

Ordinance # 31A-15

ZONING ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND SECTIONS 3 AND 11, ARTICLE 12; ADD ARTICLE 8A
ADD SECTIONS 13 AND 14, ARTICLE 12; AND ADD SECTIONS 89, 90, 91, 92, 93, 94
AND 95, ARTICLE 17, OF THE ZONING ORDINANCE OF JAMES CITY COUNTY, VIRGINIA.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA,
PURSUANT TO SECTIONS 486 THROUGH 498, ARTICLE 8 AND SECTION 431, ARTICLE 1,
CHAPTER 11 TITLE 15.1, CODE OF VIRGINIA OF 1950, AS AMENDED, AS FOLLOWS:

ARTICLE 8A. BUSINESS TOURIST ENTRY DISTRICT B-2

Statement of Intent

The primary purpose of this district is to protect and enhance the quality of those highway corridors which provide access to the National Historic District of Williamsburg. This district is not intended for general application in all parts of the county but will be limited to those areas where high traffic volume tourist corridors exist. The regulations for the TOURIST ENTRY DISTRICT are intended to encourage the most appropriate use of land in accordance with a comprehensive plan, to minimize hazardous and unsightly conditions which may be distracting to and impair the safety of highway users, to preserve the efficiency of transportation facilities and maintain the distinctive historical character of the region, and to encourage development of tourist facilities in an attractive and harmonious manner.

8A-1. USE REGULATIONS

In a TOURIST ENTRY DISTRICT, structures to be erected or land to be used shall be for one or more of the following uses:

- 8A-1-1. Hotels and motels;
- 8A-1-2. Restaurants for lieisurely dining; specifically excluding "fast food" or drive-in eating establishments;
- 8A-1-3. Indoor theaters;
- 8A-1-4. Places of public amusement with a conditional use permit;
- 8A-1-5. Service stations (with minor repair only and under cover) subject to special requirements set forth in this article and with a conditional use permit;
- 8A-1-6. Handcrafts and art galleries, which may include not more than two (2) operatives in process of manufacturing craft items of glass, ceramic, or metalurgic for demonstration purposes only;
- 8A-1-7. Gift shops;
- 8A-1-8. Antique shops;
- 8A-1-9. Business signs as permitted in this Article;
- 8A-1-10. Accessory uses and structures: Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including:
 - 1. Establishments for the sale of gifts, clothing, drugs, photographic supplies, newspapers and magazines and convenience goods, eating and drinking establishments and professional and personal service establishments;

provided that such uses are accessory to hotels or motels having 50 or more dwelling or lodging units for sale or for rent; and provided further, that all such establishments shall be designed and scaled only to meet the requirements of occupants and their guests; and provided also that there shall be no evidence of the existence of such establishments from outside the property line; and provided finally that the floor area occupied by such establishments shall not exceed 15 % of the floor area of the hotel or motel;

2. Meeting rooms and convention hall facilities.

8A-2. SETBACK REGULATIONS

Buildings shall be located seventy (70) feet or more from the right-of-way to the highway. Fifty (50) feet of setback contiguous with the highway right-of-way shall be reserved for access road to the property. All land area within the seventy (70) foot setback, except for the access road and approved entry drives, shall be landscaped with grass, trees, or shrubs or evergreen ground cover and maintained in good condition.

Illustration 1 on the following page is the minimum design cross-section of the property frontage showing the access road to be constructed by the developer within the fifty (50) foot right-of-way in accordance with the applicable standards of the Virginia Department of Highways.

8A-3. AREA REGULATIONS

8A-3-1. For permitted uses the minimum lot area shall be thirty-two thousand, five hundred (32,500) square feet.

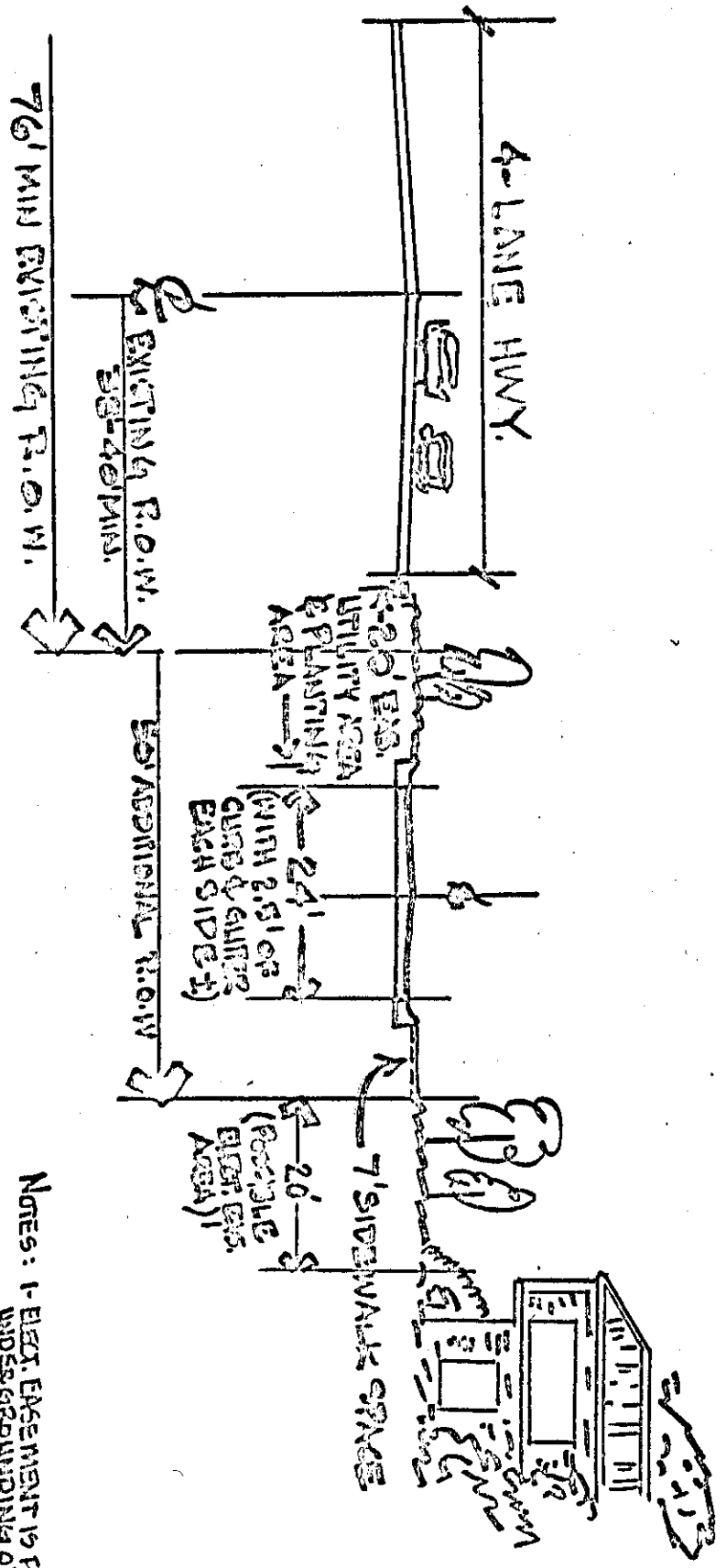
8A-4. FRONTAGE REGULATIONS

For permitted uses, the minimum lot width at the setback line shall be one hundred and fifty (150) feet or more; however, development of lots or parcels with frontages of from 120 to 150 feet existing upon the date of the adoption of this ordinance will be permitted in accordance with the following criteria:

- (1) Each lot or parcel shall have only a single two-way access point;
- (2) All parking required for the use located on the lot or parcel shall be provided at the rear of the building, i.e., on the side opposite the front access point;
- (3) Development plans for the lot or parcel prior to Site Plan Approval shall be of superior design quality.

Access points to the major thoroughfare from the access road shall, where possible, be spaced at approximate intervals of six hundred (600) feet or more.

MINIMUM DESIGN CROSS SECTION ILLUSTRATION No. 1



NOTES: 1- BERT. EASEMENT IS FOR UNDERGROUNDING OF FACILITIES TO EACH SITE AND FOR ZONED AREA.

8A-5. PERIMETER OPEN SPACE AND BUILDING LINE REGULATIONS

8A-5-1. For permitted uses a ten (10) foot minimum perimeter landscaped area shall be provided adjoining the sides and rear property lines within which no building, structure, driveway, or parking surface will be permitted. The minimum side and rear building line shall be increased beyond the minimum sides and rear perimeter landscaped area one (1) foot for each one (1) foot of building height in excess of thirty-five (35) feet. In addition, a minimum ten (10) foot perimeter planting strip shall be provided adjacent to buildings. Such planting areas shall be landscaped except for necessary service entrances and walkways, and shall not be used for parking. In no case shall walkways exceed a maximum width of five (5) feet.

8A-5-2. Land within the perimeter landscaped areas shall be landscaped with grass, trees, shrubs, or evergreen ground cover and maintained in good condition.

8A-6. HEIGHT REGULATIONS

Buildings may be erected up to sixty (60) feet in height from grade by right; from sixty (60) to one hundred (100) feet in height from grade with a height limitation waiver** subject in either case to building line regulations as set forth in Section 8A-5-1, and the criteria below.

<u>Maximum Height</u>	<u>Maximum Percentage of the lot area in Building Coverage</u>	<u>Maximum Floor Area Ratio</u>	<u>Minimum Percentage of the lot area in Open Space</u>
Up to 3 floors or 35 feet	20%	.6	30% ¹
Over 35 feet or 4 floors or more	20% ²	.6 ²	40% ¹

¹
Land in required setback areas and perimeter open space may be included within the minimum percentage of lot area in Open Space.

²
Coverage may be increased to 25% and/or floor area ratio may be increased to 0.75 if the additional floor area is used for inside parking space.

**Upon application to the Administrator or his designee, the Board of Supervisors may grant a height limitation waiver upon finding that:

- a) the regulations of this section regarding building coverage, floor area ratio and open space are met;

- b) such building will not impair property values in the surrounding area;
- c) such building will not impair the enjoyment of historic attraction and areas of significant historic interest;
- d) the uses accommodated in such buildings and other buildings on the site are adequately served by the site plan and lot area;
- e) the traffic volume generated by such building will be readily accommodated by the public roads affected;
- f) such building is adequately designed and served from the standpoint of safety;
- g) such building, from considerations of height, design, bulk, and appearance is compatible with the neighborhood; and
- h) such building would not be contrary to the public health, safety, morals or general welfare.

8A-7. OFF-STREET PARKING REGULATIONS

Off-street parking within the TOURIST ENTRY DISTRICT shall comply with the regulations as set forth in Article 12, Section 6, General Provisions, and with the following special provisions:

- 8A-7-1. Screening and Landscaping. Off-street parking for vehicles shall be effectively screened on each side which faces other properties public rights-of-way, or recorded street lines, by a fence of acceptable design, wall or compact hedge, except where access ways to the parking lot are to be provided. Such fence, wall, or hedge shall be not less than six (6) feet in height and shall be maintained in good condition and shall provide year-round screening. The space, if any, between such fence, wall, or hedge and the side lot line of adjoining premises shall be landscaped with grass, shrubs, or evergreen ground cover and maintained in good condition.
- 8A-7-2. Surfacing of Parking Areas. Any off-street parking area shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. Surface water from any parking, loading, or other paved area shall not be permitted to drain directly into established and approved public drainage ways.
- 8A-7-3. Exterior Loading Areas. Exterior areas used for loading, unloading, and standing or turning or service vehicles shall comply with Article 12, Section 12-11, General Provisions, and with the screening, landscaping and surfacing requirements as set forth in 8A-7-1., and 8A-7-2., above.

8A-8. SPECIAL REGULATIONS FOR UNDERGROUND UTILITIES

In TOURIST ENTRY DISTRICTS, facilities of electric and communications utilities shall be installed below the surface of the ground to the extent provided herein.

8A-8-1. All utility facilities, constructed or installed after the effective date of this ordinance, including but not limited to wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric, telephone, telegraph, cable television or similar service, shall be placed below the surface of the ground, provided that the following utility facilities shall be permitted above ground:

- (a) Electric transmission lines and facilities in excess of 50 kilovolts;
- (b) Equipment such as electric distribution transformers, switchgear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antennae and associated equipment, which is, under accepted utility practices, normally installed above ground;
- (c) Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises;
- (d) When authorized by the Board of Supervisors or their designee, utility facilities crossing or entering any portion of the TOURIST ENTRY DISTRICT and originating or terminating in some other district where overhead utility facilities are permitted.

8A-8-2. Above-ground utility facilities in existence on the effective date of this ordinance may remain above ground and may be repaired, replaced or increased in capacity, provided that:

- (a) Whenever any tract or parcel of land, upon which above-ground utility facilities are located, is subdivided or otherwise developed, the subdivider or developer shall pay the non-betterment cost of relocating those utility facilities underground.
- (b) The Board of Supervisors may from time to time direct the utility company owning above-ground utility facilities to relocate such facilities underground, in specified areas.

8A-8-3. All installation of utility facilities below ground will be made in accordance with accepted standards of utility practice for underground construction and with applicable rules, regulations and policies of the State Corporation Commission.

8A-9. SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the TOURIST ENTRY DISTRICT, outdoor signs on properties within the district shall comply with the Special Regulations for Exterior Signs in Section 12-14.

8A-10. SITE PLAN REVIEW

All buildings or complexes of buildings erected, altered, or restored within the TOURIST ENTRY DISTRICT shall be subject to Site Plan Review in accordance with General Provisions set forth in Article 12, Section 12-12., and the special provisions for the district as set forth in this Article. In the case of any disparities in the regulations, the provisions in this article shall supersede.

8A-11. ARCHITECTURAL DESIGN REVIEW

Approval of the Preliminary site plan will be conditional, subject to Architectural Design Review procedures as set forth under General Provisions, Article 12, Section 12-13.

Section 2

Article 12 Amended

2-1. Article 12, Section 3 amended to read:

12-3. CONDITIONAL USE PERMIT

Where permitted by this ordinance, the location of hotels, motels, mobile home parks, commercial amusement parks, hospitals, mobile homes, airports, borrow pits, hog farms, sanitary fill method garbage disposal, feed lots, automobile grave yards, and junk yards, public utilities, and refuse sites shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit.

12-3-1. Procedural Requirements.

- (a) Application for conditional use permit. A developer, owner or lessee (holding under a bona fide lease the unexpired term of which is more than 5 years from date of filing of the application) may file with the Administrator or his designee an application for a conditional use permit; provided that the conditional use sought is permitted in the particular district. The application shall be accompanied by a plan showing the actual dimensions and shape of the lot, the exact sizes and locations on the lot of existing and proposed buildings, if any, and the existing and proposed uses of structures and open areas; and by such additional information relating to topography, access, surrounding land uses and other matters as may reasonably be required by the Administrator or his designee in the circumstances of the case.
- (b) Fees. The application shall be accompanied by a fee of \$20.00 to cover the cost of processing.
- (c) Action by the Administrator or his designee. The Administrator or his designee shall study the application and shall confer with pertinent county and state agencies to determine whether the proposed conditional use conforms to the general purpose and intent of the comprehensive plan and any applicable regulations which have been adopted and to the requirements of this Ordinance. Upon completion of such review, the Administrator or his designee shall transmit the findings and recommendations of the county and/or state agencies to the Board of Supervisors.
- (d) Action by Board of Supervisors. After receiving the recommendations of the county and/or state agencies, the Board of Supervisors shall act upon the proposed conditional use, granting the application in whole or in part with or without modifications, or denying it. In addition to the general or specific requirements set forth in the Ordinance concerning the proposed use, which shall be considered minimum requirements with respect to the permit, additional requirements, conditions and safeguards may be added by the Board of Supervisors as required for the protection of public interest in the specific case.

- (e) Rehearing for Conditional Use Permit. An application for a conditional use permit may be withdrawn during public hearing. However, if withdrawn or if denied by the Board of Supervisors, substantially the same application shall not be reconsidered within one year of withdrawal or denial.

12-3-2. General Standards for Conditional Uses.

- (a) Compliance with requirements. No conditional use permit shall be issued except upon a finding by the Board of Supervisors that the proposed use conforms to the requirements set forth in this Ordinance and that the proposed conditional use will have no more adverse effect on the health, safety or comfort of persons living or working in the area, and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district. Among matters to be considered in this connection are traffic flow and control; access to and circulation within the property; off-street parking and loading; refuse and service areas; utilities; screening and buffering; signs, yards and other open spaces; height, bulk and location of structures; location of proposed open space uses; hours and manner of operation; and noise, lights, dust, odor, fumes and vibration.
- (b) Conformity with adopted plans. The proposed conditional use shall be in accord with the purposes of the Comprehensive Plan and any applicable regulations and zoning regulations.

12-3-3. Additional Requirements for Conditional Uses.

In addition to the general requirements set forth above and limitations established for conditional uses in the district regulations, the requirements set forth hereafter shall apply to the respective conditional uses and structures.

12-3-4. Automotive Service Stations.

In addition to general requirements, the following special requirements and limitations shall apply to automobile service stations in districts in which they are generally permitted.

- (a) Minimum lot and yard requirements. Unless otherwise specified, the minimum lot size shall be 20,000 square feet with a minimum lot width of 200 feet. No gasoline service islands shall be located closer than 15 feet to any adjoining right-of-way.
- (b) Access driveways.
 - (1) The width of curb openings shall not exceed 35 feet and two driveways giving access to a single street shall be separated by an island with a minimum dimension of 25 feet at the right-of-way and curb lines.

(2) No driveway or curb cuts for a driveway should be located within ten(10) feet of an adjoining property line or within twenty-five (25) feet of a street intersection (with property lines projected if rounded).

(c) Off-street parking. Two off-street parking spaces shall be provided for each service bay plus three additional spaces for employee parking. A dense landscaping material or a solid fence or masonry wall five (5) feet in height shall be erected to enclose any trash area or outside storage yard which would otherwise be visible from any district or from any public street.

2-2. Article 12, Section 11 amended to read:

12-11. OFF-STREET LOADING REQUIREMENTS

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services in order to avoid interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall:

- (1) be an area ten (10) feet by fifty (50) feet, within fifteen (15) foot height clearance, and
- (2) be provided according to the following schedule:

<u>Gross Floor Area in Square Feet</u>	<u>Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area</u>
0 2,000	None
2,001 30,000	One (1) space
30,001 150,000	One (1) space plus one (1) space for each 30,000 square feet
150,001 750,000	Five (5) spaces plus one (1) space for each 60,000 sq. ft. in excess of 150,000 sq. ft.
Over 750,000	Fifteen (15) spaces plus one (1) space for each 120,000 square feet.

Section 3

Additions to Article 12

3-1. Sections 13 and 14 added to Article 12 as follows:

12-13. ARCHITECTURAL DESIGN REVIEW

In such instance where Architectural Design Review is required, the procedure for such review will commence following preliminary site plan approval. Upon receipt of a preliminary site plan, under conditions as set forth for a particular district, the applicant will submit to the Administrator or his designee schematic architectural plans indicating accurate elevations of each facade, and sufficient detailing to indicate materials, colors, texture, light reflecting characteristics, and special features intended for the building. This may be supplemented by sketches as deemed necessary by the applicant to present the intended design. Submission of actual samples of building materials is encouraged.

- 12-13-1. Adequate time shall be made available to the applicant for the preparation of these materials, provided that not more than sixty (60) days elapse between conditional approval of the preliminary site plan and the submission of architectural plans to the Administrator or his designee.
- 12-13-2. The Administrator or his designee shall request the Architectural Design Review Board to examine the above material, and report its findings as to whether the proposed building or buildings are aesthetically and architecturally acceptable.
- 12-13-3. The Architectural Design Review Board, in making its decisions shall be governed by the following criteria:
- (a) No building shall be permitted, the design, massing, proportions, or exterior appearance of which is of such unorthodox, garish, or abnormal character in relation to the surroundings as to be unsightly, offensive to generally accepted taste, or to draw inordinate attention to itself.
 - (b) No individual building shall be permitted, the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony and drabness. In applying this standard to a complex of buildings, the overall composition and aesthetic effect shall be considered.
 - (c) No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- 12-13-4. The Architectural Design Review Board shall make its report to the Administrator or his designee within thirty (30) days, recommending approval of the plans as presented or advising the Administrator or his designee as to the changes or alterations in the plans as necessary to bring the proposed building(s) in harmony with the intent of this Section. Such changes or alterations shall not impose unreasonable increase in construction cost.

The Administrator or his designee shall immediately transmit to the applicant an indication of approval or a statement of changes necessary to secure approval. Upon approval the Administrator or his designee may authorize the preparation of final site engineering and architectural plans in accordance with preliminary approvals and architectural approval. Following the submittal to and appropriate review by the Administrator or his designee(s), the issuance of a building permit will be authorized by the Administrator or his designee. Required conditional use permits shall be obtained only after approval of a preliminary site plan and architectural design approval.

12-13-5. If a statement of changes necessary to secure approval is issued, revised plans shall be submitted and approved. Action following approval shall then be in accordance with Section 12-13-4 of this Ordinance.

12-13-6. Architectural Design Review Board

The Architectural Design Review Board shall be composed of five persons appointed by the County Board of Supervisors. Such appointee shall be a qualified person capable of exercising sound and fair design judgement.

The members shall be:

- (a) A qualified licensed architect;
- (b) A qualified licensed landscape architect or a second qualified licensed architect;
- (c) A member of the Planning Commission Site Plan Review Committee;
- (d) The President of the local board of realtors;
- (e) A responsible member of the business community.

Initially, two members shall be appointed for one year and three members shall be appointed to serve for two years. Subsequent appointments shall be for terms of two (2) years each.

12-14. SPECIAL REGULATIONS FOR EXTERIOR SIGNS

12-14-1. Definitions. For the purpose of this section, the following definitions of terms and words shall apply:

- (a) Sign. A structure, display, or device that is arranged, intended, designed, or used as an advertisement, announcement, identification, description, or direction.
- (b) 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 (2) faces shall be computed by multiplying one-half the perimeter 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.

- (c) Free Standing 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 free standing sign.
- (d) 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.
- (e) Flashing Sign. An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign.
- (f) Flat 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.
- (g) 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.
- (h) 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, or a sign of translucent non-transparent material illuminated from within but with no exposed or exterior bulbs, tubes, or other light source.
- (i) 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.
- (j) 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.

12-14-2. Allowable Content of Signs

It is the intent of this limitation to prohibit the use of exterior signs for the general advertisement of products, services or other matters having no relation to the premises upon which they are placed. The content or advertising message carried by signs hereafter erected shall be limited to one or more of the following:

- (a) The identification of a building or its owners or occupants of the premises;
- (b) Information concerning lawful activities on the premises, or goods or services offered in connection therewith.
- (c) Information concerning the sale, rental or lease of the premises.

12-14-3. Allowable Sign Dimensions and Special Regulations

- (a) Each property having less than 300 feet of lot frontage shall be permitted one free-standing sign. Such sign shall not be located closer than 100 feet from any other free-standing sign on the same side of the street, or closer than 50 feet from any property boundary. Individual properties may combine to meet the 100 foot minimum separation and thus erect one free-standing sign to serve the combined properties. Such signs shall not exceed 100 square feet per face nor an overall height of 30 feet.
- (b) Each property having in excess of 300 feet of lot frontage shall be permitted one additional free-standing sign of the same size and height as subparagraph (a) above; or in the alternative may elect to increase the size of the free-standing sign allowed under subparagraph (a) above to a maximum of 150 square feet per face.
- (c) Each business shall also be permitted two building face signs per occupancy frontage. The area devoted to such signs shall not exceed fifteen (15) percent of the area of the first story of the front facade of the building. Such signs shall be mounted flat against the building.
- (d) When the same building faces onto a public right-of-way or parking lot on the rear or the side of the building, an additional sign may be erected at an entrance on that side. The area devoted to such a sign shall not exceed ten (10) percent of the area of the face of the building to the first story height, and such sign must be mounted flat against the building.

- (e) Banners or flags, used as signs, may be allowed by permit provided that the same are installed in a permanent fashion and are maintained in good repair at all times.
- (f) 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 as set forth in item (c) above.

12-14-4. 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.

- (a) Official traffic signs or sign structures and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency, and temporary signs indicating danger.
- (b) Changing of the copy on a bulletin board, poster board, or display encasement.
- (c) Temporary non-illuminated signs, not more than six feet square in area, advertising real estate for sale or lease and located on the premises, one such sign for each street frontage.
- (d) Temporary non-illuminated signs not more than ten square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each street frontage.
- (e) Non-illuminated signs warning trespassers or announcing property as posted, not to exceed four (4) square feet per sign.
- (f) 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 a district where such signs are not permitted.

12-14-5. Prohibited Signs. The following signs shall be specifically prohibited.

- (a) Flashing, animated, and rotating signs or appurtenances to signs which are non-stationary.
- (b) Displays intermittent lights resembling or seeming to resemble, the flashing lights customarily associated with danger or such as are customarily used by police, fire, or ambulance vehicles, or for navigation purposes.

- (c) Signs so located and so illuminated as to provide a background or colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from normal approach position of a vehicle at a distance of 25 to 300 feet.
- (d) 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.
- (e) Signs, portable or otherwise, placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.
- (f) Signs attached to trees, utility poles, or other unapproved supporting structure.

12-14-6. Temporary Signs

The Administrator or his designee, upon application may issue temporary permits for the following signs and displays for a period of not exceeding 30 days, 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.

- (a) Signs 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 or charitable organization.
- (b) Special decorative displays used for holidays, public demonstrations, or promotion for non-partisan civic purposes.

12-14-7. Procedures. The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this Ordinance.

- (a) Permits. No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, 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 especially provided by the Administrator or his designee shall be filed, together with three sets of drawings and/or specifications (one to be returned to the applicant) as may be necessary to fully advise and acquaint the Administrator or his designee with the location in relation to adjacent buildings, construction, materials, manner of illuminating and/or securing or fastening, and number of signs applied for, and the wording of the sign or advertisement to be carried on the sign. Each sign for which a permit is issued shall be inspected by the building inspector of James City County to insure compliance with applicable codes.

- (b) Electrical Permit. All signs which are electrically illuminated shall require a separate electrical permit and an inspection.
- (c) Permit Time Limit. All signs shall be erected on or before the expiration of 90 days from the date of issuance of the permit; otherwise, the permit shall become null and void and a new permit shall be required.
- (d) 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.
- (e) Fees Required. Fees for sign permits shall be in accordance with the schedule adopted by ordinance, a copy of which is maintained in the office of the Administrator or his designee.

12-14-8. Non-Conforming Signs.

Any sign existing prior to adoption of this Ordinance, and not conforming to the terms of this Ordinance, is hereby declared a non-conforming sign and may not be altered, reworded, or replaced unless said sign conforms to the requirements of this Ordinance. Upon the cessation or termination of a particular use on a parcel of real property, the Owner thereof shall within ten (10) days of said cessation or termination remove all non-conforming signs.

12-14-9. Conformance

Existing advertising business or location signs in districts where Article 12-14 applies shall be brought into conformity with the regulations herein established in accordance with the following schedule:

<u>Value of Sign</u>	<u>Period of Compliance</u>
Less than five hundred (500) dollars	within two (2) years
from five hundred (500) dollars to one thousand (1000) dollars	within three (3) years
from one thousand one (1001) dollars to fifteen hundred (1500) dollars	within four (4) years
from fifteen hundred one (1501) dollars to two thousand (2000) dollars	within five (5) years
from two thousand one (2001) dollars to twenty-five hundred (2500) dollars	within six (6) years
twenty-five hundred one (2501) dollars and above	within seven (7) years from the date of the installation of the sign

The prescribed value of the sign shall be construed as that value listed upon the building permit of the sign, and all periods of compliance as listed above, shall commence from the effective date of this ordinance. For those signs erected prior to this Ordinance without a building permit, each such sign shall be removed or a building permit obtained in compliance with this Ordinance, within six (6) months from the effective date of the Ordinance.

12-14-10. REMOVAL OF SIGNS IN VIOLATION

The Administrator or his designed shall remove or cause to be removed at the Owner's or tenant's expense any sign erected or maintained in conflict with these regulations if the Owner or lessee of either the site or the sign fails to correct the violation within 30 days after receiving written notice of violation from the Administrator or his designee. Removal of a sign by the Administrator or his designee shall not affect any proceedings instituted prior to removal of such sign.

Section 4

Additions to Article 17

4-1. Sections 89, 90, 91, and 92, added to Article 17 as follows:

17-89. FLOOR AREA

The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements.

17-90. FLOOR AREA RATIO

A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located, as:

$$\frac{\text{Floor area}}{\text{Lot area}} = \text{Floor area ratio}$$

17-91. PERIMETER OPEN SPACE

Space suitable for recreation, gardens or landscaping. Such space must be free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

17-92. BUILDING LINE

The line marking the intersection of the vertical building face and the ground plane. The line to which a building setback is measured.

17-93. DRIVE-IN AND "FAST FOOD" EATING ESTABLISHMENTS

A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from said business establishment.

17-94. LOT, AREA OF

The total area of land contained by lot lines and inclusive of any easements that may exist upon the lot. For the purpose of computing coverage of floor area ratio, the area of the lot shall not be considered to include any area of land designated for a future public road right-of-way.

17-95. NON-BETTERMENT COST

That cost to replace facilities with facilities of equal but no greater capability.

Section 5
Effective Date

5-1 The effective date of this ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter, save those provisions which may, from time to time, be amended or repealed.

(Adopted by the Board of Supervisors January 10, 1973.)