

**ORDINANCE NO.** 7245-16

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-360 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING THE INSTALLATION OF AN ELECTRONIC DISPLAY SIGN FOR A COMMUNITY FACILITY IN A RESIDENTIAL DISTRICT.

WHEREAS, application number CU-16-360 has been made by **STEVENS MEMORIAL BAPTIST CHURCH, owner and applicant**, for a conditional use permit for the hereinafter described property for the purpose of allowing the installation of an electronic display sign for a community facility in a residential district; and

WHEREAS, the application has been referred to the Planning Commission of the City of Newport News for recommendation and has been duly advertised as required by law and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News:

(a) That conditional use permit number CU-16-360 is hereby granted for the property described in paragraph (b) hereof for the purpose of allowing the installation of an electronic display sign for a community facility in a residential district; and

(b) That the property, hereinafter referred to as the "Property," to which the conditional use permit applies is particularly described below:

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, known and designated as 4.55 acres, more or less, and designated as Parcel "B" on that certain plat entitled, "Plat of the Property of John C. Day and Associates, Inc., Parcel 'A' and 'B', Newport News, Virginia, dated January 7, 1965 and revised October 13, 1965, and made by Coenen and Associates, Engineers", a copy of said plat being attached to a certain deed of correction from John C. Day and Associates, Inc. and others to O. S. Jones, et al, Trustees, dated January 30, 1966 and recorded in Deed Book 613, page 480 of the Clerk's Office of the Circuit Court of Newport News, Virginia, to which reference is here made.

The Property has a common street address of 224 Richneck Road and is assigned Real Estate Assessor's Tax I.D.# 073.00-05-34.

(c) That this conditional use permit is granted subject to the following conditions, each of which shall be implemented upon approval of this ordinance:

1. The placement, design, size, height and illumination of the signage shall be in accordance with the submitted drawing prepared by Hampton Roads Sign Company dated November 17, 2015, identified as Appendix A-2, which is attached hereto and made a part hereof, and shall conform to this conditional use permit, the City's Site Regulations and the Sign Ordinance.
2. The electronic display portion of the sign shall not exceed thirty-two (32) square feet per face.
3. The sign shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
4. The illumination of the sign shall be no greater than ten thousand (10,000) nits or foot candles from sunrise to sunset or seven hundred (700) nits or foot candles between sunset and 10:00 p.m. and shall be equipped with automatic brightness control which will operate at all times the display is lit.
5. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.
6. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.
7. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of the Property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.
8. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for

revocation of the conditional use permit by City Council.

9. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
10. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event an amendment to the zoning of the property described in Section (b) hereof is produced by a comprehensive implementation of a new or substantially revised Zoning Ordinance, the conditions imposed by the conditional use permit shall continue in effect.

(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of January 26, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON JANUARY 26, 2016

Mabel Washington Jenkins, MMC  
City Clerk

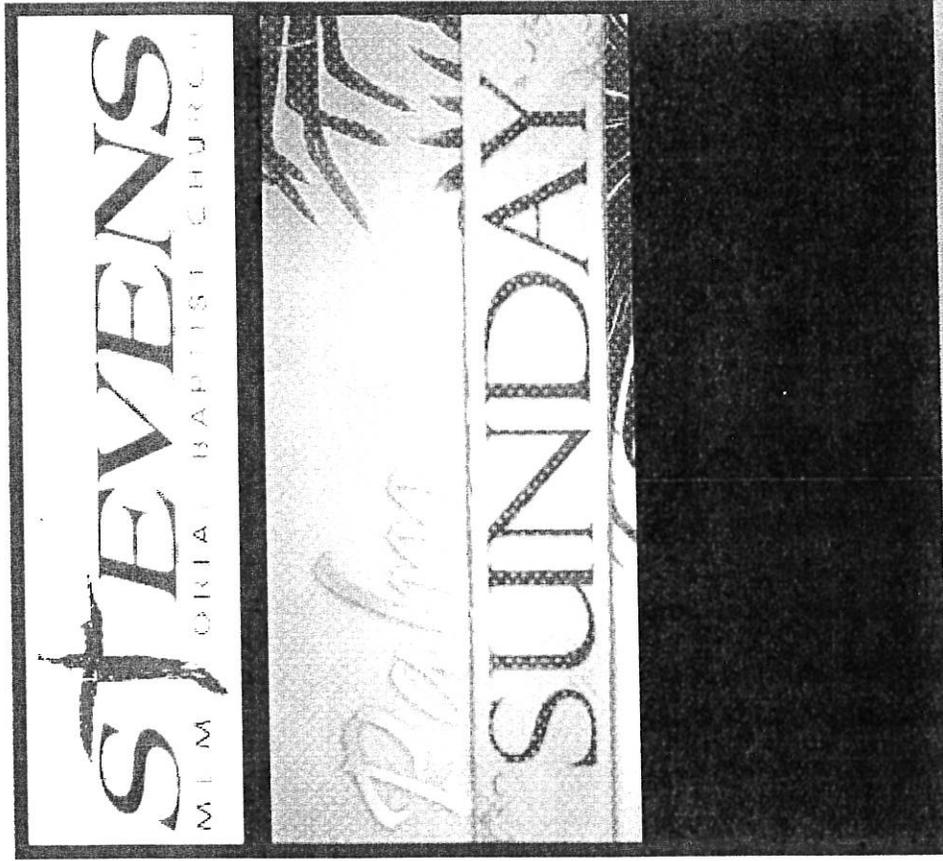
McKinley L. Price, DDS  
Mayor

A true copy, teste:

City Clerk

PROOF 4

7'3"



25"

8"

41"

30"

STEVENS MEMORIAL BAPTIST CHURCH MONUMENT SIGN WITH EMC

11/17/15