

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**O-13-09**

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 10th day of August, 2009:

<u>Present:</u>	<u>Vote:</u>
Thomas W. Evelyn	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye

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Motion was made by Mr. Burrell, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE AMENDING THE NEW  
KENT COUNTY SIGN ORDINANCE TO  
INCORPORATE BUSINESS, ECONOMIC  
OPPORTUNITY AND INDUSTRIAL  
CLASSIFICATIONS**

WHEREAS, the purpose of this zoning ordinance amendment is to update Article XXIV to reflect and incorporate the zoning districts of Business, Economic Opportunity and Industrial; and

WHEREAS, currently Article XXIV is silent with respect to signage for Business, Economic Opportunity and Industrial classifications; and

WHEREAS, the Board of Supervisors upon motion and vote sponsored this amendment; and

WHEREAS, this proposed amendment has been properly advertised for public hearing before the Planning Commission; and

WHEREAS, the Planning Commission has conducted a public hearing on this matter and carefully considered the comment received voted 10:0:1 to recommend approval of the amendments; and

WHEREAS, the proposed amendment has been properly advertised for public hearing before the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that the adoption of these text amendments would support the public necessity, convenience, general welfare, and good zoning and subdivision practices in the County of New Kent;

NOW THEREFORE BE IT ORDAINED, this the 10<sup>th</sup> day of August, 2009 by the New Kent County Board of Supervisors that Article XXIV, Section 98-941 and subsequent of the County Code of New Kent County be amended to read and provide as follows:

## **ARTICLE XXIV. SIGNS**

### **Sec. 98-941. Permitted signs.**

In addition to those requirements contained elsewhere in this chapter, the following sign regulations shall apply:

- (1) Not more than one freestanding sign shall be permitted for each side of a parcel with frontage on a street.
- (2) Not more than one facade sign per establishment shall be permitted for each side of a parcel with frontage on a street.
- (3) One prestige identification sign shall be permitted for each entrance into the subdivision, estate or facility.
- (4) Signs permanently affixed to motor vehicle fuel pumping islands shall be limited to a total of thirty square feet per side of island, exclusive of signs affixed to the canopy.
- (5) No sign attached to a building shall extend over or above the ridge line of any roof or the top of any parapet wall of a building.
- (6) No sign shall be attached to trees, utility poles or other supporting structures unauthorized by the county.
- (7) Signs shall be subject to the provisions of Code of Virginia, § 33.1-351 et seq., entitled "Outdoor Advertising in Sight of Public Highways," if such standards are more restrictive than local ordinances.

- (8) No signs other than an official traffic sign approved and/or installed by the state department of transportation shall be located within any public right-of-way line or property line.
- (9) Flags, banners, streamers and all other fluttering, spinning or similar type signs and advertising devices are prohibited except for national flags and flags of political subdivisions of the United States, flags of bona fide civic, charitable, fraternal and welfare organizations, and flags of corporations, provided that during nationally recognized holiday periods or during a special civic event flags, banners, streamers and other fluttering, spinning or similar type advertising devices pertaining to such periods or events may be displayed. Flags, banners and streamers and similar advertising devices used for a promotional campaign shall be allowed for a period not to exceed 30 days per 12-month period.
- (10) Flashing signs or exposed gas-filled or illuminated tubing such as neon are not permitted for exterior use.
- (11) No sign shall be constructed, erected, used, operated or maintained which displays intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger or such as are customarily used by police, fire or ambulance vehicles or for navigation purposes.
- (12) No sign shall be constructed, erected, used, operated or maintained which is so located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from normal approaching positions of a vehicle at a distance of 25 to 300 feet.
- (13) All signs shall be maintained in good condition and appearance. After due notice has been given, the zoning administrator may cause to be removed any sign which shows gross neglect or becomes dilapidated or unnecessary due to abandonment of the use.
- (14) The only sign ~~which~~ that shall be permitted in conjunction with a home occupation, either on or off the site, is a home occupation sign.
- (15) Temporary signs may be displayed for a period of up to 90 days, after which they may not be displayed again at the same location within 90 days from the date removed.
- (16) Temporary signs in existence at the time of adoption of the ordinance from which this article is derived shall have a period of one year to be made permanent in accordance with section 98-944, otherwise such signs shall follow the requirements of temporary signs.



Shopping center sign	No	No	No	No	Yes							
Temporary sign	Yes	Yes	No	No	Yes							

\* This sign classification is only permitted within the district in which the business premises are located.  
(Code 1999, § 9-308)

**Sec. 98-942. Sign area and height limitations.**

(a) The following area and height limitations shall apply regardless of zoning district:

- (1) *Home occupation sign:* Such signs shall not exceed two square feet in area and four feet in height.
- (2) *Off-site directional sign:* Such signs shall not exceed 32 square feet in area and eight feet in height.
- (3) *On-site directional sign:* Such signs shall not exceed four square feet in area and four feet in height.
- (4) *Portable sign:* Such signs shall not exceed 32 square feet in area and eight feet in height.
- (5) *Prestige identification sign:* Such signs shall not exceed 64 square feet in area and eight feet in height.
- (6) *Private sales/event sign:* Such signs shall not exceed 16 square feet in area and four feet in height.
- (7) *Real estate sign/other:* Such signs shall not exceed 32 square feet in area and eight feet in height.
- (8) *Real estate sign/off-premises:* Such signs shall not exceed 32 square feet in area and eight feet in height.
- (9) *Real estate sign/restricted:* Such signs shall not exceed two square feet in area and four feet in height.
- (10) *Temporary sign:* Such signs shall not exceed 32 square feet in area and eight feet in height.

(b) The provisions of section 98-941(1) notwithstanding, the following area and height limitations shall apply to the various zoning districts:

(1) *C-1*: No sign shall exceed 32 square feet in area and eight feet in height.

(2) *A-1*: No sign shall exceed 32 square feet in area and eight feet in height.

(3) *R-R, R-O, R-OA, R-1, R-1A*: No sign shall exceed 32 square feet in area and eight feet in height.

(4) *MHP*: No sign shall exceed 32 square feet in area and eight feet in height.

~~(5) *B-1*: No sign shall exceed 100 square feet and 25 feet in height.~~

~~(6) *B-2*: No sign shall exceed 150 square feet and 25 feet in height.~~

(5) *Business*: No sign shall exceed 150 square feet and 25 feet in height.

~~(7) *M-1*: No sign shall exceed 150 square feet and 25 feet in height.~~

(6) *Economic Opportunity*: No sign shall exceed 150 square feet and 25 feet in height.

~~(8) *M-2*: No sign shall exceed 200 square feet and 30 feet in height.~~

(7) *Industrial*: No sign shall exceed 200 square feet and 30 feet in height.

(c) The following shall apply to all churches and schools, regardless of the zoning district in which they are located:

(1) *Churches*: One sign not to exceed 48 square feet in area and eight feet in height. One additional sign not to exceed 12 square feet in area and five feet in height is permitted for childcare centers, schools, other buildings or uses, or changeable copy message boards all of which are directly associated with the church and located on the same premises.

(2) *Schools*: One sign not to exceed 48 square feet in area and eight feet in height.

(Code 1999, § 9-309)

**Sec. 98-943. Exemptions.**

The following signs are exempted from the provisions of this article:

- (1) Official traffic signs or sign structure or provisional warning signs or sign structures when erected or required to be erected by a governmental agency, and temporary signs indicating danger.
- (2) Changing of the copy of a bulletin board, poster board, display encasement or marquee.
- (3) Temporary nonilluminated signs not more than 20 square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each street frontage.
- (4) Nonilluminated signs not exceeding ten square feet in area with letters not exceeding one square foot as part of an awning, canopy, roller curtain or umbrella.
- (5) Nonilluminated signs warning trespassers or announcing property is posted. Such signs shall not exceed four square feet in area.
- (6) Signs on a truck, bus or other vehicle while in use in the course of normal business; however, this shall not be interpreted as permitting parking, for display purposes, of a vehicle to which signs are attached in a district where such signs are not permitted.
- (7) Temporary nonilluminated or indirectly illuminated signs giving notice of public, semipublic or civic events, including public meetings, political campaigns and elections. All such signs shall be removed within 30 days following such event, public meeting, political campaign or election.
- (8) Demonstrations or promotions for nonpartisan civic purposes.
- (9) Signs indicating support of individuals or political parties during the course of a campaign for elected office. Such signs shall be less than 15 square feet in area. All such signs shall be removed within 30 days after the election.
- (10) Area and height limitations shall not apply to facade signs.

(11) Temporary signs not exceeding six square feet in area and four feet in height in use for a period not to exceed 30 days.

(12) Externally illuminated prestige identification signs located in residential zoning districts.

(Code 1999, § 9-310)

**Sec. 98-944. Permits.**

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

(1) *Required.* No sign, unless hereinafter excepted, shall be erected, constructed, structurally altered or relocated until a zoning permit has been issued by the zoning administrator. Before any such zoning permit is issued, an application shall be filed with the zoning administrator together with three sets of drawings or specifications, one of which shall be returned to the applicant. Such drawings and specifications shall advise and acquaint the zoning administrator fully with the location in relation to adjacent buildings, construction materials, manner of illuminating or securing or fastening, number of signs applied for, and the wording of the sign or advertisement to be carried on the sign. Real estate signs permitted by this article are exempted from the requirements of this subsection.

(2) *Other permits.* All applicants shall obtain all necessary building permits or other required approvals prior to the erection of any sign.

(3) *Time limit.* All signs shall be erected on or before the expiration of one year from the date of issuance of the zoning permit; otherwise, the permit shall become null and void and a new permit shall be required.

(Code 1999, § 9-311)

**Sec. 98-945. Nonconforming signs.**

Any sign lawfully existing on the effective date of the ordinance from which this article is derived and not conforming to the terms of this article is hereby declared a nonconforming sign and may not be structurally altered or replaced unless such sign conforms to the requirements of this article. Upon the cessation or termination of a particular use on a parcel of real property, the owner shall, within 90 days of such cessation or termination, remove all nonconforming signs whether on or off the premises. If the owner shall not

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

(Code 1999, § 9-312)

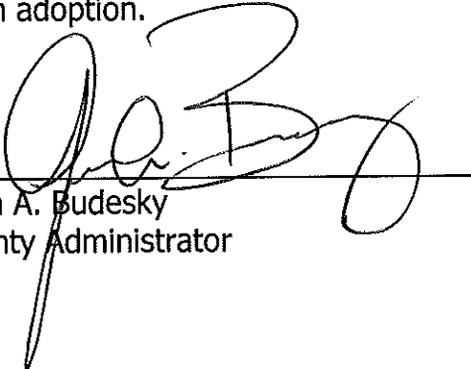
**Sec. 98-946. Remedies.**

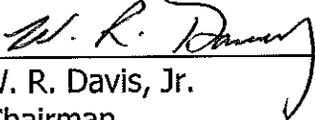
In addition to any other remedy available to the zoning administrator under the terms of this chapter, if any violation of this article is not corrected within ten days after receipt of notice of violation, the zoning administrator may remove or cause to be removed, at the owner's or tenant's expense, such sign. If any such sign so removed is not claimed by the owner within 15 days of notice, the zoning administrator may dispose of the sign.

(Code 1999, § 9-313)

Secs. 98-947--98-980. Reserved.

BE IT FURTHER ORDAINED that this amendment shall be effective immediately upon adoption.

  
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John A. Budesky  
County Administrator

  
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W. R. Davis, Jr.  
Chairman