Albemarle County Planning Commission
September 13, 2011

The Albemarle County Planning Commission held a regular meeting on Tuesday, September 13, 2011, at 6:00 p.m., at the County Office Building, Room #241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Duane Zobrist, Don Franco, Russell (Mac) Lafferty and Calvin Morris, Vice Chair. Commission members absent were Thomas Loach, Linda Porterfield, and Ed Smith. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Claudette Grant, Senior Planner; Steward Wright, Permits Planner; Ron Higgins, Chief of Zoning; Elaine Echols, Principal Planner; David Benish, Chief of Zoning; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Zobrist, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

Committee Reports

Mr. Zobrist invited committee reports.

Mr. Lafferty reported that the CHART Committee met and were interested in trying to come up with a further definition of their charges. Starting tomorrow there will be a bicycle count in 31 areas, which will set the baseline for the future counts.

There being no further reports, the meeting moved to the next item.

Other Matters Not Listed on the Agenda from the Public:

Mr. Zobrist invited comment from the public on other matters not listed on the agenda.

Neil Williamson, Free Enterprise Forum, asked the Planning Commission to review the Board's direction from the recent joint ARB/PC/BOS meeting. He was not certain that was the most appropriate meeting environment for discussion. He would respectfully request that this body review with staff what the direction of the Board was and if that really was the intent. He was not exactly sure since it was a long day meeting the direction they are headed with regard to the ARB and their role in development in the community.

There being no further comments, the meeting moved to the next item.

Review of Board of Supervisors Meeting – September 7, 2011

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on September 7, 2011.

Consent Agenda:

Approval of Minutes: August 16, 2011

Mr. Zobrist asked if any Commissioner would like to pull an item from the consent agenda for further review.

Motion: Mr. Morris moved and Mr. Franco seconded for acceptance of the consent agenda.

The motion carried by a vote of (4:0).

Mr. Zobrist noted the consent agenda item was approved.

Public Hearing Items:

ZMA-2010-00010 Peter Jefferson Overlook (Sign # 82 & 83)
PROPOSALS: Rezone 2.09 acres from Pantops Place PRD Planned Residential District - residential (3 - 34 units/acre) with limited commercial uses to PRD Planned Residential District residential (3 - 34 units/acre) with limited commercial uses and Special Use Permit for commercial offices. No residential units are proposed.
SECTION FOR SP: 19.3.2.9 which allows offices by special use.
PROFFERS: Yes.
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Pantops Neighborhood.
ENTRANCE CORRIDOR: Yes
LOCATION: NE Corner of Route 250/Pantops Mountain Road.
TAX MAP/PARCEL: 07800-00-00-055A7.
MAGISTERIAL DISTRICT: Rivanna
(Claudette Grant)

AND

SP-2010-00039 Peter Jefferson Overlook Offices (Sign # 82 & 83).
PROPOSALS: Rezone 2.09 acres from Pantops Place PRD Planned Residential District - residential (3 - 34 units/acre) with limited commercial uses to PRD Planned Residential District residential (3 - 34 units/acre) with limited commercial uses and Special Use Permit for commercial offices. No residential units are proposed.
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LOCATION: NE Corner of Route 250/Pantops Mountain Road.
TAX MAP/PARCEL: 07800-00-00-055A7.
MAGISTERIAL DISTRICT: Rivanna
(Claudette Grant)

Ms. Grant presented a PowerPoint presentation and summarized the staff report. (See Staff Report for Details)

Purpose of Hearing: To amend the application plan adopted with the original rezoning to Planned Residential Development (PRD) to show offices and to request approval of a special use permit to allow those offices in a PRD district.

The plan shows two professional office buildings, one two-story building with 10,518 square feet and another two-story building with 22,848 square feet. There is also surface parking throughout the site. The Land Use Plan Map shows this area designated as Urban Residential.

This project was submitted to the Planning Commission in a work session held in January, 2011. The Planning Commission and Pantops Advisory Committee reviewed the proposal and weighed in on it. Both groups were split on whether the office use could be in compliance with the Pantops Master Plan. In regards to the scale and the design of the development being appropriate the Commission was open to a non-residential use if it complimented the non-residential uses in the vicinity. Although the proposed design is similar in scale to the nearest residential buildings the site is somewhat overdeveloped resulting in a request for less parking than required, building sizes that are slightly larger than the master plan

goals for this area, landscaping in the right-of-way of Route 250, and the retaining wall at the rear at the rear of the site possibly requiring grading and construction easements from the adjacent property owner. Staff is not sure if they will agree with these easements. It is not clear if the proposed uses for these buildings will compliment the residential uses in this area. Should the remains of the stone wall and hedgerow on the eastern most side of the property be preserved and retained. The current proposal shows the stone wall and hedgerow in place and cleaned up and some of the stones used to perform the low retaining wall on the side of the property. The last question of the work session was what type of frontage characteristics should be provided along Route 250 East. While sidewalks are proposed adjacent to Route 250 there is no connection between the sidewalks and the front entrances of the proposed buildings. The street trees are located within the right-of-way on Route 250 and not on the subject property. The staff report suggests alternatives for this particular issue.

Factors Favorable:

- Development of the property as professional offices will include another use in the Pantops Place PRD, thereby increasing the mix of uses.

Factors Unfavorable:

- The proposed office use is not in compliance with the Pantops Master Plan and no compelling justification has been provided for developing office, rather than residential uses on the property.
- The proposal for the site is so overdeveloped that the design requires street trees to be planted in the VDOT right-of-way along U.S. 250 and grading/construction easements will be necessary to construct the retaining wall along the north side of the property.
- The applicant has requested a 10 percent reduction in the amount of required parking spaces, but has provided no explanation or justification for the request.
- The applicant has not applied for a critical slopes waiver, so staff has not analyzed whether such a waiver should be recommended. If such a waiver cannot be granted later in the site plan process, the applicant will be left with an unbuildable project.

Staff Recommendation:

- Staff recommends denial of ZMA 2010-00010, Peter Jefferson Overlook because the office use proposed is not in compliance with the Pantops Master Plan land use designation and all by-right uses in the PRD district have been proffered out.
- Staff recommends denial of SP 2010-00039, Offices because the office use proposed is not in compliance with the Pantops Master Plan land use designation.

Mr. Zobrist invited questions for staff.

Mr. Morris asked if they approve what is being proposed will the requirements remain in place such as easements and so forth. He understood that it was originally and now zoned for additional cottages that would tie in from Jefferson Heights although the cottages in Jefferson Heights are two different entities. He asked if everything in there, such as an easement for sewage, connecting the two properties would remain in effect.

Ms. Grant replied based on the plan provided they would need to get easements for the work shown to happen on the site.

Mr. Morris noted that he was referring to existing easements. The reason he asked this is the management company located in Annapolis, Maryland he talked to today and that was one of their concerns if it were rezoned would the requirements remain in place. He assumed that it would since an easement is an easement.

Mr. Kamptner noted that zoning changes wouldn't affect any existing easements. If those easements conflict with the zoning approval the applicant would need to work around that somehow.

Mr. Zobrist opened the public hearing and invited the applicant to address the Commission.

Justin Shimp, with Shimp Engineering representing the owner, explained the proposal as follows:

- Regarding easement, certainly all the access easements remain. There are utility easements, which were all subject to Service Authority requirements and things like that for public easements. The easement being affected the most, which is addressed by a private covenant, is the Pantops Mountain Road access. There is a covenant whereby if they change their use they have to pay a pro-rata share portion for maintenance as figured by a traffic study. That is not something they need to worry about since it is in the covenants with Westminster.
- As Claudette mentioned there is quite a lot of history from the work session and the Pantops Advisory Committee. They never got a straight answer on what the land use should be here. That is why he is here tonight for that answer basically.
- A couple features of the development are, as follows:
- Neighborhood scale buildings located on the frontage with parking relegated in the back.
- On the traffic study they have identified that the right and left turn lanes into the Pantops Mountain Road are adequate for their traffic, but not per a current design. They have agreed to update it to the current design of VDOT.
- The sidewalk will be provided on 250 consistent basically with the rest of Pantops project. It has a 6' landscape strip with a 5'sidewalk. It is a reasonable sidewalk in the front. They agree to add the connection from their buildings to the sidewalk in the front.
- On the overdeveloped statement he had a couple of thoughts on that. They are seeking a request for the parking reduction based on the fact that the parking as required is too much parking. Otherwise, they are going to have to comply with every ARB requirement and rezoning requirement. They are not asking for any other waivers of those. They are showing a maximum footprint on the site. The odds are it will end up smaller after they do all of the engineering. It is all going to be subject to site plan regulations. It does not seem fair to say overdeveloped when really they are just saying here is a commercial spot and it will be developed much like this to meet all of the requirements of the zoning ordinance.
- Street trees are somewhat the same. He has talked with VDOT and they will approve the street trees subject to maintenance agreement. It has been discussed. Typically the street trees are even close to the street and in the right-of-way. In this case the trees are in the other side of the sidewalk because of the clear zone requirements. They can have those in the right-of-way with a maintenance agreement.
- Density Wise – the Luxor offices building are a good comparison. Those are 24,000 square feet on 1.35 acres, which is 17,500 square feet per acre built. They are proposing a maximum of 16,000 square feet per acre. They are less than the density on that project.
- Parking – The justification for the parking is that he looks around Pantops and sees full buildings and parking spaces open all the time. They don't need to create more parking than necessary.
- They are also on the bus line. It is a convenient place for people to stop by bus. They hope there are some users from Westminster and Jefferson Heights that can use shuttle buses or walk. That is justification for the ten percent reduction.
- The land use issue is the critical thing. Previously a bank was proposed. The property has been for sale for quite some time. He has received calls from all kinds of uses that all want to be on Pantops. All the time he has said that professional office space is the appropriate use here. That is the most compatible of all the non-residential uses with the neighboring properties. The office use being a 9 to 5 kind of use, which makes this compatible with this kind of residential development.
- There is an argument for office space, but why not residential. This currently is approved for cottage use. He did not think this was a neighborhood street for residential use. They have no interest in competing with Jefferson Heights and that sort of style. He could not imagine the scenario of an apartment building with children running in and out all day. Those are non-logical reasons for having residential.
- Office use is a more appropriate use of the site. Regarding neighborhood services, there certainly are some doctors and offices already available in the neighborhood. This will likely be more of the same. He did not see a problem with too much of that.
- They are asking for a 10 percent parking reduction, which they feel is a reasonable request. They feel a professional office space is a reasonable use at this location and hoped they agree.

Mr. Zobrist asked if the owner had received the PRD designation and if his client owned the property at the time of the Pantops Master Plan process.

Mr. Shimp replied that the owner bought the property in 2007 after the PRD designation. He did not participate in the Pantops Master Plan.

Mr. Zobrist opened the public hearing and invited public comment.

G. Theresa Thomas, representative for Westminster Canterbury of the Blue Ridge, noted one of their concerns is that they want to make sure that if approved it will be limited to professional offices and not to a general commercial. They are really concerned that they want professional offices in that area.

There being no further public comment, Mr. Zobrist closed the public hearing and the matter before the Planning Commission.

Mr. Morris said this was a very interesting situation. What he would like to try to do is to keep it on the large scale and not look at the plan per say, but to ask is it appropriate. Listening to the lady from Westminster Canterbury it sounds like they think it is appropriate. Having queried the people at Jefferson Heights and talking with the individuals from Annapolis, Maryland who are the management folks for the Cottages at Jefferson Heights, they think it is appropriate.

- To get to that property whether it is going to be residential or office space they are going to have to come into the turn off going up the hill towards Westminster Canterbury and take a right into almost a hairpin turn down into the property. Regardless to what is there that is the way they were going to have to come in.
- In looking at the map that is a nightmare intersection. Number one, Westminster Canterbury owns that road. As they see where any traffic that is going to go to whatever is on that property is at a juncture where they could turn left and go to social security or one of three other office buildings. Or, they could take a right and go into Jefferson Heights Cottages or swing around to the property in question. He did not know what they could do to that. The applicant has said let's come in off 250, which has been shot down by VDOT. There is a problem no matter what goes in there.
- Looking at it realistic he has not seen anyone come up with a proposal to put in residential in that area. If they look at development already there actually having office buildings in that area would be in keeping with what is already there. The thing that bothers him the most is that it is not in keeping with the Pantops Master Plan. Virtually everything that has been brought before the Commission for Pantops is eating away nibble by nibble on the master plan. Looking at logically this could be a very good use of the property. They have not heard anything come before them asking for residential. It is not an easy question and there are definitely pluses and minuses. However, the plan is not consistent with the master plan.

Mr. Franco said to follow up on those comments he took a micro view. He felt this is really a comp plan issue and supported upholding the Pantops Master Plan. If they bring offices or uses that would serve these residents it would be great. However, he could see them being general offices that support the use across the street versus the neighborhood.

Mr. Lafferty noted the entrance they were stuck with regardless of what use is put there. He had a problem with ignoring the master plans because so much work went into those. He would hate to see a strip mall go in all the way down 250 to Richmond. He questioned if the Commission could restrict the use since it seemed that professional offices would be the best use of the land.

Mr. Kamptner pointed out the Commission's recommendation could include the addition of a proffer from the owner that would agree to restrict it to a specific use.

Mr. Cilimberg commented that it was noted in the report if the Commission was inclined to recommend approval of the rezoning and special use permit; there were things that should be addressed before the

Board meeting. It would be good to get their input on that so staff would understand how that would move forward. It included the six items noted on page 13.

- Regarding number one, if things are discovered in the site plan process that did not enable them to develop all of the building area or restrict what their parking can be, that those things certainly can downsize the development that would not be permitted by the rezoning. The applicant would have to stick within the form that the rezoning shows.
- Then there was also the question of getting a parking reduction. That is not for the Commission to grant tonight. That would be for the zoning administrator ultimately to grant. He suggested the Commission not deal with that at this point in time. This assumes a parking reduction. If the applicant cannot get it, then their building size gets affected. That is another matter that is beyond this approval.
- There are things raised regarding the uses. They don't think it should remove all the by right uses. That is no typical. Normally the by right uses stay in case there is a need to develop it ultimately and alternatively from what was proposed. They would want to address the special use permit uses that could be allowed. It has been raised office only. The applicant could certainly speak to that.
- The critical slopes waiver could mean a difference in terms of how much of the development can be undertaken. The Commission does not have that analysis tonight. Therefore, there is no way to grant that.

Mr. Lafferty said that he looked at this and after hearing the applicant he felt it is somewhat of a conceptual plan and not very specific. He asked if he misinterpreted that.

Mr. Franco replied that he thought it was the confusion of years of what they were looking at. In the past some people have been able to say they vested that size building and have been able to keep that. He thought they need to make that as part of their approval that the concept and layout is what they are approving and that no waivers to that might be necessary in the future to achieve that.

Mr. Lafferty said he would be very reluctant to give a critical slopes waiver. He did not think they could do that.

Mr. Morris noted it was exactly what it says. It is asking for the map amendment and so on keeping it on the larger scale.

Mr. Franco agreed the parking should be dealt with. During the site plan process there is a process reducing parking requirements providing studies and information to the zoning department.

Mr. Kamptner said to clarify the Planned Development (PD) regulations do allow the requirements in Section 4, which would include the parking and critical slopes to be done as part of the rezoning process. It doesn't necessarily have to be separate. However, in this case they don't have any information that would allow the Commission to make a recommendation on those issues.

Mr. Franco agreed and that he would not be comfortable doing that at this point.

Mr. Zobrist said he was not in favor of this.

Motion: Mr. Morris moved and Mr. Lafferty seconded to recommend denial of ZMA-2010-00010 Peter Jefferson Overlook based upon the recommendation of the staff.

Mr. Zobrist invited further discussion.

Mr. Franco said the only question he would ask is does the applicant want to move forward with the request having heard all of the discussion.

Mr. Morris noted that the applicant has a five minute rebuttal time.

Mr. Zobrist asked if the applicant wanted to give a rebuttal prior to the vote.

Justin Shimp asked to make one statement, which would probably not change their opinions. He understands what they are basing it on. There were a couple of things discussed that he would like to address. One, it was his intention to restrict the use only to professional offices. That was based on his opinion. Also he had spent a lot of time talking with the neighbors about what felt like a reasonable use for the site. Concerning the intersection one of the big problems there is it is not striped at all. There are three lanes and room for a turn lane. One of the things they have agreed to develop this plan is to restripe that working with the county engineer and with Westminster on a plan mutually agreeable. He could not say it is not in the neighborhood zone or neighborhood comp plan area because it is. After dealing with this project for six months, talking with the neighbors, and looking at what is realistic to the site he did not feel it should be residential uses. At this point he would ask them to vote their opinion on that.

The motion for the recommendation of denial for ZMA-2010-00010 Peter Jefferson Overlook passed by a vote of 4:0.

Mr. Zobrist noted that a second motion was needed on SP-2010-000039.

Motion: Mr. Morris moved and Mr. Franco seconded to recommend denial of SP-2010-00039 Jefferson Overlook Offices based on the recommendation of staff.

The motion for denial passed by a vote of 4:0.

Mr. Kamptner asked based on the wording of the motion to deny the request could staff assume that the Commission recommends when this goes to the Board that those changes identified in the staff report to the proffers should be made. The motion was for the reasons stated in the staff report and part of that was staff's recommendation that all of the proffers need to be addressed.

Mr. Morris and Mr. Franco agreed with Mr. Kamptner.

Mr. Zobrist noted SP-2010-00039, Peter Jefferson Overlook Offices and ZMA-2010-00010 Peter Jefferson Overlook would be forwarded to the Board of Supervisors with a recommendation for denial as recommended by staff for the reasons noted below.

- The proposed office use is not in compliance with the Pantops Master Plan and no compelling justification has been provided for developing office, rather than residential uses on the property.
- The proposal for the site is so overdeveloped that the design requires street trees to be planted in the VDOT right-of-way along U.S. 250 and grading/construction easements will be necessary to construct the retaining wall along the north side of the property.
- The applicant has requested a 10 percent reduction in the amount of required parking spaces, but has provided no explanation or justification for the request.
- The applicant has not applied for a critical slopes waiver, so staff has not analyzed whether such a waiver should be recommended. If such a waiver cannot be granted later in the site plan process, the applicant will be left with an unbuildable project.

Public Hearing:

ZTA 2010-00005 Signs – Amend Secs. 4.15.1, Purpose and intent, 4.15.2, Definitions, 4.15.4, Signs authorized by sign permit, 4.15.6, Signs exempt from the sign permit requirement, 4.15.7, Prohibited signs and sign characteristics, 4.15.8, Regulations applicable in the MHD, RA, VR, R-1 and R-2 zoning districts, 4.15.9, Regulations applicable in the R-4 and R-6 zoning districts, 4.15.11, Regulations applicable in the PUD, DCD and NMD zoning districts, 4.15.12, Regulations applicable in the C-1 and CO zoning districts, 4.15.13, Regulations applicable in the HC, PD-SC and PD-MC zoning districts, 4.15.14, Regulations applicable in the HI, LI and PD-IP zoning districts, 4.15.15, Regulations applicable in the entrance corridor overlay district, 30.6.4, Certificates of appropriateness, and 30.6.5, Development

exempt from requirement to obtain certificate of appropriateness, and add Sec. 4.15.4A, Signs authorized by temporary sign permit, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend the stated purpose and intent of the sign regulations (4.15.1), add and amend definitions (4.15.2), amend the procedures for obtaining sign permits and permits for temporary signs (4.15.4, 4.15.4A), increase the number of permits for temporary signs allowed in a calendar year from 4 to 6 and allow the 60 day period to be aggregated among the several permits (4.15.4A), amend the scope of home occupation and window signs that are exempt from the sign permit requirement (4.15.6), increase the area of a window or door covered by signs from 25% to 50% before they are considered prohibited signs that obstruct vision (4.15.7), amend the sign regulations applicable to the several zoning districts by increasing the maximum size of freestanding signs from 24 to 32 sq. ft. and allow bonus panel signs in some districts, reducing the minimum sign setback for directory and temporary signs in certain districts from 10 to 5 feet, amending the maximum height of temporary and wall signs in some districts, standardizing the method for calculating the permitted area of a wall sign (1.5 sq. ft. per linear foot of structure frontage), allowing sandwich board signs in the commercial and planned industrial zoning districts, and having the Highway Commercial district be subject to the sign regulations in section 4.15.12 rather than section 4.15.13 (4.15.8, 4.15.9, 4.15.11 through 4.15.14), eliminate the requirement of a certificate of appropriateness for a window sign or a sign visible through a window (4.15.15), add standards for bonus panel signs and sandwich board signs (4.15.16), allow all signs, rather than just walls signs, to be eligible for a countywide certificate of appropriateness (30.6.4), and amend the class of signs exempt from the requirement for a certificate of appropriateness (30.6.5). A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia.
(Ron Higgins)

Ron Higgins presented a Power-Point presentation and summarized the executive summary for ZTA-2010 -0005 Signs.

BACKGROUND and ORIGIN:

On January 6, 2010, the Albemarle County Board of Supervisors adopted a "2010 Albemarle County Action Plan" (see Attachment B of staff report) which included as item #6 the following: "Sign Ordinances – The sign ordinances need to be re-examined to ensure they do not overly restrict economic vitality of area businesses. Staff should work with local retailers to develop new ordinances that will help promote good business practices as well as maintaining quality aesthetic values."

The Board of Supervisors adopted a Resolution of Intent on the Sign zoning text amendments (ZTA) on May 12, 2010 (see Attachment C of staff report). Throughout this process we hosted three roundtable discussions to seek input from those in the sign industry, business community, local elected and appointed officials and various other groups, to hear what they had to say about the present sign ordinance and sign permit approval process and, finally, to comment on the proposed ordinance draft.

On August 16, 2010 we held a work session on the Potential Sign ZTAs with the ARB. They were asked to comment on a number of items, including: the predictability of the sign review process in the entrance corridors; improvements in sign application materials and application process; changes in sign regulations for planned developments; making some standards more consistent (e.g. wall sign allowances, freestanding sign setbacks); window sign regulations and applicability; review of sign packages and coordination with site plans; entrance corridor guidelines, and; increased heights for wall signs. The ARB supported changes and suggested that regulations be simplified in most cases.

We brought the results of the roundtables, ARB discussions and other comments to you for discussion at your work session on October 19, 2010. At that session we presented a number of proposed changes and received comments and guidance on those. The proposed sign ordinance changes reflect that guidance.

DISCUSSION:

As you will recall, we heard more about the sign review and approval process than about sign standards throughout the discovery process. It was evident in the discussions with various stakeholders that the perception was that the process took too much time and effort on the applicant's part. To this end the staff and ARB has implemented a number of efforts to streamline the approval process, including: better coaching of applicants on what to provide to get a speedy review; county-wide administrative ARB approval standards, and; improvement to the sign application and materials to better guide applicants. This has resulted in significant reductions in the time it takes to review and approve sign permits, as we reported at your October 19, 2010 Work Session.

Regarding the sign ordinance changes, we heard that these should be limited and result in simplifications and improvements in process that save time for applicants, boards and staff. All of the text amendments proposed are intended to do that. It was important to not develop amendments that would increase staff time in an era of reduced staffing levels. For example, eliminating reviews for special permits for off-site signs in planned developments saves staff time in developing a report to the Board of Zoning Appeals, saves the Board time in reviewing such applications and saves applicants time and money by permitting an administrative review without the costly application fee and advertising fees. Not requiring a permit or review for window signs reduces staff time and the standard simplifies enforcement of the regulations by Code Enforcement Officers.

PROPOSED SIGN ORDINANCE CHANGES:

The changes that are represented in the Proposed Ordinance to amend sign regulations include the following, along with some reference corrections and clarifications (see Attachment A):

Planned Developments and shopping centers:

--The "site" has been redefined to include the entire planned development in order to address the issue of "off-site" signs in unified developments, thus no longer requiring an SP for these.

--The size for a freestanding sign for planned developments and shopping centers has been increased to allow for up to 54 sq. ft. maximum if "bonus tenant panel" signs are to be included within the primary sign. The current ordinance limits this to 32 sq. ft. in some districts and 24 sq. ft. in other districts. Currently, in shopping centers with at least 100,000 sq. ft. in gross floor area you can have one anchor sign at 6 sq. ft. for each 100,000 sq. ft. This provision has been eliminated and replaced with the "bonus tenant panel" sign type.

--The anchor sign provision has been eliminated and replaced with a "bonus tenant panel" definition and provision which eliminates multiple freestanding tenant signs.

Freestanding and monuments signs:

--Setbacks have been made consistent (e.g. all 5' instead of some at 5' and some at 10' as the current regulations require).

Wall Signs:

--The area maximum has been made the same in all commercial and planned districts (e.g. 1½ sq. ft. of area for each 1 linear foot of wall)? Currently it is 1:1 in some and 1½:1 in other areas.

--The height would now be allowed to be above the current 30' maximum in non-residential development for buildings that are taller. This is now defined as "not to exceed the cornice line and the "cornice line" has been defined.

Temporary Signs:

--The number per year has been increase from the current limit of four to six.

--The length of time they are up remains the current limit of 15 days. However this can be done in any combination of time periods as long as the aggregate does not exceed the current calendar year limit of sixty (60) days.

--The fifteen day limit does not apply to a temporary sign erected while a permanent sign is being made. However, the sixty day calendar year limit would still apply to such signs.

--Sandwich board signs would now be allowed in all planned development districts as they currently are in the Downtown Crozet district.

Window Signs:

--Window signs would not be subject to permits or ARB approvals.
--Window signs would now have a 50% maximum coverage area per window.
--Window signs that exceed 50% coverage would now be prohibited signs.

PUBLIC PURPOSE TO BE SERVED:

As stated earlier, all of the changes would result in more clarity for applicants, reduced staff and board time and reduced cost to the applicants. The changes would not have an adverse impact on aesthetic values present in the county.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the Board of Supervisors, approval of the proposed Ordinance to amend various sign regulations in the Zoning Ordinance as found in Attachment A of staff report.

Mr. Zobrist invited questions for staff.

Mr. Lafferty asked that they go back to the Kohl's sign. He asked if it was two signs or a temporary sign.

Mr. Higgins replied that the place available sign is a real estate sign, which is exempt from the sign ordinance and only allowed because it is advertising space.

Mr. Kamptner noted that a real estate sign would be exempt.

Mr. Lafferty suggested that it might be helpful if they had examples of worst cases.

Mr. Higgins replied that he had a picture of Central Park in Spotsylvania County, but he did not have it at the meeting. That sign might be 2,000 square feet and have 50 signs on it that are unreadable from the stoplight. He felt that having a certain limit was helpful.

Mr. Lafferty noted what he meant was worse case given the ordinance that they are trying to pass.

Mr. Zobrist noted that it would be the worse looking sign they can come up with based on the new ordinance.

Mr. Higgins pointed out the biggest sign they could come up with in Albemarle County would be about ½ the size of the Rio Hills sign, which would be 64 square feet. If they look at the Kohl's and Hollymead Town Center that is 32 square feet. It would be another 32 square feet added to that, which would be the worst case scenario.

Mr. Lafferty said in Stonefield with the multi-story buildings they will be able to put sign at the top.

Mr. Higgins replied yes, it would be up just below the cornice. He suggested the hotel might want to do that. The ARB has already looked at some of the preliminary designs and started to anticipate that on that project.

Mr. Lafferty said they will be out of the loop pretty much.

Mr. Higgins replied that they would be out of the loop on the sign to the extent that they would be looking at the design of the building and where the signs would go. The ARB would have some input on that at that level. However, they would issue the permits if they met the standards.

Mr. Kamptner said that the six-story or so bank at Pantops is an example where the sign is higher. They had to go through the Board of Zoning Appeals to get a variance for that. They recognize that with taller buildings on the way they needed to deal with the issue legislatively.

Mr. Morris noted the Commission received an email late this afternoon from Ben Foster requesting that they ask about the use of digital, electronic signs. He asked if staff had any input on that.

Mr. Higgins replied that he discussed this with Mr. Foster at length. The director, zoning administrator and he had communicated with him about this. That is an issue that other localities are looking at across the state and United States with very mixed results at this time. Our position is two levels. That can be done now in Albemarle County with a special use permit because it is called an electronic message sign. That fits within that definition. Mr. Foster does not want to have to get a special use permit because he feels that is the same as a no. Although he feels they are better than the special use permit that they get for electronic LED signs. The other part of that answer is that the Federal Highway Administration is conducting a very extensive study right now, which will look at the safety of these signs in a more comprehensive fashion. Until that comes back they are going to stay on the safe side and not suggest any new regulations for that right now. Somewhere down the line there may be room for that.

Mr. Zobrist noted that they have very few of those signs in the county that are flashing and moving.

Mr. Higgins said that there is one sign like that at the corner of Rio. McDonalds had wanted that type of sign because they felt it was well worth the cost for one sign. The jury is out on that. Mr. Foster has sent staff various studies. He has looked at all of them for the past year and a half. There is also a study that was done by various professionals consisting of planners, engineers, and sign makers and they were somewhat inconclusive. Mr. Graham has felt that it would be better just to see what the FHA says will work and use that as a spring board one way or the other to look at it. At this point they are not going to do anything until the Board of Supervisors reviews the ordinance amendment. Staff is looking at the issue.

Mr. Zobrist noted there were many such signs in Las Vegas, which made traveling the roads very dangerous.

Mr. Higgins pointed out that staff has some information on that if the Commission is interested.

Mr. Zobrist opened the public hearing and invited public comment.

Morgan Butler, speaking for The Southern Environmental Law Center, made the following comments.

- This past January Charlottesville Tomorrow hosted Ed McMahon, a land use expert for the Urban Land Use Institute. Mr. McMahon gave an excellent presentation on the connection between economic vitality and community character. He offered several examples of how communities with high development standards maintain a unique character and a quality of life that are huge economic assets. Albemarle's unique character and quality of life are certainly two of our area's best economic assets. The development standards they have in place are vital in protecting the assets. While they should be on the lookout for reasonable ways to make our development standards easier to administer they should proceed with changes carefully, especially with something that affects the visual character of a community as much as signs do. Many of the proposed changes before them tonight are fair improvements to the sign ordinance.
- He thanked staff for their work on this and for their efforts to seek public input and answer questions. However, they remain concerned that a number of the proposed changes go too far. They would like to recommend some changes before this goes before the Board of Supervisors. For example, as Mr. Higgins explained wall signs are currently limited to a height of either 20' or 30' in all zoning districts. Under the proposed changes this height limit would be raised all the way to the cornice line at the top of the building's walls in all commercial and planned districts. While it may occasionally make sense to allow a higher wall sign in an individual case, such as when one building partially blocks a façade of another, they think those isolated cases could be better dealt with by individually allowing for a variation or modification rather than enacting a

sweeping change that would essentially eliminate the height restriction altogether. Second, the proposed changes would also double the potential size of window signs and eliminate certificates of appropriateness for window signs in Entrance Corridors. There needs to be some safe guard against store fronts becoming de-facto billboards especially along our Entrance Corridors. At the very least a certificate of appropriateness should continue to be required for window signs visible from an Entrance Corridor when they are above a certain size.

- As a third example, they think the proposed switch from anchor signs to bonus tenant panels at shopping centers could hold promise if it results in consolidating signs in one central location. However, the idea losing force if shopping centers that are too small to qualify to put up anchor signs under the current ordinance would now qualify to put up tenant panels under the proposed changes. In that case they are not consolidating but just allowing new signs that were not allowed before. That is what is being proposed here. Instead the shopping center square footage thresholds that currently apply to anchor signs should be the same thresholds that would apply to the bonus tenant panels under the changes. In closing, thank you for considering their concerns and suggestions and remembering that preserving our community's character is a key factor in the county's long term economic prosperity.

Neil Williamson, with The Free Enterprise Forum, said this was the second time through with the sign ordinance. He was involved with the 2004 sign review. They continue to make what he considers refinements and improvements. There is a line in the ordinance now that recognizes that signs are an important part of customers finding businesses. Mr. Butler raised a concern that they need to restrict abilities to see those signs as preserving community character. He did not believe those were mutually exclusive. He believed that staff has found a way to go somewhat to hit the middle of road here with this ordinance. There is more that he would like to see. He did not think that window signs should be regulated at all. He thought that they should be over 100 percent of the window. Now someone raised a safety concern. He might suggest that if the shop has 100 percent coverage and they don't want the police to see in what point is it for the government to tell them that they should allow the police to see in. There have been studies on this. The Southland Corporation did a study about ten years ago. He believed that 50 percent of all window covering and window availability is a reasonable approach. The groceries stores he goes to have great big windows over the top of their entrance way. Those windows are for light and to put up the weekly special. Those window signs do not meet the 50 percent criteria. However, there are huge windows in the fronts of most of these grocery stores. That would be 50 percent of the total window covering. He accepts the 50 percent and thinks it is a reasonable compromise. He applauds staff for working through these. He thinks the bonus tenant panel provision as written is a positive one and could really improve some signs. There are a number of signs that are grandfathered right now that under the current ordinance could not be erected without modifying in a manner that is in conflict with folk's contracts with their tenants. The tenant bonus provision may provide a way to allow those signs to be brought up to date and look better along the Entrance Corridor and throughout the county.

There being no further public comment, the public hearing was closed and the matter before the Planning Commission.

Mr. Zobrist asked how they handle the big painted trucks that become surrogate signs that they are putting up along Route 29.

Mr. Higgins replied that there is a current provision for that. Staff is actually enforcing two right now that have basically parked themselves as what is called in the county ordinance an advertising vehicle. They are doing civil penalties. In enforcing they provide a notice of violation and give them a certain amount of time to remove it. Then they will start fining them. It is covered now. The provision is if it is not parked in an approved parking space and it is not an operable vehicle, which would not have current license and inspection. There is a little gray area there, but they still try to pursue them.

Mr. Zobrist suggested that they work on that to get it black and white.

Mr. Franco said Mr. Butler raised the question about anchor signs for shopping centers below 100,000 square feet.

Mr. Higgins replied that he forgot to mention that. They actually reduced the 100,000 to 50,000 square feet. They still have not more than four for a shopping center, but only one sign is permitted per 50,000 square feet now. The other thing is those are bonus tenant panels only. They have removed the tenant anchor sign completely from the ordinance. They will no longer be able to do the freestanding anchor signs and only be able to do the bonus tenant panel if it is added to an approved freestanding sign for the shopping center. They have limited it thinking that it will probably be a better way to deal with that need.

Motion for ZTA-2010-00005:

Motion: Mr. Morris moved and Mr. Franco seconded to forward a recommendation of approval of ZTA-2010-00005 Signs as presented by staff of the proposed ordinance to amend various sign regulations in the Zoning Ordinance as outlined in Attachment A of staff report.

The motion passed by a vote of 4:0.

Mr. Zobrist noted ZTA-2010-00005, Signs would be forwarded with a recommendation of approval to the Board of Supervisors to a date to be determined. **(See Attachment at End of Minutes)**

Mr. Zobrist noted the next item was preparation for the upcoming Joint City-County Planning Commission meeting.

Preparation for Joint City-County Planning Commission Meeting on September 20, 2011
(Elaine Echols)

Ms. Echols noted the Joint City-County Planning Commission meeting would be held on September 20, 2011 at 5:30 at City Hall in the NDS (Neighborhood Development Services) Conference Room, 610 East Market Street.

Staff provided a handout with the goals. There were several people at the last meeting in August who had some questions about their process. However, two of them are not here tonight. Therefore, she did not know if anyone present had questions about the process or the goals. They could use this as a question and answer session.

Staff would discuss the County's Environmental Goals as part of the Comp Plan Update and then proposed having a Question and Answer session. The main reason staff wanted to do this was to make sure the Commission was familiar with the county's goals before they got into discussing them with the city. Their project was to see if they could come up with joint goals. If there are things in our list of goals that they would need to know more about she was going to try to help the Commission with those now.

Mr. Zobrist said that was a good format. It looks like these are staff's bullet points. The question is whether the Commission would like to proceed with questions and make this a Q and A or do they want staff to make a presentation. The Commission asked for a Q and A session.

Mr. Franco said when going over this he could not find the packet from a couple of weeks ago when they did a work session that laid out the vision of the county and the core values. At that time one of his comments was they were consolidating the goals, objectives and everything else that follows. It would be nice to see them relate to those core values. What he got is that he looked at this and part of the confusion was really trying to tie those back to core values. It would be helpful to include those in the packet so they understand what they are trying to achieve in essence. Right now the focus is so much on goals there is a loss in his mind why they even have that goal. What is the value it is protecting or improving upon?

Ms. Echols replied that there was some work going on right now at the Board of Supervisors level to develop their strategic plan. They are looking at the core values. They probably won't change those core values. However, they are looking at that and a vision. The ones she had given the Commission previously were from a prior strategic plan. So staff can do that in terms of getting these things tied into our core values and the last vision statement and core values from the last strategic plan. She would email that information to the Commission so they can have that information for a frame of reference. Before they do much more with that staff is kind of waiting on finding out what the Board is going to give us so that they don't have to reinvent the wheel.

Mr. Franco said that he appreciates that. What it really tied in for him was looking at just the environmental stuff where it becomes so focused in the growth area debate in whether they should allow different standards in the growth area, the development areas versus the rural areas, etc. It all seems to fall out because they don't have the next step up in the thought or the bigger picture. He had a hard time balancing how this really relates somewhat to the city. It would be helpful to see those.

Ms. Echols said she would email that information tomorrow.

Mr. Franco noted the other question he had was looking at the Comparisons City versus County. Part of this would also be not just common ground – but would she be prepared to comment on what they might be able to learn from the city. Some of it is kind of interesting. If they take their development areas one might argue that they have a different standard for that. There are places in here that say they want to maintain wooded cover. However, they have competing goals like the form of development, and overlot grading that would reduce the amount of canopy. He sees as one of the goals that the city has is to maintain a 40 percent canopy requirement. One of his questions would be if staff would be looking at that as well to sort of provide some background saying this is where they ought to be heading because it represents their future.

Ms. Echols said one of the things they want to do with our new comp plan because it is not clearly articulated in some places about natural resources is how they do look differently at the natural resources in the development areas and look at the natural resources in the rural areas. There are some things that they did in that first flush of goals and objectives several months ago that tried to make those distinctions. Staff would like to approach this from those particular distinctions about what they are trying to do tree cover wise and land coverage wise in the rural areas and what they are doing in the development areas. What staff wants to do is find out how important that is to the Commission. Where they are with wooded areas and that type of thing is they have our tree canopy requirements for commercial developments and residential developments. They have particular areas in our Comprehensive Plan, the Open Space Plan and some of the Master Plans that talk about specific wooded areas to be preserved. It is clear that they need to be articulating that better. However, whether or not the county wants to pursue a 40 percent tree canopy in its development areas is more of a question for the Commission in terms of the goals they have for just the reason he described. They have competing goals. She did not think they were recommending that. She was not sure that was a starting place for staff to make a recommendation. But if it is important to the Commission and they think that is where they need to be, then staff needs to hear that from them. They will also hear that from the public.

Mr. Franco said that he was not necessarily saying that they need to be there. However, when he looks at all of the goals, objectives, tactics, and things like that he did not see their number in there. He had to do a lot of searching back and forth. He asked what our anticipated canopy requirement is today.

Ms. Echols replied that they don't have one.

Mr. Franco noted they have a canopy requirement for site plans. He asked what that would be.

Ms. Echols replied that it was 10 percent in commercial developments and between 10 and 20 percent in residential developments depending on the density.

Mr. Franco asked if they have any data that talks about residential development. He understands they don't have a requirement. However, what have they seen over the years? It would be helpful to know what our developed community looks like and what it feels like relevant to that 40 percent standard.

Mr. Cilimberg noted it was a measurement.

Ms. Echols said that would be a measurement that they don't have right now. They have land coverage. It is something she thought they could get.

Mr. Cilimberg said it seemed like in part what he was hearing, which Mr. Franco was maybe speaking to, is there is a potential because our development areas are ultimately intended to be more like the city for those same environmental goals for the city and our development area to have some similarities. They need to understand what it meant before they would say it should be like that. That is an opportunity that could come out of this process.

Mr. Franco noted it was learning from their past mistakes if there are mistakes or their past wisdoms. For instance, personally he thought they were coming back around towards our rural area requirements as they look at the remaining areas to be developed in the city with their critical slopes and everything else. They want it to be more rural. They have allowed development to occur close to creeks and sort of given up on some of the environmental benefits of creeks over the years. However, now they are coming back and claiming that. Therefore, what should they be doing up front to learn from their past lessons?

Mr. Lafferty said one thing that struck him is the measures that the city has in there. They say a certain percentage and it was glaring that they came up with a statement in the environment goals to continue research and update the Comprehensive Plan for viable strategies for green buildings. That does not say anything to him basically. He was not going to talk about it right now. He would look at it and research it. When they contrast that with them having definite measures it made him think that he would like to get together with the rest of the Planning Commission without having a joint meeting. Then they could sit down and talk about different issues. For instance, they were talking about where the 5 percent came from urban versus developed area. They could have some discussions like that. Then he would have a better understanding being a new Commissioner as of where they are coming from.

Ms. Echols noted that Mr. Benish talked to her about that. He explained to the Commission about the 5 percent not being a deliberate number having been the result of how the percentage worked. They definitely are going to be talking to them about that on October 11. It relates to the expansion areas. It relates to how much capacity they have for growth and all those kinds of things. Staff definitely will be back to the Commission on that one. They have the opportunity to build in work sessions based on the topics that they want to go over with the Commission, but also ones that would come up that may relate to policies. This is an input process. Next week is like the first discussion where they are looking at this and thinking about questions that they have and information they can provide. The Commission should ask for that. Then staff can give it back to them in order to review it along with the public input to see what kinds of recommendations they would want to make.

M. Lafferty asked what kind of information they are waiting on from the Board of Supervisors.

Ms. Echols said that is an excellent point. She was just listening to their last meeting. There seemed to be a question about what our goals needed to look like in terms of performance measures. They are talking about specifically the sustainability kinds of things that are in the city's comp plan that might not be in our comp plan.

Mr. Lafferty replied no, he was talking about things in general like where they should be going with the comp plan, and things like the interchange study.

Mr. Cilimberg said the comprehensive plan work really starts with the Commission. He did not think they should be expecting the Board is going to be coming up with a list of directives of things that they expect them to do in a certain way. What staff tried to do is convey to the Commission and the Board the things

they were going to be covering. One thing that Ms. Echols did mention earlier was that they expect the Board will be doing probably in October is completing their strategy plan. That is where they have an updated vision and statements in support of that vision that they would expect they would approve. Staff does not think they are going to be earth shattering changes of any type, but they are going to be updated based on where the Board feels like it wants to be over the five years in addressing some of the issues they have. Certainly those are things they want to convey to the Commission. However, that is not really holding them up in terms of the work they are doing.

Mr. Lafferty suggested it might be good idea that they have a joint meeting with the Board of Supervisors to get some feeling as to what they are talking about in this strategy plan. That would affect his outlook or the way he would perceive the job he has in front of him.

Mr. Cilimberg pointed out that the strategic plan is a five-year plan of the things that they want to be addressing in five years. The vision piece is much longer term, which is also what should be considered as important for the comprehensive plan. It is also where they are addressing things that are not part of the comprehensive plan. They may address things like education, which the Commission does not really do from a service standpoint. What might be helpful for the Commission, which staff can schedule into their upcoming meeting, is a review of the updated strategic plan so they can understand what they did. Then if they have some questions that arise out of that and they think they ought to do something else, such as a joint meeting with the Board, then they can do that.

Mr. Morris agreed with what he is hearing with his colleagues that to do their job they need to know as clearly as possible what is the Board's vision and core values that they can then work from.

Mr. Cilimberg said staff can have a presentation to the Commission of that when they are complete.

Mr. Franco said for lack of having those now then he guessed in order to get through this process where they are starting he would like to start backup at those things. He thought staff came to them a while ago with 70 pages pared down to 25 pages. With the goal of paring that down even further, he would like to focus in on that so that they can have streamline goals and better understand those goals before they begin too much of this back and forth with the city. He would like to have those somewhat solidified in our minds so they know where they are headed.

Mr. Morris agreed.

Mr. Lafferty said it was valuable to him with the city if nothing else so they get more comfortable with each other and get to know each other. Staff has done a great job in consolidating this and refining it down to something that is a little bit more understandable. He looks forward meeting with the city folks because he had learned a lot from them just in discussions. However, he thinks there are many questions that he has had that are sort of more fundamental questions they are talking about.

Mr. Cilimberg said in meeting with the city there are an exchange of ideas and learning that goes on there that is important if they are trying to find some common areas that they want to utilize in their future plans that people who live in the area can rely on as being consistent between the city and the county. It is very easy for staff to get a presentation for the Commission of the strategic plan decisions of the Board once they are complete with that. It is not lengthy stuff. The Board will review that in an October meeting and he assumed they would take action. Once they have completed that staff will have a presentation so the Commission can see what that says and think about how that is tying into the comp plan work.

Mr. Franco said in the meantime if they related to the existing core values that would be helpful. As he reads through this he suggested that they try to consolidate the existing goals because there are a lot of repetitive goals. There are also things that are objectives that are listed as strategies and vice versa. He thought they could pare this down pretty quickly and have it make more sense.

Mr. Cilimberg noted the vision statement is something that would be part of the strategic plan. He can't tell them exactly what that is going to say. That is one piece. Right now there are four values. They are

really more about how they look at conducting business as a county. They are not about land use value or service value per say. It is about how they do business and about learning, stewardship, and innovation. Those kinds of things are the value statements. He thought what they would find interesting and would want to think about in terms of how they are looking at the comprehensive plan and the work of the strategic plan is where they are focusing their attention in the next five years. What is it that they really want to try to address or use as their guiding principles in the next five years? That will inform them in terms of making sure in the comprehensive plan they understand those things. He did not think there would be anything that is drastically different than what they have already seen. Staff can certainly connect the goals and objectives to what they have now in terms of those.

Mr. Franco said he would like to start trying to streamline it more and more each time they see it. It is not to change what is out there other to consolidate it and make it more user friendly.

Ms. Echols asked them to look at the packet next week. They might see some of that in more of a consolidated fashion that will help with the conversation next week.

Mr. Franco agreed that it was helpful.

Mr. Zobrist thanked staff since it is more manageable by having her boil it down to the bullet points. It certainly is eye opening to see the differences. This is one step in getting on one page.

Ms. Echols introduced Matt Weaver who is their staff person with TJPDC. He is working in our office for three days a week. He did a lot of the work with the city on getting those goals together.

New Business

Mr. Zobrist invited new business.

- Joint City/County PC Meeting on September 20, 2011 at City Place at 5:30 p.m.

There being no further items, the meeting proceeded.

Old Business

Mr. Zobrist asked if there was any old business. There being none, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 7:45 p.m. to the Tuesday, October 20, 2011 Joint City-County Planning Commission at 5:30 p.m. at City Space NDS Conference Room, 610 East Market Street (100 5th Street North East), Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)

ATTACHMENT A (ZTA-2010-00005 Signs)

Draft: 08/29/11 1 **ORDINANCE NO. 11-18( )**
AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA
BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:
By Amending:
Sec. 4.15.1 Purpose and intent
Sec. 4.15.2 Definitions
Sec. 4.15.4 Signs authorized by sign permit
Sec. 4.15.6 Signs exempt from the sign permit requirement
Sec. 4.15.7 Prohibited signs and sign characteristics
Sec. 4.15.8 Regulations applicable in the MHD, RA, VR, R-1 and R-2 zoning districts
Sec. 4.15.9 Regulations applicable in the R-4 and R-6 zoning districts
Sec. 4.15.11 Regulations applicable in the PUD, DCD and NMD zoning districts
Sec. 4.15.12 Regulations applicable in the C-1 and CO zoning districts
Sec. 4.15.13 Regulations applicable in the HC, PD-SC and PD-MC zoning districts
Sec. 4.15.14 Regulations applicable in the HI, LI and PD-IP zoning districts
Sec. 4.15.15 Regulations applicable in the entrance corridor overlay district
Sec. 30.6.4 Certificates of appropriateness
Sec. 30.6.5 Development exempt from requirement to obtain certificate of appropriateness
By Adding:
Sec. 4.15.4A Signs authorized by temporary sign permit
Chapter 18. Zoning
Article II. Basic Regulations
Sec. 4.15.1 Purpose and intent
The purpose and intent of this section 4.15 include, but are not limited to, the following:
a. The board of supervisors finds that signs are a separate and distinct use of the property upon which they are located and affect the uses and users of adjacent streets, sidewalks and other areas open to the public; that signs are an important means of communication for businesses, organizations, individuals and government; and that the unregulated erection and display of signs constitute a public nuisance detrimental to the health, safety, convenience and general welfare of the public. Therefore, the purpose of this section 4.15 is to establish reasonable regulations pertaining to the time, place and manner in which outdoor signs and window signs may be erected and maintained in order to:
1. Promote the general health, safety and welfare, including the creation of an attractive and harmonious environment;
2. Protect the public investment in the creation, maintenance, safety and appearance of its streets, highways and other areas open to the public;
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3. Improve pedestrian and vehicular safety by avoiding saturation and confusion in the field of vision that could otherwise result if such signs were not regulated as provided herein; and
4. Protect and enhance the county's attractiveness to tourists and other visitors as sources of economic development.
b. The board of supervisors finds that the regulations in this section 4.15 advance the significant governmental interests identified herein and are the minimum amount of regulation necessary to achieve them.
c. Signs are classified and regulated in this section 4.15 by their purpose (*e.g.*, bonus tenant panel), physical type (*e.g.*, freestanding sign), location (*e.g.*, off-site sign) and characteristics (*e.g.*, illuminated sign). By classifying and regulating signs by their purpose, the board of supervisors does not intend to regulate their content and, more specifically, any particular viewpoint, but rather intends to create a reasonable classification by which to regulate the time, place and manner of signs.
cd. The regulations in this section 4.15 shall apply to all outdoor signs and window signs. Each sign subject to this section 4.15 shall comply with all regulations applicable to that sign.

d. Signs are classified and regulated in this section 4.15 by their purpose (*e.g.*, anchor sign), physical type (*e.g.*, freestanding sign), location (*e.g.*, off-site sign) and characteristics (*e.g.*, illuminated sign). Each sign subject to this section 4.15 shall comply with all regulations applicable to that sign.
(12-10-80; 7-8-92, § 4.15.01; Ord. 01-18(3), 5-9-01)
State law reference – Va. Code § 15.2-2280.
Sec. 4.15.2 Definitions
The following definitions shall apply in the interpretation and implementation of this section 4.15:
. . .
(2) *Anchor sign*. The term "anchor sign" means a sign that identifies any specific business within a shopping center.
(8.1) *Bonus tenant panel*: The term "bonus tenant panel" means an additional sign permitted for individual tenants in shopping centers or planned developments when added to the freestanding sign for the shopping center or planned development.
. . .
(14.1) *Cornice line*. The term "cornice line" means the location of a cornice along the top of a wall; or, for a wall that has no cornice, the corresponding horizontal line along the top of a wall where a cornice would traditionally be located. In all cases, the "cornice line" applies to the main walls of a building and does not apply to features that extend above the top of the main walls of a building.
. . .
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(16) *Electric message sign*. The term "electric message sign" means a sign on which the copy can be changed or altered by electric, electro-mechanical or electronic means.
. . .
(35) *Off-site sign*. The term "off-site sign" means: (i) within a zoning district other than a planned development, a sign that is not located on the same lot with the use to which it pertains, but does not include a sign located in a public right-of-way; or (ii) within a planned development zoning district, a sign that is not located within the area depicted on the application plan approved for the planned development, but does not include a sign located in a public right-of-way.
. . .
(12-10-80; 7-8-92, § 4.15.03; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 10-18(1), 1-13-10; Ord. 10-18(3), 5-5-10; Ord. 10-18(5), 5-12-10)
State law reference – Va. Code § 15.2-2280.
Sec. 4.15.4 Signs authorized by sign permit
Except as provided in sections 4.15.6 (exempt signs) and 4.15.24 (nonconforming signs) Except for temporary signs subject to the permitting requirements of section 4.15.4A, signs exempt from this section under section 4.15.6 or nonconforming signs subject to section 4.15.24, a sign permit shall be required for each sign erected on the same lot with the principal use to which it pertains, prior to its erection, alteration, replacement or relocation, as provided herein:
a. *Application*. An application for a sign permit shall be submitted to the department of building code and zoning services community development, together with payment of the fee required for the application pursuant to section 35.0 35.1 of this chapter. A complete application shall consist of the following:
1. A fully completed application form, provided to the applicant by the zoning administrator;
2. A schematic legibly drawn to scale and sufficiently detailed showing the location and dimen-sions of the sign; and
3. Any plans, specifications and details pertaining to, among other things, the sign materials, the methods of illumination, methods of support, components, and the condition and age of the sign, as determined by the zoning administrator to be necessary for the review of the application.
b. *Application review and permit issuance*. A sign permit application shall be reviewed and acted upon by the zoning administrator only as provided herein:
1. *Timing of application*. An application for a sign permit may be filed at any time, and if a special use permit for the sign is required under section 4.15.5 or a certificate of appropriateness for the sign is required under section 4.15.15 and section 30.6 of this chapter, the application may be filed with or any time after the application for the special use permit or certificate of appropriateness is filed.
12. *Action on application.* Within thirty (30) days of the receipt of a complete sign permit application, or within seven (7) days of the receipt of a complete sign application for a temporary sign, the zoning administrator shall review the application and either: (i) approve the

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application; (ii) deny the application; or (iii) refer the application to the applicant for more information as may be required by subsection 4.15.4(Aa)(3); (iv) refer the application to the board of zoning appeals because the applicant must obtain a special use permit pursuant to section 4.15.5; and/or (v) refer the application to the architectural review board because the proposed sign will be located within the entrance corridor overlay district and a certificate of appropriateness is required. An application shall be denied only if the proposed sign is a prohibited sign, or does not comply with the regulations set forth in this section 4.15 or, a required special use permit or certificate of appropriateness for the sign was not granted. If the application is denied, the reasons shall be specified in writing.
23. *Failure to timely act*. If the zoning administrator fails to take one of the actions described herein within thirty (30) days of receipt of a complete sign permit application, or within seven (7) days of the receipt of a complete sign application for a temporary sign, the permit shall be deemed approved as received.
c. *Administration, generally*. Except for permits issued for temporary signs, which are subject to the regulations in subsection (D), the following regulations shall apply to the administration of sign permits:
1. A sign permit shall become null and void if the use to which the sign permit pertains is not commenced within six (6) months after the date the sign permit, special use permit or certificate of appropriateness is issued, whichever is later or, if the sign contains exclusively noncommercial copy, the sign is not erected within six (6) months after the date the sign permit is issued. Upon written request by the permittee and upon good cause shown, the zoning administrator may grant an extension of the six (6)-month period.
2. The zoning administrator shall revoke a sign permit if the sign does not comply with any applicable regulation of this section 4.15.
d. *Administration, permits for temporary signs*. The following regulations shall apply to the administration of sign permits issued for temporary signs:
1. A temporary sign that is a portable sign shall be stabilized so as not to pose a danger to public safety. Prior to the sign being erected, the zoning administrator shall approve the method of stabilization.
2. No more than four (4) permits for temporary signs shall be issued by the zoning administrator to the same establishment in any calendar year.
3. Each permit for a temporary sign shall be valid for a period not to exceed fifteen (15) consecutive days after the erection of the sign.
(12-10-80; 7-8-92, §§ 4.15.09, 4.15.09.1, 4.15.09.2, 4.15.09.3; Ord. 01-18(3), 5-9-01)
State law reference – Va. Code §§ 15.2-2280, 15.2-2286.
Sec. 4.15.4A Signs authorized by temporary sign permit
A permit shall be required for each temporary sign (hereinafter, a "temporary sign permit"), prior to its erection, alteration, replacement or relocation, as provided herein:
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a. *Application*. An application for a temporary sign permit shall be submitted to the department of community development, together with payment of the fee required for the application pursuant to section 35.1 of this chapter, and comply with the application requirements of subsection 4.15.4(a).
b. *Application review and permit issuance*. A temporary sign permit application shall be reviewed and acted upon by the zoning administrator only as provided herein:
1. *Action on application*. Within seven (7) days after receipt of a complete application, the zoning administrator shall either: (i) approve the application; (ii) deny the application; or (iii) refer the application to the applicant for more information as may be required by section 4.15.4(a)(3). An application shall be denied only if the proposed temporary sign is a prohibited sign or does not comply with the regulations set forth in this section 4.15. If the application is denied, the reasons shall be specified in writing.
2. *Failure to timely act*. If the zoning administrator fails to take one of the actions described herein within seven (7) days of the receipt of a complete sign application for a temporary sign, the permit shall be deemed approved as received.
c. *Administration*. The following regulations shall apply to the administration of sign permits:
1. *Number of permits*. No more than six (6) temporary sign permits shall be issued by the zoning administrator to the same establishment in any calendar year.
2. *Period of validity.* Each temporary sign permit shall be valid for a period not to exceed fifteen (15) consecutive days after the erection of the sign, provided that a temporary sign permit issued while a permanent sign is being made may be valid for longer than fifteen (15) days until the permanent sign is erected.

3. *Aggregate duration for temporary signs in calendar year.* Temporary signs shall not be erected at an establishment for more than sixty (60) days, in the aggregate, in a calendar year.
4. *Portable signs; stabilization*. A temporary sign that is a portable sign shall be stabilized so as not to pose a danger to public safety. Prior to the sign being erected, the zoning administrator shall approve the method of stabilization.
d. *Exemptions*. A temporary sign permit is not required for a sign exempt from the sign permit requirement under section 4.15.6 or nonconforming signs subject to section 4.15.24.

Sec. 4.15.6 Signs exempt from the sign permit requirement

The following signs are exempt from the sign permit requirement set forth in to obtain a sign permit under section 4.15.4 and a temporary sign permit under section 4.15.4A, provided that they comply with the regulations set forth below and all other applicable regulations of this section 4.15:. A sign exempt from the requirements to obtain permits under sections 4.15.4 and 4.15.4A is not exempt from the requirement to obtain a special use permit under section 4.15.5 if required.

. . .

(7) *Home occupation class B or major home occupation sign*. A home occupation class B or major home occupation sign that does not exceed four (4) square feet in sign area.

. . .

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(18) *Window sign*. A permanent window sign, provided that it does not exceed twenty-five percent (25%) of the total area of the window or door on which it is located, and the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) fifty percent (50%) of the total area of the window and or door; and further provided that if a permanent window sign will be on a structure within the entrance corridor overlay district and the window sign is visible from an entrance corridor overlay street, that the aggregate area of all window signs shall not exceed nine (9) square feet per business and that a certificate of appropriateness for the window sign is obtained as provided in section 4.15.15. (Amended 3-16-05)

. . .

(12-10-80; 7-8-92, § 4.15.04; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 10-18(4), 5-5-10)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.7 Prohibited signs and sign characteristics

Notwithstanding any other provision of this section 4.15, the following signs and sign characteristics are prohibited in all zoning districts:

. . .

b. *Signs with characteristics that create a safety hazard or are contrary to the general welfare*. Signs whose construction, design, location or other physical characteristic create a safety hazard or are contrary to the general welfare, as follows:

. . .

7. *Sign that obstructs vision*. A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location, shape, illumination or color; and window signs whose aggregate area on a window or door exceed twenty-five percent (25%) fifty percent (50%) of the total area of the window or door. (Amended 3-16-05)

. . .

(12-10-80; 7-8-92, § 4.15.06; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.8 Regulations applicable in the MHD, RA, VR, R-1 and R-2 zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Monticello Historic District (MHD), Rural Areas (RA), Village Residential (VR) and Residential (R-1 and R-2) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	10 5 feet

Freestanding	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage, plus 1 per lot if the lot is greater than	24 square feet, aggregated; if more than 1 sign, no single sign shall exceed 12	10 feet	10 5 feet

4 acres and has more than 1 approved entrance on its frontage		square feet		
Subdivision	2 per entrance per subdivision	24 square feet, aggregated, per entrance	6 feet	5 feet
Temporary	1 per street frontage per establishment	24 square feet	10 feet, if freestanding sign; 20 feet, if wall sign, but not to exceed the top of the fascia or mansard	10 5 feet
Wall	As calculated pursuant to section 4.15.20	40 square feet, aggregated in the RA zoning district; 20 square feet, aggregated, in other zoning districts	20 feet	Same as that applicable to structure

(12-10-80; 7-8-92, § 4.15.12.1; Ord. 01-18(3), 5-9-01; Ord. 05-18(5), 6-8-05)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.9 Regulations applicable in the R-4 and R-6 zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Residential (R-4 and R-6) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	10 5 feet
Freestanding	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	24 square feet, aggregated; if more than 1 sign, no single sign shall exceed 12 square feet	10 feet	10 5 feet
Projecting	1 per street frontage	24 square feet	20 feet, but not to exceed the top of the fascia or mansard	Not applicable
Subdivision	2 per entrance per subdivision	24 square feet, aggregated, per entrance	6 feet	5 feet
Temporary	1 per street frontage per establishment	24 square feet	10 feet, if freestanding sign; 20 feet, if wall sign, but not to exceed the top of the fascia or mansard	10 5 feet
Wall	As calculated pursuant to section 4.15.20	20 square feet, aggregated	20 feet	Same as that applicable to structure

(12-10-80; 7-8-92, § 4.15.12.2; Ord. 01-18(3), 5-9-01)
State law reference – Va. Code § 15.2-2280.

Sec. 4.15.11 Regulations applicable in the PUD, DCD and NMD zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Planned Unit Development (PUD), Downtown Crozet (DCD) and Neighborhood Model (NMD) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
	1 per street frontage, or 2 per entrance, per lot	24 32 square feet,	12 feet	5 feet
Freestanding	with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	aggregated, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign, no single sign shall exceed 12 square feet		
Projecting	1 per street frontage	24 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
Subdivision	2 per entrance per subdivision	24 square feet, aggregated, per entrance	6 feet	5 feet
Temporary	1 per street frontage per establishment	24 square feet	12 feet, if freestanding sign; 20 feet, if residential wall sign; or 30 feet if nonresidential wall sign, but not to exceed the top of the fascia or mansard cornice line	5 feet
Wall	As calculated pursuant to section 4.15.20	1 square foot 1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 32 square feet if residential wall sign, or 100 square feet if nonresidential wall sign	20 feet, if residential wall sign; or 30 feet if nonresidential wall sign Not to exceed the cornice line	Same as that applicable to structure

Within the DCD, one (1) sandwich board sign is permitted for each establishment, subject to the following: (1) the sign shall not exceed four (4) feet in height, two (2) feet in width or eight (8) square feet of area per sign face; (2) if the sign is placed on a sidewalk or any other public pedestrian right-of-way, it shall be placed in a location that provides a contiguous and unobstructed pedestrian passageway at least three (3) feet wide; (3) the sign shall not be located in any required off-street parking space, driveway, access easement, alley or fire lane; (4) the sign shall not be illuminated; (5) the sign shall be removed during non-business hours; and (6) if the sign is located on county-owned right-of-way, prior to placement of the sign the owner shall agree to indemnify and hold harmless the county against any claim or liability arising from the placement of the sign, and the agreement shall be in a form and have a substance approved by the county attorney. Sandwich board signs shall be exempt from review and approval under section 30.6 subject to the requirements of section 4.15.16(i).

(12-10-80; 7-8-92, § 4.15.12.4; Ord. 01-18(3), 5-9-01; Ord. 03-18(2), 3-19-03; Ord 10-18(1), 1-13-10)
State law reference – Va. Code § 15.2-2280.

Sec. 4.15.12 Regulations applicable in the C-1, and CO and HC zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Commercial (C-1), and Commercial Office (CO) and Highway Commercial (HC) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
Freestanding	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, aggregated, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	12 feet	5 feet
Projecting*	1 per street frontage	32 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
Temporary	1 per street frontage per establishment	32 square feet	12 feet, if freestanding sign; 30 feet if wall sign, but not to exceed the top of the fascia or mansard cornice line	5 feet
Wall*	As calculated pursuant to section 4.15.20	1 square foot 1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 100 square feet	30 feet Not to exceed the cornice line	Same as that applicable to structure

*Each establishment may have both a projecting sign and a wall sign, provided that the aggregate sign area of the two signs shall not exceed thirty-two (32) square feet. If the establishment has both such signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign (which may not exceed thirty-two (32) square feet).
(12-10-80; 7-8-92, § 4.15.12.5; Ord. 01-18(3), 5-9-01)
State law reference – Va. Code § 15.2-2280.

Sec. 4.15.13 Regulations applicable in the HC, PD-SC and PD-MC zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Highway Commercial (HC), Planned Development-Shopping Center (PD-SC) and Planned Development-Mixed Commercial (PD-MC) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet

Freestanding	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, aggregated, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	12 16 feet	5 feet
Projecting*	1 per street frontage	32 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
Temporary	1 per street frontage per establishment	32 square feet	12 feet, if freestanding sign; 30 feet if wall sign, but not to exceed the top of the fascia or mansard cornice line	5 feet
Wall*	As calculated pursuant to section 4.15.20	1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 200 square feet	30 feet Not to exceed the cornice line	Same as that applicable to structure

*Each establishment may have both a projecting sign and a wall sign, provided that the aggregate sign area of the two signs shall not exceed thirty-two (32) square feet. If the establishment has both such signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign (which may not exceed thirty-two (32) square feet.
One (1) sandwich board sign is permitted for each establishment, subject to the requirements of section 4.15.16(i).
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(12-10-80; 7-8-92, § 4.15.12.6; Ord. 01-18(3), 5-9-01)
State law reference – Va. Code § 15.2-2280.

Sec. 4.15.14 Regulations applicable in the HI, LI and PD-IP zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Heavy Industry (HI), Light Industry (LI) and Planned Development-Industrial Park (PD-IP) zoning districts.

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
Freestanding	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, aggregate, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	12 feet	5 feet
Projecting*	1 per street frontage	32 square feet	30 feet, but not to exceed the top of	5 feet

			the fascia or mansard	
Temporary	1 per street frontage per establishment	32 square feet	12 feet, if freestanding sign; 30 feet if wall sign, but not to exceed the top of the fascia or mansard cornice line	5 feet
Wall*	As calculated pursuant to section 4.15.20	1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 200 square feet	30 feet Not to exceed the cornice line	Same as that applicable to structure

*Each establishment may have both a projecting sign and a wall sign, provided that the aggregate sign area of the two signs shall not exceed thirty-two (32) square feet. If the establishment has both such signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign (which may not exceed thirty-two (32) square feet).
Within the PD-IP zoning district, one (1) sandwich board sign is permitted for each establishment, subject to the requirements of section 4.15.16(i).
(12-10-80; 7-8-92, § 4.15.12.7; Ord. 01-18(3), 5-9-01)
State law reference – Va. Code § 15.2-2280.

Sec. 4.15.15 Regulations applicable in the entrance corridor overlay district

In addition to all other regulations set forth in this section 4.15, the following regulations shall apply within the entrance corridor overlay zoning district:
a. *Certificate of appropriateness required*. Prior to the erection of a sign that would be visible from an entrance corridor street, including a sign erected on or visible through a window on a structure, the owner or lessee of the lot on which the sign will be located shall obtain a certificate of appropriateness for that sign unless the sign is exempt under section 30.6.5(d).
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b. *Authority and procedure for acting upon application for certificate of appropriateness*. The authority and procedure for acting upon an application for a certificate of appropriateness for a sign shall be as set forth in section 30.6.
c. *Opaque backgrounds*. All internally illuminated box-style and cabinet-style signs shall have an opaque background.
(12-10-80; 7-8-92, § 4.15.12.8; Ord. 01-18(3), 5-9-01; Ord. 10-18(5), 5-12-10)
State law reference – Va. Code §§ 15.2-2280, 15.2-2286.

Sec. 4.15.16 Regulations applicable to certain sign types

In addition to all other regulations set forth in this section 4.15, the following regulations apply to the sign types identified herein:
. . .
b. *Anchor signs Bonus tenant panels*. In each shopping center exceeding one hundred thousand (100,000) fifty thousand (50,000) square feet in gross floor area: (i) one (1) freestanding anchor sign bonus tenant panel shall be permitted for each one hundred thousand (100,000) fifty thousand (50,000) square feet in gross floor area, not to exceed four (4) anchor signs bonus tenant panels at the shopping center; and (ii) each anchor sign no bonus tenant panel shall not exceed six (6) eight (8) square feet in sign area.
. . .
i. *Wall signs*. In order to be eligible to have a wall sign, the establishment shall have an exterior wall.
Sandwich board signs. Sandwich board signs shall be subject to the following: (1) the sign shall not exceed four (4) feet in height, two (2) feet in width or eight (8) square feet of area per sign face; (2) if the sign is placed on a sidewalk or any other public pedestrian right-of-way, it shall be placed in a location that provides a contiguous and unobstructed pedestrian passageway at least three (3) feet wide; (3) the sign shall not be located in any required off-street parking space, driveway, access easement, alley or fire lane; (4) the sign shall not be illuminated; (5) the sign shall be removed during non-business hours; and

(6) if the sign is located on county-owned right-of-way, prior to placement of the sign, the owner shall agree to indemnify and hold harmless the county against any claim or liability arising from the placement of the sign, and the agreement shall be in a form and have a substance approved by the county attorney.
j. *Signs using rare gas illumination*. Signs using exposed rare gas illumination, and signs within the entrance corridor overlay district visible from an entrance corridor overlay street that use rare gas illumination covered by a transparent material, shall not have a brightness that exceeds thirty (30) milliamps. Brightness shall be determined by the zoning administrator, who shall consider information provided by the sign manufacturer, the rated size of the sign's transformer, and any other relevant information deemed appropriate. (Added 3-16-05)
k. *Wall signs*. In order to be eligible to have a wall sign, the establishment shall have an exterior wall. (12-10-80; 7-8-92, § 4.15.12; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05)
State law reference – Va. Code § 15.2-2280.
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Article III. District Regulations
Sec. 30.6.4 Certificates of appropriateness
The architectural review board is authorized to issue certificates of appropriateness for any structure, and associated improvements, or any portion thereof, that are visible from the EC street to which the parcel is contiguous, as follows:
. . .
b. *Types of certificates of appropriateness*. The architectural review board is authorized to issue the following types of certificates of appropriateness:
1. *Specific developments*. For specific developments associated with one or more building permits or a single site plan.
2. *Signs in a new multi-business complex or shopping center*. For all of the signs in a new multi-business complex or shopping center, where the architectural review board first conducts a comprehensive sign review. Once a certificate of appropriateness for signs in a new multi-business complex or shopping center is issued, the director of planning is authorized to determine whether a particular sign satisfies the conditions of the certificate of appropriateness.
3. *County-wide certificates of appropriateness*. County-wide certificates of appropriateness may be issued for classes of structures, sites, improvements, or architectural elements, subject to the applicable design criteria and procedures, as follows:
a. *Categories of structures, sites, improvements, or architectural elements eligible for county-wide certificates of appropriateness.* The following categories of structures, sites, improvements, or architectural elements shall be eligible for county-wide certificates of appropriateness:
1. Structures located seven hundred fifty (750) feet or more from an EC street that are not more than five (5) stories tall.
2. Structures that are proposed to be located behind another structure that fronts an EC street as viewed from the EC street, where the rear structure is no more than twice the height of the front structure.
3. Personal wireless service facilities.
4. Wall signs proposed for structures having a single occupant Signs.
5. Safety fencing and screening fencing.
6. New or replacement rooftop-mounted or ground-mounted equipment.
7. Additions to structures or improvements for which a certificate of appropriateness was issued, where the design of the addition to the structure or improvement is consistent with the architectural design approved with the certificate of appropriateness.
8. New structure or site lighting or changes to existing structure or site lighting.

9. Minor amendments to site plans and architectural plans.
10. Building permits for which the proposed change occupies fifty (50) percent or less of the altered elevation of an existing structure.
11. Permits classified in sections 5-202, 5-203, 5-204 and 5-208(A) not otherwise exempt under section 30.6.5(k).
. . .
(§ 30.6.4, 10-3-90; § 30.6.4.1, 10-3-90; 5-18-94; § 30.6.4.2, 10-3-90; §30.6.5(formerly § 30.6.3.2, 7-8-92; Ord. 01-18(3), 5-9-01); § 30.6.4, Ord. 10-18(5), 5-12-10)

Sec. 30.6.5 Development exempt from requirement to obtain certificate of appropriateness

The following development is exempt from the requirements of section 30.6:
. . .
d. Agricultural product signs, political signs, public signs, sandwich board signs, temporary signs, and sandwich board signs window signs and signs exempt from the sign permit requirement under section 4.15.6.
. . .
(§ 30.6.6, 10-3-90; § 30.6.6.1, 10-3-90; § 30.6.6.2, 10-3-90, 6-14-00; § 30.6.6.3, 5-18-94; § 30.6.5; Ord. 10-18(5), 5-12-10)
(Formerly SIGNS, Now see 30.6.4, 5-12-10)

I, Ella W. Jordan, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

_____ Clerk, Board of County Supervisors

Aye Nay
Mr. Boyd ____ ____
Mr. Dorrier ____ ____
Ms. Mallek ____ ____
Mr. Rooker ____ ____
Mr. Snow ____ ____
Mr. Thomas ____ ____