

ZONING AMENDMENTS

ORDINANCE NO. 31A-18

AN ORDINANCE TO AMEND CHAPTER 20 OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, AND AMEND ARTICLES 7, 8A, AND 12, OF THE ZONING ORDINANCE OF JAMES CITY COUNTY, VIRGINIA.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA, PURSUANT TO SECTION 491, ARTICLE 8, AND 431, ARTICLE 1, CHAPTER 11, TITLE 15.1, CODE OF VIRGINIA OF 1950, AS AMENDED; AND SECTION 14, ARTICLE 1, CHAPTER 20, CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, AS FOLLOWS:

SECTION I

CODE AMENDED

1-1 Article 1, Chapter 20 is amended as follows:

1-1-1 Section 2 is amended by deleting the following definitions:

Sign
Sign categories
Sign structure
Sign, temporary

1-2 Division 2, Article 1V, Chapter 20 is amended as follows:

1-2-1 Section 29 is amended by deleting the following:

Business signs
Church bulletin board and identification signs
Directional signs
Home occupation signs
General advertising signs as defined, with a conditional use permit and in accordance with provisions contained herein; provided, that the distance between such signs is not less than one thousand feet on the same side of a right-of-way, but in no case shall a sign be closer than five hundred feet to another sign on either side of a right-of-way.
Location Signs

1-2-2 Section 34A1 is adopted as follows:

Section 20-34A1. SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the A-1 General Agricultural District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article 12, Section 12-14 of the Zoning Ordinance, except that home occupation signs shall not exceed four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

1-3 Division 3, Article 1V, Chapter 20 is amended as follows:

1-3-1 Section 36 is amended by deleting the following:

Business signs
Church bulletin boards and identification signs
Directional signs
Home occupation signs
General advertising signs as defined, with a conditional use permit and in accordance with provisions contained herein; provided, that the distance between such signs

is not less than one thousand feet on the same side of a right-of-way, but in no case shall a sign be closer than five hundred feet to another sign on either side of a right-of-way.

Location signs

1-3-2 Section 41.1 is adopted as follows:

Sec. 20-41.1 SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the A-2 Limited Agricultural District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article 12, Section 12-14 of the Zoning Ordinance, except that home occupation signs shall not exceed four (4) square feet in area directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

1-4 Division 4, Article IV, Chapter 20 is amended as follows:

1-4-1 Section 43 is amended by deleting the following:

Business signs only to advertise the sale or rent of the premises upon which erected

Church bulletin boards and identification signs

Directional signs, non-business

1-4-2 Section 49.1 is adopted as follows:

Sec. 20-49.1. SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the R-1 Limited Residential District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article 12, Section 12-14 of the Zoning Ordinance, except home occupation signs shall not be permitted.

1-5 Division 5, Article IV, Chapter 20 is amended as follows:

1-5-1 Section 51 is amended by deleting the following:

Business signs only to advertise the sale or rent of the premises upon which erected

Church bulletin boards and identification signs

Directional signs, non-business

1-5-2 Section 57.1 is adopted as follows:

Sec. 20-57.1. SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the R-2 Limited Residential District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article 12, Section 12-14 of the Zoning Ordinance, except home occupation signs shall not be permitted.

1-6 Division 6, Article IV, Chapter 20 is amended as follows:

1-6-1 Section 59 is amended by deleting the following:

Church bulletin boards and identification signs
Directional signs
Home occupation signs

1-6-2 Section 65.1 is adopted as follows:

Sec. 20-65.1. SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the R-3 General Residential District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article 12, Section 12-14 of the Zoning Ordinance, except home occupation signs shall not exceed four (4) square feet in area directing attention to a product, commodity or service available on the premises but which product, commodity or service is clearly a secondary use of the dwelling.

1-7 Division 8, Article IV, Chapter 20 is amended as follows:

1-7-1 Section 82 is amended by deleting the following:

Business signs
General advertising signs
Location signs

1-7-2 Section 86.1 is adopted as follows:

Sec. 20-86.1. SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the B-1 General Business District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article 12, Section 12-14 of the Zoning Ordinance.

1-8 Division 9, Article IV, Chapter 20 is amended as follows:

1-8-1 Section 88 is amended by deleting the following:

Business signs
General advertising signs
Location signs

1-8-2 Section 94.1 is adopted as follows:

Sec. 20-94.1. SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the M-1 Limited Industrial District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article 12, Section 12-14 of the Zoning Ordinance.

1-9 Division 10, Article IV, Chapter 20 is amended as follows:

1-9-1 Section 96 is amended by deleting the following:

Business signs
General advertising signs
Location signs

1-9-2 Section 102.1 is adopted as follows:

Sec. 20-102.1. SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the M-2 General Industrial District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article 12, Section 12-14 of the Zoning Ordinance.

SECTION 2

ZONING ORDINANCE AMENDED

2-1 Section 13, Article 7, is adopted as follows:

7-13. SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the R-4 Residential Planned Community District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article 12, Section 12-14 of the Zoning Ordinance, except that unique signing systems may be approved by the Site Plan Review Committee and the Board of Supervisors where such sign systems contribute significantly to the character of the residential planned community. However, in no case shall the sign square foot size exceed the maximum allowed in Article 12, Section 12-14 of the Zoning Ordinance. Home occupation signs shall not be allowed in the residential planned community district.

2-2 Section 9, Article 8A, is amended and readopted as follows:

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 regulations for exterior signs in Section 12-14.

2-3 Section 14, Article 12, is amended and readopted as follows:

12-14 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 of one face 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 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.
- (d) Information on directional signs as prescribed in Section 12-14-3.

12-14-3 Allowable Sign Dimensions and Special Regulations

- (a) Each property having less than 400 feet of lot frontage shall be permitted one (1) free standing sign. All free standing signs shall not exceed thirty-two (32) square feet per face nor an overall height of twenty (20) feet. Individual Businesses on the same property shall combine signs on a single standard and the square footage of the combined signs shall not exceed thirty-two (32) square feet per face.

Shopping centers shall be permitted one (1) free standing sign per major street frontage, except that no more than two (2) free standing signs will be permitted for each shopping center. A free standing 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 12-14-3, (c) and (d); or specially designed signing consistent with the overall development plan for the shopping center and approval as a part thereof by the Planning Commission.

- (b) Each property having in excess of 400 feet of lot frontage shall be permitted one additional free standing sign of the same size and height as subparagraph (a) above.

- (c) In zones where business or manufacturing is permitted a building face sign shall also be permitted. The area devoted to such sign shall not exceed ten (10) per cent 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 side of the building, an additional sign may be erected at the entrance on that side. The area devoted to such a sign shall not exceed ten (10) per cent 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.
- (g) In no case shall a sign be permitted which will detrimentally affect the safety of the traveling public.
- (h) Directional signs may be allowed upon the determination of the Administrator, or his designee, that the sign or signs:
 - (1) are necessary to the traveling public to locate distinctive places of historical significance, businesses, and residences remotely located and not visible from the state primary road giving principal access to the property; and
 - (2) show only the name, mileage and direction; and
 - (3) are aesthetically compatible in color, shape and scale with the proposed area of location.

If determined necessary by the Administrator, or his designee, each such place of historical significance, residence or business may be allowed three (3) directional signs.

Sign size and location shall be determined in accordance with the criteria below:

<u>Road Along Which Sign is to be Placed</u>	<u>Min. Distance From Intersection Where Sign may be Placed</u>	<u>Max. Sign Size Under 25 ft. from Road Right-Of-Way</u>	<u>Max. Sign Size Over 25ft.from Road Right-of-Way</u>
Interstate & Primary	1000 Ft.	6 SF	10 SF
Secondary	100 Ft.	4 SF	6 SF

Exemptions.

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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, historical markers, provisional warning signs or sign structures when erected or required to be erected by a governmental agency, and temporary signs indicating danger.
- (b) Signs authorized by the State Highway Department to be placed on a highway right-of-way.
- (c) Changing of the copy on a bulletin board, poster board, or display encasement.
- (d) 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.
- (e) 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.
- (f) Non-illuminated signs warning trespassers or announcing property as posted, not to exceed four (4) feet per sign.
- (g) 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.
- (h) Mailboxes and similarly located signs identifying a private residence.

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 of 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 six (6) months 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 of the premises.
- (e) Fees Required. For all sign permits required, a fee of \$1.00 per square foot of surface area shall be charged to cover the cost of administration. Area shall be computed in accordance with Section 12-14-1 (b) Gross Sign Area.

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 the Ordinance. Upon the cessation or termination of particular use on a parcel of real property, the owner thereof shall within ninety (90) days of said cessation or termination remove all non-conforming signs. 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 (10) days, the Administrator shall cause such removal and charge the cost to the owner of the premises.

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 three thousand (3000) dollars	within two (2) years from the effective date of this Ordinance
From three thousand one (3001) dollars to six thousand (6000) dollars	within three (3) years from the effective date of this Ordinance
From six thousand one (6001) dollars to fifteen thousand (15,000) dollars	within four (4) years from the effective date of this Ordinance
Fifteen thousand one (15,001) dollars or more	within five (5) years from the effective date of this Ordinance.

The prescribed value of the sign shall be construed as that value listed upon the building permit of the sign, if one exists, or on the Administrator's certificate, and all periods of compliance as listed above shall commence from the effective date of this Ordinance. Within six (6) months from the effective date of this Ordinance, those signs erected prior to the adoption of this Ordinance without a building permit shall be removed or an application shall be submitted to the Administrator, or his designee, for the purpose of certifying the sign value and date of construction.

12-14-10 REMOVAL OF SIGNS IN VIOLATION

The Administrator or his designee shall remove or cause to be removed at the owner's or tenant's expense any sign erected or maintained in conflict with these regulation 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 3
EFFECTIVE DATE

3-1 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 and repealed.

Adopted by the Board of Supervisors of James City County, Virginia, on September 21, 1973.

