

PUBLIC HEARING NOTICE

The Amherst Town Council will hold a public hearing at 7:00 PM on July 10, 2024, in the Council Chambers of the Town Hall at 174 South Main Street, Amherst, VA, to discuss proposed amendments to the Amherst Town Code that would, if approved, add the following:

- (a) Sec. 24-576(g) – Signs permitted in all sign districts, allowing provisions for signs and/or flags to be displayed during business hours, and (h) providing for LED signs inside of business windows;
- (b) Sec. 24-580(7) - Signs prohibited in all sign districts, prohibiting flutter flags as permanent signs;
- (c) New Sec. 24-xxx to define “Signs;”
- (d) New Sec. xxx - Unauthorized use of water from fire hydrant; and,
- (e) New Sec. xxx - Tampering, damaging town property.

Supporting documentation can be viewed below and is available for inspection in the Town Hall during normal working hours.

ARTICLE IX. SIGNS

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. 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.

(Zoning Ord. 2003, § 18.1-908.02)

Sec. 24-573. 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)

Sec. 24-574. 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 section 24-576.

(Zoning Ord. 2003, § 18.1-908.04)

Sec. 24-575. 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) *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) *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) *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. 24-576. Signs permitted in all sign districts.

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 section shall not be included in computing the aggregate sign areas specified for individual districts.

- (1) *Temporary signs.* Temporary signs, which shall be nonilluminated 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 and mixed use districts, the maximum aggregate sign area shall be four square feet and the maximum height shall be 12 feet.
 - 2. 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.

- c. 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. 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. For special events within the town, any property owner may display up to two signs of up to four square feet each for up to five days in any 60-day period.
 - f. Signs on private property that exercise the property owner's right to right to free speech and express noncommercial messages such as ideals, causes, policies or candidates, provided that the aggregate sign area is not larger than 40 square feet in the mixed use and commercial and industrial sign districts or 16 square feet in the residential and agricultural sign district, and the total number of signs on a parcel cannot exceed two. Such signs shall be removed within 60 days of installation, and no property can display such signs for more than a total of 120 days per year.
 - g. Signs in the commercial or mixed use district, at a permitted and licensed business, that is 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.
 - h. LED or other lit signs inside of a business window, in the commercial or mixed use district, at a permitted and licensed business, that is displayed only when open, with no more than one per business and no more than six square feet.
- (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. 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.
 - c. Usual and customary signs identifying disabled parking, restrooms, directions, driving instructions or other facilities relating to such places or activities.
 - d. Signs not visible from adjacent properties or public rights-of-way.
- (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. The town will only assist in the VDOT permitting process with town-approved banners installed above South Main Street on the existing banner bracket.
- (5) *Nonconforming.* Any sign may remain in use provided that it was lawful at the time this article was enacted. However, signage for any business shall be required to conform to all requirements of this chapter as a condition of approval before any change to the signage for that business.
- (6) *Community promotions.* Community promotions that do not contain any commercial messages or references and are constructed or displayed on public property under the auspices of a locally based government agency.

Sec. 24-577. Signs located 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) *Freestanding signs.*
 - a. Number of freestanding signs permitted: One.
 - b. Maximum sign area:
 1. 40 square feet.
 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. Maximum height: 12 feet, or in the case of subsection (1)b.2 of this section, 25 feet.
 - d. Setback: Seven feet.
- (2) *Building-mounted signs in the commercial and industrial sign district.*
 - 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. Maximum sign area:
 1. Mounted flat against the building: 60 square feet.
 2. Projecting configuration: 12 square feet.
 3. For shopping centers or large users, as defined in subsection (1)b.2 of this section, 120 square feet for the center.
 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.
 - c. 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.

(Zoning Ord. 2003, § 18.1-908.07)

Sec. 24-578. 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) *Freestanding signs.*
 - a. Number of freestanding signs permitted: One.
 - b. Maximum sign area: 20 square feet.
 - c. Maximum height: Ten feet.
 - d. Setback: Seven feet.
 - e. Placement requirement: Freestanding signs in this district shall be placed within a grass or landscaped area of at least 200 square feet.
- (2) *Building-mounted signs in the mixed use sign district.*

- a. Number of building-mounted signs allowed: Up to four on a single building, or one per business in a multi-tenant building.
- b. Maximum sign area: 60 square feet.
- c. Projecting configuration: 12 square feet.
- 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.

(Zoning Ord. 2003, § 18.1-908.08)

Sec. 24-579. 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. 24-580. 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 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.
- (7) Feather or flutter flags are prohibited, except as allowed as a temporary sign, regulated by 24-576 (1).
- (8) Off-premises signs, other than those specifically permitted.

(Zoning Ord. 2003, § 18.1-908.10)

Secs. 24-581—24-608. Reserved.

Sign means any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade name or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a public business, a commodity, or product, which are visible from any public way ~~and used as an outdoor display.~~

SEC. xx-xx UNAUTHORIZED USE OF WATER FROM FIRE HYDRANT.

No person shall take or use any water from a fire hydrant or other outlet connected with mains supplied with water by the waterworks of the Town for any purpose other than the extinguishing of a fire by duly recognized fire department personnel, unless such use shall have been first authorized by the Town Manager in writing, and in the event such use is not for a public purpose in the Town, until and unless the charge for any such water to be so taken or used shall be paid in advance or agreed to be paid. Unless otherwise specifically provided, any person convicted of a violation of this section shall be held responsible for any fiscal liabilities associated with the unauthorized use and shall be guilty of a class one misdemeanor.

SEC. xx-xx TAMPERING, DAMAGING TOWN PROPERTY.

It shall be unlawful for any person to open or tamper with, including the obstruction of, any water meter, meter box, lid, valve, valve box, manhole, fire hydrant, pipe, fence, building, reservoir or any property of the town used in connection with the town's water and sewer system. The town shall have the right to discontinue service to the property on which the tampering occurred and/or remove the obstruction, including, but not limited to, the towing of vehicles blocking access to the towns water meters or other facilities, without liability therefore, in order to protect the health and safety of its customers, prevent or stop the theft of service and to access, repair or maintain its infrastructure, incidents of tampering with or obstruction of town utility facilities shall be reported to the town police department or other appropriate law enforcement agency for investigation and may be prosecuted civilly or criminally pursuant to the code of Virginia.