

Index File

ZT-162-15

York County Board of Supervisors

Proposal to amend Chapter 24.1, Zoning, of the York County Code by amending Section 24.1-704, Temporary Signs, to allow extended display time for temporary signs associated with business properties located on a road undergoing reconstruction.

Attachments:

- Staff Report
- March 9, 2015 letter from York County Economic Development Authority
- Board of Supervisors Resolution No. R15-33
- Proposed Resolution No. PC15-11

COUNTY OF YORK

MEMORANDUM

DATE: May 4, 2015 (PC Mtg. 5/13/15)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. ZT-162-15, York County Board of Supervisors, Zoning Ordinance Text Amendment – Temporary Sign Allowances During Road Construction

ISSUE

At its April 7, 2015 meeting, the Board of Supervisors sponsored an application to amend the York County Zoning Ordinance to allow an extended amount of time for temporary signs associated with businesses having access to roads undergoing road construction. This action was in response to a request from the Economic Development Authority outlined in a letter to the Board dated March 9, 2015 (copy attached).

CONSIDERATIONS/CONCLUSIONS

1. Section Nos. 24.1-704 (bb) and 704(c) of the Zoning Ordinance – Temporary Signs, allow for the installation of temporary banners or signs to identify or advertise a variety of temporary business activities. The current maximum display time for such signs is 120 days in any single 12-month period. In response to concerns expressed by businesses located on Route 17 in the area of the current widening project, and recognizing that similar concerns could arise on other road corridors undergoing reconstruction, the EDA requested that the Zoning Ordinance be amended to extend the 120-day time limit to correspond with the duration of reconstruction projects.
2. The proposed language sponsored by the Board of Supervisors would allow extended temporary sign display time for any business accessing a road undergoing reconstruction. Display time limits would be specified as the time between the commencement of land or pavement disturbing activity for the road construction project and the re-opening of completed travel lanes.

RECOMMENDATION

As evidenced by the ongoing Route 17 reconstruction project, visibility of businesses having access to highways undergoing reconstruction can be adversely impacted during construction activities. Installation of temporary signage indicating that businesses are open during road construction can help to alleviate such impacts. Many road construction projects last well beyond the 120-day limit for temporary signs as currently mandated in the Zoning Ordinance. Accordingly, businesses and potential patrons could benefit if the time period were to be extended to coincide with the complete time span of the construction activity, as proposed in the referenced text amendment. Therefore, staff recommends that the Commission forward the Zoning Ordinance text amendments set

York County Planning Commission

May 4, 2015

Page 2

forth in proposed Resolution No. PC15-11 to the Board of Supervisors with a recommendation of approval.

AMP

Attachments:

- March 9, 2015 letter from York County Economic Development Authority
- Board of Supervisors Resolution No. R15-33
- Proposed Resolution No. PC15-11

Economic Development Authority

York County, Virginia

March 9, 2015

The Honorable Thomas G. Shepperd, Jr.
Chairman
York County Board of Supervisors
P. O. Box 532
Yorktown, VA 23690

Re: Amendment to Sign Ordinance

Dear Chairman Shepperd:

At the February 27, 2015 Economic Development Authority (EDA) meeting, the members unanimously agreed to request that the Board of Supervisors consider sponsoring an amendment to the Sign Ordinance to assist merchants impacted by the Route 17 widening project. The specific section of the Sign Ordinance that the EDA would like to see amended is **Section 24.1-704 Temporary Signs** that only allows temporary signage to be displayed for a maximum period of 120 days in any single twelve-month period.

The members felt that the businesses being impacted by the widening of Route 17 should be permitted to have temporary signage throughout the construction period and not be limited to 120 days. They felt by allowing this change, impacted businesses would be able to offset some of the negative effect of the construction through the longer use of temporary signage. The EDA specified that the requested Ordinance amendment should not change any of the other temporary signage requirements. The proposed amendment would only extend the allowable time frame during construction projects that last one year or longer.

The EDA further requested that this sponsorship be considered as soon as possible in light of the current impact of the Route 17 project. If you have any questions regarding this request, please contact me at your earliest convenience.

Sincerely,



R. Anderson Moberg
Chairman

Copy ✓ J. Mark Carter
James W. Noel, Jr.

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall,
Yorktown, Virginia, on the 7th day of April, 2015:

<u>Present</u>	<u>Vote</u>
Thomas G. Shepperd, Jr., Chairman	Yea
George S. Hrichak, Vice Chairman	Yea
Walter C. Zaremba	Yea
Sheila S. Noll	Yea
Donald E. Wiggins	Yea

On motion of Mrs. Noll, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND SECTION 24.1-704 OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO ALLOW EXTENDED DISPLAY TIME FOR TEMPORARY SIGNS ASSOCIATED WITH BUSINESS PROPERTIES LOCATED ON A ROAD UNDERGOING RECONSTRUCTION

WHEREAS, the York County Economic Development Authority has requested that consideration be given to a Zoning Ordinance text amendment that would allow Temporary Signs associated with business properties located on a road corridor undergoing reconstruction to be displayed for the duration of the construction project, rather than being limited to the current 120-day maximum display period; and

WHEREAS, in the interest of good zoning and land use practice, the Board wishes to sponsor an application to allow review and consideration of this issue in accordance with applicable procedures for Zoning Ordinance amendments;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of April, 2015, that it does hereby sponsor an application to allow consideration of the draft amendments set forth below.

BE IT FURTHER RESOLVED that the proposed amendment and application be, and it hereby is, referred to the York County Planning Commission for review, public hearing, and recommendation in accordance with applicable procedures.

Sec. 24.1-704. Temporary signs.

The zoning administrator, upon application, may issue permits for the following temporary signs and banners. Such signs shall not count against the normal sign area allowances for the property on which located. All temporary signs and banners shall be subject to the setback and sight-triangle clearance standards applicable to permanent signs. Freestanding temporary signs and banners shall be limited to one (1) per street frontage per individual parcel; building mounted temporary banners shall be limited to one per business establishment/tenant space with its own individual exterior entrance:

- (a) Banners or other temporary signs not exceeding forty (40) square feet in area, which promote a special civic, cultural or religious event such as a fair, exposition, play, concert or meeting sponsored by a governmental, charitable, not-for-profit or religious organization. The duration of such permit shall not exceed thirty (30) days.
- (aa) Banners or other temporary signs not exceeding forty (40) square feet in area which identify and are associated with a temporary business activity involving the sale of seasonal commodities as permitted pursuant to sections 24.1.-306 and 24.1-440 of this chapter and which may be displayed for the duration of the seasonal commodities sales operation.
- (b) Banners or other temporary signs not exceeding forty (40) square feet in area, and six (6) feet in height if freestanding, when used in conjunction with the opening of a new business or an establishment going out of business in any commercial or industrial district or a legally existing nonconforming business in any other district. The duration of such permit shall not exceed sixty (60) days and only one such sign, either freestanding or building mounted, shall be permitted. "Grand-Opening" temporary signage shall be permitted only within the one-year period after the actual business opening occurs. The completion of a major interior or exterior remodeling or a change in ownership for a pre-existing business shall be deemed eligible for temporary "grand-opening" banners within the one-year period after the renovation or ownership change.
- (bb) In addition to the above, businesses may install temporary banners or signs, not exceeding forty (40) square feet in area, and six (6) feet in height if freestanding, for the following purposes:
 - (1) announcing employment opportunities (e.g., "Now Hiring" or "Help Wanted");
 - (2) announcing "Now Enrolling" in the case of a childcare or daycare center;
 - (3) announcing a sales event such as a "Clearance Sale" or "Truckload Sale",

an anniversary of the business operation (e.g., “25th Year in Business”), or other business-related messages, including those that refer to a specific item, product or brand that is offered by the business;

- (4) identifying/advertising a temporary business activity as permitted under Section 24.1-306 – Category 8 – Temporary Uses.

Such temporary signs or banners must be on the site of such business. Only one (1) building-mounted or one (1) freestanding sign shall be permitted per street frontage. Such sign may be displayed for a maximum period of 120 days in any single 12-month period. The 120-days maximum display allowance may be used as 120 consecutive days or may be broken into as many as six (6) separate time periods during the course of a 12-month period. The permit application for such sign shall specify the time period(s) during which the sign will be displayed.

In the case of a property occupied by a building or buildings with multiple tenant spaces (e.g., a strip shopping center), each business establishment/tenant space with its own individual exterior entrance shall be eligible for its own temporary building-mounted sign or banner, which shall be subject to the 120-days per 12-month period allowance. The property also shall be eligible for one (1) freestanding temporary sign or banner per street frontage, provided however that such freestanding sign may not be displayed at any time during which building-mounted signs or banners allowed by this subsection are being displayed by businesses within the center.

Temporary business signs as allowed above and associated with properties having access to and from a road undergoing reconstruction may be displayed for the duration of the road construction project and shall not be limited to the 120-day display period set forth in this subsection. Properties eligible for this allowance shall be those located within the official project corridor as defined by and identified on the approved project plans. The project duration shall be considered to be the time between the actual commencement of land or pavement disturbing construction activity and the re-opening of all lanes of travel in their state of final completion.

- (c) Temporary portable signs, not exceeding thirty-two (32) square feet in area or one (1) per parcel, which are intended to identify or display information pertaining to an establishment for which permanent free-standing signage is on order as evidenced by presentation of a copy of an executed order form for such permanent signage to the Zoning Administrator. Such permit shall expire and the portable sign shall be removed upon erection of the permanent sign or 120 days whichever shall occur first. In addition, temporary banners or sign sleeves, neither of which exceed normal sign area allowances, may be used when permanent signage is on order, as evidenced in the manner described above or when in the opinion of the zoning administrator other temporary business circumstances, such

as relocation due to fire or disaster, warrant such use and the size of the temporary banner/sleeve does not exceed normally permitted sign area allowances. Such signage may be authorized for terms of up to 120 days, and may be renewed for good cause shown.

The 120-day maximum display limit shall not apply in the case of properties having access to and from a road undergoing reconstruction, and instead the allowable display period shall be the duration of the road construction project. Properties eligible for this allowance shall be those located within the official project corridor as defined by and identified on the approved project plans. The project duration shall be considered to be the time between the actual commencement of land or pavement disturbing construction activity and the re-opening of all lanes of travel in their state of final completion.

- (d) Temporary signs and banners when used to announce the grand opening and initiation of sales or leasing of lots and/or dwelling units within a newly developing residential project having at least ten (10) lots or units. The cumulative area of all such signs and banners erected for any single residential project shall not exceed forty (40) square feet. Signs and banners shall not be illuminated. The duration of such permit shall not exceed 120 days.
- (e) Temporary signs and banners when used to announce special events such as new home shows being conducted within a residential subdivision or development. The cumulative area of all such signs and banners erected for any single event shall not exceed forty (40) square feet. Signs and banners shall not be illuminated. Such signs shall not be erected more than fourteen (14) days prior to the event and shall be removed within seven (7) days following the closing of the event; provided, however, that no sign or banner shall be permitted to remain in place for any event for more than thirty (30) days between the first appearance and its removal.
- (f) With the approval of the Virginia Department of Transportation, the zoning administrator may authorize banners to be suspended above a public road right-of-way for a period not to exceed seven (7) days or the duration of the event being announced or promoted plus three (3) days, whichever shall be greater.

A Copy Teste:


Mary E. Simmons
Deputy Clerk

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2015:

Present

Vote

Melissa S. Magowan, Chair
Timothy D. McCulloch, Vice Chair
Montgoussaint E. Jons
Glenn A. Brazelton
Todd H. Mathes
Richard M. Myer, Jr.
Mark B. Suiter

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AMEND THE YORK COUNTY ZONING ORDINANCE, CHAPTER 24.1, YORK COUNTY CODE, TO ALLOW EXTENDED DISPLAY TIME FOR TEMPORARY SIGNS ASSOCIATED WITH BUSINESS PROPERTIES LOCATED ON A ROAD UNDERGOING RECONSTRUCTION

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-162-15 to amend the York County Zoning Ordinance to allow extended display time for temporary signs associated with business properties located on a road undergoing reconstruction to be displayed for the duration of the construction project, rather than being limited to the current 120-day maximum display period; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to the proposed amendments;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2015, that Application No. ZT-162-15 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend Chapter 24.1, Zoning, of the York County Code to read and provide as follows:

Sec. 24.1-704. Temporary signs.

The zoning administrator, upon application, may issue permits for the following temporary signs and banners. Such signs shall not count against the normal sign area allowances for the property on which located. All temporary signs and banners shall be subject to the setback and sight-triangle clearance standards applicable to permanent signs. Freestanding temporary signs and banners shall be limited to one (1) per street frontage per individual parcel; building mounted temporary banners shall be limited to one per business establishment/tenant space with its own individual exterior entrance:

- (a) Banners or other temporary signs not exceeding forty (40) square feet in area, which promote a special civic, cultural or religious event such as a fair, exposition, play, concert or meeting sponsored by a governmental, charitable, not-for-profit or religious organization. The duration of such permit shall not exceed thirty (30) days.
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 - (1) announcing employment opportunities (e.g., "Now Hiring" or "Help Wanted");

- (2) announcing “Now Enrolling” in the case of a childcare or daycare center:
- (3) announcing a sales event such as a “Clearance Sale” or “Truckload Sale”, an anniversary of the business operation (e.g., “25th Year in Business”), or other business-related messages, including those that refer to a specific item, product or brand that is offered by the business;
- (4) identifying/advertising a temporary business activity as permitted under Section 24.1-306 – Category 8 – Temporary Uses.

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Temporary business signs as allowed above and associated with properties having access to and from a road undergoing reconstruction may be displayed for the duration of the road construction project and shall not be limited to the 120-day display period set forth in this subsection. Properties eligible for this allowance shall be those located within the official project corridor as defined by and identified on the approved project plans. The project duration shall be considered to be the time between the actual commencement of land or pavement disturbing construction activity and the re-opening of all lanes of travel in their state of final completion.

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permanent signage is on order, as evidenced in the manner described above or when in the opinion of the zoning administrator other temporary business circumstances, such as relocation due to fire or disaster, warrant such use and the size of the temporary banner/sleeve does not exceed normally permitted sign area allowances. Such signage may be authorized for terms of up to 120 days, and may be renewed for good cause shown.

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