Date of Council Meeting: July 9, 2013

TOWN OF LEESBURG
TOWN COUNCIL WORK SESSION

SUBJECT: Off-Premises Signs Information Memorandum

STAFF CONTACT: Tracey Shiflett, AICP, Assistant Zoning Administrator

RECOMMENDATION: None. For information only.

ISSUES: Off-premises signs regulations and enforcement.

BACKGROUND: The Town of Leesburg Zoning Ordinance Section 15.3.24 defines Off-Premises signs as "sign[s] which directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected." Off-Premises signs are prohibited except for authorized temporary signs listed in *Sec. 15.6 Temporary Signs and A-frame/sandwich board signs meeting the standards of Sec. 15.7.2 E A-Frame/Sandwich Board Sign – Development Standards, 15.4.14 Temporary Open House Signs and Sec. 15.4.21 Temporary Place of Worship Signs* (see attachment 1). However, with the exception of A-frame/sandwich board signs in the H-1 District, no off premises signs are permitted to be placed in the Town right of way without specific authorization by the Town, such as a right of way encroachment or special event permits.

During the regular work week enforcement of the off-premises sign regulations is carried out by the Zoning personnel within the Department of Planning and Zoning. Zoning staff removes signs located in the Town right of way if they can be removed without the need to stop on the road or in median strips. Public Works staff routinely removes signs in median strips or other areas that are more difficult to access and require the use of vehicles with warning lights. They will also remove signs at the request of zoning staff. Zoning enforcement and public works staff do not work on weekends and as such do not remove unauthorized off-premises signs on weekends when many of these signs appear.

Enforcement of off-premises signs located on Town right of way or private property is handled the same way as other zoning violations - a three-step process starting with a phone call or visit, followed by a courtesy letter and if necessary, a notice of violation. However, it can be difficult to identify violators who put signs on public right of way because many times signs are placed by contractors. Local governments are not authorized to remove signs from VDOT right of way unless an agreement has been made with VDOT for local governments to act as authorized agents to enforce the provisions of the Code of Virginia Section § 33.1-373. *Signs or advertising on rocks, poles, etc., within limits of highway; civil penalty*. In the past, localities could not keep any fees or penalties associated with such agreements. However, this year the Virginia General Assembly amended the law to allow VDOT to make agreements with local governments regarding keeping fees and penalties (attachment 2).

Attachment 1
Off-Premises Signs Regulations

15.6 Temporary Signs
15.6.1 Signs Requiring Temporary Sign Permit
The following signs shall require the issuance of a Temporary Sign Permit by the Zoning Administrator prior to their erection. The permit shall cite the length of time any such sign may be displayed. If after the expiration of the Temporary Sign Permit, such signs are not removed, the town may remove them and charge the cost of removal to the enterprise or proprietor responsible.

A. Promotional Event Sign. The sign shall be attached at each corner to an existing principal structure which includes porches and porch railings and shall not exceed twenty-four (24) square feet in area or six (6) feet in height. Display of the sign is limited to fourteen (14) continuous days, five (5) times a year with a separate permit required for each display period. The sign shall be removed within twenty-four (24) hours of the expiration date of the permit.

B. Temporary Business Identification. A wall mounted temporary sign not to exceed twenty-four (24) square feet to identify a new business for a period of forty five (45) days prior to approval of permanent signage. A one-time renewal of thirty (30) days is permitted upon approval of the Zoning Administrator or designee.
15.3.2 A-frame/Sandwich Board Sign
A portable sign not secured or attached to the ground or surface upon which it is located; constructed in a manner to form an “A” or tent-like shape.

15.7.2 Development Standards for Permitted Sign Types
E. A-frame/Sandwich Board Sign – Development Standards
1. Inside the H-1 Old and Historic Overlay District
A-frame/Sandwich Board Signs located inside the H-1 Old and Historic Overlay District and located within the public right of way are subject to the requirements found in Chapter 30 of the Town Code. A-frame/Sandwich Board Signs located inside the H-1 Overlay District but unable to meet the requirements of Chapter 30 of the Town Code are subject to the following regulations:
(a) Location. Outside of the public right of way and not located within required parking spaces, landscaping or travel aisles unless further restricted by the Zoning Administrator to eliminate a traffic safety hazard.
(b) Maximum Size. The sign shall not exceed twenty-four (24) inches in width and thirty-four (34) inches in height.
(c) Duration/Grandfathering Limitation. Any permit for an A-frame sign shall clearly state that the permit shall be valid for a period of one year from the date of adoption of this ordinance (January 26, 2010) and will automatically renew unless the Town Council has repealed the applicable sections of the Zoning Ordinance to eliminate A-frame signs as a permitted sign type prior to January 26, 2011. In such case, no permit issued shall be valid or grandfathered beyond the January 26, 2011 automatic termination date.
(d) Each sign shall count towards the total number of signs per business allowed and requires a permit to be issued by the Zoning Administrator.

(e) Each sign shall be subject to review under the H-1 Old and Historic District Design Guidelines.

15.4.14 B. Temporary Open House Signs shall comply with the following:
1. Signs may be displayed only forty eight (48) hours prior to an open house until twenty four (24) hours after an open house event.
2. Signs may not be located within the public right of way.
3. Signs may not exceed an area of six (6) square feet and may not be taller than four (4) feet in height.
4. Animated signs are prohibited.

15.4.21 Temporary Place of Worship Signs
1. Signs may be displayed only forty eight (48) hour prior to a service until twenty four (24) hours after a service.
2. Signs may not be located within the public right of way.
3. Signs may not exceed an area of six (6) square feet and may not be taller than four (4) feet in height.
4. Animated signs are prohibited.

Attachment 2

VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

CHAPTER 457

An Act to amend and reenact § 33.1-373 of the Code of Virginia, relating to payment of penalties and costs associated with enforcement of prohibition on certain advertising.

[S 888]

Approved March 16, 2013

Be it enacted by the General Assembly of Virginia:
1. That § 33.1-373 of the Code of Virginia is amended and reenacted as follows:
§ 33.1-373. Signs or advertising on rocks, poles, etc., within limits of highway; civil penalty.
Any person who in any manner (i) paints, prints, places, puts or affixes any sign or advertisement upon or to any rock, stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, guide-sign, guidepost, highway sign, historical marker, building, or other object lawfully within the limits of any highway or (ii) erects, paints, prints, places, puts, or affixes any sign or advertisement within the limits of any highway shall be assessed a civil penalty of $100. Each occurrence shall be subject to a separate penalty. All civil penalties collected under this section shall be paid into the Highway Maintenance and Operating Fund. Signs or advertisements placed within the limits of the highway are hereby declared a public and private nuisance and may be forthwith removed, obliterated, or abated by the Commissioner of Highways or his representatives without notice. The Commissioner of Highways may collect the cost of such removal, obliteration, or abatement from the person erecting, painting, printing, placing, putting, affixing or using such sign or advertisement. When no one is observed erecting, painting, printing, placing, putting, or affixing such sign or advertisement, the person, firm or corporation being advertised shall be presumed to have placed the sign or advertisement and shall be punished accordingly. Such presumption, however, shall be rebuttable by competent evidence. In addition, the Commissioner or his representative may seek to enjoin any recurring violator of this section. The Commissioner of Highways may enter into agreements with any local governing body authorizing local law-enforcement agencies or other local governmental entities to act as agents of the Commissioner for the purpose of (i) enforcing the provisions of this section and (ii) collecting the penalties and costs provided for in this section. *Any such agreement may provide that penalties and costs collected pursuant to such agreement shall be paid as agreed.*

The provisions of this section shall not apply to signs or other outdoor advertising regulated under Chapter 7 (§ 33.1-351 et seq.) of this title.