

**PLANNING COMMISSION
AGENDA**

Monday, November 23, 2020
Woodstock Municipal Office, Planning Commission Room
7:00 pm

This electronic meeting is being held pursuant to and in compliance with the emergency ordinance adopted by Town Council on April 1, 2020. Due to the Virginia Governor's limits on public gatherings and to encourage social distancing, the public is strongly encouraged to not attend in person. The meeting will be available for interested citizens to view online at <https://www.townofwoodstockva.gov>.

- Call to Order
 - Roll Call and Existence of Quorum
 - Adoption of the Agenda
 - Approval of Minutes – *October 26, 2020*
 - Commissioner Disclosures
 - Chairman's Statement
 - Remarks by Petitioners
 - Council Representative's Report
 - Staff and Committee Reports
 - Old Business
 - New Business
 - *Recommendation to Town Council to amend Chapter 90, Section 90-190. – Minimum lot size, Section 90-187. – Permitted uses, and Section 90-189. – Uses permitted by special permit.*
 - *Recommendation to Town Council to amend Chapter 90, 90-383. - Signs in residential districts, Sec. 90-384. - Signs in commercial district, Sec. 90-385. - Signs on interstate intersection corridor, and Sec. 90-386. - Signs in industrial districts.*
 - Adjournment
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IF YOU REQUIRE ANY TYPE OF REASONABLE ACCOMMODATION AS A RESULT OF PHYSICAL, SENSORY OR MENTAL DISABILITY IN ORDER TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT LEMUEL HANCOCK, PLANNER, AT 459-3621. THREE DAYS NOTICE IS REQUIRED.

Town of Woodstock
Planning Commission Meeting Minutes
26 October 2020

The Woodstock Planning Commission held an electronic meeting on Monday, October 26, 2020 at 7:00 pm pursuant to and in compliance with the emergency ordinance adopted by Woodstock Town Council on April 1, 2020. Attending in person were Lemuel Hancock, Urban Designer and Neighborhood Planner. Attending electronically were Chairman Lantz; Commissioners Leake, Schennum, Cooper, Sheetz and Haun; and Aaron Gridale, Deputy Town Manager.

- (1) Call to Order: Chairman Lantz called the Planning Commission meeting to order at 7:00 pm.
- (2) Roll Call and Existence of Quorum: The Chairman established that there was a quorum of the Planning Commission.
- (3) Adoption of the Agenda: Commissioner Schennum moved that the agenda be adopted. Commissioner Haun seconded the motion and it carried unanimously.
- (4) Action on the minutes of the previous meeting: Commissioner Leake made a motion to approve the September 28, 2020 meeting minutes. Commissioner Schennum seconded the motion and it carried unanimously.
- (5) Commissioner Disclosures: None.
- (6) Chairman's Statement: Chairman Lantz stated that he is glad that the Commission is able to continue meeting electronically where everyone can be safe at home.
- (7) Remarks by Petitioners: Mr. Andre Fontaine, applicant for the River Watch Subdivision plat extension, stated that he is asking for an additional six-month extension of approval of the Phase 1 final plat. Mr. Fontaine stated that he is working on soliciting interest from builders on the project, which has slowed down a bit with COVID-19. He is hopeful that this will be the last time an extension is needed. Mr. Fontaine stated that there is definitely more interest in people living in more rural areas such as Woodstock as a result of COVID.
- (8) Council Representative's Report: Commissioner Haun stated that an Ordinance Committee held a meeting last week and had some discussion about an Urban Archery program. Mr. Haun stated that he has received feedback from numerous people both positive and negative about the program. Mr. Haun stated that committee discussions on that topic will continue in the future.
- (9) Staff & Committee Reports: Mr. Hancock stated he will cover the development updates following new business.
- (10) Old Business: None
- (11) New Business:
 - *Recommendation to Town Council for Six-Month Extension of Final Plat Approval for Phase 1 – River Watch Subdivision*

Chairman Lantz called for any discussion on the matter.

Commissioner Leake asked Mr. Hancock for clarification about the potential bicycle-pedestrian easement on site.

Mr. Hancock displayed an image of the schematic plan for the subdivision illustrating the location where Mr. Fontaine has included an easement for future bicycle-pedestrian infrastructure. Specifically, the easement is located on the western edge of the site coming south from East Reservoir Road between this development and the Ridge Apartments.

Commissioner Haun made a motion to recommend approval of the plat extension and submitted bond estimate. Commissioner Leake seconded the motion and it passed unanimously.

- *Sign Ordinance Update (Information Only)*

Mr. Hancock stated that staff and Council have been discussing updates to the Town's sign ordinance to ensure compliance with the U.S. Supreme Court case *Reed v. Town of Gilbert*. Mr. Hancock provided an overview of the proposed ordinance changes, including how the case law supports ordinances that contain content-neutral regulations, such as regulations on size, location and duration of display. Mr. Hancock went through each of the major sections of the current code and outlined the proposed changes to eliminate content-based regulations. Mr. Hancock stated that the draft ordinance contains limited changes to the existing regulations in the commercial and industrial districts. Additionally, the ordinance includes procedural clarity in code, especially about what types of signage requires permits and how the ordinance will be administered.

Mr. Hancock noted that there will be a joint public hearing on this ordinance change at next week's Town Council meeting.

Chairman Lantz asked for clarification about neon illuminated signs behind windows. Mr. Hancock stated that the ordinance is adjusting some allowances of certain illuminated signs but not signs behind windows. Mr. Hancock noted that there is a change to limit thirty percent of a freestanding sign area to be dedicated to electronic message board signs.

- *Minimum Lot Requirements in B1 District Update (Information Only)*

Mr. Hancock stated that there has been interest from a few property owners in the B-1 district in expanding residential use allowances. The ordinance change will allow for four residential units by-right regardless of lot size; higher intensity residential units would follow the current lot area requirements of 6,000 square feet of lot size and larger. Mr. Hancock stated that if lot area requirements cannot be met then a property owner can seek a special use permit process. Mr. Hancock concluded by displaying a map showing that there are potentially 51 parcels that could be affected by the increase in residential density allowances.

Mr. Hancock stated that similar to the sign ordinance amendment, this item will be considered at a joint public hearing at next week's Town Council meeting.

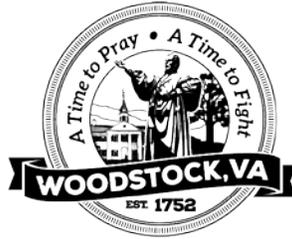
- *Development Update*

Before starting the development update, Mr. Hancock stated that recently Town Council adopted a resolution designating the Town as a Bee City USA. Mr. Hancock continued

with giving an update about various pending development projects throughout town and zoning permit statistics for the year.

There being no further business, Commissioner Leake made a motion to adjourn followed by a second by Commissioner Schennum. The motion carried unanimously and the Woodstock Planning Commission adjourned at 7:45 pm.

Town Clerk



THE TOWN OF
WOODSTOCK
Virginia

To: Planning Commission
From: Lemuel Hancock, Planner
Date: 19 November 2020
Re: **B1 Minimum Lot Square Footage**

Issue: Developers are interested in turning commercially used buildings into residential uses, however, our code may restrict this development based on the minimum lot size requirements.

History. Section 90-190 establishes the minimum lot size in the B-1 Central Business District. This district is characterized by historic structures and unusual lots sizes, and there is no minimum lot size specified in the district, except where a residential use is to be established or expanded; then there shall be a minimum area of 6,000 square feet, plus an additional 1,500 square feet for each dwelling unit above two. This could be potentially problematic in a district where there are lots that encompass a whole building and there is a landlocked situation. Therefore, downtown living would be impacted negatively from this ordinance because additional land would need to be accessed in order for dwelling units to be created or expanded.

Mr. Henry Buettner spoke on behalf of this ordinance change at the Joint Public Hearing held November 4, 2020. No one opposed it.

Proposed Modification. Staff proposes to increase flexibility to include residential uses on smaller lots as well as adding an option to seek a special use permit if the lot area requirements cannot be met. This will help facilitate the expansion of living quarters in the downtown area.

Sec. 90-190. - Minimum lot size.

There shall be no minimum lot size in the B-1 central business district, except where a residential use is to be established or expanded **in excess of 4 units**; then there shall be a minimum area of 6,000 square feet, plus an additional 1,500 square feet for each dwelling unit above **four**.

Sec. 90-187. - Permitted uses.

Structures to be erected or land to be used in the B-1 central business district may be used for one or more of the following uses; provided, that only one main building and its accessory buildings may be erected on any lot or parcel of land in this district:

(1) Multifamily dwellings **where minimum lot size and space requirements are met.**

Sec. 90-189. - Uses permitted by special permit.

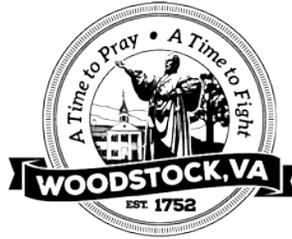
The following use shall be permitted by special permit in the B-1 central business district:

(1) Commercial parking facilities, pursuant to [section 90-391](#).

(2) Halfway house.

(3) Single-family detached dwellings; at no time shall the percentage of Single-family detached dwellings in the district exceed 25 percent of the total main buildings, without the prior approval of the town council.

(4) Multifamily dwellings where minimum lot size and space requirements are not met.



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Staff Report

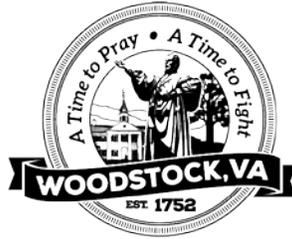
To: Planning Commission
From: Lemuel Hancock, Planner
Date: 19 November 2020
Re: **Sign Ordinance Update**

Issue: The Town sign code needs to be updated in accordance with Reed vs. Town of Gilbert.

History: Several years ago, there was a U.S. Supreme Court case between the Town of Gilbert, Arizona and Pastor Clyde Reed, Good News Community Church. The church held services in temporary locations around town, displaying temporary signage over the weekend advertising the church name, time, and location of service. The town cited the church for violating the temporary sign ordinance and the church subsequently filed a suit, claiming that the code abridged their freedom of speech. The District Court then upheld the town's decision and the Ninth Circuit affirmed that decision. However, when the decision was appealed, the Supreme Court determined the following:

- (1) The Town of Gilbert's sign ordinance included several content-based regulation categories, like "political signs", "ideological signs", "temporary signs" and that signage laws must survive strict scrutiny (the law must further a compelling governmental interest).
- (2) The restrictions in the sign ordinance were applied based on content/message, and the ordinance itself provided categories that made it content-based *on its face*.
- (3) The code's content-based restrictions do not survive strict scrutiny, because even though the town has an obligation to control traffic safety and aesthetics, the difference between an ideological sign versus a political sign have no greater threat to the other. However, a locality can control time, manner, and place related to general signage, but there cannot be an allowance based upon the message of the sign (whether it be contractor signs, real estate signs, political signs, etc.).

Modifications: Generally, our permanent sign ordinance, typically utilized for commercial and industrial districts, does not require a lot of modification. However, like the Town of Gilbert, our



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temporary sign ordinances do require modification – they are content-based on their face. After a recent conversation pertaining to political signage, it is imperative that we move forward with the amendment of our sign ordinance to make it consistent with the court decision. In addition, the following modifications/amendments are proposed for consideration:

- An added section on findings, purpose, and intent of the sign ordinance
- Amended definitions for specificity
- An added section for prohibited signs, materials, locations for consideration by the Ordinance Committee
- Modifications to temporary signage to remove content-based regulations

90-383-1 *Findings, purpose and intent.*

- A. Signs may obstruct views, distract motorists, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- B. Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by Town Council are forbidden.
- C. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection A. of this section.
- D. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- E. These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.
- F. These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- G. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

90-383-2 *Definitions.*

Advertising means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

Animated sign means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a "moving sign."

Awning sign means a sign placed directly on the surface of an awning.

Banner means a temporary sign of flexible material designed to be installed with attachments at the corners.

Building frontage means the length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public.

Business sign means a sign which directs attention to a product, service or commercial activity available on the premises.

Canopy sign means a sign attached to a canopy.

Changeable copy sign means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Feather sign means a lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.

Flag means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this does not include pennants.

Flashing sign means a sign that includes lights that flash, blink, or turn on and off intermittently.

Freestanding sign means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building, and includes pole signs and monument signs.

Height means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade prior to construction; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

Illegal sign means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated sign means a sign that is backlit, internally lighted, or indirectly lighted.

Marquee means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Marquee sign means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

Monument sign means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

Nonconforming sign means any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Off-premises sign means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

Pole sign means a sign that is mounted on one or more freestanding poles.

Portable sign means any temporary sign not affixed to a building, structure, vehicle or permanently affixed to the ground. It does not include a flag or banner. Signs shall be considered not permanently affixed to the ground if the sign is pushed, hammered or similarly put into the ground.

Projecting sign means any sign, other than a wall, awning, canopy or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

Public area means any public place, public right-of-way, any parking area or right-of-way open to use by the general public.

Roof sign means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

Sign means any object, device, display, or structure, or part thereof, visible from any public area which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term "sign" also does not include the display of merchandise for sale on the site of the display.

Sign face means the portion of a sign structure bearing the message.

Sign structure means any structure bearing a sign face.

Temporary sign means a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

Vehicle or trailer sign means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Wall sign means any sign attached to a wall or painted on or against a flat vertical surface of a structure.

Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

90-383-3 *Permit required.*

- A. A sign permit is required prior to the display and erection of any sign except as provided in Section 90-383-4 of this article.
- B. *Application for permit.*
 - 1) An application for sign permit shall be filed with the Zoning Administrator on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the Zoning Ordinance and other applicable laws, regulations and ordinances. An application for a temporary sign shall state the dates intended for erection and removal of the sign.
 - 2) The Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 30 business days after receipt. Any application that complies with all provisions of this Zoning Ordinance and other applicable laws regulations and ordinances shall be approved.
 - 3) If the application is rejected, the Administrator shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the Zoning Ordinance or other applicable law, regulation, or ordinance.
- C. *Overlay district regulations.* All signs in the Community Institution Overlay District must follow Code Section 90-359-10 as provided for in the Ordinance except when a sign permit is not required.

90-383-4. *Permit not required.*

A sign permit is not required for:

- A. Signs erected by a governmental body or required by law.
- B. Flags not containing any commercial advertising.
- C. The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with Section 90-383-9.
- D. Temporary signs as follows:

- 1) One sign, located on a property where a building permit is active, with a total area of up to 16 square feet and a maximum height of six feet when the sign abuts a road with a speed limit of 25 miles per hour or less, when the sign abuts a road with a speed limit greater than 25 miles per hour but less than 55 miles per hour not more than one sign with a total area of up to 32 square feet and maximum height of eight feet.
- 2) On any property for sale or rent, not more than one sign with a total area of up to 16 square feet and a maximum height of six feet when the sign abuts a road with a speed limit of 25 miles per hour or less, when the sign abuts a road with a speed limit greater than 25 miles per hour but less than 55 miles per hour not more than one sign with a total area of up to 32 square feet and maximum height of eight feet.

Official notices or advertisements posted or displayed under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten days after their purpose has been accomplished.

- 3) On a property containing a residential use, one or more temporary signs with a total area of no more than 16 square feet, and which are removed within 90 days after being erected.
 - 4) Any sign installed and located on the interior of a commercial or industrial development that is not legible or visible from off-site that is not designed to be legible or visible from off-site.
- E. *Pavement markings.* Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.
- F. Portable signs so long as they do not exceed limits set forth within this chapter and are brought in each night after business operations.
- G. Freestanding and building mounted signs primarily oriented towards outdoor athletic facilities, provided that no freestanding sign is taller than the maximum building height in identified district, unless specified elsewhere in code. Such signs should be oriented so that they are not designed to be visible from public streets. In all zoning districts such signs may utilize internal illumination, consistent with Sections 90-383-8B.1) and 90-383-B.2). Signs authorized by this section shall not be attributable to the allowances otherwise permitted on a property.

90-383-5 *Prohibited signs.*

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

A. *General prohibitions.*

- 1) Signs that violate any law of the Commonwealth relating to outdoor advertising.
- 2) Signs attached to natural vegetation.

- 3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized Town official as a nuisance.
- 4) Vehicle or trailer signs.
- 5) Any sign displayed which does not comply with all applicable regulations of this Ordinance.

B. *Prohibitions based on materials.*

- 1) Feather flag signs. This subsection does not apply to flags expressly permitted under this article.
- 2) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article. This applies to signs mounted within one foot of the interior side of a window when primarily designed for outside viewing and the structure is located within 35 feet of the street.
- 3) Signs consisting of illuminated tubing, strings of lights or illumination devices such as LEDs.
- 4) Signs that emit smoke, flame, scent, mist, aerosol, liquid or gas.
- 5) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit in excess of 30% of the total sign area permitted in another portion of this chapter.
- 6) Strings of pennants visible from, and within 50 feet of, any public way.
- 7) Moored balloons, inflatable signs, or other floating signs that are tethered to the ground.

C. *Prohibitions based on location.*

- 1) Off-premises signs, unless specifically permitted by this chapter.
- 2) Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
- 3) Signs on the roof surface or extending above the roofline of a building or its parapet wall.
- 4) Any sign located in the vision triangle formed by any two intersecting streets, as regulated by the provisions of 90-376(a) of this Ordinance.
- 5) Any sign with a minimum clearance of less than eight feet above a walkway or sidewalk or less than 15 feet above a driveway or alley, unless associated with a drive-thru establishment.

- A. All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
- B. All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.
- C. The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.
- D. Sign condition, safety hazard, nuisance abatement, and abandonment.
 - 1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.
 - 2) Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

90-383-7 *General requirements.*

- A. *Placement.* Except as otherwise permitted, all freestanding signs shall be set back from any property line by at least five feet.
- B. *Illumination.* All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.
 - 1) The light from any illuminated sign shall not cause direct glare into or upon any building or property owner other than the building or property to which the sign may be related.
 - 2) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
 - 3) Electronic message board signs shall not change message with a greater frequency than recommended by VDOT in order to prevent traffic hazards to operators of motor vehicles on public thoroughfares.

90-383-8 *Nonconforming signs.*

- A. Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the Zoning Administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

- B. No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- C. Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- D. No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- E. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50 percent of its area may be restored within two years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding 50 percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- F. A nonconforming sign which is changed to become conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- G. A nonconforming sign structure shall be subject to the removal provisions of Section 90-383-7. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such sign structure shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the Zoning Administrator or designee shall give the owner 15 days' written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Sec. 90-383-9. - Signs in residential districts.

In any residential district, the following signs shall be permitted:

- (1) ~~Home occupation signs.~~ **On a property containing a legal home occupation** one sign, not exceeding two square feet in area, for the purpose of indicating a home occupation each dwelling, when erected or displayed on a dwelling and bearing only the name or home occupation use of an occupant of such dwelling such sign shall be fixed flat against the main structure only and **shall not be directly** be in no way illuminated.
- (2) ~~Church bulletin boards.~~ One church bulletin board sign not exceeding 18 square feet in area, when erected or displayed on the property of the church institutional use; provided, that when a church an institutional use faces more than one street, one such church bulletin boards sign may be erected or displayed on each street frontage, **not to exceed 18 square feet in total area.** Church bulletin boards Signs shall be set back at least ten feet from any lot line.
- (3) ~~Identification signs.~~ One sign, not exceeding 12 square feet in area, for the purpose of showing the name and use of a permitted use, when in a residential zone and when such sign is erected

~~or displayed on the property so identified. Such identification signs shall be set back at least ten feet from any lot line.~~

~~(4) *Subdivision signs.* Signs, not exceeding 18 square feet in area, for the purpose of advertising or identifying a housing development or subdivision, when erected or displayed on the property so advertised or identified, at least ten feet from any lot line; provided, that only one such sign shall be erected or displayed facing any one street on the perimeter of such development or subdivision.~~

~~(5) *Temporary signs.*~~

~~a. One contractor's sign, not exceeding 24 square feet in area, and two subcontractor's signs, not exceeding eight square feet in area each, when erected or displayed on the premises upon which building operations are being conducted; provided, that such signs shall be removed upon completion of the work.~~

~~b. Signs, not exceeding eight square feet each, for the purpose of advertising the sale, lease or future use of real estate, when erected or displayed on the property so advertised; provided, that a total sign area of not more than 24 square feet (may be more than one sign) shall be permitted when such signs are set back at least five feet from the front lot line.~~

~~c. Yard sale signs. Yard sale signs shall not exceed three in number per yard sale and shall not exceed six square feet each. Such signs must be freestanding signs. No such signs shall be erected more than 24 hours before the commencement of the sale and shall be removed within 24 hours of the sale.~~

~~d. Political election signs. Political election signs shall not exceed 12 square feet and shall not be placed in the public right-of-way. All such signs shall be freestanding and shall not be erected more than 60 days before the election and shall be removed within seven days after the election.~~

~~(6) Public school signs. One informational sign not exceeding 24 square feet in area and one identification sign not exceeding 24 square feet in area.~~

Sec. 90-384. - Signs in commercial district.

~~(a) *Permitted signs.* In the commercial district, the following signs shall be permitted:~~

~~(1) Church bulletin boards, identification, subdivision and temporary signs, with the sign setback requirement reduced to five feet.~~

~~(2) Signs advertising only the general business conducted within the premises upon which such signs are erected or displayed.~~

~~(3) Real estate and contractors' signs as specified in section 90-383(5)b.~~

~~(4) Public school signs as provided in section 90-383(6).~~

A. *Size; location.* Signs permitted within a commercial district shall be erected or displayed only on such walls of a building as face a street, alley or parking area, or as freestanding signs upon the lot, subject to the following provisions as to size and location:

(1) *One-story building.* The total area of all signs (may be more than one) facing a street, alley or parking area shall not exceed one square foot for each foot of building width facing such

street, alley or parking area, but in no case shall the aggregate of such signs exceed 100 square feet.

- (2) *First floor businesses in multistory buildings.* The total area of all signs facing a street, alley or parking area shall not exceed one square foot for each foot of building width facing such street, alley or parking area, but in no case shall the aggregate of such signs exceed 100 square feet. All such signs shall be kept within a height of 20 feet above the sidewalk.
- (3) *Upper stories of multistory buildings containing one or more businesses above first floor.* The total area of all signs facing a street, alley or parking area on any wall above the 20-foot height specified in subsection (b)(2) of this section shall not exceed 40 square feet or 1/40 of the area of that wall above such 20-foot height, whichever is greater.
- (4) *Multistory buildings occupied by one business only.* Where entire buildings over one story in height are occupied by one business, a total sign area of 100 square feet facing any street, alley or parking area or of 1/40 of the area of that wall above such 20-foot height, whichever is greater.
- (5) *Signs hung on marquees, etc.* No sign shall be hung on a marquee, canopy or portico if such sign shall extend beyond the established setback line. The area of any such sign shall be included in determining the total area of signs erected or displayed.
- (6) ~~*Signs advertising occupants*~~ **Window signage, etc.** ~~Signs advertising only the name of the occupant of a store, office or building, or the business or occupation conducted or the products sold therein, may be placed on show windows; provided, that~~ Not more than 20 percent of the area of such windows shall be covered. The area of such signs shall be included in determining the total area of signs erected or displayed.
- (7) *Projection and height of signs.* A sign may be erected or displayed flat against a wall or at an angle thereto, but no sign shall project beyond 25 feet from the street right-of-way. The bottom of a sign, the area of which exceeds six square feet, erected flat against a wall, shall not be less than eight feet above the sidewalk, alley or parking area. The bottom of a sign projecting from a wall shall not be less than ten feet above a walkway or parking area or less than 14 feet above an alley.
- ~~(8) *Roof signs.* No roof signs shall be permitted.~~
- (8) *Freestanding advertising signs.* Freestanding signs upon a lot may be erected or displayed only where drive-in service or parking is provided, leaving a distance between the building and a side lot line of ten feet or more from the lot line; provided, that not more than one such freestanding sign shall be permitted for any building or building unit having a street frontage with such drive-in service area, parking areas or building setback. No signs other than those indicated on the sign application shall be attached to a freestanding sign. Freestanding signs shall not be erected more than 30 feet above the grade, and no part of the sign or supporting structure shall be located closer than ten feet from the street right-of-way, and shall not exceed 100 square feet in area. Where signs are erected as freestanding signs upon a lot, the total area of all signs permitted by this section shall be one square foot for each foot of lot frontage; provided, that signs conform to the other requirements and restrictions contained in this section. The town manager or the town manager's agent has the discretion to increase the sign setback if sight distance is impacted.
- ~~(9A) *Portable signs.* A portable sign is a nonilluminated or illuminated self-contained sign, not permanently attached to the ground, including those signs commonly known as "trailer~~

signs" or "spider signs" but not including signs painted or otherwise inscribed on a self-propelled vehicle. For purposes of this chapter, portable signs as herein described shall be considered freestanding signs and shall be considered in the total allowable square footage for freestanding signs and must meet the setback regulations set forth for freestanding signs.

- (9) ~~Signs advertising theater acts etc.~~ **Movie Theater Signage.** Signs advertising the acts or features to be given in movie theaters may be displayed on permanent frames erected on theater buildings in accordance with the provisions of this section as to size and location, and the bottom of any such frame erected flat against a wall may be less than eight feet above the sidewalk, alley or parking area; provided, further, that when the area of any such frame facing a street, alley or parking area does not exceed 24 square feet and the total area of all such frames facing such street, alley or parking area does not exceed 48 square feet, the area of the signs displayed thereon shall not be included in determining the total area of signs erected or displayed.

- (10) *Temporary signs.*

a. *Interior window sign.* ~~A temporary interior window sign is a sign describing a brief commercial activity.~~ The size of a temporary sign shall not be included in the computation of aggregated signage permitted in this section. If a temporary interior window sign becomes tattered, worn or illegible, it must be removed upon notice of the zoning administrator. The sign must be removed within five days of the conclusion of the advertised event.

b. *Exterior banner signs.*

1. Substitution. Wherever this article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction. A permit shall not be required for any such sign.

2. Commercial: ~~An exterior banner sign is a sign applying to seasonal or other brief activity including special sales, "grand opening", "under new management", or "going out of business", events to be held within the premises. A zoning permit, without fee, shall be required.~~ An exterior banner sign may be displayed for ~~14~~ **30** days, not more than ~~four~~ **two** times per calendar year. A total maximum of ~~50~~ **32** square feet shall be permitted for banner signs, with no more than two signs being displayed at any one time. ~~Banner signs must be attached flush to the building.~~

~~Any other type of temporary advertising signs, including but not limited to cardboard/metal/foam/plastic product signs attached to poles or inserted into portable metal frames, and similar nonpermanently mounted displays are not permitted.~~

- ~~(11A) Political election signs. Political election signs shall not exceed 32 square feet and shall not be placed in the public right-of-way. All such signs shall be free standing and shall not be erected more than 60 days before the election and shall be removed within seven days after the election.~~

- (11) *Retail establishments exceeding 50,000 square feet director signs.* Retail establishments exceeding 50,000 square feet which constitute more than one retail establishment, as defined in subsection 90-381(2)A of this chapter, are permitted one freestanding sign. The total allowed area of such sign is one square foot for each foot of street frontage and the total shall not exceed 150 square feet. The area of the retail establishments exceeding 50,000 square feet

directory sign shall not be included in the total area of signs otherwise permitted for separate businesses.

- (12) *Buildings housing more than one tenant where each tenant has its own outside entrance.* Maximum of one square foot of sign area for each linear foot of building frontage occupied by each tenant. Maximum per tenant, 100 square feet. Individual businesses may have only wall signs.
- (13) *Commercial centers.* For commercial centers, freestanding signage shall be permitted on the following basis.
 - a. One sign for every 1,200 linear feet of public street frontage; the first such sign shall not exceed 250 square feet in area nor 50 feet in height, and any additional such signs shall not each exceed 75 square feet in area nor 25 feet in height; OR,
 - b. One sign for each public street frontage; the first such sign shall not each exceed 125 square feet in area nor 25 feet in height, and any additional such signs shall not each exceed 50 square feet in area nor 20 feet in height; OR,
 - c. For commercial centers with at least 500 linear feet of public street frontage, one sign not exceeding 50 square feet in area nor 25 feet in height shall be permitted in addition to the low-rise signage.
 - d. Freestanding signs permitted under this section shall be situated at least 50 feet apart from each other within the limits of the development.
 - e. No sign shall project closer than ten feet to the property line.
 - f. For commercial centers with at least 800 linear feet of frontage on the right-of-way of Interstate 81, one permitted freestanding sign in section 90-384 (b)(14)a.—c., may be replaced with one freestanding sign not exceeding 200 square feet in area nor 40 feet height. Such sign shall be no further than 100 feet from the Interstate right-of-way line; shall be no closer than 300 feet to a freestanding sign on an adjacent commercial center; and shall be at least 300 feet from residentially zoned land.

B. *Stop lines, etc.*

- (1) Stop lines shall be solid white lines at least 24 inches wide and extending across all lanes exiting vehicular traffic onto public streets and highways. The stop line shall indicate the point behind which each approaching vehicle required to stop, and the stop lines shall be accompanied by a stop sign, appropriately placed, or the letters "STOP" painted in the center of the lane as provided in this subsection.
- (2) Stop lines shall be placed not less than three feet from the sidewalk or not less than nine feet from the public street or highway curbline, whichever is greater.
- (3) The letters "STOP" when used in place of stop signs shall be white and painted approaching the stop line approximately two feet from the nearest point of the stop line. The letters shall be at least three feet in height with appropriate width.
- (4) The provisions of this section shall apply to and be required of the owners of all commercial properties which allow vehicle access to any public street or highway.

(Code 1968, § 29-83; Ord. of 2-5-90(1), § 29-83; Ord. of 12-4-90(1), § 29-83; Ord. of 10-4-94(1); Ord. of 10-4-94(2); Ord. of 9-3-96(2); Ord. of 10-1-96; Ord. of 5-2-2000; Ord. of 4-2-2002; Ord. of 8-2-2006; Ord. of 10-3-2006; Ord. of 11-1-2011; Ord. of 4-3-2012(2))

Sec. 90-385. - Signs on interstate intersection corridor.

Due to the nature of the commercial development along State Route 42 (West Reservoir Road) and Interstate 81 (all of which is known as interstate intersection corridor), the following provisions shall apply to signs therein:

- (1) *Official interstate intersection corridor map—Adopted; identification; location and availability to public.*
 - a. The town is hereby delineating the interstate intersection corridor, as shown in the official interstate intersection corridor map, together with all explanatory matter thereon, as hereby adopted by reference and declared to be part of this chapter, together with all future notations, references and amendments.
 - b. The official interstate intersection corridor map shall be identified by the signature of the governing body and attested to by the secretary of that body, together with the date of the adoption of this section (October 2, 2018).
 - c. The official interstate intersection corridor map shall be located in a public place, as designated by the governing body, and shall be the final authority as to the inclusion of parcels within the interstate intersection corridor, regardless of unofficial copies which may have been made or published from time to time. The official interstate intersection corridor map shall be available to the public at its immediate request.
- (2) *Freestanding signs.*
 - a. One freestanding sign with its parts and support structure shall be located at least ten feet from all property lines.
 - b. The total area of freestanding signs shall not exceed 200 square feet. If the signs for two businesses on the same lot are located on the same pole, the total signage permitted is 400 square feet.
 - c. Freestanding signs shall not be erected more than 85 feet above the grade, not to exceed an elevation of 1,000 feet.
 - d. One freestanding sign is permitted per lot.
 - e. The provisions of this section shall apply to parcels located within the interstate intersection corridor and the provisions of section 90-386 do not apply.
- (3) *Total sign area.* The total square footage of signs, including but not exclusive of freestanding signs, shall be 800 square feet and conform to the following requirements and restrictions:
 - a. The total area of all signs (may be more than one) facing a street, alley or parking area shall not exceed 15 percent of the total wall area of the wall which the sign is being placed.
 - b. The provisions of this section shall apply to parcels located within the interstate intersection corridor and the provisions of section 90-386 do not apply.
- (4) *Validation of signs existing as of July 1, 2006.* All signs existing within the interstate intersection corridor on or before July 1, 2006, although such signs may fail to comply with the existing limitations in section 90-384(b)(9), are hereby accepted and validated as erected. Signs within the interstate intersection corridor erected after July 1, 2006, shall fully comply with this article. Signs erected or existing on or before that date which are moved or removed from

their existing locations, significantly damaged, or destroyed, shall not be moved to or replaced at another location except under the strict provisions and limitations set forth herein, nor shall they be rebuilt at the same location without fully complying with this article.

(Ord. of 4-2-91(1), § 29-83.1; Ord. of 3-3-98(2); Ord. of 8-1-2006; Ord. of 5-6-2008; Ord. of 5-5-2009; Ord. of 10-02-2018(2))

Sec. 90-386. - Signs in industrial districts.

Any sign that is permitted in any commercial zone shall be permitted also in industrial districts. The allowable area of any such sign shall be a maximum of 1½ times the allowable area specified in sections 90-384. Exceptions:

~~(1) Political election signs shall be limited to signs in commercial districts as provided in section 90-384(b)(11A).~~

~~(2) Political election signs located on residential use properties in industrial districts shall be limited to the restrictions for signs in residential districts as set forth in 90-383(5)(d).~~

(1) Commercial center signs shall be limited to signs in commercial districts as provided in section 90-384(b)(14).

(Code 1968, § 29-84; Ord. of 3-3-98(2); Ord. of 1-5-99; Ord. of 9-3-2002; Ord. of 11-1-2011)