

Chapter 24

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Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

Sec. 24-32. Special requirements for accessory apartments.

Accessory apartments shall comply with the following requirements:

- (1) Only one accessory apartment shall be created within a single-family dwelling.
- (2) The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence. New entrances shall be located on the side or rear of the building and the apartment may not occupy more than 35 percent of the floor area of the dwelling.
- (3) For purposes of location and design, the accessory apartment is part of the main structure and shall meet all setback, yard and height regulations applicable to main structures in the zoning district in which it is located.
- (4) Off-street parking shall be required in accordance with section 24-54 of this chapter.
(Ord. No. 31A-88, § 20-27.4, 4-8-85)

Sec. 24-33. Special provision for condominiums.

A building or group of buildings permitted under the terms of this chapter may be sold as condominiums unless otherwise prohibited by law.

(Ord. No. 31A-102, 6-1-87)

Sec. 24-34. Special requirements for antennae.

In order to protect the health, safety, and welfare of the citizens of James City County and to insure that the unique aesthetic characteristics of the area are maintained, the following shall apply to the installation, maintenance and location of satellite earth station antennae and other types of incidental antenna located in the county except antenna associated with wireless communications facilities in accordance with division 6, Wireless Communications Facilities. Any satellite dish antennae more than one meter in diameter or any other antennae in a residential district with more than ten square feet of surface area on any one side shall be permitted only after the issuance of a special use permit by the board of supervisors. In all other districts, antennae shall be permitted as accessory uses upon the issuance of a building permit. Provided that transmission and reception signals are not materially limited for satellite dish antennae one meter or less in diameter, or two meters in diameter in commercial or industrial zoned property, all antennae shall be subject to the following requirements:

- (1) *Height limitations.* The antennae shall not exceed the height limitations for accessory structures of each district.
- (2) *Yard limitations.* All antennae shall meet all yard requirements for accessory structures of each district. Additionally, they shall be further restricted as follows:

- a. *A-1 and R-8 districts.* For lots in the A-1 and R-8 districts, antennae shall be permitted in side and rear yards only and on roofs as provided in subsection (3).
 - b. *R-1, R-2, and R-6 districts.* For all lots in the R-1, R-2, and R-6 districts, antennae shall be permitted in rear yards only and on roofs as provided in subsection (3).
 - c. *R-4, R-5, MU, PUD-R, LB, B-1, M-1, M-3, and PUD-C districts.* For all lots in the R-4, R-5, MU, PUD-R, LB, B-1, M-1, M-3, and PUD-C districts, antennae shall be permitted in rear yards and on roofs as provided in subsection (3).
 - d. *M-2 District.* In the M-2 District, antennae shall be permitted in all yards and on roofs as provided in subsection (3).
- (3) *Roof location.* An antenna larger than ten square feet in surface area on any one side and located on a roof shall be set back from all edges of the roof at least two times the height of the antenna.
- (4) *Standards.* All antennae and the construction and installation thereof shall conform with applicable Uniform Statewide Building Code requirements. No antenna larger than ten square feet in surface area on any one side may be installed on a portable or moveable device. Further, all antennae shall be of noncombustible and corrosive-resistant materials and be erected in a secure, wind-resistant manner located and designed to reduce visual impact from surrounding properties at street level and from public streets, antennae visible from public streets shall be black in color unless otherwise approved by the planning director.
- (5) *Exceptions.* Satellite dish antennae one meter or less in diameter or two meters or less if located in commercial or industrial zoned districts are not required to be black in color. Additionally, if transmission or reception of a satellite antenna one meter or less in diameter, or two meters or less in diameter if located on commercial or industrial zoned property, is shown to be materially limited by one or more of the above requirements, the minimum number of requirement(s) necessary to provide a usable signal shall be waived. For all other antenna, upon a finding by the director of planning that a usable signal cannot be obtained by locating an antenna in the rear yard or upon a roof as provided in subsection (3) in the R-1, R-2, R-4, R-5, R-6, MU, PUD-R, PUD-C, LB, B-1, M-3, and M-1 districts or in the rear or side yard or upon a roof as provided in subsection (3) in the A-1 and R-8 districts, the planning commission may grant an exception to the provisions of this section to allow placement of an antenna in a side or front yard in the R-1, R-2, R-4, R-5, R-6, MU, PUD-R, PUD-C, LB, B-1, M-3, and M-1 districts or the front yard in the A-1 and R-8 districts, if the placement will provide for the reception of a usable signal. No exception shall be granted unless it is determined that the granting of such exception will not be of substantial detriment to adjacent property and will not change the character of the districts. In granting an exception, the planning commission may impose conditions including, but not limited to, the following:
- a. Screening by architectural or landscape methods to reduce visual impact from surrounding properties and public streets.
 - b. Placement and installation methods to limit detrimental impact upon surrounding properties and to enhance the public health, safety, and general welfare,
 - c. Other reasonable requirements deemed necessary to make the use consistent with the character of surrounding properties.
- (Ord. No. 31A-94, 2-3-85; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-159, 3-6-95; Ord. No. 31A-171, 7-9-96; Ord. No. 31A-176, 5-26-98)

Sec. 24-35. Sidewalks.

(a) Sidewalks shall be required for all projects requiring site plan review and residential developments in accordance with the following:

- (1) Sidewalks shall be built to VDOT standards and located within VDOT right-of-ways when they are to be publicly maintained. If sidewalks are to be privately maintained, they shall be built to standards acceptable to the county engineer or the planning commission.
- (2) Sidewalk plans providing for internal pedestrian access between parking areas, buildings and public areas as well as access to abutting property shall be provided for multifamily residential development and for nonresidential development sites.
- (3) Sidewalks shall be provided along all existing public roads abutting property to be developed.
- (4) Sidewalks shall be provided for one block commencing at the entrance(s) on at least one side of all entrance roads serving residential developments which shall or would be expected to serve more than 500 vehicles per day based on the application of the Institute of Transportation Engineers' traffic generation rates to a projected density assigned to undeveloped land remaining within a proposed subdivision. Sidewalks shall be provided on one side of all roads which shall serve or would be expected to serve more than 1,000 vehicles per day based on the method listed above.

(b) Upon a favorable recommendation of the development review committee, the planning commission may modify the requirements listed in item (4) above; provided, that equivalent pedestrian facilities have been provided which adequately provide for pedestrian access within the development and to abutting property.

(c) Upon a favorable recommendation of the development review committee, the planning commission may modify the requirements listed in item (3) above; provided that:

- (1) Sidewalks are provided along an existing public road as identified in the transportation element of the Comprehensive Plan; or
- (2) Access to abutting properties has been provided for by way of a pedestrian connection constructed to the minimum standards listed in (d) below; or
- (3) A combination of (1) and (2) above, have been provided in a manner and location acceptable to the development review committee.

(d) Where pedestrian connections are provided in accordance with (c)(2) above, such connections shall be constructed to the following minimum standards:

- (1) Such pedestrian connections should avoid lands with greater than 25 percent slopes, areas subject to flooding, environmentally sensitive land or lands otherwise designated as a resource protection area.
- (2) Such pedestrian connections shall be at least eight feet wide and constructed of an all weather surface. In instances where a soft-surface is provided, the surface shall be underlaid with filter cloth. In no case shall a multi-use pedestrian connection be closer than five feet to the property line of an adjoining residential property.
- (3) The right-of-way and pedestrian connection shall be indicated on the final plat.

(Ord. No. 31A-118, 2-5-90; Ord. No. 31A-203, 1-26-00)

Sec. 24-36. Special provisions for garage sales.

Garage sales shall be permitted in all districts.
(Ord. No. 31A-89, 9-9-85)

Sec. 24-37. Keeping of inoperative vehicles in residential or commercial districts.

(a) It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers. An inoperative motor vehicle shall mean any motor vehicle which is not in operating condition or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

(b) The owners of property zoned for residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

(c) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.

(Ord. No. 31A-129, 3-4-91)

State law reference-Authority of board of supervisors to enact this section, Code of Va. § 15.2-904.

Sec. 24-38. Special requirements for establishments selling or dispensing vehicular fuels.

The following special requirements shall apply to automobile service stations, truck stops, truck terminals and other establishments selling or dispensing motor vehicle fuels in any district in which they are located:

- (1) Minimum lot area shall be 20,000 square feet.
- (2) Minimum lot width at the setback line shall be 200 feet or 150 feet where self-service gasoline pumps are subordinate to general retail uses and no repair is conducted.
- (3) No fuel service island or pump canopy shall be located within 15 feet of any adjoining road right-of-way or property line.
- (4) The width of curb openings shall not exceed 35 feet. Where two or more curb openings are proposed, they shall be no closer than 25 feet apart; except that where required for the safe maneuvering of trucks, the curb openings may be increased to a width of 60 feet, and curb openings shall be no closer than 75 feet apart.

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- (5) Curb openings shall be no closer than ten feet from an adjoining property line and no closer than 25 feet from a street intersection. Curb openings for truck terminals and truck stops shall be no closer than 25 feet from an adjoining property line.
- (6) Two off-street parking spaces shall be provided for each service bay plus a total of three spaces for employee parking.
- (7) If dumpsters are provided, they shall be screened from adjacent properties by vegetation, landscaping or fences. Dumpsters shall be placed on concrete pads with a drainage system as required by the health department.

(Ord. No. 31A-88, § 20-27.1, 4-8-85; Ord. No. 31A-123, 7-2-90)

Sec. 24-39. Special provisions for lots for public utilities.

Lots intended for public water and public sewage facilities and other public utilities and structures erected for these purposes shall be waived from the lot area, lot width and lot frontage, and setback requirements of the district in which they are located, provided that such facilities are landscaped and fenced to screen them from nearby roads, residences and other development and provided that such facilities are not located within 15 feet of any property line.

(Ord. No. 31A-88, § 20-27.2, 4-8-85; Ord. No. 31A-186, 12-22-98)

Sec. 24-40. Special requirements for sanitary landfills.

Sanitary landfills shall comply with the following requirements:

- (1) Refuse shall be placed in an excavation or in an area which can readily receive cover material and each lift shall be thoroughly compacted to a depth not greater than two feet.
- (2) An adequate amount of the proper type equipment shall be provided to move, compact and cover the refuse at the end of each operating day, regardless of machinery breakdown.
- (3) All solid waste received shall be buried each day with the exception of bulky materials (e.g., tree stumps).
- (4) A daily cover of not less than six inches shall be applied. At completion of a cell or section of the landfill at least two feet of earth shall cover the cell or section at a grade no less than five percent.
- (5) No burning of garbage or refuse containing garbage shall be allowed. Any other burning shall be as prescribed by the air pollution control board.
- (6) Adequate provisions shall also be made for adequate supervision of the landfill operation to prevent blowing paper, plastic bags and other debris, to control dust, and to provide insect and rodent control measures.

(Ord. No. 31A-88, § 20-27.9, 4-8-85; Ord. No. 31A-146, 8-3-92)

Sec. 24-41. Outdoor operations and storage.

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors shall:

- (1) Set back a minimum of 35 feet from the right-of-way of any street identified on a functional classification with a right-of-way 50 feet or greater in width and 60 feet from the centerline of any street identified on a functional classification with a right-of-way less than 50 feet in width, except that the outdoor display of plant materials shall be set back ten feet from any road right-of-way 50 feet or greater in width and 35 feet from the centerline of any road right-of-way less than 50 feet in width; and
- (2) Be well drained with adequate provisions to control storm drainage and erosion; and
- (3) Where the ground cover would be routinely disturbed because of the nature of the activity to be conducted or because of vehicular traffic, the area shall be maintained in an all-weather surface; and
- (4) Be screened from adjacent property by landscaping and fencing, except the outdoor displays for sale of vehicles, equipment, machinery and plant materials are exempt from the screening requirements where such screening would interfere with the visibility of the items for sale from a public road; and
- (5) Be limited to uses and items to be stored which do not create noise, odor, dust or other objectionable effects. The effects of an activity shall be measured at the nearest property line.

(Ord. No. 31A-88, § 20-27.3, 4-8-85; Ord. No. 31A-123, 7-2-90)

Sec. 24-42. Special provisions for townhouse and condominium development.

Pavement for roadways and parking areas to serve townhouse and condominium development shall be constructed and certified in accordance with *Administrative Guidelines For Certification of Private Street Construction*, prepared by the county engineer. Criteria to be considered under this requirement shall be strength of foundation soils and type and depth of pavement components. Until such time as the county engineer or his designee has accepted and approved such certification, surety required to assure proper pavement construction shall not be released. Production and installation of base aggregate and wearing surface, or equivalent pavement design approved by the county engineer, shall be certified as complying with ordinance requirements and approved plans.

(Ord. No. 31A-154, 1-3-94)

Sec. 24-43. Buffer and setback requirements for timbering activities.

The requirements in this section shall apply to timbering activities located in all districts. This section shall not apply to timbering activities conducted as part of an approved site plan, subdivision plan, or building permit. Approval of site plans, subdivision plans, or building permits shall be in accordance with other provisions of the zoning ordinance and shall not be governed or guided by the provisions of this section. This section shall also not apply to timbering activities where all timbering is conducted outside of the buffers or setback for timbering listed in paragraph (1), (2) or (3) or for timbering within such buffers or setback for timbering to construct access drives having a maximum width of 30 feet. The following provisions shall apply to all timbering activities subject to this section except as otherwise noted:

- (1) *Buffer along public roads.* This paragraph shall not apply to the General Agricultural District, A-1. An undisturbed buffer at least 75 feet wide shall be maintained along all public roads. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (2) *Buffer along community character corridor.* This paragraph shall not apply to the General Agricultural District, A-1. On all other property fronting on roads that are identified as community character corridor on the Comprehensive Plan, an undisturbed buffer at least 150 feet wide shall be maintained along the community character corridor on properties that are zoned residential. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (3) *Setback for timbering.* In the General Agricultural District, A-1, a setback for timbering shall be provided in accordance with section 24-215(c).
- (4) *Buffer and setback for timbering measurement and determinations.* The width of required buffers and setbacks for timbering shall exclude any planned future right-of-way as designated on the Six-Year Primary or Secondary Road Plan.
- (5) *Tree protection.* Required buffer areas and setbacks for timbering shall be marked by painting trees along the interior edge of the buffer. Equipment, timber, or other materials shall not be placed within the buffer or setback for timbering area.
- (6) *Processing requirements.* Prior to commencing any timbering activities within a buffer or setback for timbering except for a 30-foot access drive, the property owner or agent shall complete an application and submit it along with a James City County Tax Map (with topography and planimetric detail at a scale of 1"=200') to the planning director that shows the site's property lines, any existing and proposed driveway entrances required buffer areas and setbacks for timbering, and tree protection measures.

The planning director shall determine whether to permit timbering activities within a buffer or setback for timbering in accordance with paragraphs (7) and (8) below. Upon approval of the application by the planning director, timbering activities within a buffer or setback for timbering may proceed. All timbering activities within a buffer or setback for timbering including location of driveways or any other land disturbing activities, shall take place only in those areas indicated on the approved map and in accordance with the methods approved by the planning director. The planning director shall have no more than 14 days from the filing of such application to approve or disapprove the application. If disapproved, the planning director shall write a letter to the applicant identifying the revisions to be made to gain approval.

- (7) *Modifications.* The planning director may grant modifications to the buffer, setback for timbering, and tree protection requirements when, in the opinion of the planning director, an alternative design provides equivalent measures, or retains the rural character of the property, or when buffers, setbacks for timbering, or tree protection are unnecessary due to a site's physical conditions such as topography or presence of streambeds, wetlands or other natural features. The planning director may also permit tree removal within the buffer or setback for timbering when trees are weakened, dying, diseased, or insect damaged, or, in the opinion of the state forester, unlikely to survive or such removal will enhance the long term effectiveness of the buffer or setback for timbering as a visual barrier.
- (8) *Partial timbering within a buffer or setback for timbering.* The planning director may approve partial timbering of buffer areas and setback for timbering and the use and type of equipment for partial timbering, after considering the following:
 - a. The effect of the timbering on the long-term effectiveness of the buffer area, or setback for timbering and on adjacent roads and properties;
 - b. The anticipated development of the property and the surrounding area;
 - c. The condition of any adjacent dwelling or subdivision including whether the structures are abandoned or dilapidated;
 - d. Any recommendations of the state forester, including recommendations on the use and type of equipment for partial timbering;
 - e. The health and diversity of trees with emphasis on protection of mixed hardwood trees, and the reforestation of the buffer or setback for timbering; and
 - f. The market value of the timber in the buffer or setback for timbering and the timber to be removed, and the market value of the timber on the balance of the property.
- (9) *Development review committee review.* The development review committee shall consider the timbering application if there are unresolved problems between the applicant or the planning director.
- (10) *Tree Replacement.* If timbering occurs within the buffers or setbacks for timbering described above in paragraphs (1), (2) and (3) and such timbering is not approved in accordance with paragraphs (7) and (8) above, trees shall be replaced at a ratio of one tree for each 800 square feet of area timbered. All replacement trees shall be of a species native to eastern Virginia. Such trees shall meet the standards for trees stated in section 24-2. The number and type of trees and their placement shall be approved by the planning director.

All trees shall be planted within 30 days from the date the trees were removed from the buffer or setback unless such period does not fall within the planting season. In such cases, their replacement in the next planting season (October 1 through March 31) shall be guaranteed by entering into a written agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover all costs of the plantings and their installation as estimated by the planning director. Such written agreement shall be entered into and such financial guarantee shall be provided to the County within 30 days from the date the trees were removed. The form of the agreement, financial guarantee, or type of surety shall be to the satisfaction of and approved by the county attorney. If the improvements are not completed in a timely manner, the planning director shall proceed to complete the improvements by calling on the surety or financial guarantee. After the first full growing season (February 1 to November 30) after planting, any trees not in a healthy growing condition or determined to be dead, diseased, or dying, shall be replaced as determined by the planning director. Thereafter, all trees shall be maintained in a healthy growing environment and in a healthy growing condition.

The planning director may allow some or all of the trees required by this paragraph to be planted outside the buffer or off-site when, if in the opinion of the planning director, such an alternative mitigates the environmental, buffering, or wildlife habitat impacts of the tree removal.

- (11) *Violations and penalties.* 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 prior to commencing enforcement. The violation of any provision of this section concerning tree replacement in paragraph 10 above is subject to a civil fine pursuant to section 24-22. The violation of any other provisions in this section is subject to a criminal sanction under section 24-22. (Ord. No. 31A-167, 3-26-96; Ord. No. 31A-169, 5-28-96; Ord. No. 31A-204, 5-8-01)

Sec. 24-44. Special requirements for street names.

- (a) Proposed streets which align with existing streets shall bear the names of the existing streets. Names of proposed streets shall not duplicate, irrespective of suffixes, or be similar in sound or spelling to existing street names in James City County, the City of Williamsburg, or the northern portions of York County served by the Williamsburg Post Office, by common zip code or by inter-jurisdictional emergency services.
- (b) Street names shall be indicated on the preliminary and final site plans. Names of existing streets that provide access to two or more property owners or lessees shall not be changed except by approval of the governing body.
(Ord. No. 31A-183, 11-24-98)

Secs. 24-45 - 24-51. Reserved.

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING

Sec. 24-52. Statement of intent.

This division seeks to effectively manage traffic flow and to provide for an adequate number of parking spaces for vehicles while creating and maintaining vehicle areas which are safe, attractive, and functional for pedestrians and motorists. The ordinance establishes minimum standards for parking and is intended to be flexible in order to reduce impervious surfaces, monetary costs, and improve the function and appearance of parking areas.

(Ord. No. 31A-199, 7-13-99)

Sec. 24-53. Widening of highways and streets.

Whenever there shall be plans in existence, approved by either the State Department of Transportation or by the governing body, for the widening, extension or construction of any street or highway, the commission may require additional setbacks and yards for any new construction or for any structures altered or remodeled adjacent to planned roads or planned roads shown on county approved development plans, or the dedication or reservation of additional right-of-way in order to preserve and protect the planned road for such proposed street or highway as part of its review of subdivision plats, site plans or master plans.

(Ord. No. 31A-88, §20-11, 4-8-85; Ord. No. 31A-199, 7-13-99)

Sec. 24-54. Minimum off-street parking.

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, except detached single-family residential units, minimum off-street parking with adequate landscaping as required in article II, division 4 of the zoning ordinance and provision for entrance and exit by standard-sized automobiles, as provided herein.

(Ord. No. 31A-88, § 20-12, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-105, 2-22-88; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-132, 10-14-91; Ord. No. 31A-151, 5-3-93; Ord. No. 31A-157, 11-21-94; Ord. No. 31A-163, 7-3-95; Ord. No. 31A-199, 7-13-99)

Sec. 24-55. General provisions.

(a) *Certificate of occupancy required and exemptions.* No certificate of occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted; provided that:

- (1) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County;
- (2) Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year; and

- (3) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall be brought into conformance with this chapter; provided, however, the planning commission may waive the setbacks and geometric design requirements found in sections 24-57 (a), (b), and (f) as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship or that insufficient area exists to allow such revision.

For purposes of this section, "enlarged or materially altered" shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15 percent or reduces the landscaped areas of the parking lot by more than 15 percent. Nothing in this section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

(b) *Location of off-street parking.*

- (1) Required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot adjacent thereto which has the same zoning classification or a zoning classification that would allow the use that the parking will serve. The rights of use of any such adjacent property shall be secured by ownership, easement or similar recorded covenant or agreement approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.
- (2) Off-site parking spaces shall be permitted by the Development Review Committee (DRC) which are not located on the same property or use they serve, provided they meet the criteria specified in this section. All such parking shall be easily and safely accessible to pedestrians. The rights of use of any such property and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

- (c) *Types of vehicles permitted in parking spaces.* Off-street parking spaces shall be used solely for the parking of vehicles in operating condition by patrons, occupants or employees of the use to which such parking is accessory. Permanent storage of vehicles shall not be allowed. Storage of vehicles for sale shall not be allowed.

(d) *Parking of vehicles for sale/rent permitted and prohibited.*

- (1) The following provisions shall apply to the parking or placement of automobiles, trucks, trailers, recreational vehicles, motorcycles, boats (a boat displayed for sale with a trailer shall be construed as a single vehicle), tractors, heavy construction equipment or other types of motorized vehicles or equipment with the intent to offer such vehicles or equipment for sale or rent. For the purposes of this section, the presence of signs, lettering, papers, flyers or other visible advertisement or information on or within the vehicle or the use of internet or print media indicating it to be for sale or rent shall be deemed evidence of such intent.
- (2) The owner or occupant of a parcel on which an occupied residential, commercial or industrial structure is located may park a legally inspected and tagged automobile, light-duty truck, recreational vehicle or trailer, boat or cargo trailer on the property for the purpose of selling or offering the vehicle for rent, provided that:

- a. The vehicle is owned by the owner or occupant of the property, or a member of the owner/occupant's immediate family living on the property. For the purposes of this section, the term "immediate family" shall be deemed to include spouse, natural or legally defined offspring or parents or grandparents of the owner or occupant of the premises. The owner must produce proof of ownership in the form of title or current registration if requested by inspection staff.
 - b. The vehicle is parked on a cleared area on the property, and shall not be parked on forested or landscaped portions of the property.
 - c. Any signs or lettering advertising the vehicle to be for sale or rent shall be attached to or applied to the vehicle and shall not exceed six square feet in area.
 - d. Not more than two vehicles shall be parked or displayed for sale or rent at any time and not more than five vehicles may be parked or displayed for sale or rent on any property within the same calendar year.
 - e. In the event the commercial or industrial use occupying the property is authorized to include the on-premises parking or storage of heavy construction equipment, large trucks, and similar vehicles/equipment, the above-noted limitation to "light-duty trucks" shall be waived.
 - f. Parking of vehicles or equipment for sale or rent on undeveloped or vacant property, or on property on which the principal structure(s) are unoccupied, shall be prohibited.
- (3) Violations of the terms of this section shall be enforceable against the owner of the property and/or the owner of the vehicle.
 - (4) The provisions of this section shall not be deemed to prohibit the sale or rental of vehicles or equipment when conducted from a site which has been authorized, pursuant to the terms of this chapter, for the conduct of vehicle or equipment sales/rental as a principal use of the property.
 - (5) Violation of any of these terms may result in court action in accordance with section 24-22 in addition to having the vehicle towed from the property at the owner's expense.
 - (6) The provisions of this section are not intended to prevent temporary parking related to day-to-day use and operation of the vehicle (i.e. shopping, normal road use) and should not be construed as such.
- (Ord. No. 31A-88, § 20-12, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-105, 2-22-88; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-132, 10-14-91; Ord. No. 31A-151, 5-3-93; Ord. No. 31A-157, 11-21-94; Ord. No. 31A-163, 7-3-95; Ord. No. 31A-199, 7-13-99; Ord. No. 31A-240, 5-12-09)

Sec. 24-56. Handicap parking.

Parking spaces for the handicapped and any necessary curb cuts, ramps and accessible routes to the proposed use shall be provided in and from parking areas in conformance with the regulations issued by the U.S. Department of Justice pursuant to the Americans with Disabilities Act (ADA) (See 28 CFR Part 36, Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities).

(a) *Dimensions.* The required dimensions for parking spaces and aisles shall be in conformance with those provided in the following table.

Dimensions for Handicap Parking			
Type of Handicap Space	Required Space Dimensions	Required Width of Adjacent Aisle (Aisle shall be clearly marked)	Minimum Number of Spaces Required
Standard	9' x 18'	5-feet	Refer to Sec. 24-56 (d)
Van Accessible	9' x 18'	8-feet	1 in every 8 required handicap accessible spaces shall be van-accessible, but not less than one (1).

No more than two spaces may share an aisle. Each aisle shall be headed by a curb cut or ramp, with a detectable warning, to allow unimpeded access to the use.

(b) *Signage.*

- (1) Each space shall be headed with a sign clearly marking the space as handicapped (with the international symbol of accessibility). Such signs shall not exceed 1.5 square feet in area and shall be positioned so that the bottom edge of the sign is no less than four feet above grade and no more than seven feet above grade.
- (2) All signs shall include the following language: "Penalty, \$100-\$500 Fine, TOW-AWAY ZONE." Such language may be placed on a separate sign and attached below existing above grade disabled parking signs, provided that the bottom edge of the attached sign is no lower than four feet above the parking surface.

(c) *Location.* Location of handicapped spots shall be determined as follows. Such spaces shall generally be closest to the entrance to the building or use for which they are provided. The spaces shall be connected to the use by a paved walk with a grade not to exceed 1:20, no less than five feet wide, with curb cuts, ramps and detectable warnings where necessary, which shall allow unimpeded access to the use. When a ramp is required to provide an accessible route, it shall be constructed in conformance with ADA regulations.

(d) *Number of handicap spaces required.* The number of handicapped parking spaces shall be determined by the following chart:

Total Off-Street Parking Required	Handicap Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

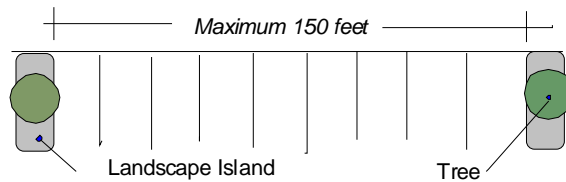
(Ord. No. 31A-88, § 20-12, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-105, 2-22-88; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-132, 10-14-91; Ord. No. 31A-151, 5-3-93; Ord. No. 31A-157, 11-21-94; Ord. No. 31A-163, 7-3-95; Ord. No. 31A-199, 7-13-99)

Sec. 24-57. Parking lot design.

Parking areas shall be arranged for functional efficiency and safety for both vehicles and pedestrians and shall be designed to be amenable to surrounding property. Parking areas, accessory or otherwise, shall comply with the following:

(a) *Dimensions of parking bays and required islands.* The parking lot shall be constructed so that spaces are grouped into bays. At the end of each bay, a landscape island of at least nine feet in width and 15 feet in length shall be built to separate the bays from each other or from traffic lanes. When the parking bays contain double rows of parking spaces, the landscape island shall be increased to nine feet in width and 30 feet in length. A parking bay may not be constructed to a length of more than 150 feet without constructing a landscape island. The planning director may approve islands which vary from nine-foot by 15-foot or nine-foot by 30-foot rectangles in order to provide desirable geometric design features such as rounded corners and angles to facilitate maneuvering of automobile traffic. However, in no case shall the total area of an island be decreased as a result of such design change.

Parking & Landscape Bay Dimensions



*This drawing is **not** to scale.*

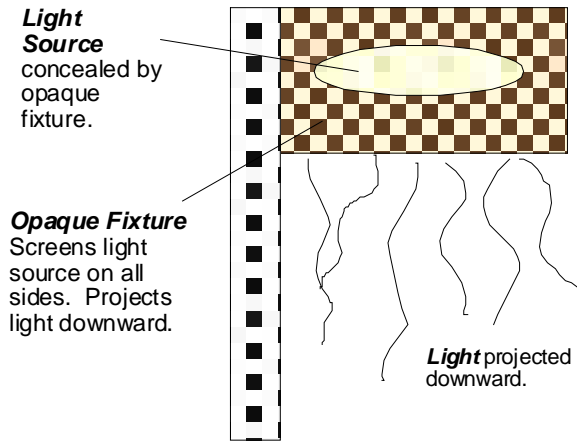
Minimum Landscape Bay Dimensions
Single-Bay of Parking - 9' x 15'
Double-Bay of Parking - 9' x 30'

(b) *Protection of landscape areas and location of parking areas and drive aisles.* All landscape areas contiguous to parking bays shall be protected from intrusion by vehicles by curbs or bumpers. Parking areas shall not be located within five feet of any building. Driveways shall not be located within five feet of any building except where vehicular access is necessary. The above-mentioned five-foot setback for parking areas and drives shall not be required for vehicle parking areas and drives (including those serving the parking area) located underneath a building or within a parking garage.

(c) *Required lighting.*

- (1) Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night.
- (2) No lighting fixture shall exceed a height of 30 feet. Height of the light fixture shall be the distance from ground or finished grade level to the highest point of a luminary.
- (3) The lighting in parking lots shall be directed so as not to produce glare on any adjacent property or public right-of-way. Luminaries shall be mounted on light poles horizontally and shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side (refer to the following graphic). Plans detailing the illumination patterns (Iso-footcandle diagrams) and specific design of all lighting fixtures shall be submitted for review along with the site plan.

Opaque fixture shields light source on all sides, so light is directed downward and not outward to the sides.



(4) Upon application to the planning director, the applicant may request a waiver to allow for the height of the luminaries to be raised to a height in excess of 30 feet up to the height of the main structure on the property or a maximum of 60 feet above grade which ever is less. Such a waiver shall only be granted if the following conditions are met:

- a. The horizontal distance of the luminary from any public right-of-way or adjacent residential or agricultural property shall be at least four times the height of the luminary.
- b. The applicant shall demonstrate to the planning director that no glare will be shed upon adjacent properties and roadways by the placement of higher poles.

(d) *Geometric standards.*

(1) The design of the parking lot shall meet the minimum geometric standards presented in the following table:

Minimum Off-Street Parking Area Dimensions			
Angle of Parking (Degrees)	Direction of Traffic	Dimension of Stall (in feet)	Width of Aisle (in feet)
Parallel	One-Way	8 x 22	12
30	One-Way	9 x 18	14
45	One-Way	9 x 18	14
60	One-Way	9 x 18	18
90	Two-Way	9 x 18	24

- (2) Other parking angle and aisle dimensions other than those listed in the chart contained in (d) (1) above may be permitted by the planning director or his designee upon finding that they conform to commonly accepted engineer design standards and do not compromise the safety, appearance, or function of the parking area. In no case shall the stall dimensions for angle parking be less than nine feet by 18 feet.
- (3) The minimum aisle dimension of any parking lot designed to accommodate at least 500 vehicles and intended for long-term parking may be reduced by four feet, provided the lot is designed and marked for one-way traffic, the parking spaces form an angle of 80 degrees to 90 degrees with the aisle, each vehicle is individually guided to a parking space by an attendant, and the safety and effective operation of the lot has been clearly demonstrated.

For the purpose of this section, the phrase "long-term parking" shall mean parking the duration of which is on the average six hours or more.

(e) *Surface and drainage of parking areas.* Parking areas, driveways and entrances shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided in all parking areas for the removal of stormwater and a drainage plan shall be submitted with the site plan and approved by the environmental director.

The use of grass pavers may be permitted in low-traffic areas (i.e. overflow parking for churches, special events, etc.) upon approval from the planning director, where it can be demonstrated that the vegetation will survive the amount of expected traffic.

(f) *Entrances to parking areas from public or private roads.* The location, size, and number of entrances from parking areas onto public or private roads shall be shown on the site plan. Upon finding that on-site traffic circulation, offsite traffic flow or public safety would be impaired or improved, the planning commission may require the location, number, and/or size of proposed entrances to be modified, limited, or increased. (Ord. No. 31A-88, § 20-12, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-105, 2-22-88; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-132, 10-14-91; Ord. No. 31A-151, 5-3-93; Ord. No. 31A-157, 11-21-94; Ord. No. 31A-163, 7-3-95; Ord. No. 31A-199, 7-13-99)

Sec. 24-58. Special provisions for bus parking.

If provided, bus parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Bus parking areas, accessory or otherwise, are exempted from the requirements of section 24-57, but shall comply with the requirements of section 24-55 (a) and with the following:

(a) *Site plan required.* Site plans, in accordance with article III of this chapter, shall be submitted for all new off-street parking areas for buses or for any additions to existing off-street parking areas for buses.

(b) *Signs for bus parking only.* Parking areas to be used for bus parking shall be used for bus parking only. Signs shall be erected within the parking lot indicating those areas designated for bus parking only.

(c) *Location.* No parking area for buses shall be located closer than 30 feet to adjacent residential uses, hotels, motels, hospitals or institutes of human care and occupancy. Upon finding that due to enhanced landscaping, the use of berms, or other site characteristics and/or improvements the bus parking area is sufficiently screened from the uses listed above, the planning director may reduce this buffer/setback requirement to a minimum of 20 feet.

(d) *Dimensions.* The design of the bus parking lot shall meet the minimum geometric standards presented in the following table.

Minimum Off-Street Bus Parking Dimensions		
Type	Dimension of Stall (in feet)	Minimum Width of Aisle(s) (in feet)
Perpendicular or Angled Parking	12 x 40	24
Parallel Parking	12 x 50	24

The width of aisles within bus parking lots shall be determined by the turning radii necessary to safely maneuver into and out of the parking spaces, however, shall in no case be less than 24 feet wide.

(e) *Entrances to parking areas.* The location, size and number of entrances from parking areas onto public or private roads shall be shown on the site plan. Upon finding that on-site traffic circulation, offsite traffic flow or public safety would be impaired or improved, the planning commission may require the location, number, and/or size of proposed entrances to be modified, limited, or increased.

(f) *Surface and drainage of parking areas.* Bus parking areas shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided for the removal of stormwater and a drainage plan shall be submitted with the site plan and approved by the environmental director.

(g) Adequate lighting shall be provided in accordance with section 24-57 (c). (Ord. No. 31A-88, § 20-12, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-105, 2-22-88; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-132, 10-14-91; Ord. No. 31A-151, 5-3-93; Ord. No. 31A-157, 11-21-94; Ord. No. 31A-163, 7-3-95; Ord. No. 31A-199, 7-13-99)

Sec. 24-59. Minimum off-street parking requirements.

(a) *Residential uses.*

(1) *Minimum number of resident parking spaces.* The minimum number of off-street parking spaces required for residential uses is provided in the following table.

Type of Residential Unit	Minimum Number of Spaces Required
Single-Family Unit	2
Single-Family Unit with an accessory apartment	3
Townhouse Unit	2.5
1-Bedroom Apartment	1.5
2 or more Bedroom Apartment	2.2
Manufactured Home	2
Other Residential Units	1.5

Spaces in garages shall be counted towards the required minimum number of parking spaces for each dwelling. The parking space within the garage shall be large enough to provide an adequate parking space for a full size automobile and necessary space for ingress and egress out of the vehicle as determined by the zoning administrator. Building plans shall be submitted that demonstrate the adequacy of the garage(s) for accommodating parking, adequate ingress and egress out of the vehicle, and interior access to the residential unit.

(b) *Commercial uses.* Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

Category A - High demand. High parking demand generators shall provide one parking space per 200 square feet of retail and/or office floor area, to include:

- All other commercial uses not specified in Category B or C below.
- Arcades.
- Dance Halls/Clubs.
- Drug stores.
- Laundries and dry cleaners.
- Libraries.
- Lodges, civic clubs, fraternal organizations, service clubs, and private clubs.
- Post offices.
- Public billiard parlors and pool rooms.
- Retail stores, general.
- Retail food stores, bakeries and fish markets.
- Retail and service stores, including: antiques, arts and crafts, books, candy, coin, dressmaking, duplicating services, florist, furrier, garden supply, gift shops, greeting card, handicrafts, hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, novelty, office supply, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.

Category B - Moderate demand. Moderate parking demand generators shall provide one parking space per 250 square feet of retail and/or office floor area, to include:

- Banks and financial institutions.
- Corporate, business, and professional offices.
- Lumber and building supply.
- Machinery sales and service.
- Photography studios and sales and artist and sculptor studios.
- Plumbing and electrical supply.
- Tire, transmission, glass, body and fender, and other automotive product sales and service.

Category C - Uses with unique requirements.

- (1) *Bowling alleys.* Three spaces per alley plus one space for every 200 square feet of accessory business use.
- (2) *Barber shops and beauty shops.* At least three spaces plus two spaces for every barber or beautician chair.

- (3) *Furniture and carpet stores and/or show rooms.* One space for every 400 square feet of retail floor area.
- (4) *Hospitals.* Two parking spaces for every bed.
- (5) *Indoor vehicular sales show rooms.* One space for every 400 square feet of retail floor area.
- (6) *Medical office/clinic (reference (18) below for Veterinary Hospitals).* Seven spaces per practitioner, or one space per 250 square feet, whichever is greater.
- (7) *Mini-storage warehouses.* One space per 100 units, plus two spaces per on-site caretaker residence.
- (8) *Mortuaries and funeral homes.* The applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted industry standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (9) *Motels, hotels, and tourist homes.* One space per rental unit plus four parking spaces for every 50 rental units plus one space per five persons to the maximum capacity of each public meeting and/or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.
- (10) *Nursing homes or convalescent homes.* One space for every four residents, plus one parking space for each employee on the largest shift.
- (11) *Outdoor retail sales/display areas.* At least one space per 500 square feet of area.
- (12) *Outlet malls.* Five spaces per 1,000 square feet of retail floor area. For the purposes of this provision, an "outlet mall" shall be defined as four or more stores which (1) are physically connected or are otherwise arranged in an integrated manner, (2) share a common parking area, and (3) the majority of the individual stores primarily sell the goods of a single manufacturer or sell returned, discontinued, overstock, and/or similar goods..
- (13) *Planned shopping centers, excluding outlet malls,* with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

Total Retail Floor Area per 1,000 square feet	Number of Spaces per 1,000 square feet
1 to 300,000	4
Over 300,000	4.5

Where a theater is proposed in conjunction with any shopping center which contains at least 60,000-square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25 percent of what would have been required under subsection (17) below.

- (14) *Recreation facilities.* For recreation facilities not listed herein, the applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted national park and recreation standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (15) *Rental of rooms.* Rental of rooms to a maximum of three rooms shall provide off-street parking totaling one more parking space than the total number of rooms to be rented.
- (16) *Restaurants.* One space for every four seats based upon the maximum seating capacity allowed.
- (17) *Theaters, auditoriums, and places of public assembly.* One parking space per five seats based upon the planned seating capacity. For uses with bench seating, each 24 inches of bench shall be counted as one seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.
- (18) *Veterinary hospital.* Three spaces per examination or treatment room, plus one space per employee on the largest shift.

(c) *Industrial uses.* Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.

(d) *All other uses - planning director determination.* Where the required number of parking spaces is not set forth for a particular use in the preceding subsections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the planning director shall determine the number of spaces to be provided.

(e) *Shared parking.* Shared use of required parking spaces may be permitted where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The location of such shared parking area(s) shall also be in compliance with section 24-55 (b). Shared use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of the site plan review:

- (1) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
- (2) The location and number of parking spaces that are being shared;
- (3) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
- (4) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses and perpetual maintenance of the shared parking facilities. The rights of use of any such lots and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

(f) *Mass or alternate transportation plans.*

- (1) The minimum number of required parking spaces may be reduced upon the approval of a mass transportation or alternate transportation plan, which details arrangements for the mass or alternate transit of potential visitors to the site, including residents, employees, and customers. The plan shall also demonstrate that facilities exist or will be provided to accommodate the safe loading and unloading of mass transit passengers. A facility which provides a safe and comfortable waiting area for passengers shall also be provided.

Such plans shall be subject to the review and approval of the planning director and transit manager prior to the reduction of the number of required parking spaces.

- (2) Each lot for which the minimum number of parking spaces has been reduced shall show a reserve area sufficient in size to accommodate the number of parking spaces which were not required to be constructed.
- (3) Every approved mass transportation or alternate transportation plan shall be reviewed by the planning director and transit manager every two years. The purpose of the review is to ascertain whether the plan has the effect of significantly reducing the automobile traffic to and from the site, and whether the reduced number of parking spaces is sufficient to accommodate the automobile traffic to the site. The planning director and the transit manager shall make a determination to this effect.
- (4) In the event that the planning director and transit manager determine that an approved mass transportation plan or alternate transportation plan has not had the effect of significantly reducing automobile traffic to a site, and that the reduced number of parking spaces is not sufficient to accommodate the automobile traffic to a site, the owner shall construct the number of parking spaces necessary to meet the minimum required under this ordinance.

(g) *Appeals and waivers:*

- (1) *Appeals.* A property owner may appeal for a change of a commercial use from Category A to Category B or a less restrictive requirement within Category C; however, the burden of proof shall be upon the applicant to show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to different parking classifications shall be made to the planning commission.
- (2) *Waivers.* A property owner may be granted a waiver by the planning commission from the minimum off-street parking requirements if it can be shown that due to unique circumstances a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any waiver granted by the planning commission shall apply only to the number of spaces required and shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The planning commission may place conditions upon the granting of a waiver and may require that the parking area not required upon the granting of the waiver be landscaped in addition to the minimum landscaping requirements.

(Ord. No. 31A-88, § 20-12, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-105, 2-22-88; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-132, 10-14-91; Ord. No. 31A-151, 5-3-93; Ord. No. 31A-157, 11-21-94; Ord. No. 31A-163, 7-3-95; Ord. No. 31A-199, 7-13-99; Ord. No. 31A-238, 5-12-09)

Sec. 24-60. Bicycle parking facilities.

Bicycle parking facilities shall be provided for all retail and office development 20,000 square feet in floor area and above. The facilities shall be permanently affixed to the ground and shall be provided in accordance with the following schedule:

Required Bicycle Parking	
Building Square Footage	Number of Facilities and Parking Spaces
20,000 to 50,000	1 facility with a minimum of five (5) parking spaces.
50,001 to 200,000	2 facilities with a minimum of five (5) parking spaces per facility.
200,001 or more	3 facilities with a minimum of five (5) parking spaces per facility.

(Ord. No. 31A-199, 7-13-99)

Sec. 24-61. Off-street loading requirements.

On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirement, nor shall the space for loading and unloading of vehicles be so located that a vehicle using such loading space projects into any public or private street or alley or driving aisle required for circulation within a parking lot.

Such loading and unloading space shall:

- (1) Be an area ten feet by 50 feet, with 15-foot height clearance; and
- (2) Be provided according to the following schedule:

Off-Street Loading - Minimum Space Requirements	
Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in terms of square feet of gross floor area (GFA)
5,001 to 30,000	1 space
30,001 to 150,000	1 space plus 1 space for each 30,000 square feet
150,001 to 750,000	5 spaces plus 1 space for each 60,000 square feet in excess of 150,000 square feet
Over 750,000	15 spaces plus 1 space for each 120,000 square feet

For the above uses, with gross floor areas of 2,000 to 5,000 square feet, one loading and unloading space measuring ten feet by 30 feet, with 15-foot height clearance, shall be provided.

(Ord. No. 31A-88, § 20-12.1, 4-8-85; Ord. No. 31A-199, 7-13-99)

Sec. 24-62. Provisions for private streets in qualifying industrial parks.

(a) Private streets may be permitted within qualifying industrial parks upon approval of the board of supervisors. Such approval shall be requested in writing through the planning division. The request shall include a traffic impact study and square footage estimates for the proposed industrial park. The traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director. The traffic impact study shall address projected traffic generation; internal road needs including, but not limited to, circulation and capacity; external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements. Private streets shall be coordinated with existing or planned streets on the approved master plan of development and the county comprehensive plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets, whether public or private, shall be guaranteed prior to construction by appropriate surety, letter of credit, cash escrow, or other form of guarantee approved by the county attorney.

(b) A "qualifying industrial park" shall be defined as an industrial and/or business park that has an actual or planned size of at least 1,000,000 square feet. The "Qualifying Industrial Park Square Footage Adjustments" shall be applied, to determine the qualifying industrial park square footage in order to determine whether the qualifying threshold can or would be reached. Qualifying square footage is computed by multiplying the existing or planned total square footage by the square footage credit listed in the following chart.

Qualifying Industrial Park Square Footage Adjustments	
Use	Square Footage Credit
Existing industrial/office/warehouse development	1
Other Permitted Development	0.75
Planned industrial/office/warehouse development	0.75
Other Permitted Development	0.5

The planned development adjustments listed above shall be applied to undeveloped property zoned Mixed-Use, MU; Limited Business/Industrial District, M-1; General Industrial District, M-2; Research and Technology District, RT; and Planned Unit Development and allows nonindustrial/office and/or nonwarehouse activity to occur based on master plan projections which have been approved by the board of supervisors. For undeveloped property not subject to a binding master plan the square footage shall be determined by multiplying 0.75 by 25 percent of the net-developable area of the project.

If an industrial/office/warehouse development is proffered exclusively, the existing development adjustments listed above may be applied upon examination of the proffers.

(c) To the extent streets are private rather than public, the applicant shall also submit assurances satisfactory to the county attorney that a property owner's community association or similar organization has been legally established under which the lots within the area of the final plan shall be assessed the cost of maintaining the private streets, and that if assessments are not paid, it shall constitute a pro rata lien upon the individual lots shown on the final plan.

(d) The uniqueness of each proposal for a qualifying industrial park requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, entrances, gutters, sidewalks, street lights and stormwater drainage be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility when the planning commission finds that such specifications are not required in the best interests of the occupants, workers or customers of the businesses located within a qualifying industrial park and that the modifications of such specifications are not inconsistent with the interests of the county.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification that:

- (1) The waiver or modification shall result in design and construction that is in accordance with accepted engineering standards;
 - (2) The waiver or modification is reasonable because of the uniqueness of the qualifying industrial park or because of the large area of the qualifying industrial park within which the design and construction will be coordinated, preplanned and controlled;
 - (3) Any waiver or modification pertaining to streets is reasonable with respect to the generation of vehicular traffic that is estimated to occur within the area of the qualifying industrial park;
 - (4) Any waiver or modification pertaining to sidewalks is justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic; and
 - (5) Traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case shall two lane roadways be less than 20 feet wide.
- (Ord. No. 31A-150, 4-5-93; Ord. No. 31A-199, 7-13-99)

Secs. 24-63 - 24-64. Reserved.

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 3. EXTERIOR SIGNS

Sec. 24-65. Statement of intent.

The purpose of this article is to regulate exterior signs so as 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)

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. The development review committee shall review and approve all back-lit or channeled lettered signs that are proposed within 150 feet of the existing or proposed right-of-way of a community character corridor or within a community character area.

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 shall not 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.

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.

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.

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

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) *Sign location and setbacks.* One freestanding sign shall be permitted on each street frontage. Such signs may only be placed on the property within required yards and setbacks and shall be located at least five feet from any property line.

(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.

(c) *Sign height.* Such signs shall not exceed an overall height of 15 feet above natural grade.

(d) *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 (d)(1) a. and b. are permitted so 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 so 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 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, 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.

(3) Signs shall cast no glare upon any adjacent property or public or private right-of-way.

(e) *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.

(f) *Shopping center signs.* Shopping centers shall be permitted one freestanding sign per major street frontage. 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.

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

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 right-of-ways, 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 right-of-ways. 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, 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 site 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 and 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.

(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-used 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 5 feet on any lot in a mixed-used 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 total square footage of all blade signs and all building face signs shall not exceed one square foot of signage per linear foot of store frontage, with a maximum of 60 square feet. Only one side of a double-faced blade sign shall be included in a computation of sign area;
- (5) 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;
- (6) 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;
- (7) 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;
- (8) 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 16 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-used 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.

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

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 (19) 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)

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; or
- (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.

(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)

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 and penalties.

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, tenant or lessee of the property. The violation of any provision of this article concerning the posting of a sign on public property or public right-of-ways is a misdemeanor subject to punishment pursuant to section 24-22. The violation of any other provisions of this article is subject to a civil penalty under section 24-22. In addition, if such violation is not corrected within five days after receipt of the notice of violation, except violations involving portable signs, the administrator or his designee may remove or cause to be removed at the owner's or tenant's expense such sign and/or institute such other action as may be appropriate. If the violation involves a portable sign, 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 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.

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

Secs. 24-80 - 24-85. Reserved.

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 4. LANDSCAPING

Sec. 24-86. Landscaping and tree preservation requirements.

The purpose of this section is to promote the public health, safety and welfare by providing for the preservation, installation and maintenance of trees and plant materials which will:

- (1) Ensure development which is consistent with the goals of the Comprehensive Plan related to natural resources, environmental and land use standards, Community Character Corridors, and aesthetics;
 - (2) Retain the historic and natural character of James City County by reducing the visual impact of signs, parking lots, buildings and structures and protecting, preserving and enhancing its natural physical wooded character with emphasis on preserving the existing tree canopy and other indigenous vegetation and providing such canopy and vegetation where it does not exist;
 - (3) Minimize the environmental and land use impacts of developments associated with noise, glare, dust and movement; changes in appearance, character and value of neighboring properties; and effects on air and water quality, stormwater runoff, groundwater recharge and soil erosion by preserving existing tree canopies and indigenous vegetation and restoring such canopies and vegetation and providing other landscape features;
 - (4) Promote traffic safety by controlling views and visually defining circulation patterns;
 - (5) Provide more comfortable exterior spaces and conserve energy by preserving and providing tree canopies and other landscape features which provide shade and windbreaks; and
 - (6) Ensure the location, type, and maintenance of plant materials creates and maintains a safe environment for users of the site.
- (Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99)

Sec. 24-87. Administration.

(a) *Landscape plan; when required.* A landscape plan is required for any site plan or residential plan for development subject to sections 24-98 (f) and (g) and shall be submitted at the time of application for plan approval. The landscape plan shall be prepared and approved in accordance with article III, Site Plan. The landscape plans shall also indicate the location of all existing and planned utilities.

(b) *Landscape plan; who prepares.* A Virginia registered landscape architect, a member of the Virginia Society of Landscape Designers, or a Certified Virginia Nurseryman with experience preparing planting plans and landscape construction drawings, shall prepare landscape plans for projects that propose a new building or group of new buildings whose building footprint(s) exceeds 2,500 square feet; or propose site improvements which result in the disturbance of 5,000 or more square feet of land area.

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(c) *Plan requirements and determinations.* Where requirements of this section are based on zoning or planning designations, such designations shall be determined by the county zoning district map, Comprehensive Plan and Six-Year Secondary Road Plan and the official planning and zoning documents of the adjoining jurisdiction if applicable. Required landscape areas shall exclude any planned future right-of-way as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan, approved master plan, or any road plan adopted by the board of supervisors.

(d) *Installation of required landscaping, performance guarantee.* Where a landscape plan is required, landscaping shall be installed and existing trees shall be preserved in conformance with the approved landscape plan. A certificate of occupancy shall not be issued until all landscaping has been installed in accordance with the approved landscape plan unless the installation of any incompleting landscaping is guaranteed as provided in section 24-8.

(e) *Maintenance of landscaping.* The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials, fences and barriers as may be required by the provisions of this section. All plant materials, including existing trees preserved to meet the requirements of this section, shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. Fences and walls shall be maintained in good repair. Replacement material shall conform to the original intent of the approved landscape plan and any replacement planting shall meet the minimum requirements of this section.

(Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99)

Sec. 24-88. Modification, substitution, transfer.

(a) *Findings for acceptance of modifications, substitutions, or transfers.* The commission or planning director may modify, permit substitutions for any requirement of this section, or permit transfer of required landscaping on a site upon finding that:

- (1) Such requirement would not promote the intent of this section;
- (2) The proposed site and landscape plan will satisfy the intent of this section and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this section;
- (3) The proposed site and landscape plan will not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this section as compared to a plan that strictly complies with the minimum requirements of this section;
- (4) Such modification, substitution or transfer shall have no additional adverse impact on adjacent properties or public areas; and
- (5) The proposed site and landscape plan, as compared to a plan that strictly complies with the minimum requirements of this section, shall have no additional detrimental impacts on the orderly development or character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purposes of this section.

(b) *Cases for modifications, substitutions, or transfers.* Requests for modifications, substitutions or transfers may be granted in the following cases:

- (1) The proposed landscape plan, by substitution of technique, design or materials of comparable quality, but differing from those required by this section, will achieve results which clearly satisfy the overall purposes of this section in a manner clearly equal to or exceeding the desired effects of the requirements of this section;
- (2) The proposed landscape plan substantially preserves, enhances, integrates and complements existing trees and topography;
- (3) Where, because of unusual size, topography, shape or location of the property or other unusual conditions, excluding the proprietary interests of the developer, strict application of the requirements of this section would result in significant degradation of the site or adjacent properties;
- (4) The proposed landscape design or materials involve a readily discernible theme, historic or otherwise, or complements an architectural style or design;
- (5) Where it is necessary to allow the subdivision of property on which commercial or industrial units will be for sale, for sale in condominium or for lease, and such units are constructed as part of a multiunit structure in which the units share common walls or are part of a multiple-structure development, and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan; or
- (6) Where transfers of required landscape areas to other areas on a site are necessary to satisfy other purposes of this section, including transfers to increase screening or preserve existing trees, provided such transfers do not reduce overall landscape requirements for a development.

(c) *Process for requesting modifications, substitutions, or transfers.* Requests for modifications, substitutions or transfers shall be filed in writing with the planning director and shall identify the specific requirement of this section and the reasons and justifications for such request together with the proposed alternative. Depending upon whether the landscape plan is subject to commission or administrative review, the commission or planning director shall approve, deny, conditionally approve or defer action on such request and shall include a written statement certifying the above findings. The commission or planning director may require the applicant to provide plans, documentation or other materials to substantiate these findings.

In the case of approvals or conditional approvals, this statement shall include a finding as to the public purpose served by such recommendations, particularly in regard to the purposes of this section. The planning director shall notify the applicant in writing as to the reasons for such action within 30 days of submittal of administrative plans meeting all applicable submittal criteria or within five working days of such decision by the commission.

(Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99)

Sec. 24-89. Tree protection and criteria for tree removal for all uses requiring a landscape plan.

(a) *Standards for tree protection and impervious cover.* Existing mature trees shall be preserved except in impervious areas and impervious cover shall be limited to the extent permitted in the county's Chesapeake Bay Preservation Ordinance. Existing mature and specimen trees shall be integrated into the overall plan of development and shall be preserved so as to promote the intent of this section. The commission or planning director, depending upon the applicable review process, may require that certain mature trees or specimen trees be preserved upon determination that they contribute significantly to the character of the county and that preservation is necessary to satisfy the intent of this section. The purpose of this paragraph is to protect such trees and other amenities which could otherwise be lost due to careless site design or construction. All trees to be preserved shall be protected in accordance with the standards of this section.

(b) *Tree protection.*

- (1) All trees to be preserved shall be protected before, during and after the development process in accordance with specifications contained in the *Virginia Erosion and Sediment Control Handbook*. The applicant shall include a conservation checklist for review and approval by the environmental director which shall ensure that the specified trees will be protected in accordance with these specifications.
- (2) Groups of trees shall be preserved rather than single trees. Trees or groups of trees to be preserved shall be clearly marked in the field.
- (3) Trees and groups of trees to be preserved shall be enclosed by a substantial, temporary fence or barrier as specified by the environmental director. The location, type, and installation standards for protective tree fencing shall be clearly shown on the site plan. The fence or barrier shall be located and maintained outside the dripline before commencement of clearing or grading. The fencing or barrier shall remain throughout construction and any subsequent grading or excavation unless otherwise approved on a clearing and grading plan. In no case shall materials, debris, fill, vehicles or equipment be stored within this enclosure, nor shall the topsoil layer be disturbed except in accordance with tree protection standards approved as part of the conservation checklist.
- (4) The developer shall be responsible for ensuring these areas are protected in accordance with this section. Where changes from the existing natural grade level are necessary, permanent protective structures, such as tree walls or wells, shall be properly installed in accordance with the *Virginia Erosion and Sediment Control Handbook*, as required by the environmental director.

(c) *Tree removal:*

Outside impervious areas, trees may be removed in accordance with sections 24-96 (e) (2) and (3). (Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99)

Sec. 24-90. Size requirements for new plantings.

Planted trees and shrubs shall conform to the minimum size requirements outlined in the following table.

Size Requirements for New Plantings		
Category	Type	Minimum Size at Planting
Trees	Deciduous Shade Tree (D)	Minimum Caliper is= 1.5".
	Evergreen (E)	If multi-stemmed, minimum height shall be 8-feet. If single-stemmed, minimum caliper shall be 1.25" with minimum height of 8-feet.
Ornamental Tree	Single-Stemmed (D) or (E)	1.25" in caliper and 8-feet in height.
	Multi-Stemmed (D) or (E)	8-feet in height.
Shrub	Low Growing Woody Plant having several permanent stems.	18" if evergreen. 22" if deciduous.

Caliper - The diameter of a tree trunk measured 6" above-ground for nursery stock.

(Ord. No. 31A-200, 7-13-99)

Sec. 24-91. Summary of definitions for trees and shrubs.

Outlined below is a quick reference of the definitions for trees and shrubs. Please refer to section 24-2 for complete definitions of these terms.

Type	Character	Minimum Size
Specimen Tree	Free of disease and significant damage or which is notable by virtue of its outstanding size and quality for its particular species.	Diameter at breast height (DBH) is 24" or greater.
Mature Tree	Free of disease and significant damage.	DBH is 8" or greater
Understory or Ornamental Tree	Trees that typically do not exceed a height of 40-feet at maturity. Understory are those trees typically found within a native plant community. Common understory examples include: Wax Myrtle, American Holly, and Dogwood. Examples of ornamental trees include Japanese Maple and Crape Myrtle.	
Overstory Tree	Trees that typically exceed a height of 40-feet at maturity. Common examples include: Loblolly Pine, Oaks, Red Maple, and London Plane Tree.	

Diameter at breast height (DBH) - The diameter of a tree trunk measured 4.5 feet from the ground.

(Ord. No. 31A-200, 7-13-99)

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Sec. 24-92. Plant material standards.

(a) All required plantings shall conform with the most recent edition of *American Standard for Nursery Stock*, published by the American Association of Nurserymen, and shall be planted in accordance with the most recent edition of *Guidelines for Planting Landscape Trees and Planting and Care of Trees and Shrubs*, published by the Virginia Cooperative Extension Service.

(b) Required planting materials shall be of a species that promotes the intent of this division and that is compatible with the proposed planting environment.

(c) Transplanting for the purpose of achieving a larger size tree may be approved, provided it is done in accordance with accepted horticultural and silvicultural practices.
(Ord. No. 31A-200, 7-13-99)

Sec. 24-93. Tree credits.

(a) Existing viable trees, preserved on the site in accordance with the tree protection standards outlined in section 24-89 (b), may provide tree credits which shall reduce the number of new trees required to be installed.

(b) The trees to be saved shall be clearly identified on the landscaping plan. The plan shall identify the general location, number, size, and type of trees proposed to be saved and the requested tree credits.

(c) The amount of tree credit is outlined in the following chart.

Tree Credits	
Trees to be saved:	Tree Credits:
1 viable ornamental tree meeting the minimum size at planting as described in Section 24-90.*	1 planted ornamental tree.
3 viable trees meeting the minimum size at planting as described in section 24-90.*	1 planted tree.
1 viable mature tree.	2 planted trees.
1 viable specimen tree.	3 planted trees.
No credit shall be given for any trees that are not protected in full compliance with the tree protection standards listed in section 24-89 (b).	
* The trees to be saved shall be "tagged" in the field and the planning director or his designee shall inspect the trees to determine which trees are eligible to receive credit. Only those trees which are healthy, of the minimum size noted above, and are of a suitable quality shall be deemed acceptable for receiving credit.	

(Ord. No. 31A-200, 7-13-99)

Sec. 24-94. General landscape area standards.

(a) *Tree preservation and the minimum number required.* Existing trees shall be retained to the maximum extent possible in all landscape areas. All required landscape areas, other than landscape areas adjacent to buildings and within parking lots as required in sections 24-95 and 24-97, shall contain at least a minimum number of trees and shrubs as specified in the following chart:

Quantity Requirements - General Landscape Area Standards		
AND		
Number of Trees	Number of Shrubs	Per
1	3	400 square feet of total landscape area provided.

(b) *Size and mixture requirements.*

Size and Mixture Requirements - General Landscape Areas		
Percentage	Of	Shall Be:
At least 35%	Trees	Minimum Caliper of 2.5" at planting
Minimum of 15% and Maximum of 25%	Trees	Ornamental trees
At least 35%	Trees	Evergreen Trees which will achieve a minimum height of 40 feet at maturity.
At least 40%	Trees	Deciduous Shade Trees which will achieve a minimum height of 50 feet at maturity.
At least 35%	Shrubs	Evergreen

(c) *Distribution, mixture and placement.* Planted trees and shrubs shall be reasonably distributed throughout the site singly or in groups, with an appropriate mix of planting types and species which achieves the purposes of this section. Required landscape areas shall be designed so as to not create vehicular and pedestrian hazards.

(Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99)

Sec. 24-95. Landscape areas adjacent to buildings.

A landscape area which is a minimum of ten feet wide shall be provided adjacent to buildings. Up to one-half of this area may be transferred elsewhere on the site. This area shall contain a number of trees and shrubs equal to at least the minimums specified in the following chart.

Quantity Requirements - Adjacent to Buildings		
OR		
Number of Tree(s)	Number of Shrubs	Per
1 ornamental.	5	200 square feet of planting area.

(Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99)

Sec. 24-96. Landscape area(s) along right(s)-of-way.

(a) *Width requirements.* A landscape area having an average width as specified in the following chart shall be provided adjacent to any existing or planned road right-of-way.

Width Requirements for Landscape Areas along Right(s)-of-Way.			
(1) Community Character Corridors			
	Standard	Minimum width conditioned upon approval of planning director. Reference section 24-96 (d) for the criteria.	Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	50-feet	30-feet	20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	25-feet	20-feet	15-feet
(2) All Other Roads			
	Standard		Reduction for Lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	30-feet		20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	15-feet		15-feet
(3) Further Reductions for Master Planned Communities with approved Design Guidelines.			
The standards provided above can be further reduced for developments that are part of an approved master-planned community and have a governing set of design guidelines approved by the county. The design guidelines shall specify architectural standards, building placement and massing, parking location, sidewalks, street-lighting, streetscape standards, landscaping, signage, and other important community aesthetic features.			

(b) *Square footage calculation for landscape areas.* All landscape areas along a right-of-way shall contain a minimum amount of square footage which shall be equal to:

Square Footage Calculation
Square Footage = [Applicable Average Width Requirement] * [Length of Right-of-Way Frontage]

In no case shall any portion of any landscape area located more than 65 feet from the right-of-way of a Community Character Corridor or 45 feet from the right-of-way along all other roads be counted toward meeting the requirements of this paragraph. All required square footage shall be contiguous and located in an area that is directly adjacent to the right-of-way except as provided for in section 24-96 (e)(1).

(c) *“Construction zone” setback for structures.*

- (1) All structures shall be setback a minimum of 15-feet from the perimeter of the landscape area buffer required in section 24-96 (a). For example, if the required landscape area buffer measures 50-feet in width from the right-of-way, then the structure(s) shall be no closer than 65-feet from the right-of-way.
- (2) The “construction zone”setback shall be shall be clearly delineated on the site plan.
- (3) This “construction zone” setback shall not apply to parking lots. Parking lots may be constructed up to the edge of the required landscape buffer provided no grading, tree removal, or land disturbance occurs within the required landscape buffer.

(d) *Waiver criteria for landscape areas along Community Character Corridors.* The average width requirement of the required landscape areas along Community Character Corridors may be reduced by the planning director if number (1) and/or (2) provided below is satisfied. In no case shall the total reduction exceed 20 feet. In deciding whether a reduction in the standard landscape area width is warranted, the planning director shall consider the impact of proposed road and/or utility improvements on existing trees and vegetation. Planned road and/or utility improvements that will remove existing trees and vegetation will reduce the likelihood of a reduction in landscape area required. In approving a reduction request, the planning director may require additional plantings beyond the minimum ordinance requirements, alter the mixture of plantings provided, and/or specify the types of plantings to be used.

- (1) The applicant may achieve a maximum reduction of 10 feet by providing superior site design with a combination of elements such as:
 - a. Parking located away from public view behind buildings or screened by other architectural features (i.e. decorative brick walls);
 - b. Innovative use of grading and topography to minimize visual impacts of parking and other unsightly features (i.e. dumpsters, HVAC equipment, loading areas, etc.);
 - c. Provision of pedestrian amenities beyond what the ordinance requires. Examples may include brick pavers to connect existing and planned pedestrian walkways, lighting, and benches; or
 - d. The use of monument style signs that are of a scale and type that complement the positive features of the surrounding architecture and streetscape. The use of wood, brick, or other natural features is recommended.

- (2) The applicant may achieve a maximum reduction of 15 feet by providing superior architecture and building materials that meet the following standards.
 - a. The building architecture and materials complement the positive features of nearby existing or planned development and/or the character of Colonial Williamsburg and James City County;
 - b. Architecture and materials should be unique and not replicate standard and/or conventional prototypes; and
 - c. The proposed location of the building and parking areas shall not require the removal of specimen trees or large stands of viable mature trees.
- (e) *Right-of-way landscape area performance standards.*
 - (1) Permitted breaks in landscape areas.
 - a. All landscape areas along right-of-ways shall be continuous along the road right-of-way frontage, except where driveway, utility or other breaks running perpendicular to the right-of-way are necessary, and shall be designed in a manner that achieves the intent of this division.
 - b. No new utilities, outside of those running parallel to permitted breaks in the required landscape areas, shall be located within the required landscape area(s) unless a waiver is granted by the planning director. The planning director shall grant a waiver only if the applicant can sufficiently demonstrate that there are unavoidable physical or regulatory constraints that warrant an intrusion into the landscape area.
 - (2) Tree preservation and criteria for tree removal.
 - a. All existing viable mature trees (eight inches or greater diameter at breast height (DBH)) and specimen trees (24 inches or greater DBH) shall be preserved within the required right-of-way landscape area. All understory trees of two inches or greater DBH shall be preserved.
 - b. The planning director or his designee may permit the removal of understory and overstory trees exceeding these size thresholds after an on-site inspection. The trees must be tagged to allow for easy identification. The planning director or his designee shall authorize removal of the tagged trees only if they are of poor quality, diseased, not consistent with the existing or planned plant species and design, poorly situated so as to interfere with the growth of other viable trees and/or shrubs, compromise safety, or interfere with other planned site improvements such as sidewalks and/or signs.
 - (3) Buffer grooming and enhancement.
 - a. Trees below the size thresholds stated above in paragraph (2) and underbrush may be hand-removed from the landscape area. No grading shall be permitted; however, hand grooming is permitted.
 - b. Overstory tree limbs may be removed/"limbed-up" to a maximum height of ten feet above the base of the tree. Understory tree limbs may be removed/"limbed-up" to a maximum height of six feet. These height limitations shall not restrict the removal of dead, diseased, or injured tree limbs above the height limits mentioned above.

- (4) Tree protection required. The required landscape area shall be fully protected by a substantial, temporary fence or barrier with a minimum height of 40-inches. The location, type, and installation standards for this fence shall be clearly shown on the site plan. This fence shall be installed prior to the issuance of a land disturbance permit and shall remain standing until all construction activities on site have been completed.
 - (5) Landscaping required. Required landscape areas shall be supplemented where necessary with planted trees and shrubs to achieve the minimum number of trees and shrubs specified in paragraph section 24-94.
- (Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99)

Sec. 24-97. Off-street parking lot landscaping.

Parking areas, accessory or otherwise, containing ten or more parking spaces shall contain landscaping and landscape areas in accordance with all of the following:

(a) *Preservation of trees.* Parking lots shall be designed and constructed so that existing viable trees are preserved in a manner which will meet the intent and satisfy the requirements in this section to the maximum extent possible. Where such existing trees do not fully satisfy these requirements, additional trees shall be planted in an amount which meets or exceeds the stated minimum requirements. The requirements in this paragraph shall be in addition to other requirements stated in this section.

(b) *Landscape area and planting requirements.* Total landscape area within the parking lot shall at least meet the minimum standards specified in the following chart.

(1) General Requirements for Parking Lot Landscaping.	
Percentage of Landscape Area Required within the Parking Lot	Based On:
Minimum 10%	Surface Area of Parking, including drives & circulation areas, exclusive of any perimeter landscape areas or landscape areas around the building.
Lots less than 65,000 square feet recorded or legally in existence prior to July 3, 1990	
Minimum 7.5%	Surface Area of Parking, including drives & circulation areas, exclusive of any perimeter landscape areas or landscape areas around the building.

(2) Quantity Requirements for Parking Lot Landscaping.		
AND		
Number of Trees	Number of Shrubs	Per
1	2	5 parking spaces in the parking lot.
Lots less than 65,000 square feet recorded or legally in existence prior to July 3, 1990		
1	2	10 parking spaces in the parking lot.
As provided above, each mature existing tree or specimen tree may be counted toward meeting the required minimum number of trees, with one (1) viable mature tree substituting for two (2) planted trees and one viable specimen tree substituting for three planted trees. No credit shall be given for any mature or specimen tree which is not protected in full compliance with the tree protection standards in section 24-89 (b) above.		

(3) Size and Mixture Requirements for Parking Lot Landscaping.		
Percentage	Of	Shall Be:
At least 35%	Trees	Evergreen Trees which will achieve a minimum height of 40 feet at maturity.
At least 50%.	Trees	Deciduous Shade Trees with a 2.5 inch caliper which will achieve a minimum height of 50 feet at maturity.
At least 50%	Shrubs	Evergreen

(4) Minimum Spacing Requirements for Required Trees in Parking Areas
The required trees shall be spaced no more than 75 feet apart throughout the parking lot. These trees shall be evenly and reasonably distributed throughout the parking lot in a manner that promotes the intent of this section.

(c) *Parking lot screening.* In addition to the above tree and shrub requirements, all parking lots shall be visually screened from public road rights-of-way by evergreen plantings or berms that create a screen a minimum of three feet in height. Such berms shall have a maximum side slope ratio of three horizontal feet to one vertical foot and a level crown with a minimum width of three feet for maintenance and planting purposes. Any berm shall be designed and constructed to ensure that proper erosion prevention and control practices have been utilized.

(d) *Special requirements for bus parking lots.* Bus parking areas shall contain landscape areas in accordance with the above requirements except that plantings shall be provided as follows:

(1) Quantity Requirements for Bus Parking Lots		
AND		
Number of Trees	Number of Shrubs	Per
1	2	2 bus parking spaces.

(2) Size & Mixture Requirements for Bus Parking Lots		
Percentage	Of	Shall Be:
At least 35%	Trees	Evergreen Trees which will achieve a minimum height of 40 feet at maturity.
At least 50%	Trees	Deciduous Shade Trees with a 2.5 inch caliper which will achieve a minimum height of 50 feet at maturity.

(Ord. No. 31A-200, 7-13-99)

Sec. 24-98. Screening.

(a) *Transitional screening.* Transitional screening between conflicting land uses and districts shall be provided as required in this paragraph and in section 24-99. Such screening areas shall be left in their undisturbed natural state and supplemented where necessary in accordance with paragraph section 24-94 and with additional plantings to provide an effective visual screen. Such areas shall be continuous except where driveways, utilities and other breaks are necessary. All breaks shall cross transitional screening areas at right angles. Where such breaks are necessary, different design requirement may be imposed to achieve an equivalent screening effect. Transitional screening areas shall not contain accessory structures, storage, parking or loading.

(b) *Additional transitional screening requirements.* If the commission determines that noise, dust and debris, glare or other objectionable impacts created by a proposed development will have a detrimental effect on adjoining properties which will not be adequately addressed by transitional screening required by this, section, the commission may increase minimum transitional screening requirements or setbacks and may require landscaping or architectural barriers which provide a visual screen between a proposed development and adjoining properties.

(c) *Objectionable features.* Objectionable features shall be visually screened by landscaping or architectural barriers from or by adjacent residential districts, agricultural districts which are designated for residential use on the Comprehensive Plan and public streets. Objectional features may include, but are not limited to, the following: refuse areas, storage yards, and loading areas.

(d) *Stormwater management facilities, detention ponds, and best management practices (BMPs).* Stormwater management facilities, detention ponds, and BMPs that are visible from roads, adjoining properties, or open to public view shall be designed such that:

- (1) These facilities shall not be allowed within required landscape buffers along Community Character Corridors (CCCs) unless a waiver is granted by the planning director. In order for the planning director to consider a waiver request, the applicant shall request a waiver in writing and shall present plans and documentation supporting the waiver request. The planning director shall consult with the environmental director and shall make a determination to approve or deny the waiver request within 30 days of its receipt. The waiver request will not be approved unless the applicant can document topographical or unusual physical constraints on the property that require placement of the BMP within the right-of-way landscape area;
 - (2) The structural aspects (i.e. riser pipes, inlets, etc.) are hidden from public view and/or adjoining property owner's view, or adequately screened from these views by innovative structural design, berms, and/or landscaping;
 - (3) The facility shall be well landscaped with an emphasis on making the facility appear more natural than man-made, as determined by the planning director; and
 - (4) The facilities shall be designed and landscaped in such a manner that they are sensitive to the character of the site and surrounding properties. Unless it can be demonstrated by the applicant that an alternative design better meets the intent of this section, the facilities shall be designed with a curvilinear shape, shall be designed to complement the existing topography of the site, and/or shall be designed and landscaped in a manner that visually reduces their size, and supports growth of wetlands vegetation.
- (e) *Historic landmarks and buildings.* The commission may require screening of any use, or portion thereof, upon a determination that the use would otherwise have a negative visual impact on property listed on the Virginia Historical Landmarks Register.
- (f) *Multiple frontage lots.* Lots with multiple frontages shall have screening provided between the rear of the principal use or building and the public right-of-way.
- (g) *Residential developments not subject to article III, Site Plan.* Major subdivisions of residential developments, as defined in Chapter 19, shall conform with screening requirements for multiple frontage lots. Such developments shall also provide transitional screening along any property line which is adjacent to or across a peripheral public street from any multifamily, commercial or industrial zoning district. The amount of transitional screening shall be based on the zoning district adjacent to or across a peripheral public street from the proposed residential development. Such residential developments shall provide transitional screening in accordance with the requirements for the multifamily, commercial or industrial district contained in section 24-99.
(Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99)

Sec. 24-99. Landscape requirements by zoning district.

All uses and developments requiring a site plan and landscape plan in accordance with article III, Site Plan, and this section shall comply with the above requirements and those which follow. Where no landscape requirements are provided for a specific zoning district, the landscape plan shall be prepared in accordance with the requirements for the district which is deemed by the planning director to be the most similar to the character of the proposed use, situation and surrounding conditions. In making this determination, the following shall be considered: the characteristics of the proposed use and surrounding area, existing zoning and Comprehensive

Plan designations and use regulations of this chapter. At a minimum, required setbacks and yards shall be provided as landscape areas which meet the requirements of this section.

(a) *R-5, Multifamily residential district:*

- (1) **Setbacks:** Setbacks from existing or planned peripheral roads, including peripheral roads shown on count approved development plans, shall contain a landscape area having an average width of 50 feet and meet requirements outlined in section 24-96 (b), (c), and (e). The balance of the setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-94. This requirement shall not apply to single-family dwellings.
- (2) **Yards:** All required yards shall contain existing trees and plantings in conformance with section 24-94. This requirement shall not apply to single family dwellings.
- (3) **Transitional screening:** For developments with 200 or less units, a transitional screening area in accordance with section 24-98, with a minimum width of 35 feet, shall be provided within the first 35 feet of yard area or setback from any property line when adjacent to or across a peripheral public street from any residential district other than R-5 or any agricultural district designated for low-density residential or rural lands on the Comprehensive Plan. For larger developments, such transitional screening area shall be a minimum of 40 feet in width.

(b) *Manufactured home subdivision and manufactured home park:*

Perimeter Landscape Area: If the park fronts on a public right-of-way, then a landscape area shall be provided that meets the minimum requirements of section 24-174. In all other areas a perimeter landscape area shall be provided in accordance with section 24-174 around the entire site in addition to all other yard requirements in manufactured home subdivisions and parks.

(c) *LB, Limited Business District; B-1, General Business District; M-1, Limited Business/Industrial District; M-2, General Industrial District; RT, Research and Technology District.*

- (1) **Side and rear landscape area:** A landscape area adjoining all side and rear property lines shall be provided which is at least 15 feet in width. Along the rear property lines, such landscape area may be reduced to a minimum of ten feet in width or five percent of the average lot depth, whichever is greater, on lots with less than 65,000 square feet which were recorded or legally in existence prior to July 3, 1990. Such landscape area shall be landscaped in accordance section 24-94. Such area may be broken by necessary driveways or utilities perpendicular to the property line.
- (2) **Special requirements for industrial uses:** Landscape standards in section 24-94 and section 24-95 for certain landscape areas shall be reduced for all uses in M-2 or RT districts, or for industrial uses in M-1 districts, when the following requirements of this paragraph are met. For purposes of this section, industrial uses shall include any permitted use or use permitted by special use permit in an M-2 or RT district except automobile service stations, offices, employment agency, or school.
 - a. **Landscape areas along rights-of-way and side and rear property lines:** Where such a landscape area is not adjacent to a public street, and the landscape area is adjacent to one of the industrial districts listed above, then the requirements provided in the following chart shall apply:

Quantity Requirements		
Number of Trees	Number of Shrubs	Per
1	0	600 square feet of total landscape area.

For such landscape areas, none of the deciduous trees shall be required to be of a 2-1/2 inch minimum caliper. All required trees shall meet the other minimum standards of this section; or

- b. Landscape areas adjacent to buildings: A landscape area which is a minimum of ten feet wide shall be provided adjacent to one-half of the perimeter of the building. Up to one-half of this landscape area may be eliminated where such landscape area would be along a portion of a building's perimeter that is not visible from a public street, and that same side of the building is not visible from any district other than one of the industrial districts listed above. Such landscape area shall be landscaped in accordance with section 24-95 unless a modification is granted under section 24-88.
- (3) Transitional screening: Landscape areas along property lines of properties zoned LB, B-1, M-1, M-2, and RT shall be increased to the following widths when adjacent to or across a public street from a residential district or agricultural district if designated residential on the Comprehensive Plan:

Transitional Screening	
LB District	30 feet
B-1 District	35 feet
M-1 District	35 feet
M-2 District	50 feet
RT District	35 feet

Such landscape areas shall be exclusive of any planned future right-of-way and shall be left in an undisturbed natural state and supplemented with additional plantings to create a visual screen in accordance with section 24-98.

- (4) Landscape open space and impervious cover: As required in Chapter 23, Chesapeake Bay Preservation Ordinance, impervious cover shall not exceed 60 percent of the lot area except where an exception is approved in accordance with Chapter 23. Provided, however, in no case shall minimum landscape open space be less than that required below for the respective district:

Required Landscape Open Space	
District	Percent of Total Lot Area
LB District	35
B-1 District	30
M-1 District	30
M-2 District	25
RT District	30

(d) *PUD, planned unit development district, MU, mixed use district:*

(1) Landscape setbacks:

(a) Landscape setbacks in PUD, planned unit development district. Setbacks from existing or planned peripheral public roads shall contain a landscape area having an average width in accordance with section 24-498, except for industrial and commercial uses which shall have an average width of 30 feet in accordance with section 24-96 (b), (c), and (e). The balance of that setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-94. Landscape requirements along internal streets shall not apply to single-family dwellings. Requirements of this paragraph shall not apply to active recreation playing areas designated on the master plan and approved in accordance with article V, division 14.

(b) Landscape setbacks in mixed use, mixed use district. Setbacks from existing or planned peripheral roads, including peripheral roads shown on county approved development plans, shall contain a landscape area having a minimum width in accordance with section 24-96. The balance of that setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-94. Landscape requirements along internal streets shall not apply to single-family dwellings. Requirements of this paragraph shall not apply to active recreation playing areas designated on the master plan and approved in accordance with article V, division 14.

(2) Yards: All yards shall contain existing trees and plantings in conformance with section 24-94. This requirement shall not apply to single-family dwellings or active recreation playing areas designated on the master plan and approved in accordance with article V, division 14 of this chapter.

(3) Special requirements for industrial uses: Landscape standards in section 24-94 and section 24-95 for certain landscape areas shall be reduced for industrial uses in PUD and MU districts, when the following requirements of this paragraph are met. For purposes of this section, industrial uses shall include any permitted use or use permitted by special use permit in an M-2 or RT district except automobile service stations, offices, employment agency, or school.

a. Landscape areas in setbacks and yards. Where such a landscape area is not adjacent to a public street, and the landscape area is adjacent to one of the districts or land bays listed above, no shrubs shall be required within such landscape area, and the required trees may be provided at a ratio of one tree per 600 square feet of landscape area. For such landscape areas, none of the deciduous trees shall be required to be of a 2-½ inch minimum caliper. All required trees shall meet the other minimum standards of this section; or

b. Landscape areas adjacent to buildings. A landscape area which is a minimum of ten feet wide shall be provided adjacent to one-half of the perimeter of the building. Up to one-half of this landscape area may be eliminated where such landscape areas would be along a portion of a building's perimeter that is not visible from a public street, and that same side of building is not visible from any district other than one of the districts listed above. Such area shall be landscaped in accordance with section 24-95 unless a modification is granted under section 24-88.

(4) Transitional screening.

a. Residential. Where a multifamily or townhouse structure in a PUD district is located adjacent to or across a peripheral public street from an R-1, R-2, or R-6 residential district or agricultural

district if designated low-density residential or rural lands on the Comprehensive Plan, a 35-foot wide transitional screening area in accordance with section 24-98 shall be provided within the first 35 feet of yard area or setback from any property line adjoining such district.

- b. Commercial, industrial, public or institutional uses. Where a commercial, industrial, public or institutional use in a PUD district is located adjacent to or across a peripheral public street from any residential district or agricultural district if designated for residential use on the Comprehensive Plan, transitional screening shall be provided in accordance with requirements for LB, B-1, M-1, M-2, or RT districts as required in section 24-99 (c) (3). The applicable transitional screening requirements shall be determined by the planning director in accordance with section 24-99.

(Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99)

Cross reference - Chesapeake Bay Preservation regulations, Ch. 23.

Secs. 24-100 - 24-106. Reserved.

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 5. MANUFACTURED HOMES AND TEMPORARY STRUCTURES

Sec. 24-107. Regulations for manufactured homes requiring special use permits.

Manufactured homes requiring special use permits shall comply with the following regulations:

- (1) An application and a vegetative screening plan shall be submitted to the administrator.
- (2) No manufactured home shall be placed within 300 feet of any of the following interstate highways, principal or minor arterial streets, or major collector streets:

Interstate 64

Route 60 West (Richmond Road)

Route 5 (John Tyler Highway)

Route 30 (Old Stage Road, Barhamsville Road and Rochambeau Drive)

Route 607 (Croaker Road) from Richmond Road to Riverview Road

Route 614 (Centerville Road and Greensprings Road) from Brick Bat Road to Jamestown Road

(Ord. No. 31A-88, § 20-10.2, 4-8-85; Ord. No. 31A-110, 9-12-88)

Sec. 24-108. Special requirements for manufactured homes or mobile homes.

All manufactured homes located or relocated after April 8, 1985, shall comply with the following requirements:

- (1) Manufactured homes shall be certified as meeting the Mobile Home Construction and Safety Standards promulgated by the Department of Housing and Urban Development. It shall be the responsibility of the manufactured home owner to provide proof that the manufactured home complies with these standards.
- (2) Manufactured homes shall have a visible foundation of skirting. The skirting shall be in place within 30 days of placement of the manufactured home on the parcel or lot. The tongue and axle of the manufactured homes shall be removed if not covered by the skirting.

Mobile homes shall not be located or relocated.

(Ord. No. 31A-88, § 20-27.10, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-110, 9-12-88)

Sec. 24-109. Temporary classroom trailers.

Temporary classroom trailers accessory to an existing school may be permitted upon issuance of a special use permit by the board of supervisors.

(Ord. No. 31A-108, 4-18-88)

Sec. 24-110. Temporary manufactured homes.

Certificates of occupancy for temporary manufactured homes may be issued by the zoning administrator, subject to section 24-8 of this chapter and the following conditions:

- (1) The location of a temporary manufactured home shall be necessary for the housing of a property owner on the same lot during the reconstruction of a dwelling destroyed by fire or other causes beyond the control of the owner.
 - (2) A minimum area of 5,000 square feet shall be provided for the manufactured home.
 - (3) Sanitary facilities shall conform to county and state health regulations.
 - (4) Electrical connections shall meet the requirements of the county electrical code.
 - (5) The period for the use of any such temporary manufactured home shall not exceed the completion date of construction as submitted by the applicant or one year from the date of issue, whichever is the shortest period, except that a certificate of occupancy may be renewed one time for an additional period not to exceed six months. Any such application for renewal shall be submitted to the zoning administrator at least 30 days prior to the expiration of the initial certificate of occupancy.
 - (6) The temporary manufactured home shall be removed from the site within 60 days after the completion date of construction.
- (Ord. No. 31A-88, § 20-27.7, 4-8-85; Ord. No. 31A-110, 9-12-88)

Sec. 24-111. Temporary offices.

Trailers and portable buildings may be used as temporary offices in any zoning district by issuance of a certificate of occupancy by the zoning administrator, subject to the following conditions:

- (1) The location of a temporary building or structure shall be necessary for use as a business office during the construction of any commercial structure or structures or for the sale or rental of on-site property by a developer.
- (2) The location of a temporary building or structure shall be necessary for use in conjunction with a temporary special event such as a golf tournament or music festival.
- (3) The temporary building or structure shall not be used for residential purposes.
- (4) A minimum area of 5,000 square feet shall be provided for each structure.
- (5) The structure shall not be placed closer than 15 feet to any lot line.
- (6) The sanitary facilities shall conform to county and state health regulations.
- (7) The electrical connections shall meet the requirements of the Uniform Statewide Building Code.
- (8) The temporary office shall be used for a period not to exceed one year; provided, that:
 - a. The one-year time period may be extended by written request to the zoning administrator showing reasonable cause; and

b. The temporary office shall be removed from the site within 60 days after the completion of construction.
(Ord. No. 31A-88, § 20-27.5, 4-8-85)

Secs. 24-112 - 24-120. Reserved.

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 6. WIRELESS COMMUNICATIONS FACILITIES

Sec. 24-121. Statement of intent.

The purpose of this article is to regulate personal wireless communications facilities (WCF) so as to protect the health, safety, and general welfare of the community; to preserve the aesthetic quality of the community and its landscape; to protect property values; to protect the historic, scenic, rural, and natural character of the community; to minimize the presence of structures that depart from existing and future patterns of development, especially in terms of use, scale, height, site design, character, and lighting; to provide for adequate public safety communications; and to allow the providers of wireless communications facilities to implement their facilities in a manner that will fulfill these purposes, encourage their co-location; and allow them to fulfill their Federal Communications Commission (FCC) licenses.

The above objectives will be realized through the implementation of regulatory procedures which seek to:

- (a) Keep the number of wireless communication facility sites to a minimum;
- (b) Minimize the impacts of newly approved wireless communication facilities;
- (c) Expedite the approval process for new wireless communication facility applications which, due to their location or design, aid in the achievement of items (a) and (b) above.

(Ord. No. 31A-176, 5-26-98)

Sec. 24-122. Where permitted, types.

- (a) *Tower-mounted wireless communication facilities.* Tower-mounted WCFs shall be allowed as shown on Table 1.

Table 1: Tower Mounted Wireless Communications facilities:

Zoning District	By Right	S.U.P. Required
General Agriculture, A-1	≤ 35'	>35 feet
Rural Residential, R-8	≤ 35'	>35 feet
R-1, R-2, R-5, R-6	Not Permitted	Not Permitted
Limited Business, LB	Not Permitted	Not Permitted
General Business, B-1	≤ 60'	>60 feet
Industrial (M-1, M-2, M-3)	≤ 60'	>60 feet
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use, MU	Not Permitted	All Towers
R-4	Not Permitted	All Towers

(b) *Wireless communications facilities using alternative mounting structures.* WCFs determined by the planning director to be utilizing alternative mounting structures shall be permitted in all zoning districts and shall conform to the following requirements except where such WCFs are located in M-2 districts:

- (1) The principal use of the structure to be used for the placement of the antenna shall be for a use not associated with the wireless communications facility as determined by the planning director.
- (2) In addition to the height limitations of the underlying zoning district, the antennas mounted on alternative mounting structures shall conform to the following requirements:
 - a) All panel antenna shall be no more than five feet measured to the outermost point of the panel antenna from any surface of the existing structure at the point of attachment.
 - b) All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the mounting surface of the existing structure at the point of attachment.
 - c) All parabolic or dish antenna shall be no more than five feet measured to the outermost point of the dish from any surface of the existing structure at the point of attachment.
- (3) Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.

(c) *Building mounted wireless communications facilities.* WCFs mounted on the exterior of buildings shall be permitted in all zoning districts and, with the exception of such WCFs located in M-2 districts, shall meet the following requirements:

- (1) The principal use of the building to be used for the placement of the antenna shall be for a use not associated with the wireless communications facility as determined by the planning director.
- (2) In addition to the height limitations of the underlying zoning district, building mounted antennas shall conform to the following height restrictions:
 - (a) All panel antenna shall be no more than five feet measured to the top of the panel antenna above the roof proper of the existing building at the point of attachment.
 - (b) All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the roof proper of the existing building at the point of attachment.
 - (c) All parabolic or dish antenna shall be no more than five feet measured to the top of the dish above the roof proper of the existing building at the point of attachment.
- (3) Whip antennas shall be designed and located to minimize views from residences and public rights-of-way.
- (4) Panel and parabolic dish antennas shall be completely screened or camouflaged from views from residentially zoned areas and public rights-of-way in a manner that is architecturally compatible with the building in which they are located.
- (5) Equipment enclosures shall be located within the building on which the WCF is placed or located underground if site conditions permit and if technically feasible. Otherwise, equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence matching the color, material, and design of the building.

(d) *Camouflaged wireless communications facilities.* WCFs determined by the planning director to be camouflaged as defined by this ordinance shall be permitted in all zoning districts. Any appeal of this determination shall be made to the development review committee and written notice of the appeal must be received by the planning division within 30 days of the date of the planning directors determination. Camouflaged WCFs shall meet the following:

- (1) Where a buffer is provided to camouflage the WCFs, the following requirements shall be met:
 - a) The buffer shall remain undisturbed until the WCF is removed except for any access drives and utilities necessary for the WCF and other improvements or timbering activities that do not alter the visual effect of the buffer as determined by the planning director; and
 - b) The buffer shall be located in an on-site or off-site area that: 1) the planning director determines is not likely to be altered such that the visual effect of the buffer would be diminished while the WCF would be in existence, such as lands protected by the Chesapeake Bay Ordinance or other environmental regulations or conservation areas or community character corridors or areas depicted on the Comprehensive Plan; or, 2) such areas where the WCF owner has guaranteed the buffer will remain undisturbed while the WCF is in existence by way of ownership, lease agreement, recorded easement or other means acceptable to the planning director. Such leases and easements shall be in effect until such time as the WCF is removed; and
 - c) Access drives shall be designed and located in a manor that provides no view of the WCF's base or related facilities from the road.
- (2) Where the camouflaged WCF is intended to have the appearance of vegetation native to eastern Virginia, the following requirements shall be met:
 - a) The WCF shall be located and designed so as to appear to be a naturally occurring tree which is not noticeably dissimilar to nearby vegetation in terms of height, scale, texture, or color; and
 - b) Should the WCF be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation to an off-site viewer. Such buffer shall meet the buffer requirements stated above.

(Ord. No. 31A-176, 5-26-98; Ord. No. 31A-219, 8-9-05)

Sec. 24-123. General requirements.

Except where otherwise noted in this section, the following requirements shall apply to all wireless communications facilities:

(a) *Setbacks.* In addition to meeting the requirements of the underlying zoning district, tower mounted WCFs shall conform to the following setback requirements:

- (1) All towers shall be set back from any off site existing residential structure no less than 400 feet.
- (2) All WCFs not meeting the structural requirements set forth in EIA-222-F, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," or its successors, shall be set back from all property lines and public rights-of-way a minimum of 110 percent of the tower height. When the above structural standards are met, the setback from any property line or public rights-of-way shall

be no less than 110 percent of the documented collapse radius. All setbacks from a public right-of-way shall exclude any planned public right-of-way designated on the Six-Year Primary and Secondary Road Plans or the Comprehensive Plan.

(b) *Appearance.* Towers, all WCFs equipment enclosures, and security fences shall conform to the following requirements:

- (1) Lighting installed at all WCFs, other than low-intensity lighting installed for the purpose of site security, shall be only that required to meet the minimum requirements set forth in the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors. If lighting is required, the planning director shall review the available lighting alternatives and approve the lighting design. Such lighting shall minimize impacts on adjacent property and be located and designed to minimize visibility of the light source from the ground.
- (2) Towers shall be gray in color unless otherwise required by the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors.
- (3) No signage of any kind shall be displayed at or on a tower that advertises a product, service or business activity or institution.
- (4) All equipment enclosures shall be screened from public view with fencing and landscaping unless the enclosure is of a similar design and material to that used for a single-family residence and approved by the planning director.

(c) *Security.* Except where otherwise noted, the following security requirements shall apply to all WCFs:

- (1) All towers, WCFs using alternative mounting structures, and camouflaged WCFs shall be equipped with an anti-climbing device, or be designed in a manner that precludes climbing without the use of additional equipment.
- (2) Security fencing, if used, shall conform to the following:
 - a) Security fencing shall be screened from view with landscaping.
 - b) Chain-link fences shall be of a black or green color.
 - c) No fence shall exceed six feet in height and it shall contain no barb wire or similar barrier.

(d) *Special requirements for certain antenna.* Installation of any antenna on a tower shall require a special use permit if all of the following conditions apply:

- (1) The tower on which it is to be placed was constructed after the effective date of this ordinance; and
- (2) The tower on which it is to be placed is higher than the thresholds for towers requiring a special use permit identified on Table 1; and
- (3) A special use permit does not already exist which would permit the construction of that tower or the installation of additional antenna on that tower.

(Ord. No. 31A-176, 5-26-98)

Sec. 24-124. Performance standards.

In considering an application for a special use permit for a WCF, the planning director shall prepare a report identifying the extent to which the application takes into account the "Performance Standards for Wireless Communication Facilities" dated May 26, 1998, and endorsed by the board of supervisors. Such report shall be submitted to the planning commission and board of supervisors prior to the date of the public hearing on the special use permit application. In general, it is expected that all facilities shall substantially meet the provisions of the above performance standards.

(Ord. No. 31A-176, 5-26-98)

Sec. 24-125. Radio frequency standards.

(a) *Federal communications commission emissions standards.* The WCF shall comply with Federal Communications Commission (FCC) standards for nonionizing electromagnetic emissions.

(b) *Noninterference with local broadcasts.* The applicant shall ensure that the wireless communication facility will not cause localized interference with the reception of area television or radio broadcasts. Prior to preliminary site plan approval of the WCF, an intermodulation study shall be submitted to and approved by the planning director indicating that no interference with county communications equipment will take place. If such interference is detected at any time, and is not corrected within 60 days, the special use permit or any other permits may be modified or revoked.

(Ord. No. 31A-176, 5-26-98)

Sec. 24-126. Public safety considerations.

(a) *Noninterference with public safety communications.* The applicant shall ensure that the WCF will not interfere with public safety communications. Should such interference be detected, and is not corrected or ceased within 24 hours, operation of the WCF shall be terminated and the special use permit or any other permits may be modified or revoked.

(b) *Antenna mountings for public safety communications.* Applicants shall be required to negotiate in good faith, and provide evidence of these negotiations acceptable to the planning director prior to preliminary site plan approval, with public safety agencies regarding vacant antenna locations on WCFs prior to making these locations available to other providers. In instances where a potential need for the antenna location is identified by a public safety agency, said agency shall have the right of first refusal for said antenna location for a period of 90 days after the date of final site plan approval.

(Ord. No. 31A-176, 5-26-98)

Sec. 24-127. Permit limitations.

(a) *Guarantee of removal.* Prior to final site plan approval, the owner of the property on which a WCF is located shall post a performance bond, cash surety, or letter of credit in an amount sufficient to fund removal of a disused WCF or any disused portion thereof, and site restoration. This bond or other financial mechanism shall remain in effect throughout the life of the WCF. A wireless communication facility shall be considered disused if it is not being utilized for the purpose of providing personal wireless communications services for a period of six months. At such time the WCF shall be removed, except where the WCF is used by the county or deemed necessary by the county for placement of its communications equipment.

(b) *Right of access.* The county shall be granted access to the WCF for the purposes of inspection and, in the event a WCF is disused, removal for the life of the facility.

(c) *Site restoration.* The site of a removed WCF shall be restored to its original state, except that any installed landscaping shall remain in place.
(Ord. No. 31A-176, 5-26-98)

Sec. 24-128. Processing and submittal requirements.

(a) In addition to meeting all other processing and submittal requirements for site plans and special use permits for tower mounted WCFs, applicants shall also comply with the following:

(1) *Preapplication meeting.* Prior to formal application submittal, the prospective permittee or its representative shall attend a pre-application meeting with the planning director or his representative. The purpose of this meeting will be to discuss future service plans of the provider, the proposed WCF location, the configuration of the proposed WCF, the feasibility of colocation, the feasibility of alternative tower locations, and the feasibility of a building mounted WCF, utilizing an alternative mounting structure or a camouflaged WCF.

(2) *Professional certification.* The applicant shall provide certification by a Virginia-registered engineer specifying the following information prior to preliminary site plan approval:

- a. Antenna height, design, structure and capacity, including the number, type, and mounting elevations of antenna that could be accommodated.
- b. Compliance with all structural and safety requirements of the Virginia Uniform Statewide Building Code, including the BOCA Basic Building Code and section 222(F) of the standards adopted by the Electronics Industry Association, and all amendments thereto.
- c. A statement from a registered engineer that the nonionizing electromagnetic radiation emitted from the WCF, including all facilities that may already be attached, does not result in an exposure level on or outside the WCF that exceeds relevant FCC standards.

(3) *Collocation efforts.* The applicant shall allow other users to locate on the tower and site and shall provide the County, upon request, verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant shall execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site, and copies of said letters shall be sent to all wireless communication facilities service providers licensed to serve the county and a copy of their response, if any, shall be provided to the planning director. The planning director may waive this requirement for camouflaged WCFs where collocation would preclude the wireless communications facility from meeting ordinance requirements for such facilities, and for wireless communications facilities that utilize alternative mounting structures, or are building mounted.

(b) Any application for a special use permit for the installation of a WCF shall not be deemed complete until accompanied by the following materials, which shall be submitted six weeks prior to the planning commission meeting:

- (1) *Conceptual site plan.* A site plan, drawn to scale, shall be submitted that depicts the location of support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the potential location of additional towers on the site, fences, access, and ownership and use of adjacent properties.
- (2) *Search and service area mapping.* The applicant shall provide mapping, deemed suitable by the planning director, depicting the following:

- a) The search area for the proposed WCF along with underlying property lines and divisions. The map shall be of a clearly indicated scale and municipal boundaries and all primary and secondary highways within the search area shall be delineated.
 - b) The intended service area of the proposed WCF with a radio signal propagation plot, or other suitable graphic, depicting the level of signal coverage with and without the proposed WCF. At least one other graphic shall also be provided that shows the relationship of this coverage to that of existing and proposed WCFs operated by the same provider and future service plans, within the county and within five miles of the border thereof.
- (3) *Evidence of attempts at co-location and using alternative locations, designs, and operating procedures.* An applicant shall provide a copy of its co-location policy and the following evidence of attempts to co-locate and attempts to utilize alternative locations, designs, and operating procedures in a manner acceptable to the planning director:
- (a) The applicant shall indicate on a map provided by the planning department all existing tower and building mounted WCFs, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed new location. The planning director may reduce the radius of this study area where the intended coverage of the proposed WCF is less than three miles.
 - (b) Applicants shall provide evidence acceptable to the planning director, including radio signal propagation plottings, that all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the site of a proposed WCF have been evaluated with respect to their ability to provide adequate service coverage and antenna-mounting opportunity, and evidence acceptable to the planning director that adequate service coverage cannot be provided through an increase in transmission power, or through the use of camouflaged wireless communication facilities, alternative mounting structures, building mounted WCFs, or a system that uses lower antenna heights than proposed. The planning director may waive these requirements where documented evidence, satisfactory to the planning director is available that indicates alternative locations and designs are not feasible, and where the intended coverage of the proposed WCF is less than three miles.
 - (c) The applicant shall provide evidence deemed suitable by the planning director that good faith negotiations have taken place to use existing WCFs, and existing alternative mounting structures and buildings, including copies of letters sent to other service providers and their response, if any, on a request to co-locate on their facility.
 - (d) The applicant shall provide verifiable written evidence, deemed suitable by the planning director, of the feasibility of replacing all existing WCFs within a three mile radius of the site of the proposed WCF in order to accommodate the proposed WCF.
- (4) *Public safety communications antenna requirements.* The applicant shall provide written evidence, deemed suitable by the planning director, of consultation with the relevant public safety agencies regarding their need for antenna space at any newly proposed WCF support structure.
- (5) *Intermodulation study.* An intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.

(c) *Balloon test.* At least three weeks prior to the planning commission meeting, the applicant shall conduct a balloon test that simulates the height of the proposed WCF. The planning director may also require the balloon to be flown at other altitudes to determine impacts. The planning director shall give notice of the balloon test at least seven days prior to the day of the test in a newspaper having a general circulation in the county. The results of the balloon test, providing representative photographic evidence of the views of a proposed WCF from residential areas, public rights-of-way, and other sensitive areas identified by the planning director or his representative shall be provided to the planning director at least two weeks prior to the planning commission meeting. Other scaled graphical simulations of potential views encompassing a proposed WCF may be substituted for the balloon test results or required in addition to the balloon test results at the discretion of the planning director.

(Ord. No. 31A-176, 5-26-98)

Secs. 24-129 - 24-141. Reserved.