

**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**  
**November 10, 2016**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. August 25, 2016 Meeting Minutes
2. September 15, 2016 Meeting Minutes

**D. OLD BUSINESS**

1. ZO-0014-2016. 2016 Sign Ordinance Update

**E. NEW BUSINESS**

**F. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 11/10/2016  
TO: The Policy Committee  
FROM: Paul D. Holt, III, Secretary  
SUBJECT: August 25, 2016 Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
▣	August 25, 2016 Meeting Minutes	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Secretary, Policy	Approved	11/1/2016 - 9:38 AM

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building D Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**August 25, 2016**  
**2:00 PM**

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**A. CALL TO ORDER**

Mr. Rich Krapf called the meeting to order at 2:00 p.m.

**B. ROLL CALL**

Present:

Mr. Rich Krapf  
Mr. Heath Richardson  
Mr. Danny Schmidt  
Mr. John Wright

Absent:

None

Staff:

Mr. Bryan Hill, County Administrator  
Mr. Paul Holt, III, Director of Community Development and Planning  
Ms. Tammy Rosario, Principal Planner  
Ms. Christy Parrish, Zoning Administrator  
Ms. Roberta Sulouff, Planner  
Ms. Kate Sipes, Assistant Director of Economic Development  
Ms. Laura Messer, Event Coordinator  
Ms. Tori Haynes, Community Development Assistant

**C. MINUTES**

There were no minutes to approve.

**D. OLD BUSINESS**

1. ZO-0010-2016, Mobile Food Vending Vehicles, Business and Community Input Meeting

Ms. Roberta Sulouff presented the results of the food truck survey and gave an overview of the proposed ordinance to allow food trucks in the M-1, M-2, PUD-C, and PL zoning districts.

Mr. Krapf asked Mr. Paul Holt to clarify the difference between food trucks and ice cream trucks.

Mr. Holt stated that food trucks are covered under County Code Chapter 24, Zoning. Ice cream trucks and other vendors that operate inside the right of way are covered under County Code Chapter 13, Motor Vehicles and Traffic. He stated that the Planning Commission is limited to amending Chapters 19 and 24 only. Any changes to Chapter 13 must be initiated by the Board of Supervisors. Mr. Holt stated that if the Policy

Committee would like to look into amending Chapter 13, he would be happy to pass along the information to the Board of Supervisors.

Mr. Krapf moved the discussion on ice cream trucks to the end of the meeting. He opened the floor to public comment.

Mr. Jim Kennedy, owner of Foodatude, spoke in favor of allowing food trucks.

Mr. Jason Wade, co-owner of Two Drummers Smokehouse, spoke in favor of allowing food trucks.

Ms. Donna Oard, owner of Karnage Asada Food Truck, spoke in favor of allowing food trucks.

Mr. Lenny Berl spoke against allowing food trucks to operate when not part of a special event.

Ms. Cassandra Ayala, owner of Cast Iron Catering Company and Sofrito, spoke in favor of allowing food trucks.

Ms. MJ Medlar, representing Street Food Revolutionaries, spoke in favor of allowing food trucks.

Ms. Karen Riordan, representing the Greater Williamsburg Chamber and Tourism Alliance, spoke in favor of allowing food trucks.

Ms. Lucy Sharpe, owner of The Grilled Cheese Academy, spoke in favor of allowing food trucks.

Mr. John Wade, co-owner of Two Drummers Smokehouse, spoke in favor of allowing food trucks.

Mr. Kennedy asked if the Economic Development Authority (EDA) would be making a comment.

Ms. Kate Sipes stated the EDA would be providing a letter of support at a later time.

Mr. Krapf initiated the Committee discussion.

Mr. John Wright asked if staff had researched the proposed food truck ordinance in the City of Williamsburg.

Ms. Sulouff stated that staff began their research before the City of Williamsburg started developing their ordinance.

Mr. Holt stated that staff can provide the City of Williamsburg's draft ordinance at the September meeting.

Mr. Danny Schmidt asked when York County began their food truck ordinance process.

Ms. Sulouff replied about a year ago.

Mr. Schmidt asked if staff had been in contact with York County Planning staff regarding the ordinance.

Ms. Sulouff stated that staff reached out to York County during the research phase, and they had not noted any major concerns at this point.

Mr. Heath Richardson suggested amending the 100-foot setback from residences and restaurants to allow food trucks closer than 100 feet when permission is explicitly granted by the property owner.

Mr. Wright asked the owners of Two Drummers Smokehouse if this regulation prevented them from parking their food truck in their restaurant's parking lot.

Mr. Wade replied that the restaurant serves as the food truck's commissary for their catering service, which allows their food truck to be parked next to their own restaurant under current regulations.

Mr. Krapf clarified that they can park in their parking lot, but cannot currently vend out of it.

Mr. Richardson asked if the 100-foot setback would apply if a residential neighborhood invited a food truck to a special event.

Ms. Christy Parrish clarified that residential districts have not been included in the proposed amendments. Additionally, food trucks are already allowed for special events or private catering services. She further explained that a catered private party is not considered a zoning issue because it is a temporary service to a select clientele. The proposed amendments apply only to food trucks that vend to the general public outside of special events or catering.

Mr. Krapf asked staff to add clarifying language to make it clear that this ordinance pertains to food truck vending operations.

Ms. Parrish suggested incorporating the clarifications into the accompanying policy guide. Mr. Holt concurred.

Mr. Chris Prince, owner of Poor Boys Burgers, asked that the Policy Committee consider specific language for food trailers. He stated that he is the owner of a food trailer, which is a fully contained kitchen towed by another vehicle, and was told that he did not meet the definition for food trucks in another locality.

Mr. Krapf noted the distinction.

Ms. Sulouff, addressing an earlier question, stated that Section 24-49(a) of the draft regulations specifies "when not in conjunction with a special event, for which a special event permit would be required per chapter 14 of the James City County Code, the operation of food trucks on appropriately zoned properties shall be permitted by administrative permit." She asked the Policy Committee for further direction in clarifying the language for special events, catering trucks, and food trucks.

Mr. Krapf suggested cross-referencing existing County Code sections that apply to catering and special events to differentiate from the regulations for food trucks.

Mr. Wright asked if the map presented at the meeting would be available to the public.

Mr. Holt stated that staff would make the map available electronically.

Mr. Krapf asked if the Policy Committee would still like to reduce the annual \$20 administrative fee to a one-time fee, as had been expressed at previous meetings.

The Committee members confirmed that they would.

Mr. Wright asked if the lighting regulations would be adequate for the safety of food truck operators and their patrons in parking lots at night. He also expressed concern that if lights are too bright, nearby drivers could be distracted at night.

Mr. Holt stated that the Zoning Ordinance already regulates lighting in parking lots, so he did not anticipate any problems with safety due to lighting.

Mr. Schmidt asked the audience where they typically install their lights.

Mr. Wade stated above the service window and menu areas.

Mr. Krapf stated that the draft ordinance already allows lighting on the menu board and customer areas.

Mr. Wright asked if one trash receptacle is adequate.

Ms. Sulouff confirmed that it would be, and is consistent with other localities' requirements.

Mr. Krapf, addressing the earlier discussion on ice cream trucks, confirmed that the Policy Committee would not be pursuing amendments for ice cream trucks at this time.

**E. NEW BUSINESS**

There was no new business.

**F. ADJOURNMENT**

Mr. Richardson made a motion to adjourn, and Mr. Krapf adjourned the meeting at approximately 3:10 p.m.

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Mr. Rich Krapf, Chair

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Mr. Paul Holt, Secretary

**ITEM SUMMARY**

DATE: 11/10/2016  
TO: The Policy Committee  
FROM: Paul D. Holt, III, Secretary  
SUBJECT: September 15, 2016 Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
▣	September 15, 2016 Meeting Minutes	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Secretary, Policy	Approved	11/1/2016 - 9:47 AM

**MINUTES**  
**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**

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**A. CALL TO ORDER**

Mr. John Wright called the meeting to order at 4:00 p.m.

**B. ROLL CALL**

Present:

Mr. John Wright  
Mr. Heath Richardson  
Mr. Danny Schmidt

Absent:

Mr. Rich Krapf

Staff:

Mr. Paul Holt, Planning Director  
Ms. Tammy Rosario, Principal Planner  
Ms. Christy Parrish, Zoning Administrator  
Mr. Max Hlavin, County Attorney  
Ms. Kate Sipes, Assistant Director of Economic Development  
Mr. Scott Whyte, Senior Planner II  
Ms. Savannah Pietrowski, Planner  
Ms. Roberta Sulouff, Planner  
Ms. Laura Messer, Event Coordinator  
Ms. Tori Haynes, Community Development Assistant

**C. MINUTES**

1. July 14, 2016 Minutes

The minutes of the July 14, 2016 regular meeting were approved 3 – 0.

**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

Ms. Roberta Sulouff stated that staff incorporated feedback from the August 11 and 25 meetings, as well as the County Attorney, into the Stage III draft ordinance revisions. Most notably, revisions were made to Section 24-2 to create a definition for mobile food vending vehicles, and to Special Regulations to create an administrative permit process and operational guidelines. In Section 24-2, revisions further clarify the types of vehicles and products under the mobile food vending definition. In Special Regulations,



clarifications were made to ownership language, and to delineate privately catered events. Revisions to this section also removed the requirement of a site sketch, changed the annual \$20 fee to a one-time fee, and added language allowing food truck operators to include multiple vehicles on one permit.

Ms. Sulouff stated that at the aforementioned meetings, the Policy Committee also asked staff to report on the status of the City of Williamsburg's Zoning Ordinance amendments, and to verify the permit fees presented at the August 25 meeting. Regarding the City of Williamsburg's Zoning Ordinance amendment process, Ms. Sulouff stated that draft ordinance language went before the City's Planning Commission on September 14, 2016 and closely resembled York County's ordinance. Regarding the permit fees, staff reviewed the fees shown for each locality and verified via the websites and ordinances of those localities that the fees shown represented the most up-to-date information for the administrative zoning permits.

Ms. Sulouff then asked the Policy Committee about three final considerations. First, should the one-time permit fee be removed altogether. Second, should the ordinance language more strongly indicate that a business license must be displayed at the time of operation, or should that information be written into a separate FAQ sheet. And third, could the 100-foot setback from an existing restaurant or residence be waived with permission from the property owner.

Mr. Heath Richardson asked for clarification on removing the permit fee.

Ms. Sulouff stated that Zoning staff had indicated that such a nominal fee cost had limited benefits and could be difficult to track over the lifetime of a company.

Mr. Wright asked for clarification on the language for business licenses.

Ms. Sulouff stated that there was confusion about why a business license is not required at the time of application, but is required to be displayed at the time of operation. Ms. Sulouff explained that, similar to a home occupation, applicants are required to get a zoning permit prior to a business license, and then the business license must be obtained and displayed during operation. Ms. Sulouff asked if the ordinance language makes it clear enough that a business license must be obtained after the zoning permit. If not, should the ordinance language be further clarified, or should information about the business license process be included in a separate FAQ sheet.

Mr. Paul Holt stated that the FAQ sheet would accompany applications and be available online.

Ms. Christy Parrish stated that the zoning permit itself could also include a copy of the regulations.

Mr. Wright made a motion to approve the idea of attaching a FAQ sheet to the application. The motion passed 3 – 0.

Mr. Richardson made a motion to remove the proposed \$20 fee. The motion passed 3 – 0.

Mr. Richardson stated that Mr. Holt had explained to him that waiving the 100-foot setback from a residence or business when permission is granted by the property owner

would be difficult to enforce. He suggested leaving the 100-foot setback, noting that it could be revisited in the future should there be a need.

Mr. Richardson made a motion to approve the 100-foot setback as written. The motion passed 3 – 0.

Mr. Holt suggested amending the motion to include the word “offsite” in the setback language. The amended motion passed 3 – 0.

Mr. Wright asked if the definition for mobile food vending vehicles needs to stipulate “walk-up paying customers” instead of “walk-up customers” to distinguish from special events.

Ms. Parrish noted that food trucks at special events could have walk-up paying customers, so there would be no distinguishment.

Mr. Holt stated that stronger language was added to Section 24-49 to specifically exclude special events.

Mr. Wright stated that he received the email from the Economic Development Authority (EDA) asking to add the B-1 district to the list of zoning districts that will allow food trucks. He asked staff if this is the appropriate time to add the B-1 district.

Ms. Sulouff stated that the initiating resolution for the B-1 district will be going to the Board of Supervisors in late September. She asked the Policy Committee if they would like to use the same community input process, including a survey and public meeting, that was used for the original district considerations in August.

The Committee expressed support for using the same process.

Mr. Schmidt and Mr. Wright expressed concern that using extension cords to power food truck equipment could pose a safety hazard.

Ms. Sulouff stated that staff has been working with the Fire Department to develop inspection standards for food trucks, and that she would ask them about extension cords.

Mr. Richardson made a motion to forward the draft ordinance as amended to the Planning Commission. The motion passed 3 – 0.

2. Communications Facilities, Antennas, Towers and Support Structures, Stage III Follow-Up

Ms. Savannah Pietrowski presented the staff report, stating that since the Policy Committee’s Stage III review of the CATS ordinance in August, staff became aware that Section 24-34 would also be affected by the ordinance amendments. Ms. Pietrowski stated that staff’s proposed revisions to this section ensure there are no conflicts with the revisions that have already been made, and also incorporate FCC exemptions for smaller home satellite dishes. A reference to Section 24-34 was also inserted into the CATS ordinance. She welcomed any questions.

Mr. Wright asked if “roofline” is defined by the eave or the peak.

Mr. Holt replied the eave, which staff would verify with the consulting attorney.

Mr. Schmidt made a motion to approve the CATS ordinance with the proposed amendments to Section 24-34. The motion passed 3 – 0.

## **E. NEW BUSINESS**

### **1. Updates to the James City County Sign Ordinance**

Mr. Holt explained that the sign ordinance must be amended to comply with a recent Supreme Court ruling that deems content-based sign regulations to be in violation of the First Amendment. He noted that the County's sign ordinance will require extensive updating to become content-neutral, and suggested that the Policy Committee take time to become familiar with the current ordinance and Supreme Court ruling before beginning the formal review next month. Mr. Holt further explained that the first phase of amendments will address content-neutral compliance, with substantive changes being incorporated at a later time.

Mr. Wright expressed concern about profane signage if content cannot be regulated. He asked if there are other code sections that prohibit profanity.

Mr. Max Hlavin stated there are some exceptions to the First Amendment that can allow governments to restrict public profanity, but it is not necessarily codified in the County Code at this time.

Mr. Schmidt asked if any problems with profane signage had occurred in the last five years.

Mr. Holt and Mr. Hlavin replied no.

Mr. Richardson supported focusing on content-neutral compliance before incorporating substantive changes. He expressed concern about negative impacts to the community's sense of character.

Mr. Holt and Ms. Parrish discussed some examples of content-neutral changes, noting that a particular type of sign can either be allowed or prohibited altogether, but it cannot be regulated based on what the sign says. Mr. Holt stated an example would be banner signs in shopping center parking lots, which can no longer be restricted to seasonal holiday messages.

Mr. Schmidt asked about the time frame for the ordinance amendments since the Supreme Court decision already went into effect.

Ms. Parrish clarified that staff would not enforce sign regulations that are conflict with the Supreme Court ruling.

Mr. Holt was hopeful that the amendments would pass before next year's work plan begins. He noted that there would be nothing to vote on today.

## **F. ADJOURNMENT**

Mr. Richardson made a motion to adjourn, and Mr. Wright adjourned the meeting

at approximately 4:55 p.m.

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Mr. John Wright, Acting Chair

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Mr. Paul Holt, Secretary

**ITEM SUMMARY**

DATE: 11/10/2016  
TO: The Policy Committee  
FROM: Paul D. Holt, III, Planning Director  
SUBJECT: ZO-0014-2016. 2016 Sign Ordinance Update

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As discussed during the September 15 and October 13 Policy Committee meetings, the Supreme Court last year issued a ruling that will require amendments to the James City County Zoning Ordinance.

In summary, 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.

As requested during the October 13 Policy Committee meeting, attached is a draft re-write of the Sign Ordinance that is content-neutral. Also attached is a strike-through version of the ordinance, as well as a PowerPoint presentation that summarizes the needed changes.

Staff looks forward to discussing this item with the Policy Committee. Staff recommends the Policy Committee recommend approval of these changes and forward its recommendation to the Planning Commission.

**ATTACHMENTS:**

	Description	Type
▣	Sign Ordinance Update - Summary Presentation	Backup Material
▣	Draft sign ordinance - strike through version	Backup Material
▣	Draft sign ordinance - clean version	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	11/4/2016 - 9:07 AM



# Sign Ordinance Update

November 10, 2016  
Policy Committee

# Purpose of Zoning Ordinance Update

## *Supreme Court Decision*

### *Reed v. Town of Gilbert, Arizona*

The United States Supreme Court ruled that localities may not regulate the sign's **content**. Content based ordinances could likely violate the First Amendment. However, localities may regulate the sign's location, size, lighting etc.

# Overview of Changes

## Section 24-65 . Statement of Intent

- *General updates to clarify the purpose of the sign ordinance.*
  - *Regulations attempt to*
    - *Achieve the proper balance among businesses, customers and rights of person to exercise their First Amendment rights.*
    - *Protect the appearance of the county.*



# Overview of Changes

## Applicability (New Section)

- *Inserted new section to clarify as to when the sign ordinance applies.*
  - *Location of signage*
  - *Erection of signage*
  - *Enlargement of signage*
  - *Expansion of signage*
  - *Alteration of signage*
  - *Operation maintenance of signage*
  - *Relocation of signage*
  - *Removal of signage*

# Overview of Changes

## Section 24-66. Definitions

- *Several definitions were added or amended to ensure clarity and consistency:*
  - *New Definitions:*
    - *A-Frame signs (also known as sandwich board signs)*
    - *Community Character areas or corridors*
    - *Electronic display signs*
    - *Good Repair*
    - *Ground sign*
    - *Off-premises sign*
    - *Store-within-a store*
    - *Symbol*

# Overview of Changes

## Section 24-66. Definitions

### – *Amended*

- *Flashing sign (removed the exemption for LED signage for gas pump pricing)*
- *Sign (clarified and expanded)*

# Overview of Changes

- Section 24-67. Permits
  - *(1) Removed content reference in the last sentence.*
- Section 24-68. Content of Signs
  - *Section removed in its entirety*

# Overview of Changes

- Section 24-69. Residential subdivision signs
  - *Revised to be content neutral*
    - *Signage may not be limited to identifying the residential subdivision's name.*
    - *Renamed section to “Freestanding Signs on Residentially Zoned Properties” and specified each residential zoning district.*
    - *Eliminated references to content such as “For identification of residential subdivisions”*
    - *Revised current ordinance language which address location, size, heights, lighting, etc.*
    - *Deleted (24-69 (c) - Content of residential signs*

# Overview of Changes

- Section 24-70. Freestanding Signs
  - *Revised to be content neutral*
    - *Renamed section to “Freestanding Sign on Non-Residentially Zoned Properties” and specified each non-residential zoning district.*
    - *24-70 (a) – Revised for clarity and to ensure properties zoned*
    - *24-70 (c) – Clarified sign lighting language within a community character corridor or area.*
    - *Eliminated content reference such as:*
      - *24-70 (e) - Permitted the sign to display only the shopping center’s name*
      - *24-70(f) - Permitted the sign to display only the shopping center’s name and individual stores / businesses. Deleted item 7 and figure 5.*

# Overview of Changes

- Section 24-71. Building Face Signs
  - *Revised to be content neutral*
    - 24-71(a) - *Generalized language which allows for larger signs in industrial districts.*
    - 24-71 (c) - *Clarified sign lighting language within a community character corridor or area.*
    - 24-71(e) - *Generalized language which allows up to four (4) additional signs in addition to the main sign for stores that exceed 40,000. Eliminated language restricting the signs to advertise “retail departments” within the store.*
    - 24-71(g) – *Clarified existing language*

# Overview of Changes

- Section 24-72. Review criteria for backlit/channeled letter signs within community character areas along community character corridors
  - *Clarified existing language for continuity*



# Overview of Changes

- Section 24-73. Special regulation for certain signs
  - *Revised to be content neutral and clarity*
    - (a) *Revised language for clarity*
    - (e) *Directional Signs were deleted*
    - (f) *Removed last two sentences*
    - (g) *Signs for new commercial, industrial and institutional construction projects. Revised to eliminate content references.*
    - (h) – *Removed - Home Occupation sign addressed in 24-74*
    - (j) – *Revised for clarity and removed insurance requirement.*
    - (k) – *Pedestrian scale signs in a mixed use district – Eliminated item 4 which referenced content.*
    - (l) – *Pole-mounted banners. Eliminated seasonal content references.*

# Overview of Changes

- Section 24-73. Special regulation for certain signs
  - *Revised to be content neutral*
    - *(m) – Digital or LED signage. Removed special exception allowances that permit digital or LED signage only in the instances of advertising gas prices.*
    - *(n)- Sandwich board signs - Renamed to “A-Frame signs” to ensure signs are aligned to food truck ordinance. Also removed content reference to displaying menu items or daily specials.*

# Overview of Changes

- Section 24-74. Exemptions
  - *Revised to be content neutral*
    - (1 & 2) - *Removed references to specific signs erected by a governmental agency.*
    - (4) - *Removed content reference to residential real estate for sale or lease.*
    - (5) – *Removed content reference to commercial real estate for sale or lease.*
    - (6) - *Removed content references and added clarity for signs with valid building permits.*
    - (7) – *Deleted*
    - (9) – *Deleted*
    - (10) – *Home occupation signs - Revised for clarity*

# Overview of Changes

- Section 24-74. Exemptions
  - *Revised to be content neutral*
    - (12 & 14) - *Combined and revised to permit non-illuminated small scale signage in non-residential developments.*
    - (13) – *Deleted*
    - (15) – *Revised to remove content reference of seasonal agricultural projects for sale.*
    - (16) – *Deleted*
    - (17) – *Revised to remove content references conveying political, ideological, religious, social or governmental messages.*
    - (18) – *Revised to remove content references for Off-premises open house realty signage*

# Overview of Changes

- Section 24-75. Prohibited Signs
  - *Revised:*
    - (1) – *Removed reference that is being deleted*
    - (2) – *Updated and clarified language to ensure consistency with electronic display sign definition*
    - (5) - *Clarified sign lighting language within a community character corridor or area.*
    - (10) – *Updated for consistency to address signage on parked vehicles or trailers.*
    - (6 & 9) – *Simple word change and update reference*
    - (11) – *Revised to remove content references (for marking purposes) pertaining to pennants, ribbons, spinners, banners etc.*

# Overview of Changes

- Section 24-76. Temporary signs
  - Clarified section to ensure content neutrality
- Section 24-77. Exceptions
  - No change
- Section 24-78. Abandoned signs
  - Deleted in its entirety. The ordinance can no longer require signs to be removed from vacant properties.
- Section 24-79. Violations
  - No change

# Questions and Discussion

**Chapter 24 - ZONING**  
**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.~~

*These regulations attempt to achieve the proper balance among the commercial needs of businesses, the needs of customers, and the needs of motorists, visitors, residents and other persons moving through the public spaces of the county to be able to identify destinations and locations. These regulations also attempt to achieve the proper balance of the rights of persons to exercise their First Amendment rights and the need to protect the appearance of the county as an important factor in its economic well-being, as aesthetic and other quality of life considerations influence economic value.*

*Therefore, the intent of this article is to:*

- *Promote and protect the public health, safety, and welfare of the community;*
- *Establish limitations on signs to ensure that they are appropriate to the neighborhood, building, or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose as a means of communication without adverse impact on the visual character of the area;*
- *Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, excessive size or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs;*
- *Avoid visual clutter that is harmful to traffic and pedestrian safety, property values, and community appearance;*
- *Protect the historic and natural character of the community and enhance the physical appearance of all areas of the county;*
- *Improve pedestrian and traffic safety; and*
- *Enable the fair and consistent enforcement of these sign regulations.*



**Sec. 24-66. - Applicability.**

The regulations of this Division shall govern and control the location, erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of any sign within the county. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. These regulations dictate the display, location, and physical characteristics of signs subject to the procedures of this Division. The regulations of this Division shall be in addition to any applicable provisions of the Virginia Outdoor Advertising Act, 1950 Virginia Code Annotated section 33.1-351, et seq. (1984 Repl. Vol & 1989 Supp.), and the Uniform Statewide Building Code applicable to the construction and maintenance of signs. The regulations of this Division do not apply to property owned by the Commonwealth of Virginia or any governmental body created by the Commonwealth, or by the United States.

**Sec. 24-66-67. – Definitions.**

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

A-Frame sign. A sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an “A” shape structure which tapers from a wide base to a narrow top. This sign design is also known as a Sandwich Board sign.

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, or painted on, 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.

Community character areas or corridors (signage within). Any sign which is 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 or corridor, respectively, as identified on the James City County Comprehensive Plan Land Use Map.

*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.


*Electronic display sign.* A sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals, that are used to change the messages, intensity of light or colors displayed by such sign.

*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. *Also includes any sign with either flashing, running, or laser-generated lights or with lights that flash, blink pulse, strobe, scroll, or create an illusion of movement or that have a conspicuous and intermittent variation in illumination, appearance, color, or pattern.* 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.

*Good Repair, in. In good condition and not damaged.*

*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

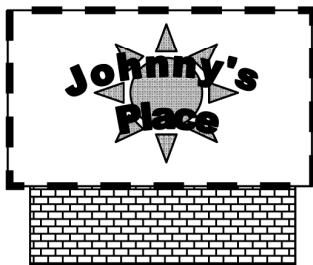
**Figure 1a-** Building mounted signs where letters are mounted individually and the sign uses external illumination or internally illuminated channel letters



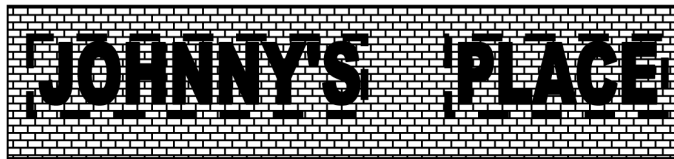
**Figure 1b-** Building mounted signs where the entire sign area is internally illuminated



**Figure 1c-** Freestanding sign where letters/logos are mounted as a connected group



**Figure 1d-** Freestanding sign where letters/logos are mounted individually



Ground sign. A freestanding sign, other than a monument or pole sign, placed upon supported by the ground independently of any other structure.

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

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

*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.

Off-premises sign. A sign that directs attention to a business, product, service, entertainment, or attraction sold, offered, created, furnished, or conducted at a location other than the premises on which the sign is erected.

*Projecting sign.* A sign that 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.

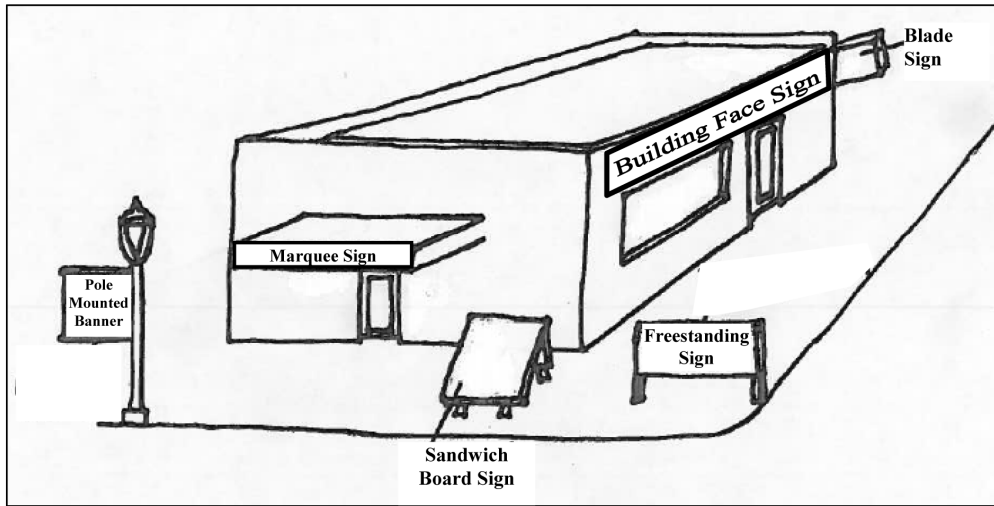
*Shopping center.* A group of four or more commercial establishments having a minimum combined total square footage of 25,000 square feet, planned, constructed, and/or managed as a single entity, with customer and employee parking provided onsite, provision for goods delivery separated from customer 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. Any structure, display, device, or other object or thing, or part thereof, visible from any public street or right-of-way, any area open to use by the general public, or any navigable body of water, including, but not limited to, any word, letter, series of words or letters, designs, symbols, fixtures, colors, illumination, painting, mural, logo, insignia, emblem, service mark, or other graphic or pictorial representation, that: (i) identifies or advertises, or directs or attracts attention to, any institution, organization, business, product, merchandise, service, event, business, or establishment; or (ii) suggests the identity or nature of any business or establishment; or (iii) invites or proposes a commercial transaction; or (iv) communicates a message of a noncommercial nature. For clarification, examples of items which typically do not satisfy the necessary elements of this definition and would not be considered signs include, but are not limited to, architectural elements incorporated into the style or function of a building, numerals signifying a property address, notifications of a "private residence," nonilluminated postings less than four square feet in size on private property in areas zoned agricultural, corner stones (or foundation stones) and flags of any nation, state, or municipality.~~

Store-within-a-store. Within retail structures which have an individual footprint in excess of 40,000 square feet in size, an area where the retailer rents a part of the retail space to be used by a different company to run another, independent store or where the retailer uses a part of the retail space to operate distinct departments.

Symbol. A thing that represents or stands for something else, especially a material object representing something abstract.

Figure 2- Types of signs



**Sec. 24-67-68. – 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~~ the administrator's designee. Before any permit is issued, an application provided by the administrator or ~~his~~ the administrator's 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~~ the administrator's 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.

**~~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).~~

**~~Sec. 24-69 – Residential Subdivision Signs~~ Freestanding Signs - Freestanding Signs on Residentially Zoned Properties.**

~~(a) Requirements.~~ For identification of residential subdivisions, On property that is zoned R1, R2, R3, R4, R5, R6, R8, A-1, MU, or PUD-R, 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~~

(a) One sign for each principal entrance shall be permitted if in compliance with the following regulations:

1. Such sign shall not exceed 32 square feet in area.
2. If freestanding, such sign shall not exceed a height of 15 feet above natural grade.
3. 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.
4. 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.
5. Such sign shall be bound by all other provisions of this section.
6. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

~~(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) Two signs for each principal entrance shall be permitted if in compliance with the following regulations:

1. The signs shall be placed on each side of the principal entrance.
2. The cumulative size of the signs at each principal entrance may not exceed 32 square feet in area.
3. Each sign shall not exceed a height of eight feet above natural grade.
4. 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.

5. 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.
6. Such sign shall be bound by all other provisions of this section.
7. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

~~(b) Special requirements for subdivision identification signs located within community character areas or along community character corridors.~~

(c) Special requirements for 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~~ residentially zoned property shall be provided to the administrator or ~~his~~ the administrator's designee along with the application and drawings as specified in section 24-~~67(1)-68~~.

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~~ residentially zoned property 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 residentially zoned property ~~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).~~

#### **Sec. 24-70 – ~~Freestanding Signs~~ Freestanding Signs on Non-Residentially Zoned Properties.**

On property that is zoned A-1, LB, B1, RT, MU, EO, PUD-C, M1, or M2, ~~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~~ on each street frontage shall be permitted if in compliance with the following regulations:

1. Such sign shall only be permitted on properties having street frontage.

~~1-2.~~ 2. 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.

~~2-3.~~ 3. 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.

~~3-4.~~ 4. Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.

5. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

(b) Two freestanding monument-style identification signs on each street frontage shall be permitted ~~on each street frontage~~ if in compliance with the following regulations:

1. Such sign shall only be permitted on properties having street frontage.

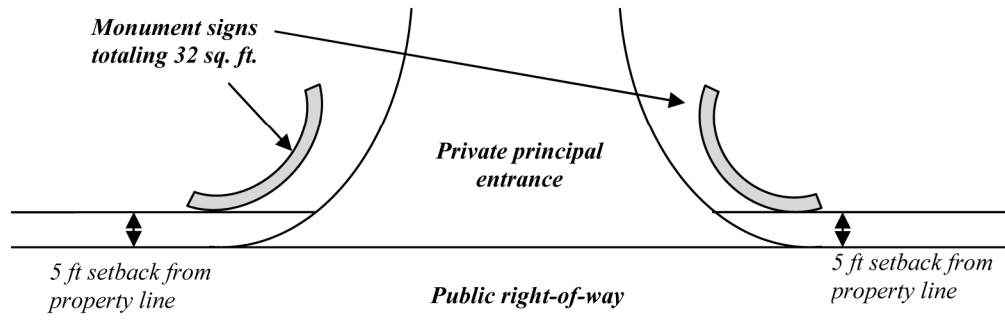
~~1-2.~~ 2. Sign location and setbacks. Such signs shall be placed on each side of the principal entrance. Such signs may only be placed on the property within the required sign setbacks. Sign setbacks shall be located at least five feet from any property line. If the signs are located at the corner of two rights-of-way, the signs may be placed no closer than ten feet to the corner property lines.

~~2-3.~~ 3. Sign area. The cumulative size of the signs at each entrance shall not exceed 32 square feet in area.

~~3-4.~~ 4. Sign height. Each sign shall not exceed an overall height of eight feet above natural grade.

5. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

**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.~~

Internally illuminated signs shall be prohibited 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 corridor or area as identified on the James City County Comprehensive Plan Land Use Map.

(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:

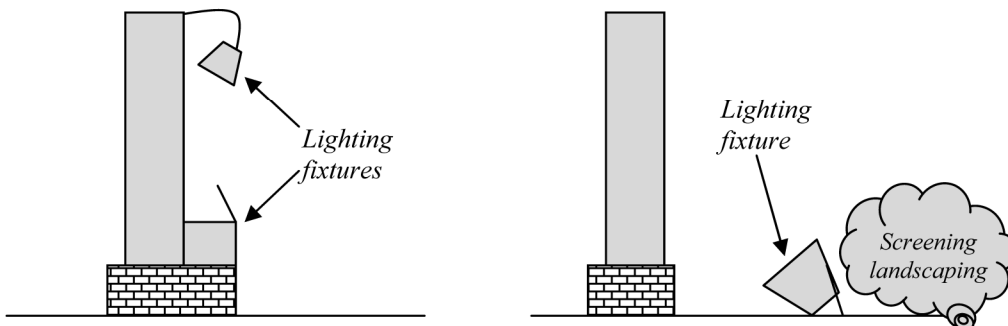
- a. ~~composed of a~~ back-lit or lighted channeled letters lettered sign as approved by the planning director in accordance with the criteria outlined in section 24-72 ~~except that changeable digital displays or LED displays used specifically for indication of gas pricing on the premises are exempt 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.
  - c. Sign lighting shall cast no glare upon any adjacent property or public or private right-of-way.
- (3) ~~Signs shall cast no glare upon any adjacent property or public or private right-of-way.~~ In either case of (a) or (b), above, signs shall cast no glare upon any adjacent property or public or private right-of-way.

**Figure 4-** Options for sign mounted lighting

**Figure 4a-** Sign mounted lighting (side view)      **Figure 4b-** ground mounted lighting (side view)

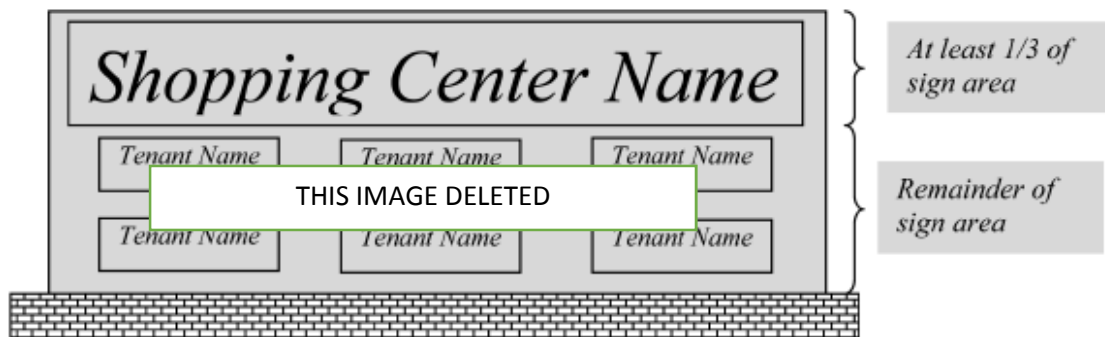


- (d) *Signs for individual stores, businesses or professions on the same property.* Individual stores, businesses or professions on the same property, exclusive of shopping centers, shall combine signs on a single standard and the square footage of the combined signs shall not exceed 32 square feet 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 subject to 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~~ *their* 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



## 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, if the footprint of a building for an individual use exceeds 40,000 square feet on property zoned M-1, M-2, PUD-C, or RT, 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 ~~68~~, 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 adjacent public roads.

(3) 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.~~

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 corridor or area as identified on the James City County Comprehensive Plan Land Use Map.

- (2) Illuminated, signs within community character areas and along community character corridors, as defined above in (c)(1)a. and b., shall be composed of:
- a. back-lit or ~~lighted~~ ~~channeled letters~~ lettered sign 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~~ a store within a store (i.e. e.g., bakery, restaurant, pharmacy, etc.), up to four additional building face signs ~~advertising these retail departments~~, in addition to the main 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~~ A building face sign, which is typically placed above the building's main public entrance, may be located on the side of the building that faces the public road right-of-way or parking lot. This provision applies only 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~~ No additional building face signs beyond the maximum number permitted by section 24-71 is permitted. ~~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.

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

In reviewing applications for signs containing back-lit or channeled ~~letters~~ lettered signs within community character areas and along community character corridors, the following criteria shall be used by the Planning Director in deciding whether to approve the application.

- (a) *Scale and proportion.* As determined by the Director of Planning, 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.* As determined by the Director of Planning, 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.* As determined by the Director of Planning, the area of the sign that is lit shall be less than the overall size of the sign. The lighting used shall be of a subdued nature and shall not dominate the streetscape.

**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.~~ Any symbol 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~~ their 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.~~
- (e) ~~(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.~~

~~(f)~~ ~~(g)~~ Additional signs during construction. 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 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).~~

(g) ~~(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~~ the administrator's designee may permit setbacks of less than five feet on any lot in a mixed-use district.

(h) ~~(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 subject to ~~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 of 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.

(i) ~~(k)~~ *Pedestrian-scale signs in mixed-use districts.* Small, free-standing signs ~~designed to direct pedestrian traffic to locations of interest within the development~~ internal to 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~~ subject to 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)~~ (4) 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~~ the director's designee.

(j) ~~(4) Pole-mounted banners. Seasonal and/or holiday banners~~ 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 ~~67~~) 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.~~

~~(k) (n) Sandwich board signs. A-Frame signs.~~ Sandwich board signs A-Frame 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~~ subject to an approved master plan of development, all of which shall have been 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~~ A-Frame signs must adhere to the following requirements:

- (1) One A-Frame sign ~~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.

A-Frame signs may also be permitted pursuant to Section 24-49.

#### **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 shall be erected or constructed 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;~~ Signs located on public rights-of-way that are erected and maintained by a governmental entity.
- (2) ~~Traffic signs authorized by the Virginia Department of Transportation to be placed on a street right of way;~~ Signs posted by or required to be posted by a governmental entity in compliance with a provision of federal, state, or local law located on a premises where an activity that necessitates the posting of such signage is or may be occurring.
- (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;~~ Temporary Residential Signs. On real property where a dwelling unit is being offered for sale or lease, one temporary on-premises nonilluminated sign for each street frontage is permitted, not more than six square feet in area.
- (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:~~ Temporary Non-Residential Signs. On real property where a non-residential structure or unit is being offered for sale or lease, one temporary on-premises nonilluminated sign is permitted, not more than six square feet, and provided such sign 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~~ on parcels for which a building permit has been issued for a new single-family residential dwelling unit and for such time as the building permit is valid, 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)~~ (7) 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)~~ (8) Home occupation signs not to exceed four square feet. Such signs shall:
- a. Not be illuminated.
  - b. Be attached to the dwelling.

On real property where a dwelling unit exists and for which there is an approved and valid Home Occupation permit, one on-premises nonilluminated sign is permitted, provided the sign is attached to the dwelling and does not exceed four square feet.

- ~~(11)~~ (9) 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;~~

(10) Ground-mounted signs within a business or manufacturing district or within a nonresidential development in any zoning district that have a maximum area of six square feet in area per sign face, are not internally illuminated, are not taller than 2.5 feet in height, and do not exceed four feet in height from grade. Such signs are allowed generally internal to the site with no limitation on the maximum number of signs. No such signs shall be located within required perimeter landscape buffers; however, one such sign shall be allocated at each vehicular entrance.

~~(15) (11) Temporary signs not to exceed 12 square feet per face erected for a period of up to 60 days, advertising seasonal products for sale within the general agricultural district. Temporary signs on property zoned general agricultural not to exceed 12 square feet per face erected for a period of up to 60 days.~~

~~(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) (12) Signs conveying political, ideological, religious, social or governmental messages unrelated to businesses, services or manufacturing activities or goods connected therewith; Temporary signs of a non-commercial nature may be displayed on private property, 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 such signs may be erected no more than 90 days in a calendar year.~~

~~(18) (13) Off premises, directional, temporary, and generic open house realty signs may be erected in any zoning district in accordance with the following regulations: When a dwelling unit for sale or lease is having an open-house, an off-premises temporary sign 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.~~

~~a. c.~~ No such sign shall exceed three square feet in area and three feet in height.

~~b. 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.

~~c. 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.~~

~~d. 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.

~~e. g.~~ Such signs shall be placed only on private property and only with the express consent of the owner of said property.

~~f. h.~~ Each sign shall contain 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.

#### **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) Electronic display signs; Flashing signs; Flashing, animated and rotating signs or appurtenances to signs which are nonstationary. Any sign that contains or consists of strings of light bulbs.
- (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.~~

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 or community character corridor as identified on the James City County Comprehensive Plan Land Use Map.

- (6) Signs ~~which~~ that 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~~ that 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)~~ (13).
- (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.~~ Any permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is not properly parked in a designated legal parking space. Said vehicles/equipment shall be in operating condition, currently registered and licensed to operate on public streets with a valid inspection sticker, and actively used in the daily function of the business; or shall be engaged in active construction projects; or shall be offered for rent to the general public and stored on-premises, except for those permitted by Section 24-74 (7).
- (11) ~~Pennants, banners, flags and other displays used for marketing or advertising except as provided in sections 24-73 (b) and 24-73 (l).~~ Any sign that consists of pennants, ribbons, spinners, blades, inflatables, or other similar moving devices. Pennants, banners, flags, and other displays except as provided in sections 24-73 (b) and 24-73 (l). Such devices, when not part of any sign, are also prohibited when intended to attract attention to the establishment on which they are located.



## Sec. 24-76. - Temporary signs.

Upon application, the zoning administrator or ~~his~~ the administrator's designee ~~may~~ shall 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.~~ for a period not to exceed 30 days for the following signs and displays:

- (1) Signs or banners of not more than 32 square feet ~~advertising~~ at the site of 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.~~ Signs or banners of not more than 32 square feet at the site of public demonstrations.
- (3) ~~Special decorative displays used for the purposes of advertising the opening of a new store, business or profession.~~ Banners not to exceed 32 square feet in size used at the site of a property a new store, business or profession opening.

## Sec. 24-77. - Exceptions.

- (a) Upon application, the administrator or ~~his~~ the administrator's 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 that 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~~ their 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 sign(s) 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.

**Sec. 24-78. – ~~Abandoned signs~~ Reserved.**

~~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.~~

**Sec. 24-79. - Violations.**

Prior to any criminal or civil enforcement under this section, the administrator or ~~his~~ the administrator's 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 sign affixed to any object, such sign shall be removed immediately, and if not, the administrator or ~~his~~ the administrator's 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 shall not affect any proceedings instituted prior to removal of such sign. Removal of signs in VDOT right-of-way or signs affixed to any objects within VDOT right-of-way and prosecution of violations for signs located in VDOT right-of-way shall be in accordance with the procedures set forth by agreement between the county and VDOT.

**Chapter 24 - ZONING**  
**DIVISION 3. – EXTERIOR SIGNS**

**Sec. 24-65. - Statement of intent.**

These regulations attempt to achieve the proper balance among the commercial needs of businesses, the needs of customers, and the needs of motorists, visitors, residents and other persons moving through the public spaces of the county to be able to identify destinations and locations. These regulations also attempt to achieve the proper balance of the rights of persons to exercise their First Amendment rights and the need to protect the appearance of the county as an important factor in its economic well-being, as aesthetic and other quality of life considerations influence economic value.

Therefore, the intent of this article is to:

- Promote and protect the public health, safety, and welfare of the community;
- Establish limitations on signs to ensure that they are appropriate to the neighborhood, building, or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose as a means of communication without adverse impact on the visual character of the area;
- Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, excessive size or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs;
- Avoid visual clutter that is harmful to traffic and pedestrian safety, property values, and community appearance;
- Protect the historic and natural character of the community and enhance the physical appearance of all areas of the county;
- Improve pedestrian and traffic safety; and
- Enable the fair and consistent enforcement of these sign regulations.

**Sec. 24-66. - Applicability.**

The regulations of this Division shall govern and control the location, erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of any sign within the county. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. These regulations dictate the display, location, and physical characteristics of signs subject to the procedures of this Division.

The regulations of this Division shall be in addition to any applicable provisions of the Virginia Outdoor Advertising Act, 1950 Virginia Code Annotated section 33.1-351, et seq. (1984 Repl. Vol & 1989 Supp.), and the Uniform Statewide Building Code applicable to the construction and maintenance of signs. The regulations of this Division do not apply to property owned by the Commonwealth of Virginia or any governmental body created by the Commonwealth, or by the United States.

#### **Sec. 24-67. – Definitions.**

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

*A-Frame sign.* A sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an “A” shape structure which tapers from a wide base to a narrow top. This sign design is also known as a Sandwich Board sign.

*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, or painted on, the face of 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.

*Community character areas or corridors (signage within).* Any sign which is 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 or corridor, respectively, as identified on the James City County Comprehensive Plan Land Use Map.

*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.

*Electronic display sign.* A sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals, that are used to change the messages, intensity of light or colors displayed by such sign.


*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. Also includes any sign with either flashing, running, or laser-generated lights or with lights that flash, blink pulse, strobe, scroll, or create an illusion of movement or that have a conspicuous and intermittent variation in illumination, appearance, color, or pattern. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign.

*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.

*Good Repair, in.* In good condition and not damaged.

*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

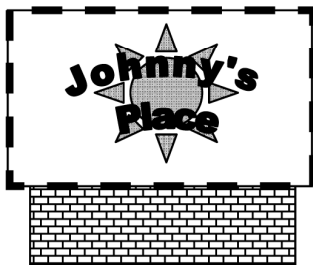
**Figure 1a-** Building mounted signs where letters are mounted individually and the sign uses external illumination or internally illuminated channel letters



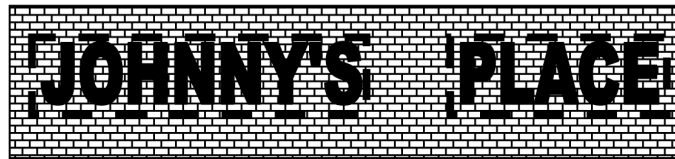
**Figure 1b-** Building mounted signs where the entire sign area is internally illuminated



**Figure 1c-** Freestanding sign where letters/logos are mounted as a connected group



**Figure 1d-** Freestanding sign where letters/logos are mounted individually



**Ground sign.** A freestanding sign, other than a monument or pole sign, placed upon supported by the ground independently of any other structure.

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

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

**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.

*Off-premises sign.* A sign that directs attention to a business, product, service, entertainment, or attraction sold, offered, created, furnished, or conducted at a location other than the premises on which the sign is erected.

*Projecting sign.* A sign that 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.

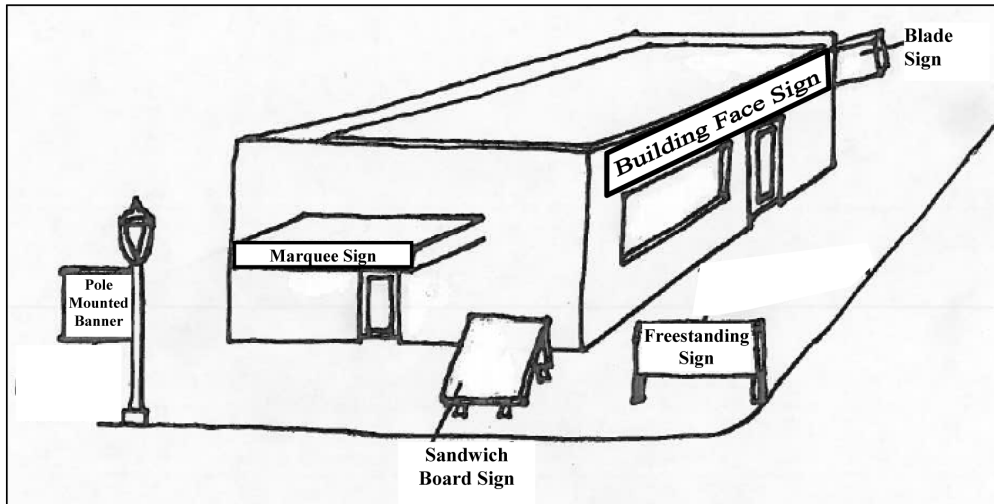
*Sign.* Any structure, display, device, or other object or thing, or part thereof, visible from any public street or right-of-way, any area open to use by the general public, or any navigable body of water, including, but not limited to, any word, letter, series of words or letters, designs, symbols, fixtures, colors, illumination, painting, mural, logo, insignia, emblem, service mark, or other graphic or pictorial representation, that: (i) identifies or advertises, or directs or attracts attention to, any institution, organization, business, product, merchandise, service, event, business, or establishment; or (ii) suggests the identity or nature of any business or establishment; or (iii) invites or proposes a commercial transaction; or (iv) communicates a message of a noncommercial nature. For clarification, examples of items which typically do not satisfy the necessary elements of this definition and would not be considered signs include, but are not limited to, architectural elements incorporated into the style or function of a building, numerals signifying a property address, notifications of a "private residence," nonilluminated postings less than four square feet in size on private property in areas zoned agricultural, corner stones (or foundation stones) and flags of any nation, state, or municipality.

*Store-within-a-store.* Within retail structures which have an individual footprint in excess of 40,000 square feet in size, an area where the retailer rents a part of the retail space to be used by a different company to run another, independent store or where the retailer uses a part of the retail space to operate distinct departments.

*Symbol.* A thing that represents or stands for something else, especially a material object representing something abstract.



Figure 2- Types of signs



### Sec. 24-68. - 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 the administrator's designee. Before any permit is issued, an application provided by the administrator or the administrator's 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 the administrator's 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.
- (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.

## **Sec. 24-69 - Freestanding Signs - Freestanding Signs on Residentially Zoned Properties.**

On property that is zoned R1, R2, R3, R4, R5, R6, R8, A-1, MU, or PUD-R, no sign intended to be read from any public right-of-way adjoining the district shall be permitted except for:

- (a) One sign for each principal entrance shall be permitted if in compliance with the following regulations:
  - 1. Such sign shall not exceed 32 square feet in area.
  - 2. If freestanding, such sign shall not exceed a height of 15 feet above natural grade.
  - 3. 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.
  - 4. 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.
  - 5. Such sign shall be bound by all other provisions of this section.
  - 6. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.
  
- (b) Two signs for each principal entrance shall be permitted if in compliance with the following regulations:
  - 1. The signs shall be placed on each side of the principal entrance.
  - 2. The cumulative size of the signs at each principal entrance may not exceed 32 square feet in area.
  - 3. Each sign shall not exceed a height of eight feet above natural grade.
  - 4. 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.
  - 5. 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.
  - 6. Such sign shall be bound by all other provisions of this section.
  - 7. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.
  
- (c) *Special requirements for signs located within community character areas or along community character corridors.*

The planning director shall review and approve 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 residentially zoned property shall be provided to the administrator or the administrator's designee along with the application and drawings as specified in section 24-68.

In reviewing the plans for signs, supporting structures, and entrance features, the following criteria shall be considered in deciding whether to approve the 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 residentially zoned property 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 residentially zoned property 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.

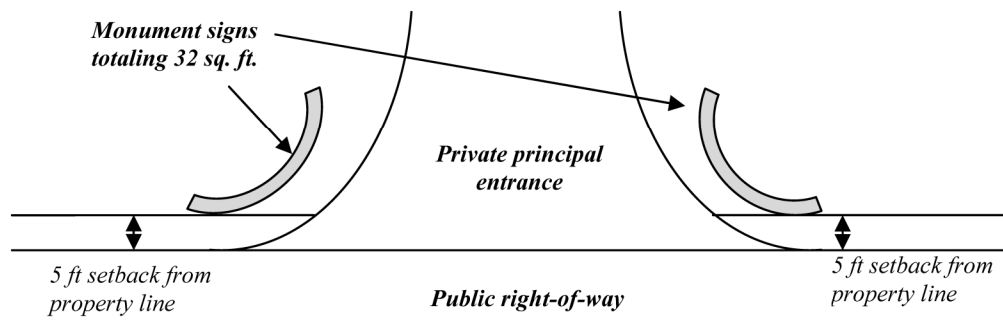
#### **Sec. 24-70 – Freestanding Signs on Non-Residentially Zoned Properties.**

On property that is zoned A-1, LB, B1, RT, MU, EO, PUD-C, M1, or M2, freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:

- (a) One freestanding sign on each street frontage shall be permitted if in compliance with the following regulations:
1. Such sign shall only be permitted on properties having street frontage.
  2. *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.
  3. *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.
  4. *Sign height.* Such signs shall not exceed an overall height of 15 feet above natural grade.

5. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.
- (b) Two freestanding monument-style identification signs on each street frontage shall be permitted if in compliance with the following regulations:
1. Such sign shall only be permitted on properties having street frontage.
  2. *Sign location and setbacks.* Such 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.
  3. *Sign area.* The cumulative size of the signs at each entrance shall not exceed 32 square feet in area.
  4. *Sign height.* Each sign shall not exceed an overall height of eight feet above natural grade.
  5. For properties zoned A-1 or MU, signs shall be permitted under Section 24-69 or 24-70, but not both.

**Figure 3-** Two freestanding signs placed at a principal entrance



- (c) *Sign lighting.*
- (1) Internally illuminated signs shall be prohibited 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 corridor or area as identified on the James City County Comprehensive Plan Land Use Map.
  - (2) Illuminated signs within community character areas and along community character corridors, as defined, are permitted as long as they comply with the following:
    - a. a back-lit or channeled lettered sign 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

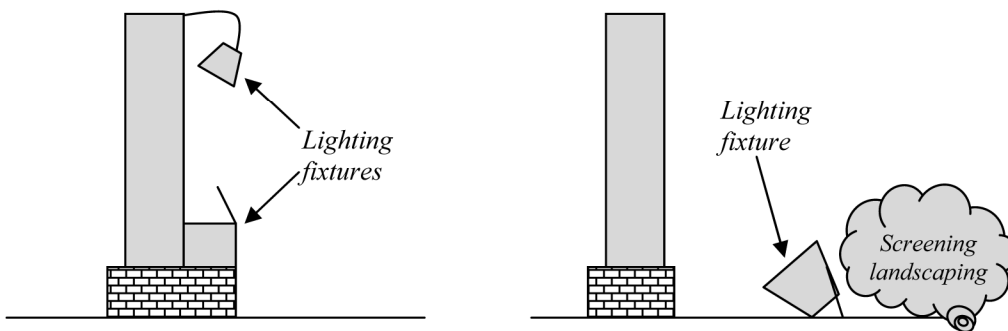
approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or

- b. externally illuminated by either sign-mounted lighting or ground-mounted horizontal light bars, light strips, or spotlights, which shall be concealed by landscaping. 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.
- c. sign lighting shall cast no glare upon any adjacent property or public or private right-of-way.

(3) In either case of (a) or (b), above, signs shall cast no glare upon any adjacent property or public or private right-of-way.

**Figure 4-** Options for sign mounted lighting

**Figure 4a-** Sign mounted lighting (side view)    **Figure 4b-** ground mounted lighting (side view)



- (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). 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 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 subject to 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 the director's 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.

**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.

If the footprint of a building for an individual use exceeds 40,000 square feet on property zoned M-1, M-2, PUD-C, or RT, 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. In addition to the submittal requirements outlined in section 24-68, 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 adjacent public roads.
  - (3) 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 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 corridor or area as identified on the James City County Comprehensive Plan Land Use Map.
  - (2) Illuminated signs within community character areas and along community character corridors, as defined, shall be composed of:
    - a. back-lit or channeled lettered sign 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. 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 a store within a store (e.g., bakery, restaurant, pharmacy, etc.), up to four additional building face signs, in addition to the main 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) A building face sign, which is typically placed above the building's main public entrance, may be located on the side of the building that faces the public road right-of-way or parking lot. This provision applies only if the side of the building facing the public road right-of-way or parking lot has no public entrance. No additional building face signs beyond the maximum number permitted by section 24-71 is permitted. 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.

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

In reviewing applications for signs containing back-lit or channeled lettered signs within community character areas and along community character corridors, the following criteria shall be used by the Planning Director in deciding whether to approve the application.

- (a) *Scale and proportion.* As determined by the Director of Planning, 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.* As determined by the Director of Planning, 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.* As determined by the Director of Planning, the area of the sign that is lit shall be less than the overall size of the sign. The lighting used shall be of a subdued nature and shall not dominate the streetscape.

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

- (a) *Logos, trademarks, murals, etc.* Any symbol 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 the administrator's designee may permit setbacks of less than 50 feet.
- (e) *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.
- (f) *Additional signs during construction.* Temporary nonilluminated signs may be erected and displayed on the premises during such time as the actual construction work is in progress. The signs shall 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.
- (g) *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 the administrator's designee may permit setbacks of less than five feet on any lot in a mixed-use district.
- (h) *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 subject to 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;
  - (7) All blade signs shall obtain the prior approval of the design review board for the mixed-use project before they are installed.
- (i) *Pedestrian-scale signs in mixed-use districts.* Small, free-standing signs internal to 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 subject to an approved master plan of development, all of which shall be approved by the board

of supervisors. Pedestrian-scale 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) 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 the director's designee.
- (j) *Pole-mounted banners.* Banners that are affixed to light poles are permitted. 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 24-67) or in mixed-use districts.
- (k) *A-Frame signs.* A-Frame 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 subject to an approved master plan of development, all of which shall have been 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.

A-Frame signs must adhere to the following requirements:

- (1) One A-Frame sign 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.

A-Frame signs may also be permitted pursuant to Section 24-49.

**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 shall be erected or constructed in accordance with the structural and safety requirements of the building code:

- (1) Signs located on public rights-of-way that are erected and maintained by a governmental entity.
- (2) Signs posted by or required to be posted by a governmental entity in compliance with a provision of federal, state, or local law located on a premises where an activity that necessitates the posting of such signage is or may be occurring.
- (3) Changing of the copy on a bulletin board, poster board, display encasement, reader board or billboard.
- (4) Temporary Residential Signs. On real property where a dwelling unit is being offered for sale or lease, one temporary on-premises nonilluminated sign for each street frontage is permitted, not more than six square feet in area.
- (5) Temporary Non-Residential Signs. On real property where a non-residential structure or unit is being offered for sale or lease, one temporary on-premises nonilluminated sign is permitted, not more than six square feet, and provided such sign 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, on parcels for which a building permit has been issued for a new single-family residential dwelling unit and for such time as the building permit is valid, one such sign for each parcel.
- (7) 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.

- (8) On real property where a dwelling unit exists and for which there is an approved and valid Home Occupation permit, one on-premises nonilluminated sign is permitted, provided the sign is attached to the dwelling and does not exceed four square feet.
- (9) 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.
- (10) Ground-mounted signs within a business or manufacturing district or within a nonresidential development in any zoning district that have a maximum area of six square feet in area per sign face, are not internally illuminated, are not taller than 2.5 feet in height, and do not exceed four feet in height from grade. Such signs are allowed generally internal to the site with no limitation on the maximum number of signs. No such signs shall be located within required perimeter landscape buffers; however, one such sign shall be allocated at each vehicular entrance.
- (11) Temporary signs on property zoned general agricultural not to exceed 12 square feet per face erected for a period of up to 60 days.
- (12) Temporary signs of a non-commercial nature may be displayed on private property, provided such signs shall not exceed 32 square feet in size; and provided that such signs may be erected no more than 90 days in a calendar year.
- (13) When a dwelling unit for sale or lease is having an open-house, an off-premises temporary sign may be erected in any zoning district in accordance with the following regulations:
  - a. No such sign shall exceed three square feet in area and three feet in height.
  - b. 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.
  - c. No more than two such signs shall be located at any one intersection.
  - d. 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.
  - e. Such signs shall be placed only on private property and only with the express consent of the owner of said property.

- f. Each sign shall contain 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.

**Sec. 24-75. - Prohibited signs.**

The following signs are specifically prohibited:

- (1) Off-premise signs or off-premise billboards, unless specifically exempted by section 24-74.
- (2) Electronic display signs; Flashing signs; Flashing, animated and rotating signs or appurtenances to signs which are nonstationary. Any sign that contains or consists of strings of light bulbs.
- (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 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 or community character corridor as identified on the James City County Comprehensive Plan Land Use Map.
- (6) Signs that 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 that 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 (7).
- (10) Any permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which

is not properly parked in a designated legal parking space. Said vehicles/equipment shall be in operating condition, currently registered and licensed to operate on public streets with a valid inspection sticker, and actively used in the daily function of the business; or shall be engaged in active construction projects; or shall be offered for rent to the general public and stored on-premises, except for those permitted by Section 24-74 (13).

- (11) Any sign that consists of pennants, ribbons, spinners, blades, inflatables, or other similar moving devices. Pennants, banners, flags, and other displays except as provided in sections 24-73 (b) and 24-73 (j). Such devices, when not part of any sign, are also prohibited when intended to attract attention to the establishment on which they are located.

**Sec. 24-76. - Temporary signs.**

Upon application, the zoning administrator or the administrator's designee shall issue permits for a period not to exceed 30 days for the following signs and displays:

- (1) Signs or banners of not more than 32 square feet at the site of 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) Signs or banners of not more than 32 square feet at the site of public demonstrations.
- (3) Banners not to exceed 32 square feet in size used at the site of a property a new store, business or profession opening.

**Sec. 24-77. - Exceptions.**

- (a) Upon application, the administrator or the administrator's 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 that 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 the administrator's 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 sign(s) 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.

**Sec. 24-78. - Reserved.**

**Sec. 24-79. - Violations.**



Prior to any criminal or civil enforcement under this section, the administrator or the administrator's 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 sign affixed to any object, such sign shall be removed immediately, and if not, the administrator or the administrator's 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 shall not affect any proceedings instituted prior to removal of such sign. Removal of signs in VDOT right-of-way or signs affixed to any objects within VDOT right-of-way and prosecution of violations for signs located in VDOT right-of-way shall be in accordance with the procedures set forth by agreement between the county and VDOT.