



Amherst County Board of Supervisors  
County Ordinance No. 2012-0011

**AN ORDINANCE, NO. 2012-0011**

Amending the requirements governing signs, including increasing height limitations, amending provisions relating to illumination, modifying setback requirements for freestanding pole type signs and the spacing requirements for off-site directional signs, extending the time that a sign can remain in place after a business, event or product ceases to exist, and making other technical changes.

---

Approved as to form by the County Attorney

---

**PUBLIC HEARING: Planning Commission, July 19, 2012**

**READING: Board of Supervisors, August 7, 2012**

**PUBLIC HEARING: Board of Supervisors, August 21, 2012**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That Section 907 of the Code of the County of Amherst, be and hereby is amended, as follows:**

*907.02. General Requirements.*

- a. All signs, unless otherwise specified in the sign ordinance, are subject to the permitting procedure required in Section 1003 of the zoning ordinance.
- b. Applications for a zoning permit for a sign shall be accompanied by a minor site plan and ~~shall be accompanied~~ by a seventy-five dollar (\$75.00) fee as provided in Section 1009.03 of the zoning ordinance, except that applications submitted by or on behalf of a religious assembly or religious institution for a sign not exempted from regulation pursuant to subsection 8 of Section 907.03 may be accompanied by a sketch or narrative describing the proposed locations, sizes, and content of such signs, and ~~shall be accompanied~~ by a twenty-five dollar (\$25.00) fee.
- c. The ~~board of supervisors~~ zoning administrator may require, as a condition of permitting certain off-site directional signs, that such signs not be visible from surrounding residences.
- d. All signs, whether permanent or temporary, shall comply with the applicable requirements of the county building code and any applicable regulations promulgated by the Virginia Department of Transportation pursuant to Title 33.1, Chapter 7, §§ 33.1-351 et seq. of the Code of Virginia (1950), as amended.

e. The following signs shall not be permitted:

1. Portable signs with an area larger than thirty-two (32) square feet.
2. Signs attached to a roof which extend above the peak of the roof.
3. Signs that obstruct the ability to see oncoming motor vehicle traffic at any intersection or entrance to a property.

*907.03. Exempt signs.* The following signs are permitted and exempt from the zoning and building permit process. These signs shall conform to all other applicable standards established pursuant to the sign ordinance except as otherwise provided in this ordinance.

1. Real estate signs not exceeding six (6) square feet in area for residential properties or thirty-two (32) square feet in area for commercial properties. Only two (2) such signs are allowed per parcel.
2. Political campaign signs.
3. Identification ~~and~~ or address signs, not exceeding two (2) square feet in area.
4. Construction signs pertaining to on-site activity that do not exceed thirty-two (32) square feet in area.
5. Nonilluminated, nonportable signs identifying religious assemblies or religious institutions, which signs (i) are affixed to the site at which the assembly or institution is located, and (ii) do not exceed thirty-two (32) square feet in area.
6. In agricultural areas, non-illuminated signs that advertise products which have been produced on the premises from on-site resources, which signs (i) are affixed to said premises, and (ii) do not exceed thirty-two (32) square feet in area.
7. On-site directional signs: as follows:
  - a. One (1) for each on-site intersection requiring visual prompting. All directional signs are limited to a maximum width of eighteen (18) inches and a maximum height of forty-two (42) inches.
  - b. Temporary non-commercial signs which: (i) describe a specific event or activity; (ii) are displayed for no more than thirty (30) days in any given twelve-month period; and (iii) do not exceed eighteen (18) inches in width and forty-two (42) inches in height.
8. Off-site directional signs which: (i) are no larger than four (4) square feet in total area; (ii) do not rise more than four (4) feet above the ground; (iii) contain the name, address or other descriptive information for a religious assembly or religious institution and are erected to guide people to that religious assembly or religious institution; (iv) are located outside the public right-of-way and any public utility easement; (v) are spaced at least three hundred (300) feet from one another; and (vi) appear once on any given street. The provisions of this subsection shall not be construed as authorizing the placement of any such signs on private property where the property owner has not consented to such placement. Any

dispute as to such consent shall be resolved through dispositive evidence of written consent produced by the party seeking to erect the sign.

907.04. *Standards.* All signs erected in the County of Amherst shall comply with the following standards, except as otherwise provided in the sign ordinance.

1. Illumination:

a. ~~Any illumination of signs shall be done in such a manner that no light is reflected or is apparent beyond the sign structure itself. The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property with which the sign is associated.~~

b. No colored lights shall be used at any location or in any manner such that they could be mistaken for traffic-control devices.

c. Neither the direct, nor reflected light from primary light sources shall be such as to create a traffic hazard to operators of motor vehicles on public thoroughfares.

d. Special Exception Permit Required – An approved special exception permit is required for any sign to be located in an agricultural district that displays flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color.

2. Setbacks and other:

a. ~~Generally. The following setback requirements notwithstanding, all~~ No signs or support structures shall ~~not~~ impair or jeopardize adequate sight distance of traffic movement.

b. *Front yard.* ~~No portion of a~~ any sign other than a freestanding pole type sign shall be located closer than within eight (8) feet from of the right-of-way of any public road. Freestanding pole type signs may be located within five (5) feet of the right-of-way of any public road if: (i) the structure's sign face is at least seven (7) feet high from grade, and (ii) the pole and any pole skirt do not exceed eighteen (18) inches in width or diameter. For the purpose of this sign ordinance, this standard shall be applicable. This standard applies to both frontages on corner lots.

c. *Side yard.* No portion of a sign shall be located ~~closer than~~ within five (5) feet from of a side property line.

d. *Rear yard.* No portion of a sign shall be located ~~closer than~~ within five (5) feet from of a side property line.

3. *Number of signs.* Excepting those signs exempted pursuant to Section 907.03, there may be erected upon a given property no more than one (1) on-site freestanding sign for every public road contiguous to that property.

4. Area.

a. ~~On-site signs shall not exceed two hundred (200) square feet in total area. On-site, The maximum area of on-site nonattached sign area signs is determined by multiplying the width of the property along~~

the frontage in feet by 0.5, except that such sign area shall not exceed two hundred (200) square feet. Attached signs may cover a maximum of twenty (20) percent of the view of the structure to which it is attached.

b. Off-site directional signs identifying a religious assembly or religious institution, which are not exempted from regulation pursuant to subsection 8 of Section 907.03, shall not exceed eight (8) square feet in total area.

c. Off-site directional signs identifying a civic organization shall not exceed eight (8) square feet in total area.

d. Off-site directional signs identifying any organization other than a religious assembly or religious institution, or civic organization, shall not exceed two (2) square feet in total area.

## 5. Height.

a. On-site attached signs shall not extend above the eaves of the roof and shall not project above the height of the roof peak of the principal on-site building.

b. ~~The maximum allowable height of freestanding signs shall be defined by a plane that extends from the setback line at a height of six (6) feet to the eaves of the principal building on site.~~ determined by the distance of the sign from the nearest right-of-way, as follows:

i. If the sign is located at least eight (8) but not more than twelve (12) feet from the right-of-way, the maximum height shall not exceed twelve (12) feet;

ii. If the sign is located more than twelve (12) feet but less than sixteen (16) feet from the right-of-way, the maximum height shall not exceed sixteen (16) feet; and

iii. If the sign is located more than fifteen (15) feet from the right of way, the maximum height shall not exceed twenty (20) feet.

c. Height shall be measured as follows:

i. If the sign's location is at or above the grade of the primary road from which the sign is intended to be read, height shall be measured from the ground on which the sign base sits.

ii. If the sign's location is below the grade of the primary road from which the sign is intended to be read, height shall be measured from the elevation of that primary road.

~~e.d.~~ Off-site directional signs shall not exceed six (6) feet in height.

## 6. Location.

a. ~~No portion of any sign, except those exempted from regulation pursuant to subsection 8 of Section 907.03, shall be located within eight (8) feet of the right of way of any public road.~~

b. ~~—~~ No portion of any sign shall be located in a public utility easement.

e b. An off-site directional sign identifying any organization other than a religious assembly or religious institution, or civic organization shall not be located at any place other than the intersection of two or more public streets.

dc. ~~Off-site~~ All off-site directional signs not located at an intersection shall be spaced at least three hundred (300) ~~300~~ feet from one another.

*907.05. Nonconforming and illegal signs. ~~Abandoned signs. Any nonconforming sign including a sign structure that does not display advertisement (real estate signs may not be used to reface existing signs) that is in good condition or advertises an event, product or business that no longer exists for one hundred twenty (120) days or more shall be considered abandoned. Abandoned signs and sign structures shall be removed.~~*

(a) A sign erected without a permit that is required to have a permit is an illegal sign.

(b) A sign that is subject to a condition that was imposed or accepted as part of any land use decision made prior to September 20, 2005, shall continue to be subject to the condition and such condition shall supersede any corresponding requirement specified in this ordinance. If there is a conflict between ~~conditions~~ a condition and this ordinance, then the conditions shall apply. If there is no condition which addresses a specific requirement, then the requirement of this ordinance shall apply.

(c) Any sign not lawfully existing prior to September 20, 2005, ~~shall not become a legal sign by the enactment of this ordinance on that date~~ may be made legal only through issuance of a permit pursuant to this ordinance.

(d) Any sign lawfully existing prior to September 20, 2005, which does not comply with the requirements of this ordinance as amended on that date, shall be deemed to be a nonconforming sign and may continue subject to the following conditions:

(1) The sign shall be properly maintained.

(2) If the sign is enlarged or altered structurally for reasons other than repair or refurbishment, the sign must come into compliance with all requirements of this ordinance, as amended.

(3) If the sign is repaired or refurbished at a cost in excess of fifty (50) percent of the replacement costs of the total sign structure (excluding the cost of sign faces) the sign must be brought into compliance with this ordinance's requirements.

Costs associated with normal maintenance and refacing of outdoor advertising signs shall not be deemed to be repair or refurbishing costs.

(4) ~~Nonconforming~~ The zoning administrator shall permit nonconforming signs and their structures that are damaged ~~to an extent where the estimated reconstruction cost (excluding the cost of sign faces) is fifty (50) percent or more of their appraised value shall not be rebuilt or repaired, unless brought into compliance with this ordinance by either an act of God or through no fault of the property owner to be reconstructed to their previous nonconfirming conditions. A zoning permit shall be required for such construction.~~

- (e) A nonconforming sign may be refaced without affecting its nonconforming status.
- (f) A new tenant in a multi-tenant building may erect new building mounted signs in conformance with this ordinance without affecting the nonconforming status of other signs on the building.
- (g) A nonconforming sign may be replaced under the following conditions:
  - (1) The sign is brought into conformance with this ordinance; or
  - (2) The area and height of the sign are reduced by fifty (50) percent of the amount the size and height exceed the current ordinance and all other requirements of this ordinance are met.
- (h) A business that has closed shall be required to remove any on-site or off-site signs including sign ~~structures~~ structures associated with the business within four (4) months of the date of the business closure.
- (i) All nonconforming off-site signs lawfully existing prior to September 20, 2005, may remain in place after becoming nonconforming, provided that they are maintained in accordance with this ordinance.

907.06 Abandoned signs. Any nonconforming sign or sign structure that advertises an event, product or business that no longer exists for a period of at least twenty-four (24) months shall be considered abandoned. Abandoned signs and sign structures shall be removed by the property owner within 30 days of issuance of a notice by the zoning administrator.

**§2. That this ordinance shall be in force and effect upon adoption.**

Adopted this 21st day of August, 2012.

\_\_\_\_\_  
V. Frank Campbell, Chairman  
Amherst County Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Clarence C. Monday, Clerk  
Amherst County Board of Supervisors

**Ayes** \_\_\_\_

**Nays** \_\_\_\_

**Abstentions** \_\_\_\_