

**Policy Committee  
Government Center Complex  
Large Conference Room, Building A**

**March 16, 2011 - 7:00 p.m.**

**A. Roll Call**

**B. Minutes**

1. February 9, 2011
2. February 23, 2011
3. February 24, 2011

**C. Old Business**

**D. New Business**

1. Urban Development Areas certification update  
(Memorandum) (Attachment)
2. Floodplain Overlay Districts updates (Memorandum)  
(Attachment)
3. Sign ordinance updates (Signage)

**E. Adjournment**

**POLICY COMMITTEE MEETING**

February 9, 2011

6:00 p.m.

County Complex, Building A

**1) Roll Call**

**Present**

Mr. Jack Fraley

Mr. Tim O' Connor

**Absent**

Mr. Reese Peck, Chair

Mr. Al Woods

**Staff Present**

Mr. Allen Murphy

Ms. Tammy Rosario

Ms. Kate Sipes

Ms. Ellen Cook

Ms. Terry Costello

Mr. Jack Fraley called the meeting to order at 6:00 p.m.

**2) New Business – Residential Districts zoning ordinance updates**

**a) Affordable Housing /Workforce Housing**

Mr. Fraley commented on the great work that staff has done with the write-ups for tonight's discussion. He stated that he could support the framework that was presented along with the alternatives that were presented. He does believe that these policies and guidelines will fall under the Board of Supervisors' policies.

Mr. Tim O'Connor noted that after researching the numbers, the County has only 3-4% of housing units as affordable housing.

Mr. Fraley stated that there have been discussions as to whether the County needs an actual policy with regard to affordable housing.

Ms. Kate Sipes spoke about the definitions of affordable and workforce housing. She asked if there were any opinions on having a mix of housing within developments.

Mr. Fraley stated that he believed that there should be incentives, not requirements, to encourage a mix of affordable and workforce housing within developments. He could not support adding requirements for affordable and workforce housing.

Mr. O'Connor agreed and noted that he would support incentives rather than requirements.

Ms. Sipes stated that after consulting with the Housing office, it was important to offer a range of housing. It is important to provide housing for the entire spectrum. She also mentioned the importance of providing a mix of costs for units in the same neighborhood.

Mr. Fraley stated that this may be accomplished by providing of mixture of unit types.

Mr. Robert Duckett representing the Peninsula Housing Builders Association offered some comments. He stated that it was important from his organization's standpoint to emphasize that proffers are voluntary, and sometimes these things tend to evolve into expectations. He also stated that his organization is a strong supporter of workforce housing. Mr. Duckett referred to the City of Virginia Beach ordinance as an excellent model. He appreciated that the County utilized the recommendations that were published from the Chamber of Commerce. Mr. Duckett stated that his organization believes that the answer to workforce housing is not to increase proffers. There are two things that drive up housing costs – land cost and governmental regulation. The key component with regards to land cost is density. He stated that expedited review would help in reducing costs.

Mr. Fraley asked Mr. Duckett how he would define expedited review. He asked Mr. Duckett to consider options and get back to him. It may include shorter review times and different levels of review.

Mr. Duckett stated that his organization could support mixes of housing within a neighborhood as an incentive. His members may have objections to a large variance, for example, a \$700,000 home adjacent to a home costing \$100,000.

Mr. Fraley stated the Planning Commission has always encouraged not creating a situation where affordable housing is in only one area of the development.

Mr. Roger Guernsey stated that it really comes down to the size of the neighborhood. If a neighborhood is large enough a mix of housing is probably more acceptable.

Mr. Fraley stated that one way to accomplish this would be through design guidelines and illustrations. Mr. Fraley also stated that he could not support inclusionary zoning. He commented on the idea of applying affordable housing to the school proffer policy.

Ms. Sipes stated that the intent of the policy would be to lay out expectations while still allowing the flexibility for legislative cases. Ms. Sipes commented that there have been cases where the proffers have been reduced, or eliminated altogether.

Mr. Guernsey stated that he was part of the Chamber group that looked at affordable housing. The group discovered that without incentives affordable housing just did not happen. He thought that there was some provision in the Virginia Beach ordinance that had some kind of expectations of affordable housing.

Ms. Sipes stated that she thought that ordinance was geared toward specific targeted areas within the city of Virginia Beach, with the incentives not applying to the entire city. She noted that may be difficult to replicate in James City County.

**b) Infill Development**

Mr. Fraley agreed with having an ordinance. He expressed his concerns over the gross versus net developable acreage when determining density requirements. He mentioned the Autumn West case. He stated that the chart shown in the Cluster memo explained the calculations more clearly.

Mr. Murphy stated that the intent of this ordinance is mainly for redevelopment, or areas that have not been developed in established residential areas. He gave the example of the Ironbound Road

area development. The intent here was to continue to redevelop in this area with densities that were already in that area. There was not a zoning designation adequate for that flexibility, so the area was rezoned to mixed use to allow for that flexibility, but it was not a true mixed use development. He stated that what is needed is a residential designation flexible for residential redevelopment.

Mr. Fraley asked about commercial districts. He has more concerns over the redevelopment in the commercial districts.

Ms. Sipes stated that this topic will be discussed at a later date.

Mr. Fraley commented that some of the items in this proposed ordinance seemed discretionary. This may cause problems with those who are asking for predictability. He thought maybe adding some examples may prove beneficial. He also suggested adding some illustrations. He expressed his concerns over the idea of no minimum lot widths as what was listed in the proposed ordinance. Mr. Fraley questioned the minimal or no perimeter buffering.

Ms. Sipes explained that the intent for the infill development is to be a part of the existing residential development.

Mr. Fraley suggested making that portion of the ordinance as clear as possible. Overall he thought the ordinance was good in that it provided flexibility and incentives.

There was a discussion on the intent of perimeter buffering separating dissimilar zoning designations. Then the question came up as to what is dissimilar. One basis would be different zoning districts, for example, a business district and a residential district.

### **c) Cluster Ordinance**

Mr. Fraley started the discussion stating that he believes this was rarely used.

Ms. Ellen Cook stated that she had researched past cases that this designation was used for 7 out of 9 R-1 or R-2 residential developments over the last ten years. The last one was the Soap and Candle Factory Development.

Mr. Fraley suggested making this by-right.

Ms. Cook stated that there is a by-right option with lower density. The one requirement would be to submit a master plan and obtain approval by the Development Review Committee (DRC). She noted that often, a rezoning is required for a development to go to a residential district that allows for use of the cluster overlay.

Mr. Fraley suggested some more conversation and research about making it by-right. Mr. Fraley then discussed his thoughts on cluster; he suggested using incentives, requiring a conceptual plan, encouraging a mixture of housing types, and establishing a range of permitted lot sizes.

Mr. Murphy stated that a big incentive in the County's current ordinance for clustering is the lack of a definitive lot size.

Mr. Fraley suggested providing a range. He also expressed his ideas about requiring a conceptual plan. He asked about neighborhood commercial uses that might be by-right and some that might be permitted by a special use permit. Mr. Fraley stated he would send some suggested uses as examples for staff to consider.

There was a discussion about having open space in a conservation easement. Mr. Murphy stated that caution needs to be taken about giving credits for something that might already be in a conservation easement due to other regulations, for example, Chesapeake Bay regulations. He also suggested making a distinction between rural subdivisions where the intention is to permanently have open space because it matches the character of the area versus easements in residential development in the Primary Service Area. Mr. Murphy stated that by putting this area in a permanent conservation easement, if this area were needed in the future, for example, to make improvements or to comply with future cluster ordinances, there would be limited or no options.

Mr. Fraley stated that in any case this would be voluntary.

Mr. O'Connor asked Mr. Fraley what he meant by incorporating a mix of housing.

Mr. Fraley suggested have a mixture, such as multi-family and single family dwellings within the same development. This may be done by offering incentives and guidelines on how to accomplish this.

Mr. Duckett spoke on the proposed cluster ordinance. His organization supports the idea that the open space should be connected throughout a development, and should be located to benefit the maximum number of units.

Mr. Fraley suggested offering incentives for having the maximum number of units facing open space.

Mr. Duckett stated that his organization supports a conceptual plan being optional not a requirement. He said this could cost the developer more, or take longer through the approval process. He expressed concern that there would be uncertainty about what needed to be shown on the conceptual plan and what would be needed to satisfy that requirement.

Mr. Fraley stated that a conceptual plan would be defined so as to be predictable. The benefit of a conceptual plan is to work out issues up front before engineered drawings are done. He stated that it has worked very well for those who use the conceptual plan process.

Mr. Duckett stated his members would not support increasing the percentages of open space requirements. His organization is not supportive of using the net developable acreage in determining density. He stated that in general his organization agrees with incentives. Mr. Duckett stated that they are in favor of defining a rural cluster as well.

Moving on to more general residential issues, Mr. Fraley mentioned the problem with extremely old master plans for developments that are not completely built out. He asked whether the length of a master plan could be legislatively defined.

Mr. Murphy stated that a master plan is governed in perpetuity. This has been decided by the State Legislature. He will raise this issue with the County Attorney.

Mr. Fraley asked about defining open space. He questioned whether some recreational facilities should be included, for example, a golf course. He felt that the difference was it being accessible to everyone. For example, a golf course is not open to everyone, whereas a ball field is open to everyone.

Mr. O'Connor gave an example explaining why he felt that a golf course was open to everyone.

Ms. Cook stated that there is currently a ceiling in the ordinance on how much of the open space requirement can be met using golf course land. Staff will research this subject.

There will be a forum on TDRs on February 10<sup>th</sup>. There is a Board work session on February 22<sup>nd</sup>. The next Policy Committee meeting will be February 23<sup>rd</sup> at 7 p.m. with administrative and procedural items. On February 24<sup>th</sup>, the Committee will review multiple-use districts.

### **3. Adjournment**

The meeting was adjourned at 7:40 p.m.

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Reese Peck, Chair of the Policy Committee

**POLICY COMMITTEE MEETING**

February 23, 2011

7:00 p.m.

County Complex, Building A

**1) Roll Call**

**Present**

Mr. Reese Peck, Chair

Mr. Tim O' Connor

Mr. Jack Fraley

**Absent**

Mr. Al Woods

**Staff Present**

Mr. Allen Murphy

Ms. Melissa Brown

Mr. Jose Ribeiro

Mr. Chris Johnson

Ms. Ellen Cook

Ms. Sarah Propst

Mr. Brian Elmore

Mr. Reese Peck called the meeting to order at 7:00 p.m.

**2) Minutes –**

A. January 24, 2011

Mr. Jack Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (3-0: Absent: Woods).

B. January 31, 2011

Mr. Jack Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (3-0: Absent: Woods).

**3) New Business**

**A. Nonconformities zoning ordinance updates**

Ms. Melissa Brown stated there is an expectation that nonconforming uses will become more conforming over time. She stated based on discussions with the County Attorney's office, staff recommends creating separate ordinance sections to address nonconforming structures, uses, and signs.

Mr. Tim O'Connor asked if the ordinance discussed substantial alterations in business operations.

Ms. Brown stated the County ordinance mirrored the state code, where alterations are allowed that do not expand nonconforming uses.

Mr. Fraley stated he supported staff recommendations.

## **B. Administrative Procedures zoning ordinance updates**

Mr. Jose Ribeiro stated the first administrative procedure ordinance update addresses when the county requires site plans. He stated staff recommends adding a list of site plan exemptions to the ordinance, primarily site plan amendments for small structures with very limited impacts. The ordinance amendment would simplify the development process for site plan amendments.

Mr. Fraley stated that rather than have long listings of when site plans are required and when they are not, the ordinance language should be simplified to require site plans 'for construction of new buildings or expansion any building or structure by more than 20% of the of the existing floor area.' He stated staff should consider similar requirements and language.

Mr. Murphy stated staff would prefer not using a list. He stated staff would review language along the lines Mr. Fraley suggested.

Mr. O'Connor asked staff to consider other minor site plans exemptions, such as stormwater repair.

Mr. Ribeiro stated staff recommended removing the fee schedule from the zoning ordinance. He stated since the Commission reviews all ordinance changes, the removal would expedite all fee changes straight to the Board.

Mr. Peck stated fees are a fiscal, not a zoning, matter.

Mr. Ribeiro stated definitions are the most continually revised section of the ordinance. He stated staff recommends revising a list of unclear definitions and adding another new set of terms. New definitions will be brought to the Committee as planners revise individual sections of the ordinance.

Mr. Fraley stated he agrees with staff recommendations. He stated the current definition of 'structure' caused past controversies and the new definition would require careful thought. Staff should use the Comprehensive Plan definitions as a source and ensure definitions in both documents match.

Mr. Peck stated he agreed with the definitions update process.

Mr. Ribeiro stated adding illustrations to the zoning ordinance would serve as a teaching aide. Staff recommends adding illustrations to the ordinance.

Mr. Fraley stated he agreed with adding illustrations.

Mr. Ribeiro stated master plan requirements would be condensed into a single ordinance section.

Mr. Fraley asked staff to review any conflicts between zoning ordinance master plan language in the larger county code.



Ms. Sarah Propst stated staff recommends creating a policy for environmental submittal requirements for legislative cases and including language in the ordinance listing environmental submittal requirements for site plans, and subdivisions. All environmental requirements would be consolidated into a checklist included with applications.

Mr. Peck stated he would like clarification on the county's process for updating administrative policies. He stated he would like the process to involve public comment.

Mr. Murphy stated he would prefer all policies endorsed by the Board at a public meeting. He stated in this case, the ordinance update, and with its related policies, will be recommended by the Commission and sent to the Board during a public process.

Mr. Peck stated he would like to see all Board and administrative policies collected in a single document, as well as providing them all online on the county website.

Mr. Brian Elmore stated staff worked on a template over the past year to standardize fiscal impact studies received by the county. The County currently has no fiscal impact guidelines. Staff recommends including the fiscal impact template as a submittal requirement for legislative cases.

Mr. Fraley stated he has been frustrated to receive two sets of fiscal impact numbers, one from the applicant and one from the county. He stated the county should endorse a set of numbers.

Mr. Murphy stated part of the exercise would be to impress upon applicants what the county believes are the appropriate numbers.

Mr. Fraley stated he had concerns that increased tax revenue from new businesses was often overstated as those businesses reduced local competitors' sales. He asked staff to think about those conditions. He staffed the common process and assumptions were a good step forward. He stated he had concerns applicants would be able to manipulate the phasing model.

Mr. Elmore stated staff had calculated a two year window for commercial phasing. He stated applicants would have the most leeway in the residential phasing and employment sections.

Mr. Murphy stated an appropriate phasing model will be determined before Board adoption. He stated the template would be sent to the private sector for input after Committee review.

Mr. O'Connor asked if staff had tested the model against existing fiscal impact studies.

Mr. Elmore stated staff ran test cases, but no template results were close to the studies provided to the county.

Mr. Peck stated the template should be as user-friendly as possible. He stated fiscal impact numbers should be the county's decision.

### **C. Subdivisions**

Ms. Ellen Cook began with a discussion of alternative onsite septic systems, and stated that the subdivision ordinance revisions would coordinate the county language with state codes.

Ms. Cook moved on to family subdivision provisions, and stated staff recommends applicants own parcels 5 years before allowing them a family subdivision. She stated staff recommends limiting family subdivisions to A-1 and R-8 districts.

Mr. Fraley stated he agreed with staff recommendations on family subdivisions. He then stated there were discrepancies in the ordinance, where the development procedures in section 19-23(b-c) appear to only discuss 50-lot plus subdivisions instead of all major subdivisions.

Ms. Cook stated Section 19-24 discusses the development process for 9 to 50 lot subdivisions.

Mr. Fraley stated that his point was with regard to Development Review Committee review, and asked staff to strike the language in 19-23(b-c) which are the sections that describe DRC review of subdivision plans.

#### **4) Adjournment**

Mr. Peck moved to adjourn.

The meeting was adjourned at 7:45 p.m.

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Reese Peck, Chair of the Policy Committee

**POLICY COMMITTEE MEETING**

February 24, 2011

7:00 p.m.

County Complex, Building A

**1) Roll Call**

**Present**

Mr. Reese Peck, Chair

Mr. Al Woods

Mr. Jack Fraley

**Absent**

Mr. Tim O'Connor

**Staff Present**

Mr. Allen Murphy

Ms. Tammy Rosario

Mr. Jason Purse

Ms. Ellen Cook

Ms. Terry Costello

Mr. Reese Peck called the meeting to order at 7:00 p.m.

**2) Minutes –**

A. February 3, 2011

Mr. Jack Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (3-0: Absent O'Connor).

B. February 7, 2011

Mr. Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (3-0: Absent: O'Connor).

**3) Old Business**

Mr. Reese Peck stated that he was in receipt of comments from the James City Concerned Citizens Coalition (J4C) concerning the Economic Opportunity Zone (EO). Mr. Fraley stated he was in contact with a representative from J4C and that they would like the opportunity to meet with staff and one or two members of the Policy Committee to discuss their comments. Mr. Jason Purse suggested that the Policy Committee review the draft ordinance for EO prior to this discussion taking place.

Mr. Purse initiated the discussion on the current legislation regarding Urban Development Areas. Per the legislation, the County either passes a certification resolution or updates the Comprehensive Plan to be in compliance. He stated staff is currently reviewing the Comprehensive Plan in comparison to the language in the *Code of Virginia*. The goal is to bring this information to the Policy Committee at the next meeting on March 16, 2011.

**4) New Business**

A. Green Building Zoning Ordinance updates

Ms. Ellen Cook started the discussion on green building ordinance updates by mentioning some of the programs that are available. Staff's recommendation was to utilize the LEED and Earthcraft certifications that are available, with provisions of equivalent programs as the industry developed.

Mr. Fraley wanted to emphasize the use of equivalent programs, especially as the industry changes.

Mr. Al Woods asked how difficult it would be for staff to remain aware of new programs that may be utilized in the industry. He also asked who would determine if the programs are equivalent.

Ms. Cook answered that staff could be a part of the decision making along with the stakeholder group whose recommendations were a part of this discussion. The developer could also provide information if there is an equivalent program that staff may not be familiar with. Ms. Cook also mentioned that the policy would be that staff would periodically review programs that were available.

Mr. Woods asked how it would be defined so that applicants would have some predictability when submitting applications.

Ms. Cook stated that it could be included in the policy that the program's equivalent would be determined by the Planning Director or list programs that the Planning Director could consider.

Mr. Richard Costello, of AES Consulting Engineers, stated that a determination by the Planning Director would be acceptable. There are programs developed on a constant basis, especially for single family dwellings.

Ms. Cook started the discussion on whether actual certification should be obtained, or whether points on a checklist should be used. Some localities use the check list but they have dedicated staff to accomplish this. Staff recommends actual certification be required given current resources. The Policy Committee agreed.

Ms. Cook stated that staff agreed with the Green Building Roundtable Report recommending a Board policy which states that buildings over 10,000 square feet with are rezoned or need a Special Use Permit achieve Green Building Certification at the basic certified level. For residential development, staff had a preliminary recommendation of expecting a basic certified level for 35% of homes in a major subdivision. Staff also recommended reviewing the ordinance to offer incentives for higher levels of certification and/or offer incentives for those developments outside the thresholds. Staff also recommended providing recognition to those who have achieved these certifications.

Mr. Fraley questioned how much this certification would increase the cost of developing.

Mr. Costello stated that developers are building according to Earthcraft certification. He stated that much of the certification is energy related and that is what people are buying. Buyers want this type of dwelling. He suggested 100% of homes when requiring it for major subdivisions. He suggested leaving some flexibility for other programs other than those stated in the ordinance. Mr. Costello stated that for commercial, certification can be very expensive.

Mr. Peck suggested staff contacting the Peninsula Homebuilders Association and getting some information on the increased cost of these certifications on construction.

Ms. Cook next spoke about enforcement of these regulations. Staff recommended some language in the policy so that it is clear to developers. She asked for suggestions on enforcement mechanisms. She stated that the builder would obtain third party certification so that it was not the County's responsibility to police that aspect, but that there needed to be provisions in place to make sure certification was followed through on. She explained one locality had what was effectively a bonding process and that this might be an option.

Mr. Costello suggested requiring initial submission of the project checklist when a building permit is issued, rather than at the site or subdivision plan level.

Ms. Cook stated that she had been looking into having an initial version of the checklist at the site plan / subdivision plan review level due to the fact that there are checklist point opportunities, such as tree preservation, that would be best addressed up-front during the site design.

Mr. Fraley cautioned about overuse of incentives. He asked whether the County should offer incentives for higher levels of certifications in terms of the benefits that would be obtained.

Ms. Cook answered that the benefit would be a higher program standard.

Mr. Woods asked how it was determined that the 10,000 square feet be used as a threshold.

Ms. Cook answered that it was the recommendation of the Green Building Roundtable.

Ms. Cook discussed the last item in the memo, which was the possibility of looking at an expectation of energy star certification for those developments that would not trigger third-party certification requirements. Energy would one of the multiple components of what Green Building encompasses.

The Committee agreed that this would be a good area to research and review.

#### B. Mixed Use Districts Zoning Ordinance Updates

Mr. Jason Purse initiated the discussion on the R-4, Residential Planned Community District, and PUD, Planned Unit Development. These areas along with the Mixed Use designation have been viewed by the community as those districts that allow multiple uses but do not provide the same predictability as other districts. Mr. Purse stated that all these districts have Comprehensive Plan designations, with the Mixed Use designation having specific uses depending on the location in the County. All of the descriptions have some uses that are categorized as primary and secondary uses. One of the requirements for these districts is to create a master plan, where the land use designations are listed in the specific areas. There is some flexibility with this. Once the master plan is approved that will dictate what kind of development will occur on site.

Mr. Peck raised his concerns about linking the Comprehensive Plan to the Zoning Ordinance. He expressed his ideas about having the descriptions in the ordinance.

Mr. Fraley would like to see the mixed use areas listed in the ordinance. Performance and developments standards are needed. He would also include building design standards and sidewalk standards. The ordinance does need some flexibility to control some of the mix.

Mr. Purse stressed the importance of getting an adequate mix of uses. He solicited ideas on how specific the Committee would like to be on the uses.

Mr. Fraley suggested linking those areas to the ordinance.

Mr. Murphy stated that the issue with that is there would have to be at least thirteen different descriptions for mixed use alone.

Mr. Peck stated that if these are governing rules then they need to be in the ordinance not the Comprehensive Plan.

Mr. Costello commented that the County should have recommendations or a plan for those areas but to lock it down would not be advantageous to the development community.

Mr. Murphy stated that he felt there could be better descriptions of these thirteen districts in the Comprehensive Plan. This would allow some flexibility and allow for some discretion.

Mr. Fraley agreed that this may be the preferable option in that it provides needed flexibility.

Mr. Costello stated that recent legislation will set some limits that the County does not have currently.

Mr. Purse suggested having design and performance standards in the ordinance so as to be more predictable and to give the development community ideas of what is desired in those areas.

Mr. Purse stated that during discussions concerning a continued care retirement case, it was suggested to strength some of the language in the R-4 designation. It was determined that some language was unclear as to ownership or control of a master plan. Staff obtained an interpretation from the Zoning Administer and County Attorney's office. It was determined the developer or the owner would control the master plan.

Mr. Purse then went through items that came up through the Sustainability Audit.

Mr. Fraley questioned requirements versus incentives.

Mr. Peck believes that incentives should always be used.

Mr. Purse mentioned that one of the things to consider is that not all of the bonuses provide the same benefit. Categories would need to be determined.

Mr. Fraley does not prefer performance based codes or form based codes.

There was a discussion on areas that are mixed use which could include some industrialized areas. Mr. Woods asked what light manufacturing might consist of.

Mr. Purse stated he would come up with some uses that would be in this category. He will also consult with the Economic Development office.

Mr. Purse talked about form based codes especially for redevelopment, mostly in the Toano area. This was listed as a GSA (goal, strategy and objective) of the Comprehensive Plan. Staff has been working on methods to revitalize the area. A by-right form based code encourages development. The County does need to make sure that the infrastructure is in place for the development being proposed. There are also design guidelines for Toano that have been in place. Staff does not recommend form based codes, but instead use the guidelines already in place, and possibly provide a redevelopment district to assist developers. Staffs suggested developing a redevelopment ordinance and incorporating some of the elements of form based codes.

Mr. Peck suggested using some incentives to encourage development in that area with a certain look that is desired. This would come to a policy decision. Form based codes would require some subsidies from the County.

Mr. Costello suggested overlay districts. He stated some developers have had some discussions. He suggested maybe in smaller areas, such as Toano.

Mr. Murphy stated that staff has envisioned that in areas where there are design guidelines.

## **5) Adjournment**

The next meeting is March 16, 2011 in Building A at 7:00 p.m.

Mr. Fraley moved to adjourn.

The meeting was adjourned at 9:08 p.m.

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Reese Peck, Chair of the Policy Committee

## MEMORANDUM

**DATE:** March 16, 2011  
**TO:** Policy Committee  
**FROM:** Ellen Cook, Senior Planner II  
Jason Purse, Senior Planner  
**SUBJECT:** Urban Development Areas

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Section 15.2-2223.1 of the *Code of Virginia* requires localities with 20,000 or more residents and at least five percent (5%) population growth over 10 years (which includes James City County) to incorporate one or more higher density “Urban Development Areas” (UDA) designations within their comprehensive plans. The intent of this law was to discourage sprawl by concentrating new development in Virginia’s growing localities in areas where the necessary infrastructure either has been built or can be built in a more efficient manner.

In the Code of Virginia, UDAs are defined as areas “appropriate for higher density development due to the proximity of transportation facilities, the availability of a public or community water and sewer system, or proximity to a city, town or other developed area.” The legislation requires that the UDA be “appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio (FAR) of at least 0.4 per acre for commercial development, or any proportional combination thereof.” The legislation also requires that the UDA designation be sufficient to accommodate at least 10 years of projected residential and commercial growth within the locality. The comprehensive plan is required to incorporate principles of new urbanism and traditional neighborhood development (TND), which is defined to include, but not be limited to, elements such as pedestrian-friendly road design, preservation of natural areas, and mixed-use neighborhoods.

The legislation specifies that comprehensive plans must be made to comply with the law; however, localities may determine that their plans already “accommodates growth in a manner consistent with the [UDA] section” in which case they may certify such compliance by adoption of a resolution. In parallel with the approach used by York County, staff believes that the current James City County 2009 Comprehensive Plan meets the UDA requirements by virtue of the designation of specific areas as being appropriate for mixed-use development. In forming this conclusion, staff considered the following:

- The UDA law requires that a minimum of ten years of projected growth be accommodated in UDAs designated in a locality’s comprehensive plan. According to official state projections<sup>1</sup> and figures from the U.S. Census Bureau, ten years of growth would equate to approximately 15,772 residents, or approximately 6,330 dwelling units, based on the most recent average household size estimate of 2.49 persons per household.

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<sup>1</sup> Virginia Employment Commission (VEC)



- The 2009 Comprehensive Plan currently designates fourteen areas for mixed-use areas<sup>2</sup>. The Comprehensive Plan’s mixed use designation description as applied to these areas essentially mirrors the TND principles outlined in the UDA law:
  - The basic description states, “Mixed use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.”
  - The mixed use development standards state, in part, “Mixed use developments should create vibrant urban environments that bring compatible land uses, public amenities, and utilities together at various scales. These developments should create pedestrian-friendly, higher-density development, and a variety of uses that enable people to live, work, play and shop in one place, which can become a destination.”
  
- With regard to the legislation’s specified commercial intensity, the Comprehensive Plan’s Mixed Use Designation Recommended Uses and Intensity section states, “The recommended Floor Area Ratio (FAR)<sup>3</sup> range will depend on the context of the specific Mixed Use area, but for all areas it is strongly encouraged that opportunities for on-street parking, shared parking, structured parking and other measures to cohesively plan development be considered that maximize the efficient use of land and achieve FARs close to, or greater than, 0.4.” The Mixed Use and Planned Unit Development zoning districts, which complement the Comprehensive Plan’s Mixed Use Designation, would certainly allow up to and beyond a 0.4 FAR (there is no limit on FAR in either district).
  
- With regard to the legislation’s specified residential density, the Comprehensive Plan’s Mixed Use Designation Recommended Density section states: “Moderate to high density residential uses with a maximum gross density of 18 dwelling units per acre could be encouraged in Mixed Use areas where such development would complement and be harmonious with existing and potential development and offer particular public benefits to the community.” The Mixed Use and Planned Unit Development zoning districts allow single-family structures, townhomes and apartments at densities which accord with the UDA regulations (up to 18 du/ac).
  
- Based on the approximate acreages of the areas designated in the Comprehensive Plan for Mixed Use, and assuming development in the allowed ranges permitted in the Mixed Use and Planned

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<sup>2</sup> For the purposes of this memo, two of the mixed-use areas, the Jamestown Ferry Approach and James River Commerce Center mixed use area, will not be considered due to their more specialized nature.

<sup>3</sup> Floor Area Ratio is the ratio of the total floor area of buildings on a certain location to the size of the land of that location. As a formula: Floor area ratio = (Total covered area on all floors of all buildings on a certain plot)/(Area of the plot).

Unit Development districts, staff has calculated the approximate development potential figures in the table below.

Area	Approx. Total Mixed Use Designation Acres*	Commercial Floor Area (sq.ft.)	Dwelling Units
Stonehouse	1,684	4,040,110	3,690**
Anderson's Corner	63	75,315	45
Toano	213	141,570	163
Norge	60	63,160	116
Croaker Interchange	724	2,170,000	1,038
Lightfoot	300	76,230	251
New Town	690	600,000	902
Five Forks	73	43,560	10
Williamsburg Crossing	86	146,361	135
Routes 60/143/199 Interchanges	264	228,690	158
GreenMount	40	105,544	128
Treyburn Drive	18	99,970	12
<b>Total</b>	<b>4,215</b>	<b>7,790,510</b>	<b>6,648</b>

\* While this table lists the approximate total area of the Comprehensive Plan designation, the approximate development potential figures are based on an analysis of undeveloped or potentially re-developable areas, and master planned caps.

\*\* This total includes the whole master-planned Stonehouse community, which includes some area outside the Comprehensive Plan mixed use designation, but which is all zoned as a unified Planned Unit Development (PUD). The total acreage of the remaining Stonehouse PUD is 4,666.

It is important to note that the UDA law only requires that the Comprehensive Plan provide the opportunity for higher density mixed-use development with at least four residential units per acre and a commercial Floor Area Ratio of 0.4. That opportunity is clearly available through the Plan's Mixed Use designations and the complementary Mixed Use and Planned Unit Development zoning districts. Therefore, staff believes that the areas listed in the table above are effectively Urban Development Areas and that the Board can certify that its Comprehensive Plan "accommodates growth in a manner consistent with [the UDA requirements]." Staff would also note that the 2009 Comprehensive Plan's Economic Opportunity designation could likely be included as a UDA area in the future.

Staff plans to recommend to the Board that a resolution be adopted certifying that the 2009 Comprehensive Plan accommodates growth in a manner consistent with 15.2-2223.1 of the *Code of Virginia*.

Attachments

1. Section 15.2-2223.1 of the Code of Virginia



§ 15.2-2223.1. Comprehensive plan to include urban development areas.

A. For purposes of this section:

"Commercial" means property devoted to usual and customary business purposes for the sale of goods and services and includes, but is not limited to, retail operations, hotels, motels and offices. "Commercial" does not include residential dwelling units, including apartments and condominiums, or agricultural or forestal production, or manufacturing, processing, assembling, storing, warehousing, or distributing.

"Commission" means the Commission on Local Government.

"Developable acreage," solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities.

"Population growth" means the difference in population from the next-to-latest to the latest decennial census year, based on population reported by the United States Bureau of the Census. In computing its population growth, a locality may exclude the inmate population of any new or expanded correctional facility that opened within the time period between the two censuses.

"Urban development area" means an area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area and (ii) to the extent feasible, to be used for redevelopment or infill development.

B. Every locality that has adopted zoning pursuant to Article 7 (§ [15.2-2280](#) et seq.) of this chapter and that (i) has a population of at least 20,000 and population growth of at least five percent or (ii) has population growth of 15 percent or more, shall, and any locality may, amend its comprehensive plan to incorporate one or more urban development areas.

1. The comprehensive plan of a locality having a population of less than 130,000 persons shall provide for urban development areas that are appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, or any proportional combination thereof.

2. The comprehensive plan of a locality having a population of 130,000 or more persons shall provide for urban development areas that are appropriate for development at a density on the developable acreage of at least eight single-family residences, 12 townhouses, or 24 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.8 per acre for commercial development, or any proportional combination thereof.

3. The urban development areas designated by a locality shall be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not

more than 20 years, which may include phasing of development within the urban development areas. Where an urban development area in a county with the urban county executive form of government includes planned or existing rail transit, the planning horizon may be for an ensuing period of at least 10 but not more than 40 years. Future residential and commercial growth shall be based on official estimates of the Weldon Cooper Center for Public Service of the University of Virginia or official projections of the Virginia Employment Commission or the United States Bureau of the Census.

4. The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the review of the comprehensive plan and in accordance with the most recent available population growth estimates and projections.

5. The boundaries of each urban development area shall be identified in the locality's comprehensive plan and shall be shown on future land use maps contained in such comprehensive plan.

6. The comprehensive plan shall incorporate principles of traditional neighborhood design in the urban development area, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.

7. The comprehensive plan shall describe any financial and other incentives for development in the urban development areas.

8. A portion of one or more urban development areas shall be designated as a receiving area for any transfer of development rights program established by the locality.

C. No locality that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any application for rezoning based solely on the fact that the property is located outside the urban development area.

D. Any locality that would be required to amend its plan pursuant to subsection B that determines that its plan accommodates growth in a manner consistent with subsection B, upon adoption of a resolution describing such accommodation and describing any financial and other incentives for development in the areas that accommodate such growth, shall not be required to further amend its plan pursuant to subsection B. Any locality that has adopted a resolution certifying compliance with subsection B prior to February 1, 2010, shall not be required to comply with this subsection until review of the locality's comprehensive plan as provided for in provision 4 of subsection B.

E. Localities shall consult with adjacent localities, as well as the relevant planning district commission and metropolitan planning organization, in establishing the appropriate size and location of urban development areas to promote orderly and efficient development of their region.

F. Any county that amends its comprehensive plan pursuant to subsection B may designate one or more urban development areas in any incorporated town within such county, if the council of the town has also amended its comprehensive plan to designate the same areas as urban development areas with at least the same density designated by the county. However, if a town has established an urban development area within its corporate boundaries, the county within which the town is located shall not include the town's projected population and commercial growth when initially determining or reexamining the size and boundary of any other urban development area within the county.

G. To the extent possible, federal, state and local transportation, housing, water and sewer facility, economic development, and other public infrastructure funding for new and expanded facilities shall be directed to the urban development area, or in the case of a locality that adopts a resolution pursuant to subsection D, to the area that accommodates growth in a manner consistent with this section.

H. Documents describing all urban development area designations, as well as any resolution adopted pursuant to subsection D, together with associated written policies, zoning provisions and other ordinances, and the capital improvement program shall be forwarded, electronically or by other means, to the Commission within 90 days of the adoption or amendment of comprehensive plans and other written policies, zoning provisions and other ordinances. The Commission shall annually report to the Governor and General Assembly the overall compliance with this section including densities achieved within each urban development area. Before preparing the initial report, the Commission shall develop an appropriate format in concert with the relevant planning district commission. Other than the documents, policies, zoning provisions and other ordinances, resolutions, and the capital improvement program forwarded by the locality, the Commission shall not impose an additional administrative burden on localities in preparing the annual report required by this subsection.

I. Any locality that becomes subject to provision 2 of subsection B shall have until July 1, 2012, to amend its comprehensive plan in accordance with this section.

J. Any locality that becomes subject to this section due to population growth shall have two years following the report of the United States Bureau of the Census made pursuant to P.L. 94-171 to amend its comprehensive plan in accordance with this section.

(2007, c. [896](#); 2009, c. [327](#); 2010, cc. [465](#), [528](#).)

## MEMORANDUM

**DATE:** March 16, 2011  
**TO:** Policy Committee  
**FROM:** Sarah Propst, Planner  
**SUBJECT:** Additional Investigation of Floodplain Overlay District

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### I. **Floodplain**

The Floodplain Overlay District is meant to minimize the loss of life or property by limiting or preventing development within the floodplain. The Floodplain Overlay District is a subcategory of the Development Standards portion of the Zoning Ordinance update. The scope of work for this section is to ensure compliance with the State regulations and increase clarification.

At the February 3<sup>rd</sup> Policy Committee meeting, the Committee requested that staff investigate several topics and return to the Policy Committee at a later date to present the findings.

### II. **Discussion Items**

#### A. **Definition of “Substantial Improvement”**

1. The Policy Committee asked if the County had a definition for “substantial improvement” and staff was unable to make that determination during the meeting.
  - The Zoning Ordinance does contain a definition for “substantial improvement.”

##### **Sec. 24-2. Definitions.**

*Substantial improvement* - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:  
(1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or  
(2) any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

#### B. **Flood Resistant Materials and Methods**

1. The Policy Committee asked staff to consider the addition of language to Sec. 24-595, Regulations for Construction, “New construction and substantial improvements shall be constructed with materials resistant to flood damage as well as construction methods and practices that minimize flood damage.”
2. Staff consulted with the Division of Code Compliance on this topic. It was determined that the *Virginia Uniform Statewide Building Code (USBC)* requires construction and materials used in floodplains to be flood resistant.
3. Staff suggests adding a reference to the building code requirements in the floodplain overlay district regulations to increase visibility.

**Sec. 24-588. Compliance and liability.**

(a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of these regulations and any other applicable ordinances and regulations, *including, but not limited to the Virginia Uniform Statewide Building Code (USBC), the Virginia Industrialized Building Safety Regulations (IBSR), and the Manufactured Home Safety Regulations (MHSR).*

**C. Increasing the Elevation of Buildable Sites Two Feet Above 100 Year Floodplain**

1. The Policy Committee requested that staff research the number of lots that could be impacted by this possible change to the Floodplain Overlay District.
2. Stormwater Division, Planning and Mapping have been researching this change. Please see the attached memo regarding the potential impacts of increasing the buildable lot elevation two feet above the 100 year floodplain and an explanation of the following suggested changes.
3. As outlined in the attached memo from Darryl Cook, Stormwater Division suggests applying the two foot increase in buildable sites to *riverine* floodplain districts, those above 7-1/2 feet. This means that sites which are in riverine floodplain districts would need to contain natural unfilled building sites at least two feet above the 100-year floodplain. Sites located in *tidal* floodplain districts, those at an elevation of 7-1/2 feet, would also be required to have a building site two feet above the floodplain but would be allowed to create a buildable site by filling the two feet above the 7-1/2 feet elevation. This would not allow filling in the floodplain (the area up to 7-1/2 feet) only the two feet of fill required to get to the 9-1/2 feet in tidal floodplain districts. This change would be reflected in Sec. 54-596. However, it should be noted, staff recommendations were provided at the Policy Committee's February 3<sup>rd</sup> meeting.

**III. Conclusion**

Staff recommends the inclusion of the reference to the *Virginia Uniform Statewide Building Code* in Sec. 24-588 to increase clarity regarding building regulations.

Attachment

1. Stormwater Division Floodplain Revisions Memo





# Stormwater Division

## MEMORANDUM

**DATE:** March 9, 2011  
**TO:** John Horne, General Services Manager  
Fran Geissler, Stormwater Director  
**FROM:** Darryl Cook, County Engineer  
**RE:** Floodplain Ordinance Revisions

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This information was prepared in response to questions from the Policy Committee meeting held on January 25<sup>th</sup>. The Committee wanted information on how much property would be affected if the Zoning Ordinance in Section 24-596 were changed to require that all new platted lots have a natural, unfilled building site two feet above the 100-year floodplain elevation. The current requirement is that the lots in the *riverine* floodplain (flood elevation greater than 7.5 feet) have a natural, unfilled site one foot above the 100-year elevation.

The major impact of this change would be to the *tidal* portions of the floodplain – those areas with a 100-year elevation of 7.5 feet. I did an analysis using information from the GIS system evaluating properties where the 10 foot contour extended beyond the RPA buffer and wetland areas as identified on the National Wetland Inventory (NWI) maps. The 10-foot contour was selected as the closest approximation of elevation 9.5 feet. This identified areas where the new elevation requirement presented an additional constraint on development of various properties. The following table presents the results of the analysis.

Property Analyzed	Area of Property (ac)	Impacted Area (ac)	% of Property Impacted
Neck-O-Land Road Area			
Gilley Farm	172.0	74.7	43.4
Peleg's Point	71.8	10.4	13.9
Jamestown Road			
2000 Jamestown Road	59.5	2.3	3.9
Gospel Spreading Farm	795.2	82.3	10.3
Chickahominy River			
2220 Bush Neck Road	722.3	106.1	14.7
6575 Menzels Road	118.9	29.7	25.0
6650 Menzels Road	592.7	55.9	9.4
1701 Forge Road	211.7	7.9	3.7
701/704 Arlington Island Rd	39.1	15.4	39.4
Totals	2783.2	384.7	13.8

The analysis should be considered approximate as all the information used is at a planning level – none of the information has been confirmed in the field and the 10-foot contour slightly overestimates the impacted area. However, it was a comprehensive look at all the properties that would be potentially affected in the *tidal* area. The analysis does show that the impact could be significant. The greatest impact to property with development potential is along Neck-O- Land Road. The Gilley property is the most affected property as a percentage of its developable property. The Gospel Spreading Farm has the most acreage affected.

Based on this analysis, I would not recommend that the requirement for a natural, unfilled building site be applied in the tidal portion of the floodplain. If the requirement had been in place at the time, most of Gatehouse Farms, Powhatan Shores, Chickahominy Haven, about one-half of Jamestown 1607 and one-third of Landfall could not have built. However, many of these projects have significant flooding and drainage problems resulting in substandard living conditions and safety issues during high water events. Many of the structures experience foundation and crawl space flooding even when the houses are properly elevated. Also, during high water events, access can be restricted for both residents and emergency service personnel resulting in safety problems. Some of these problems could have been overcome with properly placed fill, and better grading and drainage designs. Therefore, in lieu of requiring that all newly platted lots have a natural, unfilled building site two feet above the base flood elevation, the following requirement is recommended to improve conditions related to flooding and drainage on those lots by allowing fill to achieve the two foot increase above 100-year flood elevation required:

*All lots created after \_\_\_\_\_ shall contain an adequate building site two feet above the base flood elevation. For lots in a riverine portion of a floodplain district the building site must be a natural, unfilled area. For lots in a tidal portion of a floodplain district, t, the building site can be either a natural, unfilled area or filled above the base flood elevation to achieve the proper elevation. Filling of the 100 year floodplain below the base flood elevation to create an adequate building site in a tidal portion of a floodplain district shall not be permitted. The feasibility of satisfying this requirement in the tidal floodplain may be limited by jurisdictional wetlands, the 100-year floodplain, site drainage patterns, potential impacts to Chesapeake Bay Preservation Areas and other physical planning constraints.*

This reduces potential drainage and flooding problems in these low lying areas without strictly banning their development or violating the intent of the floodplain provisions.

Concerning increasing the elevation of the natural, unfilled building site in the *riverine* portion of the floodplain along Powhatan Creek, I did the same analysis. I looked for impacts to properties beyond the RPA and the wetlands. The majority of the floodplain that is not within either the RPA or wetlands is already developed. There were only three properties that were impacted – Warhill Inn, 4311 John Tyler Highway, and 1821 Jamestown Road (the parcel to the rear of Chanco's Grant). In all these cases, the impacted portions of the properties all consisted of a sloping area so the increase would have no impact on the ability to develop these properties. So I would recommend that the elevation for a natural, unfilled building site be increased from one foot to two feet in the riverine areas.

## MEMORANDUM

**DATE:** March 16, 2011  
**TO:** Policy Committee  
**FROM:** Melissa C. Brown, Zoning Administrator  
**SUBJECT:** Exterior Signs

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### **Introduction**

Exterior signage is referenced in Sections 24-65 through 24-78 of the zoning ordinance. The intent of the ordinance is to regulate exterior signage in a way that ensures the equitable distribution of public space for the purpose of communication while protecting the health, safety and general welfare of the community. More specifically, these regulations should protect property values, protect the historic and natural character of the community, protect the safety of the traveling public and pedestrians, and promote the creation of an attractive and harmonious community.

Exterior signage directly contributes to perceived community character. Over time, new alternatives in material and lighting make it necessary to review existing regulations for consistency with purpose and compatibility with installation standards. Considering that some of these changes may benefit both the property owner and the community, staff has reviewed the existing regulations and recommends the following changes.

### **Discussion Items**

1. History
  - March 1, 1969 – Adoption of Zoning Ordinance.
  - December 22, 1998 – Sign ordinance takes current form.
  - December 11, 2001 – Language added addressing signage in Industrial areas.
  - June 27, 2006 – Amended to add language for special signs in Mixed Use district.
  - June 22, 2010 – Amended to address building-face signage in Mixed Use district.
  
2. Comprehensive Plan GSAs, public input, and PC and BOS direction
  - The Comprehensive Plans states, “Signage should be of a scale, size, color and material to complement the historic character of the area.”
  - Members of the Planning Commission and Board of Supervisors have expressed interest in reviewing standards for directional signage and nontraditional illumination styles such as digital and animated signage to ensure that they are permitted on a very limited basis.
  - Considerable public comment has been received regarding the location of signage in and near roadways that contributes to visual clutter.
  
3. Review Section 24-70(d) Sign lighting for freestanding signs to ensure the incorporation of current industry materials and construction standards.
  - Section 24-70(d), Sign lighting, addresses illuminated signs on Community Character Corridors and in Community Character Areas. The ordinance permits external, ground-mounted lighting concealed by landscaping in these areas. Internal illumination is

Exterior Signs

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permitted with the Planning Director's approval when the sign is channel-lettered or back-lit.

- The sign ordinance was amended in 2006 to permit sign-mounted lighting in Mixed Use districts after receiving a request from the Newtown Development Review Board. Expanding the option for sign-mounted lighting to other zoning districts will provide additional options for sign design to the property owner and increase the degree to which light trespass can be addressed during permit review.
  - This type of lighting fixture is already permitted in other localities that share James City County's identity as a historic place such as the City of Williamsburg and the City of Charlottesville.
4. Review Section 24-73(d) Sign location for freestanding signs to ensure that the needs of the property owner are met while preserving community character.
- Section 24 – 73(d), *Signs on corner lots*, requires such signs to be no closer than 50 feet to the corner of the lot. This setback can be reduced by the Zoning Administrator when the owner can prove that visibility is not limited by the sign location. Under no circumstances can the setback be reduced to less than five feet except when the signage is located in a Mixed Use district. The ability to reduce the setback to less than five feet in all districts would permit greater sign visibility and reduce the need for additional signage on the roadway.
5. Review requirements for directional signage to ensure that the intended purpose is achieved while preventing visual clutter.
- Directional signage is addressed in Section 24-73(e), Special regulations for certain signs. There are three requirements that proposed signage must meet in order to qualify under special regulations.
    1. The sign must be 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 state primary roads.
    2. The sign must indicate only the name, direction and distance to the business location.
    3. The sign cannot exceed ten square feet in area.
  - The Zoning Administrator can approve signs that meet these requirements at their discretion.
  - There are no limitations on number of signs or mounting structure referenced in this section. Further limiting the requirements by restricting the number of signs that may be requested and identifying the mounting structure that would be most appropriate will increase uniformity in the appearance of these signs and reduce visual clutter along the right-of-way.
  - Sign height should be addressed clearly as it relates to directional signage.
  - Staff recommends permitting no more than four directional signs to be granted by the Zoning Administrator and limiting the type of mounting structure to pole mounted signage.
6. Clarify definition for flashing signage to exclude digital, gas-pricing signage.

- Section 24-66, *Definitions*, defines a flashing sign as “an illuminated sign on which the artificial or reflected light is not maintained stationary or constant in intensity and/or color at all times when in use, and whose intermittent or sequential lights are used primarily to attract attention. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign. Signs which display only the time of day and temperature shall not be considered a flashing sign.”
- Section 24-73(m), *Digital and LED signage*, permits digital or LED signs that may be changed to reflect changes in gas pricing. There is some conflict between these sections since digital or LED signage is not excluded for this purpose.
- Staff recommends adding language to the exclusions exempting changeable, digital LED fuel pricing signs when permitted in accordance with 24-73(m).

7. Solutions and policy options

- Amend Section 24-70(d) to permit sign mounted lighting when bulbs, lenses and globes are not visible from the right-of-way and light is directed in such a way to not cast glare on adjacent properties.
- Amend Section 24-73(d) to permit reductions to less than five feet from the property line when the applicant can demonstrate that line of sight for motorists is not affected and such location maintains consistency with surrounding signage.
- Amend Section 24-73(e) to limit the number of directional signs to three and to limit the signs to pole mounted structures of no more than 7 feet in height.
- Add language to the exclusions listed in the definition for flashing sign exempting changeable, digital LED fuel pricing when permitted in accordance with 24-73(m).

8. Staff recommendation

- Staff recommends amending the ordinance to address the suggestions outlined above.

**Conclusion**

Staff recommends that the Policy Committee support the revisions proposed to Article II. Exterior Signs.