

Town of Lovettsville

Planning Commission Minutes of Regular Meeting, April 1, 2009

Chairman Zachritz called the Regular Monthly Meeting of the Lovettsville Planning Commission to order at 7:31 PM on April 1, 2009.

Present at Meeting

- Chairman Robert Zachritz
- Commissioners Jack Burden, Lorraine Bauer, Mari Bushway, Rodney Gray
- Town Manager Keith Markel
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

Absent

- Mayor Elaine Walker

Present In the Audience

Among those present in the audience were Tracey Senate (Brunswick Citizen) and Howard Williamson (Lovettsville Business Association)

Public Comment

Chairman Zachritz asked for public comment. There was none at this time.

Additions/Deletions/Modifications to the Agenda

Chairman Zachritz called for changes to the agenda. There were none.

Approval of Planning Commission Minutes

Joint Public Hearing – November 20, 2008

Motion: To approve the minutes of the November 20, 2008 Joint Public Hearing as presented.
By: Commissioner Burden
Second: Commissioner Gray
Aye: Commissioners Burden, Bauer, Bushway, Gray, Zachritz
Nay: None
Abstain: None
Absent: None

Planning Commission Reconvened Monthly Meeting – November 20, 2008

Motion: To approve the minutes of the November 20, 2008 Reconvened Monthly Meeting as presented.
By: Commissioner Burden
Second: Commissioner Zachritz
Aye: Commissioners Burden, Bauer, Bushway, Gray, Zachritz
Nay: None
Abstain: None
Absent: None

Action Items

A. LVZA 2009-0004 Sign Ordinance

Chairman Zachritz provided an overview of the process to date. The Commissioners reviewed the issue of 'Open' signs. Chairman Zachritz stated that the committee had said that this was the area in which they received the most comments from the public. The Lovettsville Business Association viewed this issue as paramount. Staff recommends allowing internally lit signs without further defining what kinds of lit 'Open' signs would be allowed, such as LED or Neon. Administrator McGregor stated that he would be able to differentiate types of lit signs. Manager Markel said that enforcement would be easier without further definitions. Currently, internally lit open signs are not allowed unless they are backlit. The sign committee had recommended allowing any internally lit open sign. Chairman Zachritz polled the Commissioners and Commissioners Burden and Gray said that they supported LED but not neon Open signs. Commissioners Bauer and Bushway felt that the business owner should be allowed to select

either type of sign. Commissioner Burden suggested banning neon open signs and listening to the community response at the Public Hearing. The Commissioners agreed to allow backlit and LED Open signs, but not neon "Open" signs.

Administrator McGregor reviewed the remaining issues with the Commission (Attachment I). Chairman Zachritz asked for public comment and Mr. Williamson thanked the Commission for its attention to this issue. There being no further discussion, Chairman Zachritz called for a motion.

Motion: I move that the Planning Commission send the attached revised text for Article 7 Signs of the zoning ordinance, with the changes agreed upon at this meeting, to the Town Attorney for review and comment.
By: Commissioner Zachritz
Second: Commissioner Burden

Chairman Zachritz called for additional comments and stated that he is very proud of the Commission's work on this project. He noted that the process acknowledged everyone's input. Commissioner Bushway stated that she does not agree with the removal of the 'sunset' provision that would require signs that did not meet the new ordinance to be removed or brought into conformance by a certain date. There being no further discussion, Chairman Zachritz called for the vote.

Aye: Commissioners Burden, Bauer, Bushway, Gray, Zachritz
Nay: None
Abstain: None
Absent: None

Administrator McGregor stated that the Commission will not receive another copy of the proposed Sign Ordinance text until Attorney Whiting has completed her review. At that time it will return to the Planning Commission and another Public Hearing will be scheduled.

Information Items

No information items were presented.

Comments from the Commissioners

Chairman Zachritz called for comments from the Commissioners. He asked for a status report on the Comprehensive Plan Advisory Committee and Administrator McGregor stated that the committee membership had not yet been finalized.

Commission Burden noted that the Leesburg Planning Commission reviews the Leesburg Capital Improvement Plan. He was informed that Lovettsville does not follow this process.

Public Comment

Chairman Zachritz called for comments from the public. There were none.

Adjournment/Recess

Motion: To adjourn the Planning Commission meeting of April 1, 2009
By: Commissioner Bushway
Second: Commissioner Bauer
Aye: Commissioners Burden, Bauer, Bushway, Gray, Zachritz
Nay: None
Abstain: None
Absent: None

The Meeting was adjourned at 9:10 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: September 2, 2009

Attachment I: Administrator McGregor's Memo dated April 1, 2009 and attached Draft Sign Ordinance

Town of Lovettsville

DRAFT MEMORANDUM

TO: Mayor and Planning Commission
FROM: Stephen E. McGregor, Zoning Administrator
DATE: April 1, 2009
SUBJECT: **LVZA 2009-0004 Sign Ordinance** -- Zoning Ordinance Amendment

PURPOSE: To provide revised text based on the Commission direction given at the March 18 work session; and to provide additional editorial staff proposals related to the unresolved issues that arose during the discussion for the purpose of taking action to send revised Article 7 text to the Town Attorney for review and comment.

BACKGROUND: At the March 18 meeting the Commission discussed numerous issues. Many were resolved and will be contained in the version that will eventually be transmitted to the Town Attorney. A number of other issues were not resolved and postponed until discussions can be continued with the two absent commissioners.

DISCUSSION:

Planning Commission Decisions

The Commission came to a consensus on the following unresolved topics:

1. That the proposed regulations for signs on property with conditionally permitted uses in residential zoning districts are appropriate and that the same regulations should include institutional uses, such as schools and churches.
2. That illegal or non-conforming signs should be brought into compliance with a change in tenant.
3. That there should be no sunset regulation whereby all illegal and non-conforming signs should be brought into conformance within 5 years whether or not the tenant changes.
4. Flag type OPEN signs should be up to 15 square feet, not 3 square feet.
5. That interior signs should not be regulated.
6. Logos should be included in the calculation of the total permitted sign area.
7. The term "flush-mounted" should be expunged because it is synonymous with wall sign.
8. That it should be made clear that the area of temporary signs should not be calculated in the total sign area permitted.
9. That the matrix for combining sign type with its definition, standards and status of exemption should not be used in the ordinance text but as part of a summary explanation of regulations for use by applicants.
10. That "glaring" is not a type of sign, it is an impact or condition associated with a sign.

March 26, 2009

11. Numerous editorial improvements suggested by staff are appropriate, including the changes in some of the section titles that was proposed.

The attached proposed text is meant to reflect the decisions of the Commission, cited above.

Issues to be resolved by the Planning Commission

The Commission decided to further discuss the following issues, especially since two members were absent:

1. Whether or not **OPEN signs** (Sec. 7-8 V) should be illuminated and what type of illumination is desirable. In terms of enforcement, should they either be internally lit without regard to type (LED, neon, backlit) or not allowed to be lit at all internally?
Staff response: Suggest that signs either be permitted to be internally lit in any way a tenant wishes or that OPEN signs not be permitted to be internally lit so that enforcement is simplified. This is NOT reflected in the attached text as the Commission intends to discuss it further.
2. What kind of **setbacks** from property lines are appropriate for freestanding commercial signs?
Staff response: suggest there be no front yard setback; and five feet minimum adjacent to residential districts for side yards; and a 20 foot minimum setback from rear property lines adjacent to residential districts. This is reflected in the attached text and appears in a number of sections.
3. Whether or not a **comprehensive sign plan** option should be available (Sec. 7-12). There is a fear that developers will try to get around regular regulations for signs in commercial and light industrial districts by appealing directly to the Council and exceptions will be made. How much flexibility is desirable for the applicant and the Town?
Staff response: That such an option be available only for development on sites larger than two acres. This will allow the Town to negotiate with flexibility with developers that may bring large scale economic development and to have clear cut regulations for developers or owners of smaller properties. Draft language is contained in the attached text.
4. What regulations exist and are appropriate for business tenants or owners for **temporary advertising**?
Staff response: add a section in Temporary Signs, Sec.7-13, Special Advertisement. A separate category should be created because businesses often have a need for such signs. Sign area should be regulated; a time limit is appropriate and a permit should be required without fee. Draft language is contained in the attached text.
5. Should commercial and light industrial signs be **illuminated during business hours** only; only before 11PM and after 6AM? Is there another option?

Staff response: I can find no hours of operation regulation in Town ordinances for businesses that applies across the board. The I-1 district has hours of operation for development within 100 feet of a residential district, 7AM to 11PM. No other zoning district has this type of regulation. For sign purposes, therefore, any hours of operation regulation depends on the consensus of the community. I feel that the option of shutting off lighted signs in commercial and light industrial districts near residential districts after business hours treats all businesses fairly and helps enhance the residential living environment.

Staff recommends deleting Section 7-13 D because the intent is incomprehensible.

DRAFT MOTION: "I move that the Planning Commission send the attached revised text for Article 7 Signs of the zoning ordinance, with the agreed upon changes, to the Town Attorney for review and comment."

ATTACHMENTS: 1) Revised Article 7 Signs text showing Planning Commission revisions and proposed staff revisions, March 26, 2009.

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**DRAFT
REVISED ORDINANCE
Article 7 SIGNS**

7-1 Statement of Purpose

The provisions of this Article are made to establish regulations for all exterior signs and to further the objectives of the Lovettsville Comprehensive Plan. In that regard, it is intended to promote signs that are beneficial to businesses and maintain a uniform criterion throughout the Town that protects the character, history, and community within the Town of Lovettsville corporate limits. The provisions of this Article shall be compatible with the landscape/streetscape and architecture of surrounding buildings; legible and appropriate to the activity to which they pertain; not distracting to motorists and constructed and maintained in a structurally sound and attractive condition.

Specifically, this Article is intended to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs that may distract, confuse and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.

7-2 General Definitions

- A. Sign: Any two or three dimensional object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, situation, or location by any means, including words, letters, figures, design, symbols, pictures, symbols, fixtures, colors, illumination or projected images.
- B. Sign Height: Sign height is measured from the ground level at the base of a freestanding sign to the topmost portion of the sign, including any structure to which a freestanding sign is affixed; or from the ground directly below a sign affixed to a wall or side of a building.
- C. Sign Area: The entire face of a sign, ~~including a two-faced sign~~, that includes the advertising surface and any framing, trim, or molding but not including the supporting structure or a freestanding feature such as a monument or wall in or on which the sign is mounted provided that such structure or feature is fabricated from materials distinct from the sign. **The area of a sign with two faces, such as a projecting sign, is calculated by using only the area of only one side of the sign.**
- D. Sign Face: The area or display surface used for the message of the sign.

7-3 Definition of Signs by Function

- A. **Permanent sign**. A sign that is displayed indefinitely and affixed to a surface, a material (such as an awning etc.) or the ground so it or its support does not move.

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- B. **Temporary sign.** A sign or advertising display designed or intended to be displayed for a short period of time referencing an activity that is designed to be short-lived.
- C. **On-premises sign.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.
- D. **Off-premises sign.** A commercial or institutional sign that directs attention to a business, commodity, service, event, an institutional use, or entertainment conducted, sold, occurring or offered at a location other than the premises on which the sign is located. Only three signs are allowed and the area of the sign may not exceed six (6) square feet.

7-4 Definition of Permitted Signs

The following signs are defined for purposes of this Ordinance regardless of whether or not they are permitted, permitted with conditions, or exempt from regulation. If the following signs are permitted (see Signs Prohibited), they require permits, unless otherwise stated in this ordinance.

- A. **Awning.** A sign that is mounted, painted, or attached to an awning or other window or door canopy.
- B. **Backlit.** An internally illuminated sign for which the source of light is not directly visible to the eye. Allowed only for OPEN signs as otherwise regulated in this Article.
- C. **Banner.** A temporary sign of cloth or similar and flexible material that advertises a commercial product or service or celebrates an event, season, community, neighborhood, or district and is sponsored by a recognized community agency or organization.
- D. **Bench.** A sign painted on or affixed to any part or surface of a permanently fixed bench, seat, or chair.
- E. **Billboard.** A commercial sign that directs attention to a business, commodity, service, event, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
- F. **Bulletin Board.** A sign that identifies an institution or organization on whose premises it is located and that contains the name of the institution or organization, the names of individuals connected with it; and general announcements of events or activities occurring at the institution.
- G. **Business.** A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.
- H. **Canopy.** A sign affixed to or suspended from the underside of a canopy.

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- I. **Changeable Copy.** A sign or part of a sign where the characters or numbers or symbols can be rearranged manually or electronically.
- J. **Construction.** A temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors or firms having a role with respect to the development on a site.
- K. **Credit Card and Business Association decals.** Decals that indicate what credit cards are accepted at a business and that indicate if a business is a member of a business association, such as associations for realtors or restaurants.
- L. **Decorative flags** that do not contain a commercial promotion or advertise a specific business or use.
- M. **Directional signs, on-site.** Permanent signs limited to directional messages, such as “one way”, “entrance”, and “exit” that are located on a site. (See also on-site informational signs).
- N. **Directional, off-site.** Permanent signs for the purpose of giving directions and distance to public facilities and businesses that are placed off-site.
- O. **Directory.** A sign listing the tenants or occupants of a building or group of buildings and that may also indicate their respective professions, businesses and hours of operation.
- P. **Flag or pennant (commercial).** Signs made of soft, flexible material and affixed to one or more poles or lines and with or without imprinted letters, numbers or figures.
- Q. **Freestanding.** A sign that cannot be moved that is not affixed to a building. Such a sign may be any ground-mounted sign, such as a pole sign or a monument sign.
- R. **Government.** A sign erected and maintained by a governmental agency pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation; or intended to direct or control traffic; identify streets, parks, and historical events; or to provide other official information.
- S. **Holiday Decorations.** Temporary signs, in the nature of decoration, and customarily associated with any national, local or religious holiday.
- T. **Identification.** A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, non-residential development, or facility on the premises where it is located.

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- U. **Illuminated (external).** A sign lighted by, or exposed to, artificial lighting by lights directed toward the sign.
- V. **Informational.** A sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, restrooms, and pickup and delivery.
- W. **Landmark / Historic.** Any sign of artistic or historic merit, uniqueness, or of extraordinary significance to the community as may be identified by the Virginia Department of Historic Resources, or other official agency.
- X. **Marquee.** Any sign made a part of a marquee that is projected or cantilevered out from the exterior wall of a structure and is designed to have changeable copy, either manually or electronically.
- Y. **Memorial.** A permanent sign, tablet, or plaque memorializing a person, event, structure or site.
- Z. **Message.** See Personal Expression.
- AA. **Monument .** A freestanding sign, other than a pole sign, in which the entire bottom edge of the sign face, including the trim, is in contact with or is within six (6) inches of the ground. Not to include a pole sign. .
- BB. **Open sign.** A sign made of solid or flexible material imprinted with **only** the word “OPEN”, indicating that the public may enter a business, service, function or activity. **Hours of operation may be part of an OPEN sign.**
- CC. **Personal Expression.** A sign that shows religious, political, or other non-commercial messages on private property.
- DD. **Pole.** A sign that is mounted on one or more freestanding poles or other support. See also Freestanding sign.
- EE. **Political.** A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.
- FF. **Portable.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs to be transported on wheels; sandwich board signs; and ~~signs on balloons and~~ outdoor, standing umbrellas.
- GG. **Private Property.** Signs that are limited to “Private Property,” “No Trespassing”, “No Hunting”, or these in combination.
- HH. **Private Sale, Yard Sale or Event.** A temporary sign advertising private sales of personal property , such as “house sales”, “garage sales”, “yard sales”, “rummage sales” and the like; or private not-for-profit events, such as picnics, carnival, game nights, art fairs, craft shows and Christmas tree sales.

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- II. **Projecting.** A sign that is wholly or partly dependent upon a building for support. A sign hanging from a marquee, awning, canopy or porch.
- JJ. **Real Estate.** A sign pertaining to the sale or lease of a property.
- KK. **Residence Address and Name.** A sign or nameplate indication the name and/or address of the occupants of a residential property.
- LL. **Simulated Traffic or Public.** A sign that uses the word “stop” or “danger” or otherwise presents or implies a requirement for stopping or caution, or which implies the existence of danger, or which is a copy of, imitation of, or which for any reason is likely to be confused with any sign displayed or authorized by public authority.
- MM. **Suspended.** (See Projecting)
- NN. **Vehicle Safety Inspection.** A sign directing the attention to State safety inspection facilities.
- OO. **Vehicle.** A sign on any type of operable vehicle.
- PP. **Wall.** A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure.
- QQ. **Window.** A sign that is painted or mounted onto a windowpane, or that is hung directly inside a window solely for the purpose of effect of identifying any premises, business, or service from the sidewalk or street.

7-5 Signs Prohibited

- A. **Animated.** Any sign or part of a sign that changes physical position or light intensity by any movement or rotation, mechanically or naturally propelled, or that gives the visual impression of such movement or rotation. Such a sign does not have to have lettering or pictorial images imprinted on it.
- B. **Flashing.** Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effect by any means whatsoever.
- ~~C. **Glaring.** A sign with light sources of such brightness as to constitute a hazardous glare, reflection or nuisance, as determined by the Zoning Administrator.~~
- ~~D.C. **Illuminated (internal).** An sign where the source of light is internal to the sign, with the exception of backlit OPEN signs which are permitted under section 7.8.~~
- ~~E.D. **Inflatable.** Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product event, service or business.~~

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- F.E. Off-Premise.** A sign that has information that does not apply to the business or activity on the lot where the sign is located, except as permitted in Section 7-13 Temporary Signs B. 8.
- G.F. Roof.** Any sign type that is affixed on the roof of a building or that is wholly dependent on upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
- ~~H. Signs that reflect or cast glare, directly or indirectly on an adjacent property.~~
- I.G.** Signs affixed on a tree or utility pole, or any object in the public right-of-way.
- J.H.** Any permanent sign made of flexible material, or that moves by any means, that is suspended between poles set in the ground that is not a flag or pennant sign that may otherwise be permitted.
- K.I.** Signs mounted or painted on or otherwise affixed to any unregistered vehicle, or trailer or other device capable of moving or being towed.
- L.J.** Signs that violate Virginia law relating to outdoor advertising.
- M.K.** Signs that obstruct or substantially interferes with any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress, or egress from any building.
- N.L.** Signs that visually obstruct a sign displayed by or authorized by public authority for the purpose of giving traffic instructions, directions or other public or safety information.
- O.M.** Signs that interfere with vehicle sight lines at a street intersection.
- P.N.** Signs that are not properly affixed and pose a safety hazard or contribute to visual blight.
- Q.O.** Unless specifically authorized by some other provision of this Article, no sign shall be pasted or glued or otherwise affixed to any building, fence, wall, tree, rock or other structure or object unless the same object is a component of a sign for which a permit has been issued and is in effect.

7-6 Signs Exempt from Regulation

The following permitted signs are excluded from regulation under this chapter. Such signs are permitted in all districts and a sign permit is not be required. However, all other applicable regulations of the Ordinance shall apply, except as provided below:

- A. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, traffic, directional, Town sponsored special events or regulatory signs.

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- B. Flags, pennants, or insignia of any governmental or non-profit organization.
- C. Signs warning of danger, per Code of Virginia, 1950, as amended.
- D. Historic markers or commemorative plaques erected by a public agency, or under authorization by a public agency.
- E. Credit Card and Business Association Decals.

7-7 Signs Exempt from Permits

The following regulated signs do not require permits. They are subject to any regulations in this ordinance that may otherwise apply, such as those controlling height or dimensions or type.

- A. Decorative Flags.
- B. Directory.
- C. Holiday Decorations.
- D. Identification.
- E. Landmark/Historic.
- F. Memorial, installed or endorsed by a governmental entity.
- G. OPEN
- H. Political.
- I. Private Property.
- J. Private Sale, Yard Sale.
- K. Real Estate
- L. Residence Address and Name.
- M. Vehicle Safety Inspection.
- N. Vehicle.
- O. Window, temporary non-illuminated.

7-8 Standards for Types of Signs

- A. **Awning.** See Section 7-10 E, Standards for Commercial and Light Industrial Districts.
- B. **Banner.** Temporary commercial promotional banners shall be installed on the property where the business or activity is located that is referred to on the banners and the total area of all banners shall not to exceed thirty (30) square feet in area.
- C. **Bench.** Shall not be located within the public right of way
- D. **Billboard.** See Off-Premises sign, Section 7-3 D.

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- E. **Bulletin Board.** See Section 7-9 C, Standards for Residential Districts.
- F. **Business.** See Sections 7-9 Standards for Residential Districts and 7-10 Standards of Commercial and Light Industrial Districts.
- G. **Canopy.** See Section 7-10 E, Standards for Commercial and Light Industrial Districts.
- H. **Construction.** See the Temporary Signs Section 7-13.
- I. **Decorative flags.** Shall not exceed a total of fifteen 15 square feet in area and each premises shall be limited to two (2) decorative flags.
- J. **Directional, On-Site.** To be determined by the Virginia Department of Transportation or the Zoning Administrator.
- K. **Directional, Off-Site.** Shall number no more than two (2) per destination; shall be separated from other such signs by 500 feet or combined on the same sign; shall not be lighted; and each sign face shall not exceed six (6) square feet, or eight (8) square feet for a combined sign. If such signs are to be placed in public right-of-way, permission must be granted by the Virginia Department of Transportation and the person(s) responsible for the signs must provide the Town with documentation of this permission.
- L. **Flag.** May be substituted for any allowable type of sign. It must hang at least eight feet above grade if it is hung over a pedestrian walkway and may not hang over any portion of a public street right-of-way.
- M. **Freestanding.** See Section 7-10 A, Standards for Commercial and Light Industrial Districts
- N. **Holiday Decorations.** Shall not be displayed for more than sixty (60) consecutive days.
- O. **Illuminated, Externally.** When signs are illuminated with external artificial light the light cannot cause off-site glare **or reflect upon an adjacent residential district.**
- P. **Informational, On-Site.** To be determined by the Zoning Administrator, or Government agency.
- Q. **Landmark or Historic.** Excluded from regulation.
- R. **Marquee.** See Section 7-10 E, Standards for Commercial and Light Industrial Districts (E).
- S. **Memorial.** Exempt from permit but shall not have a sign face that exceeds the limits as dictated by sign type in this document.
- T. **Message.** See Personal Expression.
- U. **Monument.** Freestanding. See Section 7-10 A, Standards for Commercial and Light Industrial Districts

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- V. **Open.** May not exceed one and 1/2 (1.5) square foot in area, except for a flag **type** OPEN sign, which may **have an area of up to 15 square feet.**~~be double the area.~~ Must be a wall, window, flag or portable type sign only; and can only be illuminated externally or backlit. **OPEN signs are not calculated as part of the total sign area permitted for a business.**
- W. **Personal Expression.** Exempt from permit but shall not exceed three (3) square feet in area.
- X. **Pole.** Freestanding. See Section 7-10 A, Standards for Commercial and Light Industrial Districts
- Y. **Political.** Exempt from permit but shall only be installed on private property and shall not exceed six (6) square feet in area and six (6) feet in height. Such signs may not be lighted or number more than three (3) on one lot. Such signs may only be installed within forty-five days prior to of the relevant election and must be removed within five (5) days following the election. If such signs are not removed within the required time frame the Town will have them removed and charge the person who installed the signs or the candidate or organization stipulated on the sign.
- Z. **Portable.** ~~Shall be used only if located outside buildings; if the number is limited to n~~No more than one (1) **is permitted** per business. ~~on the property; that they have a~~**The total sign area shall be** no more than six (6) square feet. Such signs shall not remain outside the building after business hours and shall not be placed in the public right-of-way or public access easement.
- AA. **Private Property.** Exempt from permit but shall be limited in area to no more than two (2) square feet in area and shall be posted no closer than every fifty (50) feet along one property boundary and shall not be placed in public right-of-way.
- BB. **Private Sale, Yard Sale.** Exempt from permit but shall be placed off-site and not exceed three (3) in number per yard sale and shall not placed in a public right-of-way, not be displayed more than three (3) days before the event and must be removed the same day as the sale.
- CC. **Projecting.** See Section 7-10 B, Standards for Commercial and Light Industrial Districts
- DD. **Real Estate.** Shall be located on the property they are advertising or referring to. See Section 7-10, Standards for Commercial and Light Industrial Districts.
- EE. **Residence Address and Name.** Shall not exceed two (2) square feet in area.
- FF. **Suspended.** See Projecting.
- GG. **Vehicle.** Exempt from permit.

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HH. **Wall.** See Section 7-10 C, Standards for Commercial and Light Industrial Districts

II. **Window.** Shall cover no more than thirty (30) percent of the window area in which it is placed; shall only be located only on the first floor of a building, unless otherwise permitted under **an approved regulations for** comprehensive signage plans.

7-9 Standards for Residential Districts

~~**A. General**~~

~~(1) Minimum setback. At least one third the distance of the front and side yard from the public street right of way and property line.~~

~~(2) Illumination. Signs may be lighted by a steady, stationary, white, shielded light that does not cause glare.~~

~~**B.A. Residential Developments of All Types.**~~ Permanent subdivision or development identification signs indicating only the name and/or address of the subdivision or development. The identification sign shall be designed as a monument sign with a maximum sign area of ten (10) square feet for developments of twenty (20) units or less and a maximum sign area of twenty (20) square feet for developments of twenty-one (21) units or more. The height of the sign shall not exceed ten (10) feet in height.

~~**C.B. Bulletin Board.**~~ One free-standing sign not to exceed twelve (12) square feet in area and six (6) feet in height; or wall sign, not to exceed six (6) square feet in area. Ground mounted signs shall be setback at least five (5) feet from property lines if such space is practical or available. Signs shall not be illuminated.

~~**D.C.**~~ Non-residential uses conditionally permitted and institutional uses.

Type of sign: wall, freestanding, projecting, flag

Area of sign: 15 square feet maximum per sign

Number of signs: 1 per street frontage

Height: 6 feet

Restrictions

1. Maximum of 2 signs per business
2. No more than 1 freestanding sign
3. 25 square feet total signage
4. Projecting: Maximum sign area of 5 square feet
5. No illumination between 11PM and 6AM
6. **Setbacks: None for front yards. Side yards adjacent to residential districts shall be at least 5 feet . Rear yards adjacent to residential districts shall be at least 20 feet.**~~one third the distance of the front and side yard from the public street right of way and property line.~~

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7-10 Standards for Commercial and Light Industrial Districts

All new signs and all existing signs, which are replaced, reconstructed, extended or changed structurally, shall comply with the following standards:

A. Freestanding:

- (1) Maximum Height: Ten (10) feet
- (2) Maximum Sign Area: Fifteen (20) square feet, except where otherwise specifically provided.
- (3) Maximum Signs per lot: One (1), except where otherwise specifically provided.
- (4) Number of Sign Faces. No sign shall have more than two (2) faces. Illumination: White external lights only.
- (5) ~~Minimum setbacks: None for front yard. Setback shall be at least one-third the distance of the front and side yard from the public street right-of-way and property line. No less than 5 feet from a residential district for a side yard. No less than 20 feet from a residential district for a rear yard.~~ **Minimum setbacks: None for front yard. Setback shall be at least one-third the distance of the front and side yard from the public street right-of-way and property line. No less than 5 feet from a residential district for a side yard. No less than 20 feet from a residential district for a rear yard.**

B. Projecting:

- (1) A projecting sign may extend from the building to which it is mounted no more than five (5) feet horizontally, ~~and in no case shall such sign extend closer than two (2) feet to the vertical plane of the public street right-of-way.~~ If located over a pedestrian walkway, the bottom of a projecting sign shall be at least eight (8) feet above the **walking surface.finished grade.**
- (2) A projecting sign may be displayed on a building not to exceed one (1) square foot for every two (2) linear feet of building width on the side to which such sign is attached, for a maximum area of Twenty (20) square feet and provided that there is no obstruction of any walkway, window or balcony of an adjoining property.

(3) Setbacks: None.

C. Wall (includes logos):

- (1) No wall mounted commercial sign shall cover, cross or otherwise hide columns, belt courses or other decorative architectural features of the building including balconies.
- (2) **The maximum size per side of the building may not exceed one (1) square foot per linear foot of building frontage, up to forty (40) square feet.**

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(3) Setbacks: None.

E.D. Awning, Canopy and Marquee:

- (1) Location shall be parallel to and not projecting above or below the surfaces of the awning, canopy or marquee.
- (2) Limit on projection shall be within two (2) feet of the vertical plane of the right-of-way line or curb line. If over a pedestrian walkway, the bottom of a projecting sign shall be at least eight (8) feet above the finished grade.
- (3) Signs on awnings shall be limited to a simple line of lettering displaying no more than the name, street number, logo or trademark and principal business of the occupant of the premises. Letters shall be no more than eight (8) inches in height.

(4) Setbacks: None.

F.E. Portable. Area not to exceed 6 square feet. Maximum 1 sign. Must be removed during non-business hours. **No setback required.**

G.F. Flag. May be substituted for any other allowable sign, according to standards in Section 7-8 L. **No setback required.**

H.G. Logos. Business Logos shall be calculated as part of the permitted sign area.

I.H. Restrictions:

~~1. Signs installed upon the wall of open, screened or glass enclosed patios or porches and that are intended to serve the purpose of attracting the attention of people outside the building to which such patios or porches are attached are subject to the applicable regulations in this Article.~~

~~2.1.~~ A sign may not be illuminated between the hours of 11PM and 6AM.

~~3. Setback shall be at least one-third the distance of the front and side yard from the public street right-of-way and property line.~~

7-11 Standards for Non-Residential Multi-Tenant Buildings

The following standards apply to signs for all commercial and light industrial buildings in commercial and light industrial zoning districts:

- A. Types of Signs: See Section 7-10 Standards for Commercial and Light Industrial Districts.
- B. Area of Signs per Individual Business: 1 square foot per linear foot of business frontage, not including portable signs. Maximum area shall be 30 square feet. Projecting signs may not exceed 5 square feet.
- C. Number of Signs per Individual Business: Maximum of 2 not including a portable sign.

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D. Restrictions:

- (1) The sign area for second story businesses shall be one (1) square foot per 1.3 linear feet of building frontage and the sign height shall not exceed 2 feet.
- (2) Individual business signs may not be illuminated between 11PM and 6AM.
- (3) Where individual businesses have multiple façades (outside building wall exposures) each façade that either 1) faces a street, or 2) faces a parking lot where there is a pedestrian entrance to the business shall be treated as a separate individual business for the purpose of sign area calculation. The maximum area permitted for businesses with multiple facades is 75 square feet regardless of business frontage.
- (4) Individual businesses are limited to one window sign, other than an OPEN sign, and the maximum size of the sign shall not exceed 3 square feet.

(5) Individual businesses may not have freestanding signs.

~~(5)(6)~~ (6) One freestanding sign per street frontage of the lot **for multi-tenant projects** with vehicular access that indicates the name of the building or combines the names of some or all of the tenants, including logos. The height may not exceed 10 feet. The area may not exceed 40 square feet. Maximum of 2 freestanding signs. **Front yard setback: none. Side yard setback from a residential district: 5 feet. Rear yard setback from a residential district: 20 feet.**

~~(6)Setback for all signs shall be at least one third the distance of the front and side yard from the public street right of way and property line.~~

~~(7)Individual businesses may not have freestanding signs.~~

E. Unless otherwise stated in this section, Section 7-10 G, Standards for Commercial and Light Industrial Districts shall apply.

7-12 Comprehensive Sign Plan

“A. A comprehensive sign plan, where ~~proposed established by~~ **at the option choice of an applicant for a property or multi-property project of over 2 acres** ~~developer for a multiple business project~~, is meant to provide unified, **internally harmonious compatible** signage for the entire project.

B. Applications for comprehensive sign plans shall indicate the type of signs(s), location on the ground or building; size, height, area, design, materials and color.

C. Comprehensive sign plans shall be evaluated in terms of the relationship of the signs to the architecture of the buildings.

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D. Any exceptions to the requirements that apply to signs in a comprehensive sign plan shall be approved by the Town Council with a recommendation by the Planning Commission.”

7-13 Temporary Signs

- A. The following signs are permitted with a temporary sign permit, **except as may be required**. The temporary sign permit shall specify the timeframe. Such signs shall conform to the requirements set forth below as well as other applicable requirements of this ordinance. Temporary signs shall not be counted in the calculation for area of signage allowed.
- B. There will be no fee for the following signs.
- (1) *Signs, placed on residential lots, offering sale, lease or rent.* Such signs shall not exceed ten(10) square feet in area and shall be removed immediately after sale, lease or rental. A single sign for each street frontage may be erected for any lot of less than five (5) acres. For a lot of five acres or more in area and having street frontage in excess of 400 feet, two such signs may be erected. Such signs shall be removed within 30 days of sale or lease, or at the time of contract closing of the site.
 - (2) *Commercial sale and/or real estate signage.* Signs for leasing/sale information may be displayed for all uses other than residential uses. One sign is permitted for each street frontage, limited to twenty (20) square feet in area, and six (6) feet in height. The sign may be displayed for a six-month period, and may be renewed for additional six-month periods or until 100% occupancy. Signs may not be illuminated from an exterior source and shall be setback at least ten (10) feet from the public right-of-way if such setback is practical. Such signs shall be removed within 30 days of 100 % occupancy of the site.
 - (3) *Residential Subdivision and Model Home Identification signs.* A single temporary residential subdivision sign identifying the owner or developer, contractor, subcontractors, architect, landscape architect, engineer, and funding sources may be erected at each principal entrance to the development until 100% occupancy. Such sign shall not exceed twenty (20) square feet in area nor six (6) feet in height, shall not be illuminated and shall be setback at least ten (10) feet from the public right-of-way and shall be limited to one sign per entrance. Individual model homes may maintain a sign not exceeding six (6) square feet.
 - (4) *Construction site identification.* Other than residential subdivisions signs. Such signs may identify the project, the owner or developer, contractor, subcontractors, architect, landscape architect, engineer, funding sources and may contain related information including but not

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limited to sale or leasing information. Not more than one sign shall be erected one such sign per public street frontage, not including internal public streets. Each sign permitted pursuant to this paragraph shall not exceed an area of twenty (20) square feet and six (6) feet in height, shall not be illuminated, and shall be set back at least ten (10) feet from the public right-of-way. Such signs shall not be erected prior to issuance of a zoning permit, and shall be removed within 30 days after issuance of an occupancy permit.

- (5) *Special event.* Such signs indicating that a special event such as a grand opening, fair, carnival, festival or similar event is to take place on the lot where the sign is located. Such signs may be erected no earlier than four (4) weeks before the event and shall be removed within three (3) days after the event. Special event signs shall not exceed twenty (20) square feet in area nor six (6) feet in height, shall not be illuminated and shall be setback at least ten (10) feet from the public right-of-way if such space is practical or available. ~~A permit is required.~~

- (6) *Special Advertisement.* Such signs may be used to advertise products, services or commercially sponsored activities for a limited time. Any type of sign is permitted. The sign area may not exceed 20 square feet and may be displayed no more than 30 days. Such signs shall not be calculated as part of the permitted sign area for any business.**

- ~~(6)~~(7) *Seasonal produce stand.* Such signs shall not exceed a total area of twenty (20) square feet and a height of six (6) feet and shall be displayed only on days the produce stand will be open.

- ~~(7)~~(8) *Signs for a civic, philanthropic, educational or religious use.* Such signs for each event shall be limited to four (4) in number and shall not exceed a sign face area of fifteen (15) square feet. The proposed locations of signs shall be approved by the Zoning Administrator unless it is a permanent marquee. Signs shall not be displayed more than Thirty (30) days prior to the event and shall be removed within three (3) days following the event.

- ~~(8)~~(9) *Off-Premises Signs.* Such signs may identify the residential open house, produce stand, grand opening, fair, carnival, festival or similar event and may contain related way finding information. Only three signs are allowed within town limits and the sign may not exceed eight (8) square feet in area and shall be displayed only on days the residential open house, produce stand, grand opening, fair, carnival, festival or similar event is to take place.

- C. Other temporary signs not listed in subsection (A) shall be regarded and treated in all respects as permanent signs, except that temporary signs shall not be included in calculating the total amount of permitted sign area.

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~~D. Only the signage permitted in any one category as set forth in subsection (A) may be on display on any site; provided, however, that the signs permitted in paragraphs (5), (6), (7) and (8) of subsection A may be displayed, in any combination, in addition to other signs permitted by any paragraph of subsection A.~~

7-14 Sign Illumination

Internally illuminated signs are prohibited (Section 7-5), except for backlit OPEN signs. The exterior illumination of signs shall be focused only on the sign and sign area for which it is intended and shall not cast glare or reflect light beyond the property upon which the sign is located.

7-147-15 Sign Compliance

- A. No sign shall be constructed, installed, moved, enlarged, illuminated, or substantially altered unless in accordance with the provisions of this ordinance, except as specifically provided below.
- B. Wherever the building size, location or orientation results in a circumstance which is not adequately addressed in this article, a modification to the standards provided herein may be permitted in accordance with the provisions of this subsection. The applicant for any such modification must demonstrate to the satisfaction of the council that compliance with the purpose and intent of the sign regulations will not be compromised. Any modification approved by the Town Council shall be included in a sign permit issued by the Zoning Administrator.

7-157-16 Permit Required for Signs

- A. Except as provided herein, no sign shall be constructed, installed, moved, enlarged, illuminated, or substantially altered unless a sign permit has been issued by the Zoning Administrator. No such permit shall be issued unless the appropriate fee is paid and the proposed sign conforms to the requirements of this Ordinance.
- B. Sign permit applications and sign permits shall be governed by the same provisions of this ordinance applicable to zoning permits (See zoning ordinance).

7-167-17 Removal of Unsafe Signs

- A. Whenever, in the opinion of the Zoning Administrator, a sign becomes structurally unsafe or endangers the safety of a structure or the public, the Zoning Administrator shall order such sign to be made safe or comply with the ordinance as the case may be, or be removed. The order shall be sent registered or certified mail and shall be complied with within five days from the date of the mailing. Failure to comply with the order shall constitute grounds for the Zoning Administrator to have the sign removed, and the cost

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of the removal shall be added to any penalty assessed for the violation under this ordinance.

- B. Whenever, in the opinion of the Zoning Administrator, an unsafe sign poses an imminent threat of serious injury to person or property, and the Zoning Administrator is unable to contact the property owner, the Zoning Administrator may cause the sign immediately to be made safe or removed, and the cost thereof shall be charged to the owner as provided in subparagraph (A).

7-177-18 Non-Conforming Signs

- A. Non-conforming signs may not be replaced, reconstructed, enlarged, extended, modified, moved or otherwise altered except as permitted by this article. A nonconforming sign destroyed by any cause may not be repaired, reconstructed, or replaced except in conformity with this article. For the purpose of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former condition or replacing the sign with an equivalent sign equals or exceeds 50 percent of the value of the sign so damaged.
- B. All non-conforming, prohibited, or signs without a permit shall be brought into conformance with this Article when there is a ~~1)~~ change of ~~business or institutional use~~ tenant **in a commercial or light industrial district or property with a commercial or light industrial use or in a residential district with a conditionally permitted use;** or ~~a2)~~ change of developer or owner in residential districts, ~~or 3) by the year 2015, whichever occurs first.~~ This does not apply to signs that are approved as part of approved site plans or conditional use permits.

7-187-19 Sign Permit Procedures

- A. *Applicability.* A Sign Permit shall be required for all signs erected except for those signs which are specifically excluded from the Sign Permit requirements as provided in Section 7.7.
- B. *Filing of Application and Fees.* Applications for sign permits shall be filed on a form provided by the Zoning Administrator, and shall be accompanied by a fee of \$25.00 for each permanent sign and \$10 for each temporary sign.
- C. *Information Required.* All applications for Sign Permits shall contain the information requested on the Sign Permit Application form.

7-197-20 Revocations.

The Administrator may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or plans, or the sign has not been constructed as approved.

-7-21 Expiration of Sign Permits.

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A sign permit shall expire and become null and void if the approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued. The Zoning Administrator may grant one extension of the sign permit for a period of six (6) months, but in no case shall a permit be valid for more than a total of eighteen (18) months. Extensions may only be granted when the proposed sign is in compliance with all current applicable regulations.

7-20 7-22 Construction and Maintenance Standards

- A. Building Code Compliance. All signs shall be constructed in compliance with the Virginia Uniform Statewide Building Code.
- B. Condition of Signs. All signs and components shall be maintained in good repair and in a safe clean and attractive condition.
- C. Repair or Removal of Nuisance Signs. Any sign which is determined by the Zoning Administrator to be an immediate or imminent hazard to life or property may be immediately removed or repaired. All costs associated with the removal or repair shall be charged to the owner of the premises.
- D. Removal of Obsolete Signs. (i) Any sign which is obsolete because of discontinuance of the advertised activity or any other reason which would cause the sign to be obsolete shall be removed within 30 days; (ii) temporary signs, such as official notices, and those related temporary uses such as a fair or carnival shall be removed within ten (10) days after the last day of the event to which they pertain.

7-23 Removal of Illegal Signs.

The Zoning Administrator may remove or order the removal of any illegal sign at the expense of the property owner. An illegal sign is any sign that does not comply with any provision of this ordinance.