AMHERST COUNTY PLANNING COMMISSION MEETING THURSDAY, JUNE 7, 2012 MINUTES

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, June 7, 2012, in the Board of Supervisors Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: Donald Hedrick, Chairman

Donald Kidd, Board Liaison

Derin Foor Beverly Jones George Brine Leslie Irvin

MEMBERS ABSENT: Mitch Heishman, Vice-Chairman

STAFF PRESENT: Jeremy Bryant, Director of Planning/Zoning

Matthew Rowe, Planner/Assistant Zoning Planner

Stacey Stinnett, Administrative Assistant

Agenda

- 1. Call to Order
- 2. Approval of Agenda
- 3. Citizens Comments
- 4. Draft Sign Text Business Taskforce
- 5. Ordinance First Reading
 - A. 2012-10 Establishing RMU-1 Zoning District
 - B. 2012-11 Farm Wineries
 - C. 2012-12 Parking Lots
 - D. 2012-13 Uses Authorized in Single Family

Residential Districts

- 6. Comprehensive Plan Discussion
- 7. Old/New Business
- 8. Monthly Report for May 2012
- 9. Adjournment

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. APPROVAL OF AGENDA

The agenda was amended by deleting item six (6) Comprehensive Plan Discussion. The item will be carried over to the next Planning Commission meeting on June 21, 2012.

Planning Commission Recommendation:

Motion: Irvin

Motion to approve the amended agenda.

Second: Foor

The motion carried by a 5-0 vote

3. CITIZENS COMMENTS

There were none.

4. DRAFT SIGN TEXT – BUSINESS TASKFORCE

Mr. Rowe discussed the results of the Business Taskforce Committees' changes to the existing sign ordinance. Mr. Rowe stated that staff supports these changes and felt that this revised document would be easier to interpret and more efficient for businesses. The Planning Commission asked questions and made several changes to the document.

Mr. Irvin was concerned that in section number 907.04 #2 the change from eight (8) feet to five (5) feet for freestanding pole type signs from the right-of-way of any public road could be a traffic hazard.

There was discussion amongst the Planning Commission regarding if a business was closed then how long the sign could remain on the property. Mr. Rowe replied that if a business was closed then the sign must be removed from the property by the property owner within four (4) months of the business closure.

Mr. Bryant explained that if this document was approved by the Planning Commission then it would be forwarded to the County Attorney for her review. Mr. Bryant also stated that at the next Business Taskforce Meeting on July 9, 2012 the landscape ordinance would be discussed.

There was discussion regarding signs at intersections.

The changes that were made to the sign draft by the Business Taskforce are highlighted below in yellow and the changes that the Planning Commission added are highlighted in red.

907. - Signs.

907.01. Intent. Section 907 of the zoning ordinance shall be designated the sign ordinance. The intent of the sign ordinance is to authorize signs that do not compromise public health, welfare, and safety, and which create a more attractive business climate and protect the natural beauty of the county, in accordance with § 33.1-369 of the Code of Virginia, 1950 as amended. Signage that by reason of its location, size, number or manner of display endangers the public, obstructs views of scenic beauty, or detracts from the neighborhood and surrounding area shall not be authorized under the county's permitting process.

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 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 regulations promulgated by the Virginia Department of Transportation as given in § 33.1-369 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.

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.

Political campaign signs.

3.

7.

8.

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.

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.

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.

On-site directional signs.

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.

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.

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. 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.
- b. No colored lights shall be used at any location or in any manner so as to be confused with, or constituted as, traffic-control devices.
- c. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- d. Special Exception Permit Required- In agricultural districts, an approved special exception permit shall be required for any sign that displays flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color.

Any illumination of signs shall be done in such a manner that no light is reflected or is apparent beyond the sign structure itself.

2.

Setbacks and other:

a.

Generally. The following setback requirements notwithstanding, all signs or support structures shall not impair or jeopardize adequate sight distance of traffic movement.

b.

Front yard. No portion of a sign, except those that are classified as being a freestanding pole type sign, shall be located closer than eight (8) feet from the right-of-way of any public road. Freestanding pole type signs may be located no closer than five (5) feet from the right-of-way of any public road, as long as the structure's sign face is at least seven (7) feet high from grade, and if the pole, and/or its pole skirt, does not exceed eighteen (18) inches in width or diameter. For the purpose of this sign ordinance, this standard shall be applicable to both frontages on corner lots.

c.

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

d.

Rear yard. No portion of a sign shall be located closer than five (5) feet from a side rear 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 non-attached signs shall not exceed two hundred (200) square feet in total area. On-site, nonattached sign area is determined by multiplying the width of the property along the frontage in feet by 0.5. 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 determined by the distance of the sign's location from the nearest right-of-way, as follows: 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.

1. If the sign's location is at or above the grade of the primary road from which the sign is intended to be read from:

Sign Height (feet)	Right-of-Way Minimum Setback
(feet)	
Less than twelve (12)	Eight (8) to less than twelve (12)
Twelve (12) to sixteen (16)	Twelve (12) to fifteen (15)
Up to twenty (20)	Greater than fifteen (15)

If the sign's location is below the grade of the primary road from which the sign is intended to be read from, then the overall height of any such sign and its sign structure shall be measured from the elevation of the said primary road level.

No on-site freestanding sign shall exceed the height of the eaves of the roof of the principal on-site building.

c.

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

6.

Location.

No portion of any sign, except those exempted from regulation pursuant to subsection 8 of Section 907.03 or those that are classified as being a freestanding pole type, shall be located within eight (8) feet of the right-of-way of any public road.

a.

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

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.

c.

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

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 a period of at least two (2) years one hundred twenty (120) days or more shall be considered abandoned. Abandoned signs and sign structures shall be removed by the property owner.

(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 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.

(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, 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 signs and their structures that are damaged by either an act of God, or at no fault of the property owner, shall be permitted to be reconstructed to their previous nonconforming condition(s) through the approval of a Zoning Permit. 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.

(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 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.

(Ord. of 8-20-02; Ord. of 5-17-05; Ord. of 10-18-05(8); Ord. of 11-21-06(5); Ord. of 3-16-10(3); Ord. of 12-21-10, § 3)

Planning Commission Recommendation:

Motion: Jones

Motion to move forward to be reviewed by the County
Attorney and put into ordinance format with the Planning

Commission's modifications.

Second: Foor

The motion carried by a 4-1 vote (Irvin)

Objection made by Mr. Irvin referring to the ordinance section 907.04 (2)(b), changing height from eight (8) feet to five (5) feet and the safety concern if a driver hits the sign because it is to close.

5. ORDINANCE - FIRST READING

A. 2012-10 Establishing RMU-1 Zoning District

Mr. Bryant briefly discussed the advantages that the RMU-1 Zoning District would have on Old Town Madison Heights. Mr. Bryant stated that the RMU-1 District would make it easier for these residents to meet setbacks and allow permitted mixed uses that should not be detrimental to the area. Mr. Bryant also stated that this ordinance was created with the citizens of Old Town Madison Heights comments and concerns in mind.

B. 2012-11 Farm Wineries

Mr. Bryant briefly discussed the definition of a farm winery and establishing them as a permitted use in the agricultural residential district.

C. 2012-12 Parking Lots

Mr. Rowe briefly discussed amending the requirements for surface treatment of parking lots and the width of lot aisles.

D. 2012-13 Uses Authorized in Single Family Residential Districts

Mr. Bryant briefly discussed the authorization of family day homes and group homes as uses in single-family residential zoning districts, and authorizing temporary family health care structures as accessory uses in such districts. Mr. Bryant answered the Planning Commission's questions.

Mr. Bryant stated that these ordinances would come back to the Planning Commission on June 21, 2012 for a public hearing.

7. OLD/NEW BUSINESS

Mr. Kidd updated the Planning Commission on the Division of Social Services meeting he attended.

There was discussion regarding the status of the Ballard Tract Subdivision and the withdrawn Liberty University request.

9. ADJOURNMENT

Planning Commission Recommendation:

Motion: Jones

Motion to adjourn.

Second: Irvin

The motion carried by a 5-0 vote

There being no further business to discuss, the meeting was adjourned at 8:36 pm.

/ss/6.20.12

Chairman