PUBLIC NOTICE
WILLIAMSBURG PLANNING COMMISSION

The Williamsburg Planning Commission will hold a public hearing on June 19, 2013, 3:30 P.M. in the Council Chambers of the Stryker Building, 412 North Boundary Street, to consider the following:

PCR #13-019: Amend the Zoning Ordinance by revising the text of the RS-2 Single-Family Dwelling District to reduce the maximum density allowed for cluster subdivisions from six to five dwelling units/net acre with a special use permit [Sec. 21-169(g)]. This will match the density of the *Medium Density Single-Family Detached Residential* land use category in the 2013 Comprehensive Plan.

PCR #13-020: Amend the Zoning Ordinance by revising the text of the PDR Planned Development Residential District to reduce the maximum density allowed when rezoning from an RS-2 District from six to five dwelling units/net acre [Sec. 21-481(h)]. This will match the density of the *Medium Density Single-Family Detached Residential* land use category in the 2013 Comprehensive Plan.

PCR #13-021: Rezone 36.8 acres at 951 South Henry Street from WM William and Mary District to RS-1 Single-Family Dwelling District. This land is designated by the 2013 Comprehensive Plan as *Conservation Area* and *Sensitive Environmental Area* land use, and is the location of the future Papermill Creek Passive Park. The proposed RS-1 Single-Family Dwelling District allows single-family detached dwellings with a density of 3 dwelling units/net acre, as well as playgrounds, parks and unlighted athletic fields owned and operated by the City. This property is owned by the City of Williamsburg.

PCR #13-022: Rezone 36.8 acres at 190 Strawberry Plains Road from RS-2 Single-Family Dwelling District to WM William and Mary District. This land is designated by the 2013 Comprehensive Plan as *College of William and Mary* land use. The proposed WM William and Mary District allows colleges and universities with no lot area or density requirements. This property is owned by the College of William and Mary.

PCR #13-023: Amend the Zoning Ordinance by revising the Archaeological Review Districts Map (Sheet 3 of the Official Zoning Map) to expand the areas subject to archaeological review [Sec. 21-925] as recommended by the 2013 Comprehensive Plan. Archaeological protection districts are established to ensure that archaeological resources in the city are studied and, based on the findings of the study, significant resources are either preserved or recovered through a resource management plan. The following properties are proposed to be added to the archaeological protection districts: 1010 Jamestown Road; 300 Holly Hills Drive; 801(portion), 911 and 951 South Henry Street; land between College Landing Park and Route 199 (200-313 Magnolia Avenue, 111-314 Westmoreland Avenue, 240-300 Rockbridge Avenue); 315 (portion), 601>609, 640, 651 (portion) and 1051 South England Street; 138 York Street; and 924, 927, 929, 931 (portion) and 942 Capitol Landing Road.

PCR #13-024: Amend the Zoning Ordinance by revising the Sign Regulations by releasing the security payment for private signs in the public right-of-way if the sign has been in place for ten or more years with no change in ownership of the business, and if the city has not initiated any action calling for the termination of the sign permit.

Additional information is available at www.williamsburgva.gov/publicnotice or at the Planning Department (757) 220-6130, 401 Lafayette Street. Interested citizens are invited to attend this hearing and present their comments to Planning Commission.

If you are disabled and need accommodation in order to participate in the public hearing, please call the Planning Department at (757) 220-6130, (TTY) 220-6108, no later than 12:00 noon, Wednesday, June 12, 2013.

Reed T. Nester
Planning Director

CITY OF WILLIAMSBURG

MEMORANDUM

DATE: **May 20, 2013**

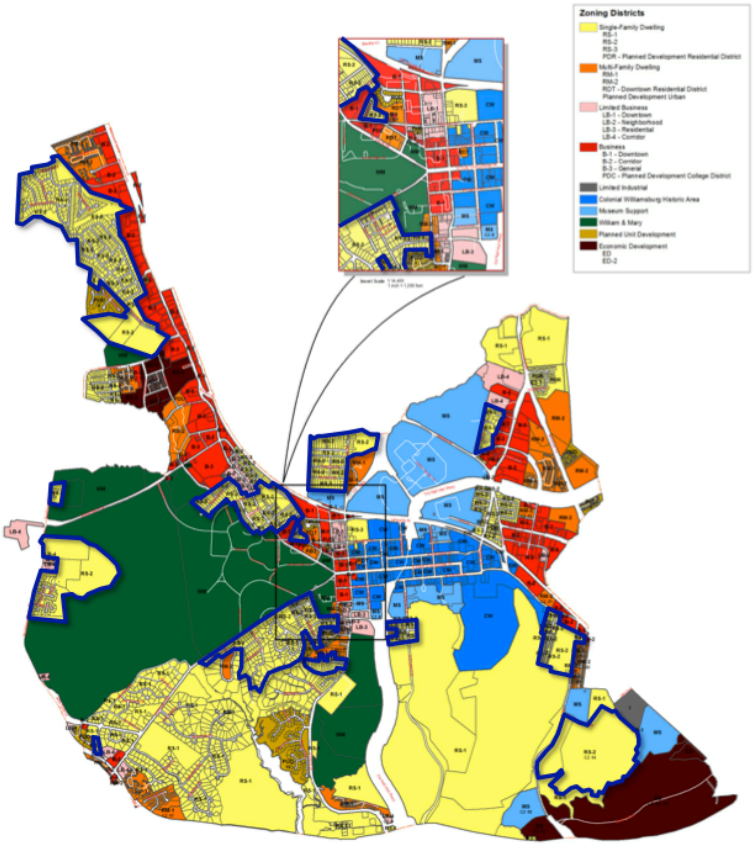
SUBJECT: **Miscellaneous Changes**
2013 Comprehensive Plan Implementation

The 2013 Comprehensive Plan was adopted by City Council on January 10, 2013. This memo addresses miscellaneous changes to implement the Plan's recommendations (PCR #13-019>PCR #13-023).

RS-2 SINGLE-FAMILY DWELLING DISTRICT RELATED CHANGES

The 2013 Comprehensive Plan recommends two changes to bring the zoning regulations into agreement with the *Medium Density Single-Family Detached Residential* land use category, which has a maximum residential of five dwelling units/net acre. These changes apply in the RS-2 Single-Family Dwelling Districts, which are outlined in blue on the map below:

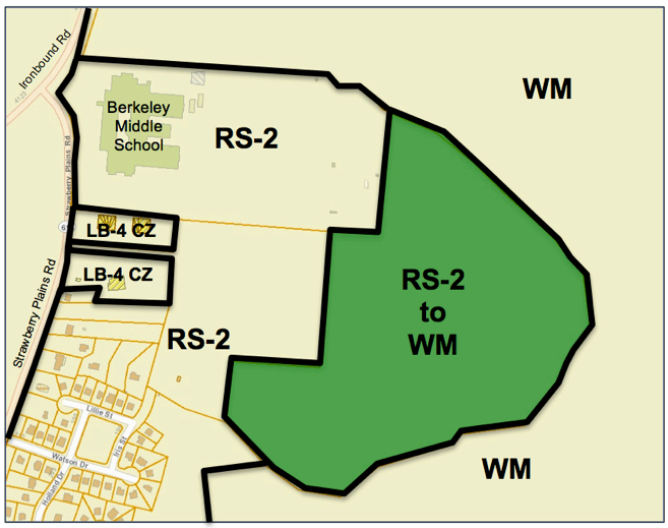
1. **PCR #13-019:** Revise the cluster subdivision requirements for the RS-2 District to reduce the maximum density allowed for single-family cluster subdivisions from six to five dwelling units/net acre. Cluster subdivision approval requires a special use permit.
2. **PCR #13-020:** Revise the density requirements for the PDR Planned Development Residential District to reduce the maximum density allowed when rezoning from an RS-2 District from six to five dwelling units/net acre.



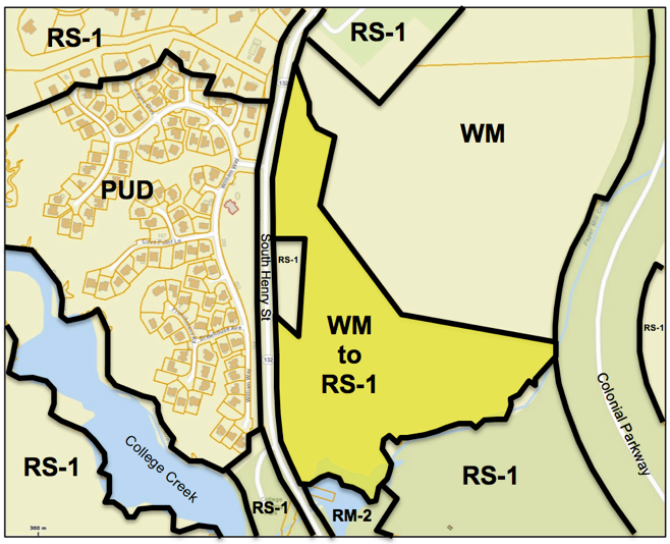
CITY/COLLEGE LAND EXCHANGE PROPERTY CHANGES

The 2013 Comprehensive Plan recommends two zoning map changes to bring the zoning regulations into agreement with the Future Land Use map for properties that were exchanged in 1996 between the City and the College of William and Mary:

3. **PCR #13-021:** Change the WM William and Mary District at 951 South Henry Street to RS-1 Single-Family Dwelling District. This property is owned by the City and is designated *Conservation Area* and *Sensitive Environmental Area* land use. It is the future location of the Papermill Creek Passive Park, which is a permitted use in the RS-1 District.

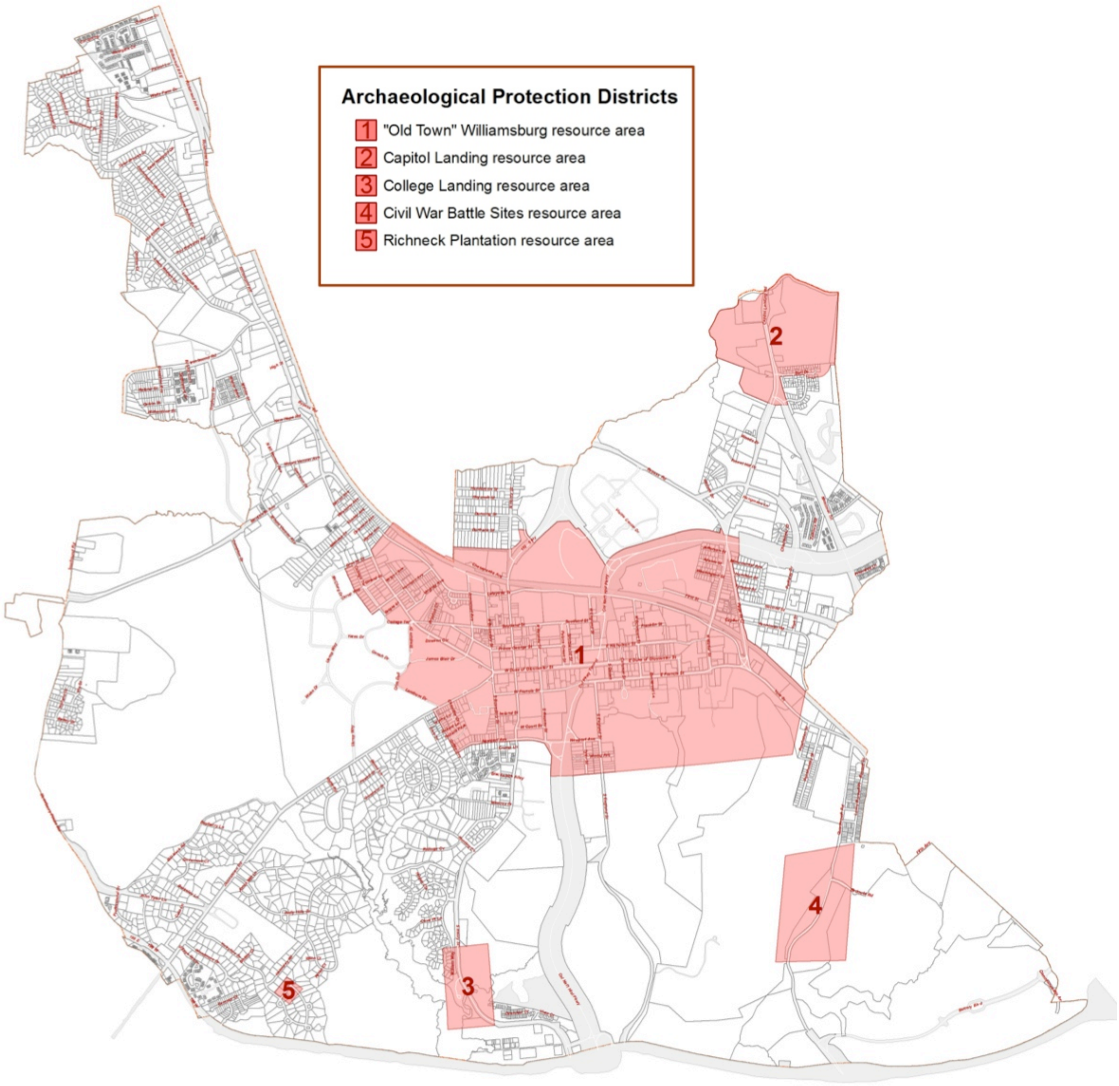


4. **PCR #13-022:** Change the RS-2 Single-Family Dwelling District at 190 Strawberry Plains Road (behind Berkeley Middle School) to WM William and Mary District. This property is owned by the College of William and Mary and is designated *William and Mary* land use.

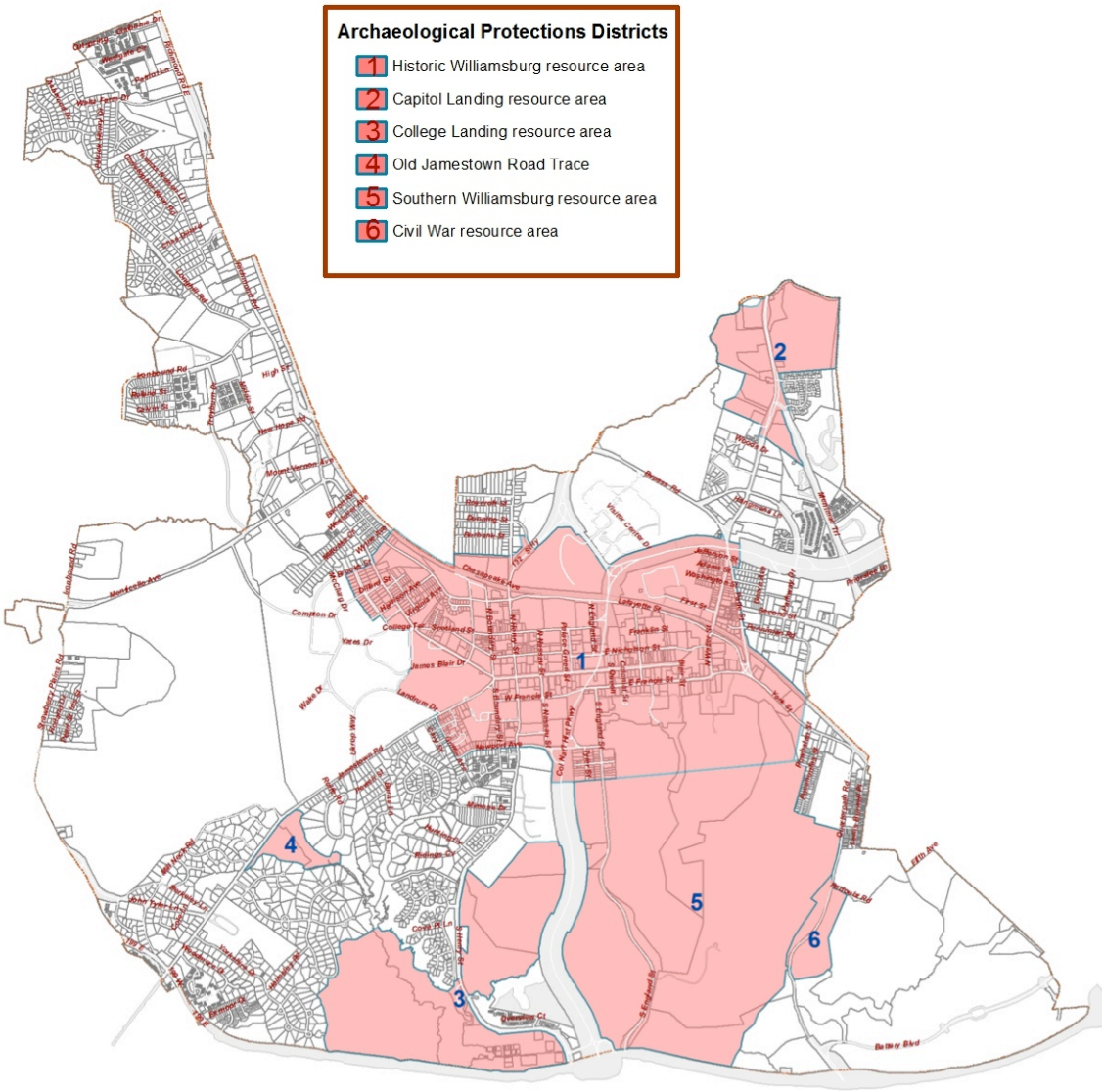


ARCHAEOLOGICAL REVIEW DISTRICT EXPANSION

The 1989 Comprehensive Plan recommended establishment of Archaeological Review in the City, and this was added to the Zoning Ordinance in 1995. Five Archaeological Preservation Districts were initially designated, as shown on the map below:



These districts were established to ensure that archaeological resources in the City are studied and based on the findings of the study, significant resources are either preserved or recovered through a resource management plan. The archaeological preservation areas have been re-evaluated with assistance from Colonial Williamsburg's Department of Architectural and Archaeological Research, and new and re-adjusted districts are recommended, as shown on the on the following page.



5. **PCR #13-023:** Amend the Zoning Ordinance by revising the Archaeological Review Districts Map (Sheet 3 of the Official Zoning Map) to expand the areas in the City subject to archaeological review.

PLANNING COMMISSION PUBLIC HEARING

The Planning Commission public hearing on these cases is scheduled for the regular Planning Commission meeting on June 19.

Reed T. Nester

Reed T. Nester, AICP
Planning Director

[PC\PCR\2013\13-019M01]

2013 COMPREHENSIVE PLAN

Adopted January 10, 2013

Landing Road. Rezoning of these areas can be approved if an acceptable master plan is submitted.

Zoning Map Changes

1. Change the RS-2 Single Family Dwelling District for the Capitol Heights area and Pine Crest Subdivision to RS-3 Single Family Dwelling District.
2. Change the LB-4 Limited Business Corridor District at the rear of 921 and 925 Capitol Landing Road to B-2 Corridor Business District.

Commercial Corridors

Recommendations for the Corridor Commercial areas are detailed in *Chapter 10 – Commercial and Economic Development*. The following changes are needed to implement the Plan's recommendations for the Commercial Corridors:

Zoning Text Changes

1. Revise the yard requirements for the B-2 District to require a 15 foot front yard between New Hope Road/Bypass Road and Ironbound Road.
2. Revise the use regulations for the B-2 Corridor Business District to eliminate multifamily with up to 50% of total floor area as a permitted use, and to allow up to 67% of the total floor area on an individual lot to be used for the following residential uses with a special use permit: apartments, condominiums and townhouses.
3. Revise the use regulations for the B-2 Corridor Business District to allow newspaper printing and publishing facilities with a special use permit.

Zoning Map Changes

1. Change the B-3 General Business District along Richmond Road between New Hope Road/Bypass Road and Ironbound Road to B-2 Corridor Business District.
2. Change the B-3 General Business District for the Virginia Gazette at 216 Ironbound Road to B-2 Corridor Business District.

Residential Areas

The following changes are needed to bring zoning regulations into agreement with the Medium Density Single Family Residential land use category:

Zoning Text Changes

1. Revise the cluster subdivision requirements for the RS-2 District to reduce the maximum density allowed for cluster subdivisions from 6 to 5 dwelling units/net acre with a special use permit.
2. Revise the density requirements for the PDR District to reduce the maximum density allowed when rezoning from an RS-2 District from 6 to 5 dwelling units/net acre.

Other Areas

The following changes are needed to bring zoning regulations into agreement with the Future Land Use Map for properties that were exchanged in 1996 between the City and the College of William and Mary:

Zoning Map Changes

1. Change the WM William and Mary District at 951 South Henry Street to RS-1 Single-Family Dwelling District. This property is owned by the City and is designated *Conservation Area* land use.
2. Change the RS-2 Single-Family Dwelling District at 190 Strawberry Plains Road (behind Berkeley Middle School) to WM William and Mary District. This property is owned by the College of William and Mary and is designated *William and Mary* land use.

Architectural Inventory
As recommended in the 1989 Comprehensive Plan, a survey and assessment of architectural resources in the Architectural Preservation District was completed in 1992. With the assistance of a matching grant from the Virginia Department of Historic Resources (DHR), a reconnaissance level architectural survey was conducted for all buildings over 50 years old in the AP district. The report from the survey identified 12 buildings and five districts for potential nomination to the National Register of Historic Places and the Virginia Landmarks Register. Based on the 1992 survey report, a listing of locally significant architecture and areas was created to assist the Architectural Review Board with their deliberations.

This 15 year old inventory is being updated, and detailed field work has been completed. The information needs to be entered into the DHR database to complete the survey update, and this work should be completed by 2013.

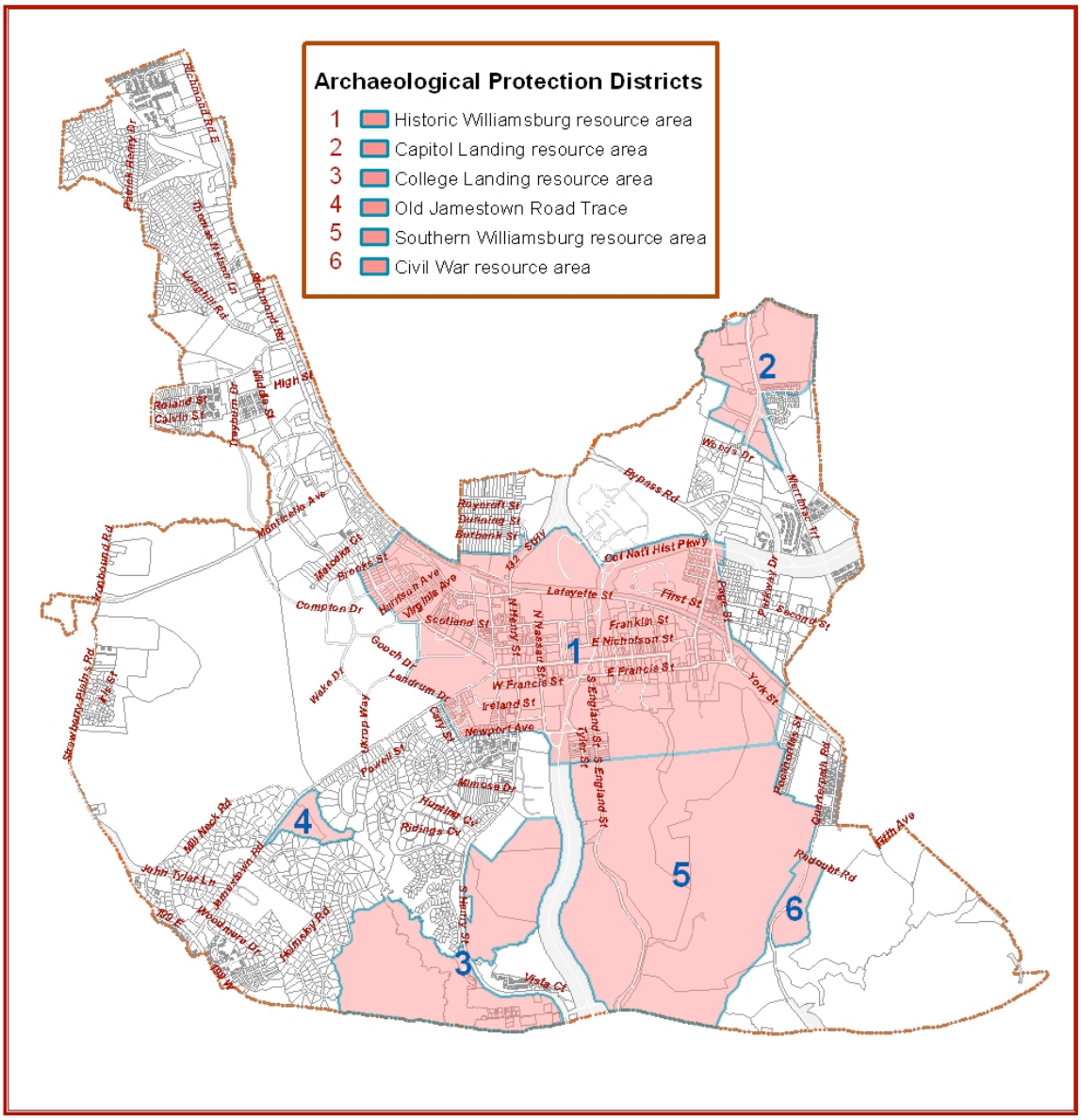
Architectural Review Guidelines
The 1989 Comprehensive Plan recommended the preparation of Design Review Guidelines, which were first adopted in 1993. The Guidelines assist the Architectural Review Board in reaching fair and objective decisions when reviewing proposals in the AP and CP districts. In March 2006, a one-year review and update of the Guidelines was conducted by the Architectural Review Board, Planning Commission and City Council. This resulted in updated Guidelines which were adopted by City Council in 2006. This extensive review process ensured that the Guidelines reflect the City's goals for development and redevelopment as well as those for architectural preservation and design review. These Guidelines are the City's best tool for encouraging the preservation and improvement of its architectural character.

The guidelines are based in part on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and distinguish between the different character of the AP and CP districts, and also between different parts of the AP District (AP-1, AP-2 and AP-3 Districts are designated). The most restrictive guidelines are in the AP-1 District adjacent to the Colonial Williamsburg Historic Area, the old campus of William & Mary, and the National Register Historic Districts of Pollard Park and Chandler Court. The Colonial Williamsburg Historic Area is the most important part of the AP district. To ensure that the integrity of this nationally significant resource is maintained for future generations, building projects are required to be based on documented historical and/or archaeological evidence. Development in the AP district is encouraged to be compatible with existing buildings and neighborhoods. In the CP district, development is encouraged which respects the overall character of the City and enhances the City's entrance corridors. Since it has been five years since the last review, an update of the Design Review Guidelines is needed as a part of the Comprehensive Plan implementation process.

Archaeological Preservation
While the thrust of preservation activities in Williamsburg has centered on 17th, 18th and 19th-century American history, other remnants of Williamsburg's past still exist and can contribute toward an understanding and appreciation of the cultural landscape. Some of these prehistoric and historic resources include sites and structures occupied or used since the 17th century, as well as important 20th century sites. In order to determine the level of significance of these resources, the areas should be studied prior to any proposed development or redevelopment, and should be protected from adverse influences whenever possible.

The City's known significant archaeological resources were identified in a Resource Protection Planning Process (RP3) study conducted by the Colonial Williamsburg Foundation for James City County, York County and the City in 1985 (revised in 1990). The 1989 Comprehensive Plan recommended that these areas be studied for significant resources to provide a reasonable assurance that any future development or redevelopment in the City does not have an adverse impact on unidentified resources. As a means of identifying all documented historic archaeological resources and predicting prehistoric archaeological

resource areas in the City, an Archaeological Map Assessment Study was developed for the City by the Colonial Williamsburg Foundation.


Archaeological Protection Districts
1 Historic Williamsburg resource area
2 Capitol Landing resource area
3 College Landing resource area
4 Old Jamestown Road Trace
5 Southern Williamsburg resource area
6 Civil War resource area
1
2
3
4
5
6
Richmond Rd
High St
Monticello Ave
Brooks St
Compton Dr
Scotland St
Lafayette St
First St
Franklin St
E Nicholson St
E Francis St
W Francis St
Ireland St
Newport Ave
Gooch Dr
Landrum Dr
Wake Dr
Powell St
Mimosa Dr
Hunting Cr
Rubinda Dr
Mill Neck Rd
John Tyler Ln
Jamestown Rd
Helmsley Rd
Woodware Dr
Newkirk St
Vista Ct
S England St
Tyler St
York St
Second St
Parkway Dr
Bypass Rd
Col Natl Hist Pkwy
Richmond Rd E
Lodehill Rd
Roland St
Calvin St
Lafayette Dr
Mill St
Newkirk Plain Rd
Kingsbury Rd
Rt 5
Rt 199
Rt 132
Rt 143
Rt 31
Rt 60

ORDINANCE #13-__
PROPOSED ORDINANCE #13-__

AN ORDINANCE AMENDING CHAPTER 21, ZONING, ARTICLE III. DISTRICT REGULATIONS, DIVISION 3. SINGLE FAMILY DWELLING DISTRICT RS-2, PERTAINING TO CLUSTER SUBDIVISION DENSITY (PCR #13-019)

These revisions to Chapter 21, Zoning, are recommended by the 2013 Williamsburg Comprehensive Plan, and are intended to promote the health, safety and general welfare of the public, and to carry out the purpose and intent of Chapter 21 as stated in Sec. 21-1.

BE IT ORDAINED that Chapter 21, Zoning, Article III. District Regulations, Division 3. Single Family Dwelling District RS-2, Sec. 21-169(g) shall be amended to read as follows:

ARTICLE III. DISTRICT REGULATIONS

DIVISION 3. SINGLE-FAMILY DWELLING DISTRICT RS-2

Sec. 21-169. Regulations for cluster subdivisions.

(g) *Cluster subdivision density.* For cluster subdivisions, the number of lots for the entire parcel shall not exceed three lots per net acre, except that the number of lots for the entire parcel may be increased up to ~~six~~ five units per net acre with a special use permit approved by the city council in accordance with article II, division 4. Net acreage shall be calculated based on existing land conditions, as specified in the following chart. Twenty percent shall be subtracted from the net acreage so calculated to allow for street rights-of-way, unless it can be demonstrated to the satisfaction of the zoning administrator that the proposed street rights-of-way will be less than 20 percent of the calculated net acreage.

Physical Land Unit	*Percent Credited Toward Net Acreage*
Slopes less than 10%	100%
Slopes from 10% but less than 20%	70%
Slopes from 20% but less than 30%	50%
Slopes 30% or more	10%
100-year floodplains	0%
Wetlands	0%
Existing water features (bodies of water, drainage channels, streams, etc.)	0%
Above ground high voltage electric transmission line easements (69 kv or greater)	0%

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

_____
Clyde A. Haulman, Mayor

Attest: _____
Donna Scott, City Council Clerk

[PC\PCR\2013\13-019OD1]

ORDINANCE #13-__
PROPOSED ORDINANCE #13-__

AN ORDINANCE AMENDING CHAPTER 21, ZONING, ARTICLE III. DISTRICT REGULATIONS, DIVISION 15. PLANNED DEVELOPMENT DISTRICTS PDR, PDC AND PDU, PERTAINING TO PDR DISTRICT DENSITY (PCR #13-020)

These revisions to Chapter 21, Zoning, are recommended by the 2013 Williamsburg Comprehensive Plan, and are intended to promote the health, safety and general welfare of the public, and to carry out the purpose and intent of Chapter 21 as stated in Sec. 21-1.

BE IT ORDAINED that Chapter 21, Zoning, Article III. District Regulations, Division 15. Planned Development Districts PDR, PDC and PDU, Sec. 21-481(h) shall be amended to read as follows:

ARTICLE III. DISTRICT REGULATIONS

DIVISION 15. PLANNED DEVELOPMENT DISTRICTS PDR, PDC AND PDU

Sec. 21-481. Planned development residential district PDR.

(h) *Density.* For PDR districts, there shall be a maximum density of three dwelling units per net acre when rezoned from property located in the RS-1 single-family dwelling district, a maximum density of ~~six~~ five dwelling units per net acre when rezoned from property located in the RS-2 single-family dwelling district, and a maximum density of eight dwelling units per net acre when rezoned from property located in the RM-1 multifamily dwelling district. When a PDR district is rezoned from more than one zoning district, the density shall be calculated based on the density allowed for each of the underlying zoning districts, and the total dwelling units allowed may be located anywhere within the PDR district. Net acreage shall be calculated based on existing land conditions, as specified in the following chart. Twenty percent shall be subtracted from the net acreage so calculated to allow for street rights-of-way, unless it can be demonstrated to the satisfaction of the zoning administrator that the proposed street rights-of-way will be less than 20 percent of the calculated net acreage.

Physical Land Unit	*Percent Credited Toward Net Acreage*
Slopes less than 10%	100%
Slopes from 10% but less than 20%	70%
Slopes from 20% but less than 30%	50%
Slopes 30% or more	10%
100-year floodplains	0%
Wetlands	0%
Existing water features (bodies of water, drainage channels, streams, etc.)	0%
Above ground high voltage electric transmission line easements (69 kv or greater)	0%

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

_____
Clyde A. Haulman, Mayor

Attest: _____
Donna Scott, City Council Clerk

[PC\PCR\2013\13-020OD1]

ORDINANCE #13-__
PROPOSED ORDINANCE #13-__

AN ORDINANCE TO REZONE 36.8 ACRES AT 951 SOUTH HENRY STREET FROM WM WILLIAM AND MARY DISTRICT TO RS-1 SINGLE-FAMILY DWELLING DISTRICT (PCR #13-021)

WHEREAS, this rezoning is recommended by the 2013 Williamsburg Comprehensive Plan and carries out the purpose and intent of Chapter 21, Zoning, as stated in Sec. 21-1, Purpose and Intent; and

WHEREAS, it has been determined by City Council that the general welfare of the City of Williamsburg would be served by rezoning 36.8 acres located at 951 South Henry Street from WM William and Mary District to RS-1 Single-Family Dwelling District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Williamsburg that the Official Zoning Map of the City of Williamsburg, Virginia be amended by rezoning 36.8 acres located at 951 South Henry Street from WM William and Mary District to RS-1 Single-Family Dwelling District. This property is identified as Williamsburg Tax Map No. 555-05-00-002, and is further described on Exhibit A below.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

_____
Clyde A. Haulman, Mayor

Attest: _____
Donna Scott, City Council Clerk

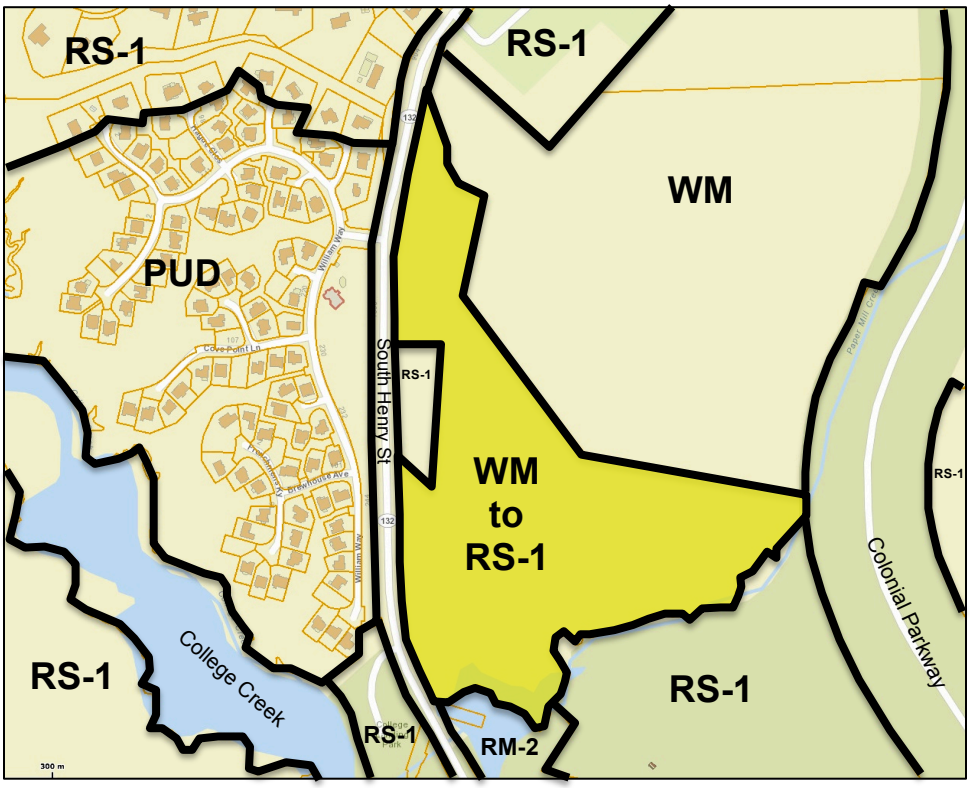


EXHIBIT A

[PC\PCR\2013\13-021OD1]

ORDINANCE #13-__
PROPOSED ORDINANCE #13-__

AN ORDINANCE TO REZONE 36.8 ACRES AT 190 STRAWBERRY PLAINS ROAD FROM RS-2 SINGLE-FAMILY DWELLING DISTRICT TO WM WILLIAM AND MARY DISTRICT TO (PCR #13-022)

WHEREAS, this rezoning is recommended by the 2013 Williamsburg Comprehensive Plan and carries out the purpose and intent of Chapter 21, Zoning, as stated in Sec. 21-1, Purpose and Intent; and

WHEREAS, it has been determined by City Council that the general welfare of the City of Williamsburg would be served by rezoning 36.8 acres located at 190 Strawberry Plains Road from RS-2 Single-Family Dwelling District to WM William and Mary District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Williamsburg that the Official Zoning Map of the City of Williamsburg, Virginia be amended by rezoning 36.8 acres located at 190 Strawberry Plains Road from RS-2 Single-Family Dwelling District to WM William and Mary District. This property is identified as Williamsburg Tax Map No. 461-03-00-001, and is further described on Exhibit A below.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

_____
Clyde A. Haulman, Mayor

Attest: _____
Donna Scott, City Council Clerk

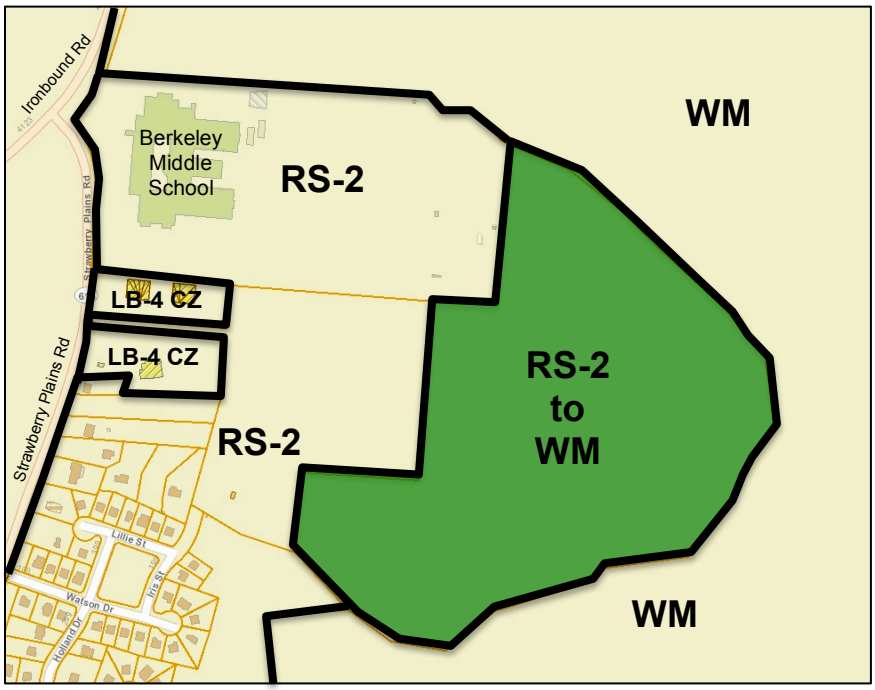


EXHIBIT A

[PC\PCR\2013\13-022OD1]

ORDINANCE #13-__
PROPOSED ORDINANCE #13-__

AN ORDINANCE
AMENDING THE CODE OF THE CITY OF WILLIAMSBURG,
CHAPTER 21, ZONING, ARTICLE XI. ARCHAEOLOGICAL REVIEW, SEC. 21-925
PERTAINING TO BOUNDARIES OF THE ARCHAEOLOGICAL REVIEW DISTRICTS
(PCR #13-023)

These revisions to Chapter 21, Zoning, are recommended by the 2013 Williamsburg Comprehensive Plan, and are intended to promote the health, safety and general welfare of the public, and to carry out the purpose and intent of Chapter 21 as stated in Sec. 21-1.

BE IT ORDAINED that Chapter 21, Zoning, Article XI. Archaeological Review, Sec 21-925, Archaeological protection district, is hereby amended to read as follows:

Sec. 21-925. Archaeological protection district.

(a) *Statement of intent.* The archaeological protection district is established to ensure that archaeological resources in the city are studied and, based on the findings of the study, that significant resources are either preserved or recovered through a resource management plan.

(b) *Boundaries.* The boundaries of the archaeological protection district are delineated as an overlay district on the official zoning map, as ~~amended on January 12, 1995~~ adopted on August 9, 2012 and amended on [**insert adoption date of ordinance**].

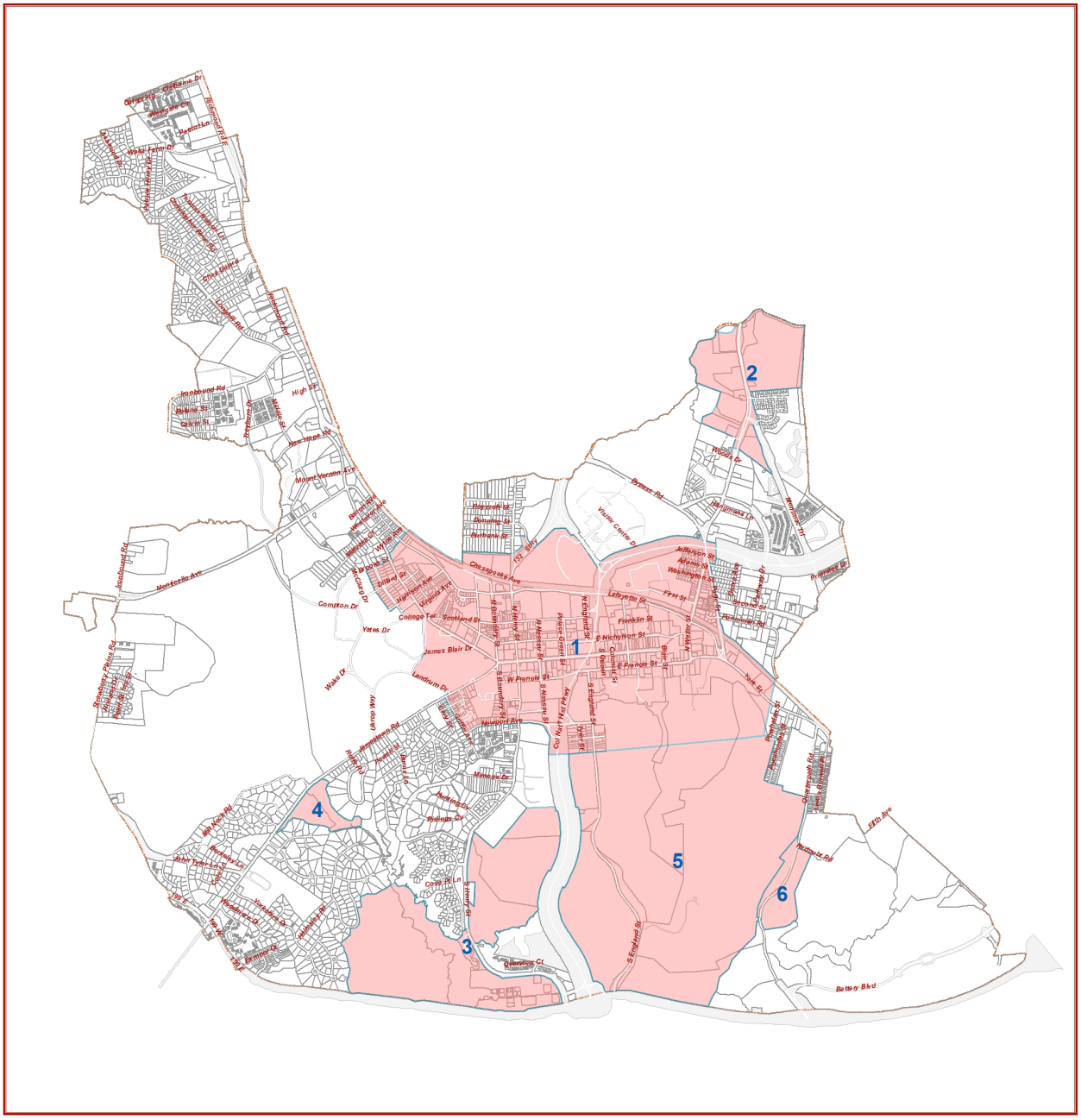
EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

_____
Clyde A. Haulman, Mayor

_____
Donna Scott, City Council Clerk

[PC\PCR\2013\13-023OD1]



City of Williamsburg, Virginia

Archaeological Protections Districts

- 1 Historic Williamsburg resource area
- 2 Capitol Landing resource area
- 3 College Landing resource area
- 4 Old Jamestown Road Trace
- 5 Southern Williamsburg resource area
- 6 Civil War resource area

Official Zoning Map
Part 3 of 3: Archaeological Review Districts

Map set contains:
Sheet 1: Zoning Districts
Sheet 2: Architectural Review Districts
Sheet 3: Archaeological Review Districts

Adopted by City Council on
[insert adoption date of ordinance]

CITY OF WILLIAMSBURG
MEMORANDUM

TO: **Planning Commission**

DATE: **May 8, 2013**

SUBJECT: **PCR #13-024**
Security Payment for Private Sign in Public Right-of-Way

Section 21-749.1 of the Zoning Ordinance Sign Regulations establishes provisions for placing private signs on the public right-of-way. City Council approval is required, as well as maintenance of an insurance policy and providing a security payment (bond, letter of credit, or certified check) to cover the cost of removing the sign. A copy of this section is attached.

Since this section was established in November 2000, City Council has approved eight signs to be located in a public right-of-way:

Second Street Bistro	140 Second Street	April 12, 2001
Beach House Grill	322 Second Street	December 12, 2002
South of the Border	322 Second Street	April 8, 2004
Country Hearth Inn & Suites	924 Capitol Landing Road	December 13, 2001
Colonel Waller Motel	917 Capitol Landing Road	November 12, 2004
Capitol Landing Center	944-952 Capitol Landing Road	January 12, 2006
Parkway Apartments	416 Merrimac Trail	September 14, 2006
Quality Suites	1406 Richmond Road	January 10, 2002

Attached is a memo from the City Manager suggesting that, in response to a request from a Williamsburg business owner, Planning Commission consider a recommendation to City Council to amend the ordinance to provide that deposits/security be released in cases where the sign has been in place for ten or more years, and when the City has not initiated any action calling for the termination of the permit. The City Manager states in his memo that "I consider the risk to the City for costs associated with removal of the signs in such cases to be very low; and further, this proposed change would reward successful, long standing city businesses for their demonstrated contribution to the community."

PLANNING COMMISSION PUBLIC HEARING

The Planning Commission public hearing on this case is scheduled for the regular Planning Commission meeting on June 19. Following the public hearing, the Commission will need to make a recommendation to City Council on whether or not the sign regulations should be changed to waive the security deposit after ten years, as detailed in the attached ordinance.

Reed T. Nester

Reed T. Nester, AICP
Planning Director

[PC\PCR\2013\13-024M01]

ORDINANCE #13-__
PROPOSED ORDINANCE #13-__

AN ORDINANCE AMENDING CHAPTER 21, ZONING, ARTICLE VI. SIGNS, SEC. 21-749.1, PERTAINING TO SPECIAL PROVISIONS FOR SIGNS LOCATED ON WIDE PUBLIC RIGHTS-OF-WAY (PCR #13-024)

These revisions to Chapter 21, Zoning, are intended to promote the health, safety and general welfare of the public, and to carry out the purpose and intent of Chapter 21 as stated in Sec. 21-1.

BE IT ORDAINED that Chapter 21, Zoning, Article VI. Signs, Sec. 21-749.1(7) shall be amended to read as follows:

ARTICLE VI. SIGNS

Sec. 21-749.1 Special provisions for freestanding, monument or parking lot signs located on wide public rights-of-way.

When the front property line of a lot abuts a city street right-of-way and such front lot line is located more than ten feet from the closest curb line or edge of pavement installed within such right-of-way, city council may grant permission for a freestanding, monument or parking lot sign to be erected on public rights-of-way within the corporate limits, subject to the following:

(1) The time period for which the sign is authorized shall be in accord with Article VII, Section 9 of the Virginia Constitution.

(2) Approval shall be for the applicant only, and shall not be transferable to any future tenant or business.

(3) The closest part of the sign shall be located at least ten feet from the back of curb or edge of pavement, or at least one foot from the back of sidewalk, whichever is greater.

(4) The sign must be located on a portion of the right-of-way between the street and the front property line of the lot to which the sign pertains.

(5) A right-of-way permit in form approved by the city manager must be issued by the city manager or his designee.

(6) No right-of-way permit shall be issued to allow erection of any sign authorized under section 21-749.1 until the city has received a certificate of insurance showing that there is in force as to such sign, commercial general liability insurance coverage on an occurrence basis insuring against all claims, loss, cost, damage, expense or liability from loss of life or damage or injury to persons or property arising out or relating to such sign. Such insurance shall be issued by an insurance company licensed to do business in Virginia acceptable to the city manager and shall include the city as an additional insured. Such certificate of insurance shall provide for 30 days advance notice to the city prior to cancellation or modification of such policy. Said insurance shall be maintained in force at all times at the permittee's expense when the sign remains on public right-of-way and shall protect and save the city harmless

from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor, sign owner, as well as the owner, tenants and occupants of the property to which the sign pertains and/or their respective agents; as well as by reason of defects in the construction of such sign and the maintenance of such sign including, but not limited to, damages resulting from the collapse, failure or combination of the sign or parts thereof.

(7) Prior to the issuance of a sign permit, the owner of the sign shall post a bond with corporate surety, letter of credit or certified check, approved as to form by the city attorney, to cover the cost of the removal of the sign and its supporting structures if the sign is not removed at the expiration of the time period for which it is authorized, or if the sign is not maintained in accordance with section 21-753. The validity period for the bond with corporate surety or letter of credit shall be the same as the time period approved for the sign by city council, and shall remain in effect until released by the city.

a. Said corporate surety, letter of credit or certified check may be released with the approval of the city manager if the sign has been in place for ten or more years with no change in ownership of the business. In making a determination, the city manager shall consider any codes compliance, zoning, property maintenance or other violations of city or state code that have occurred pertaining to the sign, or any other actions that have been taken by the city to terminate the sign permit during that 10 year period.

(8) Architectural review board approval shall be required if the sign is located in an AP architectural preservation district or a CP corridor protection district.

(9) All other applicable provisions of Article VI. Signs shall be met.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

_____
Clyde A. Haulman, Mayor

Attest: _____
Donna Scott, City Council Clerk

[PC\PCR\2013\13-024OD1]