



# CITY OF POQUOSON

PLANNING DEPARTMENT

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**Date:** March 28, 2022

**To:** The Honorable City Council

**Through:** J. Randall Wheeler, City Manager

**From:** Wally Horton, Director of Community Development

**Subject:** Request for a Text Amendment to Chapter 6, Article III of the City Code Referring to Signs in the Right- of-Way.

Proposed amendment to Chapter 6, Article III was initiated by the Poquoson City Council on January 24, 2022 in order to allow subdivision identification signs within the City right-of-way under certain circumstances.

The proposed amendment was taken to Planning Commission on February 24, 2022. The Planning Commission voted 5-0 to recommend approval of the proposed amendment with one additional sentence added to Sec. 6-114(1), which reads "*The monument shall be constructed with materials of a permanent nature being masonry, stone, and similar appearing materials.*"

The ordinance amending Chapter 6, Article III – Signs in Public Right-of-Way has been amended to reflect the requested changes of City Council and the additional sentence of the Planning Commission. The amendment if approved would allow the Legacy of Poquoson and future subdivision identification signs within the City right-of-way under certain circumstances as show in the attached picture.



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF  
POQUOSON, VIRGINIA BY AMENDING CHAPTER 6 – ADVERTISING, ARTICLE  
III-SIGNS IN PUBLIC RIGHT-OF-WAY**

**WHEREAS**, a proposed amendment of the City Code of the City of Poquoson, Virginia be amended by revising Chapter 6 – Advertising, Article III – Signs in the Right-or-Way to read as follows:

**ARTICLE III. SIGNS IN PUBLIC RIGHT-OF-WAY**

**Sec. 6-111. Findings.**

The city council finds that signs located within the right-of-way of public streets can, unless properly regulated, create a traffic hazard by unduly distracting motorists and pedestrians and reducing the effectiveness of traffic control signs and other signs necessary to direct the actions of persons utilizing the public right-of-way of the city. The city council finds, therefore, that the regulations contained within this article are the minimum necessary to ensure that motorists are not distracted or confused by visual clutter located within the public rights-of-way.

(Ord. No. 1655, § 1, 9-14-2020)

**Sec. 6-112. Unauthorized signs.**

No sign, other than those permitted under the terms of this article, shall be placed, erected or displayed within any public right-of-way located within the city. For the purposes of this article, a sign shall be defined as any structure, object or placard using graphics, symbols and/or written copy, which is designed for the purpose of advertising or identifying an event, establishment, product, goods or services.

(Ord. No. 1655, § 1, 9-14-2020)

**Sec. 6-113. Signs permitted without a permit.**

Official traffic control signs designed to warn or inform persons upon the public right-of-way of relevant locational or regulatory information, along with city sign posts, may be erected in the public right-of-way by the governing body or a public utility without the permit required by this article.

(Ord. No. 1655, § 1, 9-14-2020)

**Sec. 6-114. Signs requiring permits.**

**The following signs shall require permits.**

**(a)** Subject to the prohibitions of section 6-115, signs related to specific events being conducted on a specific property for a limited time event, including an election or a public vote on an issue, shall be permitted to be placed within the public right-of-way, provided that the following conditions are met:

- (1) Signs shall not be placed on any area paved for vehicular or pedestrian traffic or in any median.

- (2) Signs shall be located off of the roadway so as not to endanger, impede or interfere with the flow, or view of vehicular or pedestrian traffic.
- (3) Signs greater than four square feet in area, or taller than three feet above grade, must be set back a minimum of 20 feet from the curb or edge of pavement, and must receive permit approval before placement.
- (4) Signs shall be displayed within a public right-of-way for a maximum of 30 days prior to the announced event. Any such sign must be removed within seven days following the event announced.
- (5) Signs advertising a garage or yard sale shall be permitted only pre-formatted yard sale signs obtained from the community development department. A maximum of two such signs may be obtained per permit.

**(b) Subdivision Identification Signs, defined for purposes of this Article as "permanent signs not exceeding 75 square feet in area, including any structural mounting feature, for the purpose of identifying a housing development or subdivision" shall be allowed in the public right of way provided that such signs adhere to all other applicable regulations of this Article and:**

- (1) Shall be monument style signs, defined as freestanding signs supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles. The monument shall be constructed with materials of a permanent nature being masonry, stone and similar appearing materials.**
- (2) Shall be no more than six (6) feet in height above grade.**
- (3) Shall have indirect, direct, or internal illumination. All other methods of illumination are prohibited.**
- (4) Shall not be placed on any area paved for vehicular or pedestrian traffic .**
- (5) Shall be only placed within raised and curb and gutter medians within the entrance way to a subdivision development.**
- (6) Shall be located a minimum of twenty-five (25) feet from the right of way line of the intersecting street.**
- (7) Shall be located off of the roadway so as not to endanger, impede or interfere with the flow, or view of vehicular or pedestrian traffic.**
- (8) Shall be limited to one (1) sign per entrance and a maximum of two (2) such signs per subdivision.**

(Ord. No. 1655, § 1, 9-14-2020)

### **Sec. 6-115. Signs prohibited at specific intersections.**

In no event shall a permit be issued for the placement of signs in a public right-of-way within 200 feet of the following street intersections:

- (1) Wythe Creek Road/Little Florida Road/Victory Boulevard.
- (2) Wythe Creek Road/Poquoson Avenue.
- (3) Yorktown Road/Hunts Neck Road.
- (4) Little Florida Road/Poquoson Avenue.
- (5) Victory Boulevard/City Hall Avenue.

Signs within the public right-of-way are also prohibited within 200 feet of official city identification signs near the city limits.

(Ord. No. 1655, § 1, 9-14-2020)

**Sec. 6-116. Permit procedures.**

- (a) Application for a permit for signs meeting requirements of Sec. 6-114(a) shall be filed in the community development department using forms supplied by the city. The application shall contain all required information and shall be signed by the applicant or an authorized agent. The permit application shall identify:
  - (1) The nature of the event being advertised;
  - (2) The location of the event;
  - (3) The time period during which the event will occur;
  - (4) The location proposed for the sign; and
  - (5) The material of which the sign will be constructed.
- (b) A nonrefundable administrative fee of \$5.00 shall accompany the application form.
- (c) Excepting garage and yard sale signs, all right-of-way sign permits shall be issued upon the applicant posting a \$50.00 deposit guaranteeing the applicant's faithful compliance with the provisions of the permit and this article. This sum shall be returned to the applicant within one month of the termination of the event being advertised, if the applicant conforms with to all requirements of the permit and this article. Failure of the applicant to comply with all requirements imposed by the permit or this article shall subject the applicant to possible forfeiture of all or part of the deposit.

(Ord. No. 1655, § 1, 9-14-2020)

**Sec. 6-117. Permit procedures, Subdivision Identification Signs.**

- (a) Application for a permit for a subdivision identification sign meeting the requirements of Sec. 6-114(b) shall be filed in the community development department using forms supplied by the city. The application shall contain all required information and shall be signed by the applicant or an authorized agent. The permit application shall identify and include:
  - (1) The location proposed for the sign; and
  - (2) The material of which the sign will be constructed.
  - (3) All dimensions of the sign,
  - (4) The material of which the monument feature will be constructed.
  - (5) All dimensions of the monument structure.
  - (6) An architectural rendering displaying the appearance of the sign and monument feature , in color.
- (b) A nonrefundable fee of \$75.00 shall accompany the application form.

**Sec. 6-1178. Removal of unpermitted signs.**

Signs which violate the terms of this article or of the permit authorizing their placement in the public right-of-way shall be removed and disposed of by the city.

(Ord. No. 1655, § 1, 9-14-2020)

**WHEREAS**, the City Council, at its January 24, 2022 meeting, initiated a proposed amendment to Chapter6, Article III be directed to the Planning Commission for review; and

**WHEREAS**, a public hearing to receive public comments and review any changes to the proposed amendments was held before the Planning Commission on February 24, 2022; and

**WHEREAS**, careful and thorough consideration was given the proposed amendments; and

**WHEREAS**, the Planning Commission voted 5-0 to recommend approval of the amendment with one addition of a second sentence to Sec. 6-114 (1) as follows: "*The monument shall be constructed with materials of a permanent nature being masonry, stone and similar appearing materials.*"

**WHEREAS**, a public hearing to receive public comments and review the revision to Chapter 6, Article III of the City Code was held before the City Council on March 28, 2022.

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

**Section 1:** That the proposal to amend Chapter 6, Article III of the City Code of Poquoson, VA pertaining to signs in the right of way is hereby approved.

**Section 2:** That this ordinance shall be in effect on or after its adoption.

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

TESTE: \_\_\_\_\_  
Clerk, City Council