

TOWN OF AMHERST PLANNING COMMISSION
Wednesday, May 7, 2025 AGENDA

1. **Call to Order** –*Chairman Driskill*
2. **Determination of Quorum**
3. **Citizen Comment-** *This time is provided for citizens to bring concerns or comments to the Commission that are not scheduled for a public hearing. This is not meant to be a discussion or an exchange, but rather, an opportunity for citizens to have their concerns be heard.*
4. **Approval of April 2, 2025 meeting minutes** – *Chair Driskill- The minutes of the April 2, 2025, meeting are attached.*
5. **Public Hearing: Sign Ordinance-** *The Planning Commission set a public hearing and it has been advertised for this meeting. The most recent draft, reviewed by the Town Attorney, is included in the packet.*
6. **Concerns of Commissioners**
7. **Adjournment**

**Town of Amherst Planning Commission
Minutes
April 2, 2025**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill on April 2, 2025, at 7:00 P.M., in the Council Chambers of Town Hall at 174 S. Main Street.

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

P	June Driskill	P	Janice Wheaton
P	William Jones	P	John Vandervelde
P	Anne Webster Day	P	Veda Butcher
P	Clifford Hart		

Town Manager Sara McGuffin was present. Clerk of Council Vicki K. Hunt in her capacity as Secretary was also present.

The Chair opened the floor for citizen comments.

Sonny Sundaramurthy, Town resident, came forward to speak in opposition of certain sign ordinance proposed changes.

There being no one else listed to speak on the citizen comment sign-in sheet, or otherwise, no comments were made.

Mr. Vandervelde made a motion that was seconded by Ms. Day to approve the minutes of the March 5, 2025, meeting.

There being no discussion, the motion carried 7-0 according to the following:

June Driskill	Aye	Anne Webster Day	Aye
Janice Wheaton	Aye	John Vandervelde	Aye
William Jones	Aye	Veda Butcher	Aye
Clifford Hart	Aye		

The Chair opened a duly advertised public hearing at 7:05 P.M., on the Town of Amherst FY25-26 Capital Improvement Program proposal that identifies acquisition, construction and improvement of town facilities, and acquisition of capital equipment, copies of which were distributed to the Commissioners.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:05 PM.

Mr. Hart made a motion that was seconded by Ms. Day to make a recommendation to Town Council to approve the Town of Amherst FY24-25 Capital Improvement Program proposal, as recommended by staff.

After discussion, the motion carried 7-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Aye
Clifford Hart	Aye			

The Chair opened a duly advertised public hearing at 7:11 P.M., on a request to rezone a portion of Lot 15 (Tax Map No. 95-A-1), consisting of 0.768 acres and generally known as 305 Sunset Drive, Amherst, Virginia which, if approved, rezone the property from A-1 to R-1.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:13 PM.

Mr. Hart made a motion that was seconded by Ms. Day to make a recommendation to Town Council to approve a request to rezone a portion of Lot 15 (Tax Map No. 95-A-1), consisting of 0.768 acres and generally known as 305 Sunset Drive, Amherst, Virginia, from A-1 to R-1, as recommended by staff.

After discussion the motion carried 7-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Aye
Clifford Hart	Aye			

Town Manager McGuffin presented proposed amendments to the sign ordinance. Town Manager McGuffin was directed to make further changes for consideration.

Mr. Vandervelde made a motion that was seconded by Mr. Hart to set a public hearing on the proposed amendments to the sign ordinance at its meeting to be held on May 7, 2025.

After discussion the motion carried 7-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Aye
Clifford Hart	Aye			

Town Manager McGuffin was instructed to add a second citizen comment period at the end of each meeting be added to the Planning Commission's agenda.

There being no further business on motion of Ms. Wheaton, seconded by Mr. Hart, the meeting adjourned at 7:50 PM, according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Aye
Clifford Hart	Aye			

June Driskill, Chairperson

Attest: _____

For Approval

Chapter 24 – Zoning and Subdivisions

Flutter flag is a type of portable advertising banner with a rectangular piece of fabric mounted on a lightweight frame designed to resemble a feather's shape. Flutter flags without commercial speech or graphics are not regulated as signs, however, any decorative flutter type flag (that is, with no commercial speech) must be setback from any public right of way or sidewalk by a minimum distance of its height.

Article IX - Signs

Sec. ~~XX.XX~~24-571. Purpose and intent.

The purpose and intent of this section XX include, but are not limited to, the following:

- (a) The Town Council finds that signs are a separate and distinct use of the property upon which they are located and affect the uses and users of adjacent streets, sidewalks, and other areas open to the public; and that signs are an important means of communication for businesses, organizations, individuals, and government. The Council also finds that signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation; and that the unregulated erection and display of signs constitute a public nuisance detrimental to the public health, safety, convenience, and general welfare. Therefore, the purpose of this section is to establish reasonable regulations pertaining to the time, place, and manner in which outdoor signs and window signs may be erected and maintained in order to:
 1. Preserve the rights of free speech and expression;
 2. Promote the general health, safety, and welfare, including the creation of an attractive and harmonious environment;
 3. Protect the public investment in the creation, maintenance, safety, and appearance of its streets, highways, and other areas open to the public;
 4. Improve vehicular and pedestrian safety by avoiding saturation and confusion in the field of vision and by directing and controlling vehicular traffic and pedestrians;
 5. Protect and enhance the Town's attractiveness to tourists and other visitors as sources of economic development; and
 6. Protect property values.
- (b) The Town Council finds that the regulations in this section advance the substantial governmental interests identified herein and are the minimum amount of regulation necessary to achieve them, provided further that:
 1. The Town Council finds that the provisions in this section XX.XX that separately classify warning signs advance the compelling governmental interest of protecting vehicular and pedestrian safety.
 2. The Town Council finds that the provisions in this section XX.XX that separately classify directional signs advance the compelling governmental interest of protecting vehicular and pedestrian safety.
 3. The Town Council finds that the provisions in this section XX.XX that separately classify address signs advance the compelling governmental interest of ensuring that emergency vehicles are able to locate persons and buildings in emergency situations.

- (c) Many of the signs allowed by this section XX.XX are situational, and the likelihood of multiple simultaneous situations arising on a lot at any particular time is remote. Therefore, the Council finds that the number of signs allowed on a lot is reasonable and allows alternative channels of communication as situations arise without adversely impacting the purposes of this section.

State law reference(s)—Va. Code § 15.2-2280.

● ~~Sec. 24-571. 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 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 or another governmental entity. It is the policy of the town 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.

(Zoning Ord. 2003, § 18.1-908.01)

Sec. 24-572. Applicability.

This section XX.XX Article IX shall apply as follows:

- (a) General. The requirements of section XX.XX Article IX shall apply to all outdoor signs and window signs that are visible from beyond the boundaries of the lots on which they are located. Each sign subject to this section XX Article IX shall comply with all regulations applicable to that sign.

State law reference(s)—Va. Code § 15.2-2280.

Section 24-573. Administration.

The following provisions apply in the administration of this Article IX:

- (a) Compliance with all requirements. Each sign authorized by section XX.XX Article IX shall comply with all applicable requirements of section XX.XX Article IX and all other applicable requirements of this chapter. No sign lawfully erected prior to (date of adoption) shall be altered or moved, except in compliance with the provisions of section 4.15 and all other applicable requirements of this chapter.
- (b) Noncommercial copy in lieu of commercial copy. Each sign authorized by section XX.XX Article IX may contain any copy that is noncommercial speech in lieu of, or in addition to, any copy that is commercial speech. Noncommercial speech contained on a permanent sign in connection with commercial speech shall be counted towards the sign size limitations.
- (c) Severability. It is hereby declared to be the intention of the Town Council that the sections, subsections, paragraphs, sentences, clauses, and phrases of section XX.XX Article IX are severable. If any section, subsection, paragraph, sentence, clause, or phrase is declared to be unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, and phrases of section XX.XX Article IX. The Town Council further declares its intention that, if any regulations in section

~~XX.XX Article IX pertaining to warning signs, directional signs, address signs, or signs containing copy that is commercial speech are invalidated as being content based and not justified by a compelling governmental interest, the remaining provisions of section XX.XX Article IX remain in full force and effect.~~

Sec. 24-5742. Calculation of sign area.

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.

(Zoning Ord. 2003, § 18.1-908.02)

Sec. 24-5753. 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 article.

(Zoning Ord. 2003, § 18.1-908.03)

State law reference(s)—Va. Code § 15.2-2280.

Sec. 24-5764. Permit required.

(a) ~~(a)~~ — *Compliance.* No sign, except those qualifying for permit exceptions, shall be constructed, erected, relocated, ~~expanded~~expanded, or otherwise altered until a sign permit has been obtained from the zoning administrator in accordance with the provisions of this section.

(b) ~~(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. ~~(1)~~ Repainting or refacing an existing sign or minor nonstructural repairs.
2. ~~(2)~~ Signs specifically excluded from permit requirements.
3. ~~(3)~~ Signs permitted in all sign districts as outlined in section 24-5767.

(Zoning Ord. 2003, § 18.1-908.04)

Commented [KK1]: This may need to be updated once there is final draft.

Sec. 24-577. Signs exempt from obtaining a sign permit.

Signs not required to obtain sign permit; subject to all other applicable requirements. Each sign classified in this subsection may be erected, altered, replaced, or relocated without first obtaining a sign permit, provided that it complies with all applicable requirements of this ~~section XX.XX Article IX~~ and the following:

(a) *Temporary signs.* Temporary signs, which shall be nonilluminated and limited to the following types:

1. 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.

2. 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.
- a. In the residential sign and mixed use districts, the maximum aggregate sign area shall be four square feet and the maximum height shall be 12 feet.
- b. In the commercial and industrial sign district, the maximum aggregate sign area shall be 32 square feet and the maximum height shall be 12 feet.

e-3. When a business in the mixed use or commercial 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-4. 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 PRIVATE property where the yard sale will be held with the permission of the property owner. . Maximum aggregate sign area on all properties combined shall be 20 square feet.

5. ~~Temporary~~ Noncommercial signs. Signs that contain exclusively noncommercial speech may be displayed on private property, provided that all such signs shall be removed within 24 hours after the last day of the event to which they pertain. The maximum aggregate sign area shall be 20 square feet for each street frontage.

6. Signs in the commercial or mixed use district, at a permitted and licensed business, that are displayed only when open, is attached to the building, does not impede the right of way or obscure vehicular or pedestrian traffic, and are no larger than 15 square feet. No more than one is allowed per business. Alternatively, sidewalk signs are allowed under the same conditions, with a size limitation of six square feet.

7. Special event signs. Signs for special events may be displayed on private property, with the permission of the property owner, provided that all such signs shall be removed within 72 hours after the last day of the event to which they pertain. The maximum aggregate sign area shall be 20 square feet for each street frontage.

8. Window signs. Window mounted signs with commercial speech are allowed in commercial districts where there is a commercial use. Aggregate square footage for buildings under 5,000 square feet is 20 square feet and 40 square feet for buildings over 5,000 square feet. Window mounted signs with commercial speech are not allowed in any residential district. No window mounted sign may be larger than the window it is on. Window signs that do not contain commercial speech are not regulated.

(b) Permanent signs.

1. Two One signs at each parking lot entrance with no commercial logo or other message and not exceeding three square feet in area.
2. Nonilluminated 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.
3. Usual and customary signs identifying disabled parking, restrooms, directions, driving instructions or other facilities relating to such places or activities.

Commented [KK2]: This is 24 hours. Special Event is 72. I would make the removal time the same.

Commented [KK3]: Is this true on a commercial building or residential?

Commented [KK4]: You have 24 hours on #5. These are really the same thing. I would delete #5. Also do you get 40 square feet if you are on a corner have two street frontages? Just want to make sure I understand.

Commented [KK5]: Window signs are under temporary signs and permanent signs. Can 3 feet of my 20 feet be lit? It is a little confusing. Maybe #8 should be "unlit window signs."

Commented [KK6]: Is this mounted on the inside or outside of the window??

Commented [KK7]: You could also say that no window mounted signs are allowed in a residential district/use.

4. Signs not visible from adjacent properties or public rights-of-way.
5. Address signs. Address signs or property identification signs that do not exceed four square feet.
6. Advertising vehicles. Advertising vehicles that are:
 - a. in operating condition;
 - b. displaying valid license plates;
 - c. displaying an inspection decal that is either valid or has not been expired for more than 60 days;
 - d. used as transportation for the business; and
 - e. parked in an approved parking space or parking area that serves the business, or temporarily parked at another business to actively receive or provide goods or services, such as to load or unload goods, provide on-site services, receive vehicle maintenance and repair, or obtain food for the driver and passengers.
7. Warning signs. Warning signs that do not exceed four square feet.
8. Flags. Flags containing no commercial message are not regulated.
9. Location on right-of-way. Signs installed on VDOT right-of-way under a VDOT permit. The town will only assist in the VDOT permitting process with town-approved banners installed above South Main Street on the existing banner bracket.
10. ~~Community promotions~~Government signs. ~~Community promotions that do not contain any commercial messages or references and are~~ Signs constructed or displayed on public property under the auspices of a local, state or federal ~~ly-based~~ government agency.
11. Lit window signs. Within commercial districts, businesses may have up to an aggregate of three square feet of lit signs. Signs may not blink, flash, or changing text or include changeable copy.

Sec. ~~24.578. 4-15-7~~ Signs authorized by special use permit; off-site directional signs

The following signs are authorized by a special use permit, provided that a sign permit is also obtained for the sign, the sign complies with all applicable requirements of this section and the following:

- (a) Off-site directional signs. A proposed off-site directional sign shall satisfy the following:
 1. Eligibility. The owner shall demonstrate to the satisfaction of the zoning administrator that it has exhausted all possible locations and sign types for an on-site directional sign that would serve the purposes of the use. ~~and that no on-site directional sign face located at the site entrance would be visible from the street providing direct access to the site entrance within 100 feet of the site entrance.~~
 2. Process. The process for approval would follow the process for special use permits, as outlined in Section 24-37.

Sec. ~~24-579.575~~. 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) (4)~~ Commercial 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 commercial or industrial.

~~(2) (2)~~ — *Mixed use district*. This district is designed to support smaller scale retail and service businesses that are consistent with residential development. This district encompasses the central business and transitional zoning districts.

~~(3) (3)~~ — *Residential and agricultural sign district*. This district encompasses residential and noncommercial 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.

(Zoning Ord. 2003, § 18.1-908.05)

Sec. 24-581. Signs prohibited in all sign districts.

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

- ~~(1)~~ Any sign that impedes sight distance for a VDOT owned right-of-way.
- ~~(2)~~ Any sign that obscures a sign display by a public authority for the purpose of giving traffic instructions or directions or other public information.
- ~~(3)~~ 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.
- ~~(4)~~ Any sign that is attached to or mounted on a roof or projects above the plane of the building facade. This shall include decorative roofs such as a mansard roof.
- ~~(5)~~ Portable freestanding signs larger than 24 square feet or displayed for more than 60 days per year.
- ~~(6)~~ Except for time and temperature, no sign shall display flashing or intermittent lights, moving signs, ~~inflatables~~~~inflatables~~, or other lights of changing degrees of intensity, ~~brightness~~~~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.
- ~~(7)~~ Off-premises signs, other than those specifically permitted.
- ~~(8)~~ Signs that violate state or federal law. Signs that violate state or federal law, including but not limited to:
 - a. A sign that violates any law of the Commonwealth of Virginia related to outdoor advertising, including but not limited to Virginia Code §§ 33.2-1200 to 33.2-1234, inclusive, and 46.2-831.
 - b. A sign that violates any law of the United States related to the control of outdoor advertising, including but not limited to 23 U.S.C. § 131.
 - c. A sign that violates any state or federal law related to Virginia byways or scenic highways.
- ~~(9)~~ Sign that imitates a traffic sign or signal or a road name sign. A sign that imitates an official traffic sign or signal or a road name sign, or conflicts with traffic safety needs due to its location, color, movement, shape, or illumination.
- ~~(10)~~ Pennants, ribbons, spinners, streamers. Pennants, ribbons, spinners, streamers or similar moving devices, whether or not they are part of a sign.
- ~~(11)~~ Sign that produces sound. A sign that produces sound for the purpose of attracting attention regardless of whether the sign has written copy.
- ~~(12)~~ Sign erected in unsafe location. A sign that is erected in a location so as to be unsafe to vehicular or pedestrian traffic.

(13) Feather or flutter flags are prohibited, except as allowed as a temporary sign, regulated by 24-576 (1).

(Zoning Ord. 2003, § 18.1-908.10)

Sec. 24-58277. Signs located in the commercial and industrial sign district.

The following regulations shall apply in the commercial and industrial sign district:

For residential uses in the commercial 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) (1) Freestanding signs.

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

b. b. — Maximum sign area:

1. 1. — 40 square feet.

2. 2. — For shopping centers of 60,000 square feet or greater of retail space, or single users of 40,000 square feet or greater, 200 square feet total.

c. c. — Maximum height: 12 feet, or in the case of subsection (1)b. 1) b.2 of this section, 25 feet.

d. d. — Setback: Seven feet.

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

a. a. — Number of building-mounted signs permitted: Up to four on a single building, with a cumulative area of allowable size as listed in subsection (2)b, or one per business in a shopping center.

b. b. — Maximum sign area:

1. 1. — Mounted flat against the building: 60 square feet.

2. 2. — Projecting configuration: 12 square feet.

3. 3. — For shopping centers or large users, as defined in subsection (1)b.1) b.2 of this section, 120 square feet for the center.

4. 4. — Restaurants located in a B-2 district are also permitted to have up to 30 square feet of signage in menu boards, that is not counted against their cumulative sign average.

e. — 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.

Window mounted signs.

Number of window signs permitted: Up to two on a single building.

Maximum sign area:

For buildings or units under 5,000 square feet: 10 square feet.

For buildings or units over 5,000 square feet: 30 square feet.

(Zoning Ord. 2003, § 18.1-908.07)

Sec. 24-58378. Signs located in the mixed use district.

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

~~(1) (1)~~ *Freestanding signs.*

- ~~a. a.~~ Number of freestanding signs permitted: One.
- ~~b. b.~~ Maximum sign area: 20 square feet.
- ~~c. c.~~ Maximum height: Ten feet.
- ~~d. d.~~ Setback: Seven feet.
- ~~e. e.~~ Placement requirement: Freestanding signs in this district shall be placed within a grass or landscaped area of at least 200 square feet.

~~(2) (2)~~ *Building-mounted signs in the mixed use sign district.*

- ~~a. a.~~ Number of building-mounted signs allowed: Up to four on a single building, or one per business in a multi-tenant building.
- ~~b. b.~~ Maximum sign area: 60 square feet.
- ~~c. c.~~ Projecting configuration: 12 square feet.
- ~~d. d.~~ Maximum height: All areas of building-mounted signs shall be located below the ridge line of a gable roof building or at the top of the parapet of a flat-roofed building.

~~*Window-mounted signs:*~~

- ~~Number of window signs permitted: Up to two on a single building.~~
- ~~Maximum sign area:~~
 - ~~For buildings or units under 5,000 square feet: 10 square feet.~~
 - ~~For buildings or units over 5,000 square feet: 30 square feet.~~

~~(Zoning Ord. 2003, § 18.1-908.08)~~

Sec. 24-58479. 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) *Multifamily 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.

(Zoning Ord. 2003, § 18.1-908.09)

Sec. 24-585. ~~4-15-18~~ Sign maintenance.

Each sign, including the sign structure, shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts. If the sign is illuminated, all lighting fixtures and sources of illumination shall be maintained in proper working order.

State law reference(s)—Va. Code § 15.2-2280.

Sec. 24-586. Sign alteration, repair, or removal; when required.

A sign shall be altered, repaired, or removed in any of the following cases:

- (a) *Alteration, repair, or removal; unsafe or endangering condition.* If a sign becomes structurally unsafe, as determined by the building official, so as to become a danger to the public health or safety, the zoning administrator may order the owner or lessee of the lot on which the sign is located to alter, repair, or remove the sign within a time period determined by the zoning administrator to be appropriate under the circumstances. If the owner or lessee fails to comply with the order, the zoning administrator may cause the sign to be removed or initiate such other action as may be necessary to compel the alteration, repair, or removal of the sign.
- (b) *Removal; unlawful erection of sign.* If a sign is erected on private property in violation of this Article IX the zoning administrator shall order the owner or lessee of the lot on which the sign is located to remove the sign within a time period determined by the zoning administrator to be appropriate under the circumstances. If the owner or lessee fails to comply with the order, the zoning administrator may cause the sign to be removed or initiate such other action as may be necessary to compel compliance with the provisions of this Article IX. If a sign is erected on public property, including a public right-of-way in violation of this Article IX, any town employee may immediately remove the sign without prior notice to the owner of the sign.
- (c) *Removal of copy on sign face; discontinuance of pertinent use.* If the use of a structure or property is discontinued, the copy on each sign face that is commercial speech shall be removed by the owner or lessee of the property on which the sign is located within two years from the date of the discontinuance of the use. If the owner or lessee fails to remove the copy, the zoning administrator may cause the copy to be removed or initiate such other action as may be necessary to compel compliance with the provisions of this Article IX.
- (d) *Liability for cost of removal by town.* If the zoning administrator causes a sign or copy on a sign face to be removed under the provisions of this section, the cost of such removal shall be chargeable to the owner of the sign or the owner or lessee of the lot on which the sign is located.
- (e) *Custody and destruction of removed signs.* Cardboard and paper signs that have been removed by the town pursuant to this section shall be destroyed upon removal. All other signs which have been removed by the town shall be held for a period of 30 days and may be reclaimed by the sign owner within that time by reimbursing the town for the costs of removal. If such a sign is not reclaimed within the 30-day period, it shall be deemed to have been forfeited by the owner and shall be destroyed.

(§ 4-15-09.4 (part), 12-10-80; 7-8-92; § 4-15-23, Ord. 01-18(3), 5-9-01; § 4-15-19, Ord. 15-18(11), 12-9-15)

State law reference(s)—Va. Code § 15.2-2280.

Sec. 24-587. Nonconforming signs.

- (a) A nonconforming sign may continue, subject to the provisions, conditions, and prohibitions set forth herein:
- (b) *Alteration of copy.* The copy of a nonconforming sign may be altered by refacing the sign.
- (c) *Alteration of sign structure.* A nonconforming sign shall not be structurally altered; provided that the zoning administrator may authorize a nonconforming sign to be structurally altered so that it is less nonconforming and further provided that each time the nonconforming sign is structurally altered, the sign area and sign height shall be reduced by at least 25 percent of its current area and height until the sign area and the sign height are conforming.
- (d) *Consolidation.* Two or more nonconforming signs on a lot may be consolidated into a single sign; provided that the resulting sign area and sign height shall be reduced by at least 25 percent of its current area and height until the sign area and the sign height are conforming, and further provided that each time the resulting nonconforming sign is thereafter consolidated with another nonconforming sign on the lot, the resulting sign area and sign height shall be reduced by at least 25 percent of its current area and height, until the sign area and the sign height are conforming. A sign resulting from the consolidation of nonconforming signs shall not have greater sign height than any of the signs that were consolidated.
- (e) *Discontinuance of copy on sign face.* A nonconforming sign without copy on its sign face for a continuous period of two years shall lose its nonconforming status and be removed by the owner of the lot on which the sign is located.
- (f) *Discontinuance of use or structure to which sign pertains.* A nonconforming sign containing copy that is commercial speech shall lose its nonconforming status and be removed by the owner of the lot on which the sign is located if the use to which the sign pertains is discontinued for more than two years.
- (g) *Enlargement or extension.* A nonconforming sign shall not be enlarged or extended.
- (h) *Maintenance.* A nonconforming sign shall be maintained in good repair and condition.
- (i) *Relocation.* A nonconforming sign shall not be moved to another location on the same lot or to any other lot; provided that the zoning administrator may authorize a nonconforming sign to be moved to a location that is more in compliance with the purpose and intent and the requirements of this section Article IX.
- (j) *Replacement or restoration.* A nonconforming sign may be replaced or restored only as provided below:

 - 1. A nonconforming sign that is destroyed or damaged by the owner of the sign or the owner of the lot on which the sign is located shall not be replaced or restored unless it complies with this Article IX.
 - 2. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the lot on which the sign is located, to an extent the destruction or damage exceeds 50 percent of its appraised value, shall not be replaced or restored unless it complies with this Article IX.
 - 3. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the lot on which the sign is located, to an extent the destruction or damage is 50 percent or less of the appraised value, may be replaced or restored provided that the replacement or restoration is completed within two years after the date of the destruction or damage, and the sign is not enlarged or extended.
- (k) *Removal if in unsafe condition.* A nonconforming sign declared to be unsafe by a public safety official because of the physical condition of the sign, including an unsafe physical condition arising from the failure of the sign to be maintained, shall be removed.

(l) Registry of nonconforming signs. The owner of any lot on which a nonconforming sign shall, upon notice from the zoning administrator, submit verification within 60 days that the sign was lawfully in existence at the time of adoption of these sign regulations. The zoning administrator shall maintain a registry of such nonconforming signs.

State law reference(s)—Va. Code § 15.2-2280.