



# CITY OF POQUOSON

PLANNING DEPARTMENT

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500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996

## MEMORANDUM

**Date:** February 12, 2018

**To:** The Honorable City Council

**From:** Dannan O'Connell, Planner

**Subject:** **Proposed Amendment to Section 3(d)(4) of the Sign Ordinance to Allow Electronic Signs in Commercial Districts and Commercial Uses in Other Districts**

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Presented for public hearing and consideration is an ordinance to amend Section 3(d)(4) of Appendix D (Signs) of the Zoning Ordinance to allow electronic signs in commercial districts, and for commercial uses in other districts. At their November 13, 2017 regular session, City Council requested the consideration of an amendment to the sign ordinance relating to the use of electronic signs. The current provisions of the ordinance, passed in December of 2014, restrict the use of electronic message signs to the City government and public school system only. Council wished to amend this provision to allow electronic signs to be permitted for all commercial zoning districts and commercial uses.

The proposed ordinance removes language within existing regulations restricting the use of electronic signs to the City of Poquoson and the City school system. As the provision for electronic signs is already in Section 3(d) pertaining to commercial sign uses, no further changes are needed to allow electronic message signs to be permitted for commercial uses.

The proposed amendment was presented to the Planning Commission for public hearing and consideration at their January 18, 2018 regular session. One citizen was present at the public hearing, who spoke against adoption of the ordinance. After some deliberation, citing potential aesthetic impacts and a desire to avoid distracted driving, the Commission recommended denial of the amendment by a vote of 6-0.

The following pages contain the electronic sign regulations with the proposed change, as well as an ordinance to adopt the changes.

DRO

## APPENDIX D – SIGNS

### Section 3. - Permitted signs.

(d) *Commercial districts and commercial uses in all other districts:*

(4) *Electronic message signs.* Electronic message signs are permitted for use by the City of Poquoson and/or the city school system only. Such signs shall comply with the following standards:

1. Electronic message signs shall display static messages only with no animation, no effects simulating animation and no video. The messages shall not dissolve, fade, scroll, travel flash, spin, revolve, shake or include any other type of movement or motion.
2. Messages or images must be fixed and unchanged for a period of eight or more seconds.
3. Each transition from one message to a subsequent message shall be accomplished immediately with no fade, dissolve, scroll or travel.
4. Electronic message signs shall be allowed as a freestanding sign only and must meet all the provisions set forth in subsection (d)(1) of this section. Electronic message signs in combination with allowable freestanding sign area, shall not exceed 48 square feet.
5. No electronic message sign located within 250 feet of any portion of a single or multiple family dwelling district shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
6. The illumination of such signs shall be no greater than 1,400 nits or foot candles from sunrise to sunset or 250 nits or foot candles between sunset and sunrise, and shall be equipped with automatic brightness control which will operate at all times the display is lit, and which can further dim the display's brightness when ambient conditions do not require the maximum allowed brightness. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum intensity level and the owner/operator understands and agrees to these restrictions.
7. In the event that the electronic message sign is placed within a flood zone height restrictions may be relaxed to allow for the sign to be erected at the base flood elevation.
8. Electronic message signs must be maintained in good repair and working order. If at any time the sign does not display messages as it was intended to do, the display must be disabled until the necessary repairs are made.
9. When electronic message signs are placed in residential districts, the allowable illuminated intensity (nits) may be reduced or increased at the discretion of the zoning administrator due to locational circumstances, to include but not limited to the amount of lighting in the area and the proximity to residential dwellings.

**DRAFT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
BY REVISING SECTION 1-3, DEFINITIONS**

**BE IT ORDAINED** by the Council of the City of Poquoson, Virginia:

**Section 1:** That the Sign Ordinance of the City of Poquoson, Virginia be amended by modifying Section 3(d)(4), Permitted Signs, to read as follows:

**Section 3(d)(4) – Permitted signs.**

(d) *Commercial districts and commercial uses in all other districts:*

(4) *Electronic message signs.* Electronic message signs are permitted for use by the City of Poquoson and/or the city school system only. Such signs shall comply with the following standards:

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7. In the event that the electronic message sign is placed within a flood zone height restrictions may be relaxed to allow for the sign to be erected at the base flood elevation.
8. Electronic message signs must be maintained in good repair and working order. If at any time the sign does not display messages as it was intended to do, the display must be disabled until the necessary repairs are made.
9. When electronic message signs are placed in residential districts, the allowable illuminated intensity (nits) may be reduced or increased at the discretion of the zoning administrator due to locational circumstances, to include but not limited to the amount of lighting in the area and the proximity to residential dwellings.

This ordinance shall be enforced by the zoning administrator.

**Section 2:** That this ordinance shall be in effect on and after 30 days from its adoption.

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_

City Clerk

