

Sign ordinance passes

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With all the past problems and discussions, Building and Zoning Director Gary Mitchell did not anticipate the approval by the commission so no committee paper was prepared.

After several complaints and a large number of businesses stating the sign ordinance was vague and hard to interpret, Mitchell requested that the Planning Commission allow a subcommittee be formed to rework the sign ordinance.

The objective was to make the ordinance more streamline so it would be easier for business owners and building and zoning staff to understand and to ensure it conformed to Virginia State Codes.

The sign ordinance has been a source of contention since this summer when complaints concerning signs surfaced and began what some residents were calling the "Sign Wars".

Some new business owners felt they were being discriminated against by not being allowed to place florescent or flashing signs inside or outside their establishments, while older businesses where allowed to. Large flags became popular after several businesses followed the lead of hot dog stand owner, Rick Davis, who employed them to attract attention to his business.

The subcommittee has totally changed the way the ordinance is presented with graphs, pictures and wording that is much easier to understand. However with so many changes there is still confusion among business owners.

Banners and Flags

Vertical flag signs are not permitted at shopping centers, the setback distance shall be a minimum of ten feet from the property line and the maximum aggregate sign area of all permitted sign types on a single property are limited to 75 feet. Properties with more than one business will be allowed these maximums for each business.

Vertical flags are defined as temporary signs which require a permit, under the ordinance temporary signs include mostly banner type signs. Strict regulations on these types of signs are included in Article 12 and are subject to a zoning permit fee.

This part of the ordinance is causing some confusion, particularly for Mary Wendy Selquist, who owns Colonial Beach Barber Shop.

"If you move my flag back ten feet it will be in the middle of the parking lot. If you put it behind where the storage units are, nobody is going to see it anyway."

Next to her shop, are storage units located in close proximity to the street and the barber shop is set way back from the road.

The commission discussed ways to accommodate Selquist and informed her that the set back limit was created by VDOT regulations to keep these types of flags and temporary signs from blowing into the roadway in high winds, resulting in a danger to motorists. The commission suggested mounting or securing the sign so it is permanent and not temporary.

Flashing signs

Changeable copy signs or electronic/digital signs must follow these conditions; any primary freestanding sign may have up to fifty percent of the its sign area as traditional changeable copy. Secondary freestanding signs may have all of its area as traditional changeable copy and digital changeable copy

incorporated into a monument sign is only permissible with a conditional use permit (CUP).

The ordinance states that no flashing or intermittent illumination shall be used on any sign or structure. This restriction is currently in the sign ordinance. Some businesses have expressed a desire to have these types of signs, but the new proposed ordinance does not permit them, so the commission has decided to allow flashing signs but they will require a CUP.

Mitchell told the commission that by requiring a CUP the town can address any safety concerns and control the placement of these signs.

Council members weigh in

Councilmen Tommy Edwards and Tim Curtin expressed their desire that the planning commission make sign restrictions as minimal as possible in response to the poor economy within the town and to help minimize the label on the town of not being business friendly.

Curtin spoke at the podium saying, "Whatever you guys come up with I would hope gives the widest possible latitude of the law to any ordinances you create, concerning property owners in the use of their property if it is in an area zoned for retail or commercial use."

Coombes defended the work of the subcommittee and planning commission, "There's so much work that went into this and there is such an improvement in what we had, when you stop to think about the widest latitude that Mr. Curtin just talked about, I think it covers it."

"Maybe council, in its infinite wisdom, can do better," Coombes expressed his feelings saying that, at the moment, the committee and commission have done the job to the best of their ability.

Because the commission said Colonial Ave. is under VDOT standards for some sign restrictions, Edwards asked who would enforce those rules. Mitchell told the commission that the building and zoning office will enforce the sign ordinance. He said, however, they will not go looking for violations but will only act on complaints. Mitchell told the commission that his staff will go out the day after the council passes the sign ordinance and take pictures of all business establishments. Any non-conforming signs will then be grandfathered in and will be allowed to keep their non-conforming signs until either they are destroyed by natural disasters or deteriorate.

Any replacement of non-conforming signs must be replaced with signs that follow the sign ordinance.

other changes

The following is only a brief description of proposed changes and should not be considered a complete list. Interested and affected parties should consult the draft article for a complete list of permitted and prohibited signage being proposed.

Changes in administration or enforcement give the power to enforce the sign ordinance to the planning director, Gary Mitchell or his designee.

It also gives the planning director the authority to cause the immediate removal of signs which are not constructed and maintained in accordance with the provision of Article 12 or in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code (VUSBC).

Signs deemed unsafe or to be an imminent threat of serious injury to property or persons may be removed by the authority of the planning director and the property owner shall bear the cost of removal.

The new sign permit calls for a strict application process requiring plans be submitted with all dimensions, measurements, placement and materials to be used.

Once a permit is issued if the sign is not installed within six months a renewal fee may be required to keep the permit valid for another six months.

Real estate and contractors signs are permitted without a permit but have new restrictions.

The article gives written directions, charts and graphs to help determine how to calculate dimensions as well as permitted placement of signs.

The ordinance also outlines required landscaping for signs as well as prohibited and permissible pruning of trees and shrubs near signs.

Finally, signs advertising a business or use that have been discontinued for a period of at least two years, shall be deemed abandoned or obsolete and will be required to be brought into conformity with the ordinance or removed in their entirety.

The amendment is now subject to another public hearing and vote on the council level before it will pass.

Linda Farneth

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