

M E M O R A N D U M

DATE: September 26, 2000

TO: The Board of Supervisors

FROM: Jill E. Schmidle, Senior Planner

SUBJECT: Case No. ZO-1-00. Sign Ordinance Revision

Staff received a request from the John Deere Vehicle Group to revise the Sign Ordinance in order to allow larger free-standing monument signs. In May of this year, staff was contacted by John Deere officials to discuss their proposed free-standing sign. Staff was informed that a 45.5-square foot sign had been constructed and shipped to the site in advance of applying for a sign permit or discussing the sign with staff. The Zoning Ordinance permits a 32-square foot sign for the specific on-site location where it is proposed. The sign has not been erected.

After discussion of options with staff, the John Deere Vehicle Group applied for a variance from the Board of Zoning Appeals. There is no legal hardship in this case warranting a variance from the Board of Zoning Appeals. John Deere sent a letter to the County Administrator requesting Zoning Ordinance amendment to accommodate their request and that it apply to industrial parks.

The Board of Zoning Appeals case has been deferred pending the outcome of the proposed amendment. Please note that in late August, John Deere submitted a revised sign permit application moving the sign to an on-site location that permits the requested 45.5-square foot sign, but has not withdrawn its Zoning Ordinance amendment request.

The current ordinance permits the following:

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:

(b) *Sign area.* Such signs shall not exceed:

- (1) 32 square feet per face if located less than 75 feet from the road right-of-way;
- (2) 50 square feet per face if located 75 to 150 feet from the road right-of-way; or
- (3) 60 square feet per face if located more than 150 feet from the road right-of-way.

As per the request, staff has drafted the following addition to Section 24-70 (b):

46 square feet per face if located less than 75 feet from the road right-of-way for an industrial use located in the interior of an industrial park where the freestanding sign is not visible from peripheral or perimeter public roads exterior to the park. Industrial use shall be defined as any use permitted generally or permitted with a special use permit in the M-2, General Industrial District, regardless of zoning classification, and industrial park shall be defined as more than three parcels served by an internal street containing industrial uses or the potential for industrial use, with a total building square footage of 100,000 square feet or greater.

This ordinance proposal would apply to sites located within all of the County's existing industrial parks, such as Stonehouse Commerce Park, Hankins Industrial Park, James River Commerce Center, Skiffes Creek Industrial Park, Greenmount Industrial Park, and proposed industrial parks.

Please note that James City County's Ordinance currently requires free-standing signs to be located a minimum of 5 feet from the property line, and cannot exceed a height of 15 feet. No changes are proposed, or were requested, to these requirements.

Comparison with Other Localities

For comparison, staff researched the ordinances of other municipalities in Virginia, including the cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach, and the counties of Albemarle, Arlington, Chesterfield, Hanover, and Loudoun. A summary of the requirements for free-standing signs for industrial uses in each of these municipalities can be found below. Generally, communities on the Southside permit larger free-standing signs for industrial uses than James City County.

- Chesapeake - permits a free-standing sign up to **125** square feet if located 50 feet or less from the road right-of-way. The maximum height permitted is 12 feet. John Deere's proposed sign would meet this Ordinance.
- Norfolk - permits the size of free-standing signs based upon the size of lot frontage. Norfolk permits a free-standing sign not to exceed 32 square feet for up to 200 feet of lot frontage, or **75** square feet for up to 400 feet of lot frontage. An additional 75-square foot free-standing sign is permitted for each additional 400 feet of lot frontage. Free-standing signs shall be located a minimum of five feet from the road right-of-way and shall not exceed 12 feet in height. John Deere's proposed sign would meet this Ordinance.
- Portsmouth - permits free-standing signs not to exceed one square foot per linear foot of street footage of the lot, up to a maximum of **125** square feet. Free-standing signs shall be located a minimum of seven feet from the road right-of-way and shall not exceed 26 feet in height. John Deere's proposed sign would meet this Ordinance.
- Suffolk - permits free-standing signs not to exceed one square foot for each two linear feet of street frontage, up to a maximum of **100** square feet. Free-standing signs shall be located a minimum of 10 feet from the road right-of-way and shall not exceed 12 feet in height. John Deere's proposed sign would meet this Ordinance.
- Virginia Beach - permits free-standing signs not to exceed 32 square feet for lots with frontage up to 200 feet, or **75** square feet for lots with frontage over 200 feet. Free-standing signs shall be located a minimum of seven feet from the road right-of-way and shall not exceed 12 feet in height. John Deere's proposed sign would meet this Ordinance.

The following municipalities generally permit free-standing signs for industrial uses that are similar in size to what is permitted in James City County:

- Albemarle - permits free-standing signs not to exceed **32** square feet. Free-standing signs shall be located a minimum of five feet from the road right-of-way and shall not exceed 12 feet in height. John Deere's proposed sign would not meet this Ordinance.

- Arlington - does not permit free-standing signs for companies in industrial parks. Only wall-mounted signs are permitted. John Deere's proposed sign would not meet this Ordinance.
- Chesterfield - permits free-standing signs not to exceed **32** square feet. Free-standing signs shall be located a minimum of 20 feet from the road right-of-way and shall not exceed eight feet in height. John Deere's proposed sign would not meet this Ordinance.
- Hanover - permits the size of free-standing signs depending on the number of travel lanes on which the site fronts. For a site located on a road with four or more travel lanes, a free-standing sign not larger than 50 square feet is permitted, with a maximum height of eight feet. For a site located on a road with fewer than four travel lanes, a free-standing sign not larger than **30** square feet is permitted, with a maximum height of six feet. John Deere's proposed sign would not meet this Ordinance.
- Loudoun - does not permit free-standing signs in industrial parks, but permits wall-mounted signs with a maximum total square footage of **20** square feet. John Deere's proposed sign would not meet this Ordinance.

Staff Analysis

Staff finds that there are strong reasons to oppose this revised Ordinance request, which are outlined below:

- During the 1997 Comprehensive Plan update, an overwhelming majority of citizens were in favor of measures that would protect and enhance the appearance of the County. Specifically, the Comprehensive Plan states that citizens expressed a strong desire to "maintain and improve the aesthetics and character of James City County." The goal of "preserving James City County as a unique and special place with standards higher than its neighbors" remains a constant theme throughout the Comprehensive Plan. The Community Character section recommends that "signage should be of a scale, size, color and materials to complement the historic character of the area." In Community Conversations as well as the citizen survey, "an overwhelming majority of respondents supported increased regulations to preserve the traditional qualities of the County." Our current Sign Ordinance is one of the cornerstones of regulatory effort at separating this community from others and recognizing its special and unique characteristics. Staff finds that amending the Sign Ordinance to permit larger signs is inconsistent with the vision of the Comprehensive Plan and represents a weakening of the existing Ordinance, which has been in effect since 1973.
- Permitting larger signs for industrial uses in industrial parks as proposed would establish a dangerous precedent. Other businesses and organizations, particularly retail, may successfully argue that they face similar or more demanding needs for recognition and therefore should be allowed to have larger free-standing signs.
- No evidence of hardship has been presented that indicates a significant economic need for larger signs for industrial uses in industrial parks. There appears to be no practical reason for larger signs in industrial parks, as the uses do not rely on signage for attracting customers or visitors. Establishing a dominant sign presence in industrial areas does not serve any practical purpose. In this particular instance, a 32-square foot sign would clearly identify the business and be easily visible to motorists.
- The proposed amendment does not serve a broad public need.

RECOMMENDATION:

Staff recommends that the Board of Supervisors make no changes to the Sign Ordinance. On September 6, 2000, the Planning Commission concurred with staff and voted 7-0 to deny the request to revise the Sign Ordinance. Staff finds that permitting larger free-standing signs for industrial uses in industrial parks is inconsistent with the Comprehensive Plan and sets a precedent for larger signs in the County.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gb

ZO-1-00.mem

Attachments:

1. Planning Commission Minutes
2. Revised Sign Ordinance