h. below shall be permitted.
- b. Such signs shall refer only to real estate open houses whose purpose is to sell, lease, or rent residential property.
- c. No such sign shall exceed three square feet in area and three feet in height.
- d. Such signs shall be located only at intersections where a turning movement is indicated, and only at intersections where at least one of the streets is within the residential area in which the subject property for sale, lease or rent is located.
- e. No more than two such signs shall be located at any one intersection, nor shall such signs at the same intersection point in the same direction.
- f. Such signs shall be temporarily displayed only when the residential unit is open for public viewing under the direction of an on-site representative of the owner.
- g. Such signs shall be placed only on private property and only with the express consent of the owner of said property.
- h. Each sign shall have an identification tag either attached or permanently affixed to the signs which contains the name, address, and phone number of the sign's owner. The identification tag shall not exceed four square inches in area.

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-213, 3-9-04; Ord. No. 31A-291, 8-13-13)

Sec. 24-75. - Prohibited signs.

The following signs are specifically prohibited:

- (1) Off-premise signs or off-premise billboards, unless otherwise permitted by section 24-73 (e) or specifically exempted by section 24-74.
- (2) Flashing, animated and rotating signs or appurtenances to signs which are nonstationary.
- (3) Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, fire or ambulance vehicles or for navigation or traffic-control purposes.
- (4) Signs so located and so illuminated as to provide a background of colored lights blending with traffic signal lights that might reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 300 feet.
- (5) Internally illuminated signs shall be prohibited in the following cases:

- a. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map; or
 - b. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of roads designated as community character corridors by the James City County Comprehensive Plan.
- (6) Signs which are not an integral part of the building design but fastened to and supported by or on the roof of a building or projecting over or above the roof line or parapet wall of a building, except as otherwise provided herein.
 - (7) Signs placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.
 - (8) Signs attached to trees, utility poles or other unapproved supporting structure.
 - (9) Signs which are portable or otherwise designed to be relocated or are constructed on a chassis or carriage with permanent or removable wheels, except for those permitted by section 24-74 (18).
 - (10) Signs attached, painted on, or affixed to vehicles used primarily for display and/or advertising purposes parked in designated customer or employee parking at the place of business.
 - (11) Pennants, banners, flags and other displays used for marketing or advertising except as provided in sections 24-73 (b) and 24-73 (l).

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-224, 6-27-06)

Sec. 24-76. - Temporary signs.

The administrator or his designee, upon application, may issue temporary permits for the following signs and displays when in his opinion the use of such signs and displays would be in the public interest and would not result in damage to private property. Such permits shall be valid for a period of up to 30 days following issuance:

- (1) Signs or banners of not more than 32 square feet advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental, charitable or nonprofit organization.
- (2) Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes.
- (3) Special decorative displays used for purposes of advertising the opening of a new store, business or profession.

(Ord. No. 31A-185, 12-22-98)

Sec. 24-77. - Exceptions.

- (a) Upon application, the administrator or his designee may grant an on-premises sign limitation waiver which may allow:
- (1) One freestanding sign not to exceed 60 square feet per face;
 - (2) One building face sign not to exceed an area equal to one square foot multiplied by the length or width of the building in industrial zones, provided that the face on which the sign shall be mounted is at least 500 feet from any road or street right-of-way;
 - (3) One freestanding sign not to exceed 32 square feet per face and not to exceed 30 feet in height;
 - (4) One sign to be placed on the roof of the building not to exceed one square foot of sign area for each linear foot of the building's or unit's front facade or 60 square feet, whichever is smaller;
 - (5) A second freestanding sign not to exceed 32 square feet on parcels which contain more than 400 feet of road frontage and more than one main entrance, provided that such lot is not a corner lot; or
 - (6) One additional building face sign not to exceed the building unit's front façade or 60 square feet, whichever is smaller, when the unit is located in a mixed-use district and an area designated for commercial uses on the binding master plan as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved binding master plan of development, all of which shall be approved by the board of supervisors. The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public rights-of-way. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure.
- (b) Such on-premises sign limitation waivers shall only be granted in unusual circumstances where it can be demonstrated to the administrator or his designee that:
- (1) Unusual topography, vegetation, distance of the business or parcel from the road right-of-way, distance between driveways, separation of grade or the location of the driveway in relation to the location of the business and traffic patterns would impose a substantial hardship upon the business by making the advertising signs unreadable from vehicles on the adjoining roadway; or
 - (2) The waiver would allow the business to post signs that are consistent with the majority of other businesses located on the same parcel; or
 - (3) In addition to the provisions for granting sign limitation waivers under (b)(1) and (2) of this subsection, if the facade of the building is so designed that a building face sign cannot be placed upon it, and a roof sign would be the only reasonable and practical solution consistent with good design, a sign consistent with subsection (a)(4) above shall be permitted, provided that the sign is not within 200

feet of residentially zoned property; and

(4) That in subsections (b)(1), (2), and (3) above such waiver is consistent with traffic safety and all other provisions of this article.

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-245, 6-22-10; Ord. No. 31A-269, 9-11-12)

Sec. 24-78. - Abandoned signs.

A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises. Such sign, if not removed within 30 days from the termination of occupancy by such business, shall be considered to be in violation of this chapter, and shall be removed at the owner's expense.

If the owner shall fail to comply with this requirement, then written notice shall be given by the administrator to the owner advising of the violation. If such signs are then not removed within ten days, the administrator shall cause such removal and charge the cost to the owner of the premises.

(Ord. No. 31A-185, 12-22-98)

Sec. 24-79. - Violations.

Prior to any criminal or civil enforcement under this section, the administrator or his designee shall give five days' written notice of the violation to the owner of the property. If the violation involves a portable sign or any advertisement affixed to any object, such sign or advertisement shall be removed immediately, and if not, the administrator or his designee may remove or cause to be removed at the owner's or tenant's expense such sign or advertisement and/or institute such other action as may be appropriate. Removal of a sign or advertisement shall not affect any proceedings instituted prior to removal of such sign. Removal of signs in VDOT right-of-way or advertisements affixed to any objects within VDOT right-of-way and prosecution of violations for signs or advertisements located in VDOT right-of-way shall be in accordance with the procedures set forth by agreement between the county and VDOT.

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-269, 9-11-12)

Secs. 24-80—24-85. - Reserved.



Sign Ordinance Update

December 7, 2016
Planning Commission

Purpose of Zoning Ordinance Update

Supreme Court Decision

Reed v. Town of Gilbert, Arizona

The United States Supreme Court ruled that localities may not regulate the sign's **content**. Content based ordinances could likely violate the First Amendment. However, localities may regulate the sign's location, size, lighting, etc.

Overview of Changes

Section 24-65. Statement of Intent

- *General updates to clarify the purpose of the sign ordinance*
 - *Regulations attempt to:*
 - *Achieve the proper balance among businesses, customers and rights of person to exercise their First Amendment rights*
 - *Protect the appearance of the County*

Overview of Changes

Applicability (New Section)

- *Inserted new section to clarify when the sign ordinance applies*
 - *Location of signage*
 - *Erection of signage*
 - *Enlargement of signage*
 - *Expansion of signage*
 - *Alteration of signage*
 - *Operation maintenance of signage*
 - *Relocation of signage*
 - *Removal of signage*

Overview of Changes

Section 24-66. Definitions

- *Several definitions were added or amended to ensure clarity and consistency*
 - *New Definitions:*
 - *A-Frame signs (also known as sandwich board signs)*
 - *Community Character areas or corridors*
 - *Electronic display signs*
 - *Good Repair*
 - *Ground sign*
 - *Off-premises sign*
 - *Store-within-a store*
 - *Symbol*

Overview of Changes

Section 24-66. Definitions

- *Amended*
 - *Flashing sign (removed the exemption for LED signage for gas pump pricing)*
 - *Sign (clarified and expanded)*

Overview of Changes

Section 24-67. Permits

- *Removed content reference in the last sentence*

Section 24-68. Content of Signs

- *Section removed in its entirety*

Overview of Changes

Section 24-69. Residential subdivision signs

- *Revised to be content neutral*
 - *Signage may not be limited to identifying the residential subdivision's name*
 - *Renamed section to “**Freestanding Signs on Residentially Zoned Properties**” and specified each residential zoning district*
 - *Eliminated references to content such as “For identification of residential subdivisions”*
 - *Revised current ordinance language which addresses location, size, heights, lighting, etc.*
 - *Deleted 24-69 (c) Content of residential signs*

Overview of Changes

Section 24-70. Freestanding Signs

- *Revised to be content neutral*
 - *Renamed section to “Freestanding Sign on Non-Residentially Zoned Properties” and specified each non-residential zoning district*
 - *24-70 (a) Revised for clarity and to ensure properties zoned*
 - *24-70 (c) Clarified sign lighting language within a community character corridor or area*
- *Eliminated content reference such as:*
 - *24-70 (e) Permitted the sign to display only the shopping center’s name*
 - *24-70 (f) Permitted the sign to display only the shopping center’s name and individual stores/businesses. Deleted item 7 and figure 5*

Overview of Changes

Section 24-71. Building Face Signs

- *Revised to be content neutral*
 - *24-71(a) Generalized language which allows for larger signs in industrial districts*
 - *24-71 (c) Clarified sign lighting language within a community character corridor or area*
 - *24-71(e) Generalized language which allows up to four (4) additional signs in addition to the main sign for stores that exceed 40,000. Eliminated language restricting the signs to advertise “retail departments” within the store*
 - *24-71(g) Clarified existing language*

Overview of Changes

Section 24-72. Review criteria for back-lit/channeled letter signs within community character areas along community character corridors

- *Clarified existing language for continuity*

Overview of Changes

Section 24-73. Special regulation for certain signs

- *Revised to be content neutral and clarity*
 - *(a) Revised language for clarity*
 - *(e) Directional Signs were deleted*
 - *(f) Removed last two sentences*
 - *(g) Signs for new commercial, industrial and institutional construction projects. Revised to eliminate content references*
 - *(h) Removed Home Occupation sign cross reference in 24-74*
 - *(j) Revised for clarity and removed insurance requirement*
 - *(k) Pedestrian scale signs in a mixed use district. Eliminated item 4 which referenced content*
 - *(l) Pole-mounted banners. Eliminated seasonal content references*

Overview of Changes

Section 24-73. Special regulation for certain signs

- *Revised to be content neutral*
 - *(m) Digital or LED signage. Removed special exception allowances that permit digital or LED signage only in the instances of advertising gas prices*
 - *(n) Sandwich board signs. Renamed to “A-Frame signs” to ensure signs are aligned to food truck ordinance. Also removed content reference to displaying menu items or daily specials*

Overview of Changes

Section 24-74. Exemptions

- *Revised to be content neutral*
 - *(1 & 2) Removed references to specific signs erected by a governmental agency*
 - *(4) Removed content reference to residential real estate for sale or lease*
 - *(5) Removed content reference to commercial real estate for sale or lease*
 - *(6) Removed content references and added clarity for signs with valid building permits*
 - *(7) Deleted*
 - *(9) Deleted*
 - *(10) Home occupation signs. Revised for clarity*

Overview of Changes

Section 24-74. Exemptions

- *Revised to be content neutral*
 - *(12 & 14) Combined and revised to permit non-illuminated small scale signage in non-residential developments*
 - *(13) Deleted*
 - *(15) Revised to remove content reference of seasonal agricultural projects for sale*
 - *(16) Deleted*
 - *(17) Revised to remove content references conveying political, ideological, religious, social or governmental messages*
 - *(18) Revised to remove content references for off-premises open house realty signage*

Overview of Changes

Section 24-75. Prohibited Signs

- *Revised:*
 - *(1) Removed reference that is being deleted*
 - *(2) Updated and clarified language to ensure consistency with electronic display sign definition*
 - *(5) Clarified sign lighting language within a community character corridor or area*
 - *(10) Updated for consistency to address signage on parked vehicles or trailers*
 - *(6 & 9) Simple word change and update reference*
 - *(11) Revised to remove content references (for marking purposes) pertaining to pennants, ribbons, spinners, banners, etc.*

Overview of Changes

Section 24-76. Temporary signs

- *Clarified section to ensure content neutrality*

Section 24-77. Exceptions

- *No change*

Section 24-78. Abandoned signs

- *Deleted in its entirety. The ordinance can no longer require signs to be removed from vacant properties*

Section 24-79. Violations

- *No change*

Questions and Discussion

Chapter 24 - ZONING
DIVISION 3. – EXTERIOR SIGNS

Sec. 24-65. - Statement of intent.

~~The purpose of this article is to regulate exterior signs to protect the health, safety, and general welfare of the community; to protect property values; to protect the historic and natural character of the community; to protect the safety of the traveling public and pedestrians; to promote the creation of an attractive and harmonious community; and to ensure the equitable distribution of public space for the purpose of communication.~~

These regulations attempt to achieve the proper balance among the commercial needs of businesses, the needs of customers, and the needs of motorists, visitors, residents and other persons moving through the public spaces of the county to be able to identify destinations and locations. These regulations also attempt to achieve the proper balance of the rights of persons to exercise their First Amendment rights and the need to protect the appearance of the county as an important factor in its economic well-being, as aesthetic and other quality of life considerations influence economic value.

Therefore, the intent of this article is to:

- *Promote and protect the public health, safety, and welfare of the community;*
- *Establish limitations on signs to ensure that they are appropriate to the neighborhood, building, or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose as a means of communication without adverse impact on the visual character of the area;*
- *Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, excessive size or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs;*
- *Avoid visual clutter that is harmful to traffic and pedestrian safety, property values, and community appearance;*
- *Protect the historic and natural character of the community and enhance the physical appearance of all areas of the county;*
- *Improve pedestrian and traffic safety; and*
- *Enable the fair and consistent enforcement of these sign regulations.*

Sec. 24-66. - Applicability.

The regulations of this Division shall govern and control the location, erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of any sign within the county. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. These regulations dictate the display, location, and physical characteristics of signs subject to the procedures of this Division. The regulations of this Division shall be in addition to any applicable provisions of the Virginia Outdoor Advertising Act, 1950 Virginia Code Annotated section 33.1-351, et seq. (1984 Repl. Vol & 1989 Supp.), and the Uniform Statewide Building Code applicable to the construction and maintenance of signs. The regulations of this Division do not apply to property owned by the Commonwealth of Virginia or any governmental body created by the Commonwealth, or by the United States.

Sec. 24-66-67. – Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A-Frame sign. A sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an “A” shape structure which tapers from a wide base to a narrow top. This sign design is also known as a Sandwich Board sign.

Back-lit or channeled lettered sign. Any sign in which only the letters, characters, or figures are internally lighted. The background of the sign shall be opaque and shall not be internally illuminated.

Blade sign. A two-sided flat sign that projects more than 18 inches from, and that is mounted perpendicularly to, a vertical building wall. Such sign may be suspended from an arm or bracket, or may be directly mounted to a building wall or the underside of a canopy or awning.

Building face sign. Any sign attached to and erected parallel to, or painted on, the face of ~~or erected or painted on~~ the outside wall of a building and supported throughout its length by such wall or building and not extending more than 18 inches from the building wall.

Community character areas or corridors (signage within). Any sign which is visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area or corridor, respectively, as identified on the James City County Comprehensive Plan Land Use Map.

Double-faced sign. A sign with two parallel or nearly parallel faces, back-to-back, and located not more than 24 inches from each other.

Electronic display sign. A sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals, that are used to change the messages, intensity of light or colors displayed by such sign.

Flashing sign. An illuminated sign on which the artificial or reflected light is not maintained stationary or constant in intensity and/or color at all times when in use, and whose intermittent or sequential lights are used primarily to attract attention. *Also includes any sign with either flashing, running, or laser-generated lights or with lights that flash, blink pulse, strobe, scroll, or create an illusion of movement or that have a conspicuous and intermittent variation in illumination, appearance, color, or pattern.* Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign. ~~Signs which display only the time of day and temperature or changeable LED signage used to advertise a single gas price shall not be considered a flashing sign when the message is changed fewer than four times in a 24 hour period.~~

Freestanding sign. A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not a part of a building, shall be considered a freestanding sign.

Good Repair, in. In good condition and not damaged.

Gross sign area. That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in a sign area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of signs with more than two faces shall be computed by multiplying one-half the circumference of the footprint of the sign by the height of the sign. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.

Figures 1a through 1d: How to measure gross sign area:  = Gross Sign Area

Figure 1a- Building mounted signs where letters are mounted individually and the sign uses external illumination or internally illuminated channel letters



Figure 1b- Building mounted signs where the entire sign area is internally illuminated



Figure 1c- Freestanding sign where letters/logos are mounted as a connected group

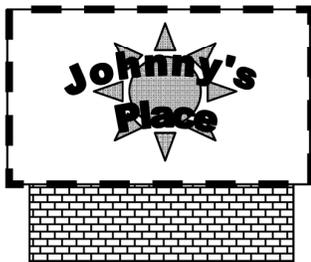
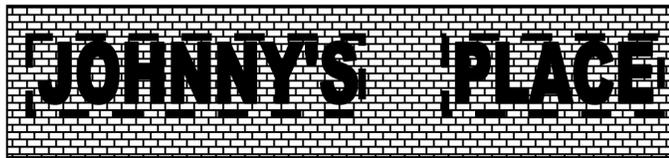


Figure 1d- Freestanding sign where letters/logos are mounted individually



Ground sign. A freestanding sign, other than a monument or pole sign, placed upon supported by the ground independently of any other structure.

Illuminated sign. Any sign designed to give forth artificial light or designed to reflect light from one or more sources of artificial light erected for the purpose of providing light for the sign.

Indirectly illuminated sign. A sign which does not produce artificial light from within itself, but which is opaque and backlighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself.

Internally illuminated sign. A sign of translucent or transparent material with the source of illumination, exposed or shielded, enclosed within the face or supporting structure of the sign. This term shall not apply to a sign in which only the letters, characters, or figures are internally lighted and the background of the sign is opaque.

Marquee sign. Any sign attached to or hung from a marquee. For the purpose of this article, a "marquee" is a covered structure projecting from and supported by a building with

independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

Off-premises sign. A sign that directs attention to a business, product, service, entertainment, or attraction sold, offered, created, furnished, or conducted at a location other than the premises on which the sign is erected.

Projecting sign. A sign that is attached to and projects more than 18 inches from the face of a wall of a building. The term "projecting sign" includes a marquee sign.

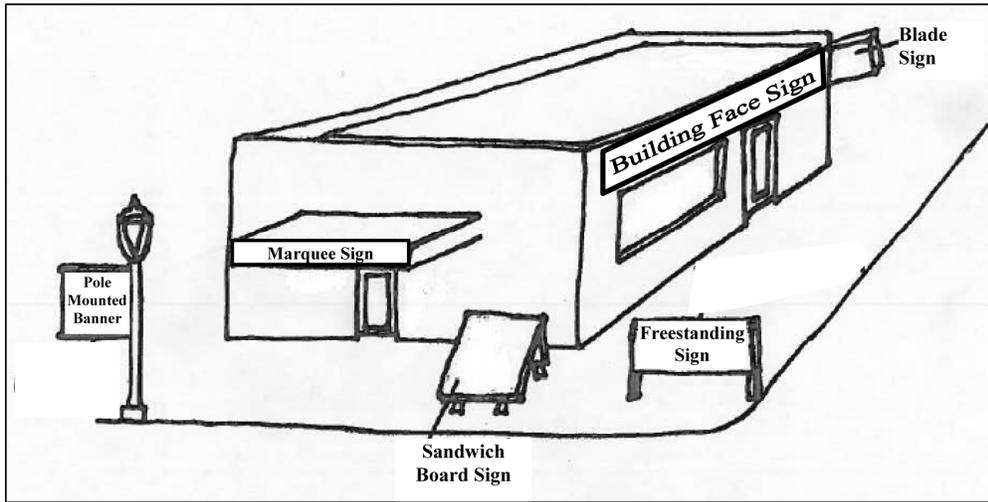
Shopping center. A group of four or more commercial establishments having a minimum combined total square footage of 25,000 square feet, planned, constructed, and/or managed as a single entity, with customer and employee parking provided onsite, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

~~Sign. A structure, display or device that is arranged, intended, designed or used as an advertisement, announcement, identification, description, information or direction. Any structure, display, device, or other object or thing, or part thereof, visible from any public street or right-of-way, any area open to use by the general public, or any navigable body of water, including, but not limited to, any word, letter, series of words or letters, designs, symbols, fixtures, colors, illumination, painting, mural, logo, insignia, emblem, service mark, or other graphic or pictorial representation, that: (i) identifies or advertises, or directs or attracts attention to, any institution, organization, business, product, merchandise, service, event, business, or establishment; or (ii) suggests the identity or nature of any business or establishment; or (iii) invites or proposes a commercial transaction; or (iv) communicates a message of a noncommercial nature. For clarification, examples of items which typically do not satisfy the necessary elements of this definition and would not be considered signs include, but are not limited to, architectural elements incorporated into the style or function of a building, numerals signifying a property address, notifications of a "private residence," nonilluminated postings less than four square feet in size on private property in areas zoned agricultural, corner stones (or foundation stones) and flags of any nation, state, or municipality.~~

Store-within-a-store. Within retail structures which have an individual footprint in excess of 40,000 square feet in size, an area where the retailer rents a part of the retail space to be used by a different company to run another, independent store or where the retailer uses a part of the retail space to operate distinct departments.

Symbol. A thing that represents or stands for something else, especially a material object representing something abstract.

Figure 2- Types of signs



Sec. 24-67-68. – Permits.

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this chapter:

- (1) *Required application; inspection of signs.* No sign, unless herein exempted, shall be erected, constructed, structurally altered, or relocated, except as provided in this article and in these regulations, until a permit has been issued by the administrator or ~~his~~ the administrator's designee. Before any permit is issued, an application provided by the administrator or ~~his~~ the administrator's designee shall be filed together with two sets of drawings and specifications, one to be returned to the applicant, as such may be necessary to advise and acquaint the administrator or ~~his~~ the administrator's designee fully with the location in relation to adjacent buildings, construction, materials, manner of illuminating or securing or fastening, and number of signs applied for ~~and the wording of the sign or advertisement to be carried on the sign.~~
- (2) *Electrical permit.* All signs which require electricity or are electrically illuminated shall require a separate electrical permit and an inspection.
- (3) *Permit time limit.* All signs shall be erected on or before the expiration of six months from the date of issuance of the permit, otherwise the permit shall become null and void and a new permit shall be required.
- (4) *Permit number.* Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.

- (5) *Fees required.* For all sign permits, fees shall be required in accordance with section 24-7 of this chapter.

~~Sec. 24-68. Content of signs.~~

~~No exterior sign shall advertise a product, service, business activity or institution which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located. The content or advertising message carried by signs hereafter erected shall be limited to one or more of the following:~~

- ~~(1) The identification of a building or its owners or occupants of the premises.~~
- ~~(2) Information concerning any lawful business-related activities on the premises and/or goods or services offered in connection therewith, or information concerning any lawful, nonbusiness, nonservice-related activities or messages on or off the premises.~~
- ~~(3) Information concerning the sale, rental or lease of the premises.~~
- ~~(4) Information on directional signs as prescribed in section 24-73 (e).~~

~~Sec. 24-69 – Residential Subdivision Signs~~ Freestanding Signs - Freestanding Signs on Residentially Zoned Properties.

~~(a) Requirements.~~ For identification of residential subdivisions, On property that is zoned R1, R2, R3, R4, R5, R6, R8, A-1, MU, or PUD-R, no sign intended to be read from any public right-of-way adjoining the district shall be permitted except for:

- ~~(1) An identification sign, not exceeding 32 square feet in area, for each principal entrance. Such sign shall be bound by all other provisions of this section and shall also conform with the following criteria:~~
 - ~~a. If freestanding, such sign shall not exceed a height of 15 feet above natural grade.~~
 - ~~b. If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right of way.~~
 - ~~c. If the sign is located at the corner of two rights of way, the sign may be placed no closer than ten feet to the corner property lines;~~
- ~~or~~

(a) One sign for each principal entrance shall be permitted if in compliance with the following regulations:

1. Such sign shall not exceed 32 square feet in area.
2. If freestanding, such sign shall not exceed a height of 15 feet above natural grade.
3. If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.
4. If the sign is located at the corner of two rights-of-way, the sign may be placed no closer than ten feet to the corner property lines.
5. Such sign shall be bound by all other provisions of this section.
6. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

~~(2) Two identification signs for each principal entrance whereby the cumulative size of the signs at each entrance does not exceed 32 square feet in area. The signs shall be placed on each side of the principal entrance and shall also conform to the following criteria:~~

- ~~a. Each sign shall not exceed a height of eight feet above natural grade.~~
- ~~b. If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.~~
- ~~c. If the signs are located at the corner of two rights-of-way, the signs may be placed no closer than ten feet to the corner property lines.~~

(b) Two signs for each principal entrance shall be permitted if in compliance with the following regulations:

1. The signs shall be placed on each side of the principal entrance.
2. The cumulative size of the signs at each principal entrance may not exceed 32 square feet in area.
3. Each sign shall not exceed a height of eight feet above natural grade.
4. If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.

5. If the signs are located at the corner of two rights-of-way, the signs may be placed no closer than ten feet to the corner property lines.
6. Such sign shall be bound by all other provisions of this section.
7. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

~~(b) Special requirements for subdivision identification signs located within community character areas or along community character corridors.~~

(c) Special requirements for signs located within community character areas or along community character corridors.

The planning director shall review and approve ~~residential-subdivision~~ signs, supporting structures, and entrance features to be placed within a community character area or along roads designated as community character corridors as identified by the James City County Comprehensive Plan. An applicant may appeal the decision of the planning director to the Development Review Committee (DRC). The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's request based on the review criteria outlined in this section.

Plans indicating the location of the sign(s), supporting structure(s), location and type of landscaping, and entrance features relative to surrounding streets, lots, and other features of the ~~subdivision~~ residentially zoned property shall be provided to the administrator or ~~his~~ the administrator's designee along with the application and drawings as specified in section 24-~~67(1)-68~~.

In reviewing the plans for ~~subdivision~~ signs, supporting structures, and entrance features, the following criteria shall be considered in deciding whether to approve the ~~residential-subdivision~~ sign application:

1. *Scale.* The scale of the sign(s), supporting structure(s), and entrance features shall be consistent with, and complement, the adjacent properties and the road(s) on which the ~~subdivision~~ residentially zoned property is located.
2. *Materials, colors, and construction.* The materials, colors, and construction of the sign(s), supporting structure(s), and entrance features shall complement the character of the road on which the residentially zoned property ~~subdivision~~ is located and shall not detract from the aesthetics of adjacent properties.
3. *Landscaping.* An appropriate mix of deciduous and evergreen trees and/or shrubs shall be provided that enhance the appearance of the sign(s), supporting structure(s), and associated entrance features.
4. *Safety.* The sign(s) and entrance features shall be located in such a manner that they do not impair the safety of motorists, pedestrians, or bicyclists.

~~(c) Content of residential identification signs. Aside from identifying the name of the subdivision, additional information pertaining to the subdivision such as marketing and sales information may be included on the sign. The information shall be an integral part of the sign(s) and in no case shall the size of the sign(s) exceed the size permitted by section 24-69 (a)(1) and (2).~~

Sec. 24-70 – ~~Freestanding Signs~~ Freestanding Signs on Non-Residentially Zoned Properties.

On property that is zoned A-1, LB, B1, RT, MU, EO, PUD-C, M1, or M2, freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:

(a) One freestanding sign ~~shall be permitted on each street frontage~~ on each street frontage shall be permitted if in compliance with the following regulations:

1. Such sign shall only be permitted on properties having street frontage.

~~1-2.~~ 2. Sign location and setbacks. Such signs may only be placed on the property within the required sign setbacks. Sign setbacks shall be located at least five feet from any property line.

~~2-3.~~ 3. Sign area. Such signs shall not exceed:

- a. 32 square feet per face if located less than 75 feet from the road right-of-way;
- b. 50 square feet per face if located 75 to 150 feet from the road right-of-way; or
- c. 60 square feet per face if located more than 150 feet from the road right-of-way.

~~3-4.~~ 4. Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.

5. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

(b) Two freestanding monument-style identification signs on each street frontage shall be permitted ~~on each street frontage~~ if in compliance with the following regulations:

1. Such sign shall only be permitted on properties having street frontage.

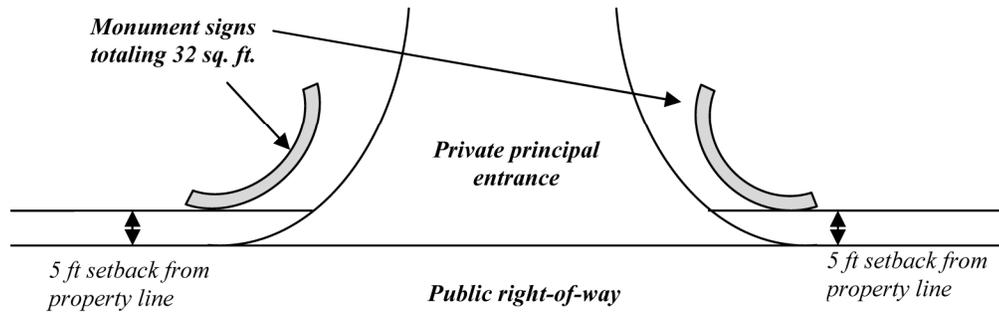
~~1-2.~~ 2. Sign location and setbacks. Such signs shall be placed on each side of the principal entrance. Such signs may only be placed on the property within the required sign setbacks. Sign setbacks shall be located at least five feet from any property line. If the signs are located at the corner of two rights-of-way, the signs may be placed no closer than ten feet to the corner property lines.

~~2-3.~~ 3. Sign area. The cumulative size of the signs at each entrance shall not exceed 32 square feet in area.

~~3-4.~~ 4. Sign height. Each sign shall not exceed an overall height of eight feet above natural grade.

5. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

Figure 3- Two freestanding signs placed at a principal entrance



(c) *Sign lighting.*

(1) Internally illuminated signs shall be prohibited in the following cases:

- a. ~~When such signs are visible from and located within 150 feet of the existing or proposed rights of way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map; or~~
- b. ~~When such signs are visible from and located within 150 feet of the existing or proposed rights of way of roads designated as community character corridors by the James City County Comprehensive Plan.~~

Internally illuminated signs shall be prohibited when such signs are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character corridor or area as identified on the James City County Comprehensive Plan Land Use Map.

(2) Illuminated signs within community character areas and along community character corridors, as defined ~~above in (c)(1) a. and b.~~, are permitted as long as they comply with the following:

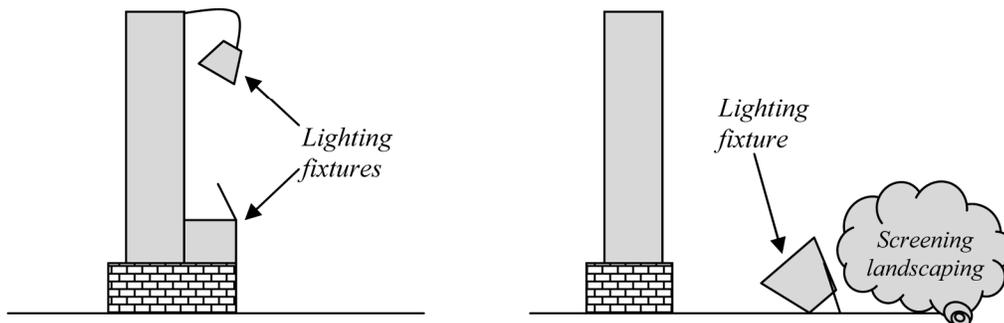
- a. ~~composed of a~~ back-lit or lighted channeled letters lettered sign as approved by the planning director in accordance with the criteria outlined in section 24-72 ~~except that changeable digital displays or LED displays used specifically for indication of gas pricing on the premises are exempt from this requirement as long as they are constructed in accordance with section 24-73(m).~~ An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The

DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or

- b. externally illuminated by either sign-mounted lighting or ground-mounted horizontal light bars, light strips, or spotlights, which shall be concealed by landscaping, ~~or by sign-mounted lighting~~. With either ground-mounted or sign-mounted lighting, the bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians.
 - c. Sign lighting shall cast no glare upon any adjacent property or public or private right-of-way.
- (3) ~~Signs shall cast no glare upon any adjacent property or public or private right-of-way.~~ In either case of (a) or (b), above, signs shall cast no glare upon any adjacent property or public or private right-of-way.

Figure 4- Options for sign mounted lighting

Figure 4a- Sign mounted lighting (side view) **Figure 4b-** ground mounted lighting (side view)

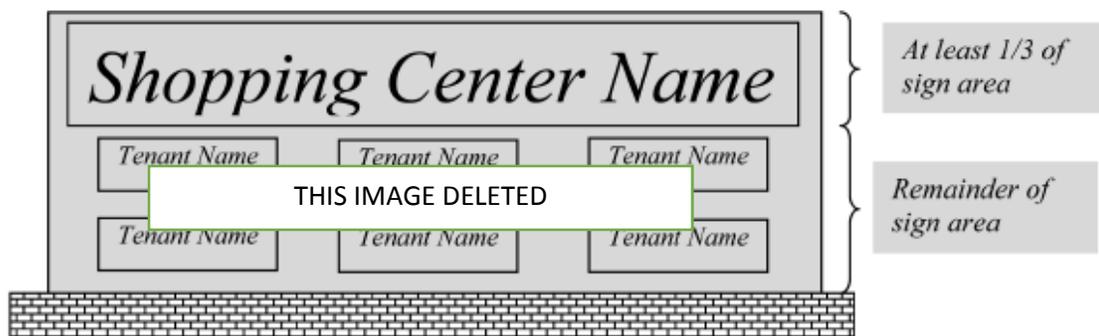


- (d) *Signs for individual stores, businesses or professions on the same property.* Individual stores, businesses or professions on the same property, exclusive of shopping centers, shall combine signs on a single standard and the square footage of the combined signs shall not exceed 32 square feet per face.
- (e) *Shopping center signs.* Shopping centers shall be permitted up to two freestanding signs per major street frontage as permitted above in (a) and (b). ~~A freestanding shopping center sign shall display only the shopping center name.~~ Individual shops and businesses in shopping centers may have building face signs as provided for in section 24-71 or specially designed signs consistent with the overall development plan for the shopping center and approved as a part thereof by the planning commission.

(f) *Alternative shopping center sign.* In lieu of (e) above, shopping centers may be permitted one maximum 42 square foot freestanding sign per primary entrance ~~which indicates individual stores and includes the shopping center name~~ if in compliance with the following regulations:

- (1) The shopping center is located in a mixed-use zoning district and on property designated as mixed use on the James City County Comprehensive Plan;
- (2) The property is regulated by a design review board with approved architectural and design standards;
- (3) The property is subject to a master plan of development approved by the board of supervisors; and
- (4) The signs are consistent with the overall development plan and approved by the planning director or ~~his~~ *their* designee as part of a comprehensive signage plan for the entire shopping center.
- (5) Sign location and setbacks. Such signs may only be placed on the property within required sign setbacks. Sign setbacks shall be located at least five feet from any property line.
- (6) Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.
- ~~(7) Assignment of space. The shopping center name shall comprise at least 1/3 of the sign area. The remaining area of the sign may be used for individual tenants located internal to the shopping center.~~

Figure 5- Alternative shopping center sign



Sec. 24-71. - Building face signs.

In zones where business or manufacturing is permitted, a building face sign shall also be permitted. The signs shall be in compliance with the following regulations:

(a) *Sign location and area.* The building face sign(s) shall be placed on the front facade of the building, except in cases outlined below in subsections (d) and (g). The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the building's or unit's front facade or 60 square feet, whichever is smaller. The front facade of the building shall be considered the side that has the main public entrance.

~~For industrial uses in the M-1, M-2, PUD-C, and RT zoning districts, if the footprint of a building for an individual use exceeds 40,000 square feet on property zoned M-1, M-2, PUD-C, or RT, the applicant may request an exception from the planning director to allow the building face sign(s) to exceed 60 square feet. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in this section. For the purposes of this section, industrial uses shall mean any industrial use that involves the manufacture and/or assembly of products or components/parts for products.~~ In addition to the submittal requirements outlined in section 24-67 ~~68~~, the applicant shall provide scale drawings of the building elevation(s) and proposed sign(s). A conceptual plan shall also be submitted which shows the location of the sign relative to the existing and proposed landscaping, sight lines, distances from rights-of-way, and other pertinent site features.

In reviewing an exception request, the following criteria shall be considered in deciding whether to approve the request.

(1) *Scale and proportion.* The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public rights-of-way. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure, with additional size aimed primarily at making the use identifiable from an adjoining public road. In no case shall the size of the sign exceed ten percent of the building's wall surface upon which the sign is placed.

(2) *Materials, lighting, colors, and construction.* The materials, lighting, and colors of the sign shall not negatively impact adjacent properties or adjacent public roads.

(3) No exceptions will be granted for signs located within 150 feet of the road right-of-way of roads designated community character corridors.

(b) *Sign mounting.* Such signs shall be mounted flat against the building on the side measured above.

(c) *Sign lighting.*

- (1) Internally illuminated signs shall be prohibited in the following cases:
- ~~a. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map;~~
 - ~~or~~
 - ~~b. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of roads designated as community character corridors by the James City County Comprehensive Plan.~~

when such signs are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character corridor or area as identified on the James City County Comprehensive Plan Land Use Map.

- (2) Illuminated, signs within community character areas and along community character corridors, as defined above in (c)(1)a. and b., shall be composed of:
- a. back-lit or ~~lighted~~ ~~channeled letters~~ lettered sign as approved by the planning director in accordance with the criteria outlined in section 24-72. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or
 - b. ~~shall be~~ externally illuminated in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way.

(3) Signs shall cast no glare upon any adjacent property or public or private right-of-way.

(d) *Additional signs for buildings facing onto public rights-of-way or parking lots.* When the same building faces onto a public right-of-way or parking lot on the rear or side of the building, an additional sign may be erected at the public entrance on that side. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the building's side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

(e) *Additional signs for buildings in excess of 40,000 square feet.* If the footprint of an individual store exceeds 40,000 square feet in size and contains ~~major retail departments~~ a store within a store (i.e. e.g., bakery, restaurant, pharmacy, etc.), up to four additional building face signs ~~advertising these retail departments~~, in addition to the main sign, may be permitted. The size of these individual sign(s) shall not exceed one square foot of sign

area for each linear foot of the retail department's interior facade or 75 percent of the size of the main building face sign, whichever is smaller.

- (f) *Exterior signs for stores within an enclosed shopping mall.* If there are individual stores located within an enclosed shopping mall and the stores are not directly accessible from the outside, each of the interior stores shall be allowed to display one exterior wall sign in accordance with the following regulations:
- (1) The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the unit's front facade or 60 square feet, whichever is smaller.
 - (2) The sign shall be mounted flat against the building at one of the mall's public entrances.
- (g) ~~An option for building face signs. An owner may elect to relocate the building face sign, which would typically be~~ A building face sign, which is typically placed above the building's main public entrance, may be located on the side of the building that faces the public road right-of-way or parking lot. This provision applies only if the side of the building facing the public road right-of-way or parking lot has no public entrance. ~~This provision would not allow for~~ No additional building face signs beyond the maximum number permitted by section 24-71 is permitted. ~~it only provides the applicant an option on which side of the building to place the building face sign.~~ The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the building's side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

Sec. 24-72. - Review criteria for back-lit ~~or~~ or channeled lettered signs within community character areas and along community character corridors.

In reviewing applications for signs containing back-lit or channeled ~~letters~~ lettered signs within community character areas and along community character corridors, the following criteria shall be used by the Planning Director in deciding whether to approve the application.

- (a) *Scale and proportion.* As determined by the Director of Planning, the scale of the sign and proportion of lettering, characters, and figures shall be of a scale, size, and character in keeping with the historic and/or rural ambience of the county and Williamsburg.
- (b) *Materials, colors, and construction.* As determined by the Director of Planning, the materials, colors, and construction shall complement the character of surrounding development and shall be in keeping with the historic and/or rural ambience of the county and Williamsburg.

- (c) *Intensity and quantity of lighting.* As determined by the Director of Planning, the area of the sign that is lit shall be less than the overall size of the sign. The lighting used shall be of a subdued nature and shall not dominate the streetscape.

Sec. 24-73. - Special regulations for certain signs.

- (a) *Logos, trademarks, murals, etc.* ~~Any logo, trademark, mural, copyright or recognizable symbol pertaining to the use or business contained within the building painted on any face of the building shall be treated as a building face sign.~~ Any symbol painted on any face of the building shall be treated as a building face sign.
- (b) *Flags as signs.* Flags used as signs shall be allowed by permit, provided that the same are installed in a permanent fashion, are maintained in good repair, and will not constitute a hazard to vehicular or pedestrian traffic.
- (c) *Signs on entrance marquees or canopies.* Signs on entrance marquees or canopies shall be allowed, provided that the total area of such signs if constructed alone or in combination with other building signs does not exceed the maximum allowable dimensions and square footage as set forth in section 24-71 (a) above.
- (d) *Signs on corner lots.* Except for those provided for under section 24-69 and 24-70, signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, the administrator or ~~his~~ their designee may permit setbacks of less than 50 feet.
- ~~(e) *Directional signs.* Directional signs may be allowed upon the determination of the administrator or his designee that the sign(s):~~
- ~~(1) — Are necessary to permit vehicular traffic to locate distinctive places of historical significance, businesses, campgrounds, industries, residential areas, or other activities which are located off the state primary roads;~~
 - ~~(2) — Show only the name and/or logo, mileage and direction; and~~
 - ~~(3) — Do not exceed ten square feet in size or seven feet in height.~~
- (e) ~~(f)~~ *Freestanding signs on properties adjacent to and visible from residential districts.* On properties adjacent to residential districts, any freestanding sign, visible from an adjacent residential district, shall be limited to 32 square feet in area. The top of the freestanding sign shall not exceed 15 feet above grade. If illuminated, freestanding signs within these areas shall be signs composed of:
- (1) Back-lit or lighted channeled letters; or

- (2) Shall be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.

~~In either case, there shall be no glare cast upon any adjacent property or public or private right of way. The freestanding sign shall be lit only during the normal operating hours of the associated use.~~

~~(f)~~ ~~(g)~~ Additional signs during construction. Signs for new commercial, industrial, and institutional construction projects. Temporary nonilluminated signs may be erected in connection with new commercial, industrial, and institutional development and displayed on the premises during such time as the actual construction work is in progress. The signs shall conform with the following criteria:

- (1) The maximum number and size of signs shall be:
 - a. A maximum of three signs with a cumulative sign area not to exceed 24 square feet; or,
 - b. A maximum of one sign with a sign area not to exceed 32 square feet.
- (2) The sign(s) shall only be placed along one of the property's street frontages.

~~(h) — Home occupation signs. Reference section 24-74 (10).~~

(g) ~~(i)~~ Setback reductions in mixed-use districts. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance, and good visibility is maintained for all motorists and pedestrians traveling the intersection, the zoning administrator or ~~his~~ the administrator's designee may permit setbacks of less than five feet on any lot in a mixed-use district.

(h) ~~(j)~~ Blade signs in mixed-use districts. Blade signs are permitted in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and subject to ~~guided by~~ an approved master plan of development, all of which shall be approved by the board of supervisors. Blade signs must adhere to the following limitations and requirements:

- (1) There shall be no more than one sign per public entrance to any given building;
- (2) The sign(s) shall be positioned at the public entrance(s) of the building;
- (3) An individual blade sign shall be no more than 12 square feet in area;

- (4) The sign shall be mounted such that the bottom edge of the sign is not less than eight feet from the finished grade directly underneath it;
- (5) Blade signs shall be unlit, or externally illuminated in such a way that bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;
- (6) Blade signs that extend over a public right-of-way are subject to the prior approval of the controlling public entity; ~~if approved, the developer shall provide positive proof of insurance of each sign mounted over the public right-of-way, or an alternate liability instrument deemed suitable by the controlling public entity;~~
- (7) All blade signs shall obtain the prior approval of the design review board for the mixed-use project before they are installed.

(i) ~~(k)~~ *Pedestrian-scale signs in mixed-use districts.* Small, free-standing signs ~~designed to direct pedestrian traffic to locations of interest within the development~~ internal to the development may be placed in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and ~~guided by~~ subject to an approved master plan of development, all of which shall be approved by the board of supervisors. Pedestrian-scale ~~directional~~ signs must adhere to the following limitations and requirements:

- (1) Such individual signs shall be no more than 24 square feet in total area, and may not have more than two faces. Only one side of a double-faced sign shall be included in a computation of sign area;
- (2) The top edge of a pedestrian-scale directional sign shall be no more than seven feet above finished grade;
- (3) Any lighting that is used shall be externally mounted and either supported solely from the sign structure, or ground-mounted. The ground-mounted lights shall be concealed by landscaping. Lighting shall be directed only onto the sign's face. Bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;
- ~~(4) Signs shall generally include elements such as the name and logo of the overall development, maps, and the business names, logos, and directional information for businesses that are located within the development;~~
- ~~(5)~~ (4) The number, relative positioning, and placement of each sign in a given mixed-use development shall be subject to the prior approval of the design review board and the planning director, or ~~his~~ the director's designee.

(j) ~~(4) Pole-mounted banners. Seasonal and/or holiday banners~~ Banners that are affixed to light poles ~~that generally identify a season and/or holiday and advertise or promote the development as a whole (by including only the development name and/or logo), rather than individual enterprises and that do not exceed 24 square feet each,~~ are permitted, subject to the prior approval of the zoning administrator, or his designee. Banners shall be mounted such that the bottom edge of any given banner is not less than eight feet from the finished grade directly beneath it. Banners are permitted only in shopping centers (as defined in section 24-66 ~~67~~) or in mixed-use districts.

~~(m) Digital or LED signage. Digital or LED signage advertising gas price in community character corridors and community character areas must adhere to the following requirements:~~

- ~~(1) Signs shall only advertise gas pricing on premises;~~
- ~~(2) Sign shall be of monument style and of a brick or stone foundation;~~
- ~~(3) Digital/LED displays shall be limited to advertising a single gas price and each digital character may not exceed one square foot and may not accommodate more than 50 percent of the total sign area;~~
- ~~(4) Digital/LED lighting shall be of one color that does not mimic emergency services lighting;~~
- ~~(5) There shall be no trespass of light onto adjacent properties from the sign. Light trespass shall be defined as more than 0.1 footcandles as measured at the property line. An iso footcandle diagram may be required with permit submission;~~
- ~~(6) Sign copy neither flashes nor scrolls;~~
- ~~(7) Any portion of the sign other than the gas pricing component requires the review and approval of the planning director in accordance with section 24-70;~~
- ~~(8) Signage must otherwise comply with the provisions of this chapter.~~

~~(k) (n) Sandwich board signs. A-Frame signs. Sandwich board signs~~ A-Frame signs may be permitted in areas designated for commercial use located in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and ~~guided by~~ subject to an approved master plan of development, all of which shall have been approved by the board of supervisors. Alternatively, such signs may be located in other areas where there exists approved design guidelines adopted by the board of supervisors when such signs comply with said guidelines.

~~Sandwich board signs~~ A-Frame signs must adhere to the following requirements:

- (1) One A-Frame sign ~~sandwich board sign displaying menu items or daily specials~~ on the premises shall be permitted at each public entrance of a business location.
- (2) Such sign(s) shall not exceed 12 square feet in area and five feet in height,

- (3) Sign(s) shall be located on premises or no more than ten feet from the seating area or access door and shall not block the flow of pedestrian traffic.
- (4) Any such sign shall be removed at close of business each day.

A-Frame signs may also be permitted pursuant to Section 24-49.

Sec. 24-74. - Exemptions.

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but shall be erected or constructed in accordance with the structural and safety requirements of the building code:

- (1) ~~Official traffic signs, historical markers, provisional warning signs or sign structures when erected or required to be erected by a governmental agency and temporary signs indicating danger;~~ Signs located on public rights-of-way that are erected and maintained by a governmental entity.
- (2) ~~Traffic signs authorized by the Virginia Department of Transportation to be placed on a street right of way;~~ Signs posted by or required to be posted by a governmental entity in compliance with a provision of federal, state, or local law located on a premises where an activity that necessitates the posting of such signage is or may be occurring.
- (3) Changing of the copy on a bulletin board, poster board, display encasement, reader board or billboard;
- (4) ~~Temporary nonilluminated signs, not more than six square feet in area, advertising residential real estate for sale or lease and located on the premises, one such sign for each street frontage;~~ Temporary Residential Signs. On real property where a dwelling unit is being offered for sale or lease, one temporary on-premises nonilluminated sign for each street frontage is permitted, not more than six square feet in area.
- (5) ~~Temporary nonilluminated signs, not more than six square feet in area, advertising commercial real estate for sale or lease and located on the premises, provided such signs conform to the following regulations:~~ Temporary Non-Residential Signs. On real property where a non-residential structure or unit is being offered for sale or lease, one temporary on-premises nonilluminated sign is permitted, not more than six square feet, and provided such sign conform to the following regulations:
 - a. One sign is permitted for each street frontage per parcel.
 - b. The maximum height of the sign shall not exceed eight feet.

- c. The sign shall be erected in such a manner that it does not obstruct views of existing signs and/or create a safety hazard.
- (6) Temporary nonilluminated signs, not more than ten square feet in area, ~~erected in connection with new single family residential construction work and displayed on the premises during such time as the actual construction work is in progress~~ on parcels for which a building permit has been issued for a new single-family residential dwelling unit and for such time as the building permit is valid, one such sign for each parcel. ~~Reference section 24-73(g) for construction signs for commercial, industrial, and institutional projects;~~
- ~~(7) Nonilluminated signs warning trespassers or announcing property as posted, not to exceed two square feet per sign in residential, commercial, and industrial areas, and four square feet per sign in agricultural areas;~~
- ~~(8)~~ (7) Sign on a truck, bus, or other vehicle, while in use in a normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle (to which signs are attached) in designated customer or employee parking at the place of business.
- ~~(9) Mailboxes and similarly located signs identifying a private residence;~~
- ~~(10)~~ (8) Home occupation signs not to exceed four square feet. Such signs shall:
- a. Not be illuminated.
 - b. Be attached to the dwelling.

On real property where a dwelling unit exists and for which there is an approved and valid Home Occupation permit, one on-premises nonilluminated sign is permitted, provided the sign is attached to the dwelling and does not exceed four square feet.

- ~~(11)~~ (9) Signs within a business or manufacturing district or within a nonresidential development in any zoning district which are not visible from a public road or abutting property line;
- ~~(12) Signs not to exceed six square feet in area, within a business or manufacturing district, which state the name or number of a building, to be located on the rear or sides of a building on a parcel containing four or more buildings;~~
- ~~(13) signs placed upon the exterior of a structure indicating the location of restrooms, bathhouses, entrances or exits;~~

~~(14) Signs not to exceed six square feet in area indicating the entrance or exit from a parking lot, potable water supply, sewage station for recreational vehicles or other notices related to public health or safety. Such signs shall be adjacent to the facility;~~

(10) Ground-mounted signs within a business or manufacturing district or within a nonresidential development in any zoning district that have a maximum area of six square feet in area per sign face, are not internally illuminated, are not taller than 2.5 feet in height, and do not exceed four feet in height from grade. Such signs are allowed generally internal to the site with no limitation on the maximum number of signs. No such signs shall be located within required perimeter landscape buffers; however, one such sign shall be allocated at each vehicular entrance.

~~(15) (11) Temporary signs not to exceed 12 square feet per face erected for a period of up to 60 days, advertising seasonal products for sale within the general agricultural district. Temporary signs on property zoned general agricultural not to exceed 12 square feet per face erected for a period of up to 60 days.~~

~~(16) One special notice placard, not to exceed four square feet in size, attached to a building or to a freestanding sign indicating credit cards which are accepted on the premises; group affiliations of which the business is a member or clubs or groups which utilize, recommend, inspect or approve the business for use by its members;~~

~~(17) (12) Signs conveying political, ideological, religious, social or governmental messages unrelated to businesses, services or manufacturing activities or goods connected therewith; Temporary signs of a non-commercial nature may be displayed on private property, provided such signs shall not exceed 32 square feet in size; and provided, that, any such signs related to or connected with political campaigns shall not be maintained for longer than 90 days and shall be removed within ten days after the election to which they pertain such signs may be erected no more than 90 days in a calendar year.~~

~~(18) (13) Off premises, directional, temporary, and generic open house realty signs may be erected in any zoning district in accordance with the following regulations: When a dwelling unit for sale or lease is having an open-house, an off-premises temporary sign may be erected in any zoning district in accordance with the following regulations:~~

- ~~a. The function of such signs shall be limited to directional purposes, as opposed to the advertisement of an individual realtor or realty firm. The signs shall be generic in style and color. No specific realtor or realty firm name(s) shall appear on such signs provided; however, the registered trademark of the National Association of Realtors, the equal housing opportunity logo, and identification as provided for in (18) h. below shall be permitted.~~
- ~~b. Such signs shall refer only to real estate open houses whose purpose is to sell, lease, or rent residential property.~~

~~a. c.~~ No such sign shall exceed three square feet in area and three feet in height.

~~b. d.~~ Such signs shall be located only at intersections where a turning movement is indicated, and only at intersections where at least one of the streets is within the residential area in which the subject property for sale, lease, or rent is located.

~~c. e.~~ No more than two such signs shall be located at any one intersection, ~~nor shall such signs at the same intersection point in the same direction.~~

~~d. f.~~ Such signs shall be temporarily displayed only when the residential unit is open for public viewing under the direction of an on-site representative of the owner.

~~e. g.~~ Such signs shall be placed only on private property and only with the express consent of the owner of said property.

~~f. h.~~ Each sign shall contain an identification tag either attached or permanently affixed to the signs which contains the name, address, and phone number of the sign's owner. The identification tag shall not exceed four square inches in area.

Sec. 24-75. - Prohibited signs.

The following signs are specifically prohibited:

- (1) Off-premise signs or off-premise billboards, ~~unless otherwise permitted by section 24-73 (e) or~~ specifically exempted by section 24-74.
- (2) Electronic display signs; Flashing signs; Flashing, animated and rotating signs or appurtenances to signs which are nonstationary. Any sign that contains or consists of strings of light bulbs.
- (3) Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, fire, or ambulance vehicles or for navigation or traffic-control purposes.
- (4) Signs so located and so illuminated as to provide a background of colored lights blending with traffic signal lights that might reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 300 feet.
- (5) ~~Internally illuminated signs shall be prohibited in the following cases:~~

- a. ~~Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map;~~
- ~~or~~
- b. ~~Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of roads designated as community character corridors by the James City County Comprehensive Plan.~~

Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area or community character corridor as identified on the James City County Comprehensive Plan Land Use Map.

- (6) Signs ~~which~~ that are not an integral part of the building design but fastened to and supported by or on the roof of a building or projecting over or above the roof line or parapet wall of a building, except as otherwise provided herein.
- (7) Signs placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.
- (8) Signs attached to trees, utility poles, or other unapproved supporting structure.
- (9) Signs ~~which~~ that are portable or otherwise designed to be relocated or are constructed on a chassis or carriage with permanent or removable wheels, except for those permitted by section 24-74 ~~(18)~~ (13).
- (10) ~~Signs attached, painted on, or affixed to vehicles used primarily for display and/or advertising purposes parked in designated customer or employee parking at the place of business.~~ Any permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is not properly parked in a designated legal parking space. Said vehicles/equipment shall be in operating condition, currently registered and licensed to operate on public streets with a valid inspection sticker, and actively used in the daily function of the business; or shall be engaged in active construction projects; or shall be offered for rent to the general public and stored on-premises, except for those permitted by Section 24-74 (7).
- (11) ~~Pennants, banners, flags and other displays used for marketing or advertising except as provided in sections 24-73 (b) and 24-73 (l).~~ Any sign that consists of pennants, ribbons, spinners, blades, inflatables, or other similar moving devices. Pennants, banners, flags, and other displays except as provided in sections 24-73 (b) and 24-73 (l). Such devices, when not part of any sign, are also prohibited when intended to attract attention to the establishment on which they are located.

Sec. 24-76. - Temporary signs.

Upon application, the zoning administrator or ~~his~~ the administrator's designee ~~may~~ shall issue ~~temporary permits for the following signs and displays when in his opinion the use of such signs and displays would be in the public interest and would not result in damage to private property. Such permits shall be valid for a period of up to 30 days following issuance.~~ for a period not to exceed 30 days for the following signs and displays:

- (1) Signs or banners of not more than 32 square feet ~~advertising~~ at the site of a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental, charitable or nonprofit organization.
- (2) ~~Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes.~~ Signs or banners of not more than 32 square feet at the site of public demonstrations.
- (3) ~~Special decorative displays used for the purposes of advertising the opening of a new store, business or profession.~~ Banners not to exceed 32 square feet in size used at the site of a property where a new store, business or profession is opening.

Sec. 24-77. - Exceptions.

- (a) Upon application, the administrator or ~~his~~ the administrator's designee may grant an on-premises sign limitation waiver which may allow:
 - (1) One freestanding sign not to exceed 60 square feet per face;
 - (2) One building face sign not to exceed an area equal to one square foot multiplied by the length or width of the building in industrial zones, provided that the face on which the sign shall be mounted is at least 500 feet from any road or street right-of-way;
 - (3) One freestanding sign not to exceed 32 square feet per face and not to exceed 30 feet in height;
 - (4) One sign to be placed on the roof of the building not to exceed one square foot of sign area for each linear foot of the building's or unit's front facade or 60 square feet, whichever is smaller;
 - (5) A second freestanding sign not to exceed 32 square feet on parcels that contain more than 400 feet of road frontage and more than one main entrance, provided that such lot is not a corner lot; or
 - (6) One additional building face sign not to exceed the building unit's front façade or 60 square feet, whichever is smaller, when the unit is located in a mixed-use district and an area designated for commercial uses on the binding master plan as long as the

project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved binding master plan of development, all of which shall be approved by the board of supervisors. The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public rights-of-way. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure.

- (b) Such on-premises sign limitation waivers shall only be granted in unusual circumstances where it can be demonstrated to the administrator or ~~his~~ their designee that:
- (1) Unusual topography, vegetation, distance of the business or parcel from the road right-of-way, distance between driveways, separation of grade or the location of the driveway in relation to the location of the business and traffic patterns would impose a substantial hardship upon the business by making the sign(s) unreadable from vehicles on the adjoining roadway; or
 - (2) The waiver would allow the business to post signs that are consistent with the majority of other businesses located on the same parcel; or
 - (3) In addition to the provisions for granting sign limitation waivers under (b)(1) and (2) of this subsection, if the facade of the building is so designed that a building face sign cannot be placed upon it, and a roof sign would be the only reasonable and practical solution consistent with good design, a sign consistent with subsection (a)(4) above shall be permitted, provided that the sign is not within 200 feet of residentially zoned property; and
 - (4) That in subsections (b)(1), (2), and (3) above such waiver is consistent with traffic safety and all other provisions of this article.

Sec. 24-78. – ~~Abandoned signs~~ Reserved.

~~A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises. Such sign, if not removed within 30 days from the termination of occupancy by such business, shall be considered to be in violation of this chapter, and shall be removed at the owner's expense.~~

~~If the owner shall fail to comply with this requirement, then written notice shall be given by the administrator to the owner advising of the violation. If such signs are then not removed within ten days, the administrator shall cause such removal and charge the cost to the owner of the premises.~~

Sec. 24-79. - Violations.

Prior to any criminal or civil enforcement under this section, the administrator or ~~his~~ the administrator's designee shall give five days' written notice of the violation to the owner of the property. If the violation involves a portable sign or any sign affixed to any object, such sign shall be removed immediately, and if not, the administrator or ~~his~~ the administrator's designee may remove or cause to be removed at the owner's or tenant's expense such sign or advertisement and/or institute such other action as may be appropriate. Removal of a sign shall not affect any proceedings instituted prior to removal of such sign. Removal of signs in VDOT right-of-way or signs affixed to any objects within VDOT right-of-way and prosecution of violations for signs located in VDOT right-of-way shall be in accordance with the procedures set forth by agreement between the county and VDOT.

Chapter 24 - ZONING
DIVISION 3. – EXTERIOR SIGNS

Sec. 24-65. - Statement of intent.

These regulations attempt to achieve the proper balance among the commercial needs of businesses, the needs of customers, and the needs of motorists, visitors, residents and other persons moving through the public spaces of the county to be able to identify destinations and locations. These regulations also attempt to achieve the proper balance of the rights of persons to exercise their First Amendment rights and the need to protect the appearance of the county as an important factor in its economic well-being, as aesthetic and other quality of life considerations influence economic value.

Therefore, the intent of this article is to:

- Promote and protect the public health, safety, and welfare of the community;
- Establish limitations on signs to ensure that they are appropriate to the neighborhood, building, or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose as a means of communication without adverse impact on the visual character of the area;
- Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, excessive size or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs;
- Avoid visual clutter that is harmful to traffic and pedestrian safety, property values, and community appearance;
- Protect the historic and natural character of the community and enhance the physical appearance of all areas of the county;
- Improve pedestrian and traffic safety; and
- Enable the fair and consistent enforcement of these sign regulations.

Sec. 24-66. - Applicability.

The regulations of this Division shall govern and control the location, erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of any sign within the county. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. These regulations dictate the display, location, and physical characteristics of signs subject to the procedures of this Division.

The regulations of this Division shall be in addition to any applicable provisions of the Virginia Outdoor Advertising Act, 1950 Virginia Code Annotated section 33.1-351, et seq. (1984 Repl. Vol & 1989 Supp.), and the Uniform Statewide Building Code applicable to the construction and maintenance of signs. The regulations of this Division do not apply to property owned by the Commonwealth of Virginia or any governmental body created by the Commonwealth, or by the United States.

Sec. 24-67. – Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A-Frame sign. A sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an “A” shape structure which tapers from a wide base to a narrow top. This sign design is also known as a Sandwich Board sign.

Back-lit or channeled lettered sign. Any sign in which only the letters, characters, or figures are internally lighted. The background of the sign shall be opaque and shall not be internally illuminated.

Blade sign. A two-sided flat sign that projects more than 18 inches from, and that is mounted perpendicularly to, a vertical building wall. Such sign may be suspended from an arm or bracket, or may be directly mounted to a building wall or the underside of a canopy or awning.

Building face sign. Any sign attached to and erected parallel to, or painted on, the face of the outside wall of a building and supported throughout its length by such wall or building and not extending more than 18 inches from the building wall.

Community character areas or corridors (signage within). Any sign which is visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area or corridor, respectively, as identified on the James City County Comprehensive Plan Land Use Map.

Double-faced sign. A sign with two parallel or nearly parallel faces, back-to-back, and located not more than 24 inches from each other.

Electronic display sign. A sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals, that are used to change the messages, intensity of light or colors displayed by such sign.

Flashing sign. An illuminated sign on which the artificial or reflected light is not maintained stationary or constant in intensity and/or color at all times when in use, and whose intermittent

or sequential lights are used primarily to attract attention. Also includes any sign with either flashing, running, or laser-generated lights or with lights that flash, blink pulse, strobe, scroll, or create an illusion of movement or that have a conspicuous and intermittent variation in illumination, appearance, color, or pattern. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign.

Freestanding sign. A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not a part of a building, shall be considered a freestanding sign.

Good Repair, in. In good condition and not damaged.

Gross sign area. That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in a sign area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of signs with more than two faces shall be computed by multiplying one-half the circumference of the footprint of the sign by the height of the sign. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.

Figures 1a through 1d: How to measure gross sign area:  = Gross Sign Area

Figure 1a- Building mounted signs where letters are mounted individually and the sign uses external illumination or internally illuminated channel letters



Figure 1b- Building mounted signs where the entire sign area is internally illuminated



Figure 1c- Freestanding sign where letters/logos are mounted as a connected group

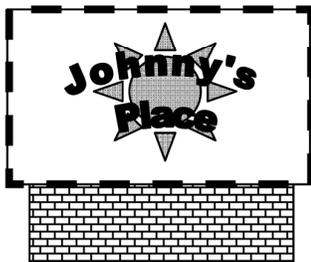
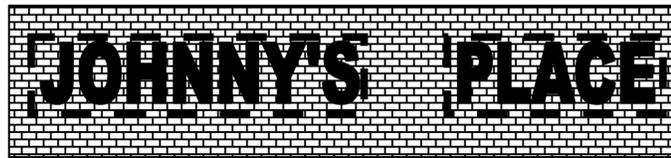


Figure 1d- Freestanding sign where letters/logos are mounted individually



Ground sign. A freestanding sign, other than a monument or pole sign, placed upon supported by the ground independently of any other structure.

Illuminated sign. Any sign designed to give forth artificial light or designed to reflect light from one or more sources of artificial light erected for the purpose of providing light for the sign.

Indirectly illuminated sign. A sign which does not produce artificial light from within itself, but which is opaque and backlighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself.

Internally illuminated sign. A sign of translucent or transparent material with the source of illumination, exposed or shielded, enclosed within the face or supporting structure of the sign. This term shall not apply to a sign in which only the letters, characters, or figures are internally lighted and the background of the sign is opaque.

Marquee sign. Any sign attached to or hung from a marquee. For the purpose of this article, a "marquee" is a covered structure projecting from and supported by a building with

independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

Off-premises sign. A sign that directs attention to a business, product, service, entertainment, or attraction sold, offered, created, furnished, or conducted at a location other than the premises on which the sign is erected.

Projecting sign. A sign that is attached to and projects more than 18 inches from the face of a wall of a building. The term "projecting sign" includes a marquee sign.

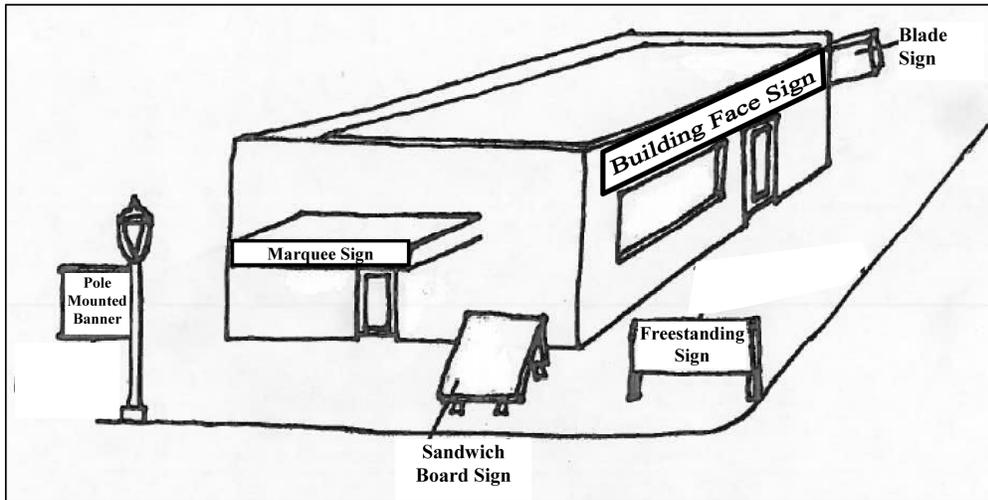
Shopping center. A group of four or more commercial establishments having a minimum combined total square footage of 25,000 square feet, planned, constructed, and/or managed as a single entity, with customer and employee parking provided onsite, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

Sign. Any structure, display, device, or other object or thing, or part thereof, visible from any public street or right-of-way, any area open to use by the general public, or any navigable body of water, including, but not limited to, any word, letter, series of words or letters, designs, symbols, fixtures, colors, illumination, painting, mural, logo, insignia, emblem, service mark, or other graphic or pictorial representation, that: (i) identifies or advertises, or directs or attracts attention to, any institution, organization, business, product, merchandise, service, event, business, or establishment; or (ii) suggests the identity or nature of any business or establishment; or (iii) invites or proposes a commercial transaction; or (iv) communicates a message of a noncommercial nature. For clarification, examples of items which typically do not satisfy the necessary elements of this definition and would not be considered signs include, but are not limited to, architectural elements incorporated into the style or function of a building, numerals signifying a property address, notifications of a "private residence," nonilluminated postings less than four square feet in size on private property in areas zoned agricultural, corner stones (or foundation stones) and flags of any nation, state, or municipality.

Store-within-a-store. Within retail structures which have an individual footprint in excess of 40,000 square feet in size, an area where the retailer rents a part of the retail space to be used by a different company to run another, independent store or where the retailer uses a part of the retail space to operate distinct departments.

Symbol. A thing that represents or stands for something else, especially a material object representing something abstract.

Figure 2- Types of signs



Sec. 24-68. - Permits.

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this chapter:

- (1) *Required application; inspection of signs.* No sign, unless herein exempted, shall be erected, constructed, structurally altered, or relocated, except as provided in this article and in these regulations, until a permit has been issued by the administrator or the administrator's designee. Before any permit is issued, an application provided by the administrator or the administrator's designee shall be filed together with two sets of drawings and specifications, one to be returned to the applicant, as such may be necessary to advise and acquaint the administrator or the administrator's designee fully with the location in relation to adjacent buildings, construction, materials, manner of illuminating or securing or fastening, and number of signs applied for.
- (2) *Electrical permit.* All signs which require electricity or are electrically illuminated shall require a separate electrical permit and an inspection.
- (3) *Permit time limit.* All signs shall be erected on or before the expiration of six months from the date of issuance of the permit, otherwise the permit shall become null and void and a new permit shall be required.
- (4) *Permit number.* Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.
- (5) *Fees required.* For all sign permits, fees shall be required in accordance with section 24-7 of this chapter.

Sec. 24-69 - Freestanding Signs - Freestanding Signs on Residentially Zoned Properties.

On property that is zoned R1, R2, R3, R4, R5, R6, R8, A-1, MU, or PUD-R, no sign intended to be read from any public right-of-way adjoining the district shall be permitted except for:

- (a) One sign for each principal entrance shall be permitted if in compliance with the following regulations:
 - 1. Such sign shall not exceed 32 square feet in area.
 - 2. If freestanding, such sign shall not exceed a height of 15 feet above natural grade.
 - 3. If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.
 - 4. If the sign is located at the corner of two rights-of-way, the sign may be placed no closer than ten feet to the corner property lines.
 - 5. Such sign shall be bound by all other provisions of this section.
 - 6. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

- (b) Two signs for each principal entrance shall be permitted if in compliance with the following regulations:
 - 1. The signs shall be placed on each side of the principal entrance.
 - 2. The cumulative size of the signs at each principal entrance may not exceed 32 square feet in area.
 - 3. Each sign shall not exceed a height of eight feet above natural grade.
 - 4. If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.
 - 5. If the signs are located at the corner of two rights-of-way, the signs may be placed no closer than ten feet to the corner property lines.
 - 6. Such sign shall be bound by all other provisions of this section.
 - 7. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

- (c) *Special requirements for signs located within community character areas or along community character corridors.*

The planning director shall review and approve signs, supporting structures, and entrance features to be placed within a community character area or along roads designated as community

character corridors as identified by the James City County Comprehensive Plan. An applicant may appeal the decision of the planning director to the Development Review Committee (DRC). The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's request based on the review criteria outlined in this section.

Plans indicating the location of the sign(s), supporting structure(s), location and type of landscaping, and entrance features relative to surrounding streets, lots, and other features of the residentially zoned property shall be provided to the administrator or the administrator's designee along with the application and drawings as specified in section 24-68.

In reviewing the plans for signs, supporting structures, and entrance features, the following criteria shall be considered in deciding whether to approve the sign application:

1. *Scale.* The scale of the sign(s), supporting structure(s), and entrance features shall be consistent with, and complement, the adjacent properties and the road(s) on which the residentially zoned property is located.
2. *Materials, colors, and construction.* The materials, colors, and construction of the sign(s), supporting structure(s), and entrance features shall complement the character of the road on which the residentially zoned property is located and shall not detract from the aesthetics of adjacent properties.
3. *Landscaping.* An appropriate mix of deciduous and evergreen trees and/or shrubs shall be provided that enhance the appearance of the sign(s), supporting structure(s), and associated entrance features.
4. *Safety.* The sign(s) and entrance features shall be located in such a manner that they do not impair the safety of motorists, pedestrians, or bicyclists.

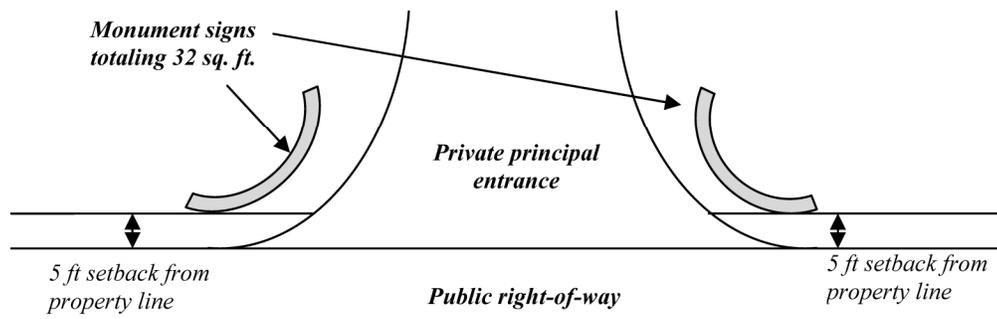
Sec. 24-70 – Freestanding Signs on Non-Residentially Zoned Properties.

On property that is zoned A-1, LB, B1, RT, MU, EO, PUD-C, M1, or M2, freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:

- (a) One freestanding sign on each street frontage shall be permitted if in compliance with the following regulations:
1. Such sign shall only be permitted on properties having street frontage.
 2. *Sign location and setbacks.* Such signs may only be placed on the property within the required sign setbacks. Sign setbacks shall be located at least five feet from any property line.
 3. *Sign area.* Such signs shall not exceed:
 - a. 32 square feet per face if located less than 75 feet from the road right-of-way;
 - b. 50 square feet per face if located 75 to 150 feet from the road right-of-way; or
 - c. 60 square feet per face if located more than 150 feet from the road right-of-way.
 4. *Sign height.* Such signs shall not exceed an overall height of 15 feet above natural grade.

5. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.
- (b) Two freestanding monument-style identification signs on each street frontage shall be permitted if in compliance with the following regulations:
1. Such sign shall only be permitted on properties having street frontage.
 2. *Sign location and setbacks.* Such signs shall be placed on each side of the principal entrance. Such signs may only be placed on the property within the required sign setbacks. Sign setbacks shall be located at least five feet from any property line. If the signs are located at the corner of two rights-of-way, the signs may be placed no closer than ten feet to the corner property lines.
 3. *Sign area.* The cumulative size of the signs at each entrance shall not exceed 32 square feet in area.
 4. *Sign height.* Each sign shall not exceed an overall height of eight feet above natural grade.
 5. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

Figure 3- Two freestanding signs placed at a principal entrance



- (c) *Sign lighting.*
- (1) Internally illuminated signs shall be prohibited when such signs are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character corridor or area as identified on the James City County Comprehensive Plan Land Use Map.
 - (2) Illuminated signs within community character areas and along community character corridors, as defined, are permitted as long as they comply with the following:
 - a. a back-lit or channeled lettered sign as approved by the planning director in accordance with the criteria outlined in section 24-72. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall

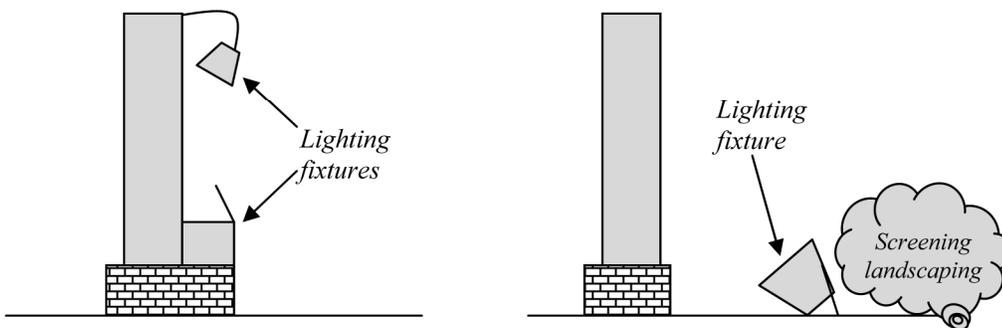
approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or

- b. externally illuminated by either sign-mounted lighting or ground-mounted horizontal light bars, light strips, or spotlights, which shall be concealed by landscaping. With either ground-mounted or sign-mounted lighting, the bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians.
- c. sign lighting shall cast no glare upon any adjacent property or public or private right-of-way.

(3) In either case of (a) or (b), above, signs shall cast no glare upon any adjacent property or public or private right-of-way.

Figure 4- Options for sign mounted lighting

Figure 4a- Sign mounted lighting (side view) **Figure 4b-** ground mounted lighting (side view)



- (d) *Signs for individual stores, businesses or professions on the same property.* Individual stores, businesses or professions on the same property, exclusive of shopping centers, shall combine signs on a single standard and the square footage of the combined signs shall not exceed 32 square feet per face.
- (e) *Shopping center signs.* Shopping centers shall be permitted up to two freestanding signs per major street frontage as permitted above in (a) and (b). Individual shops and businesses in shopping centers may have building face signs as provided for in section 24-71 or specially designed signs consistent with the overall development plan for the shopping center and approved as a part thereof by the planning commission.
- (f) *Alternative shopping center sign.* In lieu of (e) above, shopping centers may be permitted one maximum 42 square foot freestanding sign per primary entrance if in compliance with the following regulations:

- (1) The shopping center is located in a mixed-use zoning district and on property designated as mixed use on the James City County Comprehensive Plan;
- (2) The property is regulated by a design review board with approved architectural and design standards;
- (3) The property is subject to a master plan of development approved by the board of supervisors; and
- (4) The signs are consistent with the overall development plan and approved by the planning director or the director's designee as part of a comprehensive signage plan for the entire shopping center.
- (5) Sign location and setbacks. Such signs may only be placed on the property within required sign setbacks. Sign setbacks shall be located at least five feet from any property line.
- (6) Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.

Sec. 24-71. - Building face signs.

In zones where business or manufacturing is permitted, a building face sign shall also be permitted. The signs shall be in compliance with the following regulations:

(a) *Sign location and area.* The building face sign(s) shall be placed on the front facade of the building, except in cases outlined below in subsections (d) and (g). The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the building's or unit's front facade or 60 square feet, whichever is smaller. The front facade of the building shall be considered the side that has the main public entrance.

If the footprint of a building for an individual use exceeds 40,000 square feet on property zoned M-1, M-2, PUD-C, or RT, the applicant may request an exception from the planning director to allow the building face sign(s) to exceed 60 square feet. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in this section. In addition to the submittal requirements outlined in section 24-68, the applicant shall provide scale drawings of the building elevation(s) and proposed sign(s). A conceptual plan shall also be submitted which shows the location of the sign relative to the existing and proposed landscaping, sight lines, distances from rights-of-way, and other pertinent site features.

In reviewing an exception request, the following criteria shall be considered in deciding whether to approve the request.

- (1) *Scale and proportion.* The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public rights-of-way. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure, with additional size aimed primarily at making the use identifiable from an adjoining public road. In no case shall the size of the sign exceed ten percent of the building's wall surface upon which the sign is placed.
 - (2) *Materials, lighting, colors, and construction.* The materials, lighting, and colors of the sign shall not negatively impact adjacent properties or adjacent public roads.
 - (3) No exceptions will be granted for signs located within 150 feet of the road right-of-way of roads designated community character corridors.
- (b) *Sign mounting.* Such signs shall be mounted flat against the building on the side measured above.
- (c) *Sign lighting.*
- (1) Internally illuminated signs shall be prohibited when such signs are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character corridor or area as identified on the James City County Comprehensive Plan Land Use Map.
 - (2) Illuminated signs within community character areas and along community character corridors, as defined, shall be composed of:
 - a. back-lit or channeled lettered sign as approved by the planning director in accordance with the criteria outlined in section 24-72. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or
 - b. externally illuminated in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way.
 - (3) Signs shall cast no glare upon any adjacent property or public or private right-of-way.
- (d) *Additional signs for buildings facing onto public rights-of-way or parking lots.* When the same building faces onto a public right-of-way or parking lot on the rear or side of the building, an additional sign may be erected at the public entrance on that side. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of

the building's side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

- (e) *Additional signs for buildings in excess of 40,000 square feet.* If the footprint of an individual store exceeds 40,000 square feet in size and contains a store within a store (e.g., bakery, restaurant, pharmacy, etc.), up to four additional building face signs, in addition to the main sign, may be permitted. The size of these individual sign(s) shall not exceed one square foot of sign area for each linear foot of the retail department's interior facade or 75 percent of the size of the main building face sign, whichever is smaller.
- (f) *Exterior signs for stores within an enclosed shopping mall.* If there are individual stores located within an enclosed shopping mall and the stores are not directly accessible from the outside, each of the interior stores shall be allowed to display one exterior wall sign in accordance with the following regulations:
 - (1) The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the unit's front facade or 60 square feet, whichever is smaller.
 - (2) The sign shall be mounted flat against the building at one of the mall's public entrances.
- (g) A building face sign, which is typically placed above the building's main public entrance, may be located on the side of the building that faces the public road right-of-way or parking lot. This provision applies only if the side of the building facing the public road right-of-way or parking lot has no public entrance. No additional building face signs beyond the maximum number permitted by section 24-71 is permitted. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the building's side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

Sec. 24-72. - Review criteria for back-lit or channeled lettered signs within community character areas and along community character corridors.

In reviewing applications for signs containing back-lit or channeled lettered signs within community character areas and along community character corridors, the following criteria shall be used by the Planning Director in deciding whether to approve the application.

- (a) *Scale and proportion.* As determined by the Director of Planning, the scale of the sign and proportion of lettering, characters, and figures shall be of a scale, size, and character in keeping with the historic and/or rural ambience of the county and Williamsburg.
- (b) *Materials, colors, and construction.* As determined by the Director of Planning, the materials, colors, and construction shall complement the character of surrounding

development and shall be in keeping with the historic and/or rural ambience of the county and Williamsburg.

- (c) *Intensity and quantity of lighting.* As determined by the Director of Planning, the area of the sign that is lit shall be less than the overall size of the sign. The lighting used shall be of a subdued nature and shall not dominate the streetscape.

Sec. 24-73. - Special regulations for certain signs.

- (a) *Logos, trademarks, murals, etc.* Any symbol painted on any face of the building shall be treated as a building face sign.
- (b) *Flags as signs.* Flags used as signs shall be allowed by permit, provided that the same are installed in a permanent fashion, are maintained in good repair, and will not constitute a hazard to vehicular or pedestrian traffic.
- (c) *Signs on entrance marquees or canopies.* Signs on entrance marquees or canopies shall be allowed, provided that the total area of such signs if constructed alone or in combination with other building signs does not exceed the maximum allowable dimensions and square footage as set forth in section 24-71 (a) above.
- (d) *Signs on corner lots.* Except for those provided for under section 24-69 and 24-70, signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, the administrator or the administrator's designee may permit setbacks of less than 50 feet.
- (e) *Freestanding signs on properties adjacent to and visible from residential districts.* On properties adjacent to residential districts, any freestanding sign, visible from an adjacent residential district, shall be limited to 32 square feet in area. The top of the freestanding sign shall not exceed 15 feet above grade. If illuminated, freestanding signs within these areas shall be signs composed of:
 - (1) Back-lit or lighted channeled letters; or
 - (2) Shall be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.
- (f) *Additional signs during construction.* Temporary nonilluminated signs may be erected and displayed on the premises during such time as the actual construction work is in progress. The signs shall conform with the following criteria:

- (1) The maximum number and size of signs shall be:
 - a. A maximum of three signs with a cumulative sign area not to exceed 24 square feet; or,
 - b. A maximum of one sign with a sign area not to exceed 32 square feet.
- (2) The sign(s) shall only be placed along one of the property's street frontages.
- (g) *Setback reductions in mixed-use districts.* In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance, and good visibility is maintained for all motorists and pedestrians traveling the intersection, the zoning administrator or the administrator's designee may permit setbacks of less than five feet on any lot in a mixed-use district.
- (h) *Blade signs in mixed-use districts.* Blade signs are permitted in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and subject to an approved master plan of development, all of which shall be approved by the board of supervisors. Blade signs must adhere to the following limitations and requirements:
 - (1) There shall be no more than one sign per public entrance to any given building;
 - (2) The sign(s) shall be positioned at the public entrance(s) of the building;
 - (3) An individual blade sign shall be no more than 12 square feet in area;
 - (4) The sign shall be mounted such that the bottom edge of the sign is not less than eight feet from the finished grade directly underneath it;
 - (5) Blade signs shall be unlit, or externally illuminated in such a way that bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;
 - (6) Blade signs that extend over a public right-of-way are subject to the prior approval of the controlling public entity;
 - (7) All blade signs shall obtain the prior approval of the design review board for the mixed-use project before they are installed.
- (i) *Pedestrian-scale signs in mixed-use districts.* Small, free-standing signs internal to the development may be placed in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and subject to an approved master plan of development, all of which shall be approved by the board

of supervisors. Pedestrian-scale signs must adhere to the following limitations and requirements:

- (1) Such individual signs shall be no more than 24 square feet in total area, and may not have more than two faces. Only one side of a double-faced sign shall be included in a computation of sign area;
 - (2) The top edge of a pedestrian-scale directional sign shall be no more than seven feet above finished grade;
 - (3) Any lighting that is used shall be externally mounted and either supported solely from the sign structure, or ground-mounted. The ground-mounted lights shall be concealed by landscaping. Lighting shall be directed only onto the sign's face. Bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;
 - (4) The number, relative positioning, and placement of each sign in a given mixed-use development shall be subject to the prior approval of the design review board and the planning director, or the director's designee.
- (j) *Pole-mounted banners.* Banners that are affixed to light poles and that do not exceed 24 square feet each, are permitted. Banners shall be mounted such that the bottom edge of any given banner is not less than eight feet from the finished grade directly beneath it. Banners are permitted only in shopping centers (as defined in section 24-67) or in mixed-use districts.
- (k) *A-Frame signs.* A-Frame signs may be permitted in areas designated for commercial use located in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and subject to an approved master plan of development, all of which shall have been approved by the board of supervisors. Alternatively, such signs may be located in other areas where there exists approved design guidelines adopted by the board of supervisors when such signs comply with said guidelines.

A-Frame signs must adhere to the following requirements:

- (1) One A-Frame sign on the premises shall be permitted at each public entrance of a business location.
- (2) Such sign(s) shall not exceed 12 square feet in area and five feet in height.
- (3) Sign(s) shall be located on premises or no more than ten feet from the seating area or access door and shall not block the flow of pedestrian traffic.

- (4) Any such sign shall be removed at close of business each day.

A-Frame signs may also be permitted pursuant to Section 24-49.

Sec. 24-74. - Exemptions.

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but shall be erected or constructed in accordance with the structural and safety requirements of the building code:

- (1) Signs located on public rights-of-way that are erected and maintained by a governmental entity.
- (2) Signs posted by or required to be posted by a governmental entity in compliance with a provision of federal, state, or local law located on a premises where an activity that necessitates the posting of such signage is or may be occurring.
- (3) Changing of the copy on a bulletin board, poster board, display encasement, reader board or billboard.
- (4) Temporary Residential Signs. On real property where a dwelling unit is being offered for sale or lease, one temporary on-premises nonilluminated sign for each street frontage is permitted, not more than six square feet in area.
- (5) Temporary Non-Residential Signs. On real property where a non-residential structure or unit is being offered for sale or lease, one temporary on-premises nonilluminated sign is permitted, not more than six square feet, and provided such sign conform to the following regulations:
 - a. One sign is permitted for each street frontage per parcel.
 - b. The maximum height of the sign shall not exceed eight feet.
 - c. The sign shall be erected in such a manner that it does not obstruct views of existing signs and/or create a safety hazard.
- (6) Temporary nonilluminated signs, not more than ten square feet in area, on parcels for which a building permit has been issued for a new single-family residential dwelling unit and for such time as the building permit is valid, one such sign for each parcel.
- (7) Sign on a truck, bus, or other vehicle, while in use in a normal course of business. This section should not be interpreted to permit parking for display purposes of a

vehicle (to which signs are attached) in designated customer or employee parking at the place of business.

- (8) On real property where a dwelling unit exists and for which there is an approved and valid Home Occupation permit, one on-premises nonilluminated sign is permitted, provided the sign is attached to the dwelling and does not exceed four square feet.
- (9) Signs within a business or manufacturing district or within a nonresidential development in any zoning district which are not visible from a public road or abutting property line.
- (10) Ground-mounted signs within a business or manufacturing district or within a nonresidential development in any zoning district that have a maximum area of six square feet in area per sign face, are not internally illuminated, are not taller than 2.5 feet in height, and do not exceed four feet in height from grade. Such signs are allowed generally internal to the site with no limitation on the maximum number of signs. No such signs shall be located within required perimeter landscape buffers; however, one such sign shall be allocated at each vehicular entrance.
- (11) Temporary signs on property zoned general agricultural not to exceed 12 square feet per face erected for a period of up to 60 days.
- (12) Temporary signs of a non-commercial nature may be displayed on private property, provided such signs shall not exceed 32 square feet in size; and provided that such signs may be erected no more than 90 days in a calendar year.
- (13) When a dwelling unit for sale or lease is having an open-house, an off-premises temporary sign may be erected in any zoning district in accordance with the following regulations:
 - a. No such sign shall exceed three square feet in area and three feet in height.
 - b. Such signs shall be located only at intersections where a turning movement is indicated, and only at intersections where at least one of the streets is within the residential area in which the subject property for sale, lease, or rent is located.
 - c. No more than two such signs shall be located at any one intersection.
 - d. Such signs shall be temporarily displayed only when the residential unit is open for public viewing under the direction of an on-site representative of the owner.
 - e. Such signs shall be placed only on private property and only with the express consent of the owner of said property.

- f. Each sign shall contain an identification tag either attached or permanently affixed to the signs which contains the name, address, and phone number of the sign's owner. The identification tag shall not exceed four square inches in area.

Sec. 24-75. - Prohibited signs.

The following signs are specifically prohibited:

- (1) Off-premise signs or off-premise billboards, unless specifically exempted by section 24-74.
- (2) Electronic display signs; Flashing signs; Flashing, animated and rotating signs or appurtenances to signs which are nonstationary. Any sign that contains or consists of strings of light bulbs.
- (3) Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, fire, or ambulance vehicles or for navigation or traffic-control purposes.
- (4) Signs so located and so illuminated as to provide a background of colored lights blending with traffic signal lights that might reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 300 feet.
- (5) Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area or community character corridor as identified on the James City County Comprehensive Plan Land Use Map.
- (6) Signs that are not an integral part of the building design but fastened to and supported by or on the roof of a building or projecting over or above the roof line or parapet wall of a building, except as otherwise provided herein.
- (7) Signs placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.
- (8) Signs attached to trees, utility poles, or other unapproved supporting structure.
- (9) Signs that are portable or otherwise designed to be relocated or are constructed on a chassis or carriage with permanent or removable wheels, except for those permitted by section 24-74 (7).
- (10) Any permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which

is not properly parked in a designated legal parking space. Said vehicles/equipment shall be in operating condition, currently registered and licensed to operate on public streets with a valid inspection sticker, and actively used in the daily function of the business; or shall be engaged in active construction projects; or shall be offered for rent to the general public and stored on-premises, except for those permitted by Section 24-74 (13).

- (11) Any sign that consists of pennants, ribbons, spinners, blades, inflatables, or other similar moving devices. Pennants, banners, flags, and other displays except as provided in sections 24-73 (b) and 24-73 (j). Such devices, when not part of any sign, are also prohibited when intended to attract attention to the establishment on which they are located.

Sec. 24-76. - Temporary signs.

Upon application, the zoning administrator or the administrator's designee shall issue permits for a period not to exceed 30 days for the following signs and displays:

- (1) Signs or banners of not more than 32 square feet at the site of a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental, charitable or nonprofit organization.
- (2) Signs or banners of not more than 32 square feet at the site of public demonstrations.
- (3) Banners not to exceed 32 square feet in size used at the site of a property where a new store, business or profession is opening.

Sec. 24-77. - Exceptions.

- (a) Upon application, the administrator or the administrator's designee may grant an on-premises sign limitation waiver which may allow:
 - (1) One freestanding sign not to exceed 60 square feet per face;
 - (2) One building face sign not to exceed an area equal to one square foot multiplied by the length or width of the building in industrial zones, provided that the face on which the sign shall be mounted is at least 500 feet from any road or street right-of-way;
 - (3) One freestanding sign not to exceed 32 square feet per face and not to exceed 30 feet in height;
 - (4) One sign to be placed on the roof of the building not to exceed one square foot of sign area for each linear foot of the building's or unit's front facade or 60 square feet, whichever is smaller;

- (5) A second freestanding sign not to exceed 32 square feet on parcels that contain more than 400 feet of road frontage and more than one main entrance, provided that such lot is not a corner lot; or
 - (6) One additional building face sign not to exceed the building unit's front façade or 60 square feet, whichever is smaller, when the unit is located in a mixed-use district and an area designated for commercial uses on the binding master plan as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved binding master plan of development, all of which shall be approved by the board of supervisors. The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public rights-of-way. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure.
- (b) Such on-premises sign limitation waivers shall only be granted in unusual circumstances where it can be demonstrated to the administrator or the administrator's designee that:
- (1) Unusual topography, vegetation, distance of the business or parcel from the road right-of-way, distance between driveways, separation of grade or the location of the driveway in relation to the location of the business and traffic patterns would impose a substantial hardship upon the business by making the sign(s) unreadable from vehicles on the adjoining roadway; or
 - (2) The waiver would allow the business to post signs that are consistent with the majority of other businesses located on the same parcel; or
 - (3) In addition to the provisions for granting sign limitation waivers under (b)(1) and (2) of this subsection, if the facade of the building is so designed that a building face sign cannot be placed upon it, and a roof sign would be the only reasonable and practical solution consistent with good design, a sign consistent with subsection (a)(4) above shall be permitted, provided that the sign is not within 200 feet of residentially zoned property; and
 - (4) That in subsections (b)(1), (2), and (3) above such waiver is consistent with traffic safety and all other provisions of this article.

Sec. 24-78. - Reserved.

Sec. 24-79. - Violations.

Prior to any criminal or civil enforcement under this section, the administrator or the administrator's designee shall give five days' written notice of the violation to the owner of the property. If the violation involves a portable sign or any sign affixed to any object, such sign shall be removed immediately, and if not, the administrator or the administrator's designee may remove or cause to be removed at the owner's or tenant's expense such sign or advertisement and/or institute such other action as may be appropriate. Removal of a sign shall not affect any proceedings instituted prior to removal of such sign. Removal of signs in VDOT right-of-way or signs affixed to any objects within VDOT right-of-way and prosecution of violations for signs located in VDOT right-of-way shall be in accordance with the procedures set forth by agreement between the county and VDOT.

ITEM SUMMARY

DATE: 12/7/2016
TO: The Planning Commission
FROM: Paul D. Holt, III, Planning Director
SUBJECT: Planning Director's Report - December 2016

ATTACHMENTS:

	Description	Type
▣	Memo	Cover Memo
▣	Spreadsheet listing new applications received	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	11/30/2016 - 3:00 PM
Planning Commission	Holt, Paul	Approved	11/30/2016 - 3:00 PM
Publication Management	Babbitt, Katterina	Approved	11/30/2016 - 3:05 PM
Planning Commission	Holt, Paul	Approved	11/30/2016 - 3:06 PM

PLANNING DIRECTOR'S REPORT
December 2016

This report summarizes the status of selected Planning Division activities during the past month.

- **Longhill Road Widening:** On December 6, 2016, the Virginia Department of Transportation will hold a Design Public Hearing to share proposed project plans to widen Longhill Road to four lanes with a raised median, a roundabout and shared use path.
- **Centerville/News Road Intersection Public Hearing:** On November 16, 2016, the Virginia Department of Transportation held a Design Public Hearing to share proposed plans to add turn lanes and a traffic signal at the Intersection of Centerville and News Road.
- **New Town DRB:** At the November New Town Design Review Board meeting, the DRB discussed an alternative layout for previously approved residential development in Section 8, as well as model plans for homes in Section 7, Parcel B. The DRB also reviewed an application to bring an existing outdoor seating area at 5203 Center Street into compliance with the Design Guidelines for that area. The DRB's next meeting is scheduled for February 16, 2017.
- **HRTPO Ad-hoc TTAC Committee for Trails Connecting to the VA Capital Trail:** Staff from James City County has been asked by the Hampton Roads Transportation Planning Organization (HRTPO) to participate in a stakeholder advisory group assessing possible options for multiuse trail connections extending from the current Jamestown terminus of the Virginia Capital Trail. The group has thus far discussed potential conceptual alignments connecting the Virginia Capital Trail to Fort Monroe through the Peninsula, and to the South Hampton Roads Trail through Surry and Suffolk. No funding sources have been identified for the conceptual alignments, nor have any plans been engineered for this project. In the coming months, the HRTPO will be conducting public outreach for feedback on the conceptual alignments.
- **Monthly Case Report:** For a list of all cases received in the last month, please see the attached documents.
- **Board Action Results:**
 - November 8, 2016
 - SUP-0025-2016, Richardson Family Subdivision
Approved (5-0)
 - ZO-0002-2016, B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and ZO-0003-2016, LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits.
Deferred (5 – 0)
 - ZO-0010-2016, Zoning Ordinance Amendments to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District, and the PL, Public Land District.
Approved (5-0)
 - ZO-0011-2016, Wireless Communications Facilities and Towers

Approved (5-0)

- Z-0009-2016, 124 and 130 Riverview Drive Rezoning
Denied (5-0)

▪ November 22, 2016

- 2035 Strategic Plan
Approved (5-0)

New Cases for December 2016						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Agricultural and Forestal District	AFD-10-86-1-2016	7751 Newman Road, Christenson's Corner Addition	7751 NEWMAN ROAD	Application for approx 49 acres to be added to Christenson Corner AFD.	Alex Baruch	01-Stonehouse
Conceptual Plan	C-0082-2016	8533 Pocahontas Trail Subdivision	8533 POCAHONTAS TR	Subdivide parent parcel into two parcels.	Alex Baruch	05-Roberts
	C-0083-2016	Section 106 Review, Richmond Road near Colonial Heritage Blvd.	VDOT ROW	Request for Section 106 review for proposed utility pole in ROW on Richmond Road near Colonial Heritage Blvd.	Savannah Pietrowski	01-Stonehouse
	C-0084-2016	Norge Solar Farm	345 FARMVILLE LANE	Proposed use is a solar power electric generation facility up to 35 megawatts. The facility includes a solar panel array with inverters and associated access/maintenance roads, all of which are enclosed within a perimeter fence.	Jose Ribeiro	01-Stonehouse
	C-0085-2016	John Tyler Highway Subdivision	2195 JOHN TYLER HGWY	Inquiry about the potential subdivision of parcels or development for commercial use.	Ellen Cook	03-Berkeley
	C-0086-2016	Murphy Estate, 8942 Croaker Road	8942 CROAKER ROAD	Conceptual plan assess subdivision options at 8942 Croaker Road	Roberta Sulouff	01-Stonehouse
	C-0087-2016	6798 Cranston's Mill Pond Mobile Home	6798 CRANSTON'S MILL POND RD	Proposal to replace existing mobile home; determine if property is subdividable	Savannah Pietrowski	01-Stonehouse
Change of Use	CU-0010-2016	7521 Richmond Road, Unit 2D	7521 RICHMOND ROAD	Change of use application for 7521 Richmond Road Unit 2D. Proposed use is automotive repair.	Jose Ribeiro	01-Stonehouse
Subdivision	S-0035-2016	N.G. Taft Estate Subdivision, 107 Leon Drive	107 LEON DRIVE	Final plat of 2 lots on 1.27 acres.	Alex Baruch	04-Jamestown
	S-0036-2016	Settlement at Powhatan Creek, Lot 33A Setback Line Adjustment	4108 TUFTON	Adjust platted setback line.	Roberta Sulouff	03-Berkeley
	S-0037-2016	122 and 124 Cooley Road BLA	122 COOLEY ROAD	Boundary line adjustment to move approx. 1525 sf from Lot 6 to Lot 6A.	Lauren White	04-Jamestown
	S-0038-2016	1322, 1324, and 1326 Jamestown Road BLA/BLE	1324 JAMESTOWN ROAD	BLA and BLE to reconfigure three lots at 1322, 1324, and 1326 Jamestown Road.	Savannah Pietrowski	05-Roberts
Site Plan	SP-0086-2016	New Town Assisted Living Facility Landscape Amend.	5501 DISCOVERY PARK BLVD	SP amendment to revise the landscaping layout and plant species of the previously approved site plan. Plan has been approved	Scott Whyte	04-Jamestown
	SP-0087-2016	AT&T Tower Upgrade, 6487 Richmond Road	6487 RICHMOND ROAD	Remove 3 existing LTE antennas and install 3 new LTE antennas. Install 3 new RRUs behind proposed LTE antennas on new dual mounting bracket.	Savannah Pietrowski	01-Stonehouse
	SP-0088-2016	Jamestown Road Stream Restoration	3004 NORTH COURT	Proposed stream restoration project to restore an actively eroding stream channel.	Jose Ribeiro	05-Roberts
	SP-0089-2016	Settlement at Powhatan Creek, Ph. 2, SP Amend. #3	4101 MONTICELLO AVENUE	Amendment to revise existing BMP 2-1.	Lauren White	03-Berkeley
	SP-0090-2016	Forest Glen Drainage Improvements	205 MILDRED DRIVE	Repair, reconstruction, and overall improvement of the existing drainage network within the Forest Glen neighborhood.	Savannah Pietrowski	02-Powhatan
	SP-0091-2016	AutoZone Store #6194, 4501 Noland Blvd.	4501 NOLAND BLVD	Demolition of existing building and plans for site improvements, construction of a new 7,382 sf building, parking including handicap accessible, associated utilities including stormwater conveyance/management, and landscaping improvements.	Roberta Sulouff	01-Stonehouse
	SP-0092-2016	Carter's Grove Plantation, Caretaker's Cottage, SP Amend.	8797 POCAHONTAS TR	Amendment to Carter's Grove Caretaker's Cottage site plan.	Alex Baruch	05-Roberts
	SP-0093-2016	5 Mile Course Drainage Improvements	5 MILE COURSE	Repair a ravine that has formed along a drainage route in the Kingsmill neighborhood.	Scott Whyte	05-Roberts
	SP-0094-2016	108 and 109 Crocker Place Drainage Improvements	109 CROCKER PLACE	Repair a ravine that has formed along a drainage route in the Kingsmill neighborhood.	Scott Whyte	05-Roberts
	SP-0095-2016	Norge Food Lion Permeable Paver System	7537 RICHMOND ROAD	Replace portion of existing permeable concrete with permeable paver system.	Jose Ribeiro	01-Stonehouse
SP-0096-2016	Pecan Square Office Building Generator	4175 IRONBOUND ROAD	SP amendment for backup generator and temporary installation of two propane tanks.	Roberta Sulouff	04-Jamestown	
Zoning Ordinance Amendment	ZO-0014-2016	Sign Ordinance Update	N/A	Amendments to JCC Code, Chapter 24, Zoning, Article II, Special Regulations, Division 3, Exterior Signs to clarify the purpose of the sign ordinance, clarify regulations, ensure content neutrality.	Paul Holt	N/A