

**Town of Amherst
Planning Commission Minutes
March 7, 2018**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of the Town Hall at 174 S. Main Street at 7:00 PM on March 7, 2018.

It was noted that a quorum was present as indicated below:

A Kevin Belcher	A William Jones
P June Driskill	P Kenneth Bunch
A Ted Finney	P Clifford Hart
	P Michael Mozingo

Town Manager Sara Carter and Clerk of Council Vicki Hunt, in her capacity as Secretary to the Commission, were present.

Amherst County EDA - Business Friendliness Initiative

Victoria Hanson, Executive Director, Amherst County EDA, 328 Richmond Hwy, P. O. Box 390, Amherst, VA 24521 (434-946-5200), came forward to present the EDA's initiative to examine the County's reputation for being unfriendly to business and suggest changes to the County Board of Supervisors to County ordinances, processes, policies or procedures to improve the business environment for both existing new businesses in Amherst County and how they are working in conjunction with the Planning & Zoning and the Planning Commission through a Steering Committee to guide this process.

Public Hearing – Sign Ordinance Amendments

The Chair opened a duly advertised public hearing at 7:24 PM on a proposed new sign ordinance to comply with the Supreme Court's rulings in *Reed v. Town of Gilbert* (576 U.S., June 2015).

Paul Kilgore, 267 Blue Ridge Lane, Amherst, VA, came forward to voice his concerns on potential changes to the sign ordinance that might affect potential and current Town businesses: limited height of freestanding signs; 7' setback; no consideration for building size; and having one sign on the building.

Mr. Kilgore requested that Council consider moving forward with amendments to the ordinance by increasing the pylon sign sizes to 80 sq. ft. and lifting restriction on shopping centers and offices with multiple tenants.

There being no one else present who wished to speak on the matter, the public hearing was closed at 7:42 PM.

Mr. Mozingo stated that he would like to reconsider the sign ordinance language before recommendation to Council in order to further study the more business friendly initiative described by Victoria Hanson.

Mr. Hart would like to further study the sign and building restrictions before recommending a sign ordinance to Council.

Mrs. Driskill stated that the Town has a history of being a quaint town and consideration was taken to pattern its existing sign ordinance in a way to maintain the quality and beauty of the Town and she would like to see it remain within those standards.

After discussion, Mr. Mozingo made a motion which was seconded by Mr. Hart to lay on the table a recommendation to approve the proposed new sign ordinance. The motion carried 3-1-3 according to the following:

June Driskill	Abstain	Clifford Hart	Aye
Kevin Belcher	Absent	Kenneth Bunch	Aye
Ted Finney	Absent	Mike Mozingo	Aye
William Jones	Absent		

Mr. Kilgore requested that the Town act only on the provision in the new proposed sign ordinance to allow the new Family Dollar Store to install a Pylon sign and building sign at this time.

Mr. Mozingo made a motion which was seconded by Mr. Bunch to recommend an ordinance to allow the new Family Dollar Store to install the minimum size pylon and building signage allowed. During discussions, Mr. Mozingo requested that the motion be withdrawn. By unanimous consent the motion was withdrawn.

Discussion was held on Mr. Kilgore's request that the Commission consider recommending approval at this time of a portion of the new proposed sign ordinance for Section 18.1-908.07 including changes for freestanding sign maximum height from twelve to sixteen feet and maximum sign area of mounted sign against a building from 60 to 75 square feet, and that additional changes to the sign ordinance will follow at a later date. Mrs. Driskill questioned if this request would fit within the Town's current sign ordinance to which Town Manager Carter responded that it would not and that Mr. Kilgore's request would be a two-part process offering relief for the Family Dollar Store by sending an amendment to Council now for Council to act on within the next month with a statement that the Commission will present more changes to Council later.

Mr. Mozingo made the following motion that was seconded by Mr. Bunch: I amend my motion, that we accept that idea. Send it to Town Council and let them make this decision and let them know that before we send them a draft of a new sign ordinance that we have looked into it further. The motion carried 3-1-3 as follows:

June Driskill	No	Clifford Hart	Aye
Kevin Belcher	Absent	Kenneth Bunch	Aye
Ted Finney	Absent	Mike Mozingo	Aye
William Jones	Absent		

A copy of the full text of the proposed new sign ordinance is attached and made a part of these minutes.

Requesting clarity of the motion and the actions of the Planning Commission, Town Manager Carter made the following statement to which the Commissioners assented: The Planning Commission is recommending to Town Council that the draft sign ordinance be adopted as presented with two changes:

Sec. 18.1-908.07. Signs located in the mixed and industrial sign district.

For residential uses in the mixed use and industrial sign district, signs shall be regulated as in the residential and agricultural sign district. For all other uses, the following regulations shall apply:

(1) Freestanding signs.

a. *Number of freestanding signs permitted:* One.

b. *Maximum sign area:*

i. Along N. and S. Main Street from Monitor Road to 250' north of Nicewood Place, 20 square feet.

ii. 40 square feet in all other areas.

c. *Maximum height:* ~~Twelve~~ *Sixteen* feet.

d. *Setback:* Seven feet.

(2) Building-mounted signs in the commercial and industrial sign district.

a. *Number of building-mounted signs permitted:* One.

a. *Maximum sign area:*

i. Mounted flat against the building: ~~60~~ *75* square feet.

ii. Projecting configuration: 12 square feet.

b. *Maximum height:* All areas of building mounted signs shall be located below the ridge line of a gable roof building or the top of the parapet of a flat-roofed building.

The minutes from the February 7, 2018, Commission meeting were approved on a motion by Mr. Bunch seconded by Mr. Hart and carried 4-0-3 according to the following:

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Kenneth Bunch	Aye
Ted Finney	Absent	Mike Mozingo	Aye
William Jones	Absent		

There being no further business, on motion of Mr. Hart seconded by Mr. Mozingo and carried 4-0-3, the meeting adjourned at 8:16 PM.

June Driskill, Chairperson

Attest: _____

Sec. 18.1-908. Signs.**Sec. 18.1-908.01. Intent.**

The intent of this section is to establish limitations on signs to ensure that they are appropriate to the neighborhood, building or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose as a means of communication without adverse impact on the visual character of the area; to ensure that signs are compatible with their surroundings; to maintain and enhance the aesthetic environment of the Town of Amherst and its entrance corridors; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, and community appearance; to establish reasonable time, place, and manner provisions to facilitate the appropriate exercise of free speech; and to enable the fair and consistent enforcement of these sign regulations. Any display of off-premises signs is considered inappropriate to the character and sound development of the Town, and it is intended by this article that street and highway rights-of-way in the Town shall not be made available for such display unless erected and maintained by the Town of Amherst or another governmental entity. It is the policy of the Town of Amherst that the purpose of commercial signs is to attract patrons onto the site of business activity and not for brand promotion, advertising goods and services, or directing traffic to other locations.

Sec. 18.1-908.02. Calculation of sign area.

- (a) Sign area shall be calculated as the area within a single rectangle, triangle, or circle and shall include all letters, figures, graphics or other elements of the sign together with the framework or background of the sign. Double faced signs (two sign faces back to back at not more than a 60 degree angle) shall be counted as one sign.
- (b) Whenever an individual lot has not used all of its permissible sign area, then the unused portion may be used for displaying noncommercial messages.

Sec. 18.1-908.03. Signs shall pertain to the property.

Any commercial message carried by permitted signs shall pertain to the business located on the same premises as the sign; or to any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, provided that signs erected on contiguous properties with the same owner may pertain to a business located on any such contiguous property. Billboards and other off-premises signs are prohibited except as expressly permitted by this ordinance.

Sec. 18.1-908.04. Permit required.

- (a) Compliance. No sign, except those qualifying for permit exceptions, shall be constructed, erected, relocated, expanded or otherwise altered until a sign permit has been obtained from the zoning administrator in accordance with the provisions of this section.
- (b) Permit exceptions. A permit shall not be required for the following signs, but they shall be subject to all other applicable provisions of this article:
 - (1) Repainting or refacing an existing sign or minor nonstructural repairs.
 - (2) Signs specifically excluded from permit requirements.
 - (3) Signs permitted in all sign districts as outlined in Sec. 18.1-908.06.

Sec. 18.1-908.05. Sign districts.

In order to meet the intent of this section, sign districts are hereby created to reflect the character of various areas in the Town. These districts are:

- (1) *Mixed use and industrial sign district.* This district is designed to support retail and service businesses in the Town's commercial areas. As such, it encompasses all Town lands zoned a mixed use or industrial category.
- (2) *Residential and agricultural sign district.* This district encompasses residential and non-commercial areas to ensure that signage is in keeping with the character of these areas. As such, it includes all Town lands not included in the aforementioned sign district.

Sec. 18.1-908.06. Signs permitted in all sign districts.

- (a) The following signs shall be permitted in all sign districts and shall not require a sign permit, unless otherwise indicated. The area of any sign described in this subsection shall not be included in computing the aggregate sign areas specified for individual districts.
- (1) *Temporary signs.* Temporary signs, which shall be non-illuminated and limited to the following types:
- a. When buildings are under construction or sites are under development, signs may be displayed provided that they are removed upon issuance of a certificate of occupancy. The maximum sign area of each such sign shall be 32 square feet.
 - b. When a property is offered for lease or for sale, signs may be displayed provided that they are removed within five days of the date of closing or within five days of the beginning of the lease.
 1. In the residential sign district, the maximum aggregate sign area shall be four square feet and the maximum height shall be twelve feet.
 2. In the commercial and industrial sign district, the maximum aggregate sign area shall be thirty-two square feet and the maximum height shall be twelve feet.
 - c. When a business in the mixed use and industrial sign district opens, temporary building-mounted signs and banners shall be permitted, provided that such sign or signs shall not be displayed for more than 30 days. The maximum aggregate sign area shall be 32 square feet.
 - d. When a dwelling in a residential sign district is holding a yard sale, signs may be displayed for only 48 hours and only on the property where the yard sale will be held.
 - e. Signs on private property that exercise the property owner's right to right to free speech and express non-commercial messages such as ideals, causes, policies or candidates, provided that such signs are not larger than 40 square feet in the mixed use and industrial sign district or 16 square feet in the residential and agricultural sign district. Such signs shall be removed within 60 days of installation.
- (2) *Permanent signs.*
- a. One sign at each parking lot entrance with no commercial logo or other message and not exceeding three square feet in area.
 - b. Non-illuminated names of buildings, dates of erection, monumental citations, commemorative tablets, insignia of local, state or federal government, and like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of a building structure. The maximum size of such sign shall be 32 square feet.
 - c. Usual and customary signs identifying disabled parking, rest rooms, or other facilities relating to such places or activities.
- (3) *Flags.* Flags containing no commercial message are not regulated.
- (4) *Location on right of way.* Signs installed on VDOT right of way under a VDOT permit.
- (5) *Nonconforming.* Any sign may remain in use provided that it was lawful at the time this ordinance was enacted. However, signage for any business shall be required to conform to all requirements of this ordinance as a condition of approval before any change to the signage for that business.

Sec. 18.1-908.07. Signs located in the mixed use and industrial sign district.

For residential uses in the mixed use and industrial sign district, signs shall be regulated as in the residential and agricultural sign district. For all other uses, the following regulations shall apply:

- (1) *Freestanding signs.*
- a. *Number of freestanding signs permitted:* One.
 - b. *Maximum sign area:*
 - i. Along N. and S. Main Street from Monitor Road to 250' north of Nicewood Place, 20 square feet.
 - ii. 40 square feet in all other areas.
 - c. *Maximum height:* ~~Twelve~~ Sixteen feet.
 - d. *Setback:* Seven feet.
- (2) *Building-mounted signs in the commercial and industrial sign district.*

- a. *Number of building-mounted signs permitted:* One.
 - a. *Maximum sign area:*
 - i. Mounted flat against the building: ~~60~~75 square feet.
 - ii. Projecting configuration: 12 square feet.
 - b. *Maximum height:* All areas of building mounted signs shall be located below the ridge line of a gable roof building or the top of the parapet of a flat-roofed building.

Sec. 18.1-908.08. Signs located in the residential and agricultural sign district.

The following regulations shall apply in the residential and agricultural sign district:

- (1) *Single family, duplex and townhouse dwelling units.* One building-mounted or freestanding sign, not exceeding two square feet in area for each dwelling unit, indicating only the street address of the property, shall be permitted.
- (2) *Multi-family buildings.* One or more building-mounted signs, not exceeding in the aggregate ten square feet per building, shall be permitted.
- (3) *Subdivisions, apartment or condominium complexes and planned developments.* Freestanding signs, with maximum total area of 24 square feet, shall be permitted. No more than two signs shall be permitted for each street frontage.

Sec. 18.1-908.09. Signs prohibited in all sign districts.

The following types of signs are prohibited in all sign districts:

- (1) Any sign that obscures a sign display by a public authority for the purpose of giving traffic instructions or directions or other public information.
- (2) Any sign, except official notices and advertisements, that is nailed, tacked, posted or in any other manner attached to any utility pole or structure or supporting wire, cable, or pipe; or to any tree on any street or sidewalk or to public property of any description.
- (3) Any sign that is attached to or mounted on a roof or projects above the plane of the building façade. This shall include decorative roofs such as a mansard roof.
- (4) Portable freestanding signs larger than twenty-four square feet or displayed for more than 60 days per year.
- (5) Except for time and temperature, no sign shall display flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color. The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign may be related. Neither the direct nor reflected light from an illuminated sign shall be located so as to create a traffic hazard to operators of motor vehicles on public thoroughfares.

Sec. 18.1-908.10. Special exceptions.

Any provision of this section is subject to adjustment by the Board of Zoning Appeals under the special exception procedures outlined in the Code of Virginia. Such special exceptions may include adjustment of size, location, height or number of signs. Prior to deciding whether to grant a special exception for a sign or signs, the Board of Zoning Appeals shall consider the specifics of the property on which the sign or signs would be installed, number of businesses on the lot in question, impact on adjacent property, and compatibility with other nearby signs.