

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 15, 2016
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. July 14, 2016 Minutes

D. OLD BUSINESS

1. Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District - Stage III
2. Communications Facilities, Antennas, Towers and Support Structures, Stage III Follow-Up

E. NEW BUSINESS

1. Updates to the James City County Sign Ordinance

F. ADJOURNMENT

ITEM SUMMARY

DATE: 9/15/2016
TO: The Policy Committee
FROM: Paul D. Holt, III Secretary
SUBJECT: Minutes Adoption-July 14, 2016 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	July 14, 2016 Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	9/9/2016 - 4:23 PM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 14, 2016
4:00 PM

A. CALL TO ORDER

Mr. Richard Krapf called the meeting to order on Thursday, July 14, 2016 at approximately 4:00 p.m.

B. ROLL CALL

Present:

Mr. Richard Krapf
 Mr. Heath Richardson
 Mr. Danny Schmidt
 Mr. John Wright, III

Absent:

None

Staff:

Ms. Tammy Rosario, Principal Planner
 Ms. Ellen Cook, Principal Planner
 Mr. Scott Whyte, Senior Landscape Planner II
 Mr. Jose Ribeiro, Senior Planner II
 Ms. Savannah Pietrowski, Planner
 Ms. Roberta Sulouff, Planner
 Mr. Alex Baruch, Planner
 Ms. Tori Haynes, Community Development Assistant
 Mr. Jake Hoioos, Intern

Ms. Tammy Rosario introduced new staff member Ms. Tori Haynes and summer intern Mr. Jake Hoioos.

C. MINUTES

1. May 12, 2016 Minutes

Mr. Heath Richardson moved to approve the May 12, 2016 minutes.

The minutes were approved 4 – 0.

D. OLD BUSINESS

1. Zoning Ordinance Revisions to Reduce Parking Requirements, Stage III

Mr. Scott Whyte gave a presentation on Stage III of the Zoning Ordinance revisions to reduce parking requirements. Mr. Whyte stated that staff proposed several ordinance revisions at the June 2016 Policy Committee meeting, including changes to retail and office floor area calculations, parking minimums for multi-family dwellings, parking minimums for nursing homes, shared parking requirements, mass transit plans, the appeals process, and deletion of Section 24-55(a)(2). At the Committee's request, Mr. Whyte further researched parking minimums for multi-family dwellings in Albemarle

County. He reported that Albemarle County staff indicated their multi-family parking requirements are sufficient and they have no plans to amend it. Mr. Whyte was also asked to compare parking requirements for barbershops and beauty parlors to other localities. After comparing James City County to the City of Williamsburg, York County, and Albemarle County, Mr. Whyte found that James City County had the highest parking requirements for barbershops and beauty parlors. Therefore, staff now proposes to lower the minimums to three spaces for the first chair, and two spaces for each additional chair. Mr. Whyte welcomed comments and questions from the Committee.

Mr. Richardson said he concurred with reducing the minimum parking for barbershops and beauty parlors.

Mr. Krapf thanked Mr. Whyte for the extra research.

A motion was made by Mr. Richardson to forward the ordinance as received to the Planning Commission.

The motion passed 4 – 0.

2. Zoning Ordinance Revisions to the Mixed Use District, Stage II

Ms. Ellen Cook presented Stage II of the Zoning Ordinance revisions to the mixed use district. Section 24-517 has been eliminated, thereby allowing mixed use development on parcels less than five acres. Section 24-519 has been revised to clarify the mix of uses calculation as it applies to vertical mixed use structures, and add specifications for mixed use zoned development in areas designated Neighborhood or Community Commercial in the Comprehensive Plan. Section 24-520 has been revised to remove the prohibition on counting landscape area adjacent to buildings toward the required percentage of open space. Section 24-523 has been revised to clarify the right-of-way and perimeter buffer standards. After summarizing the proposed ordinance revisions, Ms. Cook welcomed comments and questions from the Committee.

Mr. John Wright asked about unintended consequences that could lead to problems if the County allowed mixed use on less than five acres.

Ms. Cook stated many of the issues would be resolved during the master plan review process.

Mr. Wright asked if there is a demand for rezoning agricultural areas to mixed use.

Ms. Cook stated that none of the inquiries have been in that category. She noted that rezonings can be approved or denied based on the conformity with the Comprehensive Plan.

Mr. Krapf stated there are other legislative safe guards and ordinances to prevent inappropriate development.

Mr. Richardson asked about the vertical height limit in the County.

Ms. Cook stated each district has a different height limit. In the Mixed Use District the height limit is 60 feet unless there is a height waiver.

Mr. Danny Schmidt expressed concern for eliminating the prohibition on counting landscape area adjacent to buildings toward the required percentage of open space. He asked if that could be an adjacent lot.

Ms. Cook explained that it would not include adjacent lots. She stated the landscape area directly around a building cannot currently be counted as open space. The ordinance revision would remove that prohibition.

Mr. Wright stated it could conceivably lead to slightly larger buildings.

Mr. Krapf stated the revision could be a tool to encourage mixed-use infill in areas that otherwise might languish because of other restrictions.

A motion was made by Mr. Wright to have staff prepare a clean draft for the September meeting.

The motion passed 4 – 0.

3. Wireless Communications Facilities and Towers, Stage II

Mr. Whyte and Ms. Savannah Pietrowski gave a presentation on Stage II of the proposed Zoning Ordinance revisions for wireless communication facilities and towers.

Mr. Whyte stated that at the May 12 Policy Committee meeting, staff was directed to incorporate microwave, radio and other types of towers into the ordinance, as well as update the ordinance to comply with the Spectrum Act. Mr. Whyte stated that staff is proposing to amend the name of the ordinance to Communication Facilities, dropping the term “wireless” in order to include the other uses. Staff is also proposing to amend all references to “wireless communication facilities” to the more encompassing term “communication facilities, antennas, towers and/or support structures,” or CATS for short. Staff is also proposing amendments to Tables 1.1 and 2 to correct some discrepancies and present the use list in a clearer manner.

Ms. Pietrowski stated that staff is developing a separate application process for towers that would comply with the requirements of the Spectrum Act, which has a different set of standards through which tower applications can be reviewed. Those submittal requirements have been updated in the ordinance in Section 24-128. Ms. Pietrowski stated that staff has also revised the submittal requirements for new tower applications that require a Special Use Permit by requiring a balloon test at both the proposed height and the new by-right allowable expansion of an additional 10% or 20 feet.

Mr. Krapf asked for clarification on the height considerations.

Ms. Pietrowski stated that staff is requesting feedback from the Policy Committee about reducing the maximum height of towers by 10% or 20 feet to effectively maintain a status quo height limit.

Mr. Richardson asked why it would be negative to allow towers to expand in height.

Mr. Wright stated that there have been issues in the past with the visual aesthetic of tall towers, particularly near residential areas. He expressed concern that tower-related companies will always seek the maximum allowable height.

Mr. Schmidt expressed concern about the visual impact of taller towers.

Ms. Pietrowski stated that these changes would only apply to new towers. If the heights are not reduced, heights of towers that would require an SUP could still be considered on a case-by-case basis.

Mr. Schmidt recommended that the heights be formally reduced in the ordinance for

consistency going forward.

Mr. Krapf asked Ms. Pietrowski to include the height reductions in the next ordinance draft.

Ms. Pietrowski confirmed that she would.

Mr. Krapf asked Ms. Pietrowski to summarize the Spectrum Act for clarity.

Ms. Pietrowski stated that the intent of the Spectrum Act is to allow cell tower carriers to improve their ability to expand their towers and provide better service. When a tower application comes in and there is no substantial change to the tower, the County essentially has to approve it within a certain period of time under the new provisions of the Spectrum Act.

Mr. Krapf asked for clarification on approval of concealed towers.

Ms. Pietrowski stated that if a tower is approved with concealment provisions, there is more flexibility for regulating that tower's expansion in the future. She suggested strengthening the standard SUP conditions for towers, or expanding the ability for a tower to be classified as concealed.

Mr. Wright asked if a new non-concealed tower could be installed near sensitive areas like Jamestown if the County does not have concealment requirements.

Ms. Pietrowski stated the Spectrum Act only applies to changes to existing towers, such as antenna replacement.

Mr. Krapf supported incorporating concealment regulations into the ordinance.

Mr. Richardson asked if the Spectrum Act would apply to an existing tower that is completely replaced.

Ms. Pietrowski stated she would verify that information with the County Attorney's Office as well as a consulting attorney who specializes in the Spectrum Act.

Mr. Whyte stated that staff revised the use list for each district to reflect the effort to include all types of tower applications, such as microwave and radio towers. Staff also proposed changes to the associated policy, Performance Standards for Wireless Communication Facilities that Require a Special Use Permit.

Ms. Pietrowski stated that if concealment language is added to the ordinance, the policy may need to be revised as well. All revisions would be presented at the Stage III meeting.

4. Food Trucks Update

Ms. Roberta Sulouff stated that staff prepared a two-part community outreach strategy involving a survey component followed by a community meeting on August 25 to discuss food trucks with local business owners. Draft ordinance language for food trucks will be provided at the next Policy Committee meeting.

E. NEW BUSINESS

1. Review of CIP process

Mr. Jose Ribeiro presented the FY18 Capital Improvements Program schedule.

Mr. Richardson asked when the School Board will submit their CIP requests.

Mr. Ribeiro stated that their projects would be submitted in December.

Mr. Richardson recommended having a preliminary meeting prior to the December deadline to review the CIP process with the new School Board members and Superintendent.

2. Joint Work Session Update

Mr. Krapf reminded the Policy Committee about Planning Commission's joint work session with the Board of Supervisors.

F. ADJOURNMENT

A motion to adjourn was made by Mr. Wright at approximately 5:00 p.m.

The motion passed 4 – 0.

ITEM SUMMARY

DATE: 9/15/2016

TO: The Policy Committee

FROM: Roberta Sulouff, Planner

SUBJECT: Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District - Stage III

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Draft Ordinance Language-Section 24-2 (In General, Definitions)	Backup Material
▣	Draft Ordinance Language - Special Regulations (new Section 24-49)	Backup Material
▣	Draft Ordinance Language - M-1 Use List (Section 24-411)	Backup Material
▣	Draft Ordinance Language - M-2 Use List (Section 24-436)	Backup Material
▣	Draft Ordinance Language - PUD-C Use List (Section 24-493)	Backup Material
▣	Draft Ordinance Language - PL Use List (Section 24-535.1)	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	9/9/2016 - 1:53 PM
Policy	Holt, Paul	Approved	9/9/2016 - 4:18 PM
Publication Management	Burcham, Nan	Approved	9/9/2016 - 4:19 PM
Policy Secretary	Secretary, Policy	Approved	9/9/2016 - 4:24 PM

MEMORANDUM

DATE: September 15, 2016

TO: The Policy Committee

FROM: Roberta Sulouff, Planner

SUBJECT: Case No. ZO-0010-2016. Mobile Food Vending Vehicles (Food Trucks) in M-1, Limited Business/Industrial District, M-2, General Industrial District, PUD-C, Planned Unit Development-Commercial District and PL, Public Land District - Stage III

History

On May 12, 2016, the Policy Committee met to discuss initial planning for ordinance amendments related to permitting food trucks in certain zoning districts. The Committee offered feedback guiding the direction of draft performance standards and administrative regulations, and also directed staff to conduct public outreach to local restaurant and food truck owners regarding any draft language. Staff incorporated feedback from that meeting into draft ordinance language prepared for the August 11, 2016 and August 25, 2016 Policy Committee meetings and also began the process of designing and distributing an online survey targeted to local restaurant owners and prospective food truck operators. Following the Committee's discussion of the draft language at its August 11, 2016 meeting, the Committee issued preliminary feedback directing staff to further delineate any exemptions to the newly proposed special regulations as well as to re-evaluate the fee associated with the proposed zoning permit. The Committee reaffirmed these directives in response to public input received at the August 25, 2016 Business and Community Input Meeting, which was held to discuss the results of the online survey and to facilitate additional public comment related to the proposed draft ordinance language. Staff has worked to incorporate feedback from the August meetings, as well as feedback from the County Attorney, into revisions of the draft regulations for this Stage III meeting.

Draft Ordinance

Staff has incorporated feedback from both the August 11, 2016 and the August 25, 2016 meetings, as well as feedback from the County Attorney, into the revised drafted ordinance language. Revisions to the draft language are shown in highlights on Attachment Nos. 1 - 6 and accomplish the following:

- In Section 24-2 (In General, Definitions):
 - Removes specific references to ice cream trucks; and
 - Adjusts language to be more inclusive of pre-prepared foods.
- In Special Regulations:
 - Clarifies that the proposed regulations do not pertain private, catered event;
 - Removes language specifying the County Administrator and the WJCC school district as owners of Public Lands;
 - Removes the requirement to provide a site sketch with the permit application;
 - Specifies that the fee shall be incurred only once per applicant;
 - Adds language to clarify the procedure for adding approved vending locations to an existing, approved permit; and
 - Add language allowing food truck operators to include multiple vehicles on one permit.

Case No. ZO-0010-2016. Mobile Food Vending Vehicles (Food Trucks) in M-1, Limited Business/Industrial District, M-2, General Industrial District, PUD-C, Planned Unit Development-Commercial District and PL, Public Land District - Stage III
September 15, 2016
Page 2

Recommendation

Staff recommends that the Policy Committee recommend approval of the attached draft amendments to the Planning Commission for consideration at its October 5, 2016 meeting.

RS/nb
ZO-10-16FoodTr-StgIII-mem

Attachments:

1. Draft Ordinance Language - Section 24-2 (In General, Definitions)
2. Draft Ordinance Language - Special Regulations (new Section 24-49)
3. Draft Ordinance Language - M-1 Use List (Section 24-411)
4. Draft Ordinance Language - M-2 Use List (Section 24-436)
5. Draft Ordinance Language - PUD-C Use List (Section 24-493)
6. Draft Ordinance Language - PL Use List (Section 24-535.1)

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

M

Manufacture; manufacturing. The assembly of components, pieces or subassemblies, or the processing or converting of raw, unfinished materials or products into articles or substances of different character or for use for a different purpose.

Manufactured home. A manufactured home is a structure subject to federal regulation which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

Manufactured home park. A lot or parcel, not part of a manufactured home subdivision, on which are located or which are arranged or equipped for the accommodation of three or more manufactured homes occupied as single-family dwellings.

Medical clinic. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists and where patients are not usually lodged overnight. "Medical clinic" includes a facility known as surgical outpatient clinic.

Micro-brewery. A brewery that produces less than 15,000 barrels per year.

Mixed use structure. A building or other structure containing a combination of two or more different principle uses.

Mobile food vending vehicle (food truck): A self-propelled or towed vehicle licensed by the Department of Motor Vehicles, which is not parked on public rights-of-way, containing a mobile kitchen in which food and beverages are stored and/or prepared, and from which menu items are served in individual portions to walk-up customers.

Mobile home. A mobile home is a structure not meeting the specifications or requirements of a manufactured home, designed for transportation, after fabrication, on streets and highways on its own wheels or on flat bed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. (See "trailer" and "travel trailer" following in this section.)

Monopole. A wireless communication facility tower used to deploy antennas defined as self-supporting with a single shaft of wood, steel or concrete.

Motel. One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Multi-antenna system. Wireless communication facilities networked together and connected to a wireless service source so that one or more multiple provisioning (high-powered) antennae which would normally be mounted on a tower to serve a given area are replaced or prevented by a group of lower-power antennas to serve the same geographic area.

Multiple provisioning antenna. Antennas used as part of an overall network such as distributive antenna systems that transmit and/or receive radio signals from multiple points and multiple users in a prescribed geographic area.

Sec24-2-Definitions

ORDINANCE NO. _____

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

Sec. 24-49—Mobile Food Vending Vehicles (Food Trucks)

*In order to protect the health, safety, and welfare of the citizens of James City County and to insure that the unique aesthetic characteristics of the area are maintained, the following regulations shall apply to the permitting and operation of mobile food vending vehicles (“food trucks”) on public and private property within certain zoning districts of the county. **These regulations shall not apply to the operation of food trucks operating in conjunction with a special event, for which a Special Event Permit would be required per Chapter 14 of James City County Code, or to food trucks operating in conjunction with a privately catered event not serving the general public.***

- (a) *Administration. The operation of food trucks on appropriately zoned properties shall be permitted by administrative permit. Written application for a Mobile Food Vendor Permit shall be made to the Zoning Administrator or their designee. Such application shall be on forms provided by the county and shall accompanied by the following:*
- (1) *A copy of a valid **Mobile Food Establishment Permit issued by the Virginia Department of Health for each vehicle applied for. Such permit must be maintained for the duration of the permit.***
 - (2) *Verification of Fire Department inspection and approval **for each vehicle applied for.***
 - (3) *Written documentation of the consent of the owner(s) of the property or properties on which the mobile food vending unit will be operated.*
 - (4) *A \$20.00 processing fee.*

*Upon review and determination that the proposed mobile food vending operation complies with the standards set forth in this section, the zoning office shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked. **The administrative permit shall be issued for a period not to exceed one (1) year, at which time the operator may apply to renew their permit with no additional fee. At any time during the one (1) year permit period, the operator may amend an approved permit application to include additional vending locations by submitting written documentation to the zoning administrator of the consent of the owner(s) of the newly proposed property or properties. Operators may also amend an approved permit application to include additional vehicles by submitting written documentation to the zoning administrator of a valid Virginia Department of Health Mobile Food Establishment Permit and verification of Fire Department inspection and approval for each additional vehicle.***

(b) *General Operational Requirements. The following standards and conditions shall apply to all mobile food vending vehicle operations:*

- (1) *Parking: Mobile food vending vehicles shall not park, with the intent of vending, along public rights-of-way, or in designated handicapped parking spaces. Mobile food vending vehicles shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians.*
- (2) *Hours of Operation: Mobile food vending vehicles shall operate only during the operational hours of the establishment on the premises.*
- (3) *Permitting: The operator shall display, in a prominent location visible to potential customers, a copy of a valid James City County business license, a copy of an approved James City County Mobile Food Vendor Permit, and a copy of a valid Virginia Department of Health Mobile Food Establishment Permit.*
- (4) *Setbacks: Mobile food vending vehicles shall be parked at least 100 feet from any residential dwelling or the main entrance of any existing restaurant establishment.*
- (5) *Signage: Not more than one (a) A-frame sign may be used in conjunction with the food vending operation. Such signs shall not exceed six (6) square feet in area (e.g., each face of the A-frame) and four (4) feet in height, shall be positioned within thirty (30) feet of the vehicle, and shall not be placed within a public road right-of-way. Signage that is permanently affixed to the vehicle shall be permitted; however, flags, banners, flashing signs, or other decorative appurtenances, whether attached or detached, shall not be allowed.*
- (6) *Lighting: No lighting shall be displayed on the exterior of the food truck. If a food truck is operating after dark, appropriate lighting may be used to illuminate the menu board and the customer waiting area adjacent to the vehicle. Such lighting shall be provided in accordance with Section 24-132 of James City County Code and shall not produce light trespass onto adjacent roadways or properties or into the night sky.*
- (7) *Noise: The volume of any background music played from the vehicle shall be limited so as not to be plainly audible beyond the property boundaries of the site where the vehicle is located, or at a distance of 100 feet from the vehicle, whichever is less.*
- (8) *Trash: Operators or property owners must provide at least one trash receptacle within ten (10) feet of their vehicle.*
- (9) *Liquid Waste: No liquid wastes used in the operation of the food truck or food vending shall be allowed to be discharged from the food truck except into an approved sewerage system as permitted by law.*
- (10) *Two (2) stations, for items such as condiments and paper products and the like, may be set up next to the vehicle. Such station may be covered by a roll-out awning extending from the vehicle or by a temporary canopy not exceeding 10 feet by 10 feet in size.*

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. - Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in section 24-2	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries or fish markets	P	
	Banks and other financial institutions	P	
	Barber shops and beauty salons	P	
	Business and professional offices	P	
	Catering and meal preparation	P	

	Child day care centers	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38		SUP
	Convention centers	P	
	Courier services	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmer's market	P	
	Fast food restaurants		SUP
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges (limited to a fully enclosed building)	P	
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores	P	
	Health and exercise clubs, fitness centers	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals		SUP

	Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel or motel, for the principal benefit of the resident guest	P	
	Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
	Indoor sport facilities, including firing and shooting ranges	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Laboratories, research and development centers	P	
	Laser technology production	P	
	Limousine services (with maintenance limited to a fully enclosed building)	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid	P	

	centers		
	Museums	P	
	<i>Mobile Food Vending Vehicles, in accordance with Section 24-49</i>	<i>P</i>	
	New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Nursing homes		SUP
	Nurseries	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks, with water and sewer facilities for golf courses as approved by the board of supervisors		SUP
	Parking lots, structures or garages	P	
	Pawnshops		SUP
	Payday/title loan establishments		SUP
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	P	
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Printing, mailing, lithographing, engraving, photocopying,	P	

	blueprinting and publishing establishments		
	Private streets within "qualifying industrial parks" in accordance with section 24-62	P	
	Radio and television stations and accessory antenna or towers, self supported, (not attached to buildings) which are 60 feet less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, tea rooms, coffee shops, and taverns, not to include fast food restaurants	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	Small-scale alcohol production	P	
	Tattoo parlors		SUP
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP
	Truck stops; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP

	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building and screened from adjacent property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt (with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle rentals	P	
	Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise)	P	
	Warehousing, wholesaling, storage and distribution centers (with storage limited to a fully enclosed building or screened by landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, greater than 50 acres, or with dam heights of less than 25 feet or more		SUP
	Water well drilling establishments	P	
	Welding and machine shops (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
Civic	Fire stations	P	
	Governmental offices	P	
	Libraries	P	

	Nonemergency medical transport	P	
	Places of public assembly	P	
	Post offices	P	
	Schools		SUP
	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas and towers (not attached to buildings) in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or		SUP

	proposed development, are permitted generally and shall not require a special use permit		
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private) and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	
Industrial	Heavy equipment sales and service (with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property)	P	
	Industrial dry cleaners or laundries	P	
	Industrial or technical training centers or schools	P	
	Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks, water and alcoholic beverages	P	
	Manufacture and processing of textiles and textile products	P	
	Manufacture and storage of ice, including dry ice	P	

	Manufacture, assembly, or fabrication of sheet metal products	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone	P	
	Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products	P	
	Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals		SUP
	Manufacture of cans and other products from previously processed metals	P	
	Manufacture of carpets and carpet yarns	P	
	Manufacture of furniture	P	
	Manufacture of glass and glass products	P	
	Manufacture of pottery and ceramic products using kilns fired by gas or electricity	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
	Manufactured home or mobile home sales	P	
	Petroleum storage and retail distribution		SUP
	Processing, assembly and manufacture of light industrial products or components (with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust,		SUP

	noise, odor or other objectionable effect)		
	Propane storage, distribution or sale		SUP
	Recycling center or plant	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Waste disposal facilities		SUP

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 12. General Industrial District, M-2

Sec. 24-436. - Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Industrial District, M-2, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in section 24-2	P	
	Business and professional offices	P	
	Child day care centers as an accessory use to other permitted uses	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38		SUP
	Data processing centers	P	
	Firearms sales and service	P	
	Health and exercise clubs, fitness centers as an accessory use to	P	

	other permitted uses		
	Heliports, helistops and accessory uses		SUP
	Hospitals		SUP
	Indoor sport facilities, including firing and shooting ranges	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Laboratories, research and development centers	P	
	Laser technology production	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers as an accessory use to other permitted uses	P	
	<i>Mobile food vending vehicles in accordance with Section 24-49</i>	<i>P</i>	
	Nurseries	P	
	Off-street parking as required by article II, division 2 of this chapter	P	

	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks		SUP
	Pawnshops		SUP
	Payday/title loan establishments		SUP
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Private streets within qualifying industrial parks in accordance with article II, division 2 of this chapter	P	
	Radio and television stations and accessory antenna or towers, self supported, not attached to buildings, which are 60 feet less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, tea rooms, coffee shops, taverns, and micro-breweries, not to include fast food restaurants as an accessory use to other permitted uses	P	
	Retail sales of products related to the main use, provided that the floor area for retail sales comprises less than 25 percent of the first floor area of the main use	P	
	Security service offices	P	
	Truck stops; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP

	Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise)	P	
	Warehousing, wholesaling, storage and distribution centers	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, greater than 50 acres, or with dam heights of 25 feet or more		SUP
	Water well drilling establishments	P	
Civic	Fire stations	P	
	Governmental offices	P	
	Nonemergency medical transport	P	
	Post offices	P	
	Schools		SUP
Utility	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas and towers, not attached to buildings, in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use		SUP

	permit		
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private) and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	

Industrial	Asphalt mixing plants		SUP
	Boiler shops	P	
	Breweries and other associated activities	P	
	Crushed stone, sand, gravel, or mineral mining; storage and distribution of same		SUP
	Drop forge industries, manufacturing, forgings with a power hammer	P	
	Heavy equipment sales and service (with major repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Industrial dry cleaners or laundries	P	
	Industrial or technical training centers or schools	P	
	Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks, water and alcoholic beverages	P	
	Manufacture and compounding of chemicals		SUP
	Manufacture and processing of acrylic and synthetic fibers	P	
	Manufacture and processing of textiles and textile products	P	
	Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units	P	
	Manufacture and sale of wood and wood products	P	
	Manufacture and storage of ice, including dry ice	P	
	Manufacture, assembly, or fabrication of sheet metal products	P	

	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiberglass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair, yarn, and stone	P	
	Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products	P	
	Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals		SUP
	Manufacture of batteries	P	
	Manufacture of boats, marine equipment and boat trailers	P	
	Manufacture of cans and other metal products from previously processed metals	P	
	Manufacture of carpets and carpet yarns	P	
	Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion and sediment control or road construction)		SUP
	Manufacture of furniture	P	
	Manufacture of glass and glass products	P	
	Manufacture of pottery and ceramic products using kilns fired by gas or electricity	P	
	Manufacture or assembly of aircraft and aircraft parts	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
	Manufacture or assembly of automobiles, trucks, machinery or equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	

	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
	Metal foundry and heavy weight casting	P	
	Petroleum refining		SUP
	Petroleum storage and retail distribution		SUP
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect		SUP
	Propane storage, distribution or sale		SUP
	Ready mix concrete production		SUP
	Recycling center or plant	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Structural iron and steel fabrication	P	
	Vehicle graveyards and scrap metal storage yards		SUP
	Waste disposal facilities		SUP
	Welding and machine shops including punch presses and drop hammers	P	
	Wood preserving operations		SUP

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 14. Planned Unit Development District, PUD

Sec. 24-493. - Use list.

(b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings	P	
	Commercial Uses	Commercial uses: Same as subsection (a) above	
	Assisted living facilities	P	
	Continuing care retirement facilities	P	
	Skilled nursing facilities (nursing home)	P	
	Golf courses	P	
	Theme parks	P	

	<i>Mobile food vending vehicles in accordance with Section 24-49</i>	P	
Civic Uses	Civic uses as listed in (a) above		
Utility Uses	Utility uses as listed in (a) above		
	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master plan	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit.		SUP
	a. Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		
	b. Distribution lines and local facilities within a development; including pump stations		
Industrial Uses	Printing and publishing	P	
	Private streets within "qualifying industrial parks" in accordance with section 24-62	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect	P	
	Research, design and development facilities or laboratories	P	

	Wholesale and warehousing, with storage in a fully enclosed building	P	
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ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 16. Public Land District, PL

Sec. 24-535.1. - Permitted uses.

In the public land district, structures to be erected or land to be used shall be for the following public uses:

Accessory buildings and structures.

Accessory uses, as defined in section 24-2 and including privately owned uses that are either limited to a fully enclosed building and encompassing less than 25 percent of the floor area of the public use or are a free-standing building or area covering less than 10 percent of the overall land area.

Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.

General Agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Governmental or non-profit offices under 30,000 square feet.

Mobile food vending vehicles in accordance with section 24-49.

Neighborhood resource centers.

Non-profit medical clinics or offices under 30,000 square feet.

Off-street parking as required by section 24-53.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Public meeting halls under 30,000 square feet.

Rest homes for fewer than 15 adults.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

ITEM SUMMARY

DATE: 9/15/2016

TO: The Policy Committee

FROM: Savannah Pietrowski, Planner, and Scott Whyte, Senior Landscape Planner II

SUBJECT: Communications Facilities, Antennas, Towers and Support Structures, Stage III Follow-Up

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Section 24-34, Special Requirements for Antennas	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	9/9/2016 - 3:09 PM
Policy	Holt, Paul	Approved	9/9/2016 - 4:24 PM
Publication Management	Burcham, Nan	Approved	9/9/2016 - 4:35 PM
Policy Secretary	Secretary, Policy	Approved	9/9/2016 - 4:55 PM

MEMORANDUM

DATE: September 15, 2016

TO: The Policy Committee

FROM: Savannah Pietrowski, Planner
Scott Whyte, Senior Planner II

SUBJECT: Wireless Communications Facilities and Towers, Special Requirements for Antennas - Phase III Follow-up

OVERVIEW

Together with the Policy Committee, staff has worked through Stage III of amending the Wireless Communications Facilities (WCF) section of the Zoning Ordinance to add provisions in response to the Spectrum Act and the need to include other types of towers such as microwave and radio. This endeavor has been very complex and has affected many other sections of the Zoning Ordinance. Staff recently became aware that Section 24-34 regulates satellite earth station antenna and other types of incidental antenna and the amendments to the WCF have inadvertently included these types of antenna. Staff is proposing to leave this section in its present location with amendments that exclude it from the newly proposed Communications Facilities, Antennas, Towers and Support Structures (CATS) section of the Zoning Ordinance. Staff is also proposing to reference this section of the Zoning Ordinance in the amended CATS Ordinance, scheduled to be considered at the October 5, 2016 Planning Commission meeting.

PROPOSED CHANGES

Staff has proposed to amend Section 24-34, Special requirements for antennas, by including the following six exemptions to this section because they are now addressed in the CATS section of the Zoning Ordinance.

- Those antenna and facilities covered by Article II, Special Regulations, Division 6, Communications Facilities, Antennas, Towers and Support Structures, except satellite earth station antennas and other types of incidental antennas.
- A “dish” antenna that is one meter (39.37”) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, including satellite internet service, provided such antenna is not located more than 12 feet above the roof line of the structure to which it is affixed.
- An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite, provided such antenna is not located more than 12 feet above the roof line of the structure to which it is affixed.
- An antenna that is designed to receive local television broadcast signals provided such antenna is not located more than 12 feet above the roof line of the structure to which it is affixed.
- An antenna that is designed to receive internet service signals, provided such antenna is not located more than 12 feet above the roof line of the structure to which it is affixed.
- Exempt antenna as defined in § 15.2-2293.1 of the Code of Virginia.

RECOMMENDATION

Staff recommends that the Policy Committee recommend approval of the attached draft amendments. These amendments will be folded into the full CATS Ordinance and considered by the Planning Commission at its October 5, 2016 meeting.

SP/SW/nb

SpReqmtsAntennas-mem

Attachment:

1. Draft Ordinance

Sec. 24-34. Special requirements for antennae.

In order to protect the health, safety, and welfare of the citizens of James City County and to ~~insure~~ *ensure* that the unique aesthetic characteristics of the area are maintained, the following shall apply to the installation, maintenance and location of satellite earth station antennae and other types of incidental antennae located in the county, ~~except antenna associated with wireless communications facilities in accordance with division 6, Wireless Communications Facilities.~~ *provided however the following shall be exempt from the requirements of this section:*

- *Those antennas and facilities covered by Article II, Special Regulations, Division 6, Communications Facilities, Antennas, Towers and Support Structures, except satellite earth station antennas and other types of incidental antennas.*
- *A "dish" antenna that is one meter (39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, including satellite internet service, provided such antenna is not located more than twelve (12) feet above the roofline of the structure to which it is affixed.*
- *An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite, provided such antenna is not located more than twelve (12) feet above the roofline of the structure to which it is affixed.*
- *An antenna that is designed to receive local television broadcast signals, provided such antenna is not located more than twelve (12) feet above the roofline of the structure to which it is affixed.*
- *An antenna that is designed to receive internet service signals, provided such antenna is not located more than twelve (12) feet above the roofline of the structure to which it is affixed.*
- *Exempt antenna as defined in § 15.2-2293.1 of the Code of Virginia.*

Any satellite dish antennae more than one meter in diameter or any other antennae in a residential district with more than ten square feet of surface area on any one side shall be permitted only after the issuance of a special use permit by the board of supervisors. In all other districts, antennae shall be permitted as accessory uses upon the issuance of a building permit. Provided that transmission and reception signals are not materially limited for satellite dish antennae one meter or less in diameter, or

two meters in diameter in commercial or industrial zoned property, all antennae shall be subject to the following requirements:

- (1) *Height limitations.* The antennae shall not exceed the height limitations for accessory structures of each district.
- (2) *Yard limitations.* All antennae shall meet all yard requirements for accessory structures of each district. Additionally, they shall be further restricted as follows:
 - a. *A-1 and R-8 districts.* For lots in the A-1 and R-8 districts, antennae shall be permitted in side and rear yards only and on roofs as provided in subsection (3).
 - b. *R-1, R-2, and R-6 districts.* For all lots in the R-1, R-2, and R-6 districts, antennae shall be permitted in rear yards only and on roofs as provided in subsection (3).
 - c. *R-4, R-5, MU, PUD-R, LB, B-1, M-1, M-3, and PUD-C districts.* For all lots in the R-4, R-5, MU, PUD-R, LB, B-1, M-1, M-3, and PUD-C districts, antennae shall be permitted in rear yards and on roofs as provided in subsection (3).
 - d. *M-2 District.* In the M-2 District, antennae shall be permitted in all yards and on roofs as provided in subsection (3).
- (3) *Roof location.* An antenna larger than ten square feet in surface area on any one side and located on a roof shall be set back from all edges of the roof at least two times the height of the antenna.
- (4) *Standards.* All antennae and the construction and installation thereof shall conform with applicable Uniform Statewide Building Code requirements. No antenna larger than ten square feet in surface area on any one side may be installed on a portable or moveable device. Further, all antennae shall be of noncombustible and corrosive-resistant materials and be erected in a secure, wind-resistant manner located and designed to reduce visual impact from surrounding properties at street level and from public streets, antennae visible from public streets shall be black in color unless otherwise approved by the planning director.
- (5) *Exceptions.* Satellite dish antennae one meter or less in diameter or two meters or less if located in commercial or industrial zoned districts are not required to be black in color. Additionally, if transmission or reception of a satellite antenna one meter or less in diameter, or two meters or less in diameter if located on commercial or industrial zoned property, is shown to be materially limited by one or more of the above requirements, the

minimum number of requirement(s) necessary to provide a usable signal shall be waived. For all other antenna, upon a finding by the director of planning that a usable signal cannot be obtained by locating an antenna in the rear yard or upon a roof as provided in subsection (3) in the R-1, R-2, R-4, R-5, R-6, MU, PUD-R, PUD-C, LB, B-1, M-3, and M-1 districts or in the rear or side yard or upon a roof as provided in subsection (3) in the A-1 and R-8 districts, the planning commission may grant an exception to the provisions of this section to allow placement of an antenna in a side or front yard in the R-1, R-2, R-4, R-5, R-6, MU, PUD-R, PUD-C, LB, B-1, M-3, and M-1 districts or the front yard in the A-1 and R-8 districts, if the placement will provide for the reception of a usable signal. No exception shall be granted unless it is determined that the granting of such exception will not be of substantial detriment to adjacent property and will not change the character of the districts. In granting an exception, the planning commission may impose conditions including, but not limited to, the following:

- a. Screening by architectural or landscape methods to reduce visual impact from surrounding properties and public streets.
- b. Placement and installation methods to limit detrimental impact upon surrounding properties and to enhance the public health, safety, and general welfare,
- c. Other reasonable requirements deemed necessary to make the use consistent with the character of surrounding properties.

ITEM SUMMARY

DATE: 9/15/2016
TO: The Policy Committee
FROM: Paul D. Holt, III, Planning Director
SUBJECT: Updates to the James City County Sign Ordinance

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

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

The current James City County Sign Ordinance is attached and staff will brief the Policy Committee on what this court decision means and staff will discuss timeframes for needed ordinance revisions.

ATTACHMENTS:

	Description	Type
▣	VML Article	Backup Material
▣	Current Sign Ordinance	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Secretary, Policy	Approved	9/9/2016 - 4:41 PM



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

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

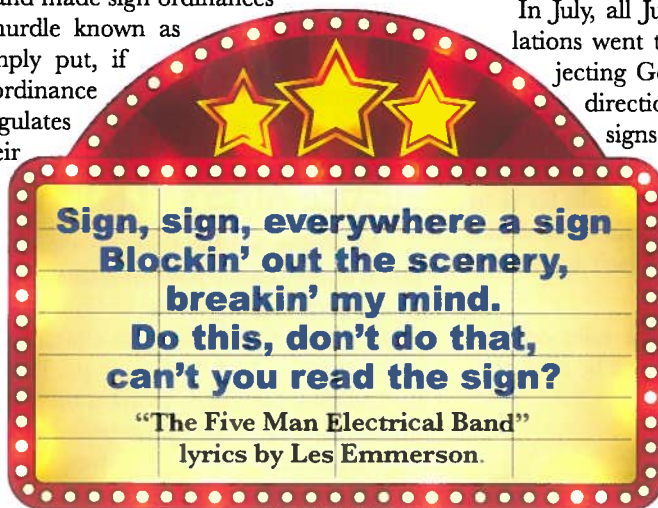
tions. Prudent local officials will patiently heed their lawyers' advice about constitutional analysis, and look for creative ways to achieve the public interest in signage.

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

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

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

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





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

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

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

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

Impact on Cities and Towns

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

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

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

Justice Alito’s “List”

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

Justice Alito also mentions time restrictions for one-time

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

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

Time, Manner and Place restrictions explained

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

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

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

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

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

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

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



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

Preventing litigation


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

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

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

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

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

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

About the authors

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

² *Id.* at *11.

³ *Id.* at *13.

⁴ *Id.*

⁵ *Id.* at *16.

⁶ *Id.* at *19.

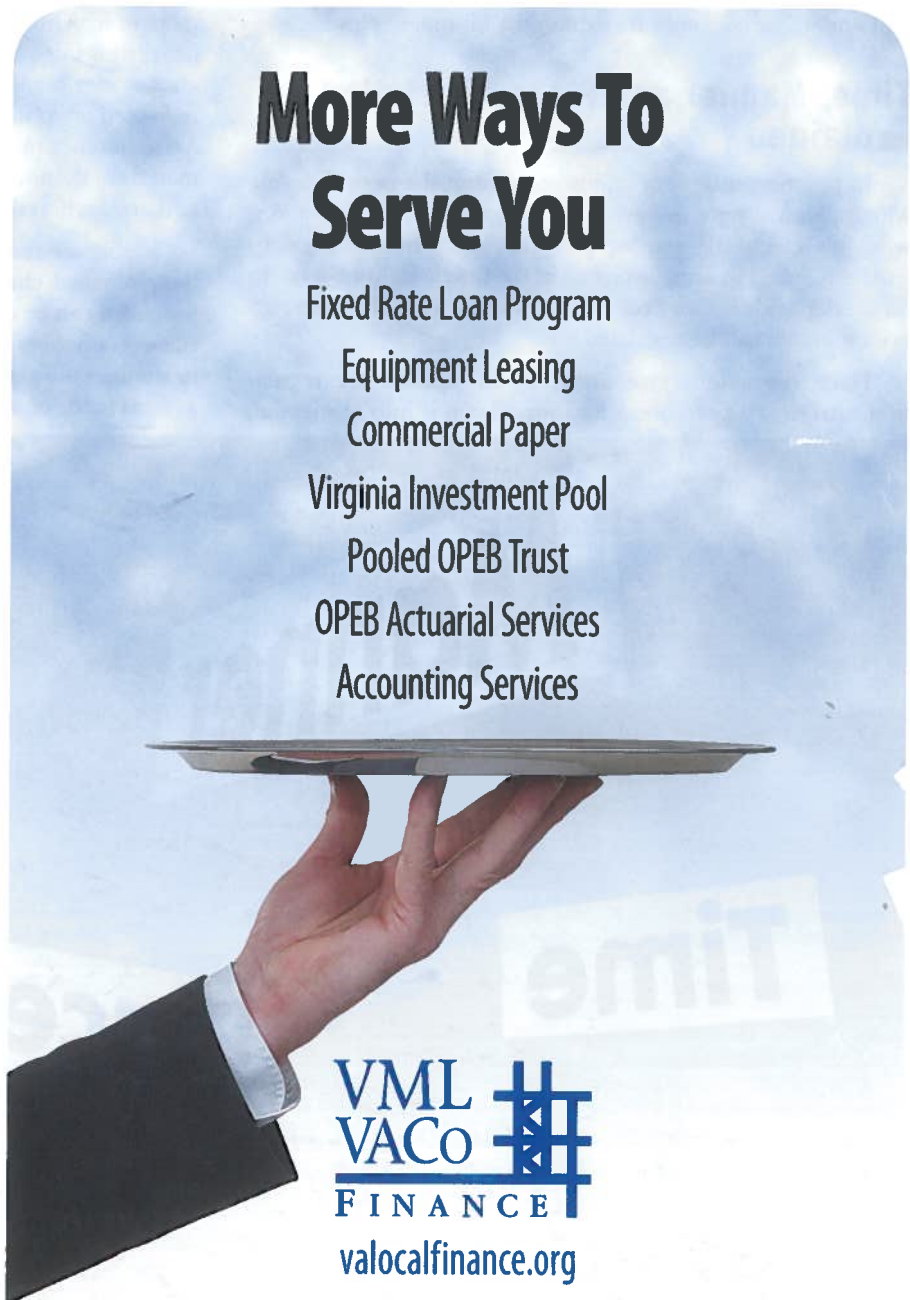
⁷ Court Order 1-2, 776 F.3d 229 (4th Cir. 2015)

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

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

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

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



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DIVISION 3. - EXTERIOR SIGNS

Sec. 24-65. - Statement of intent.

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

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

Sec. 24-66. - Definitions.

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

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

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

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

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

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

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

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


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

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



Figure 1a Freestanding sign where letters/ logos

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



Figure 1d Freestanding sign where letters/ logos

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

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

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

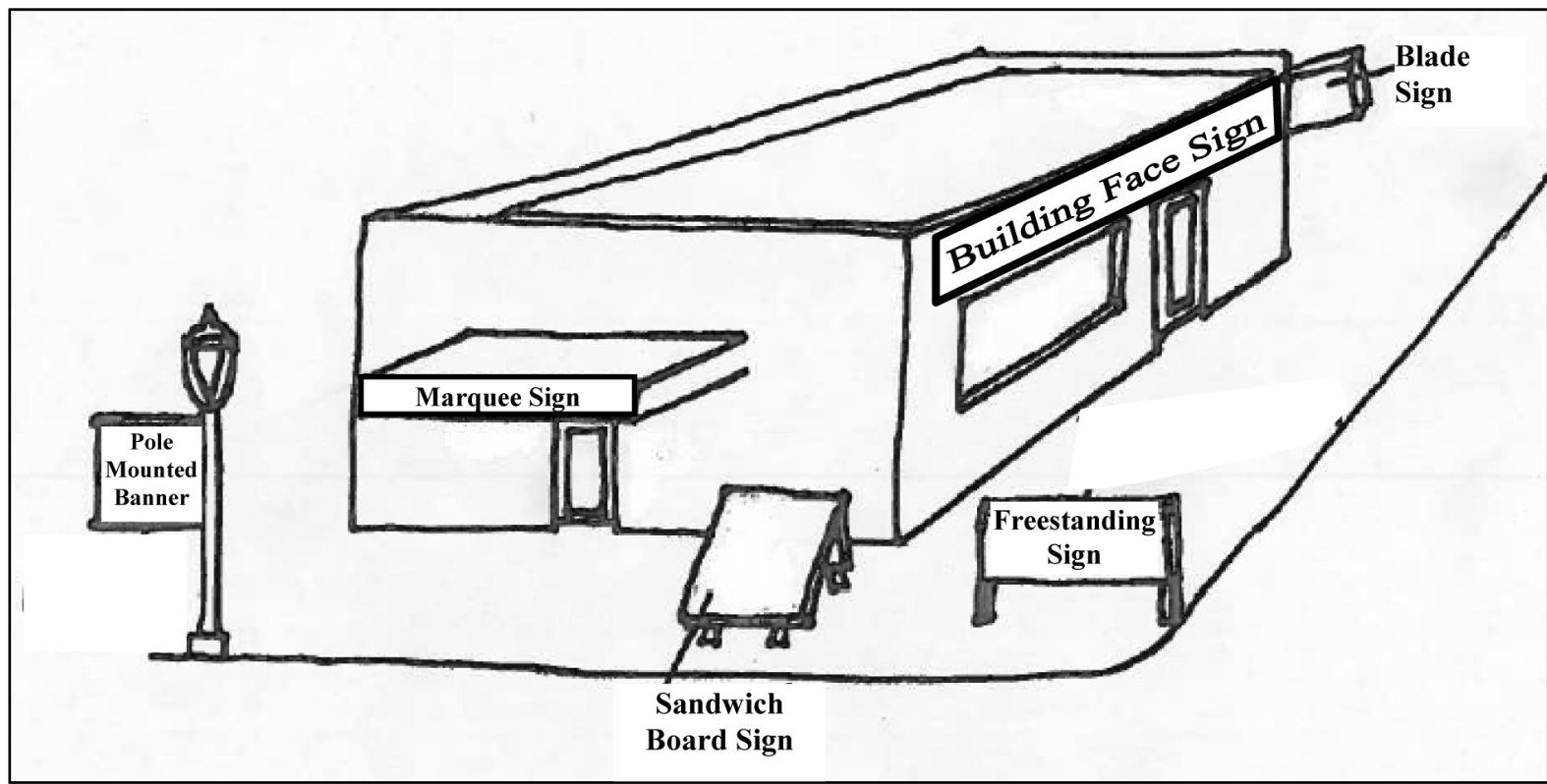
Marquee sign. Any sign attached to or hung from a marquee. For the purpose of this article, a "marquee" is a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

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

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

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

Figure 2- Types of signs



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

Sec. 24-67. - Permits.

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

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

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

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

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

Sec. 24-68. - Content of signs.

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

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

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

Sec. 24-69. - Residential subdivision signs.

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

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

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

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

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

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

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

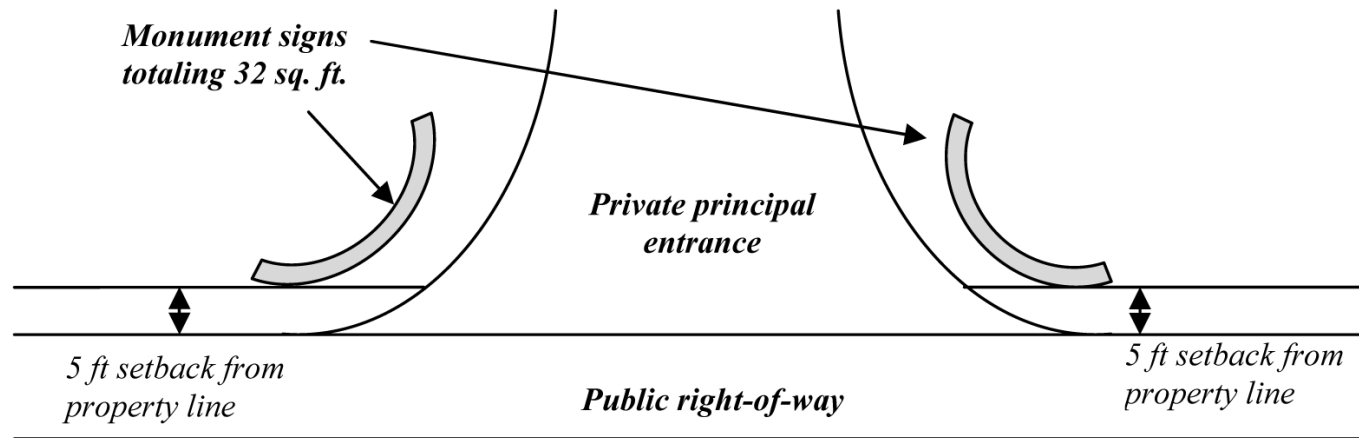
Sec. 24-70. - Freestanding signs.

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

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

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

Figure 3- Two freestanding signs placed at a principal entrance



(c) *Sign lighting.*

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

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

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

Figure 4- Options for sign mounted lighting

Figure 4a- Sign mounted lighting (side view)

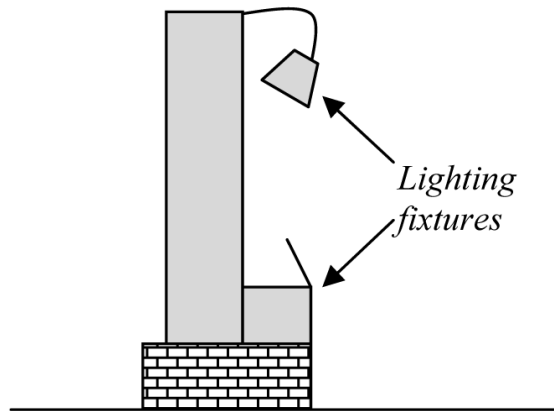
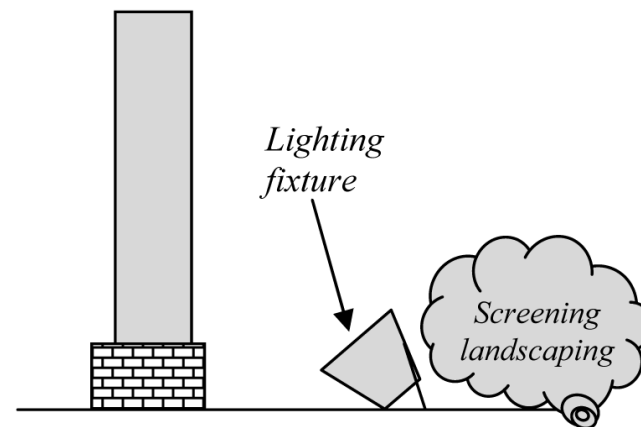


Figure 4b- ground mounted lighting (side view)

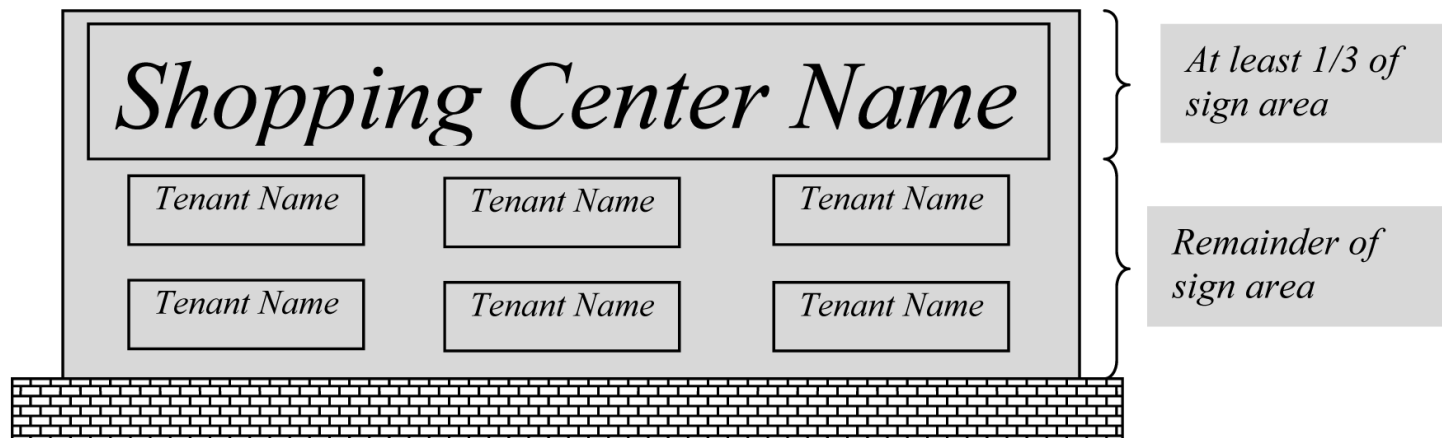


- (3) Signs shall cast no glare upon any adjacent property or public or private right-of-way.
- (d) *Signs for individual stores, businesses or professions on the same property.* Individual stores, businesses or professions on the same property, exclusive of shopping centers, shall combine signs on a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

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

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

Figure 5- Alternative shopping center sign



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

Sec. 24-71. - Building face signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (d) *Signs on corner lots.* Except for those provided for under section 24-69 and 24-70, signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, the administrator or his designee may permit setbacks of less than 50 feet.
- (e) *Directional signs.* Directional signs may be allowed upon the determination of the administrator or his designee that the sign(s):
- (1) Are necessary to permit vehicular traffic to locate distinctive places of historical significance, businesses, campgrounds, industries, residential areas, or other activities which are located off the state primary roads;
 - (2) Show only the name and/or logo, mileage and direction; and
 - (3) Do not exceed ten square feet in size or seven feet in height.
- (f) *Freestanding signs on properties adjacent to and visible from residential districts.* On properties adjacent to residential districts, any freestanding sign, visible from an adjacent residential district, shall be limited to 32 square feet in area. The top of the freestanding sign shall not exceed 15 feet above grade. If illuminated, freestanding signs within these areas shall be signs composed of:
- (1) Back-lit or lighted channeled letters; or
 - (2) Shall be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.
- In either case, there shall be no glare cast upon any adjacent property or public or private right-of-way. The freestanding sign shall be lit only during the normal operating hours of the associated use.
- (g) *Signs for new commercial, industrial, and institutional construction projects.* Temporary nonilluminated signs may be erected in connection with new commercial, industrial, and institutional development and displayed on the premises during such time as the actual construction work is in progress. The signs shall also conform with the following criteria:
- (1) The maximum number and size of signs shall be:
 - a. A maximum of three signs with a cumulative sign area not to exceed 24 square feet; or,
 - b. A maximum of one sign with a sign area not to exceed 32 square feet.
 - (2) The sign(s) shall only be placed along one of the property's street frontages.

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

pedestrians;

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

Sandwich board signs must adhere to the following requirements:

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

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

Sec. 24-74. - Exemptions.

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

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

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

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

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

Sec. 24-75. - Prohibited signs.

The following signs are specifically prohibited:

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

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

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

Sec. 24-76. - Temporary signs.

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

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

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

Sec. 24-77. - Exceptions.

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

feet of residentially zoned property; and

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

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

Sec. 24-78. - Abandoned signs.

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

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

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

Sec. 24-79. - Violations.

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

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

Secs. 24-80—24-85. - Reserved.