

TOWN OF AMHERST PLANNING COMMISSION
Wednesday, June 6, 2018
7:00 P.M.
AGENDA

1. **Call to Order** – *Mrs. Driskill, Chair*
2. **Determination of Quorum**
3. **Approval of March 7, 2018 meeting minutes** – *The minutes of the March 7, 2018 meeting are attached.*
4. **Substantial Accord Determination-** *The Town has a contract to purchase a piece of property between Amherst County High School and the Route 29 bypass for a park. The Planning Commission is requested to make a determination of whether the site is ‘substantially in accord with the Comprehensive Plan,’ per State Code 15.2-2232.*
5. **Discussion: Zoning Ordinance Amendment Pertaining to Signs** – *Please find attached a copy of the existing Sign Ordinance section, and a draft Ordinance produced by Jack Hobbs that addresses the required changes. .*
6. **Other Matters**
7. **Concerns of Commissioners**
8. **Adjournment**

**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.



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town of Amherst Planning Commission
From: Sara Carter
Date: May 25, 2018
Re: Substantial Accord Process for Town Park

Background: The Town Council has expressed interest in finding property that would be suitable for a Town owned park for some time. An opportunity was made available to the Town to purchase a piece of property that is connected to the redevelopment of the old mill. The property was purchased by the company redeveloping the mill, as it is the site of the mill dam. However, the owner does not need the entire property, just access to the water and the mill. The 7.7 acre parcel has been offered to the Town for \$35,000.

Substantial Accord: State Code requires that any public facility be found to be “substantially in accord” with the adopted Comprehensive Plan. The determination is made by the Planning Commission, and procedurally is then accepted or rejected by the elected body. A public hearing may be held, but is not required.

From State Code:

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide

Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

The Comprehensive Plan: The Comprehensive Plan does not address the provision of any additional parks facilities in the Town. It notes resources within the Town, but does not directly recommend any new facilities. Thus, the addition of a park would require a determination from the Commission since it is not enumerated and designated on a map. The question is conceptual- does a park meet the overall intent of the Comprehensive Plan? Additionally, there is a geographic question- will the addition of a park in this location create a land use conflict, based upon the land use recommendation in the plan? The Land Use Plan follows the existing zoning, and envisions this area for residential development.

Recommendation: Staff recommends a finding of substantial accord for this proposed park. It is within an area designated for residential development, and parks have widely been seen as compatible land uses adjacent to residential development. Additionally, the property in question is encumbered with floodplains and creeks, and would not be practical for housing. However, the natural features on the property would lend themselves well to attractive outdoor facilities.

Attachments: Sales Contract
Parks pages from the Comprehensive Plan
Location map of the proposed facility

THIS CONTRACT OF SALE, made and entered into this 15th day of May, 2018, by and between LAZY RIVER, LLC, hereinafter known as "Seller(s)", and TOWN OF AMHERST, a Virginia Municipality hereinafter known as the "Purchaser(s)".

WITNESSETH

THAT for and in consideration of the sum of Ten Dollars (\$10.00), by cash in hand paid, receipt of which is hereby acknowledged, the Purchasers agree to buy and the Sellers agree to sell for the sum of THIRTY-FIVE THOUSAND AND NO/100 DOLLARS \$35,000.00 that certain lot or parcel of land described as follows, to-wit:

All that certain lot of land, together with all buildings, fixtures and improvements thereon and rights, privileges and appurtenances thereunto belonging, lying in the Courthouse District of Amherst County, Virginia located within the Town of Amherst and more particularly described as:

Tax Parcel 95-A-80, Source of title deed dated 8/15/2017 recorded as Instrument No. 170002481; and

Tax Parcel 96-1-1A, Source of title deed dated 8/17/2017 recorded as Instrument No. 170002480

Totaling approximately 7.7 acres

The purchase price is to be paid as follows:

\$ 100.00	Deposit with Attorney
\$34,900.00	Additional needed at closing
\$35,000.00	Total purchase price

The Sellers agree to convey the above property with a General Warranty Deed with the usual covenants of title, same to be prepared at the expense of the Seller(s). The Sellers agree by their signatures(s) below to bind this contract for his/hers/their heirs, personal representatives(s) and successors in title.

The risk of loss or damage to said property by fire or other casualty until the deed of conveyance is recorded is assumed by the Sellers.

All taxes, insurance, rents or interest are to be prorated as of the date of closing. Settlement to be made at the office of the Purchaser's attorney on or about July 30, 2018 or as soon thereafter as title can be examined and papers prepared, allowing a reasonable time to correct any defects reported by the title examiner.

It is understood that the title is to be free and clear of all liens and indebtedness of every kind.

It is understood that the property is to be conveyed subject to any restrictions now thereon.

The following contingencies are to be met before or at closing

1. Purchaser must obtain approval by Town Council and complete government process requirements to acquire real property and confirm legal access to the property for the proposed use.
2. Seller requires a Property line adjustment to place existing dam on adjacent land owned by Seller, Lazy River, LLC.
3. The purchaser, Town of Amherst shall provide survey indicating the boundary adjustment.

Purchaser should note that Virginia Law (Section 43-1, et seq.) permits persons who have performed labor or furnished materials for the construction, removal, repair or improvements of any building or structure to file a lien against the property. This lien may be filed at any time after the work is commenced or the material is furnished, but not later than the earlier of (i) 90 days from the last day of the month in which the lien or last performed work or furnished materials or (ii) 90 days from the time the construction, removal, repair or improvement is terminated. AN EFFECTIVE LIEN FOR WORK PERFORMED PRIOR TO THE DATE OF SETTLEMENT MAY BE FILED AFTER SETTLEMENT. LEGAL COUNSEL SHOULD BE CONSULTED.

Choice of Settlement Agent: You have the right to select a settlement agent to handle the closing of this transaction. The settlement agent's role in closing your transaction involves the coordination of numerous administrative and clerical functions relating to the collection of documents and the collection and disbursement of funds required to carry out the terms of the contract between the parties. If part of the purchase price is financed, your lender will instruct the settlement agent as to the signing and recording of loan documents and the disbursement of loan proceeds. No settlement agent can provide legal advice to any party to the transaction except a settlement agent who is engaged in the private practice of law in Virginia and who has been retained or engaged by a party to the transaction for the purpose of providing legal services to that party.

The owner(s) make no representations with respect to any matters which may pertain to parcels adjacent to the subject property. You should exercise whatever due diligence you deem necessary with respect to adjacent parcels in

accordance with the terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement. You should exercise whatever due diligence you deem necessary with respect to information on any sexual offenders registered under Chapter 23 (Section 19.2-387 et. seq.) of title 19.2, whether the owner proceeds under subdivision 1 or 2 of subsection A of Section 55.519. Such information may be obtained by contacting your local Police Department or the Department of State Police, Central Crime Report Exchange, at (804) 674-2000.

WITNESS, the following signatures and seals:


_____(SEAL)
Lazy River, LLC

STATE OF Virginia
CITY/COUNTY OF Amherst to-wit:

The foregoing instrument was acknowledged before me this 15th day of May, 2018 by Lazy River, LLC.



NOTARY PUBLIC

My commission expires: 1/31/2022
My Registration No.: 7766163



(SEAL)
Town of Amherst, a Virginia Municipality

STATE OF Virginia
CITY/COUNTY OF Amherst to-wit:

The foregoing instrument was acknowledged before me this 15th day of May, 2018 by Town of Amherst, a Virginia Municipality.



NOTARY PUBLIC

My commission expires: 1/31/2022
My Registration No.: 7766163

SARA ELIZABETH CARTER
NOTARY PUBLIC
REGISTRATION # 7766163
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JANUARY 31, 2022

24. PARKS AND RECREATION PLAN

School and private properties contain virtually all of the Town's active park and recreation assets. There are numerous facilities within and outside the Town which offer passive recreation and many that offer active programs. Parks and recreation offerings available to the residents of the Town of Amherst certainly are not lacking but could always be improved.

An important but often overlooked Town asset is its sidewalk system, which provides an exercise venue for walkers and runners and also a meeting place for residents to see their neighbors. Of special note is Amherst County High School which has some of the finest athletic facilities in the area, including a football stadium with artificial turf and track complex, a rubber-surfaced gymnasium, baseball and softball fields, a cross country route and tennis courts.

The new Second Stage operation at the corner of Second and Washington Streets offers a farmer's market, rental space for art and craft-oriented business startups and entertainment event programming. It has become, in effect, the local community center.

The provision of parks and recreation services has two aspects –facilities and programming. The facilities side can be capital intensive, and the programming side carries operational costs which are largely in the form of personnel expense.

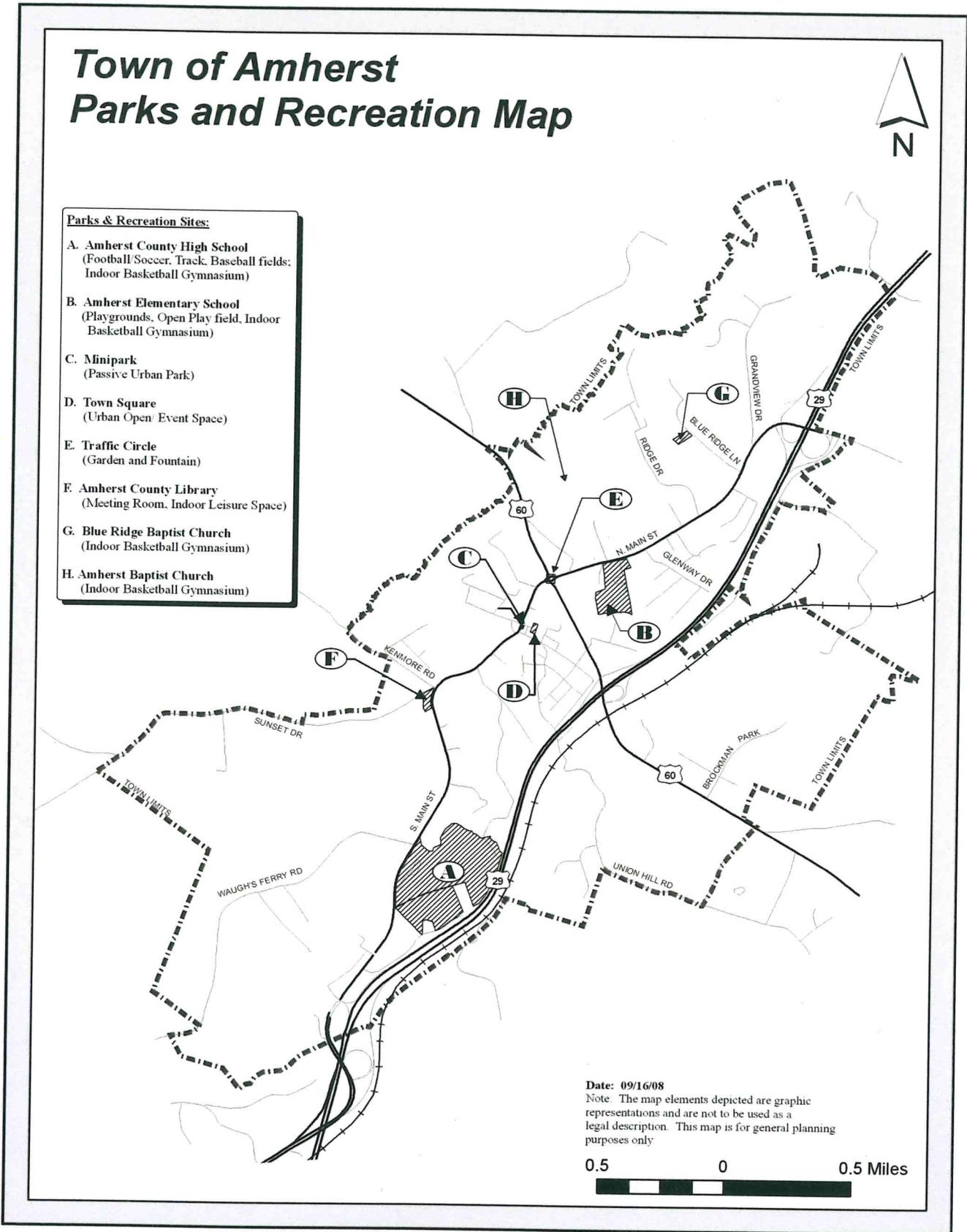
Although the Town of Amherst does not have a recreation program as such, it supports other public agencies and private for-profit and non-profit initiatives that will promote recreational activities in the greater Town of Amherst area. The Town's policy is to work with such groups to provide adequate and diversified recreational opportunities for the enjoyment of residents of all age groups and income levels. To aid in satisfying the recreation needs of its residents, the Town will endeavor to:

- Reserve open space in areas of expected population concentrations;
- Encourage, but control, commercial recreational facilities;
- Plan for the development of a community center; and
- Work with civic organizations to hold community activities of interest to Town residents.

Following are initiatives that the Town is pursuing or will pursue in the near future:

- Expansion of the sidewalk system along U.S. Route 60 from the traffic circle to the Town's eastern corporate limits as funding becomes available;
- Development of bicycle accommodations along Main Street; and
- Connections of the Town's sidewalk to the Sweet Briar College trail system.

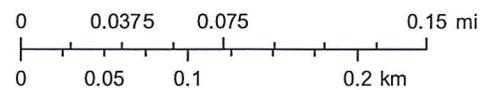
Figure 14: Town of Amherst Parks and Recreation Map



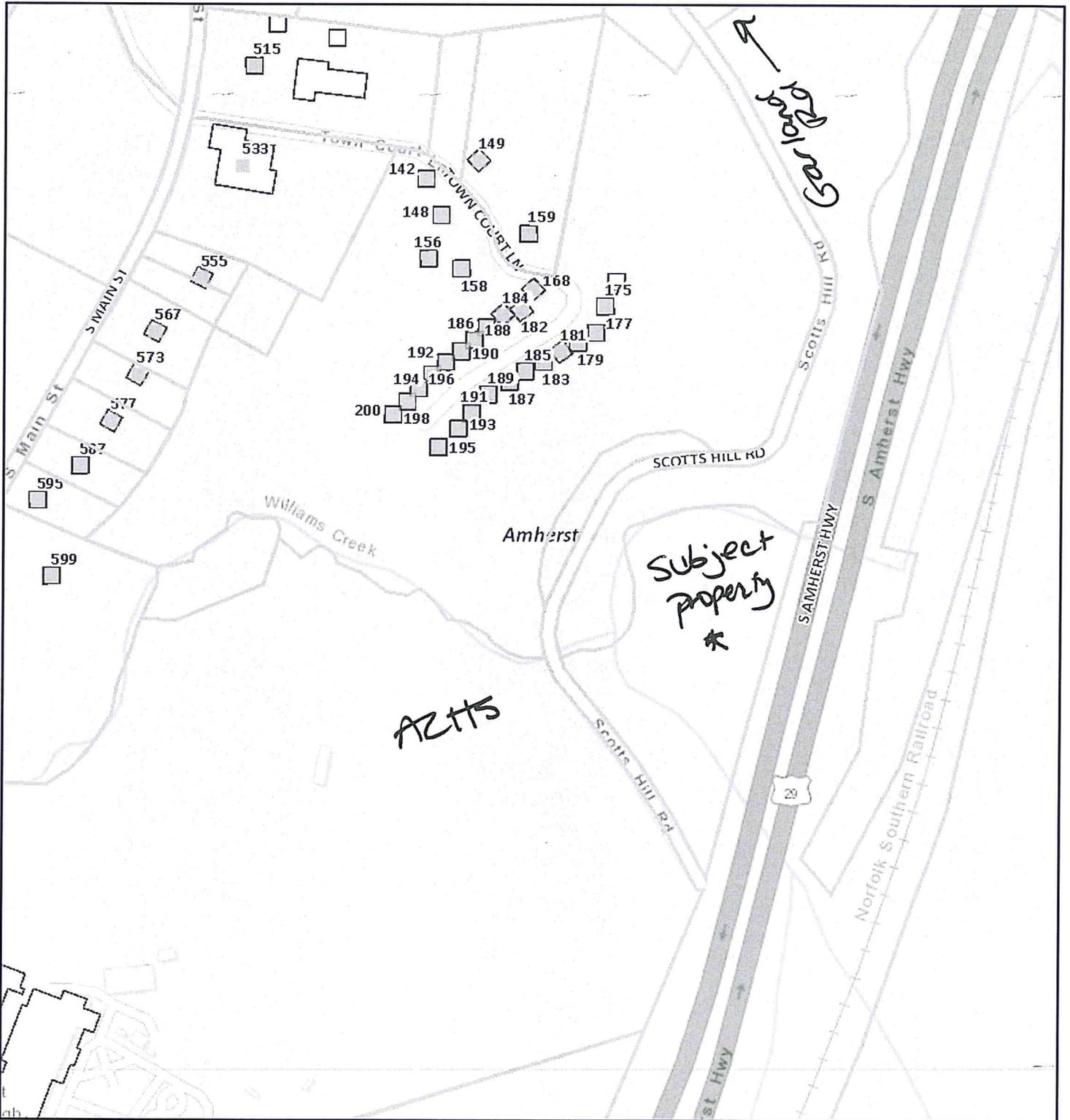


May 25, 2018

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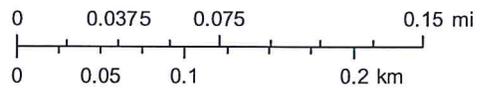


The GIS data is proprietary to the County, and title to this information remains in the County. All applicable common law and statutory rights in the GIS data including, but not limited to, rights in copyright, shall and will remain the property of the County. Information shown on these maps are derived from public records that are constantly undergoing change and do not replace a site survey, and is not warranted for content or accuracy.



May 25, 2018

1:4,514



The GIS data is proprietary to the County, and title to this information remains in the County. All applicable common law and statutory rights in the GIS data including, but not limited to, rights in copyright, shall and will remain the property of the County. Information shown on these maps are derived from public records that are constantly undergoing change and do not replace a site survey, and is not warranted for content or accuracy.

Sec. 18.1-908. Signs.

Sec 18.1-908.01 Intent.

The purpose of the following sign requirements is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment and enhance community development. To the extent possible, use of signs for advertising other than to identify the owner or business or entity will not be allowed; however, provisions for the identification of property, the location of events, and other nonobtrusive and reasonable uses of signage are contained herein.

Sec. 18.1-908.02 General requirements.

- a. Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other regulations and requirements of this ordinance.
- b. Except as provided in section 908.03, below, no business or advertising sign or structure shall be erected without a zoning permit. Failure to adhere to the requirements of this Ordinance automatically cancels such permit and said structure shall be removed forthwith. In addition, all other legal requirements must be met prior to the issuance of a permit to erect a sign, and any permit issued for a sign not in conformance with such other requirements shall be voided by the Zoning Administrator and the sign removed by its owner.
- c. For the purpose of computing sign area, only one side of a "v-type" or double faced sign shall be considered.
- d. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises.

Sec. 18.1-908.03 Signs Allowed Without a Permit.

Sign permits shall not be required for the following signs; however, all other applicable regulations of this Ordinance shall apply:

- a. Address or identification signs. Signs not exceeding one (1) square foot in area, attached flat against a building or mailbox, or mounted on a post no greater than three (3) feet in height, indicating the address or name of a building occupant.
- b. Commemorative plaques and historical markers erected by a recognized historical organization or governmental body, and not exceeding two (2) square feet in area.
- c. Construction signs. One (1) sign on each roadway frontage not exceeding 32 square feet in area, and bearing only the names and addresses of the project, contractors, architects, developers, planners, financial institutions, or engineers engaged in the project. Such signs shall only be posted during the time that the construction project is underway and removed prior to use or occupancy of the project.
- d. Flags, emblems or insignias of any governmental agency or religious, charitable, public, or non-profit organization, provided that no single flag shall exceed 54 square feet in area and that no more than three such flags may be displayed on any lot.
- e. Handicapped parking space signs.

- f. Institutional signs. Signs setting forth the name or any simple announcement for any hospital or clinic, or public, charitable, educational, or religious institution located entirely within the premises of that institution, up to an area of 24 square feet. If building-mounted, these signs shall be flat wall signs, and shall not project above the roof line. If ground-mounted, the top shall be no more than eight (8) feet above ground level.
- g. Integral Signs. Names of buildings, dates of erection, monumental citations, and commemorative tablets when carved into stone, concrete or similar material, or made of bronze, aluminum, or other permanent type construction and forming an integral part of the structure.
- h. Public signs, including traffic, utility and other regulatory signs.
- i. Rental signs. One (1) sign shall be allowed per premises announcing room, apartment, or house for rent, provided that such sign is no larger than four (4) square feet in area, and is removed within three (3) days after such vacancy is filled.
- j. Security, warning, and private property signs, provided that any such sign does not exceed one-and-one-half (1.5) square feet in area.
- k. Seasonal or temporary displays of patriotic, religious or civic character located on private property that do not advertise a product or service, and are not displayed for a period exceeding 30 days.
- l. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, including visibility from any public right of way.
- m. Temporary political campaign signs on private property, not to exceed eight (8) square feet in area and six (6) feet in height. Such signs shall not be erected more than 45 days before an election, and shall be removed within five (5) days after the election.
- n. Temporary private yard sale signs, not exceeding three (3) in number per sale, not more than sixteen (16) square feet in area per sign, and not placed in a public right of way. Such signs shall not be erected more than 48 hours before the date of the sale, and shall be removed within 24 hours of the end of the sale.
- o. Temporary auction signs, not exceeding thirty-two (32) square feet in area per auction, and not placed in a public right-of-way. Such signs shall not be erected more than 14 days before the auction, and shall be removed within 24 hours after the auction.
- p. Temporary real estate signs, located on the premises, not exceeding a height of six (6) feet or an area of four (4) square feet in residential districts or a height of twelve (12) feet or an area of thirty two (32) or eight (8) square feet in other districts. One real estate sign shall be permitted for each side of the property facing a public right of way. No off-premise real estate signs shall be permitted, with the exception of open house notices, which may be displayed for no more than 72 consecutive hours, and not more than five (5) directional signs not exceeding two (2) square feet in area. No real estate sign shall contain language indicating that the subject real estate is sold or under pending contract and any such sign so erected shall be immediately removed by the Zoning Administrator. Temporary real estate signs shall be removed within 10 days of sale. *(Amended October 14, 2015)*
- q. Traffic direction. Signs directing traffic movement onto or within a premise not exceeding four (4) square feet in area.

- r. Vehicle signs. Signs on trucks, buses, trailers, or other vehicles, while such vehicles are in use in the normal course of business.

Sec. 18.1-908.04 Prohibited Signs.

The Zoning Administrator shall have the authority to require an owner of real estate to dismantle and remove any sign determined by him to be in violation of the following section. The following signs shall be prohibited in all districts:

- a. Signs which imitate an official traffic sign.
- b. Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at any street or road intersection.
- c. Signs in any public right of way. Signs projecting over public property shall not be permitted unless otherwise specifically authorized by this ordinance.
- d. Signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving or flashing devices, with the exception of seasonal or holiday displays, in accordance with section 908.03, item (1).
- e. Signs which are pasted or attached to utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.
- f. Signs advertising activities which are illegal under federal, state, or town laws or regulations.
- g. Any sign displayed on an automobile, truck, or other motorized vehicle, when that vehicle is used primarily for the purpose for such advertising display.
- h. Building mounted signs projecting above the roof line.
- i. Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character.
- j. Flashing signs, except for time and temperature signs.
- k. Signs affixed to a tree, other natural vegetation, or rocks.
- l. Signs or outdoor advertising structures that obstruct ingress or egress from any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any room or building as required by law.
- m. Signs which reflect or cast glare or light, directly or indirectly, on any public roadway or adjacent property within a residential district.
- n. Signs which are visible from any limited access highway, except for on-site sale or rental signs, and on-site business signs, as permitted.
- o. Signs, other than official road markers, placed on an official road right of way.
- p. Signs located in such a manner as to materially impede the view of any road intersection; or in such a manner as to materially impede the view of an intersection of a road with a railroad grade crossing.
- q. Freestanding signs greater than 25 feet above the ground.

Sec. 18.1-908.05 Signs Permitted in the Residential and Agricultural Zoning Districts.

- a. Temporary event signs, provided that they are not more than four (4) square feet in area, and there is not more than one (1) on any lot or premise.
- b. Residential Developments: Permanent subdivision or development identification signs indicating only the name and/or address of the premises. The identification sign shall be ground mounted, and shall not be internally illuminated. For developments of twenty (20) units or less the sign shall not exceed six (6) square feet in area or eight (8) feet in height. For developments of twenty-one (21) units or more the sign shall not exceed sixteen (16) square feet in area or eight (8) feet in height.
- c. Directional signs for parks, playgrounds, schools, religious institutions, and other non-residential uses of a non-commercial nature within the residential district, provided that such signs shall not exceed two (2) square feet in area, shall be within one (1) mile of the use, and shall not be illuminated.
- d. In the Transitional Use Zone District, identification signs, provided that they are not more than eight (8) square feet in area and there is not more than one (1) on any premise.

Sec. 18.1-908.06 Signs Permitted in the Commercial and Industrial Districts.

For each lot, tract, or parcel, one and one half (1-1/2) square feet of sign area shall be allowed for each (one) lineal foot of building frontage on the primary public street. In the case of buildings that front on more than one public street, sign area shall be based on the length of frontage of one side of the building only.

Signs approved under this section shall be exclusively for the businesses operated on the premises on which the signs are located. Sign area for changeable copy signs associated with churches, restaurants, theaters and gasoline sales establishments shall be included within the area allowed by this subsection. Changeable copy signs include display boxes for posters and menu boards where individual letters or numbers can be reconfigured but do not include portable signs as described hereinbelow.

Such sign area may be in a single sign, or in a combination of signs located on one or more sides of the building, with no more than two (2) signs allowed for each building facade. In addition, one (1) sign shall be permitted for the rear of the building, computed on the ratio of one half (1/2) square foot of sign for each (one) lineal foot of building frontage. Permitted signs shall be subject to the following limitations.

- a. Wall signs, provided that such signs do not exceed twenty percent (20%) of any exposed finished wall surface area including openings, or sixty (60) square feet, whichever is smaller, and do not extend more than six (6) inches beyond the building wall surface.
- b. Freestanding signs. One (1) freestanding sign shall be allowed when a building takes up less than fifty percent (50%) of the total lot area, provided that such sign be no larger than forty (40) square feet in area, no taller than twelve (12) feet and set back at least seven (7) feet from the public right of way. However, such freestanding signs shall not be larger than twenty (20) square feet along Main Street (U.S. 29 Business) from Monitor Road to 250' north of Nicewood Place.
- c. Window signs, provided that such signs take up no more than twenty five percent (25%) of the glass area upon which they are placed. All window signs shall be painted on or affixed to the interior side of the window.
- d. Projecting signs, and signs attached to the bottom of a marquee or roof overhang shall not project more than six (6) feet from the building front, nor closer than two (2) feet from any curb line, and have a minimum clearance of ten (10) feet above a sidewalk. The maximum size for these signs shall be no greater than ten (10) square feet.

- e. Awning signs, provided that the bottom of such signs shall be at least eight (8) feet above the sidewalk or grade at any point, and extend horizontally no closer than twelve (12) inches from the curb.
- f. Canopy signs, provided that the bottom of such canopies shall have a minimum clearance of at least ten (10) feet, and shall extend horizontally no closer than two (2) feet from the edge of the curb.
- g. Illuminated or neon signs that lay flat on a building or window, provided that such signs bear only the name of business located in the building, and are no greater than six (6) square feet in area, do not project from the building, and do not fall into any of the categories defined as prohibited in this section.
- h. Portable signs, limited to 24 square feet, provided that they are displayed no more than 60 days within any one calendar year, and that such signs do not fall into any of the categories defined as prohibited in this section.
- i. For shopping centers and buildings in which more than three (3) tenants are located, no more than one (1) freestanding sign shall be permitted. The sign shall be limited in area to 100 square feet, and shall not extend higher than 25 feet. Such signs shall indicate only the name of the shopping center or building, and/or business uses within that building.
- j. Office or industrial signs: One ground-mounted identification sign at each major entrance of an office or industrial center, provided that no such sign shall exceed forty (40) square feet in area or twelve (12) feet in height.

Sec. 18.1-908.07 Non-conforming Signs.

Any sign, otherwise lawful, in existence at the time of enactment of this section may remain in use so long as it meet all the applicable requirements of Section 18.1-601-Nonconforming lots, buildings and uses, of this code.

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 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 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.