

ADOPTED

OCT 14 1991

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 31A-132

AN ORDINANCE TO AMEND AND RE-ORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE 1, IN GENERAL, SECTION 20-12. MINIMUM OFF-STREET PARKING; BY AMENDING ARTICLE II, SITE PLAN, SECTION 20-35. CERTAIN PLANS SUBJECT TO REVIEW BY PLANNING COMMISSION; SECTION 20-36. PRE-APPLICATION CONFERENCE; SECTION 20-37. SITE PLAN--SUBMITTAL GENERALLY; SECTION 20-38. SAME--ADMINISTRATIVE REVIEW; SECTION 20-39. SAME--SUBMITTAL COMMENTS; SECTION 20-40. SAME--PUBLIC ACCESS; SECTION 20-41. SAME--REVIEW CRITERIA; SECTION 20-42. RESERVED; SECTION 20-43. NOTIFICATION OF FINDINGS; PROCESSING; SECTION 20-44. PRELIMINARY APPROVAL--TERM OF VALIDITY; EXTENSION; RESUBMITTAL; SECTION 20-45. REVISED SITE PLAN--SUBMITTAL GENERALLY; BY DELETING SECTION 20-46. SAME--SUBMITTAL CONTENTS; BY AMENDING SECTION 20-47. SAME--ACTION UPON COMPLETION OF REVIEW; SECTION 20-48. SAME--TERM OF VALIDITY; TERMINATION; EXTENSION; RESUBMITTAL; SECTION 20-49. SAME--AMENDMENT; SECTION 20-50. FINAL "AS BUILT" PLANS REQUIRED; AND SECTION 20-51. COMPLIANCE WITH SITE PLAN REQUIRED; BY AMENDING ARTICLE VII, SPECIAL REGULATIONS FOR EXTERIOR SIGNS, BY ADDING SECTION 20-445. STATEMENT OF INTENT; BY AMENDING SECTION 20-446. DEFINITIONS; SECTION 20-447. CONTENT OF SIGNS; SECTION 20-448. SIGN DIMENSIONS AND SPECIAL REGULATIONS; SECTION 20-449. EXEMPTIONS; SECTION 20-450. PROHIBITED SIGNS; SECTION 20-451. TEMPORARY SIGNS; SECTION 20-452. PERMITS; SECTION 20-453. EXCEPTIONS; AND SECTION 20-454. NONCONFORMING SIGNS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and re-ordained by amending Section 20-12. Minimum off-street parking, Section 20-35. Statement of intent, Section 20-36. Site plans--When required, Section 20-37. Pre-application conference, Section 20-38. Site plan submittal requirements, Section 20-39. Site plan--Public access, Section 20-40. Criteria for review, Section 20-41. Procedure for commission review of site plans; by adding Section 20-42. Procedures for administrative review of site plans; by amending Section 20-43. Review criteria--Generally, Section 20-44. Preliminary approval--Term of validity, Section 20-45. Revised site plan--Submittal generally; by deleting Section 20-46. Reserved; by amending Section 20-47. Same--Action upon completion of review, Section 20-48. Final approval--Term of validity, Section 20-49. Amendment of approved site plans, Section 20-50. Final "As-Built" plans required, Section 20-51. Compliance with site plan required; by adding Section 20-445. Statement of intent; by amending Section 20-446. Definitions, Section 20-447. Content of signs, Section 20-448. Sign dimensions and special regulations, Section 20-449. Exemptions, Section 20-450. Prohibited signs, Section 20-451. Temporary signs, Section 20-452. Permits, Section 20-453. Exceptions, and Section 20-454. Nonconforming signs.

Chapter 20. Zoning
Article I. In General

Section 20-12. Minimum Off-Street Parking.

A. *This section is intended to protect the health, safety, and general welfare of the community, to effectively manage traffic flow, to provide for an adequate number of spaces, and to reduce traffic hazards and conflicts.*

B. There shall be provided at the time of erection of any main building or at the time any main building is enlarged, *except detached single-family residential units*, minimum off-street parking with adequate landscaping as required in Section 20-14 and provision for entrance and exit by standard sized automobiles, as follows:

A. 1. General provisions.

- ~~1-~~ (a) No Certificate of Occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted, provided that:
 - ~~(a)~~ (i) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County.
 - ~~(b)~~ (ii) Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year.
 - ~~(c)~~ (iii) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall be brought into conformance with this Chapter; provided however, the Planning Commission may waive the setbacks and geometric design requirements found in B- C. 1, 2 and 6 below as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship, or that insufficient area exists to allow such revision.

For purposes of this Section, "enlarged or materially altered" shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15 percent or reduces the landscaped areas of the parking lot by more than 15 percent. Nothing in this Section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

- 2- (b) Required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot adjacent thereto which has the same zoning classification or a zoning classification that would allow the use that the parking will serve. The rights of use of any such adjacent property shall be secured by ownership, easement, or similar recorded covenant or agreement approved as to form and content by the County Attorney, in order to assure the permanent availability of such parking.
- (i) Off-site parking spaces shall be permitted by a special use permit on lots that are noncontiguous with the property or use they serve, provided they meet the criteria specified in (20-12). All parking located on noncontiguous lots shall be easily and safely accessible to pedestrians. The rights of use of any such noncontiguous lots and pedestrian walkways shall be provided for by ownership, easement, or similar recorded covenant or agreement, approved as to form and content by the County Attorney, in order to assure the permanent availability of such parking.
- 3- (c) Off-street parking spaces shall be used solely for the parking of vehicles in operating condition by patrons, occupants or employees of the use to which such parking is accessory. Permanent storage of vehicles shall not be allowed. Storage of vehicles for sale shall not be allowed.
- 4- (d) Parking spaces for the handicapped and any necessary curb cuts and ramps shall be provided in all parking areas in conformance with the standards ~~for numbers and design found in the Virginia Uniform Statewide Building Code~~ outlined below.
- (i) Dimensions of handicapped spaces shall be as follows. Each handicapped space shall be 9 feet wide with a clearly marked 5-foot wide aisle next to it.

No more than 2 spaces may share an aisle. Each aisle shall be headed by a curb cut or ramp to allow unimpeded access to the use. Each space shall be headed with a sign clearly marking the space as handicapped only. Such signs shall not exceed 1.5 square feet in area, and shall be positioned so that the bottom edge of the sign is no less than 4 feet above grade, and no more than 7 feet above grade.

- (ii) Location of handicapped spots shall be determined as follows. Such spaces shall generally be closest to the entrance to the building or use for which they are provided. The spaces shall be connected to the use by a paved walk of a level grade, no less than 5 feet wide, with curb cuts and ramps where necessary, which shall allow unimpeded access to the use.
- (iii) The number of handicapped parking spaces shall be determined by the following chart;

| <u>Total Off-street Parking Required</u> | <u>Handicapped Spaces Required</u> |
|--|--|
| 1-15 | 1* |
| 16-50 | 1 |
| 51-100 | 2 |
| 101-150 | 3 |
| 151-400 | 2% |
| 401 and over over 401 | 8 plus 1% of all spaces |

* The accessible space shall be provided, but need not be designated.

B. C. Design.

Parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Parking areas accessory or otherwise, ~~containing ten (10) or more parking spaces,~~ shall comply with the following:

1. The parking lot shall be constructed so that spaces are grouped into bays. At the end of each bay, a landscape island of at least nine (9) feet in width and fifteen (15) feet in length shall be built to separate the bays from each other or from traffic lanes. When the parking bays contain double rows of parking spaces, the landscape island shall be increased to nine (9) feet in width and thirty (30) feet in length. A parking bay may not be constructed to a length of more than ~~two hundred feet~~ *one hundred fifty feet* without constructing a landscape island. The ~~Administrator~~ *Director of Planning* may approve islands which vary from nine by fifteen (9 x 15) foot or nine by thirty (9 x 30) foot rectangles in order to provide desirable geometric design features such as rounded corners and angles to facilitate maneuvering of automobile traffic. However, in no case shall the total area of an island be decreased as a result of such design change.

2. All landscape areas contiguous to parking bays shall be protected from intrusion by vehicles by curbs or bumpers. Parking areas shall not be located within five (5) feet of any building. Driveways shall not be located within five (5) feet of any building except where vehicular access is necessary.
3. Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night. *The type of light fixture shall not be metal halide.* The lighting in parking lots shall be directed so as not to produce objectionable glare on any adjacent property or ~~streets~~ public right-of-way, and no lighting fixture shall exceed a height of ~~thirty-(30)~~ twenty (20) feet. *Fixtures mounted on light poles shall not exceed an angle of 15 degrees past horizontal. Plans detailing the illumination patterns and specific design of all lighting fixtures shall be submitted for review along with the site plan. This requirement shall not apply to parking areas designed to accommodate four or less vehicles.*
 - (a) Upon application to the director of planning, the applicant may request a waiver to allow for the maximum height of the light poles to be raised to a maximum of 30 feet. Such a waiver shall only be granted if the following conditions are met:
 - (i) The waiver shall be applied to lots in excess of 500 spaces only.
 - (ii) The waiver shall not be applied to any out-parcel development.
 - (iii) No light pole within 150 feet of any public right-of-way or adjacent residential or agricultural property shall exceed a maximum height of 20 feet.
 - (iv) No fixture mounted on a 30-foot pole shall exceed an angle of 15 degrees past horizontal.
 - (v) The applicant shall demonstrate to the Planning Director that no additional glare will be shed upon adjacent properties and roadways by the placement of higher poles.
4. The design of the parking lot shall meet the minimum geometric standards presented in the following table:

MINIMUM OFF-STREET PARKING AREA DIMENSIONS

| Angle of Parking (degrees) | Direction of Traffic | Dimension of Stall (feet) | Width of Aisle (feet)* |
|----------------------------|----------------------|---------------------------|------------------------|
| Parallel | One-way | 8 x 22 | 12 |
| 45 | One-way | 9 x 18 | 12 |
| 60 | One-way | 9 x 18 | 18 |
| 90 | Two-way | 9 x 18 | 23 24 |

~~*Minimum width of traffic aisles in parking lots for two-way traffic shall be twenty four (24) feet.~~

The minimum aisle dimension of any parking lot designed to accommodate at least five hundred (500) vehicles and intended for long-term parking may be reduced by four (4) feet provided: the lot is designed and marked for one-way traffic; the parking spaces form an angle of eighty (80) degrees to ninety (90) degrees with the aisle; each vehicle is individually guided to a parking space by an attendant; and the safety and effective operation of the lot has been clearly demonstrated.

For the purpose of this section, the phrase "long-term parking" shall mean parking the duration of which is on the average six (6) hours or more.

5. Parking areas, driveways and entrances shall be surfaced with gravel, stone, asphalt or concrete, and shall be maintained in good repair. Adequate drainage shall be provided *in all parking areas* for the removal of stormwater and a drainage plan shall be submitted with the site plan and approved by the Director of Code Compliance.
 6. The location, size, and number of entrances from parking areas onto public or private roads shall be shown on the site plan. Upon finding that on-site traffic circulation, off-site traffic flow, or public safety would be improved, the Planning Commission may require the location, number or size of entrances to be limited or increased.
- G- D. Special Provisions for Bus Parking. If provided, bus parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Bus parking areas, accessory or otherwise, are exempted from the requirements of paragraph ~~(B)~~ (C) "Design," but shall comply with the requirements of paragraph ~~(A)~~ (B.1) "General Provisions," and with the following:

1. Site plans, in accordance with Article II of this chapter, shall be submitted for all new off-street parking areas for buses or for any additions to existing off-street parking areas for buses.
2. Parking areas to be used for bus parking shall be used for bus parking only. Signs shall be erected within the parking lot indicating those areas designated for bus parking only.
3. *No parking area for buses shall be located closer than twenty (20) feet to adjacent residential uses, hotels, motels, hospitals, or institutes of human care and occupancy.*
- ~~3-~~ 4. For perpendicular or angled parking, the minimum size of a bus parking space shall be twelve (12) feet wide and forty (40) feet long. For parallel bus parking spaces, the minimum size shall be twelve (12) feet wide by fifty (50) feet long. The width of aisles within bus parking lots shall be determined by the turning radii necessary to safely maneuver into and out of the parking spaces; however, shall in no case be less than twenty-four (24) feet wide.
5. *The location, size, and number of entrances from parking areas onto public or private roads shall be shown on the site plan. Upon finding that on-site traffic circulation, off-site traffic flow, or public safety would be improved, the Planning Commission may require the location, number or size of entrances to be limited or increased.*
- ~~4-~~ 6. Bus parking areas shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided for the removal of stormwater and a drainage plan shall be submitted with the site plan and approved by the county engineer.
- ~~5-~~ 7. Adequate lighting shall be provided if the uses which are served by the bus parking area will be in operation at night. *The type of light fixture shall not be metal halide.* The lighting shall be directed so as not to produce objectionable glare on any adjacent property or streets, public right-of-way, and no lighting fixture shall exceed a height of thirty (30) feet. *Plans detailing the illumination patterns and specific design of all lighting fixtures shall be submitted for review along with the site plan.*

D. E. Minimum off-street parking requirements.

1. Residential uses: The minimum number of off-street parking spaces shall be: Two (2) spaces per single-family residential unit; three (3) spaces per single family dwelling with an accessory apartment; two (2) spaces per townhouse dwelling unit; and two (2) spaces per manufactured home. Other residential uses shall provide one and five-tenths (1.5) spaces per residential unit. Spaces in accessory garages conforming to the size and area requirements for parking spaces and having suitable ingress and egress shall be counted towards the required minimum number of parking spaces for each dwelling.
2. Commercial uses: Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

Category A. High parking demand generators shall provide one parking space per two hundred (200) square feet of retail *and/or* office floor area, to include:

General retail stores.
Retail food stores, bakeries and fish markets.
Laundries and dry cleaners.
Wearing apparel, shoes, yard goods, toys, music and records, tailors, dressmakers, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.
Drug stores.
Plants and garden supply, hardware and paint, and home appliance sales and service.
Antique, novelty, arts and crafts, and gift shops.
Libraries and post offices.
Lodges, civic clubs, fraternal organizations, service clubs, public billiard parlors, arcades, pool rooms, dance halls and private clubs.

All other commercial uses not specified in Category B or C below.

Category B. Moderate parking demand generators shall provide one parking space per two hundred fifty (250) square feet of retail *and/or* office floor area, to include:

Banks and financial institutions.
Corporate, business and professional offices.
Lumber and building supply.
Plumbing and electrical supply.
Tire, transmission, glass, body and fender, and other automotive product sales and service.
Machinery sales and service.
Photography studios and sales and artist and sculptor studios.

Category C. Uses with unique requirements.

(a) Motels, hotels and tourist homes shall have one parking space per rental unit plus four (4) parking spaces for every fifty (50) rental units plus one parking space per five (5) persons to the maximum capacity of each public meeting and-or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.

(b) Theaters, auditoriums and places of public assembly shall have one parking space per five (5) seats based upon the planned seating capacity. *For uses with bench seating, each twenty-four (24) inches of bench shall be counted as one seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.*

(c) Hospitals shall provide at least two (2) parking spaces for every bed. Nursing homes or convalescent facilities shall provide one parking space for every three (3) beds, plus one parking space for each employee on the largest shift.

(d) Outdoor retail sales-display areas shall provide at least one parking space per five hundred (500) square feet of area.

(e) Bowling alleys shall have three (3) parking spaces per alley plus one space for every two-hundred (200) square feet of accessory business use.

(f) Barber shops and beauty shops shall have at least three (3) spaces plus two (2) spaces for every barber or beautician chair.

(g) Planned shopping centers, with four (4) or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

| <u>Total Retail Floor Area in Square Feet</u> | <u>Number of Spaces per 1,000 Square Feet</u> |
|---|---|
| 1 - 100,000 | 4 |
| 100,001 - 300,000 | 5 |
| Over 300,000 | 5.5 |

Where a theater is proposed in conjunction with any shopping center which contains at least sixty thousand (60,000) square feet of retail floor area, the number of parking spaces required for the theater may be reduced by twenty-five (25) percent of what would have been required under (b) above.

(h) Medical and dental clinics shall provide at least three (3) parking spaces for each doctor or dentist having offices in such clinic.

(i) Mortuaries and funeral homes shall provide at least thirty (30) parking spaces.

(j) Furniture stores, carpet show rooms and indoor vehicular sales show rooms shall have one parking space for every four-hundred (400) square feet of retail floor area.

(k) Restaurants shall have one parking space for every four (4) seats based upon the maximum seating capacity allowed.

(l) Rental of rooms to a maximum of three (3) rooms shall provide off-street parking totalling one more parking space than the total number of rooms to be rented.

3. Industrial uses: Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two (2) employees on the largest shift.
4. Where the required number of parking spaces is not set forth for a particular use in the preceding Sections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the Planning Commission shall determine the number of spaces to be provided.
5. Appeals and waivers.
 - (a) Appeals. A property owner may appeal for a change of a commercial use from Category A to Category B or a less restrictive requirement within Category C; however, the burden of proof shall be upon the applicant to show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to different parking classifications shall be made to the Planning Commission.
 - (b) Waivers. A property owner may be granted a waiver by the Planning Commission from the minimum off-street parking requirements if it can be shown that due to unique circumstances a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any waiver granted by the Planning Commission shall *apply only to the number of spaces required, and shall not* allow a greater building area than would have been possible had the original parking requirement been enforced. The Planning Commission may place conditions upon the granting of a waiver, and may require that the parking area not required upon the granting of the waiver be landscaped in addition to the minimum landscaping requirements.

ARTICLE II. SITE PLAN

Section 20-35. Statement of Intent.

The purpose of this Article is to encourage sound and innovative design and to ensure that land is used in a manner that is efficient, in harmony with neighboring property and the environment, and in accordance with the Comprehensive Plan and provisions of this Chapter or other parts of the James City County Code.

Nothing herein shall require the approval of any development, use or plan, or any feature thereof, which shall be found by the Commission or the Zoning Administrator, to constitute a danger to the public health, safety or general welfare, or which shall be determined to be a violation of Federal, State or County laws or regulations.

Section 20-356. ~~Certain Plans Subject to Review by Planning Commission.~~ *Site Plans -- When Required.*

~~For the purpose of assuring public safety, good arrangement and ensuring harmony with the Comprehensive Plan, s~~ *Site plans shall be required for the following major uses and additions and expansions thereto: shall be subject to review for approval by the Planning Commission and the Zoning Administrator:*

- (a) Multiple-family dwellings;
- (b) Townhouses and or condominiums;
- (c) Churches, temples, synagogues, or cemeteries;
- (d) Docks, marinas, wharves, piers, bulkheads and the like and or any overwater structures, except private overwater piers and boat houses accessory to single-family dwelling;
- ~~(e) Hotels, motels and motor lodges.~~
- ~~(f)~~ (e) Business, commercial and or industrial buildings and or developments;
- ~~(g)~~ (f) Manufactured home parks;
- ~~(h)~~ (g) Campgrounds;
- ~~(i)~~ (h) Public parks, or recreation facilities;
- ~~(j)~~ (i) Public utilities, or public service or transportation uses, transmission mains, buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, transformer or substations, and or power transmission lines;
- ~~(k)~~ (j) Schools and State institutions and or Public Buildings.
- ~~(l)~~ (k) Hospitals and or nursing homes;
- ~~(m)~~ State and public buildings.
- ~~(n)~~ (l) Towers;
- ~~(o)~~ (m) Two (2) or more two-family dwellings on the same parcel;

- ~~(p)~~ (n) Three (3) or more single-family dwellings on the same parcel;
or
- ~~(q)~~ (o) Off-street parking areas with ~~ten (10) or more spaces,~~
or any additions to existing off-street parking areas
except for single-family residences.

Section 20-367. Pre-application Conference.

Before filing an application for approval of a site development plan, the ~~developer may applicant is advised to~~ confer with the ~~administrator~~ Planning Director or his designee and such other agencies of the County and ~~State County, State, and/or Federal Governments as he or the~~ administrator Planning Director ~~deems suggests to be~~ advisable concerning the general proposal. At that time, the ~~developer applicant~~ or his representative may submit unofficial preliminary studies of the concept of the proposed development for tentative review, comments, and recommendations concerning the development of the tract. Such action does not require formal application or filing of a site plan and is not to be construed as an application for approval in computing time limitations in relation thereto.

~~Section 20-37. Site Plan Submittal Generally.~~

~~Ten copies of a site plan shall be submitted to the Planning Director, or his designee, who shall review the plans for compliance with these regulations and the requirements for site plans. If such plans do not qualify for consideration by the Zoning Administrator under Section 20-38, such plans shall require consideration by the Development Review Committee and Planning Commission. In order for site plans to be considered by the Development Review Committee at one of its regularly scheduled monthly meetings, such site plans (meeting all submittal requirements) shall be received by the Planning Division at least 5 weeks in advance of the respective Development Review Committee meeting. The Planning Director shall transmit such plans to the Development Review Committee at the appropriate meeting with his comments for their review. The Committee shall consider the site plan submittal within forty one (41) days from the last cut off date for a scheduled Development Review Committee meeting. The Planning Commission shall consider it at its first meeting after a recommendation is made by the Development Review Committee.~~

~~Section 20-38. Same Administrative Review.~~

~~Upon application and review, the administrator may approve the site plan provided that:~~

- ~~(a) All materials are presented in accordance with the requirements set forth in this Chapter.~~

- ~~(b) No unresolved problems exist between the applicant, adjacent property owners, or any departmental reviewing agency, and the site plan is for either:~~
- ~~(1) An addition to an existing use with a floor area no greater than seventy five (75) percent of the total floor area of the existing use.~~
 - ~~(2) A single business, commercial or industrial building with a total floor area not to exceed fifteen thousand (15,000) square feet.~~
 - ~~(3) Single family or two family dwellings.~~
 - ~~(4) No building to be placed on the lot.~~

~~The Planning Director or his designee shall transmit County staff comments to the applicant or his representative within 30 days of submittal of administrative site plans meeting all applicable submittal criteria. No plan shall be approved until all staff and other agency comments are satisfied.~~

Section 20-398. ~~Same~~ *Site Plan* Submittal **Contents**
Requirements.

(A) The ~~s~~Site plans shall ~~ast~~ a minimum contain:

- ~~(a)~~ 1. Title of project;
- ~~(b)~~ 2. Name of engineer, architect, landscape architect, planner and-or licensed surveyor;
- ~~(c)~~ 3. Location of site by an insert map at a scale no less than one inch equals 2,000 feet;
- ~~(d)~~ 4. Indication of the scale, north arrow, zoning, parcel number and such information as the names and numbers of adjacent roads, streams, and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
- ~~(e)~~ 5. Boundary survey of site;
- ~~(f)~~ 6. All existing and proposed streets and easements, their names, numbers, and width; existing and proposed utilities *with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;*

- (g) 7. Location, type and size of all entrances to the site-
;
- (h) 8. Existing topography and proposed finished contours- ;
- (i) 9. A landscape plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas, areas to be screened, fenced, walled and-or landscaped, with approximate arrangements, plant types and sizes, and size and type of trees to be removed having a minimum diameter breast height of 12 inches-;
- (j) 10. Provisions for off-street parking, loading spaces and pedestrian walkways+ including existing and proposed sidewalks+, calculations indicating the number of parking spaces required and the number provided-;
- (k) 11. Number of floors, floor area, height and location of each building-;
- (l) 12. For a multifamily residential development, the number, size and type of dwelling units+ and the location, type, and percentage of total acreage of recreation facilities-;
- (m) 13. Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights, and fire hydrants; and showing the locations of garbage and trash disposal facilities-;
- (n) 14. Provisions for the adequate control of storm water drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures-;
- (o) 15. Computations notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multifamily residential developments;
- (p) 16. Bylaws of home owner association where applicable- ;
and
- (q) 17. ~~Copies of Nnotification ef to adjacent property owners. It shall be the responsibility of the applicant for site plan approval to notify all adjoining property owners, advising them of the submission of plans to the County and that plans are on file and available for review in the County Department of Planning and Development. No site plan shall be reviewed until the applicant presents~~

~~evidence to the satisfaction of the Planning Director, or his designee, that all property owners contiguous to and sharing a common property line with said applicants or whose property lies directly across from the proposed development, have been notified in writing prior to the time the site plan is reviewed. Evidence that such notice was sent by mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance.~~

(B) If the Zoning Administrator determines that one or more of the above submittal requirements is not applicable to the proposed project the Zoning Administrator may waive those requirements.

(C) The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

Section 20-40 39. ~~Same Site plan~~—Public Access.

It shall be the responsibility of the applicant for site plan approval to notify all adjoining property owners, advising them of the submission of plans to the County and that plans are on file and available for review in the Planning Division. No site plan shall be reviewed until the applicant presents evidence to the satisfaction of the Planning Director, or his designee, that all property owners contiguous to and sharing a common property line with said applicants or whose property lies directly across from the proposed development, have been notified in writing prior to the time the site plan is reviewed. Evidence that such notice was sent by mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance.

All site plans shall be kept on file in the ~~Department of Planning and Development~~ Division and will be available for review by all interested persons during normal business hours for no less than five working days prior to receiving preliminary approval. This five-day period shall begin at the time the applicant has submitted sufficient evidence to the Planning Director that all adjacent property owners have been notified as required in this ~~Chapter Article~~.

Section 20-40. *Criteria for Review.*

Upon application and review, the Development Review Committee and the Commission shall consider site plans if any of the following conditions are present:

- (a) The site plan proposes a single building or group of buildings which contain a total floor area that exceeds 15,000 square feet;

- (b) *The site plan proposes two entrances on the same road, involves a disturbance of slopes greater than 15%, or proposes a fast food restaurant, convenience store, or a shopping center;*
- (c) *The site plan proposes an addition to an existing use which would contain a floor area greater than 75% of the total floor area of the existing use; or*
- (d) *There are unresolved problems between the applicant, adjacent property owners, or any departmental reviewing agency.*

If site plans do not qualify for Commission review under this Section, they may be considered and reviewed administratively by the Zoning Administrator.

Section 20-41. Procedure for Commission Review of Site Plans.

(a) The applicant shall submit to the Planning Director, or his designee, 10 copies of the site plan and pay the appropriate application fee. Site plans shall first be reviewed by the Development Review Committee who shall forward a recommendation to the Commission. In order for site plans to be considered by the Development Review Committee at one of its regularly scheduled monthly meetings, such site plans shall be received by the Planning Division at least 5 weeks in advance of the respective Development Review Committee meeting.

(b) Upon meeting all submittal requirements, the site plan shall be reviewed by the Planning Division and other agencies of the County, State, and/or Federal Governments as deemed necessary by the Planning Director. The Planning Division shall prepare a composite report on the proposed site plan which shall include review requirements by other agencies. The Development Review Committee shall consider the composite report and the site plan and make a recommendation to the Commission.

(c) The Commission shall consider the recommendation of the Development Review Committee and either grant preliminary approval, defer, or disapprove the site plan. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the Zoning Administrator. The Planning Division shall notify the applicant of the Commission's findings within 10 working days of the Commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

Section 20-42. Procedures for Administrative Review of Site Plans

(a) The applicant shall submit to the Planning Director, or designee, 10 copies of the site plan and pay the appropriate application fee. Upon meeting all submittal requirements, the site plan shall be reviewed by the Planning Division and other agencies of the County, State, and-or Federal Governments as deemed necessary by the Planning Director. The Planning Division shall transmit county staff comments to the applicant within 30 days of submittal of plans meeting all applicable submittal criteria. No plan shall be approved until all staff and other agency comments are satisfied.

(b) The site plan may be granted preliminary approval by the Planning Division or deferred. It may also be approved or disapproved by the Zoning Administrator. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the Zoning Administrator. The Planning Division shall notify the applicant of any action taken on the site plan within 10 working days of such action. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for denial.

Section 20-41 3. ~~Same~~— Review Criteria—*Generally*.

The Planning Commission, the Planning Director and the Zoning Administrator shall examine and consider site plans with respect to:

- (a) Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan + ;
- (b) Design and layout of the site including buildings + , signs + , recreation facilities+, garbage and trash disposal facilities+, sedimentation and erosion controls+, storm drainage, stormwater management, sanitary sewage disposal, and water supply exit and entrance points on the site including line sizes+, areas to be landscaped with approximate arrangement and plant types and sizes indicated+, and provisions for pedestrian and vehicular traffic movements within and adjacent to the site. Particular emphasis shall be placed upon the review of on-site aesthetics+, public safety features+, environmental, historic and vegetative preservations+, efficient layout of buildings, parking areas, off-street loading and unloading+, and movement of people, goods and vehicles (including emergency vehicles) from access roads, within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles a safe ingress and egress+;
- (c) Design standards contained in this Chapter as they relate to traffic circulation, parking, performance standards, location of structures, setbacks, yards, bulk, height and building coverage shall apply, where applicable, to site plan approval. The design criteria established in the County Subdivision Ordinance and applicable standards of the State Department of Highways Transportation shall apply where appropriate, to site plan approval.

~~Section 20-43. Notification of Findings; Processing.~~

~~The Planning Director or his designee shall notify in writing the applicant, owner or developer regarding the findings of the Planning Commission. Notification shall be given within ten (10) working days following the review by the Planning Commission or the Planning Director.~~

~~Section 20-44. Preliminary Approval--Term of Validity Extension;
Resubmittal.~~

~~Preliminary approval of a site plan shall be valid for a period of six months 1 year. A revised site plan must be presented and properly filed with the Planning Director, or his designee, and receive final approval from the Zoning Administrator prior to the termination date of the preliminary approval. However, if an extension of this period is needed due to extenuating circumstances, it may be granted only after submittal of the reasons for the requested extension in writing to the Planning Director. The Planning Director may grant an extension of up to six months, after which time the preliminary approval shall no longer be valid.~~

Section 20-45. Revised Site Plan--Submittal Generally.

Seven Ten copies of a revised site plan shall be submitted to the Planning Director or his designee who shall within 60 days review the plans for compliance with applicable County regulations, the requirements for final approval and any conditions of the preliminary approval. The Planning Director shall provide a set of all submittals to relevant agencies or departments for their review and written comments. *The revised site plan shall be submitted on separate sheets or overlays as appropriate for accurate representation of the project. Insufficient submittals may be returned to the applicant with written notification of deficiencies from the Planning Director or his designee. The revised site plan shall at a minimum contain those items set forth in Subsection 20-38(a) 1 through 17.*

Section 20-46. ~~Same--Submittal contents.~~ Reserved.

~~The revised site plan shall be submitted in separate sheets or overlays as appropriate for accurate representation of the project.~~

~~Insufficient submittals may be returned to the applicant with written notification of deficiencies from the Planning Director or his designee. The revised site plan shall as a minimum contain those items set forth in Subsection 20-39(a) through (q).~~

~~(Ord. No. 31A-88, Section 20-21.3, 4-8-85)~~

Section 20-47. ~~Same--Action upon Completion of Review.~~

Upon final approval of the site plan by the zoning administrator, the Planning Director or his designee shall transmit ~~an~~ two approved sets of plans to the developer, owner or authorized project agent, and one copy of any correspondence and plans is to be retained by the Planning Director or his designee.

~~Section 20-48. Same Term of Validity; Termination; Extension; Resubmittal.~~

~~After final approval, a site plan shall be valid for a period of one year. If after one year from the date such plans were approved, construction has not commenced on the site, the administrator or his designee shall notify the Building Official that approval of such plans has terminated. However, if due to extenuating circumstances an extension for approval is needed, it may be granted only after the submittal of the approved site plan with reasons for the requested extension attached. The administrator may grant one extension of up to one year, after which time the site plan must be resubmitted for approval.~~

Section 20-48. Final Approval--Term of Validity

Final approval of a site plan submitted under the terms of this Article shall expire 1 year after the date of such approval. During that period all building permits shall be obtained or the development shall be put into use. When building permits have been issued, the site plan approval shall run concurrently with the building permit term of validity for only those buildings and improvements covered by a permit.

~~Section 20-49. Same--Amendment of Approved Site Plans.~~

(a) Upon application, an approved site plan may be amended with the approval of the Zoning Administrator+, provided, that such proposed amendment does not:

- (a) 1. Alter a recorded plat+;
- (b) 2. Conflict with the specific requirements of this Article+;
- (c) 3. Change the general character or content of an approved development plan or use+;
- (d) 4. Have an appreciable affect on adjoining or surrounding property+ ;
- (e) 5. Result in any substantial change of major external access points+;
- (f) 6. Increase the approved number of dwelling units or height of buildings+; or
- (g) 7. Decrease the ~~minimum~~ specified yards and open spaces or ~~minimum or maximum~~ specified parking and loading spaces.

(b) Amendments not in accordance with (a) (a) 1. through (g) 7. of this Section shall be considered as new site plans and resubmitted ~~under Section 20-37 for approval. Approval of an amendment under this Section shall not extend the term of validity of the original approved site plan.~~

Section 20-50. Final "As-Built" Plans Required.

For all projects subject to site plan review in accordance with Section 20-356, a copy of final "as-built" plans and specifications for ~~all utilities, permanent drainage and stormwater management facilities,~~ all water and sewer facilities and fire hydrants shall be submitted to the ~~Director of Code Compliance James City Service Authority~~ prior to the issuance of any permanent Certificate of Occupancy.

Section 20-51. Compliance with Site Plan Required.

~~It shall be a violation of this chapter to construct, develop, erect, alter or change in any way any structure or land except in accordance with the approved final site plan.~~

(A) *Inspection and supervision during development*

1. *Unless otherwise specifically provided in this Chapter, the construction standards for all off-site and on-site improvements required by this Chapter, the site plan or other documents approved by the County shall conform to County design and construction standards. The Director of Code Compliance or his agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.*

2. *The owner or agent shall notify the Director of Code Compliance in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.*

3. *The owner or agent shall provide adequate supervision on the site during installation of all required improvements and have a responsible superintendent or foreman, together with one set of the approved plans, profiles and specifications available at the site at all times when the work is being performed.*

(B) *Any person, firm or corporation, whether as principal, agent, owner, lessee, employee or similar position, who violates or fails to comply with any provision of this Article, permits such violation or erects any structure or uses any land or structure prior to preliminary approval or contrary to a site plan shall be subject to criminal sanctions, civil penalties and/or injunctive relief as provided in Section 20-24.*

ARTICLE VII. SPECIAL REGULATIONS FOR EXTERIOR SIGNS.

Section 20-445 Statement of Intent.

The purpose of this article is to regulate exterior signs so as to protect the health, safety, convenience, 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.

Section 20-446. Definitions.

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

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 color at all times when in use, and whose intermittent or sequential lights are used primarily to attract attention and not to convey information such as time of day and temperature. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign.

FLAT SIGN 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.

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 ~~perimeter of one face footprint of the sign~~ by the height of the sign. The area of cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.

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, ~~or a sign of translucent non-transparent material illuminated from within but with no exposed or exterior bulbs, tubes or other light source.~~

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.*

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 eighteen inches from the face of a wall of a building. The term projecting sign includes a marquee sign.

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

Section 20-447. 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:

- (a) The identification of building or its owners or occupants of the premises;
- (b) ~~Information concerning any lawful, nonbusiness, non-service related activities or messages on or off the premises or information~~ 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, non-service related activities or messages on or off the premises;
- (c) Information concerning the sale, rental or lease of the premises;
- (d) Information on directional signs as prescribed in Section 20-448.

Section 20-448. Sign Dimensions and Special Regulations.

(a) For properties having less than 400 feet of frontage, the following regulations shall apply:

(1) One freestanding sign shall be permitted on each street frontage.

(2) Such signs shall not exceed 32 square feet per face if located within 75 feet of the road right-of-way, 50 square feet per face if located 75 to 150 feet from the road right-of-way, or 60 square feet per face if located 150 feet or more from the road right-of-way.

(3) Such signs shall not exceed an overall height of ~~twenty~~ *fifteen (15)* feet from grade.

(4) Such signs may *only* be placed on the property within required yards and setbacks, ~~but and~~ shall be located at least five feet from any property line.

(5) 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, except as provided for in Section 20-448.(a)(6). ~~herein.~~

(6) Shopping centers shall be permitted one freestanding sign per major street frontage. 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 subsections (b), (c), and (d) of this Section, or specially designed signing consistent with the overall development plan for shopping center and approval as a part thereof by the Planning Commission.

~~(7) When two separate businesses are located in separate structures on the same parcel, then one additional sign may be permitted provided there exists at least 200 feet of street frontage for each sign.~~

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

~~(e) (b)~~ In zones where businesses or manufacturing is permitted a building face sign shall also be permitted. The area devoted to such signs shall not exceed ~~the product of one square foot times the length or width of the building~~ *10 percent of the area of the first story face of the unit or 60 square feet, whichever is smaller.* Such signs shall be mounted flat against the building on the side measured above.

~~(d) (c)~~ 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 percent of the area of the *first story face of the unit* ~~face of the building to the first story height~~, or a maximum of 60 square feet, *whichever is smaller*, and such sign must be mounted flat against the building.

~~(e) (d)~~ 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.

(e) ~~Banners or flags~~ *Flags* used as signs shall be allowed by permit, provided that the same are installed in a permanent fashion, are maintained in good repair at all times and will not constitute a hazard to vehicular or pedestrian traffic.

(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 and square footage as set forth in Subsection (c) above.

(g) In no case shall a sign be permitted which will detrimentally affect the safety of the traveling public. ~~On a corner lot, no sign shall be erected within a triangular area inscribed by two ten foot right of way legs.~~ On corner lots, such signs shall not be closer than 50 feet to the corner of the lot.

(h) Directional signs may be allowed upon the determination of the administrator or his designee that the sign or signs:

(1) Are necessary to permit vehicular traffic to locate distinctive places of historical significance, businesses, campgrounds, industries and residential areas or other activities which are located off the State primary roads;

(2) Show only the name, mileage and direction; and

(3) Do not exceed ten square feet in size.

(i) ~~In --- connection --- with~~ For identification of residential subdivisions, no sign intended to be read from any public right-of-way adjoining the district shall be permitted except one identification sign, not exceeding 32 square feet in area, for each principal entrance. Such sign is bound by all other provisions of this ordinance and will also conform with the following criteria;

(1) If freestanding, such sign shall not exceed a height of fifteen (15) feet above grade.

(2) If illuminated, the sign shall be illuminated by ground mounted spotlights. The spotlights shall be concealed by landscaping and no glare shall be cast upon any adjacent property, or public or private right-of-way.

(j) On properties adjacent to a residential districts, any sign shall be limited to 32 square feet in area. The top of the sign shall not exceed fifteen (15) feet above grade. If the sign is freestanding and illuminated, the lights shall be ground mounted spotlights concealed by landscaping, directed away from any adjacent property, or public or private right-of-way. The sign shall be lit only during the normal operating hours of the associated use.

Section 20-449. 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, 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~~ *Traffic 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, display encasement, reader board or billboard.
- (d) Temporary non-illuminated signs, not more than six square feet 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~~ *two (2) square feet per sign in residential, commercial and industrial areas, and four square feet per sign in agricultural areas.*
- (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, *or in designated customer or employee parking at the place of business.*
- (h) Mailboxes and similarly located signs identifying a private residence.
- (i) Home occupation signs not to exceed four square feet. Such signs shall ~~not be illuminated and shall be attached to the dwelling.~~
 - (1) *not be illuminated.*
 - (2) *be attached to the dwelling.*
- (j) Signs within a business or manufacturing district which are not visible from a public road or abutting property line.

- (k) 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.
- (l) Signs placed upon the exterior of a structure indicating the location of rest rooms, bathhouses, entrances or exits.
- (m) 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.
- (n) Temporary signs not to exceed twelve square feet per face, erected for a period of up to 60 days, advertising seasonal agricultural products for sale within ~~an~~ *the general* agricultural district.
- (o) *One* special notice placards, 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.
- (p) 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 10 days after the election to which they pertain.

Section 20-450. Prohibited Signs.

The following signs are specifically prohibited:

- (a) Flashing, animated and rotating signs or appurtenances to signs which are nonstationary.
- (b) 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.
- (c) 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 25 to 300 feet.
- (d) *Signs which produce light from within shall be prohibited within 150 feet of the proposed future right-of-way of any road designated a Greenbelt road by the James City County Comprehensive Plan.*

~~(d)~~ (e) 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.

~~(e)~~ (f) Signs placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.

~~(f)~~ (g) Signs attached to trees, utility poles or other unapproved supporting structure.

~~(g)~~ (h) Signs which are portable or otherwise designed to be relocated, or are constructed on a chassis or carriage with permanent or removable wheels.

(i) Pennants, banners, flags, and other displays used for marketing or advertising except as provided in Sections 20-448(e) and 20-451.

Section 20-451. 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:

(a) 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.

(b) Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes.

(c) Special decorative displays used for purposes of advertising the opening of a new store, business or profession.

Section 20-452. Permits.

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

(a) REQUIRED; APPLICATION; INSPECTION OF SIGNS. No sign, unless herein excepted shall be erected, constructed, structurally altered or relocated, except as provided in this Article and in these regulations, until 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 ~~three~~ two sets of drawings ~~or~~ 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.

(b) ELECTRICAL PERMIT. All signs which *require electricity* or 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 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 on the premises.

(e) FEES REQUIRED. For all sign permits, fees shall be required in accordance with Section 20-6 of this Chapter.

Section 20-453. 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 ~~75~~ 60 square feet per face;

(2) One building face sign not to exceed an area equal to ~~15% of the area of the first story of the front facade of the building, such signs to be mounted flat against the building;~~ *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; or

(4) One sign to be placed on the roof of the building not to exceed ~~15%~~ 10 percent of the area of the first story of the front facade of the building, or 60 square feet, whichever is smaller; or

(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.

(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 (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 (4) of Subsection (a) above shall be permitted, provided that the sign is not within 200 feet of residentially zoned property, and

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

Section 20-454. Nonconforming Signs.

Any sign existing prior to November 1, 1976, and not conforming to the terms of this Chapter is hereby declared a nonconforming sign and may not be structurally altered or replaced unless such sign conforms to the requirements of the Chapter. Upon the cessation or termination of *the current a particular* use on a parcel of real property, the owner thereof shall within 90 days of such cessation or termination remove all nonconforming 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 10 days, the administrator shall cause such removal and charge the cost to the owner of the premises.



Thomas K. Norment, Jr.
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| DEPUE | AYE |
| TAYLOR | NAY |
| EDWARDS | AYE |
| KNUDSON | AYE |
| NORMENT | AYE |

Adopted by the Board of Supervisors of James City County, Virginia,
this 14th day of October, 1991.

2000A