

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
October 13, 2016
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. August 11, 2016 Minutes

D. OLD BUSINESS

1. Updates to the James City County Sign Ordinance

E. NEW BUSINESS

1. Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in B-1, General Business District - Stage I/II

F. ADJOURNMENT

ITEM SUMMARY

DATE: 10/13/2016
TO: The Policy Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: Minutes Adoption - August 11, 2016 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	August 11, 2016 Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	10/7/2016 - 7:38 AM
Policy	Holt, Paul	Approved	10/7/2016 - 8:51 AM
Publication Management	Burcham, Nan	Approved	10/7/2016 - 9:02 AM
Policy Secretary	Secretary, Policy	Approved	10/7/2016 - 9:07 AM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 11, 2016
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order on Thursday, August 11, 2016 at 4:00 p.m.

B. ROLL CALL

Present:

- Mr. Rich Krapf
- Mr. Heath Richardson
- Mr. John Wright, III

Absent:

- Mr. Danny Schmidt

Staff:

- Ms. Tammy Rosario, Principal Planner
- Ms. Ellen Cook, Principal Planner
- Ms. Christy Parrish, Zoning Administrator
- Mr. Scott Whyte, Senior Landscape Planner II
- Ms. Savannah Pietrowski, Planner
- Mr. Alex Baruch, Planner
- Ms. Tori Haynes, Community Development Assistant
- Mr. Jake Hoioos, Intern

C. MINUTES

- 1. June 16, 2016 Minutes

Mr. Heath Richardson made a motion to approve the June 16, 2016 minutes. On a voice vote the minutes were approved 3 – 0.

D. OLD BUSINESS

- 1. Zoning Ordinance Revisions to the Mixed Use District, Stage III

Ms. Ellen Cook stated that staff was not asked to make any changes to the Mixed Use Ordinance since its Stage II review. She asked if staff could bring the ordinance to the Planning Commission in October.

Mr. Krapf confirmed that the ordinance could be presented to the Planning Commission.

- 2. Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage III

Ms. Cook presented the Stage III revisions to allow event facilities in the A-1 and R-8 districts. Ms. Cook stated that collector roads have been removed from the by-right use

list at the Policy Committee's request during the Stage II meeting. The effect of this change is that proposed event facilities on collector roads now require a special use permit (SUP), while event facilities on arterial roads could be by-right. Ms. Cook stated that staff recommends that the Policy Committee recommend approval of the draft ordinance to the Planning Commission for consideration at the September 7 meeting. She welcomed any questions or comments.

Mr. Richardson supported raising the maximum by-right attendance from 250 to 300 people.

Mr. Krapf asked if the maximum attendance would apply whether it is a by-right use or specially permitted use.

Ms. Cook replied that to follow the by-right path on arterial roads, the facility would only be able to have 250 people. An SUP would be required for more than 250 people.

Mr. Krapf expressed concern about additional vehicles if the maximum attendance is raised.

Mr. John Wright stated that support staff is included in the maximum attendance, which reduces the number of potential invitees. He supported raising the attendance to 300 to accommodate support staff.

Mr. Richardson concurred.

Mr. Krapf supported keeping the attendance at 250. He asked if Albemarle County had a similar maximum attendance, and if their staff had noted any negative effects.

Ms. Cook stated that she did not know the exact number from the ordinance, but Albemarle staff had indicated some concerns related to higher attendance.

Mr. Krapf noted that per Section 24-48(b)(4)(b), the Planning Director may require the installation of vegetation. He asked if the Planning Director would be involved in every application.

Ms. Cook stated there would probably need to be a conversation with the Planning Director for each application.

Mr. Wright asked if the restroom requirement should be interpreted as permanent facilities, or if portable restrooms would suffice.

Ms. Cook stated there may be instances where the Health Department would be comfortable with portable restrooms.

Mr. Krapf opened the floor to public comment.

Ms. Linda Rice spoke against allowing event facilities on collector roads.

Ms. Jessica Aiken spoke in favor of allowing event facilities in rural lands.

Mr. Jim Kennedy spoke in favor of allowing event facilities in rural lands.

Mr. Krapf stated that allowing event facilities in rural lands was proposed by the Rural Economic Development Committee as an economic alternative to residential development in rural areas. Mr. Krapf stated he is in favor of non-residential economic development, but expressed concern with potential issues such as traffic volume and noise generated by event facilities. He supported allowing event facilities on arterial roads only.

Mr. Wright supported raising the maximum attendance to 300, but asked if there could be performance standards to minimize noise on collector roads.

Ms. Cook stated that noise across property lines would be prohibited between the hours of 11:00 p.m. and 7:00 a.m., and the County's noise ordinance would also be applicable to event facilities.

Mr. Wright asked who enforces the noise ordinance.

Ms. Cook stated the police respond on a complaint basis.

Mr. Richardson stated his support for the by-right process on arterial roads, and SUP process on collector roads.

Mr. Richardson then motioned to raise the maximum attendance to 300 and recommend approval of the ordinance as amended. On a voice vote the motion carried 2 – 1, with Mr. Richardson and Mr. Wright voting in favor and Mr. Krapf opposed.

3. 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 II

Ms. Tammy Rosario presented the Stage II Zoning Ordinance revisions to allow food trucks in the M-1, M-2, PUD-C, and PL districts. The draft ordinance creates a formal definition for mobile food vending, as well as establishes the application process and performance standards. Ms. Rosario stated that at the Stage I meeting, staff was directed to reach out to the business community to get feedback on the proposed revisions. In response, staff developed a survey for local restaurant owners and food truck operators. The results of the survey will be presented at a community meeting scheduled for August 25. Feedback from both the survey and August 25 meeting will be incorporated into the Stage III revisions.

Mr. Wright asked why there is a one year limit on the permit. He expressed concern about unnecessary annual fees.

Mr. Richardson concurred.

Ms. Rosario stated the annual fee mirrors similar provisions in other localities, but could be revised to a one-time fee.

Mr. Richardson asked if other localities had given any feedback on the success of their setback restrictions, in particular the 100-foot setback to brick-and-mortar restaurants and residential areas.

Mr. Jake Hoioos stated the localities he spoke with had no issues with their setback restrictions.

Mr. Richardson asked about the rationale for a 100-foot setback to residential areas.

Mr. Hoioos stated there were general concerns such as traffic and noise generated by people going to food trucks. A 100-foot buffer to residential areas was common in other localities and helped reduce complaints from residents.

Mr. Krapf asked if there is a difference between noise generated by food trucks and music played by ice cream trucks.

Mr. Hoioos stated that some localities, such as York County, specifically excluded ice cream trucks from the same regulations as food trucks, which are not allowed to produce any amplified noise.

Mr. Krapf opened the floor to public comment.

Mr. Kennedy spoke in favor of allowing food truck vendors with fewer regulations.

Mr. Richardson asked in which zoning districts York County allowed food trucks, and if James City County's ordinance language differentiates between food trucks and ice cream trucks.

Mr. Hoioos stated York County allows food trucks in commercial, industrial, and mixed-use districts.

Ms. Rosario stated the definition for mobile food vending vehicles excludes ice cream trucks.

Mr. Krapf asked who received surveys and how were they chosen.

Ms. Rosario stated Mr. Hoioos compiled a list of restaurant owners within a certain distance of the zoning districts under review, and the Office of Economic Development would be providing a list of food truck vendors.

Mr. Krapf and Mr. Richardson asked why food trucks are regulated differently than other mobile businesses, and if we need to clarify the definitions in some way.

Ms. Christy Parrish clarified that a privately hired mobile service, such as a caterer traveling to a private party, is not considered a land use issue because it is a temporary use for a select clientele. It becomes a land use issue if a business were to set up in a location and advertise for people to come to their place of business. She further clarified that ice cream trucks are not permitted due to the County Code section regulating vehicles in the right of way.

Mr. Kennedy urged the Committee to reduce the rate of fees charged by private property owners for food truck operators to set up at special events.

Mr. Krapf asked if the ordinance prohibits a private property owner from charging a fee to a food truck vendor.

Ms. Rosario replied no.

Mr. Wright stated a special event such as a festival can ask for a fee to defray their operational costs.

Mr. Krapf closed the Committee discussion and asked that staff revise the ordinance to reflect a one-time permit fee for the Stage III meeting.

4. Wireless Communications Facilities and Towers, Stage III

Ms. Savannah Pietrowski presented the Stage III revisions to the Wireless Communications Facilities and Towers ordinance to address the implications of the Spectrum Act. Based on feedback from the July 14 meeting, staff proposed revisions to reduce the permitted height of towers, streamline the application process to be in compliance with the Spectrum Act, and add language that better defines a concealed tower. Formatting and language inconsistencies were also corrected throughout the ordinance.

Mr. Richardson asked for clarification on the new application process.

Ms. Pietrowski stated that if an increase in height or width to an existing tower is not considered a substantial change, then there will be a separate application. Per the Spectrum Act, if a tower is not undergoing substantial change, then staff must approve the application within 60 days. The new application will verify that all Spectrum Act criteria are met and will help streamline the approval process.

Mr. Richardson asked if staff had received feedback from the County Attorney's Office.

Ms. Pietrowski stated that feedback was received yesterday, and was not incorporated into the meeting packet materials. She noted the comments were largely in regards to formatting rather than content.

Mr. Scott Whyte clarified that comments had been received from the County Attorney but not the consulting attorney.

Ms. Pietrowski stated once we incorporate our attorney's feedback, it will be sent to the consulting attorney for his review.

Mr. Wright asked if the reduced heights could allow a tower owner to claim the ordinance is too restrictive and ask for redress from the federal government.

Mr. Whyte stated that the draft ordinance hasn't reduced their capability on heights.

Ms. Pietrowski clarified that the reduced heights would apply to SUP triggers only.

Mr. Krapf asked if they have the by-right ability to increase the tower height by 10% or 20 feet, whichever is greater.

Ms. Pietrowski confirmed. She then noted two other proposed revisions. The first revision increases the maximum permitted height of alternatively mounted antennas in the R-5 district from 35 feet to 60 feet to be consistent with the other residential districts.

The second allows antennas mounted on alternative mounting structures that have received a height limitation waiver from the Board of Supervisors to exceed the maximum approved height of the structure to which it is mounted, upon issuance of a separate height limitation waiver. The separate height limitation waiver would cap at 100 feet.

Mr. Richardson and Mr. Krapf agreed with capping the separate height limitation waiver at 100 feet.

Mr. Wright motioned to recommend approval of the draft ordinance as presented. On a voice vote the motion passed 3 – 0.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

There being no further business, Mr. Richardson motioned to adjourn the meeting. On a voice vote the motion passed 3 – 0 and the meeting was adjourned at approximately 5:00 p.m.

Mr. Rich Krapf, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 10/13/2016

TO: The Policy Committee

FROM: Paul D. Holt, III, Director of Planning and Community Development

SUBJECT: Updates to the James City County Sign Ordinance

As discussed during the September 15 Policy Committee meeting, 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.

The current James City County Sign Ordinance is attached. Also attached is a draft re-write of the Sign Ordinance that is content-neutral.

Staff will brief the Policy Committee on the proposed changes. Staff will also discuss next steps and timelines moving forward.

ATTACHMENTS:

	Description	Type
▣	Existing Sign Ordinance	Backup Material
▣	DRAFT Revised Sign Ordinance	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	10/7/2016 - 9:16 AM
Policy	Holt, Paul	Approved	10/7/2016 - 11:01 AM
Publication Management	Burcham, Nan	Approved	10/7/2016 - 11:03 AM
Policy Secretary	Secretary, Policy	Approved	10/7/2016 - 11:10 AM

DIVISION 3. - EXTERIOR SIGNS

Sec. 24-65. - Statement of intent.

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

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

Sec. 24-66. - Definitions.

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

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

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

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

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

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

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

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


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

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



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



Figure 1a Freestanding sign where letters/ logos

Figure 1b Freestanding sign where letters/ logos

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

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

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

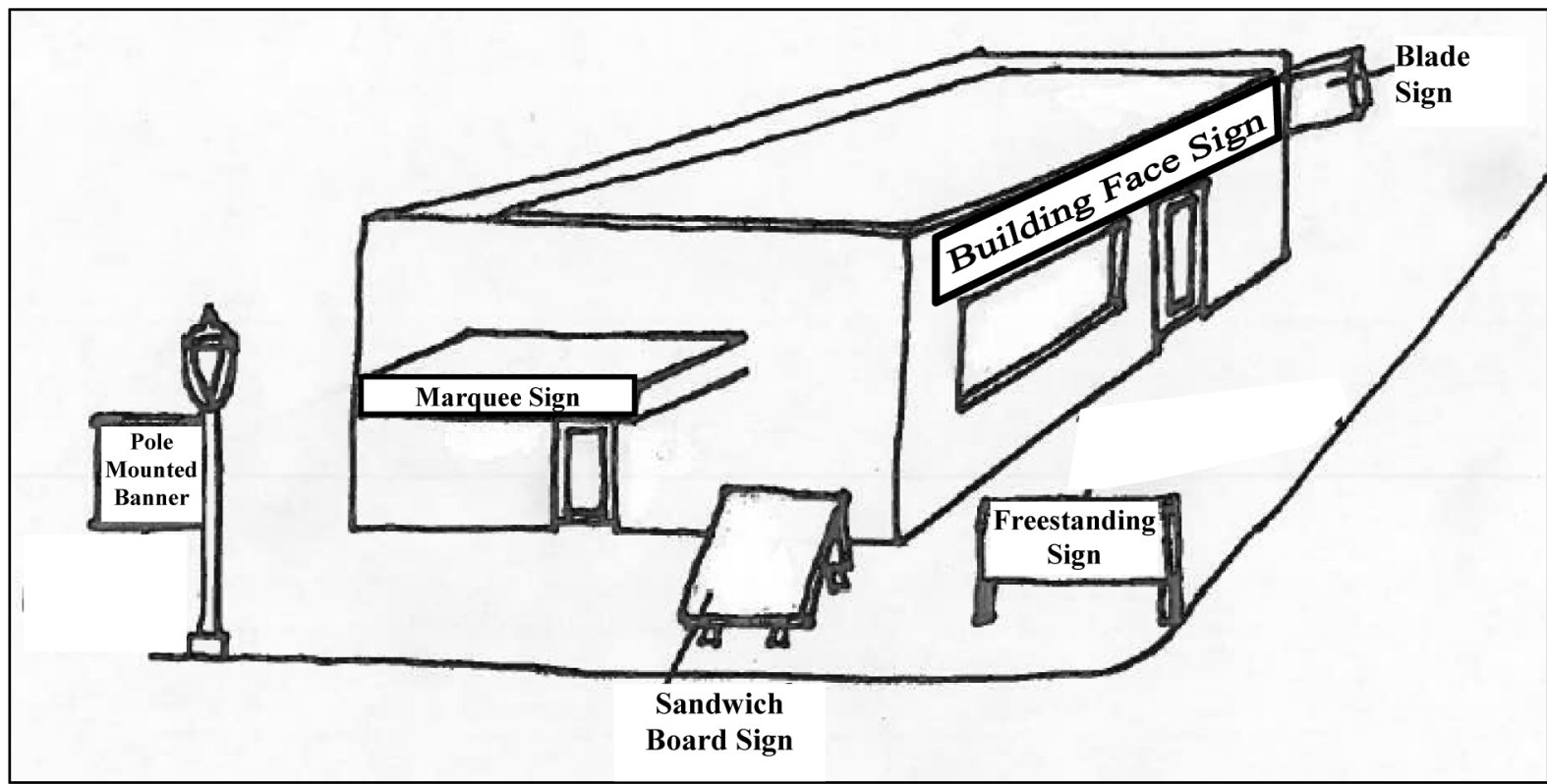
Marquee sign. Any sign attached to or hung from a marquee. For the purpose of this article, a "marquee" is a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

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

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

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

Figure 2- Types of signs



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

Sec. 24-67. - Permits.

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

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

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

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

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

Sec. 24-68. - Content of signs.

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

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

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

Sec. 24-69. - Residential subdivision signs.

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

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

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

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

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

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

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

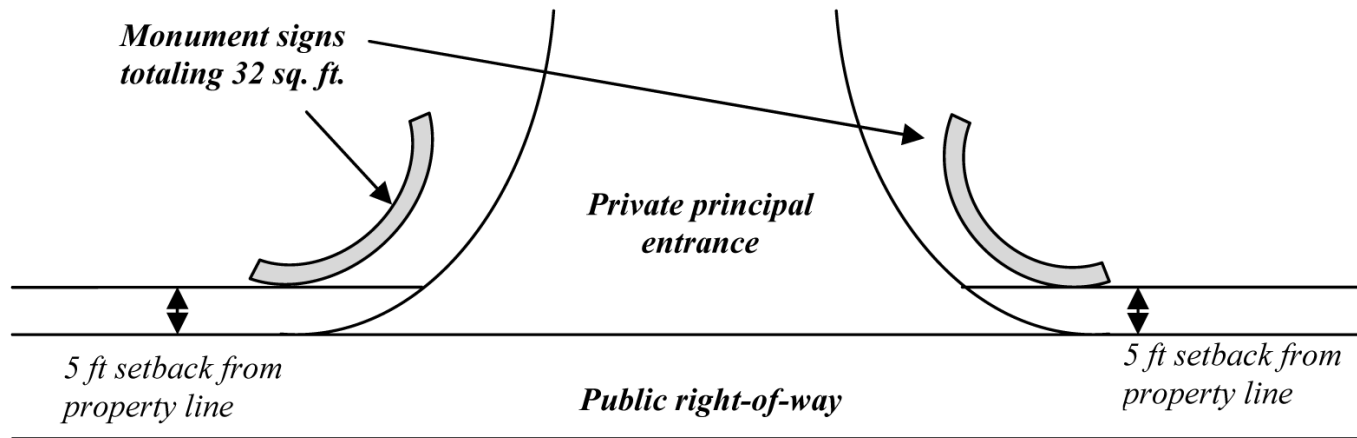
Sec. 24-70. - Freestanding signs.

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

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

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

Figure 3- Two freestanding signs placed at a principal entrance



(c) *Sign lighting.*

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

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

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

Figure 4- Options for sign mounted lighting

Figure 4a- Sign mounted lighting (side view)

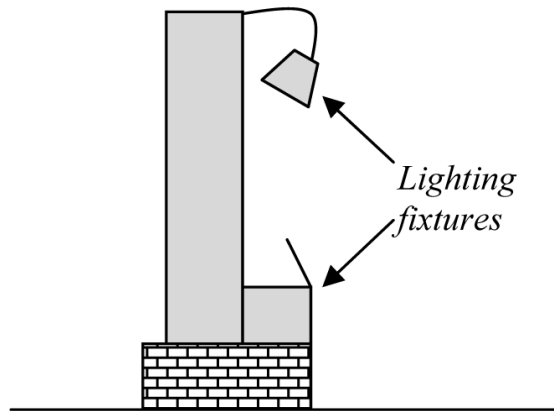
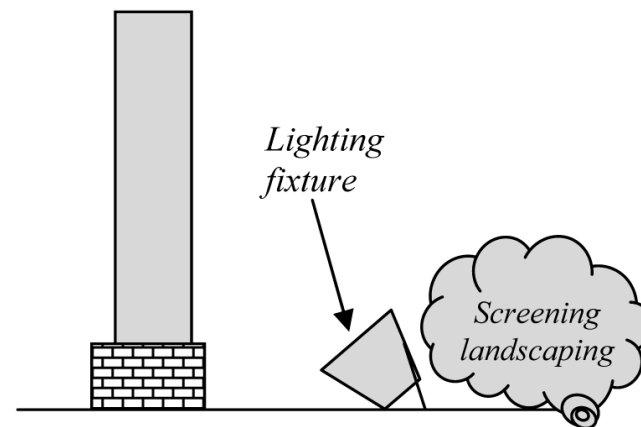


Figure 4b- ground mounted lighting (side view)

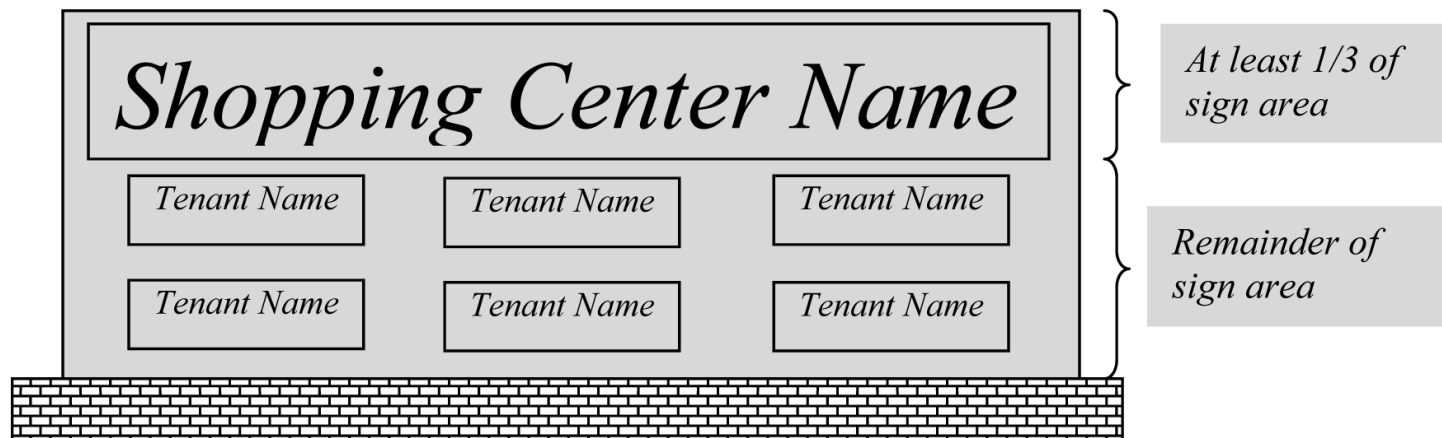


- (3) Signs shall cast no glare upon any adjacent property or public or private right-of-way.
- (d) *Signs for individual stores, businesses or professions on the same property.* Individual stores, businesses or professions on the same property, exclusive of shopping centers, shall combine signs on a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

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

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

Figure 5- Alternative shopping center sign



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

Sec. 24-71. - Building face signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) *Signs on corner lots.* Except for those provided for under section 24-69 and 24-70, signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, the administrator or his designee may permit setbacks of less than 50 feet.

(e) *Directional signs.* Directional signs may be allowed upon the determination of the administrator or his designee that the sign(s):

- (1) Are necessary to permit vehicular traffic to locate distinctive places of historical significance, businesses, campgrounds, industries, residential areas, or other activities which are located off the state primary roads;
- (2) Show only the name and/or logo, mileage and direction; and
- (3) Do not exceed ten square feet in size or seven feet in height.

(f) *Freestanding signs on properties adjacent to and visible from residential districts.* On properties adjacent to residential districts, any freestanding sign, visible from an adjacent residential district, shall be limited to 32 square feet in area. The top of the freestanding sign shall not exceed 15 feet above grade. If illuminated, freestanding signs within these areas shall be signs composed of:

- (1) Back-lit or lighted channeled letters; or
- (2) Shall be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.

In either case, there shall be no glare cast upon any adjacent property or public or private right-of-way. The freestanding sign shall be lit only during the normal operating hours of the associated use.

(g) *Signs for new commercial, industrial, and institutional construction projects.* Temporary nonilluminated signs may be erected in connection with new commercial, industrial, and institutional development and displayed on the premises during such time as the actual construction work is in progress. The signs shall also conform with the following criteria:

- (1) The maximum number and size of signs shall be:
 - a. A maximum of three signs with a cumulative sign area not to exceed 24 square feet; or,
 - b. A maximum of one sign with a sign area not to exceed 32 square feet.
- (2) The sign(s) shall only be placed along one of the property's street frontages.

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

pedestrians;

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

Sandwich board signs must adhere to the following requirements:

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

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

Sec. 24-74. - Exemptions.

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

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

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

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

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

Sec. 24-75. - Prohibited signs.

The following signs are specifically prohibited:

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

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

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

Sec. 24-76. - Temporary signs.

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

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

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

Sec. 24-77. - Exceptions.

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

feet of residentially zoned property; and

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

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

Sec. 24-78. - Abandoned signs.

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

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

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

Sec. 24-79. - Violations.

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

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

Secs. 24-80—24-85. - Reserved.

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

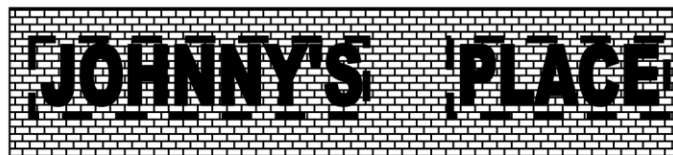
Figure 1a- Building mounted signs where letters are mounted individually and the sign uses external illumination or internally illuminated channel letters

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.

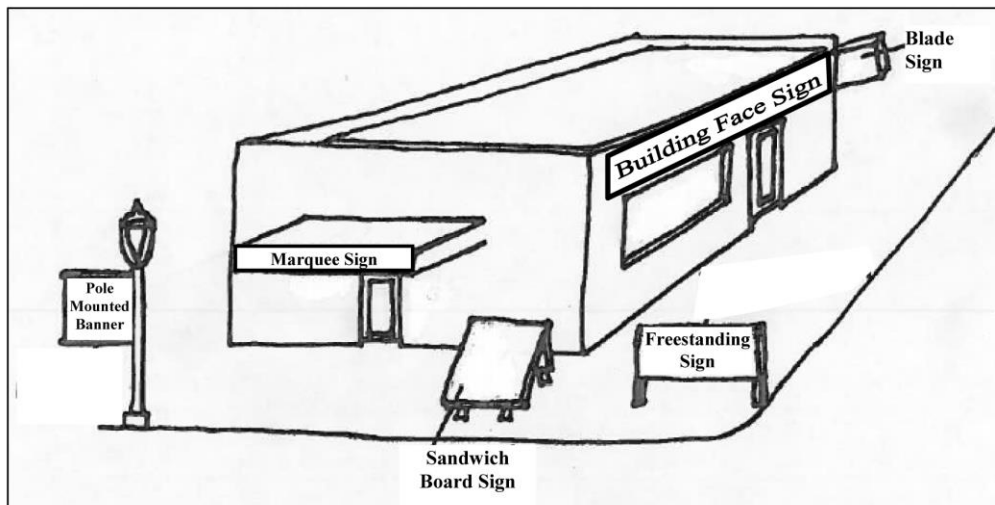
Sign. Any structure, display, device, or other object or thing, or part thereof, visible from any public street or right-of-way, any area open to use by the general public, or any navigable body of water, including, but not limited to, any word, letter, series of words or letters, designs, symbols, fixtures, 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 his designee. Before any permit is issued, an application provided by the administrator or his designee shall be filed together with two sets of drawings and specifications, one to be returned to the applicant, as such may be necessary to advise and acquaint the administrator or his designee fully with the location in relation to adjacent buildings, construction, materials, manner of illuminating or securing or fastening, and number of signs applied for.

- (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-xx 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.
- (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.

(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 subdivision shall be provided to the administrator or his designee along with the application and drawings as specified in section 24-xx.

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

1. *Scale.* The scale of the sign(s), supporting structure(s), and entrance features shall be consistent with, and complement, the adjacent properties and the road(s) on which the subdivision is located.
2. *Materials, colors, and construction.* The materials, colors, and construction of the sign(s), supporting structure(s), and entrance features shall complement the character of the road on which the subdivision is located and shall not detract from the aesthetics of adjacent properties.
3. *Landscaping.* An appropriate mix of deciduous and evergreen trees and/or shrubs shall be provided that enhance the appearance of the sign(s), supporting structure(s), and associated entrance features.
 - (1) *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 - 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 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.

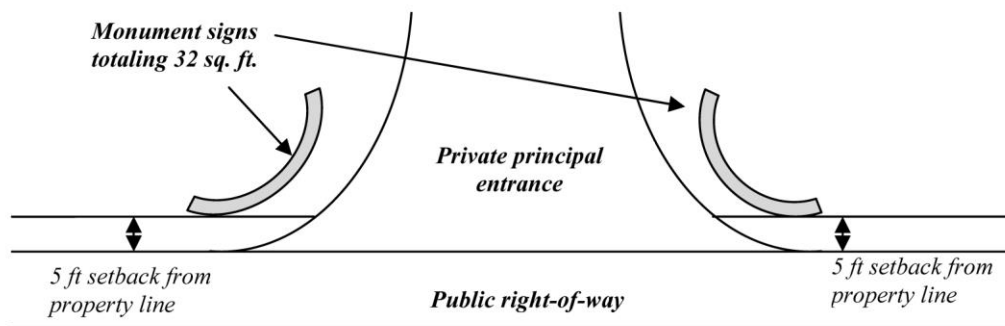
2. *Sign location and setbacks.* Such signs may only be placed on the property within the required sign setbacks. Sign setbacks shall be located at least five feet from any property line.
3. *Sign area.* Such signs shall not exceed:
 - a. 32 square feet per face if located less than 75 feet from the 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. In either case, if illuminated there shall be no glare cast upon any adjacent property or public or private right-of-way.

(b) Two freestanding monument-style identification signs 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.
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.

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

Figure 3- Two freestanding signs placed at a principal entrance



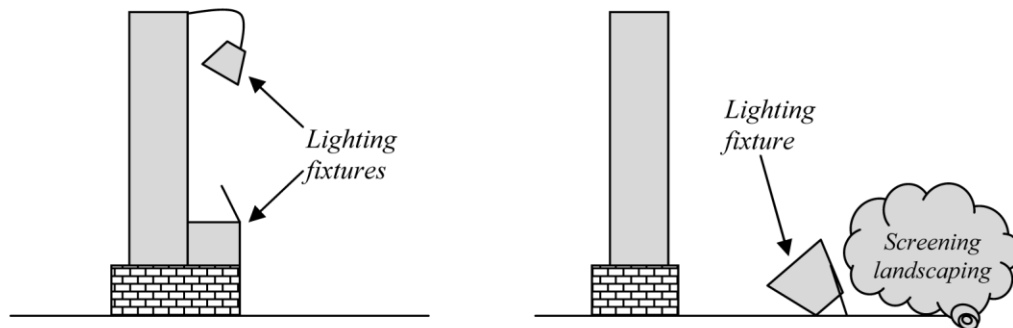
(c) *Sign lighting.*

- (1) Internally illuminated signs shall be prohibited 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-xx. 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 x and x. Individual shops and businesses in

shopping centers may have building face signs as provided for in section 24-xx 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 his designee as part of a comprehensive signage plan for the entire shopping center.
 - (5) Sign location and setbacks. Such signs may only be placed on the property within required sign setbacks. Sign setbacks shall be located at least five feet from any property line.
 - (6) Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.

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 (f). 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 24-67, the applicant shall provide scale drawings of the building elevation(s) and proposed sign(s). A conceptual plan shall also be submitted which shows the location of the sign relative to the existing and proposed landscaping, sight lines, distances from rights-of-way, and other pertinent site features.

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

- (1) *Scale and proportion.* The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public rights-of-way. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure, with additional size aimed primarily at making the use identifiable from an adjoining public road. In no case shall the size of the sign exceed ten percent of the building's wall surface upon which the sign is placed.
 - (2) *Materials, lighting, colors, and construction.* The materials, lighting, and colors of the sign shall not negatively impact adjacent properties or 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 above in (c)(1), 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.), 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.
- (a) *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.
- (b) *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.
- (c) *Signs on corner lots.* Except for those provided for under section 24-69 and 24-70, signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, the administrator or his designee may permit setbacks of less than 50 feet.
- (e) *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 his 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 his 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 24-66) 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 four 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. Reference section 24-xx (x) for construction signs for commercial, industrial, and institutional projects;
 - (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 otherwise permitted by section 24-xx (x) 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 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 (g).
- (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 (g).
- (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 (x) and 24-73 (x). 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 their 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 his designee may grant an on-premises sign limitation waiver which may allow:

- (1) One freestanding sign not to exceed 60 square feet per face;
 - (2) One building face sign not to exceed an area equal to one square foot multiplied by the length or width of the building in industrial zones, provided that the face on which the sign shall be mounted is at least 500 feet from any road or street right-of-way;
 - (3) One freestanding sign not to exceed 32 square feet per face and not to exceed 30 feet in height;
 - (4) One sign to be placed on the roof of the building not to exceed one square foot of sign area for each linear foot of the building's or unit's front facade or 60 square feet, whichever is smaller;
 - (5) A second freestanding sign not to exceed 32 square feet on parcels 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 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) 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 his designee shall give five days' written notice of the violation to the owner of the property. If the violation involves a portable sign or any sign affixed to any object, such sign shall be removed immediately, and if not, the administrator or his designee may remove or cause to be removed at the owner's or tenant's expense such sign or advertisement and/or institute such other action as may be appropriate. Removal of a sign 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.

ITEM SUMMARY

DATE: 10/13/2016

TO: The Policy Committee

FROM: Roberta Sulouff, Planner

SUBJECT: Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in B-1, General Business District - Stage I/II

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Draft Ordinance Language - B-1 Use List (Section 24-390)	Backup Material
▣	Draft Ordinance Language - Special Regulations (new Section 24-49)	Backup Material
▣	Letter of Support from the James City County Economic Development Authority, dated September 14, 2016.	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	10/7/2016 - 7:45 AM
Policy	Holt, Paul	Approved	10/7/2016 - 8:53 AM
Publication Management	Burcham, Nan	Approved	10/7/2016 - 9:04 AM
Policy Secretary	Secretary, Policy	Approved	10/7/2016 - 9:08 AM

MEMORANDUM

DATE: October 13, 2016

TO: The Policy Committee

FROM: Roberta Sulouff, Planner

SUBJECT: Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in B-1, General Business District - Stage I/II

History

After meetings to research and discuss draft language in May, August and September 2016, the Policy Committee voted 4-0 at its September 15, 2016, meeting to recommend approval of draft ordinance language allowing food trucks to operate in the M-1, M-2, PL and PUD-C districts subject to proposed administrative procedures and performance standards. Following that meeting, the Board of Supervisors adopted an initiating resolution on September 27, 2016, to initiate consideration of amendments to allow food trucks to operate in B-1, General Business District, as well.

On May 12, 2016, the Policy Committee met to discuss initial planning for ordinance amendments related to permitting food trucks in certain zoning districts. During that discussion, the Committee indicated its desire to draft a set of regulations that could pertain to additional zoning districts should there be a later desire to allow food trucks to operate in districts other than M-1, M-2, PUD-C, and PL. In later meetings the Committee reaffirmed that desire as it edited draft ordinance language, noting several times that the proposed permitting process and draft regulations could eventually apply to a number of districts. In keeping with this approach, staff is proposing that the operation of food trucks be added to the B-1 use list as a permitted use in accordance with Sec. 24-49, as presented to the Planning Commission for review at its October 5, 2016 meeting.

In response to a letter from the James City County Economic Development Authority (EDA) supporting the consideration of the B-1 district in the Committee's current work on food trucks, the Committee indicated at its September 15, 2016, meeting that it desired any future considerations to encompass a public outreach component similar to what was carried out for the M-1, M-2, PUD-C and PL districts. Following this guidance, staff has initiated business and community outreach efforts for the consideration of food trucks in B-1. On October 3, 2016, staff contacted owners and managers of existing restaurants within 0.5 miles of any area zoned B-1 via email and the postal service. This correspondence included a link to an online questionnaire, an attached copy of the draft regulations and a map showing existing restaurants and areas zoned B-1. A meeting to discuss the results of the questionnaire and to allow for public comment regarding the proposal has been scheduled for October 17, 2016.

Staff intends to gather preliminary feedback from this Stage I/II meeting. Staff will use this preliminary feedback, along with feedback received at the business and community outreach meeting, to edit the attached draft ordinance language. Staff intends to present the edited draft language for consideration by the Planning Commission in November and by the Board of Supervisors in December.

Draft Ordinance

Draft language is included as Attachment No.1 and accomplishes the following:

Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the B-1, General Business District - Stage I/II

October 13, 2016

Page 2

- In the B-1, General Business Districts, adds “mobile food vending vehicles” as a permitted use in accordance with the proposed language in Sec. 24-49. Sec. 24-49 is included as Attachment No. 2 and remains as reviewed at earlier Policy Committee meetings and at the October 5, 2016. Planning Commission meeting.

Recommendation

Staff is seeking Policy Committee guidance on the attached draft ordinance allow mobile food vending vehicles in B-1. Based on input received at this meeting and at the community outreach meeting, staff will revise the draft ordinance and provide the final ordinance for consideration at the November 2 Planning Commission meeting.

RS/nb

FoodTrucksStageI-II-mem

Attachments:

1. Draft Ordinance Language - B-1 Use List (Section 24-390)
2. Draft Ordinance Language - Special Regulations (new Section 24-49)
3. Letter of Support from the James City County Economic Development Authority, dated September 14, 2016.

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 10. General Business District, B-1

Sec. 24-390. - Use list.

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

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

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

	Campgrounds		SUP
	Catering and meal preparation	P	
	Child day care centers	P	
	Contractor offices (with storage of materials and equipment limited to a fully enclosed building)	P	
	Convenience stores which sell and dispense fuel in accordance with section 24-38		SUP
	Convention centers		SUP
	Country clubs and golf courses, public or private		SUP
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmer's market	P	
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges, limited to a fully enclosed building		SUP
	Flea markets		SUP
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores	P	
	Health and exercise clubs, fitness centers	P	
	Heliports and helistops, as an accessory use		SUP
	Hospitals		SUP

	Hotels and motels	P	
	Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
	Indoor sport facilities (excluding firing and shooting ranges)	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Limousine services (with maintenance limited to a fully enclosed building)	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened from view with landscaping and fencing with a maximum height of 12 feet)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building)	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices	P	
	Mobile food vending vehicles in accordance with Section 24-49	P	
	Museums	P	
	New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building)	P	

	Nursing homes		SUP
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf driving ranges, batting cages and skate parks		SUP
	Parking lots, structures or garages	P	
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	P	
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Radio and television stations and accessory antenna or towers which are 60 feet or less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, including fast food restaurants, tea rooms, coffee shops, and taverns	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard	P	

	goods		
	Retail food stores	P	
	Security service offices	P	
	Small-scale alcohol production	P	
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP
	Tourist homes	P	
	Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt (with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing)	P	
	Vehicle and trailer sales and services (with major repair limited to a fully enclosed building)	P	
	Vehicle rentals	P	
	Vehicle service stations; if fuel is sold, then in accordance with section 24-38		SUP
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash)	P	
	Wholesale and warehousing (with storage limited to a fully enclosed building)	P	
Civic	Fire stations	P	
	Governmental offices	P	
	Libraries	P	

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

	division 6, Wireless Communications Facilities		
	Water facilities, public or private, and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	
Industrial Uses	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.		SUP
	Waste disposal facilities		SUP

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

Sec. 24-49. Mobile food vending vehicles (food trucks)

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

(a) Administration. The operation of food trucks on appropriately zoned properties shall be permitted by administrative permit. Written application for a mobile food vendor permit shall be made to the Zoning Administrator or their designee. Such application shall be on forms provided by the county and shall be accompanied by the following:

(1) A copy of a valid health permit from the Virginia Department of Health stating that the mobile food vending operation meets all applicable standards. A valid health permit must be maintained for the duration of the permit.

(2) Verification of Fire Department inspection and approval.

(3) Written documentation of the consent of the owner(s) of the property or properties on which the mobile food vending unit will be operated.

Upon review and determination that the proposed mobile food vending operation complies with the standards set forth in this section, the zoning office shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked. The administrative permit shall be issued for a period not to exceed one (1) year, at which time the operator may apply to renew their permit. At any time during the one (1) year permit period, the operator may amend an approved permit application to include additional vending locations by submitting written documentation to the zoning administrator of the consent of the owner(s) of the newly proposed property or properties.

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

(1) Parking: Mobile food vending vehicles shall not park, with the intent of vending, along public rights-of-way, or in designated handicapped parking spaces. Mobile food vending vehicles shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation or create safety or visibility problems for vehicles and pedestrians.

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



Economic Development Authority
101-D Mounts Bay Road
PO Box 8784
Williamsburg, VA 23187
P: 757-253-6607

yesjamescitycountyva.com

September 14, 2016

Mr. Richard Krapf
Chair, Policy Committee
James City County Planning Commission
PO Box 8784
Williamsburg, VA 23187

Dear Mr. Krapf:

On behalf of the James City County Economic Development Authority (EDA), I would like to commend county staff and the Planning Commission for their work drafting the Mobile Food Vending Vehicle (Food Truck) ordinance. Food trucks are growing in acceptance and popularity across the country, and more recently across Hampton Roads. The EDA is supportive of allowing the operation of food trucks in James City County.

As currently proposed, the ordinance applies to the M-1, M-2, PUD-C and PL zoning districts. This would allow reasonably priced and accessible dining options to the employees of our industrial parks and visitors to our public spaces and County parks.

Furthermore, food trucks provide dining options to visitors of craft beer and distillery operations. As breweries and distilleries are currently permitted by-right in the M-1, M-2 and B-1 zoning districts, the EDA unanimously recommends that the ordinance be expanded to include B-1 districts. This would provide consistency for both food truck operators and brewery and distillery operations, and support the symbiotic relationship between these two business sectors.

The EDA is excited about this new opportunity in James City County, which can encourage food service entrepreneurs to offer diverse and interesting food options and provide a lower-cost start up model for new businesses, who may transition their success into brick and mortar operations. I am pleased to offer the EDA's support for the proposed Mobile Food Vending Vehicle ordinance, and strongly encourage you to consider including the B-1 district into the ordinance.

Sincerely,

Thomas G. Tingle
Chairman, EDA

Cc: JCC Planning Staff
JCC County Administration