

**SUFFOLK PLANNING COMMISSION
AGENDA FOR
OCTOBER 20, 2020**



**PREPARED BY THE CITY OF SUFFOLK DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
DAVID HAINLEY, DIRECTOR**

**THE REGULAR MEETING WILL BE HELD AT 2:00 P.M. IN
THE SUFFOLK CITY COUNCIL CHAMBERS OF THE CITY HALL BUILDING**

**IF YOU CANNOT ATTEND OR NEED SPECIAL ACCOMODATIONS AT THE
MEETING, PLEASE CALL THE CITY OF SUFFOLK DEPARTMENT OF PLANNING
& COMMUNITY DEVELOPMENT AT (757) 514-4060
PRIOR TO 12:00 NOON ON FRIDAY, OCTOBER 16, 2020.**

**HOWARD C. BENTON
CHAIRMAN**

Suffolk
VIRGINIA
It's a good time to be in Suffolk



AGENDA

SUFFOLK PLANNING COMMISSION

October 20, 2020

2:00 P.M.

-
1. Call to Order
 - A. Invocation
 - B. Roll Call
 2. Approval of minutes from previous meeting
 3. Public Hearings:
 - A. **CONDITIONAL USE PERMIT REQUEST, CUP2020-016, Helipad for Bon Secours Harbour View Hospital:** submitted by J. Randall Royal, Kimley-Horn & Associates, Inc., applicant, on behalf of Dan McCarthy, Vice President, Bon Secours Mercy Health, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a helipad, on property located at 7250 Harbour Towne Parkway, Zoning Map 6, Parcel 3A*2C*4. The affected area is further identified as being located in the Nansemond Voting Borough, zoned MUD, Mixed Use Development. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Mixed Use Core Use District.
 - B. **CONDITIONAL USE PERMIT REQUEST, CUP2020-017, 3219 Bridge Road:** submitted by Lorenzo J. Mallory, Sr., Greater Dimensions Kingdom Ministries, applicant, on behalf of S. Chris Jones, BCP, LLC, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in main sanctuary, on property located at 3219 Bridge Road, Zoning Map 12, Parcel 12J. The affected area is further identified as being located in the Sleepy Hole Voting Borough, zoned B-2, General Commercial Zoning District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Suburban Use District.
 - C. **ORDINANCE TEXT AMENDMENT OTA2020-001,** initiated by the City of Suffolk, for amendments to the Code of the City of Suffolk, Chapter 31 Unified Development Ordinance, Article 4, Zoning, Section 31-412, Special Corridor Overlay District (SCOD) and Section 31-419, Mixed Use Development Overlay District (MUD); and Article 6, Design and Improvement Standards, Section 31-603, Landscaping Standards; and Article 7, Supplemental Use Regulations, Section 31-707, Home Occupations; Section 31-714, Sign Regulations; and Section 31-717, Temporary Uses; and Appendix A- Definitions. The purpose of the text amendments is to update and refine the Code of the City of Suffolk, Chapter 31, Unified Development Ordinance due to a change in circumstance.

4. Old Business
5. New Business
 - A. Status Report – City Council Meeting, October 7, 2020
 - B. Status Report - Preliminary Plats Approved - None
6. Commissioner's Comments
7. Adjournment



MINUTES

SUFFOLK PLANNING COMMISSION

September 15, 2020

2:00 P.M.

The meeting of the Suffolk Planning Commission was held on Tuesday, September 15, 2020, at 2:00 p.m., in the Council Chambers of the Municipal Building, 442 W. Washington Street, Suffolk, Virginia, with the following persons present:

MEMBERS:

Howard Benton, Chairman
Arthur Singleton
Oliver Creekmore
John Rector
Kittrell Eberwine
Mills Staylor
Anita Hicks

STAFF:

Helivi Holland, City Attorney
David Hainley, Dir. of Planning & Com. Dev.
Grace Braziel, Planner I
Kevin Wyne, Current Planning Manager
Brittany Colyer, Interim Planner I
Catina Myrick, Administrative Analyst

The meeting was called to order by Chairman Benton and Commissioner Singleton opened with a prayer. The roll was called by Mr. Hainley and the Chairman was informed that a quorum was present.

APPROVAL OF MINUTES:

The minutes of the previous meeting were approved as written.

FAMILY TRANSFER SUBDIVISION PLAT:

FAMILY TRANSFER SUBDIVISION PLAT FTR2020-00004, submitted by Timothy Fallon, applicant, on behalf of Horace Gray Milteer, III, property owner, requesting a family transfer subdivision pursuant to Sections 31-308 and 31-514 of the

Unified Development Ordinance. The affected property is identified as Zoning Map 4, Parcel 8A, Chuckatuck Voting Borough, zoned RE, Rural Estate Zoning District. The City's 2035 Comprehensive Plan identifies this property as being located within the Rural Conservation Use District.

The first item of business was introduced by the Chairman followed by a staff report by Brittany Colyer, Interim Planner I. Ms. Colyer stated that this request is to subdivide one (1) new parcel for his wife, Holly Lee Milteer. The family transfer would be the parcel that has the existing dwelling, while the parent parcel or tract would be the parcel with the open field and agricultural buildings. The lot dimensions and building setback lines for the proposed new lot are consistent with the underlying Rural Estate zoning district. The proposed parcel has a provided a 50-foot strip of land in place of an ingress/egress easement for access to the parcel from Sawmill Point Road. There is adequate area on the new proposed lot for the existing dwelling and drain fields. A Deed of Gift has been prepared in conjunction with this plat and it contains the required covenant that prohibits transfer of the property within ten (10) years of its receipt except in conformity with the UDO. Both parties completed a Sworn Affidavit acknowledging that the purpose of this family transfer is to provide separate places of residence for the Grantee and to keep the family estate within the immediate family. In summary, this request meets the criteria for a family transfer subdivision. Therefore, staff recommended approval of this application.

Commissioner Singleton made a motion to approve this application, seconded by Commissioner Hicks and passed by a voice vote of 7 to 0.

PUBLIC HEARING:

CONDITIONAL USE PERMIT REQUEST, CUP2020-014, 6012 Steeplechase Lane: submitted by Dana Smith Washington, applicant, on behalf of Lamar M. and Dana S. Washington, property owners, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a day care (family day home), 5-12 children, on property located at 6012 Steeplechase Lane, Zoning Map 12H, Parcel 1C*126. The affected area is further identified as being located in the Sleepy Hole Voting Borough, zoned PD, Planned Development Overlay District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area; Inner Ring Suburban Use District.

The next item of business was introduced by the Chairman followed by a staff report by Grace Braziel, Planner I. Ms. Braziel stated that the applicant proposed to use the existing house as a family day home to provide care for up to 12 children. The residential home is approximately 2,500 square feet with four bedrooms and two baths. The home currently is providing care for four children. The applicant proposed to utilize the two adjoining rooms, the living room, and the kitchen on the first floor of the home for the day care. This family day home is not currently licensed through the Virginia Department of Social Services since the home currently only cares for up to four children; however, the family day home will need to be licensed once the number of children increases to five or more. The day care will utilize approximately 763 square feet of the home's 2,510, which is adequate space for the requested maximum of

12 children. The age range of the children that are cared for is 1 to 12 years old. The applicant currently has one employee to help care for the children. The applicant will need to maintain compliance with the child to staff ratio set forth by the Virginia Department of Social Services. The current hours of operation are 6:00 am – 5:00 pm Monday through Friday and are proposed to stay the same. The required minimum parking for this site is four parking spaces. The property has a 2-car garage and a driveway that can accommodate four cars. The subject property has six potential parking spaces on-site and there is availability for on-street parking. There is adequate parking for the residential use and proposed use. The proposed use is not expected to exceed 24 vehicle round trips. The Department of Public Works, Traffic Engineering, reviewed the proposed use and had no concerns. The home has a 6-foot fence bordering the 1,200 sq. ft. back yard, which meets the required minimum 1,000 sq. ft. outdoor play area for a family day home. The privacy fence that borders the outdoor play area acts as a barrier and would help to reduce any noise that may be generated from the proposed use. Additionally, the use of the outdoor play area shall be limited between the hours of 8:00 am and 6:00 pm. This use would have little to no impact on the surrounding neighbors. Staff found that the proposed use meets the criteria as set forth in the UDO, and that the use would not negatively impact the surrounding area.

Accordingly, staff recommended approval of this application with the conditions noted in the staff report.

The public hearing was opened and speaking in favor of this application was Dana Washington, 6012 Steeplechase Lane, Suffolk, VA. She asked for the Commission's approval of this application.

There being no speakers in opposition, the public hearing was closed.

Commissioner Staylor made a motion to approve this application with the conditions, seconded by Commissioner Hicks and passed by a recorded vote of 7 to 0.

NEW BUSINESS:

Helivi Holland, City Attorney, advised that in reference to RZN2018-009, Turlington Woods, the Commission motion was to approve the application with the proffers, but failed by a recorded vote of 3 to 5. Taking no further action, the Planning Commission forwarded this request to City Council for consideration without a formal recommendation to approve or deny the request. City Council had some concerns about the Planning Commission having not provided a formal recommendation and requested that in the future the Planning Commission's votes be affirmative to approve or deny. However, Ms. Holland advised that the State Code does not require it because Planning Commission is an advisory committee.

APPOINTMENT OF FY 2022-2031 CIP SUBCOMMITTEE:

Commissioners Rector and Staylor was appointed to serve on the Capital Improvements Plan Subcommittee.

STAFF REPORT – SIGN ORDINANCE:

Staff gave a presentation on the proposed changes to the sign regulations.

STATUS REPORT:

Mr. Hainley reported on the results of the August 5th and August 19th City Council meeting.

Mr. Hainley also reported on the preliminary plats approved.

ADJOURNMENT:

There being no further business, the meeting was adjourned.



PLANNING COMMISSION
MEETING

September 15, 2020

MT: Singleton

2ND: Hicks

TO: Approve

MT: Staylor

2ND: Hicks

TO: Approve
w/conditions

MT:

2ND:

TO:

MT:

2ND:

TO:

VOTE: 7-0

FTR2020-00004

VOTE: 7-0

CUP2020-014

VOTE:

VOTE:

PRESENT

ABSENT

YES

NO

YES

NO

YES

NO

YES

NO

Benton, Howard C.

X

X

X

Creekmore, Oliver

X

X

X

Eberwine, Kittrell

X

X

X

Edwards, Johnnie

X

Hicks, Anita

X

X

X

Rector, John

X

X

X

Singleton, Arthur

X

X

X

Staylor, Mills

X

X

X



DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
Division of Planning

CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

October 20, 2020

Suffolk Planning Commission
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Conditional Use Permit Request CUP2020-016, Helipad for Bon Secours Harbour View Hospital, submitted by J. Randall Royal, Kimley-Horn & Associates, Inc., applicant, on behalf of Dan McCarthy, Vice President, Bon Secours Mercy Health, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a helipad, on property located at 7250 Harbour Towne Parkway, Zoning Map 6, Parcel 3A*2C*4. The affected area is further identified as being located in the Nansemond Voting Borough, zoned MUD, Mixed Use Development Overlay District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Mixed Use Core Use District.

Information and maps pertaining to this request are attached for your consideration. Please contact either myself or Amy Thurston, the staff person handling this case, if you have any questions in advance of the meeting.

Respectfully submitted,

David Hainley
Director of Planning and Community Development

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request CUP2020-016 in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a helipad for a hospital to be located at 7250 Harbour Towne Parkway.

APPLICANT: Submitted by J. Randall Royal, Kimley-Horn & Associates, Inc., applicant, on behalf of Dan McCarthy, Vice President, Bon Secours Mercy Health, property owner.

LOCATION: The affected property is located at 7250 Harbour Towne Parkway, Zoning Map 6, Parcel 3A*2C*4.

PRESENT ZONING: The subject property is zoned MUD, Mixed Use Development Overlay District.

EXISTING LAND USE: The subject property is currently vacant and consists of a total of 18.96 acres.

PROPOSED LAND USE: The applicant proposes to develop a hospital and associated helipad for emergency services. The helipad would occupy about 0.26 acres of the property.

SURROUNDING LAND USES:

- North - The Regal Harbour View Grande movie theatre, restaurants, and retail, zoned B-2, General Commercial.
- South - Multifamily residential zoned MUD, Mixed Use Development Overlay District.
- East - Interstate I-664, zoned B-2, General Commercial.
- West - Multifamily residential zoned MUD, Mixed Use Development Overlay District.

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan identifies this property as being located within the Northern Growth Area, Mixed Use Core Use District.

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: This property is located within the Chesapeake Bay Preservation Area Overlay District and is designated as a Resource Management Area (RMA).

PUBLIC NOTICE: This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. Notice to the applicant, containing a copy of the staff report, was also sent on October 16, 2020.

CASE HISTORY: The subject property was one (1) of many parcels that were conditionally rezoned in 2006 (Rezoning Request RZ4-06) from the B-2, General Commercial zoning district, to the MUD, Mixed Use Development Overlay District, as part of the Harbour View Station master planned development. Harbour View Station was envisioned to contain a variety of

medical office, office, retail, hotel, and residential uses; the exact location for each use was not proffered during the rezoning. As part of the original rezoning, a set of design guidelines known as the “Harbour View Station Design Guidelines” were proffered. The original proffers were later amended by a conditional rezoning in 2012 (Rezoning Request RZ2012-00006) to change the allowable residential density, school contributions, traffic improvements, etc., as well as to modify the “Harbour View Station Design Guidelines”.

STAFF ANALYSIS

ISSUE

The applicant proposes to develop the subject property as a hospital with an associated helipad for emergency services. As mentioned previously, the subject property consists of a total of about nineteen (19) acres. The proposed helipad will be roughly 107 feet by 107 feet or approximately 0.26 acres. The helipad would be located in the northeastern corner of the property, which is adjacent to I-664 and an I-664 exit ramp. The future main hospital building and parking area for the site will be built fronting Harbour Towne Parkway. The requested helipad is proposed to be located behind the main hospital building and parking areas to minimize the visibility to nearby residential uses. The helipad is proposed to be available twenty-four (24) hours a day throughout the entire year in order to accommodate all emergencies.

Page 30 of the “Harbour View Station Design Guidelines,” hereinafter referred to as the “Guidelines,” provides a list of permitted land uses by-right within the development, this list includes general hospitals and outpatient or special hospitals; therefore, a Conditional Use Permit is not required for the principal use of the property. Helipads are not explicitly listed in the by-right uses, nor are they included in the description for uses that require a Conditional Use Permit in this development. Page 32 of the “Guidelines” states the following: “Conditional Use Permits shall follow normal application procedures (this is included specifically for large department store users, 60,000 s.f. and larger).” Since helipads were not specifically included as permitted uses in the “Guidelines,” Planning Department staff has determined that the proposed helipad use shall be treated similarly to helipads permitted in the B-2, General Commercial zoning district, as outlined in Section 31-406 of the Unified Development Ordinance since the B-2 district is most similar to MUD districts with regards to land uses and intensity. Helipads and airstrips both require a CUP in the B-2 zoning district; thus, the Conditional Use Permit process is most appropriate procedure for considering a helipad within Harbour View Station.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a Conditional Use Permit be obtained for a helipad or airstrip in the B-2, General Commercial zoning district.
2. The applicant will be required to obtain any necessary permits and approvals from the Federal Aviation Administration (FAA) and the Virginia Department of Aviation (DOA), which are separate processes from the City of Suffolk Conditional Use Permit process. The FAA requires notification for the establishment of heliports through the filing of a “Notice of Landing Area Proposal”. The FAA will review the application to determine the effects

of the proposed facility action on existing or contemplated airspace, neighboring airports, and manmade and natural objects located on the ground as they relate to the operational safety of the helipad. The “Notice of Landing Area” will include an “approach/departure and obstruction diagram”. This diagram graphically depicts the approach and departure surface for the proposed helipad and identifies existing obstructions in the vicinity of the flight path.

3. The applicant will also be required to obtain any necessary permits and approvals from the Commonwealth of Virginia Department of Aviation. The applicant must satisfy Virginia Aviation Board’s rules and regulations in order to operate the helipad. As part of the licensing process, the applicant must demonstrate to the DOA that the proposal does not pose a hazard to airspace and justify entry into the Virginia Air Transportation System Plan. Upon submittal of a formal application for a state license to operate, the DOA will review the application and make a recommendation to the Virginia Board of Aviation regarding the suitability of the proposed helipad.
4. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

Conditional Use Permit Approval Criteria, 31-306(c) – As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review by the Planning Commission and approval by the City Council, and only if the applicant demonstrates that:

- a) *The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 6 of the Ordinance and any applicable supplemental use standards as set forth in Article 7 of the Ordinance.*

Helipads are listed as a conditional use in the B-2, General Commercial zoning district, per the City’s Unified Development Ordinance, and will require site plan approval prior to the construction of the helipad.

- b) *The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety or comfort of persons living or working in or driving through the neighborhood, or shall be no more injurious to property or improvements in the neighborhood, than would any other use generally permitted in the same district. In making such a determination, consideration should be given to the location, type and height of buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.*

The helipad is expected to conform to the character of the Harbour View Station

mixed-use development as this area is comprised of many medical uses and the helipad is positioned on the site so as to minimize impacts to nearby residential uses. The helipad is not expected to be injurious to persons living in, working in, or driving through the area. The period of impact is expected to be brief and infrequent; thus, it is considered a compatible accessory use to the proposed hospital facility.

- c) *Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.*

The request for the helipad has been reviewed by the City's Traffic Engineer who expressed no concerns regarding traffic for the proposed use at this location. As previously discussed, the Federal Aviation Administration and Commonwealth of Virginia Department of Aviation will also review the proposed helipad for compatibility with regards to airspace and proximity to other structures and roadways.

- d) *The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.*

The proposed use of the helipad should not produce long periods of excess vibration, noise, odor, dust, smoke or gas. The noise associated with helicopter landings and lift offs should be brief. The overall public benefit of the helipad is anticipated to outweigh the short-term noise produced by helicopters. The proposed use will be required to comply with Performance Standards, as noted in Section 31-608 of the UDO.

- e) *The proposed use shall not be injurious to the use and enjoyments of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.*

The proposed helipad should not diminish or impair the property values within this neighborhood. The helipad is proposed in the northeastern corner of the site adjacent to I-664 in an effort to minimize impacts to nearby residential uses.

- f) *The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.*

The proposed helipad should not impede the orderly development and improvement of the surrounding area as Harbour View Station was envisioned to contain medical uses such as office and hospitals.

- g) *The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.*

The use of a helipad should not be a detriment or endangerment to the public and will enhance the provision of emergency medical care.

- h) The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.*

Once again, the public benefit from the proposed helipad is anticipated to outweigh the short-term impacts to surrounding properties.

RECOMMENDATION

In summary, the proposed helipad, which will be an accessory use to a future hospital at 7250 Harbour Towne Parkway, is determined to be appropriate for the Harbour View Station mixed-use development. This community was envisioned to consist of a mix of medical, office, retail, and residential uses. The placement of the helipad in the northeastern corner of the property minimizes adverse impacts to nearby residential uses. Overall, the public benefit from the proposed helipad is anticipated to outweigh the short-term impacts associated with this use. Therefore, staff recommends **approval** of Conditional Use Permit request CUP2020-016 with the following conditions.

1. This Conditional Use Permit is granted to establish a helipad at 7250 Harbour Towne Parkway, Zoning Map 6, Parcel 3A*2C*4, as shown on Exhibit "B", "Property Map", and Exhibit "C", "Conceptual Site Plan".
2. The helipad shall be constructed in the northeastern corner of the property as shown on the attached Exhibit "C", "Conceptual Site Plan".
3. The applicant shall comply with all applicable Federal Aviation Administration (FAA) and Commonwealth of Virginia Department of Aviation (DOA) permitting requirements and regulations with regards to the design, operation, and maintenance of the helipad. (These requirements may include but are not limited to site lighting, markers, and barriers.)
4. The applicant must obtain all necessary building permits from the Department of Planning and Community Development.

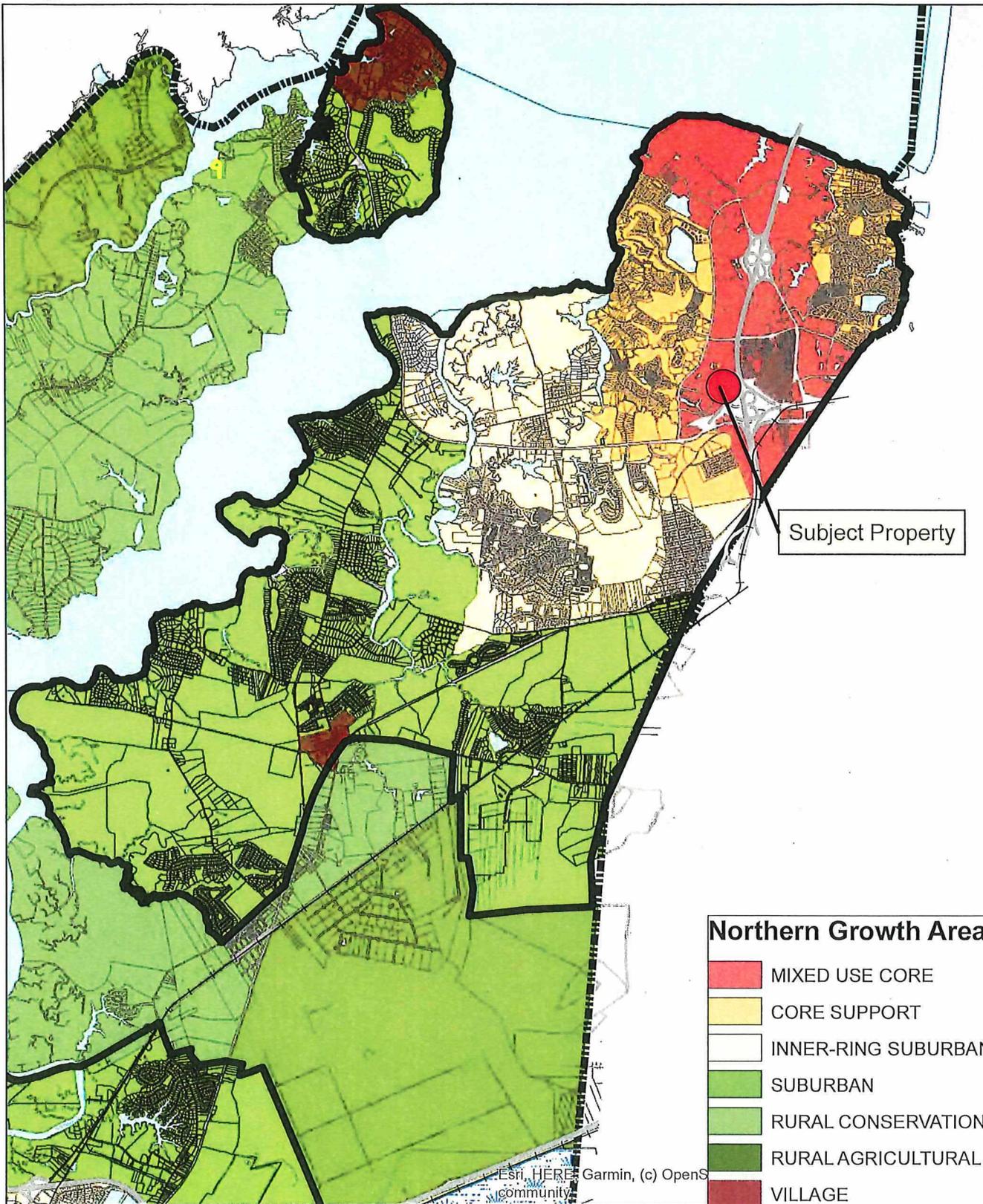
Attachments

- General Location Map
- Zoning / Land Use Map
- Project Narrative
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Property Map
- Exhibit C – Conceptual Site Plan



GENERAL LOCATION MAP

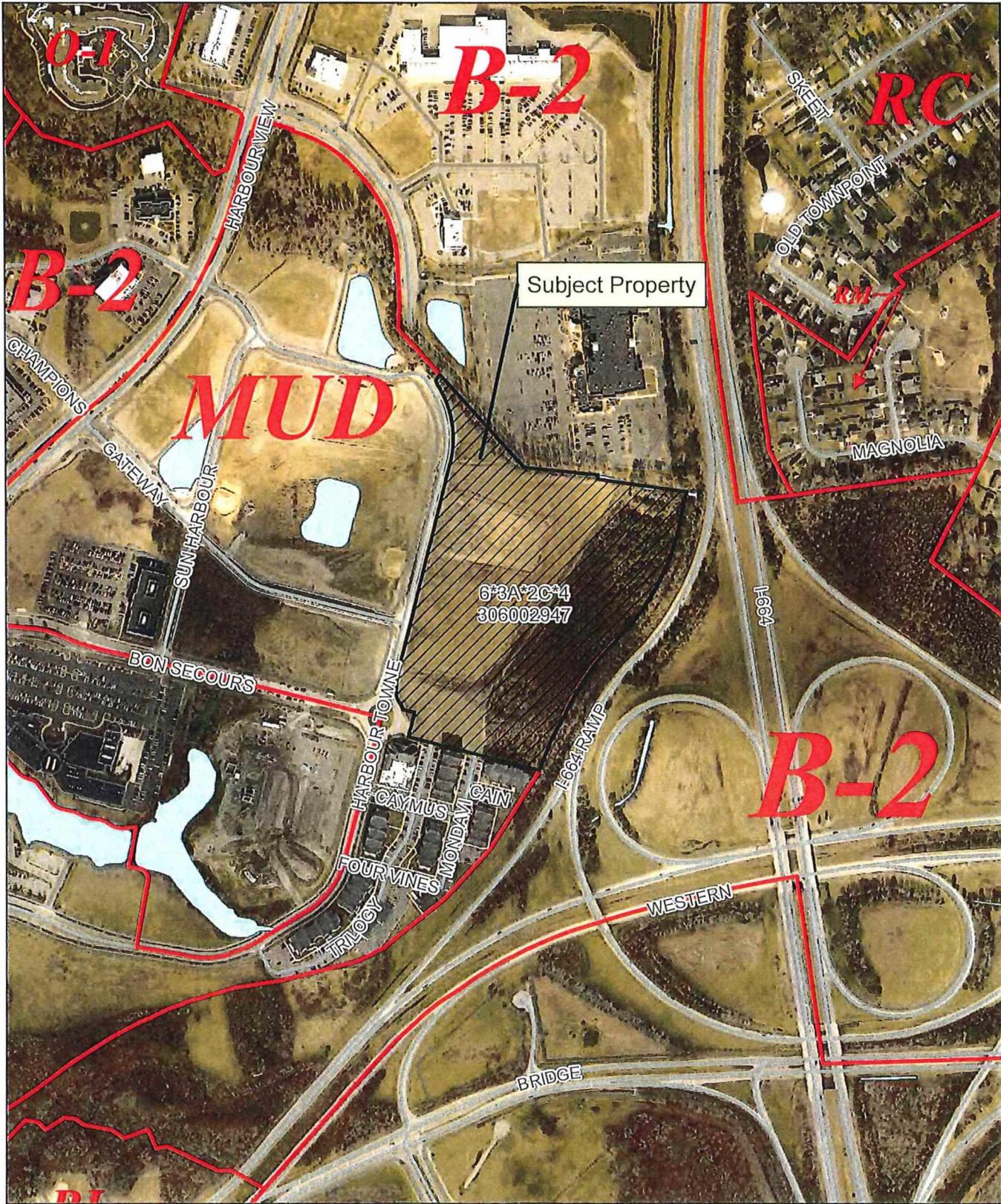
CUP2020-016



User Name: bsmith
Date: 9/1/2020



ZONING / LAND USE MAP CUP2020-016



PROJECT NARRATIVE

REGULATORY REQUIREMENTS

Bon Secours Mercy Health is constructing the Bon Secours Harbour View Hospital on tax parcel 6*3A*2C*4 located at 7250 Harbour Towne Parkway in the Nansemond Borough of the City of Suffolk, Virginia and falls within the Harbour View Station MUD zoning district. The hospital use is permitted in the Harbour View Station MUD. As part of the Emergency Department (ED) for the hospital, a helipad is proposed on the site to provide a safe landing zone for emergency medical helicopters. The proposed Helipad is not expressly permitted in the MUD. It is the opinion of the City of Suffolk Planning staff that the commercial uses within the MUD requirements are substantially similar to the General Commercial District (B-2). Helipads and airstrips require a Conditional Use Permit (CUP) in the B-2 zoning district in accordance with Unified Development Ordinance (UDO) Section 31-406. This narrative and report accompanies the application for a conditional use permit for the proposed Helipad for the Bon Secours Harbour View Hospital in accordance with the requirements of UDO Section 31-306 and Appendix B, Section B-5.

PROJECT DESCRIPTION

The proposed use requiring a CUP is a Helipad for the proposed Bon Secours Harbour View Hospital. The Helipad is proposed along with the proposed hospital on tax parcel 6*3A*2C*4 located at 7250 Harbour Towne Parkway in the Nansemond Borough of the City of Suffolk, Virginia. The project parcel is approximately 19 acres and falls within the Harbour View Station MUD zoning district. A complete legal description for the subject property can be found in **Appendix B**. The Helipad occupies an area of approximately 107' x 107' on the subject property. This dimension reflects both hard surface and non-load bearing clearance areas all of which are in plane with the helipad landing surface.

The subject property is currently vacant land bounded by apartment developments to the south and west, a retail development to the north, and an off-ramp for Interstate 664 to the east. Harbour Towne Parkway defines the western boundary of the site and provides street frontage coupled with Bon Secours Drive for public vehicular access. The property is minimally impacted by various protection zones including a Riparian Buffer and some areas of wetlands. The project is not in close proximity to any airports or other uses which may impose restrictions on building height and/or location. Regardless, we have a subconsultant that will be handling all permits, reviews, etc. by the FAA and VDOT.

An exhibit titled "Exhibit for Helipad CUP" is provided in **Appendix A** and depicts the location of the proposed hospital, proposed helipad, and surrounding roads.

As referenced above, the proposed helipad will be designed by a helipad design subconsultant to be in compliance with all regional, state, and federal requirements. The helipad will be constructed on-grade in the general location and orientation shown on **Appendix A** and will meet all required applicable industry standards for safety and functionality. The helipad will be used for emergency medical treatment and thus will be used infrequently but will be available 24 hours a day throughout the entire year. The helipad is sited to provide adequate clearance from the proposed building, the existing trees along I-664, the existing apartments to the south, and the existing development to the north. It is our understanding that a

minimum of two approach angles will be necessary to facilitate its use. Thus it will not need to come over the trees adjacent to the highway and the helipad.

Access to the helipad will be provided with the site design for the hospital. No additional vehicular traffic will be generated as a result of the helipad. A Traffic Impact Narrative is provided with this report and provides a discussion of the potential impacts of the helipad on nearby roads.

No additional water or sanitary sewer demand will result from the proposed helipad. The site plan is being developed in accordance with the Harbour View Station West Master Stormwater Plan and the percent impervious cover for the entire project (including the helipad) is demonstrated as being less than the allowable per the stormwater master plan. The exhibit found in **Appendix A** shows the location of the proposed stormwater management facility. The helipad will require electrical service which will be coordinated with the hospital building electrical engineer.

HELIPAD DESCRIPTION FROM HELIPAD SUBCONSULTANT

As a part of the new facility being built for Bon Secours Hospital in Suffolk, Virginia a ground helistop will be built with a walkway to the Emergency Room Entrance of the building. The ground helistop design will be based on a concrete slab landing surface that will be constructed for the TLOF. A concrete ramp will also be built from the TLOF to the ER entrance. Additional required items include AFFF fire extinguishers, perimeter lights for the helistop, walkway lights, obstruction lighting and a lighted windcone.

The criteria used to design this Helistop is the current FAA Advisory Circular 150/5390-2C "Heliport Design" along with any local and VDOT requirements. Additional documents such as NFPA 418 and FAA EB87 which are referenced in the FAA AC are also being used as part of this design. The design helicopter and concept for this new ground Helistop is the Airbus H-155. Based on the FAA AC the TLOF size for this heliport will be 50'x50' with a 10,000-pound weight capacity, the FATO will be a 80'x80' and the Safety Area will be 107'x 107'. This pad size and weight capacity will allow for the hospital to accommodate some future growth in helicopter size while serving the current fleet. These dimensions reflect both hard surface and non-load bearing clearance areas all of which are in plane with the helipad landing surface. See the definitions listed below for more complete descriptions.

- **TLOF**- The hard surface landing area. This area must be designed to meet the impact loadings as specified by FAA and local building codes. In an elevated situation this area must be equal to or greater than the design helicopters overall length.
- **FATO**- This area has a minimum distance between the TLOF in all areas equal to $\frac{3}{4} D - \frac{1}{2} RD$. The TLOF fits inside this area but this area is not required to be a hard surface or to support the design helicopter weight. There shall be no penetrations greater than 2" by the lighting equipment only in height into the FATO. The approach departure surfaces begin at the edge of this area.
- **Safety Area**- Area around the outside of the FATO. By design this area should be $\frac{1}{3}$ the rotor diameter of the design aircraft but not less than 10'
- **Design Aircraft**- The largest aircraft that this facility intends to accommodate.

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A HELIPAD ON PROPERTY LOCATED AT 7250 HARBOUR TOWNE PARKWAY, ZONING MAP 6, PARCEL 3A*2C*4, ACCOUNT NUMBER 306002947; CUP2020-016

WHEREAS, J. Randall Royal, Kimley-Horn & Associates, Inc., applicant, on behalf of Dan McCarthy, Vice President, Bon Secours Mercy Health, property owner, has requested a conditional use permit for a helipad on a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 6, Parcel 3A*2C*4, and which land is depicted on Exhibit "B", "Property Map"; and,

WHEREAS, the procedural requirements of Article 3, Section 31-306 of the Code of the City of Suffolk, Virginia, 1998 (as amended), have been followed; and,

WHEREAS, in acting upon this request, the Planning Commission and City Council have considered the matters enunciated in Section 15.2-2284 of the Code of Virginia (1950), as amended, and Article 1, Section 31-102 and Article 3, Section 31-306(c)(1 through 8) of the Code of the City of Suffolk, 1998 (as amended), with respect to the purposes stated in the Code of Virginia (1950), as amended, Sections 15.2-2200 and 15.2-2283; and,

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation", Exhibit "B", "Property Map", and Exhibit "C", "Conceptual Site Plan", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

Council finds that the proposal for a conditional use permit, as submitted or modified with conditions herein, the expressed purpose of which is to establish a helipad, that is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of property, the Comprehensive Plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the City.

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of a helipad is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The conditional use permit for the Property be, and it is hereby, approved for the Property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The conditional use permit specifically permits a helipad, in compliance with Exhibit "C" (the "Conceptual Site Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This Conditional Use Permit is granted to establish a helipad at 7250 Harbour Towne Parkway, Zoning Map 6, Parcel 3A*2C*4, as shown on Exhibit "B", "Property Map", and Exhibit "C", "Conceptual Site Plan".
2. The helipad shall be constructed in the northeastern corner of the property as shown on the attached Exhibit "C", "Conceptual Site Plan".
3. The applicant shall comply with all applicable Federal Aviation Administration (FAA) and Commonwealth of Virginia Department of Aviation (DOA) permitting requirements and regulations with regards to the design, operation, and maintenance of the helipad. (These requirements may include but are not limited to site lighting, markers, and barriers.)
4. The applicant must obtain all necessary building permits from the Department of Planning and Community Development.

Section 4. General Conditions.

- (a) The conditional use permit may be revoked by City Council upon failure to comply with any of the conditions contained herein, after ten days written notice to the property owner, or their successors in interest, and a hearing at which such persons shall have the opportunity to be heard.
- (b) To the extent applicable, the requirements set forth in Section 31-306 of the Code

of the City of Suffolk, Virginia shall be met.

- (c) The commencement of the use described in Section 3 of this ordinance shall be deemed acceptance by the property owner, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

It is the intention of the City Council that the provisions, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 6. Recordation.

A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of Circuit Court.

Section 7. Effective Date.

This ordinance shall be effective upon passage and shall not be published or codified. The conditional use authorized by this permit shall be implemented within two (2) years from the date of approval by the City Council and shall terminate if not initiated within that time period.

READ AND PASSED: _____

TESTE: _____

Erika Dawley, City Clerk

Approved as to Form:

Helivi L. Holland, City Attorney

Exhibit A

RESOLUTION NO. 20-10-01

CITY OF SUFFOLK PLANNING COMMISSION

A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT
CUP2020-016

TO ESTABLISH A HELIPAD ON PROPERTY LOCATED AT 7250
HARBOUR TOWNE PARKWAY, ZONING MAP 6, PARCEL 3A*2C*4,
ACCOUNT NUMBER 306002947; CUP2020-016

WHEREAS, J. Randall Royal, Kimley-Horn & Associates, Inc., applicant, on behalf of Dan McCarthy, Vice President, Bon Secours Mercy Health, property owner, has requested the issuance of a conditional use permit for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

WHEREAS, the specific request is to permit a helipad, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

The Suffolk Planning Commission finds that the proposal for a conditional use permit, as submitted or modified herein:

- _____ a) Will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood,
- _____ b) Will have more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood,
- _____ c) Will be no more injurious to property or improvements in the neighborhood, or
- _____ d) Will be more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, CUP2020-016, be:

- _____ a) Granted as submitted, and that the City Council adopt the proposed Ordinance without modification.
- _____ b) Denied, and that Council not adopt the proposed Ordinance.
- _____ c) Granted with the modifications set forth on the attached listing of specific recommendations and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED: _____

TESTE: _____

**CONDITIONAL USE PERMIT
CUP2020-016**

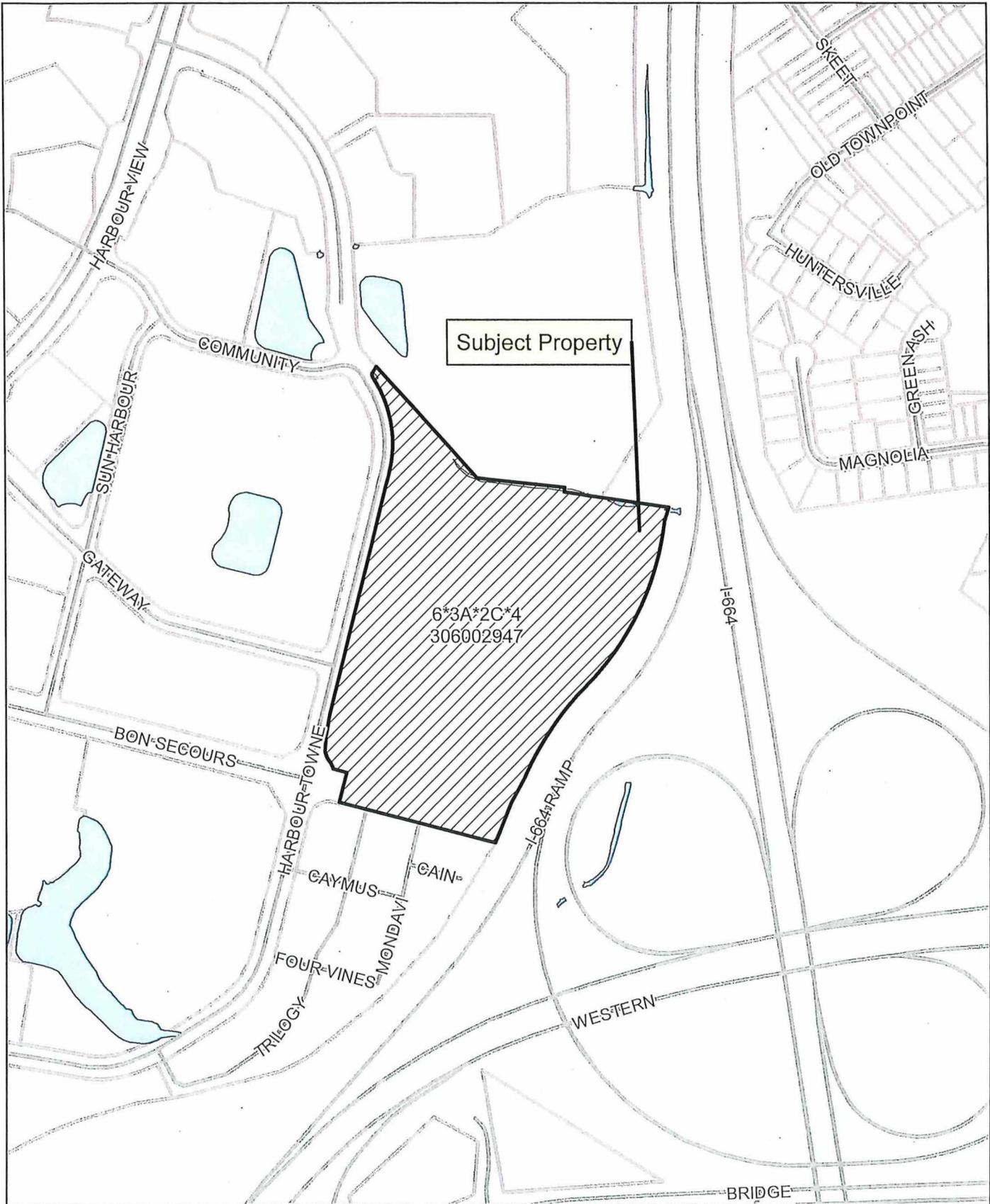
CONDITIONS

1. This Conditional Use Permit is granted to establish a helipad at 7250 Harbour Towne Parkway, Zoning Map 6, Parcel 3A*2C*4, as shown on Exhibit "B", "Property Map", and Exhibit "C", "Conceptual Site Plan".
2. The helipad shall be constructed in the northeastern corner of the property as shown on the attached Exhibit "C", "Conceptual Site Plan".
3. The applicant shall comply with all applicable Federal Aviation Administration (FAA) and Commonwealth of Virginia Department of Aviation (DOA) permitting requirements and regulations with regards to the design, operation, and maintenance of the helipad. (These requirements may include but are not limited to site lighting, markers, and barriers.)
4. The applicant must obtain all necessary building permits from the Department of Planning and Community Development.



PROPERTY MAP CUP2020-016

EXHIBIT B



This document, together with the contracts and designs described herein, is an instrument of service, it pertains only for the specific project and client for which it was prepared. Read it and interpret it only in the context of the written authorization and approval by Kimley-Horn and Associates, Inc. that is without liability to Kimley-Horn and Associates, Inc.



PROPOSED HELIPAD

I-664 (OFF-RAMP)

PROPOSED
HOSPITAL
BUILDING

PROPOSED
SERVICE
COURT

HARBOUR TOWNE PARKWAY

PROPOSED WET POND

BON SECOURS HARBOUR
VIEW HOSPITAL
PREPARED FOR
BON SECOURS MERCY
HEALTH

EXHIBIT FOR HELIPAD
CUP

KHA PROJECT
116188012
DATE
8/10/2020
SCALE AS SHOWN
DESIGNED BY LB
DRAWN BY JA
CHECKED BY CB

Kimley»Horn
© 2020 KIMLEY-HORN AND ASSOCIATES, INC.
4525 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462
PHONE: 757-213-8500 FAX: 757-213-8501
WWW.KIMLEY-HORN.COM

No.	REVISIONS	DATE	BY



DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
Division of Planning

CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

October 20, 2020

Suffolk Planning Commission
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Conditional Use Permit Request CUP2020-017, submitted by Lorenzo J. Mallory, Sr., Greater Dimensions Kingdom Ministries, applicant, on behalf of S. Chris Jones, BCP, LLC, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in main sanctuary, on property located at 3219 Bridge Road, Zoning Map 12, Parcel 12J. The affected area is further identified as being located in the Sleepy Hole Voting Borough, zoned B-2, General Commercial zoning district. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Suburban Use District.

Information and maps pertaining to this request are attached for your consideration. Please contact either myself or Julie Swann, the staff planner handling this case, if you have any questions in advance of the meeting.

Respectfully submitted,

David Hainley
Director of Planning and Community Development

DH/jls
Attachments

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request CUP2020-00017, Greater Dimensions Kingdom Ministries, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in main sanctuary.

APPLICANT: Submitted by Lorenzo J. Mallory, Sr., Greater Dimensions Kingdom Ministries, applicant, on behalf of S. Chris Jones, BCP, LLC, property owner.

LOCATION: The affected property is located at 3219 Bridge Road and is further identified as Zoning Map 12, Parcel 12J. This property is on the site of a shopping center known as Food Lion Shopping Center.

PRESENT ZONING: B-2, General Commercial zoning district.

EXISTING LAND USE: The subject parcel has an area of 1.03 acres. This parcel is part of a larger property that contains two (2) separate units, 3217 and 3219 Bridge Road. Two commercial buildings are located on this parcel, along with an associated parking lot. One building previously operated as a pharmacy that is currently vacant, and the other building consists of a family medicine facility.

PROPOSED LAND USE: The applicant proposes to convert an existing building in the Food Lion Shopping Center, formerly Bennett's Creek Pharmacy, into a place of worship, small, under 6,000 square feet in main sanctuary.

SURROUNDING LAND USES:

North: Residential Development zoned RL, Residential Low Density zoning district.

South: Residential Development; zoned RU, Urban Residential zoning district.

East: Commercial building; zoned B-2, General Commercial zoning district.

West: Commercial building; zoned B-2, General Commercial zoning district.

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan identifies this property as being located within the Northern Growth Area, Suburban Use District.

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: This property is located within the Chesapeake Bay Preservation Area Overlay District and is designated as a Resource Management Area (RMA).

PUBLIC NOTICE: This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. Notice to the applicant, containing a copy of the staff report, was also sent on October 16, 2020.

STAFF ANALYSIS

ISSUE

The applicant is requesting a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in main sanctuary, on the property located at 3219 Bridge Road, which consists of 1.03 acres and is a part of the Food Lion Shopping Center. There are two existing commercial structures on this property, along with an associated parking lot. The applicant is proposing to utilize an existing building space, formerly Bennett's Creek Pharmacy, as a site for the operation of church services and other church activities. The size of the building is 7,432 square feet and has 213 total parking space, with 177 on Food Lion's property and 36 parking spaces on the subject property including one designated handicap space. The applicant is proposing to have a sanctuary with a maximum capacity of 50 seats. In addition to the sanctuary, the applicant is also proposing to have office space for employees, a Sunday School classroom for children, and kitchen space to serve light refreshments after services and church activities. There is no plan to provide a day care at this property.

There are existing bathrooms behind the main sanctuary which were sufficient for the previous pharmacy use. The applicant is not proposing to add additional bathrooms. The proposed operating hours are from 11:00 am to 3:00 pm on Sundays for service and 7:00 pm to 9:00pm on Wednesdays for Bible study.

The property is served by city water and sewer. The applicant is not proposing any land disturbance or increase in impervious service.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a Conditional Use Permit be obtained for a place of worship, small, under 6,000 square feet in main sanctuary, within the B-2, General Commercial zoning district.
2. This property is the site of an approved shopping center, with adequate public facilities and parking included and reviewed as a part of the site plan approval process. No external improvements are proposed.
3. This property is served by city sewer and water. The Department of Public Utilities has reviewed this request and has no objections.
4. The Department of Public Works has reviewed this conditional use permit application. Because this is an existing shopping center and no land disturbance is proposed, the Engineering division has no concerns. Similarly, the Traffic Engineering division has no concerns because this use is proposed for a unit within an existing shopping center.
5. Parking requirements outlined in the Unified Development Ordinance require a minimum of one (1) parking space per 4 seats and a maximum of one (1) space per 1.5 seats for a religious assembly. This shopping center contains enough off-street parking to satisfy the requirements of the shopping center, including this proposed use.

6. Food preparation conducted on the property for church members only is allowed under the current approval of the Suffolk Health Department. If there is a desire in the future to conduct food preparation activities on the property for the public, updated approval from the Health Department would be needed.
7. The applicant will be required to address any issues regarding occupancy of the building pertaining to the Building Code with the Division of Community Development.
8. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

Conditional Use Permit Approval Criteria, 31-306(c) – As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review by the Planning Commission and approval by the City Council, and only if the applicant demonstrates that:

- a) *The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 6 of the Ordinance and any applicable supplemental use standards as set forth in Article 7 of the Ordinance.*

All development regulations shall be met. The proposed use of a place of worship, small, under 6,000 square feet in main sanctuary is a listed conditional use in the B-2, General Commercial zoning district per the City's Unified Development Ordinance. There are no supplemental use standards for a place of worship set forth in Article 7 of the Ordinance. This proposed church facility will be located in a building of an existing shopping center.

- b) *The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety or comfort of persons living or working in or driving through the neighborhood, or shall be no more injurious to property or improvements in the neighborhood, than would any other use generally permitted in the same district. In making such a determination, consideration should be given to the location, type and height of buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.*

The proposed use will occupy a unit of 7,432 square feet in an existing shopping center. The operation of a place of worship is consistent with other uses located at the shopping center. This use should not have adverse impacts on people who live or work in the surrounding neighborhood. Occupancy levels shall be established by the City's Building Official and the Suffolk Fire Department. Operating hours are proposed to be from 11:00 am to 3:00 pm on Sundays for service and 7:00 pm to 9:00pm on Wednesdays for Bible study.

- c) *Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.*

The existing shopping center is served by two points of access to the existing parking area off Bridge Road and Lee Farm Lane. The request for this place of worship has been reviewed by the City's traffic engineer, who expressed no concerns regarding ingress, egress, or parking in relation to this proposed use.

- d) *The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.*

The proposed use is for a place of worship and should not produce excess vibration, noise, odor, dust, smoke, or gas. It is not anticipated that there will be any use attached with this activity which would have a noxious or offensive impact on the surrounding community.

- e) *The proposed use shall not be injurious to the use and enjoyments of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.*

The property is located within an existing shopping center complex along an important commercial corridor of the City, with a range of different businesses in the shopping center and nearby commercial outparcels. The proposed church facility is similar to and compatible with surrounding uses, and it should not diminish or impair the property values within this neighborhood.

- f) *The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.*

The property is located in a developed area. The proposed church facility will operate in an existing building space in an existing shopping center and should not impede the orderly development and improvement of the surrounding area.

- g) *The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.*

The proposed use of a place of worship should not be a detriment or endangerment to the public health, safety, morals, comfort, or general welfare.

- h) *The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.*

The public interest and welfare should not be compromised by the proposed use of a place of worship. The individual interests of persons within the neighborhood should not be adversely impacted by the proposed use.

RECOMMENDATION

Staff finds that the proposed use meets the criteria for Conditional Use Permits set forth in Section 31-306 of the Unified Development and that the use would not negatively impact the surrounding area. Furthermore, the proposed use is appropriate for the Northern Growth Area Suburban Use District. Accordingly, staff recommends **approval** of CUP2020-017 with the conditions as noted in the attached resolution and ordinance.

1. This Conditional Use Permit is granted to establish a place of worship, small, under 6,000 square feet in main sanctuary, limited to church services and church activities, at 3219 Bridge Road, Zoning Map 312, Parcel 12J, as shown on Exhibit “B”, “Property Map”.
2. The Development shall be in substantial conformity to Exhibit “C”, “Proposed Floor Plan”
3. The maximum occupancy shall be established by the Building Official and Fire Department.
4. The applicant will be required to address any issues regarding occupancy of the proposed space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development.

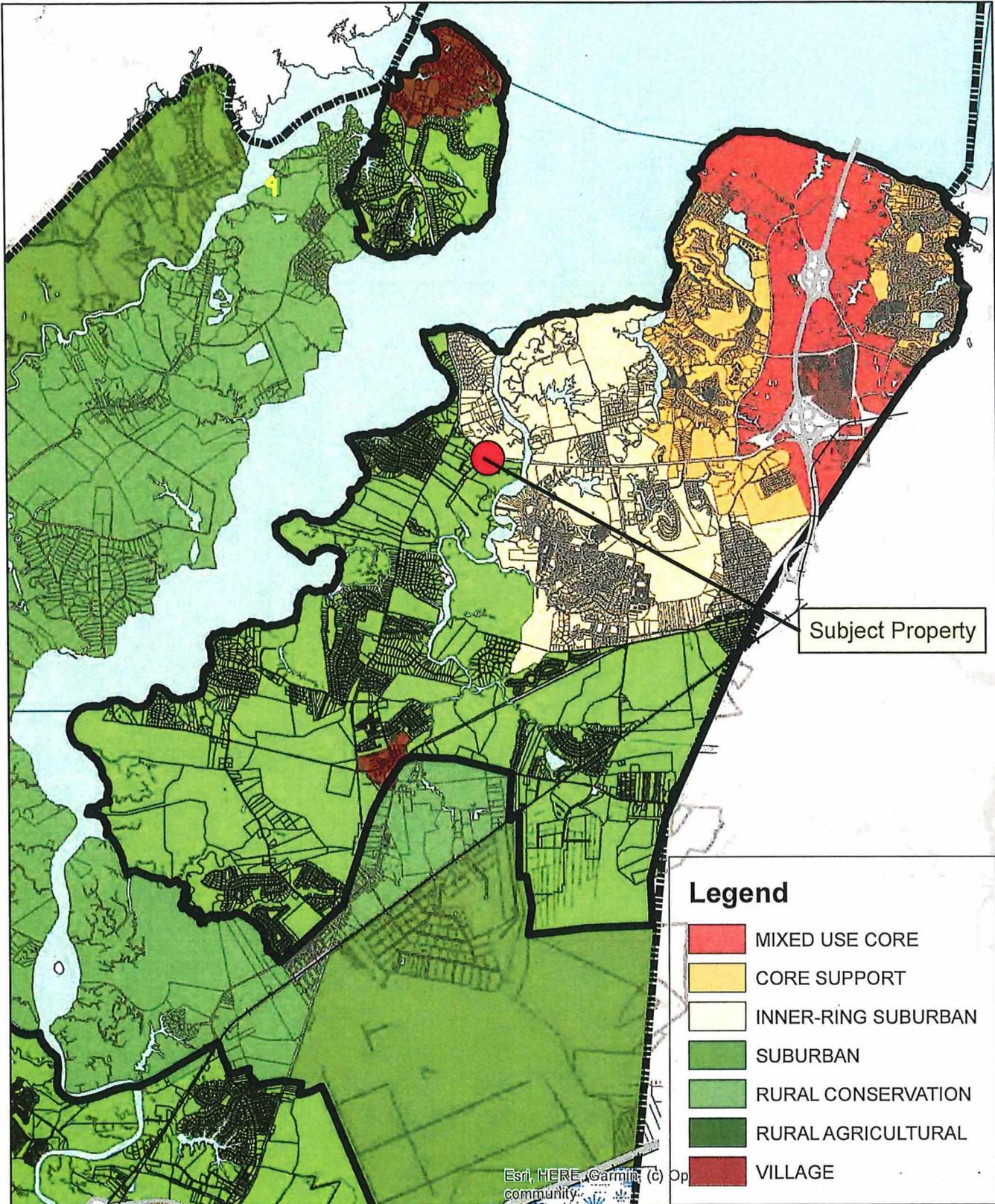
Attachments

- General Location Map
- Zoning / Land Use Map
- Narrative Description
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Property Map
- Exhibit C – Proposed Floor Plan



GENERAL LOCATION MAP

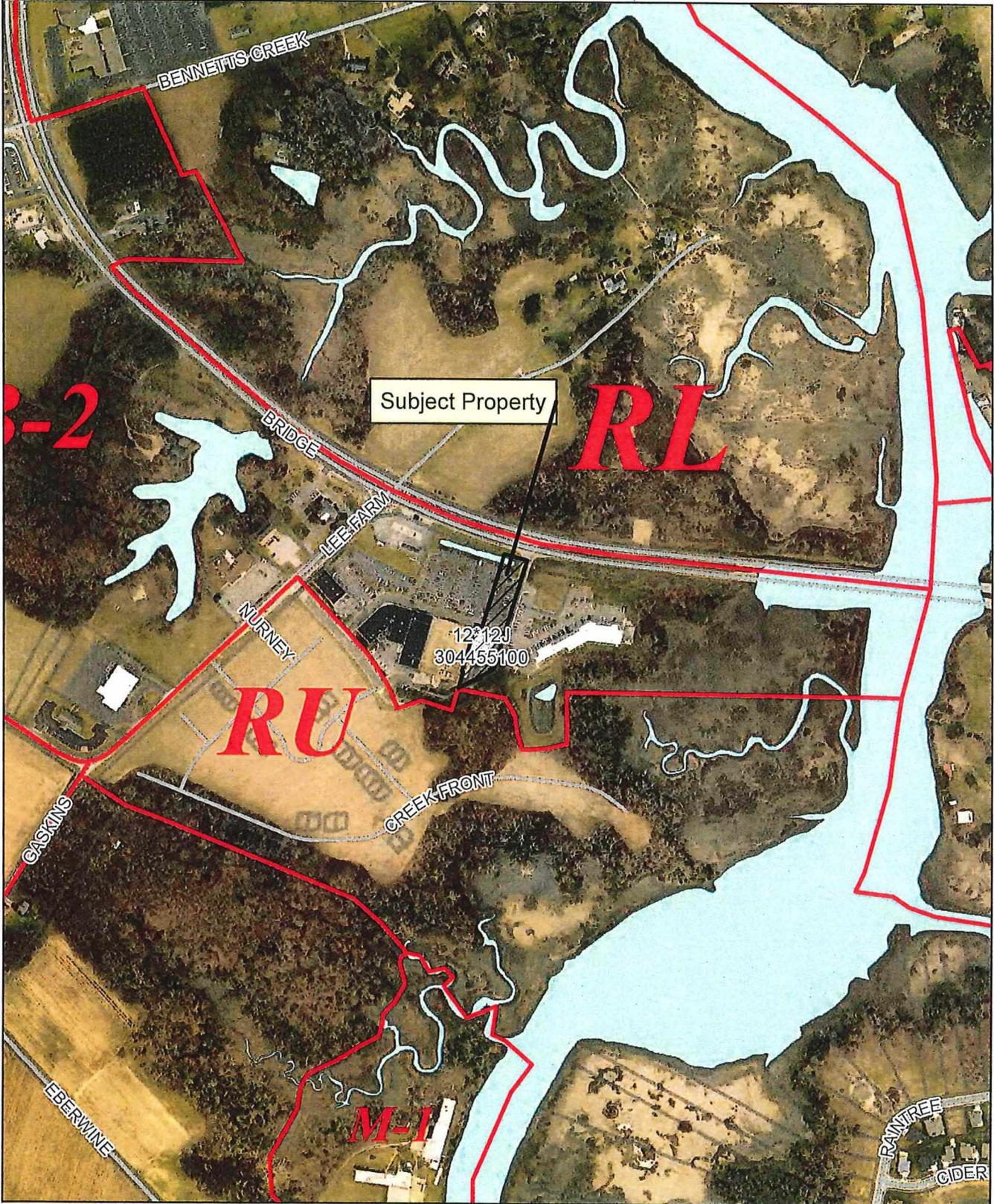
CUP2020-017





ZONING / LAND USE MAP

CUP2020-017



User Name: bsmith
Date: 9/1/2020

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A PLACE OF WORSHIP, SMALL, UNDER 6,000 SQUARE FEET IN MAIN SANCTUARY, ON PROPERTY LOCATED AT 3219 BRIDGE ROAD, ZONING MAP 12, PARCEL 12J, ACCOUNT NUMBER 304455100; CUP2020-017

WHEREAS, Lorenzo J. Mallory, SR., Greater Dimensions Kingdom Ministries, applicant, on behalf of S. Chris Jones, BCP, LLC, property owner, has requested a Conditional Use Permit for a place of worship, small, under 6,000 square feet in main sanctuary, on a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 12, Parcel 12J, and which land is depicted on Exhibit "B", "Property Map"; and,

WHEREAS, the procedural requirements of Article 3, Section 31-306 of the Code of the City of Suffolk, Virginia, 1998 (as amended), have been followed; and,

WHEREAS, in acting upon this request, the Planning Commission and City Council have considered the matters enunciated in Section 15.2-2284 of the Code of Virginia (1950), as amended, and Article 1, Section 31-102 and Article 3, Section 31-306(c)(1 through 8) of the Code of the City of Suffolk, 1998 (as amended), with respect to the purposes stated in the Code of Virginia (1950), as amended, Sections 15.2-2200 and 15.2-2283; and,

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation", Exhibit "B", "Property Map", and Exhibit "C", "Proposed Floor Plan", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

Council finds that the proposal for a Conditional Use Permit, as submitted or modified with conditions herein, the expressed purpose of which is to establish a place of worship, small, under 6,000 square feet in main sanctuary, that is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses

and/or densities with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of property, the Comprehensive Plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestall land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the City.

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of a place of worship, small, under 6,000 square feet in main sanctuary is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The Conditional Use Permit for the Property be, and it is hereby, approved for the Property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The Conditional Use Permit specifically permits a place of worship, in compliance with Exhibit "C" (the "Proposed Floor Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This Conditional Use Permit is granted to establish a place of worship, small, under 6,000 square feet in main sanctuary, limited to church services and church activities, at 3219 Bridge Road, Zoning Map 12, Parcel 12J, as shown on Exhibit "B", "Property Map".
2. The Development shall be in substantial conformity to Exhibit "C", "Proposed Floor Plan"
3. The maximum occupancy shall be established by the Building Official and Fire Department.
4. The applicant will be required to address any issues regarding occupancy of the proposed space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development.

Section 4. General Conditions.

- (a) The Conditional Use Permit may be revoked by City Council upon failure to comply with any of the conditions contained herein, after ten days written notice to Lorenzo J. Mallory, Sr., Greater Dimensions Kingdom Ministries, applicant, on the behalf of S. Chris Jones, BCP, LLC, property owner, or their successors in interest, and a hearing at which such persons shall have the opportunity to be heard.
- (b) To the extent applicable, the requirements set forth in Section 31-306 of the Code of the City of Suffolk, Virginia shall be met.

- (c) The commencement of the use described in Section 3 of this ordinance shall be deemed acceptance by Lorenzo J. Mallory, Sr., Greater Dimensions Kingdom Ministries, applicant, on the behalf of S. Chris Jones, BCP, LLC, property owner, or any party undertaking or maintaining such use, of the conditions to which the Conditional Use Permit herein granted is subject.

Section 5. Severability.

It is the intention of the City Council that the provisions, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 6. Recordation.

A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of Circuit Court.

Section 7. Effective Date.

This ordinance shall be effective upon passage and shall not be published or codified. The conditional use authorized by this permit shall be implemented within two (2) years from the date of approval by the City Council and shall terminate if not initiated within that time period.

READ AND PASSED: _____

TESTE: _____
Erika Dawley, City Clerk

Approved as to Form:

Helivi L. Holland, City Attorney

CITY OF SUFFOLK PLANNING COMMISSION

A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT

CUP2020-017

TO ESTABLISH A PLACE OF WORSHIP, SMALL, UNDR 6,000 SQUARE FEET IN
MAIN SANCTUARY ON PROPERTY LOCATED AT 3219 BRIDGE ROAD, ZONING
MAP 12, PARCEL 12J, ACCOUNT NUMBER 304455100

WHEREAS, Lorenzo J. Mallory, Sr., Greater Dimensions Kingdom Ministries, applicant, on the behalf of S. Chris Jones, BCP, LLC, property owner, have requested the issuance of a Conditional Use Permit for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

WHEREAS, the specific request is to permit a place of worship, small, under 6,000 square feet in main sanctuary, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

The Suffolk Planning Commission finds that the proposal for a Conditional Use Permit, as submitted or modified herein:

- _____ a) Will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood,
- _____ b) Will have more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood,
- _____ c) Will be no more injurious to property or improvements in the neighborhood, or
- _____ d) Will be more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, CUP2020-017, be:

- _____ a) Granted as submitted, and that the City Council adopt the proposed Ordinance without modification.
- _____ b) Denied, and that Council not adopt the proposed Ordinance.
- _____ c) Granted with the modifications set forth on the attached listing of specific recommendations and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED: _____

TESTE: _____

CONDITIONAL USE PERMIT
CUP2020-017

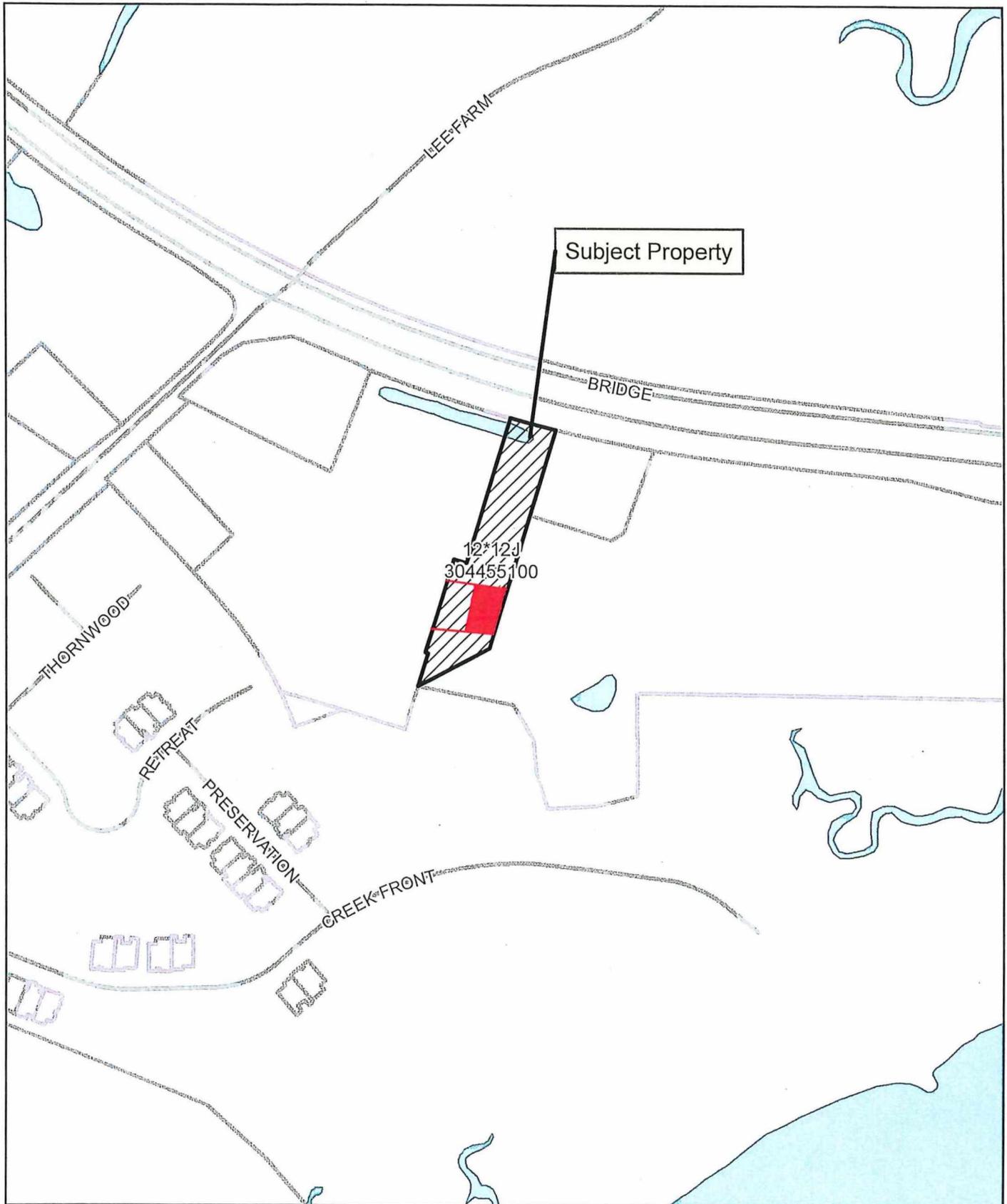
CONDITIONS

1. This Conditional Use Permit is granted to establish a place of worship, small, under 6,000 square feet in main sanctuary, limited to church services and church activities, at 3219 Bridge Road, Zoning Map 12, Parcel 12J, as shown on Exhibit "B", "Property Map".
2. The Development shall be in substantial conformity to Exhibit "C", "Proposed Floor Plan"
3. The maximum occupancy shall be established by the Building Official and Fire Department.
4. The applicant will be required to address any issues regarding occupancy of the proposed space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development.

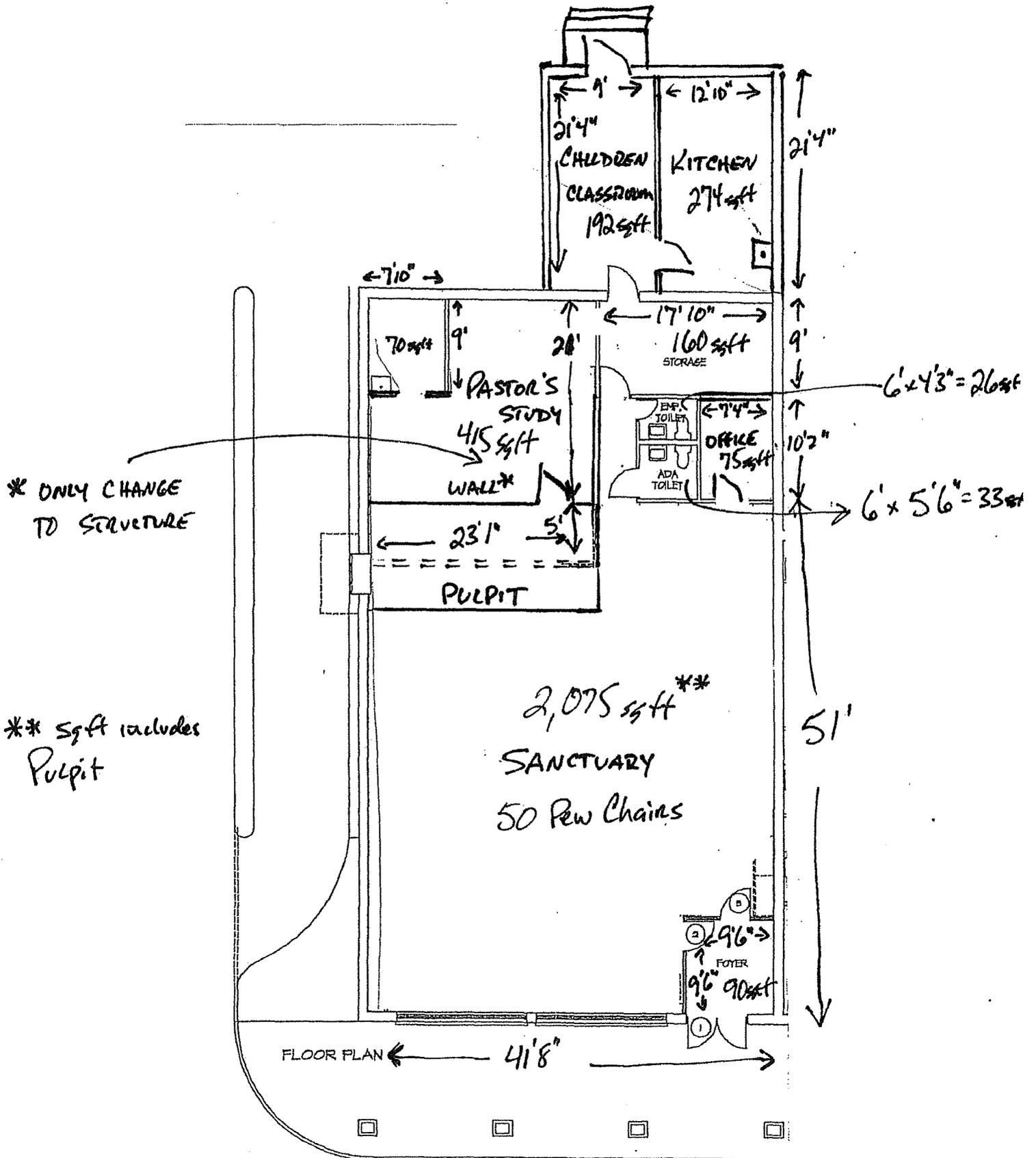


PROPERTY MAP CUP2020-017

EXHIBIT B



3219 BRIDGE ROAD EXHIBIT C





CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DIVISION OF PLANNING

October 20, 2020

Suffolk Planning Commission
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Ordinance Text Amendment OTA2020-001, initiated by the City of Suffolk, for amendments to the Code of the City of Suffolk, Chapter 31, Unified Development Ordinance, Article 4, Zoning, Section 31-412, Special Corridor Overlay District (SCOD) and Section 31-419, Mixed Use Development Overlay District (MUD); and Article 6, Design and Improvement Standards, Section 31-603, Landscaping Standards; and Article 7, Supplemental Use Regulations, Section 31-707, Home Occupations; Section 31-714, Sign Regulations; and Section 31-717, Temporary Uses; and Appendix A- Definitions. The purpose of the text amendments is to update and refine the Code of the City of Suffolk, Chapter 31, Unified Development Ordinance due to a change in circumstance.

Please contact either myself or Alexis Baker, AICP, Principal Planner if you have any questions in advance of the meeting.

Respectfully submitted,

David Hainley
Director of Planning and Community Development

STAFF REPORT

DESCRIPTION

ORDINANCE TEXT AMENDMENT OTA2020-001: Presented for your consideration, attached, please find proposed amendments to the Code of the City of Suffolk, Chapter 31, Unified Development Ordinance (UDO), Article 4, Zoning, Section 31-412, Special Corridor Overlay District (SCOD) and Section 31-419, Mixed Use Development Overlay District (MUD); and Article 6, Design and Improvement Standards, Section 31-603, Landscaping Standards; and Article 7, Supplemental Use Regulations, Section 31-707, Home Occupations; Section 31-714, Sign Regulations; and Section 31-717, Temporary Uses; and Appendix A- Definitions. The purpose of the text amendments is to update and refine the Code of the City of Suffolk, Chapter 31, Unified Development Ordinance due to a change in circumstance.

APPLICANT: The proposed ordinance text amendment has been initiated by the City of Suffolk.

PUBLIC NOTICE: This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance.

STAFF ANALYSIS

ISSUE AND BACKGROUND

The proposed text amendments shown in attached Exhibit B are presented for consideration in order to update and refine the Code of the City of Suffolk, Chapter 31, Unified Development Ordinance due to a change in circumstance. In particular, the amendments are necessary to comply with the U.S. Supreme Court case ruling, Reed vs. the Town of Gilbert, which restricts localities from using content-based sign regulations. To the extent practical, the proposed amendments maintain the standards as prescribed in the existing regulations. The following Sign Compatibility Table outlines selected sign types and compares the current regulations in Section 31-714 to the proposed changes in the text amendment.

Sign Compatibility Table	
Current Sign Types Defined in Section 31-714	Changes Proposed to the Name/Term " _ " = no name change
Banner	–
Canopy Sign	Awning Sign
Construction Sign	Signs Located on Development and Constructions Sites
Decorative Flags	Feather Flag/Banner
Directional/Information Sign	Drive Aisle/ Entrance Sign
Directory Sign	Drive Aisle/ Entrance Sign
Flag	–
Flashing Sign	Animated Sign
Freestanding Sign	–
Future Site Sign	Signs Located on Development and Constructions Sites
Identification Sign	Entrance/Monument/ Freestanding Sign/ Wall Sign
Illegal Sign	–
Institutional Sign	Entrance/Monument/ Freestanding Sign/Wall Sign
Integral Sign	Minor Sign
Marquee	–
Menu Board	Drive Through Sign
Message Board	Message Board/ Electronic Message Board Sign
Monument/Ground Sign	Monument Sign
Name Plates	Minor Sign
Neon Sign	Neon
Nonconforming Sign	–
Office, Commerce or Industrial Park Subdivision or Tract Name Sign	Entrance/Monument/ Freestanding Sign

Current Sign Types Defined in Section 31-714	Changes Proposed to the Name/Term " _ " = no name change
Pennant	-
Permanent Sign	-
Political Sign	Yard/ Banner Sign
Portable Sign	-
Preview Board	Drive Through Sign
Projecting Sign	-
Public Sign	-
Rental/Real Estate Sign	Signs Located on Property for Sale or Rent
Residential Sign (Home Occupations)	Minor Sign
Residential Subdivision or Tract Name Sign	Entrance/Monument/ Freestanding Sign
Roof Sign	-
Special Event Signs	Yard Signs/Banners/Feather Flag
Snipe Sign	-
Suspended Sign	-
Temporary Sign	-
Wall Sign	-
Window Sign	-
Wind Driven Signs	Eliminated- Not Necessary
	A-Frame Signs-NEW
	Abandoned Signs -NEW
	Billboard - NEW
	Feather Flag - NEW
	Unsafe Sign- NEW
	Vehicular Sign - NEW

Notable changes also include the following:

- Permits are not required for temporary signs.
- Special event signs are now reclassified as yard signs and banners and, in specific commercial districts, are limited to six (6) times per year for each sign, not to exceed twenty (20) days per sign. Current regulations allow special event signs three (3) times per calendar year not to exceed thirty (30) days per event. In the proposed amendments, in all other districts, signs may be posted for up to ninety (90) days. The existing regulations only allow temporary signs up to sixty (60) days.
- Window sign coverage is increased from 10% to 20%.
- Electronic Message Boards allow a change in message not more than once every sixty (60) seconds. Current regulations allow a change in message not more than once every sixty (60) minutes.
- Three (3) additional permanent signs are permitted on culturally significant property. Culturally significant properties are those properties declared as properties or sites of historic, cultural, or environmental significant by the City, Commonwealth of Virginia, or the United States.
- Monument signs are permitted up to forty-five (45) feet tall and four hundred fifty (450) square feet in area in the Mixed Use Development Overlay District (MUD) on master planned developments of fifty (50) acres or more with at least two thousand (2,000) feet of frontage on a limited or restricted access highway. These signs must also be located between ten (10) and fifty (50) feet outside the highway right-of-way with a separation of a half (1/2) mile between monument signs permitted under this subsection.

RECOMMENDATION

In that regard, the proposed text amendments shown in the attached Exhibit B are presented for your favorable consideration with a staff recommendation for **approval** of the proposed text amendments.

Attachments

- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – “Amendments to Chapter 31, Unified Development Ordinance, Article 4, Zoning, Section 31-412, Special Corridor Overlay District (SCOD) and Section 31-419, Mixed Use Development Overlay District (MUD); and Article 6, Design and Improvement Standards, Section 31-603, Landscaping Standards; and Article 7, Supplemental Use Regulations, Section 31-707, Home Occupations; Section 31-714, Sign Regulations; and Section 31-717, Temporary Uses; and Appendix A- Definitions of the Code of the City of Suffolk, Virginia.”

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF THE CITY OF SUFFOLK, ARTICLE 4, ZONING, SECTION 31-412, SPECIAL CORRIDOR OVERLAY DISTRICT (SCOD) AND SECTION 31-419, MIXED USE DEVELOPMENT OVERLAY DISTRICT (MUD); AND ARTICLE 6, DESIGN AND IMPROVEMENT STANDARDS, SECTION 31-603, LANDSCAPING STANDARDS; AND ARTICLE 7, SUPPLEMENTAL USE REGULATIONS, SECTION 31-707, HOME OCCUPATIONS; SECTION 31-714, SIGN REGULATIONS; AND SECTION 31-717, TEMPORARY USES; AND APPENDIX A- DEFINITIONS; OTA2020-001

WHEREAS, the City of Suffolk, Virginia has initiated the aforementioned amendments to Chapter 31, Unified Development Ordinance, for the purpose of updating and improving clarity and consistency due to a change in circumstances; and,

WHEREAS, the specified amendments to the Unified Development Ordinance as shown in Exhibit "B" are in compliance with the 2035 Comprehensive Plan, as adopted; and,

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A"; and,

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

- Section 1. That Chapter 31, Unified Development Ordinance, Article 7, Supplemental Use Regulations, Section 31-714, Sign Regulations, be rescinded in its entirety.
- Section 2. That Exhibit "B," "Amendments to Chapter 31, Unified Development Ordinance, Article 4, Zoning, Section 31-412, Section 31-412, Special Corridor Overlay District (SCOD) and Section 31-419, Mixed Use Development Overlay District (MUD); Article 6, Design and Improvement Standards, Section 31-603, Landscaping Standards; and Article 7, Supplemental Use Regulations, Section 31-707, Home Occupations; Section 31-714, Sign Regulations; and Section 31-717, Temporary Uses; and Appendix A-Definitions of the Code of the City of Suffolk, Virginia" which are attached hereto, are hereby incorporated as part of this ordinance.
- Section 3. That Chapter 31, Unified Development Ordinance, Article 4, Zoning, Section 31-412, Special Corridor Overlay District (SCOD) and Section 31-419, Mixed Use Development Overlay District (MUD); Article 6, Design and Improvement Standards, Section 31-603, Landscaping Standards; and Article 7, Supplemental Use Regulations, Section 31-707, Home Occupations; Section 31-714, Sign Regulations; and Section 31-717, Temporary Uses; and Appendix A- Definitions of the Code of the City of Suffolk, Virginia, is hereby amended to read as referenced in Exhibit "B," attached.

Section 4. All phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the Code not amended hereby remain in full force and effect.

This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:

Helivi L. Holland, City Attorney

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO
OTA2020-001**

AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF THE CITY OF SUFFOLK, ARTICLE 4, ZONING, SECTION 31-412, SPECIAL CORRIDOR OVERLAY DISTRICT (SCOD) AND SECTION 31-419, MIXED USE DEVELOPMENT OVERLAY DISTRICT (MUD); AND ARTICLE 6, DESIGN AND IMPORVEMENT STANDARDS, SECTION 31-603, LANDSCAPING STANDARDS; AND ARTICLE 7, SUPPLEMENTAL USE REGULATIONS, SECTION 31-707, HOME OCCUPATIONS; SECTION 31-714, SIGN REGULATIONS; AND SECTION 31-717, TEMPORARY USES; AND APPENDIX A-DEFINITIONS.

WHEREAS, the City of Suffolk, Virginia has initiated the aforementioned amendments to Chapter 31, of the Unified Development Ordinance for the purpose of updating and improving clarity and consistency due to a change in circumstances; and

WHEREAS, the specified amendments to the Unified Development Ordinance as shown in Exhibit "B" are in compliance with the 2035 Comprehensive Plan, as adopted; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

The Suffolk Planning Commission finds that the proposed ordinance amendments are reasonable and warranted.

Section 2. Recommendation to City Council.

The Planning Commission recommends to the City Council of the City of Suffolk, Virginia that the proposed amendments be;

- _____ a. Adopted as submitted without modification.
- _____ b. Denied, and that Council not pass the proposed ordinance.
- _____ c. Adopted with the modifications set forth on the attached listing of specific recommendations, and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED: _____

TESTE: _____

“Exhibit B”

“Amendments to Chapter 31, Unified Development Ordinance, Article 4, Zoning, Section 31-412, Special Corridor Overlay District (SCOD) and Section 31-419, Mixed Use Development Overlay District (MUD); and Article 6, Design and Improvement Standards, Section 31-603, Landscaping Standards; and Article 7, Supplemental Use Regulations, Section 31-707, Home Occupations; Section 31-714, Sign Regulations; and Section 31-717, Temporary Uses; and Appendix A- Definitions of the Code of the City of Suffolk, Virginia.”

ARTICLE 4- ZONING

...

SEC. 31-412. - SPECIAL CORRIDOR OVERLAY DISTRICT (SCOD).

...

(h) **LIMITATION OF SIGNS.**

- (1) **PURPOSE AND INTENT.** The purpose and intent of this Subsection is to regulate the use of publicly visible displays or graphics; to protect and enhance the character of arterial roadways and surrounding areas; to prevent diminishing property values within these areas; to safeguard the public use and nature of arterial roadways; and to minimize visual distractions to motorists along public roads.
- (2) **GENERAL REGULATIONS FOR ALL SIGNS.** The following shall apply to all signs:
 - A. Applicable state and federal sign controls. In addition, all signs shall be in accordance with the signs standards of this Ordinance. (See Sections 31-302 and 31-714)
 - B. Signs ~~and advertising structures~~ shall not obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air or ingress and egress for any building or structure.
 - C. Whenever a sign ~~or outdoor advertising structure~~ becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, it shall be made safe or removed in accordance with the Uniform Statewide Building Code.
 - D. Where permits are required, all signs, ~~including directional signs,~~ shall be set back at least ten (10) feet from the front property lines or existing right-of-way lines, unless a greater setback is specified. Along roads which have proposed right-of-way expansion as delineated in the general plan for the City of Suffolk, signs erected after the delineation of such roads on the plan may be located within the proposed right-of-way. Once the proposed right-of-way is acquired, all signs erected after the delineation of such roads on the plan must be set back the required ten-foot minimum from the new right-of-way, unless a greater setback is specified.

...

(3) **SIGN DESIGN STANDARDS.**

...

- E. Sign Package. Prior to the erection of any sign, ~~with the exception of temporary construction signs~~ noted herein, a comprehensive sign package shall be submitted to the City of Suffolk pursuant to the signs standards of this Ordinance, and Subsection (b)(3) of this Section. Six copies of sign plans shall be submitted to the City, which shall check for compliance with the regulations of this ~~Section Ordinance~~. The plans shall show the size and location of the sign and the property identification. In the case of projecting signs ~~and outdoor advertising structures~~, complete specifications and methods of anchoring and support shall be required. In addition, the sign package shall include a landscaping plan in accordance with the landscaping standards of this Ordinance and Appendix B. The sign package shall provide detailed renderings to include colors, sizes, lighting, location, etc., for all signs within any development.

...

SEC. 31-419. - MIXED USE DEVELOPMENT OVERLAY DISTRICT (MUD).

...

(j) MIXED USE ZONING.

...

- (6) **SIGNS.** All proposed Mixed Use Development projects shall contain a detail of sign regulations to be permitted within the development. ~~This should include details in regard to wall signs, projecting signs, canopy signs, suspended signs and freestanding signs.~~ Sign area, dimensions and locations are to be consistent with Section 31-714(n), signs permitted in the Central Business District and the Village Center, of the Unified Development Ordinance.

...

ARTICLE 6 – DESIGN AND IMPROVEMENT STANDARDS

...

SEC. 31-603. -LANDSCAPING STANDARDS

...

- (h) **SIGN LANDSCAPE PLANS.** Sign landscape plans shall follow standards as outlined in Sec. 31-714.

(1) ~~MINIMUM REQUIREMENTS~~

- A. Each sign shall be contained within a landscape area of not less than 75 square feet in size

- B. All sign landscape plantings and plant materials shall comply with the Plant Specifications and Standards as attached.
- C. All required plants shall be perennial, woody material. Herbaceous, annual plant material may be used, but shall not be counted toward the minimum planting requirements.
- D. There shall be a minimum of ten (10) streetscape shrubs planted for each freestanding sign. Each shrub shall contain a minimum of 15 to 18-inch spread; ground cover material shall be planted no more than one-foot spacing.
- E. The sign landscape plan shall be submitted to the Planning and Community Development Department for review. Any modifications of these regulations shall be submitted in writing in accord with the waiver Section of this guideline.

...

ARTICLE 7 – SUPPLEMENTAL USE REGULATIONS

...

SEC. 31-707. - HOME OCCUPATIONS.

...

(g) HOME OCCUPATION PERMIT

...

TABLE 707-1: HOME OCCUPATION PERFORMANCE STANDARDS BY ZONING DISTRICT

Performance Standards	A	RR/RE	RL	RLM/RM	CBD/VC	RC	RU	RU-12
Conform with applicable State and local statutes, Ordinances and regulations and is reviewed by Administrator.	✓	✓	✓	✓	✓	✓	✓	✓
Full-time resident operator	✓	✓	✓	✓	✓	✓	✓	✓

Obtain permits before operating home occupation	✓	✓	✓	✓	✓	✓	✓	✓
No more than one non-resident employee shall be permitted.	✓	✓	✓	✓	✓	✓	✓	✓
Areas devoted to home occupation use shall maintain a residential appearance.	✓	✓	✓	✓	✓	✓	✓	✓
Not more than 6 customers or clients/day allowed to visit home occupation. Customer hours shall be between the 7:00 a.m. and 8:00 p.m.	✓	✓	✓	✓	✓	✓	✓	✓
Not more than 25% gross floor area for home occupation	✓	✓	✓	✓	✓	✓	✓	✓
Music, art, craft or similar lessons: 5 or fewer clients per day	✓	✓	✓	✓	✓	✓	✓	✓
Demonstrate that public facilities and utilities are adequate to safely accommodate equipment used for home occupation	✓	✓	✓	✓	✓	✓	✓	✓
Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials	✓	✓	✓	✓	✓	✓	✓	✓
Parking shall be provided only in driveway and shall not create hazards or street congestion	✓	✓	✓	✓	✓	✓	✓	✓
Outside storage of heavy equipment or material shall be prohibited.	✓	✓	✓	✓	✓	✓	✓	✓
No truck or van with a payload rating of more than 1½ ton shall be parked on the site.	✓	✓	✓	✓	✓	✓	✓	✓
Mechanized equipment shall be used only in a completely enclosed building	✓	✓	✓	✓	✓	✓	✓	✓
No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be that is perceptible beyond the property line.	✓	✓	✓	✓	✓	✓	✓	✓

Deliveries and pickups shall be those normally associated with residential services and shall:								
a. Not block traffic circulation	✓	✓	✓	✓	✓	✓	✓	✓
b. Occur only between 8:00 a.m. and 8:00 p.m. Monday-Saturday								

Note: For home occupations one sign not exceeding one square foot in area, non-illuminated minor sign, as defined in Section 31-714, and mounted flat against the wall of the residence is permitted, and shall be mounted flat against the wall.

...

SEC. 31-714. - SIGN REGULATIONS.

(a) PURPOSE AND INTENT

- (1) Signs have the potential to obstruct views, distract motorists, displace alternative uses for land, and pose other problems or endangerments to public safety such that they legitimately call for regulation and permitting is necessary. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs for exterior observation to ensure the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive, and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic.
- (2) This section shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this section is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this section which can be given effect without the invalid provision.
- (3) Any sign erected pursuant to the provisions of this Article may, at the option of the owner, contain a noncommercial message in lieu of a commercial message.
- (4) Signs not expressly permitted under this section, by specific requirements in another section of the Unified Development Ordinance, or otherwise expressly allowed are prohibited.
- (5) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this section is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant, landscape and architecture of surrounding buildings, and are legible and adequate for their intended

purpose while balancing the individual and community interests identified in subsection (1) of this section.

(b) DEFINITIONS

A-FRAME SIGN. A two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high.

ABANDONED SIGN. A sign is considered abandoned if the business, activity, or use for which the sign was erected has not been in operation for a period of at least two (2) years.

ANIMATED SIGN. A sign or part of a sign that is designed to rotate, move, or appear to rotate or move, or a sign that flashes, blinks, or turns on and off intermittently.

AWNING SIGN. Any sign that is a part of or attached to the face of a fabric awning or other flexible material and extends from the face of a building.

BANNER. A temporary sign of flexible material that is typically attached to a building.

BILLBOARD. Any freestanding sign which exceeds 250 square feet in sign area.

CAMPUS. A site at least 20 acres in size owned and managed by a single entity.

DILAPIDATED SIGN. Any sign or part of a sign that is damaged, broken, or in a state of disrepair as a result of age or neglect.

DRIVE AISLE SIGN. A small freestanding sign which is located adjacent to an intersection of two or more drive aisles or a drive aisle and external access point.

DRIVE THROUGH SIGN. A freestanding sign which is located adjacent to and/or oriented towards a drive through/service lane and not oriented towards a building or right-of-way.

ELECTRONIC MESSAGE BOARD SIGN. A sign or portion of a sign that consists of a screen or digital display that uses electronic programming to change the graphics/content displayed.

ENTRANCE SIGN. A freestanding sign located at a vehicular/pedestrian entrance to a site that contains a collection of two or more uses or lots, near the intersection of an external road to an internal street within a site.

FEATHER FLAG. A type of temporary sign, shaped like a feather or blade and placed upon the ground, used to draw attention of foot and street traffic to business.

FLAG. A piece of cloth or similar material that is attached to one side of a rope or pole. Flags do not include feather flag signs.

FREESTANDING SIGN. Any sign supported by structures of supports that are placed on or anchored in the ground and that are independent from any building or other structure. This includes monument signs.

ILLEGAL SIGN. A sign which is in violation of the requirements of this Ordinance.

IMPROVED PROPERTY. An improved property is any property within the city upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage or industrial wastes shall be or may be discharged.

MARQUEE SIGN. A sign that is attached to a covered structure that projects from a building wall, and is usually located above an entrance, such as an entrance to a theater or hotel.

MESSAGE BOARD. A sign or portion of a sign containing moveable and changeable or interchangeable sign graphics/content and does not consist of a screen or digital display.

MINOR SIGN. A wall sign not exceeding two (2) square foot in area.

MONUMENT SIGN. A type of freestanding sign with a supporting structure/base that is as wide or wider than the sign face itself.

NEON. A piece of electrical equipment or electrical apparatus inside of which are wiring and transformers that transform the electricity from low voltage into as high as 12,000 volts or greater, and the necessary high tension wires to the tubing which illuminates the sign.

NONCONFORMING SIGN. Any sign that was permitted under a previous regulation that presently does not conform to the requirements of this Ordinance.

PENNANT. Any lightweight plastic, fabric, or other material, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMANENT SIGN. A sign which is securely and otherwise legally attached to the ground or a structure so that it cannot readily be moved.

PORTABLE SIGN. A sign, usually of a temporary nature, not permanently anchored to the ground or to a building or structure.

PROJECTING SIGN. A sign which is attached directly to the building wall, and which extends more than 15 inches from the face of the wall and is not located beneath or attached to a canopy or other horizontal plane.

PUBLIC SIGN. A sign erected or required by government agencies, public utilities, or their authorized agents.

ROOF LINE. For the purposes of this Section, the highest point of a flat roof and mansard roof or parapet wall; and the lowest point of a pitched roof.

ROOF SIGN. Any sign erected above the roof line.

SIGN. Any object intended to communicate a message.

SIGN PLAN. A plan required to be submitted with an application for a sign permit. The plan may show a single sign or multiple signs for a planned area development.

SNIFE SIGNS. Signs attached to fences, trees, telephone poles, public benches, street lights or other objects placed on any public property or right-of-way.

SUSPENDED SIGN. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN. A sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

UNSAFE SIGN. A sign structure which, in the opinion of the Building Official has become insecure, in danger of falling, or otherwise deemed unsafe, and, as such, presents an immediate threat to the safety of the public.

VEHICULAR SIGN. A sign placed on a vehicle or trailer which is parked or located for the primary purpose of displaying such sign. This does not apply to signs on buses, taxis or vehicles operating during the normal course of business.

WALL SIGN. A sign which is painted on or attached directly and parallel to or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than 15 inches from the face of the fence or wall.

WINDOW SIGN. Any sign that is visible from the exterior of a window or door, and is attached to or located within eighteen (18) inches in front of or behind the surface of a window or door.

YARD SIGN. A temporary sign placed upon or supported by the ground independently of any other structure.

(c) **ACTIONS NOT REQUIRING A PERMIT.** The following actions shall not require a permit but shall be subject to all other applicable sections of this Ordinance.

- (1) Installation of a sign by a government or public agency.
- (2) Ordinary maintenance of signs, such as cleaning and painting.
- (3) Installation of a minor sign.
- (4) Installation of a temporary sign.

(d) **PROHIBITED SIGNS.** Any sign not specifically permitted in this article shall be prohibited. Additionally, the following signs are specifically prohibited.

- (1) Signs accessory to an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located.
- (2) Billboards unless otherwise specified in this Ordinance.
- (3) Vehicular Signs.
- (4) Off premises signs which are not located on the same parcel as the activity, use or business.
- (5) Roof Signs unless otherwise specified in this Ordinance.

- (6) Portable Signs unless otherwise specified in this Ordinance.
- (7) Signs in the public right-of-way. Public signs or signs otherwise specified in this Ordinance are permitted. Signs projecting over public property shall be permitted in accordance with the building code only where no setbacks are required
- (8) Signs which contain or consist of pennants, ribbons, streamer, spinners, strings of light, flashing light, or other similar moving devices, with the exception of electronic message boards.
- (9) Signs impeding traffic visibility and safe pedestrian and bicycle passage.

(e) MEASUREMENTS OF SIGN AREA AND HEIGHT. Sign area and height shall be calculated as follows:

- (1) For signs having a distinct border or boundary, sign area is calculated by multiplying the length times the width or the entire surface contained within the border, boundary, sign board, or sign face.

Sign Calculations

Length = 3 feet



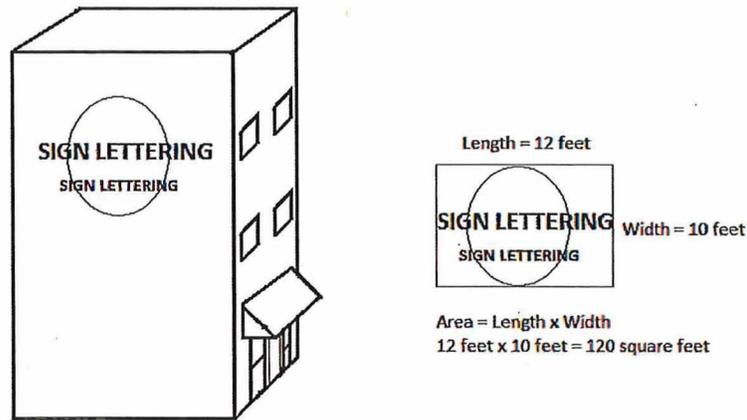
Width = 2 feet

Area = Length x Width
 3 feet x 2 feet = 6 square feet

Note: This drawing is not to scale. Dimensions and area are for example purposes and may not represent area and height requirements of this Section.

- (2) For signs without distinct border or boundary, sign area is calculated by computing the area of a simple geometric figure consisting of not more than eight perpendicular lines which contains all of the writing, representation, emblem, or other display of the sign.

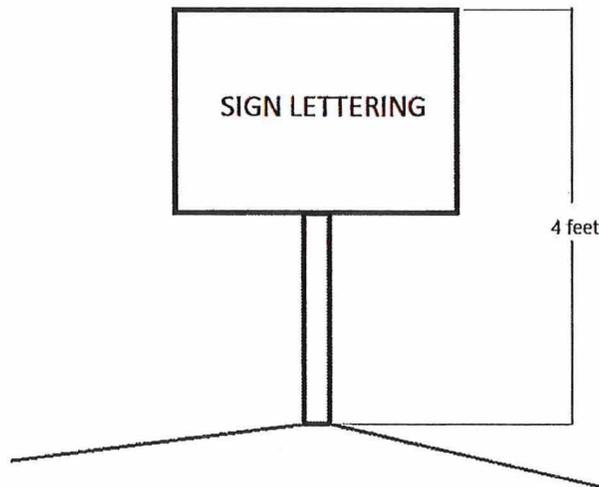
Sign Calculations



Note: This drawing is not to scale. Dimensions and area are for example purposes and may not represent area and height requirements of this Section.

- (3) For signs with two identical faces, arranged back to back in parallel planes, and where the sign faces are separated by no more than twenty-four (24) inches, the sign area must be calculated for one side only.
- (4) Sign height is determined by measuring the distance from the base of the sign or sign pole at grade to the top of the highest attached component of the sign. Grade must be construed to be the lower of either the existing grade before sign construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

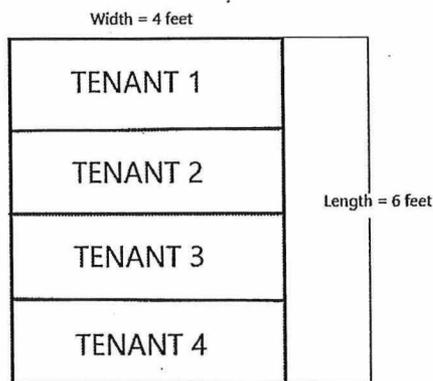
Sign Height



Note: This drawing is not to scale. Dimensions are for example purposes and may not represent area and height requirements of this Section.

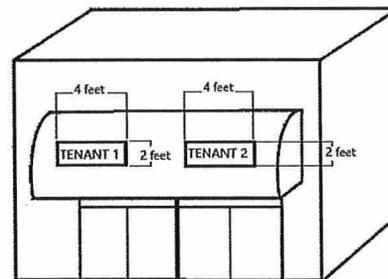
- (5) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display.
- (6) In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

Sign Calculations



Example 1: Monument Sign

Sign Area = Length x Width
 6 feet x 4 feet = 24 square feet



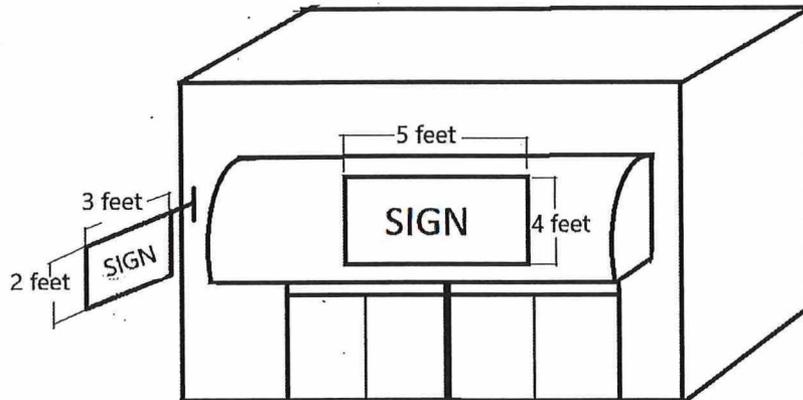
Example 2: Awning Sign

Total Sign Area = TENANT 1 Sign + TENANT 2 Sign
 (4 feet x 2 feet) + (4 feet x 2 feet) = 16 square feet

Note: This drawing is not to scale. Dimensions and area are for example purposes and may not represent area and height requirements of this Section. See Sec. 31-714 (g) for maximum sign area requirements.

- (7) For uses proposing one or more wall, marquee, projecting, suspended, or awning sign, area is calculated as the total square footage for all signs combined, subject to the regulations outlined in Sec. 31-714 (g).

Sign Calculations



$$\begin{aligned} \text{Total Sign Area} &= (5 \text{ feet} \times 4 \text{ feet}) \\ &+ (3 \text{ feet} \times 2 \text{ feet}) = 26 \text{ square feet} \end{aligned}$$

Note: This drawing is not to scale. Dimensions are for example purposes and may not represent area and height requirements of this Section.

- (8) On corner lots, either the front lot line or the corner side lot line may be used to compute sign area, not both.

(f) SIGN PLACEMENT AND LANDSCAPING.

- (1) All signs shall be located no closer than ten (10) feet from any public right-of-way unless otherwise specified in this Ordinance.
- (2) Awning, marquee, projecting and suspended signs shall not be lower than seven and one-half feet (7.5) from the sidewalk to the base of the sign.
- (3) Permanent signs shall only be permitted on improved properties.
- (4) Freestanding signs shall require landscape plans and comply with the following minimum landscape requirements unless otherwise specified in this Ordinance:
 - A. Each sign shall be contained within a landscape area of not less than seventy-five (75) square feet in size.
 - B. All sign landscape plantings and plant materials shall comply with this Ordinance. All such landscaping shall be maintained in good condition at all times by the owner, lessor or occupant of the premises upon which such sign is located.
 - C. All required plants shall be perennial, woody material. Herbaceous, annual plant material may be used, but shall not be counted toward the minimum planting requirements.

D. There shall be a minimum of ten (10) streetscape shrubs planted for each freestanding sign. Each shrub shall contain a minimum of fifteen (15) to eighteen (18) inch spread; ground cover material shall be planted with no more than one (1) foot of spacing.

E. The sign landscape plan shall be submitted to the Zoning Administrator for review. Any modifications of these regulations shall be submitted in writing in accord with this Ordinance.

(g) **PERMANENT SIGNS PERMITTED BY ZONING DISTRICT.** Permanent signs are permitted as follows in accordance with Section 31-302 of this Ordinance:

Table 714-1: Permanent Signs Permitted for ALL USES					
Permanent Sign Type	Zoning District(s)	Maximum Area in Square Feet	Maximum Height in Feet	Number Allowed	Other
Entrance	<u>RR, RE, RL, RLM, RM, RC, RU, RU-12, RU-18</u>	<u>48 SF total per entrance</u>	<u>6</u>	<u>2 per subdivision entrance</u>	<u>See (m) Illumination</u>
	<u>B-1, TND, O-I, CP</u>	<u>48</u>	<u>12</u>	<u>1 per entrance</u>	<u>See (k) Supplemental Sign Regulations for Office, Commerce, or Industrial Parks</u>
	<u>B-2, M-1, M-2</u>	<u>48</u>	<u>12</u>	<u>1 per entrance</u>	<u>See (k) Supplemental Sign Regulations for Office, Commerce, or Industrial Parks</u>
Minor Wall Sign	<u>All Districts</u>	<u>2</u>		<u>1</u>	<u>See (m) Illumination</u>

**Table 714-2: Permanent Signs Permitted for Non-Residential Uses
(Includes Multi-family)**

<u>Permanent Sign Type</u>	<u>Zoning District(s)</u>	<u>Maximum Area in Square Feet</u>	<u>Maximum Height in Feet</u>	<u>Number Allowed</u>	<u>Other</u>
<u>Drive Aisle</u>	<u>All Districts</u>	<u>3</u>	<u>4</u>	<u>2 per entrance and 2 per internal intersection</u>	<u>See (j) Supplemental Sign Regulations for Campuses</u>
<u>Drive-Through</u>	<u>B-1, B-2, VC, CBD, O-I, FRRD</u>	<u>32</u>	<u>8</u>	<u>2 per lane</u>	
<u>Freestanding/ Monument</u>	<u>C</u>	<u>16</u>	<u>6</u>	<u>1</u>	
	<u>A, RR, RE</u>	<u>32</u>	<u>8</u>	<u>1</u>	
	<u>RC, RU, RU-12, RU-18</u>	<u>32</u>	<u>4</u>	<u>1</u>	
	<u>RU-24, MUC-40, CBD, VC, FRRD</u>	<u>100 ft or less of street frontage: 32 SF</u> <u>100 ft or more street frontage: 48 SF</u>	<u>6</u>	<u>1</u>	
	<u>B-1, O-I, TND, CP</u>	<u>48</u>	<u>6</u>	<u>1</u>	<u>Second sign allowed when access derived from 2 public streets.</u>
	<u>B-2, M-1, M-2</u>	<u>1 SF per 2 linear feet of street frontage up to 100 SF maximum.</u>	<u>12</u>	<u>1</u>	<u>Second sign allowed when access derived from 2 public streets.</u> <u>See (h) Supplemental Sign Regulations in the B-2 General Business District</u>

**Table 714-2: Permanent Signs Permitted for Non-Residential Uses
(Includes Multi-family)**

<u>Permanent Sign Type</u>	<u>Zoning District(s)</u>	<u>Maximum Area in Square Feet</u>	<u>Maximum Height in Feet</u>	<u>Number Allowed</u>	<u>Other</u>
<u>Wall, Marquee, Projecting, Suspended and Awning</u>	<u>C</u>	<u>16</u>	<u>1</u>	<u>1</u>	
	<u>A, RR, RE, RL, RLM, RM, RC, RU, RU-12, RU-18</u>	<u>1 SF per each linear foot of building frontage up to 80 SF maximum</u>	<u>1</u>	<u>1</u>	<u>1</u>
	<u>RU-24, MUC-40, CBD, VC, FRRD</u>	<u>1 SF per each linear foot of building frontage up to 100 SF maximum; however, each marquee, projecting, suspended, and awning signs shall not exceed 9 SF</u>	<u>1</u>	<u>1</u>	<u>When any building is adjacent to an interstate and limited access rights-of-way, an additional wall sign may be permitted, limited to 25% of the total allowable wall sign area, not to exceed 60 SF.</u>
	<u>B-1, O-I, TND, CP</u>	<u>1 SF per each linear foot of building frontage up to 125 SF maximum.</u>	<u>1</u>	<u>1</u>	
	<u>B-2, M-1, M-2</u>	<u>1 SF of sign area for each 1 foot of building frontage facing a public street or private access way.</u>	<u>1</u>	<u>1</u>	

**Table 714-2: Permanent Signs Permitted for Non-Residential Uses
(Includes Multi-family)**

<u>Permanent Sign Type</u>	<u>Zoning District(s)</u>	<u>Maximum Area in Square Feet</u>	<u>Maximum Height in Feet</u>	<u>Number Allowed</u>	<u>Other</u>
<u>Window</u>	<u>RU-24, MUC-40, CBD, VC, FRRD</u>	<u>Opaque Signs: 25% of the total area of the window in which the signs are displayed.</u> <u>Transparent or Letters Only: 40% of the window on which they are located.</u>	<u>—</u>	<u>—</u>	<u>Illuminated window signs are permitted up to 25% of the total area of the window in which the signs are displayed</u>
	<u>All other districts</u>	<u>25% of the total area of the window in which they are displayed.</u>	<u>—</u>	<u>—</u>	
<u>Roof Signs</u>	<u>B-2</u>	<u>1 SF per each linear foot of building frontage up 40 SF maximum</u>	<u>—</u>	<u>1</u>	<u>See (h) Supplemental Sign Regulations in the B-2 General Business District</u>
<u>Electronic Message Boards</u>	<u>B-2</u>	<u>32 SF or 50% of a permitted individual freestanding sign area, whichever is less</u>	<u>—</u>	<u>1</u>	<u>See (h) Supplemental Sign Regulations in the B-2 General Business District</u>

(h) SUPPLEMENTAL SIGN REGULATIONS IN THE B-2 GENERAL BUSINESS DISTRICT. The following additional signs may be permitted in the General Business District (B-2):

(1) Electronic Message Boards. Electronic message boards shall comply with the following:

- A. Only one (1) electronic message board per parcel is permitted. Electronic message boards shall be permitted only when incorporated with a permitted freestanding sign and shall not exceed thirty-two (32) square feet or fifty percent (50%) of a permitted individual freestanding sign area, whichever is less. The message visible on such boards at any one time shall not change more than once every sixty (60) seconds. The sole exception shall be for time/temperature signs, which may display a continuing change in message between time and temperature, at intervals of five (5) seconds or more, without limitation.
- B. Messages shall be static and there shall be no sense of motion when the message is displayed or when the message changes. The entire message shall turn on or off as a single entity.
- C. The message shall not roll on or off the field of copy.
- D. The message shall not turn on or off by the random illumination or extinguishing of lights within the field of copy.
- E. Electronic message boards shall not exceed 0.3 footcandles of illuminance over ambient lighting conditions when measured at the appropriate distance. The appropriate distance shall be determined utilizing the following formula:
$$\text{Measurement Distance} = \sqrt{(\text{Area of Sign Square Feet} \times 100)}$$
- F. Electronic message boards shall be automatically dimming so that they adjust to ambient light conditions.

(2) Roof Signs. Roof signs shall be permitted at navigable waterfront sites with water oriented businesses without frontage on a public street classified as a major collector or higher.

- A. In addition to the building signage, one (1) roof sign per building housing a separate function is permitted. The sign area of a single sign shall not exceed forty (40) square feet with a maximum total sign area of one square foot of signage for each linear foot of building adjacent to the water body.
- B. The rooftop sign must orient towards the water.

C. The sign must be indirectly illuminated, and the source of the illumination must be shielded from direct view.

D. The sign shall not extend above the ridgeline of the sloped roof upon which it is mounted.

E. Electronic message boards are not permitted as rooftop signs.

(3) Freestanding Signs for Shopping Centers, Office Parks, or Similar Groups of Buildings. Freestanding signs shall be permitted up to fifteen (15) feet in height.

(i) SUPPLEMENTAL SIGN REGULATIONS IN THE MIXED USE DEVELOPMENT OVERLAY DISTRICT (MUD).

(1) **General Regulations.** Unless otherwise specified in this Ordinance, signs located in the MUD Overlay District shall follow the standards for the CBD and VC Zoning Districts.

(2) **Monument Signs.** One (1) additional freestanding monument sign may be permitted up to four hundred fifty (450) square feet in area and a maximum of forty-five (45) feet in height, measured from grade level to the highest point on the sign, with the following provisions:

A. Landscaping plans shall follow the criteria set forth in 31-714(f) with the exception that landscape areas shall not be less than fifty percent (50%) of the total sign area with plants composed of thirty percent (30%) large shrubs, forty percent (40%) medium shrubs, and thirty percent (30%) small shrubs.

B. The sign shall be located on a master planned development of fifty (50) acres or more. The master planned development shall be adjacent to a limited or restricted access highway with a minimum of two thousand (2,000) linear feet of frontage.

C. The sign shall be located a minimum of ten (10) feet and a maximum of fifty (50) feet outside the highway right-of-way.

D. A separation of no less than a half (1/2) mile shall be required between monument signs permitted under this subsection.

(i) SUPPLEMENTAL SIGN REGULATIONS FOR CAMPUSES.

(1) **Drive Aisle Signs.** Drive Aisle Signs shall be permitted for Campuses in accordance with Table 714-2 and the following provisions:

A. Signage shall be limited to four (4) signs per Drive Aisle and/or internal intersection.

B. The total area of all signs per entrance and/or intersection shall not exceed 24 square feet in area.

C. Signs shall not exceed six (6) feet in height.

(k) SUPPLEMENTAL SIGN REGULATIONS FOR OFFICE, COMMERCE OR INDUSTRIAL PARKS.

- (1) **Entrance Signs.** Entrance signs shall be permitted for office, commerce or industrial parks in accordance with Table 714-2 and the following provisions:
 - A. For three (3) or more parcels jointly identified and approved as an office, commerce or industrial park, one (1) sign shall be permitted per entrance.
 - B. No other freestanding signs shall be permitted on the same street frontage as the entrance sign except as may be necessary to ensure that the safe movement of both vehicular and pedestrian traffic is not impeded.

(l) SUPPLEMENTAL SIGN REGULATIONS FOR SIGNS LOCATED ON CULTURALLY SIGNIFICANT PROPERTY.

- (1) **Freestanding Signs.** Three (3) additional freestanding signs may be located in any zoning district on culturally significant properties. These properties shall be declared as properties or sites of historic, cultural or environmental significance by the City, Commonwealth of Virginia, or United States. These signs shall be permitted with the following provisions:
 - A. Signs shall be no more than four (4) feet in height and seven (7) square feet in area.
 - B. Signs shall be directed toward pedestrians or vehicles on-site.
 - C. Signs shall be exempt from landscaping requirements
 - D. Signs shall not be internally or externally illuminated.

(m) ILLUMINATION.

- (1) Permanent signs may be internally or externally illuminated except for entrance signs in the RR, RE, RL, RLM, RM, RC, RU, RU-12, and RU-18 Zoning Districts, roof signs, minor wall signs, and signs located on culturally significant property. Entrance signs located in the RR, RE, RL, RLM, RM, RC, RU, RU-12, and RU-18 Zoning Districts and roof signs shall only be externally illuminated. Minor wall signs and signs located on culturally significant property shall not be illuminated.
- (2) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision or operations of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect in an offensive manner on or into residential structures, including motels or hotels.
- (3) No exposed reflective-type bulbs or incandescent lamps shall be used on the exterior surface of any sign in such a manner that will cause offensive glare on adjacent property or create a traffic hazard.

(4) No revolving beacon lights shall be used.

(n) **TEMPORARY SIGN REGULATIONS.** Temporary signs are regulated as follows:

(1) TEMPORARY SIGNS BY ZONING DISTRICT.

Table 714-3 Temporary Signs for ALL USES					
Temporary Sign Type	Zoning District(s)	Maximum Area in Square Feet	Maximum Height in Feet	Number Allowed	Other
Yard	RR, RE, RL, RLM, RM, RC, RU, RU-12	6	4	2	
	All other districts	12	6	1 sign per 100 ft. of linear frontage	
Banner	All districts	1 SF per 2 linear feet of building façade, up to 32 SF	-	1 for 75 linear feet or less of building façade; 2 for more than 75 linear feet of building façade	See Table 714-4 for Non-residential uses in the CBD Zoning District
Feather Flag	All districts	12	8	1 sign per each 100 ft. of lot line adjoining a public street; 1 sign for less than 100 ft. of lot line adjoining a public street	
Signs located on property for sale or rent	A, RR, RE, RL, RLM, RM, RC, RU, RU-12	32 (total SF)	4	2 additional signs	
	All other districts	64 (total SF), 32 SF per sign max	6	1 sign per each 100 ft. of lot line adjoining a public street; 4 additional signs max	

Table 714-4 Temporary Signs for Non-Residential Uses (Includes Multi-family)

Temporary Sign Type	Zoning District(s)	Maximum Area in Square Feet	Maximum Height in Feet	Number Allowed	Other
Banner	CBD	1 SF per 2 linear feet of building façade. Sign may exceed 32 SF provided the total area does not exceed 20% of overall square footage of the primary façade	-	1 for 75 linear feet or less of building façade; 2 for more than 75 linear feet of building façade	
A-Frame	All districts	6 (Each side)	4	1	

- (2) Permit not required. No permit shall be required for temporary signage.
- (3) Signs not visible from the public right-of-way. Signs that are displayed so as not to be visible from the public right-of-way and are directed toward pedestrians or vehicles on-site are not subject to this Ordinance.
- (4) Temporary Sign Regulations for all uses. Temporary signs shall not:
 - A. Be allowed in the public right-of-way unless the sign is erected by a government or public agency or their authorized agent or is specifically allowed elsewhere in this Ordinance.
 - B. Obstruct the view through window and door openings.
 - C. Inhibit safe passage on streets, sidewalks, trails, multiuse paths, or the like.
 - D. Obstruct access from sidewalks to transit stop areas, designated parking spaces, access ramps, and building exits.
 - E. Be attached to any public property, including utility poles and street lights, unless erected by a government or public agency or their authorized agent.
 - F. Be posted for more than ninety (90) days unless specifically addressed elsewhere in this Ordinance.
 - G. Be internally or externally illuminated.
- (5) Temporary Sign Regulations for non-residential use and multi-family residential:
 - A. Temporary signs shall be posted for no more than ninety (90) days unless in the B-1, B-2, CBD, VC, MUC-40, and FRRD districts. Temporary signs in the B-1, B-2, CBD, VC, MUC-40, and FRRD districts are limited to six (6) times per year for each sign, not to exceed twenty (20) days per sign unless specifically

addressed elsewhere in this Ordinance. The twenty (20) day duration for each sign cannot be combined.

B. One (1) A-Frame sign shall be allowed for non-residential or multi-family use and shall not count towards a use's temporary signage allowance. A-frame signs are not subject to temporary sign time limitations. Signs shall allow for a minimum sidewalk clearance of four (4) feet. In the CBD, MUC-40, VC, FRRD, RU-24, and MUD districts, a sign may be placed in the public right-of-way. In all other zoning districts, signs must be placed outside of the public right-of-way. The A-Frame sign shall be removed while the business or organization is closed and during severe weather events.

(6) Banners and Feather Flags:

A. Banners and feather flags shall not count towards the use's temporary sign allowance.

B. Banners are typically affixed to a building. However, one (1) ground mounted banner, no more than six (6) feet in height and thirty-two (32) square feet in area, may be allowed, provided it does not interfere with traffic visibility or pedestrian or bicycle passage. This ground mounted banner shall count towards the total banner allowance.

C. Banners shall not be placed over or inside of windows and/or doors.

(7) **Signs Located on Property for Sale or Rent.** Such signs shall not count towards the temporary sign allowance and shall be removed within ten (10) days of a property no longer available for sale or rent.

(8) **Signs Located on Development and Construction Sites.** Such signs must be set back no less than ten (10) feet from any property line and shall not be illuminated. One (1) sign shall be allowed per acre, up to four (4) signs. Signs shall not count towards the temporary sign allowance. Each sign shall be a maximum area of 48 square feet and eight (8) feet in height. Signs shall be removed within ten (10) days of the issuance of the last certificate of occupancy for any activity on the site or immediately upon the erection of a permanent sign for the site.

(o) NONCONFORMING SIGNS.

(1) Signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to the provisions of this Ordinance, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the Zoning Administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

(2) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.

- (3) Nothing in this Ordinance shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (4) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this section.
- (5) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this section.
- (6) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this section.

(p) SIGN CONSTRUCTION, MAINTENANCE AND REMOVAL.

- (1) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
- (2) All signs and components thereof shall be maintained in good repair and in a safe, neat, and clean condition.
- (3) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within thirty (30) days of a written notice to the owner and permit holder.
- (4) The Building Official may declare cause to have removed or repaired immediately without written notice any sign which, in his or her opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render an unsafe sign as safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in Section 31-310 of this Ordinance. Any sign which constitutes a nuisance may be abated by the City under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.
- (5) The owner of a permanent sign where the activity, use or business has ceased operating shall, within sixty (60) days of the cessation of the activity, use or business operation, replace the sign face with a blank face, or if not feasible to replace the sign with a blank face, the sign and its supports/structure shall be removed until such time as a use or business has resumed operating on the property. An abandoned sign structure, which has not been accessory to an activity, use, or business for a period of two (2) years or more, shall be removed by the owner or lessee. If the owner or lessee fails to remove the sign structure, the Zoning Administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the

Zoning Administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

(q) REMOVAL OF PROHIBITED SIGNS IN PUBLIC PLACES. The Zoning Administrator shall have the authority to remove and dispose of any sign determined to be in violation of this Ordinance located upon public property.

...

SEC. 31-717. - TEMPORARY USES.

...

(b) **APPROVAL CRITERIA.** All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified in Subsections (c) through (h) of this Section.

...

~~(6) **TEMPORARY SIGNS.** Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. No sign for a temporary use shall exceed thirty two (32) square feet, not including permanent signage that may be on a vehicle. All signs for temporary uses shall be attached to a structure, vehicle or existing sign post. Portable signs shall not be allowed. Off premise signage for a temporary use shall not be allowed.~~

~~(7) (6) **NUMBER PER PARCEL.** Only one (1) temporary use permit shall be permitted for a single parcel of land at any given time.~~

~~(8) (7) **PERIOD OF TIME BETWEEN PERMITS.** The period of time between any temporary use permit on a parcel and application for another temporary use permit on that parcel shall be at least 60 days.~~

...

(d) **REAL ESTATE DEVELOPMENT AND CONSTRUCTION-RELATED TEMPORARY USES**

...

(6) TEMPORARY SIGNS AND BANNERS ASSOCIATED WITH AN ACTIVE RESIDENTIAL SUBDIVISION SHALL BE PERMITTED WITH A TEMPORARY USE PERMIT SUBJECT TO THE FOLLOWING:

- A. One (1) sign may be permitted per subdivision entrance up to a maximum of two (2) signs per subdivision street frontage to advertise the sale of lots or homes during the active construction and buildout of a residential subdivision. The total allowable sign area per street frontage shall not exceed sixty four (64) square feet in area and no one sign may exceed 48 square feet. The maximum sign height shall not exceed ten (10) feet. Any such sign shall not encroach on a public right of way and shall meet all visibility triangle requirements from the nearest intersection.
- B. In addition to the signs enumerated in subsection (A) above, a maximum of two (2) wind driven flags with no advertising copy may be displayed at the subdivisions main entrance. Subdivisions with entrances on two separate streets may have such display at both street entrances. No individual wind driven flags may exceed thirty (30) square feet in area and shall not exceed a maximum height of 12 feet.
- C. Each model home used as a sales office in an active subdivision under development may have one (1) 24 square foot sign for advertising the sales office. All other model homes may have one (1) 4 square foot sign either freestanding or wall mounted identifying the model home. Alternatively, one (1) a framed sign not exceeding 16 square feet may be placed on the lot(s) with the model home. Any a frame sign shall not be placed on a public right of way and shall be removed daily.
- D. One (1) directional sign per street giving directions to model homes. Such signs shall not exceed nine (9) square feet each and shall not exceed a maximum height of five (5) feet.
- E. One (1) a framed sign may be located at the main subdivision entrance. Such signs shall not exceed a maximum of nine (9) square feet and shall not be located within the public right of way or visibility triangle and shall be removed daily.

...

APPENDIX A – DEFINITIONS

...

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST: Any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one cooked meal per day, which may but need not be breakfast, to each person

to whom overnight lodging is provided. ~~The facility shall have an on-premises sign describing it as a bed and breakfast and shall clearly describe itself as a bed and breakfast in all marketing materials. (Source: Virginia Administrative Code)~~

BERM: A mound of earth used to shield, screen, or buffer views, separate land uses, provide visual interest, decrease noise, or control the direction of water or traffic flow.

...

BIKEWAY: A transportation facility designed to safely accommodate bicycle traffic. Bikeways are subdivided into three general classes:

- *Class I*—bikeway is physically separated from the roadway by open space, a physical barrier, or both.
- *Class II*—bikeway is a designated and marked lane immediately adjacent to the travel lanes of a roadway.
- *Class III*—bikeway shares travel lanes of a roadway with other vehicles. Lanes may be wider to accommodate cyclists, but no specific lane designations are made.

~~**BILLBOARD:** Also known as an "off-premises sign". A sign located off-premises not otherwise permitted. See § 31-714, Sign Regulations under "Prohibited Signs."~~

BLOCK: That property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided acreage, waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

...

BUILDING, MAIN OR PRINCIPAL: A building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any residential district, any dwelling shall be deemed to be the main building of the lot on which it is situated.

~~**BUILDING MARKER:** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.~~

BUILDING OFFICIAL: An employee of the City authorized to issue building permits and certificates of occupancy and to generally assist in the administration of this Ordinance.

...

COURT or COURTYARD: An open, uncovered and unoccupied space on the same lot as a building where such space is enclosed wholly or partly by buildings, walls or other enclosing devices. (Source: Uniform Statewide Building Code)

~~**COURTYARD:** An open area, unobstructed from the ground to sky, that is bounded on at least three sides by the exterior walls of one or more buildings.~~

COVER: Soil or other material used to cover sewage sludge placed on an active sewage sludge unit. (Source: Virginia Administrative Code)

...

FITNESS CLUB: See "Golf, Tennis, Swim/Fitness Club."

~~**FLAG:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.~~

FLAG LOT: See "Lot, Flag."

...

FOWL: Any domesticated or wild gallinaceous birds such as chickens, turkeys, grouse, pheasants and partridges.

~~**FREESTANDING SIGN:** Any sign supported by structures of supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.~~

FRONT: Any public street frontage, not including alleys.

...

OUTDOOR EVENT, TEMPORARY: A temporary commercial amusement activity such as a carnival, circus, dance, rodeo and outdoor cultural events.

OUTDOOR LIGHT FIXTURES: Outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, ~~billboards and other~~ signage and street lighting.

OUTDOOR RENTAL YARD: An establishment, located fully or partially outside of an enclosed structure that offers goods for rent primarily for outdoor use.

...

SIGHT TRIANGLE: A triangular-shaped portion of land established at street intersections and entrances onto streets in which nothing is permitted to be erected, placed, planted or allowed to grow in a manner that limits or obstructs the sight distance of motorists, bicyclists or pedestrians traversing or using the intersection or entrance. See Street Improvement Standards for distances.

~~**SIGN, ABANDONED NONCONFORMING:** A sign shall be considered abandoned if the business for which sign was erected has not been in operation for a period of at least two (2) years. See also Section 31-714 of this Ordinance.~~

SIGN REGULATIONS: See Section 31-714 of this Ordinance.

...



**RESULTS OF THE
CITY COUNCIL
MEETING OF
October 7, 2020**

Approved
w/ revised
proffers

- A. REZONING REQUEST, RZN2020-004, (Conditional), Sam's Express Car Wash:** to rezone and amend the previously approved proffered conditions, for property located at 6460 and 6472 Hampton Roads Parkway, Zoning Map 6, Parcels 27C*1*A and 27C*1*B. The purpose of this request is to modify the prohibited uses stated in the Land Use Design Standards pertaining to the development of Harbour View East.