

**TOWN OF DAYTON
PLANNING COMMISSION COMMITTEE**

March 21, 2019

COMMITTEE MEMBERS PRESENT: Chairperson Colby Miller, Gary Bowman, Hunter Barnett, Zachary Fletchall, and Susan Smith

COMMITTEE MEMBERS ABSENT: None.

CALL TO ORDER: Chairperson Colby Miller called the meeting to order at 7:03 PM.

APPROVAL OF MINUTES FOR REGULAR MEETING OF DECEMBER 20, 2018

Chairperson Miller asked for comments pertaining to minutes for Regular Meeting of December 20, 2018. With there being none, a motion by Committee Member Bowman was seconded by Committee Member Barnett, and passed unanimously, with Committee Member Fletchall abstaining from the vote.

STAFF REPORTS

- Zoning
Report attached to minutes.

UNFINISHED BUSINESS: None

NEW BUSINESS: Action is requested for the Planning Commission to recommend a new Chapter 21 and Chapter 21.1 Sign Ordinance to Town Council. A motion by Committee Member Fletchall was seconded by Committee Member Bowman, and passed unanimously, as follows:

CHAPTER 21
Signs, Billboards, and other
Advertising Structures
(Repealed May 1, 1995)

CHAPTER 21.1
Signs
(Enacted May 1, 1995)
(Amended and Reenacted Month, Day, 2019)

§ 9-194.0 Purpose and Interpretation. The purpose of this Chapter is to regulate the size, illumination, materials, location, height, and condition of all signs placed upon private property for exterior observation within the Town to promote the creation of a convenient, attractive and harmonious community, ensure the safety of pedestrians and motorists, and preserve property values. This Chapter is intended to allow adequate communication through signage while

encouraging aesthetic quality in the design, location, size and purpose of all signs. This Chapter shall be interpreted in a manner consistent with the First Amendment of the United States Constitution. If any provision of this Chapter is found to be invalid, such finding shall not affect the validity of other provisions of the Chapter that can be given effect without the invalid provision.

§ 9-194.1 *Definitions.* The following definitions apply throughout this chapter:

- (a) Area. The area of a Sign is the area of the smallest rectangle which can fully enclose the Sign. (Where multiple Signs share the same support structure, their combined area is the sum of their individual areas.) The area of a Sign designed to be viewed from two directions shall be the area of the largest side. Nevertheless, if the two faces of the Sign are (i) more than two feet apart, or (ii) neither parallel nor at an angle of less than 45 degrees, the area of the Sign shall be the total area of both sides. The area of Signs with more than two sides shall be the total area of all sides. A Sign's support structure is not considered when calculating the area of a Sign.
- (b) Electronic Message Board. A type of Illuminated Sign that consists of electronically changing text and symbols, including but not limited to a Sign with a digital display such as an LCD, LED, or plasma display.
- (c) Ground Sign. A Ground Sign is any Sign which (1) rests directly on the ground or (2) is supported by uprights or braces placed in or upon the ground. Two separate Signs built on the same support structure shall be counted as one Ground Sign.
- (c) Height. The Height of a Sign is the vertical distance from the ground to the highest point on the Sign or its support structure. A berm built beneath the Sign shall not be counted as the "ground" for the purpose of calculating the Height of a Sign.
- (e) Illuminated Sign. Any Sign the features of which include artificial lighting. Illuminated Signs include but are not limited to neon Signs, glow-in-the dark Signs, Signs which are made up in whole or in part by lighting, and Signs which are illuminated by one or more spotlights.
- (f) Incidental Signs. Incidental Signs are Signs allowed under § 9-194.2(a). They shall not be treated as Ground Signs, Wall Signs, or Roof Signs.
- (g) Location. Location shall mean the broadest of the following: (i) a Lot, or (ii) multiple Lots, if spanned by a single entity, organization, or enterprise.
- (h) Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

- (i) Minor Signs. A Sign not exceeding one square foot in area and four feet in Height.
- (j) Relate. A Sign relates to a Location if it directs attention to a business, product, service, or activity conducted, sold, or offered at that Location, or if it describes certain characteristics or qualities of that Location.
- (k) Roof Sign. A Roof Sign is any Sign located upon the roof of any building or other structure.
- (l) Setback. The Setback of a Sign is the minimum distance between any portion of the Sign and any public or private street.
- (m) Sign. Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. For the purpose of clarification, example of items which do not satisfy the necessary elements of this definition include, but are not limited to, pavement markings, architectural elements incorporated into the style or function of a building, and the display of merchandise for sale on the site of the display or displays which are inside a structure and visible externally only through windows.
- (n) Temporary Signs. A Temporary Sign is either of the following:
 - (1) Any Sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic, or other light materials with or without frames, intended to be displayed for a short period of time, or
 - (2) Any Sign which, through the use of wheels or otherwise, is designed to be transported from place to place.

The category of “Temporary Signs” is not mutually exclusive with other categories. For example, a Temporary Sign may also be a Ground Sign. Therefore, a Temporary Sign must meet the requirements for Temporary Signs as well as other requirements which apply to the type of Sign involved.
- (o) Wall Sign. A Wall Sign is any Sign which is attached to the front, rear or side of any building or other structure.

§ 9-194.2 *Incidental Signs.*

- (a) In addition to Signs permitted by other sections of this chapter and subject to the other limitations of this chapter, including the limitations of § 9-194.8, the following Incidental Signs are allowed in all zoning classifications:

- (1) One Temporary Sign of not more than four feet in height and nine square feet in area on any Lot which is for sale or rent, or which a portion thereof is for sale or rent.
 - (2) One Temporary Sign of not more than four feet in height and nine square feet in area on any property with an active building permit.
 - (3) Signs not more than two square feet in area that are written into stone, masonry, or bronze.
 - (4) For subdivisions, one Ground Sign no more than five feet in height and forty square feet in area.
 - (5) Signs affixed to gasoline pumps or protective structures adjacent to such pumps, provided the sign is not larger than the pump itself.
 - (6) Two Minor Signs on any Lot.
 - (7) Flags up to 16 feet in square area.
 - (8) Signs erected by a governmental body or required by law.
 - (9) Temporary Signs posted or displayed by or under the direction of a public official or court officer in the performance of their official duties.
 - (10) One Ground Sign or Wall Sign on any cemetery plot, mausoleum, or above-ground burial vault.
- (b) Incidental Signs in any zone need only have a setback of ten feet. All Incidental Signs must be located on the same Location to which they Relate.
- (c) The Incidental Signs allowed in this section do not count against the zoning-specific allowances set forth in § 9-194.3 below.

§ 9-194.3 Allowed Signs. Subject to all other limitations of this chapter, the following Signs are allowed:

- (a) In R-1 zones, the following Signs shall be allowed:
 - (1) One Wall Sign no larger than four square feet.
 - (2) As an alternative to the Sign permitted under paragraph (a)(1) of this section, one Ground Sign no larger than three square feet in area and no more than four feet in height.
- (b) In R-2 and R-3 zones, the following Signs shall be allowed:
 - (1) One Wall Sign no larger than eight square feet.

- (2) As an alternative to the Sign permitted under paragraph (b)(1) of this section, one Ground Sign no larger than eight square feet in area and no more than five feet in height.
- (c) In all other zoning classifications, any combination of Ground, Wall, or Roof Signs is permitted, provided:
 - (1) On any Lot, Ground Signs within 25 feet of the street must be placed at least 100 feet apart, and
 - (2) The total area of Ground Signs on any Lot shall not exceed 100 square feet in an HB-1 or B-1 zone; 150 square feet in a B-2, A-1, or A-2 zone; or 200 square feet in an M-1 zone.

§ 9-194.4 *Location of Signs.*

- (a) Signs greater than 100 square feet in area must have a setback of at least 25 feet.
- (b) With the exception of Signs allowed pursuant to Section 9-192.2(8) and Section 9-192.2(9), all Signs must be placed at the Location to which they Relate.

§ 9-194.5 *Drop Down Regulations.* Wherever the principal structure or use of a Lot complies with a more restrictive zoning classification than the Lot is actually zoned, the sign regulations for the more restrictive classification shall govern. However, if there are multiple uses of a principal structure or Lot, the sign regulations for the actual zoning classification of the Lot shall apply.

§ 9-194.6 *Special Use Permits.* Upon proper application, and after following the process described in Chapter 22, the Council may grant a special use permit authorizing a Sign which would otherwise be prohibited by this Chapter. The permit may contain such conditions as the Council deems proper.

§ 9-194.7 *General Provisions*

- (a) Notwithstanding any other provision of this Chapter, no Sign shall be erected or maintained at any location where by reason of its location, size, shape, illumination, or other characteristic, there is a reasonable possibility that it will obstruct drivers' or pedestrians' view of a road, sidewalk, or traffic control device (or otherwise create a traffic hazard) such that the Sign presents an imminent or immediate threat to life or property. The Town Superintendent shall have the authority to order the removal or relocation of any Sign he finds to be in violation of this paragraph.
- (b) No Sign shall contain or make use of any word, phrase, symbol, shape, form, or character so as to interfere with, mislead, or confuse traffic.

- (c) No Sign having flashing, intermittent, or animated illumination shall be permitted. However, this prohibition does not extend to electronic message boards in which the flashing, intermittent, or illumination itself conveys information.
- (d) No Illuminated Sign shall be permitted within fifty feet of any residential district unless the illumination is so designed that it does not shine or reflect light onto residential lots within the residential district.
- (d) Where a Lot has insufficient front yard to reasonably accommodate a Sign, the Town Superintendent may, but shall not be required, to authorize the location of a Sign on or above public land. Such authorization shall be revocable and shall not import the approval of any other governmental agencies which might be interested. The Town Superintendent may condition such authorization on the applicant first obtaining any and all other required approvals.
- (f) No Sign shall exceed the maximum Height for structures in the relevant zoning classification.
- (g) All Signs shall be neatly lettered and maintained in good repair.

§ 9-194.8 *Temporary Signs.* Temporary Signs must meet the requirements of this section in addition to all other applicable requirements of this chapter.

- (a) Temporary Signs are allowed for the following periods:
 - (1) For Signs authorized by Section 9-194.2(a)(1), the time a Lot is for sale or rent, or which a portion thereof is for sale or rent, only until the Lot or the portion thereof is sold or rented.
 - (2) For Signs authorized by Section 9-194.2(a)(2), the time a Lot has an active building permit, only while the permit is active (up to a maximum of 24 months).
 - (3) For other Temporary Signs, 60 days.
- (b) Temporary Signs may be placed on Town property only with written permission of the Town Superintendent.
- (c) When a Temporary Sign is removed, it may not be replaced by the same or another Temporary Sign for 30 days.

§ 9-194.9 *Application.* Except for Temporary Signs and Incidental Signs, no Sign shall be installed until a zoning permit is issued in accordance with § 9-11. The application for such

a zoning permit to install a Sign must be in the form prescribed by § 9-12 and must include a sketch of the proposed Sign, along with its support structure. The application shall specify the area and height of the Sign. The Zoning Administrator shall either approve, reject, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provisions of this Chapter, this Title, the building code, and other applicable laws, regulations, and ordinances shall be approved. If an application is rejected, the Zoning Administrator shall provide a list of the reasons for the rejection in writing.

PUBLIC COMMENT: None

ADJOURN: There being no further business to come before Planning Commission, Committee Member Fletchall made a motion to adjourn and was seconded by Committee Member Barnett and passed unanimously.

Meeting adjourned at 7:10 PM.

Respectfully Submitted;

Chairperson, Colby Miller

Recorder, Kim Clark

Department - Zoning

Staff Report

March 2019

1. Activity Report
 - Mason Street – Potential Land Development - The Zoning Office has received a subdivision/re-zoning application request for several tracts of land off Mason Street. The land is currently zoned A2. Conversations are ongoing with developer.
 - Inquiries received regarding Thomas House Restaurant and its possible uses.
 - Received/reviewed joint permits for slab bridge construction at Cook's Creek.
 - Working through VML renewal application process for property and liability insurance.
 - Updating application for Employee Health Insurance renewal.
 - Continue OSHA/VOSH training requirements for Public Works.
 - Received Census Boundary and Annexation Survey (BAS) and will prepare accordingly.
 - Several inquiries regarding deck/garage/additions/improvements to homes.
 - Attended February HRMPO meeting.
 - Variance information request for non-conforming lot on Eastview St. pertaining to an addition of a deck.
 - South Breeze subdivision – Inquiries pertaining to approved usage of vacant area fronting subdivision.
 - Willow West Subdivision – Addressing drainage issue along the northern boundary.
 - Willow West Subdivision – Nuisance complaint on vacant property; owner brought into compliance as of 3/5/19.
2. Project Update
 - Vacant property on John Wayland Highway – Currently waiting for landowner and developer to be back in touch with this office.
 - Airbnb – Awaiting Council direction.
 - Sign Ordinance – Staff is working with Town attorney and a local sign professionals' before sending to the Planning Commission for review. Expected to send to Planning Commission in March.
3. Items for Consideration
None

Respectfully submitted,