

Board of Supervisors

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Wendy E. Maurer
Paul V. Milde, III
Gary F. Snellings

Anthony J. Romanello, ICMA-CM
County Administrator

Community & Economic Development Committee Meeting AGENDA

February 2, 2016 – 12:00 Noon
Conference Room A/B/C, Second Floor

Agenda Item	
1.	Election of Chairman
2.	Multi-Cultural Task Force
3.	Annual Economic Development Review of Metrics
4.	Building Height zoning ordinance versus building code
5.	Lighting Ordinance
6.	Sign Ordinance

CEDC02022016agenda



Election of Chairman

BOARD OF SUPERVISORS

Agenda Item

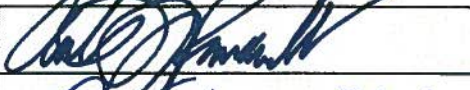
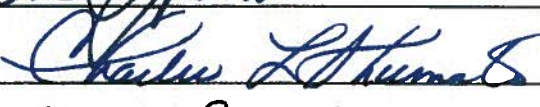
Meeting Date:	January 19, 2016
Title:	Consider Endorsing a Stafford County Multi-Cultural Coalition and Allocate Start-Up Funds from the County's General Fund Contingency Reserve
Department:	County Administration/Tourism
Staff Contact:	M.C. Moncure, Tourism Manager
Board Committee/ Other BACC:	Community and Economic Development Committee
Staff Recommendation:	N/A
Budget Impact:	See background report
Time Sensitivity:	N/A

ATTACHMENTS:

1.	Background Report	3.	Draft Articles of Incorporation
2.	Proposed Resolution R16-32	4.	Draft FY16 Budget

	Consent Agenda		Other Business		Unfinished Business
	Discussion		Presentation		Work Session
X	New Business		Public Hearing		Add-On

REVIEW:

X	County Administrator	
X	County Attorney	
X	Finance and Budget	Maia J Penote

DISTRICT:	N/A
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BACKGROUND REPORT

The Board is asked to endorse a multi-cultural coalition (Coalition) in Stafford County. The Coalition would promote the inclusion of and quality of life for all citizens of the County by identifying issues and making recommendations to appropriate agencies concerning the County's changing demographics and diverse needs.

The Coalition would work in cooperation with private and public schools, agencies, and businesses in the County to address the needs and concerns of citizens, with particular attention to fairness in the County's justice system, educational equality, and promoting socioeconomic advancement for people of all ethnicities.

The Coalition would form a Board of Directors, which would be composed of community leaders from the business, education, not-for-profit human service, religious institutions, higher education, government, technology, finance, and other related fields. Attachment 3 contains a draft of Articles of Incorporation, and Attachment 4 is a draft of the Coalition's proposed first-year budget.

Individuals who have expressed an interest in serving on the Coalition's Board of Directors are Douglas Taylor, Felicia Allen, Michael Oluwabunmi, Darrell Chavez, Steve Ingalls, Catherine Shalaby, and one representative each from the School Superintendent's Office and the Sheriff's Office.

Mr. Douglas Taylor and/or Ms. Felicia Allen with the NAACP will be at the Board's meeting to give a brief presentation.

Proposed Resolution R16-32 endorses a Stafford County Multi-cultural Coalition and authorizes the County Administrator to allocate start-up funds to the Coalition in the amount of \$25,000 from the General Fund Contingency Reserve, upon the creation of the Coalition, filing Articles of Incorporation with the Virginia State Corporation Commission, and receiving a 501(c)(3) designation from the Internal Revenue Service.

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 19th day of January, 2016:

MEMBERS:

Robert "Bob" Thomas, Jr., Chairman
Laura A. Sellers, Vice Chairman
Meg Bohmke
Jack R. Cavalier
Wendy E. Maurer
Paul V. Milde III
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION ENDORSING A MULTI-CULTURAL COALITION
AND AUTHORIZING THE COUNTY ADMINISTRATOR TO
ALLOCATE START-UP FUNDS FROM THE COUNTY'S
GENERAL FUND CONTINGENCY RESERVE

WHEREAS, the Stafford County Multi-cultural Coalition (Coalition) would promote the inclusion of and quality of life for all citizens by identifying issues and making recommendations to appropriate agencies concerning the County's changing demographics and diverse needs; and

WHEREAS, the Coalition would work in cooperation with public and private schools, agencies, and businesses to address the needs and concerns of Stafford County citizens of all ethnicities; and

WHEREAS, the Coalition would pay particular attention to fairness in the County's justice system, educational equality, and promoting socioeconomic advancement; and

WHEREAS, the Board desires to allocate \$25,000 in start-up funds for the Coalition's use;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that it be and hereby does endorse a Stafford County Multi-cultural Coalition (Coalition); and

BE IT FURTHER RESOLVED that specifically in recognition and reliance on the charitable purpose of the Coalition as stated in the draft Articles of Incorporation, the County Administrator is authorized to spend up to \$5,000 from the County's General Fund Contingency Reserve for costs associated with the creation, incorporation, and designation of the Coalition as a non-profit, charitable, 501(c)(3) organization; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to allocate start-up funds in the amount of \$20,000 from the County's General Fund Contingency Reserve to Coalition upon (1) the creation of the Coalition; (2) filing of the Articles of Incorporation with the Virginia State Corporation Commission; and (3) receiving a 501 (C)(3) designation from the Internal Revenue Service.

AJR:MCM/mch

ARTICLES OF INCORPORATION

STAFFORD MULTICULTURAL COALITION

The undersigned does hereby form a non-stock corporation under the provisions of Chapter 10 of § 13.1 of the Virginia Code and to that end sets forth the following:

A. **Corporate Name.** The name of this corporation is Stafford Multicultural Coalition (the "Coalition").

B. **Purposes and Powers.** The purposes for which the Coalition is formed are as follows:

1. The Coalition is organized and shall promote the needs and concerns of Stafford Citizens with particular attention to the matter of inclusion of all races, ethnicities and cultures. The Coalition's primary interest areas are:

- a) Fairness in the Justice System;
- b) Ensuring Educational Equality; and
- c) Promoting Socioeconomic Advancement.

2. The particular business of the Coalition (as enumerated in Section 1) is exclusively for charitable and community-building purposes. The Coalition will seek to gain a non-profit/charitable status as a 501(c)(3). The operations of the Coalition will be conducted in conformity with the Civil Rights Act.

3. In order to carry out and achieve the foregoing purposes, the Coalition may do all things requisite, necessary and expedient for administration and attainment of its purposes that a non-profit corporation may lawfully do, provided that it will not undertake any activities not permitted by Section 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue Code).

C. **Members and Management.** The Coalition shall have no members. The management and administration of the Coalition shall be vested in a Board of Directors of not less than five (5) and not more than thirteen (13) members who work and/or reside in Stafford County, Virginia. Directors shall be elected at the Annual Meeting for the terms provided in Article D below, or until their respective successors are elected.

Any Director may be removed from office at any time, with or without cause, by a vote of two-thirds of the Directors present and voting. Any vacancy occurring on the Board of Directors shall be filled by the remaining voting members of the Board of Directors for the duration of the vacant term.

The initial Directors are:

- a) Douglas Taylor
- b) Felicia Allen
- c) Designee/Stafford Sheriff's

- d) Designee/Stafford Public Schools Superintendent
- e) Michael Oluwabunmi
- f) Darrell Chavez
- g) Steve Ingalls
- h) Catherine Shalaby

D. **Term.** Members of the initial Board of Directors shall serve for either one or two year terms as specified above. Subsequent terms shall be of two years in duration.

E. **Registered Office and Agent.** The Post Office address of the initial registered office of the Corporation is _____. The name of the locality is Stafford County, Virginia. The name of the Corporation's registered agent is ATTORNEY AT LAW, Esq., who is a member of the Virginia State Bar and a resident of Virginia, whose business office is the same as the registered office of the Corporation.

F. **Limitation on Liability.** In any proceeding brought in the right of the Coalition the damages assessed against an officer or director arising out of a single transaction, occurrence, or course of conduct shall not exceed one dollar, unless the officer or director engaged in willful misconduct or a knowing violation of the criminal law or any federal or state securities law, including without limitation, any claim of unlawful insider trading or manipulation of the market for any security.

G. **Indemnification of Directors, Officers and Others.**

1. **Indemnification.** The Coalition shall indemnify, through a commercial available insurance/liability policy all Directors. If an individual is, or was threatened to be made a party to a proceeding because he is or was a director against liability incurred in the proceeding and against expenses incurred by him in connection therewith except such liabilities and expenses incurred because of his willful misconduct or knowing violation of the criminal law.

2. **Advances for Expenses.** The Coalition shall pay for or reimburse the reasonable expenses incurred by a director who is a party to a proceeding in advance of final disposition of the proceeding if:

(a) The Director furnishes the Coalition a written statement of his good faith belief that he has met the standard of conduct described in Section 1;

(b) The Director furnishes the Coalition a written undertaking, executed personally or on his behalf, to repay the advance if it is ultimately determined that he did not meet the standard of conduct (which undertaking shall be an unlimited general obligation of the director but need not be secured and may be accepted without reference to financial ability to make repayment); and

(c) A determination is made that the facts then known to those making the determination would not preclude indemnification under Article 9 of the Virginia Nonstock Corporation Act or Section 1 hereof.

3. **Determinations and Authorization of Indemnification.** The Coalition shall not indemnify a director under Section 1 unless authorized in the specific case after a determination has been made that indemnification of the director is permissible in the circumstances because he has met the standard of conduct set forth in Section 1. The determination shall be made by the Board of Directors by

a majority vote of a quorum consisting of directors not at the time parties to the proceeding.

Authorization of indemnification and evaluation as to reasonableness or expenses shall be made in the same manner as the determination that indemnification is permissible. If a majority of the directors of the Coalition has changed after the date of the alleged conduct giving rise to a claim for indemnification, the determination that indemnification is permissible and the authorization of indemnification and evaluation as to the reasonableness of expenses in a specific case shall, at the option of the person claiming indemnification, be made by special legal counsel agreed upon by the Board of Directors and such person.

4. **Indemnification of Officers, Employees, Agents and Others.** Each officer and employee of the Coalition shall be entitled to indemnification and advance expenses to the same extent as a director.

The Coalition may, to a lesser extent or to the same extent that the Coalition is required to provide indemnification and make advances for expenses to its directors, provide indemnification and make advances and reimbursements for expenses to its agents, the directors, officers, employees and agents of its subsidiaries and predecessor entities, and any person serving any other legal entity in any capacity at the request of the Coalition, and may contract in advance to do so. The determination that indemnification under this paragraph is permissible, the authorization of such indemnification and the evaluation as to the reasonableness of expenses in a specific case shall be made as authorized from time to time by general or specific action of the Board of Directors, which action may be taken before or after a claim for indemnification is made, or as otherwise provided by law.

5. **Insurance.** The Coalition shall purchase and maintain insurance on behalf of an individual who is or was a director, officer, employee or agent of the Coalition, or who, while a director, officer, employee or agent of the Coalition is or was serving at the request of the Coalition as a director, officer, partner, trustee, employee or agent of another foreign or domestic corporation, partnership, joint venture, trust, employee benefit plan or other enterprise, against liability asserted against or incurred by him in that capacity or arising from his status as a director, officer, employee or agent, whether or not the Coalition would have power to indemnify him against the same liability under Section 1.

6. **Application.** Indemnity hereunder shall continue as to a person who has ceased to have the capacity referred to above and shall inure to the benefit of the heirs, executors and administrators of such a person.

H. **Dissolution.** Upon the dissolution of the Coalition, the Board of Directors shall, after paying or making provision for the payment of all the liabilities of the Coalition, dispose of all of the assets of the Coalition to another 501 (c)(3) with similar purposes.

I. **Duration.** The duration of the Corporation is perpetual.

DATED: _____

Signed by 1 Person/Single Signature
Organizer

Stafford County Multi-Cultural Coalition Proposed Budget

\$1200 Generic Banners (4 @ 300 each)

\$1300 Posters and Printing to Promote Special Events & Meetings

\$1500 Rack Cards (Design & Print) = \$1500

\$1000 1 giveaway item for promotional and information giveaways at events like National Night Out

\$700 Letterhead, Postage, Office Supplies, Notebooks, Copy paper, etc.

\$2000 Community "refreshments" - outreach for gatherings large & small – 50people/ pp \$10 = \$2000

\$4500 1 Large Annual Event Budget

\$5500 Legal Expenses for Incorporation and Charitable Designation Efforts (\$4000)

\$1500 Accounting Expenses for Incorporation and Annual Tax Filing

\$4000 Community Curriculum

\$800 Board of Directors Insurance

\$1000 Stafford is My Home Reprints

\$25,000

Economic Development

In the chart below, “Inputs” represent the interactions Economic Development staff have with citizens and businesses. “Outputs” reflect statistics regarding Stafford County that are reported by external agencies.

INPUTS

2015 Economic Development Activity Report					
	Site Visits	Walk-ins	E-Newsletter Outreach	Website Views	Social media interactions
1st Qtr	54	248	5,098	13,258	145,502
2nd Qtr	56	279	8,419	16,954	114,643
3rd Qtr	48	253	12,252	13,557	106,087
4th Qtr	47	211	9,757	10,981	140,880

OUTPUTS

Quarterly Census of Establishments / Employment / Wages for Stafford County

Year Period		Average Establishments			Average Employment			
			Delta	% Growth			Delta	% Growth
2010 2nd Qtr	2,253				35,778			
2014 2nd Qtr	2,382	1 year	62	2.60%	40,963	1 year	395	0.96%
2015 2nd Qtr	2,444	5 year	191	8.48%	41,358	5 year	5,580	15.60%

2015 Commercial Footage		Average Weekly Wage			
Commercial Square Footage	Investment \$	Year Period		Delta	% Growth
		2010 2nd Qtr	\$835		
		2014 2nd Qtr	\$867	1 Year	11 1.27%
514,421	\$23,842,677	2015 2nd Qtr	\$878	5 Year	43 5.15%

Monthly Unemployment	
Period	Unemployment Rate (%)*
Nov-10	6.2
Nov-14	4.7
Nov-15	3.9

Commercial Vacancy Rates - 2Q15			
	3Q15 **	1 yr trend	5 yr trend
Office	18.30%	↑	↑
Industrial	11.50%	→	→
Retail	4.40%	↓	↓

Source: VEC/Labor Market Statistics, Covered Employment and Wages Program (lags 2 Qrts behind)

*Source: LAUS Unit and Bureau of Labor Statistics

** Source: CoStar

NOTE: Updated April, June, October and January with calendar year investment and square footage data included in every January report.

SF is New and Build Out SF

Investment \$ are only construction cost given on Permit Applications



MEMORANDUM

Department of Planning and Zoning

To: Community and Economic Development Committee

From: Jeff Harvey
Director of Planning and Zoning

Date: February 2, 2016

SUBJECT: ***Building Height***

Staff has recently encountered problems with reviewing building permit applications for new home construction. There is an issue with determining how a building is measured according to the building code and the zoning ordinance. The discord between the two code provisions has forced some builders to modify house design plans to lower roof pitches.

The Building Code states the measurement shall be made from the average grade of the structure to the mid line of the roof or the highest point of a flat roof. The zoning ordinance states the measurement shall be made from the average grade of the structure to the highest point of the roof. Both of these methods rely on the grade around the entire structure as points of reference.

For example, if the height limitation is 35 feet in the zoning ordinance - the measurement would be taken from the grade on all sides of the building and a measurement would be made from the average of those points to the highest point of the roof. The same points at grade would be use in the building code, except the measurement would be made to the mid-line of the roof. This can mean a difference of several feet. (See the attached graphics as examples)

This also can mean a difference of building the structure or not. The building code uses this measurement to determine the type of construction needed to ensure the safety of the structure. Zoning uses the height of the structure as a regulatory measure for building size and massing. If a structure exceeds the height limit it is considered a violation with the only remedy of reducing the height or requesting a variance. A Variance for this type of requirement is difficult to obtain because a hardship must be shown that is not self-imposed. If the structure is designed with a walk out basement and constructed with a very steep pitched roof, it may not comply with the zoning ordinance regulations and therefore may not be able to be built. This is very different from the building code which uses height limitations for construction methods.

Memorandum to: Community and Economic Development Committee
February 2, 2016

Staff recommends that the zoning ordinance be amended to allow for the height of a building to be measured from the average grade at the front building line to the mid-line of the roof. This would allow the builders to measure the height of the building using the same method as required by the Building Code and help to prevent the issue of non-compliance with the zoning ordinance.

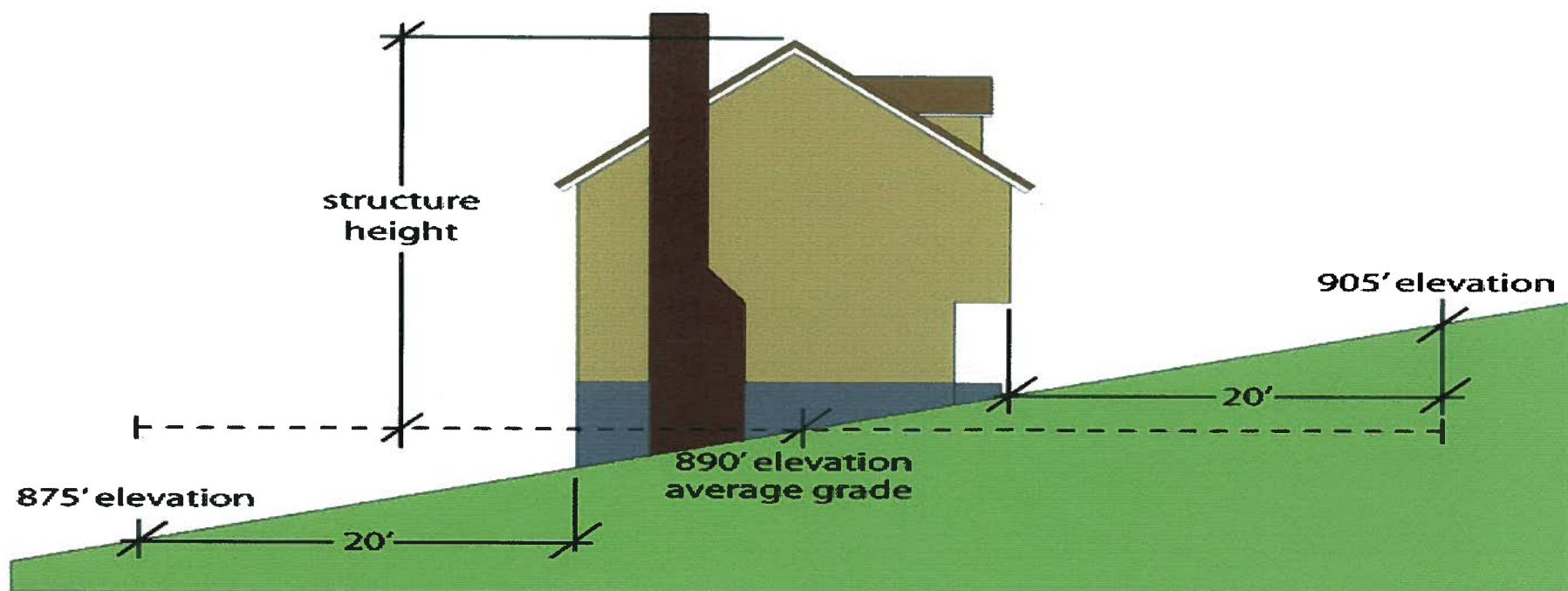
JAH:swb

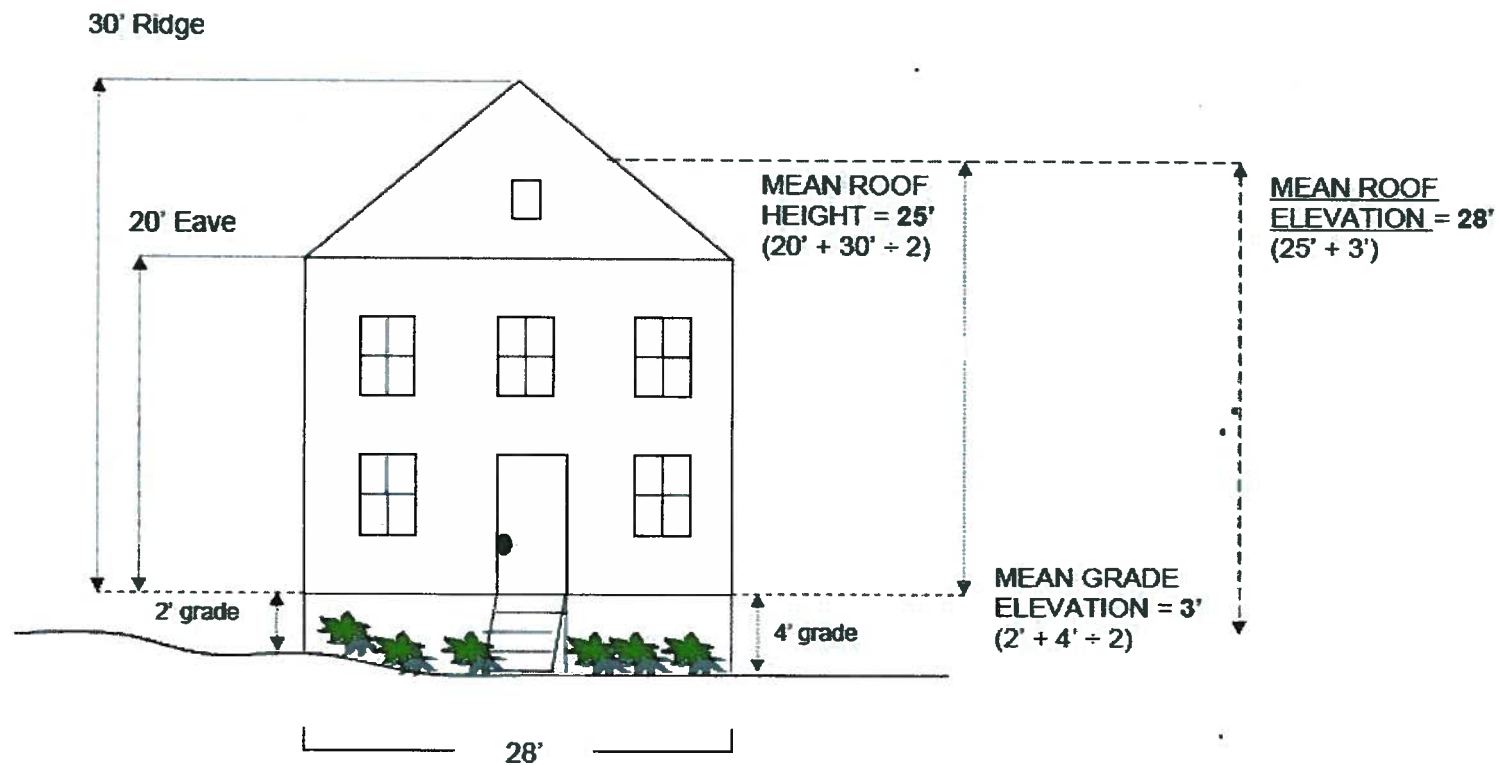
Attachments (3)

Sec. 28-24. - Measurements.

Measurements required under this chapter shall be made following these principles:

- (2) Height of structure. The vertical dimension of a structure as measured from the average elevation of the finished grade ~~within twenty (20) feet of the structure to the highest point of the structure at the front build.~~ at the front building line to the highest point of the roof of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge(mid-line of the roof) for a gable, hip or gambrel roof. The height limitations contained in Table 3.1 shall not apply to spires, belfries, cupolas, antennas, communication towers, silos, barns, water towers, ventilators, chimneys, monuments, flag poles or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.





Proposed method for
Measuring the height of a
Structure



MEMORANDUM

Department of Planning and Zoning

To: Community and Economic Development Committee

From: Jeff Harvey,
Director of Planning and Zoning

Date: February 2, 2016

SUBJECT: *Lighting Regulations*

The lighting regulations were adopted in September, 2013. Since that time, it has been brought to the attention of Staff by the development community that compliance with several of the is difficult. The major complaint is compliance with a minimum light level and not an average light level for parking lots and fronts of buildings. Additional complaints have included light levels at VDOT Right of way whether the issue is compliance for sidewalks or entrances adjacent to VDOT right of way.

Staff reviewed the current regulations and compared them to the surrounding jurisdictions. Spotsylvania and Hanover Counties have minimal regulations for outdoor lighting, Caroline and Fauquier Counties do not have any regulations. Prince William County has adopted regulations that more closely reflect our regulations and they have drafted the provisions in a simpler form. I have used their format to simplify our regulations but I have lowered the levels in the draft amendment to try and address the concerns of the development community and the still satisfy the Dark Sky and CEPTD guidelines.

The lighting regulations have been amended to allow for an average of the light levels with a minimum of 1 foot candle for all public areas in both non-residential and multifamily developments. The amendment also provides for a maximum light level; this was not included in the original document. The current regulations require different light levels for different areas within a parking area. This has caused conflicts in compliance, the new draft states that one light level will be the same for all parking areas and buildings. This has also been done for multifamily developments. The recreational uses have not been changed nor has the requirement for security light levels after the close of business. Provisions have been kept for non-conforming lighting and the exemptions and waiver sections are the same.

Memorandum to: Community and Economic Development Committee
February 2, 2016

This draft has not been circulated to the applicable departments for review nor has it been given to FABA. Staff will distribute the document and provide an update at the first CEDC meeting in March, 2016.

JAH:swb

Attachments (1)

Sec. 28-87. - Outdoor lighting standards.

- (a) Purpose and intent. The purpose and intent of this section is to establish outdoor lighting standards that will minimize glare, light trespass, overlighting, and skyglow, while improving the safety and security, and conserving energy for businesses and residents of Stafford County.
- (b) Applicability.
 - (1) All new commercial, industrial, and residential outdoor lighting installations or replacement of existing outdoor lighting fixtures shall meet the requirements of this chapter. . Replacement of a fixture shall mean a change of fixture type if the site is being redeveloped, and increase in lighting by 25% or more or the entire lighting scheme is being replaced, mounting height, or location of a fixture.. Routine maintenance such as changing bulbs or lamps, lenses, housing, or similar components shall not constitute a replacement as long as the change does not result in a higher output.
 - (2) Outdoor lighting fixtures lawfully existing prior to the adoption of the most recent amendment of section 28-87 that do not conform to this section will be considered nonconforming. ~~and may remain.~~ A Nonconforming light fixtures that is are modified as part of a redevelopment plan or replacement of the entire lighting scheme must conform to the current outdoor lighting standards in subsection 28-87(k).
 - (3) For existing vehicle fuel station canopies, convenience stores, motor vehicle sales, motor vehicle rentals, ATMs, or lighted playing fields/courts of public or private outdoor recreational facilities that do not comply with the applicable maintained lighting levels specified in subsection 28-87(d), the addition of the new outdoor lighting fixtures may be permitted in accordance with the following:
 - a. There may be an addition of new outdoor lighting fixtures to existing vehicle fuel station canopies, convenience stores, motor vehicle sales, motor vehicle rentals, ATMs, or lighted playing fields/courts of public or private outdoor recreational facilities, only when the outdoor lighting meets the provisions of this chapter and such replacement or addition will not increase the noncompliance with the applicable maintained levels specified in subsection 28-87(d).
- (c) General outdoor lighting standards.
 - (1) All outdoor lighting shall be designed, shielded, aimed, located, and maintained to protect adjacent properties and roadways from:
 - a. Excessive illumination;
 - b. Energy waste;
 - c. Glare;
 - d. Light trespass; and
 - e. Unnecessary skyglow.
 - f. All lighting shall be dark sky compliant.
 - (2) Shielding: Full cut-off ~~or~~ and fully-shielded lighting fixtures shall be required. Exemptions shall be made for other acceptable outdoor light fixtures. Acceptable outdoor light fixtures shall include those which:
 - a. Are provided with internal and/or external glare control louvers and installed so as to minimize uplight and off-site light trespass.
 - b. Are installed and maintained with aiming angles that permit no greater than five (5) percent of the light emitted by each fixture to project above the horizontal.

- c. ~~All walkway/sidewalk, drive aisles, parking lot light fixtures, canopy, and building/wall mounted light fixtures shall be full cut-off or fully shielded fixtures, mounted horizontal to the ground except for architectural and landscape lighting in subsection 28-87(g).~~

(3) Prohibited lighting

- d.a. ~~Flashing, revolving, or intermittent exterior lighting visible from a property line or street shall be prohibited.~~
- b. ~~High intensity lights, such as, but not limited to, outdoor search lights, lasers or strobe lights shall be prohibited.~~
- e. ~~Ancillary uses and areas where people congregate related to the primary use such as, but not limited to, refuse areas, delivery docks, loading spaces, drive-up windows, sidewalks, doors areas, and steps, shall be lit to have a minimum of three (3) footcandles.~~
- f. ~~Street lighting shall be provided in accordance with the requirements of section 22-215.~~
- g. ~~Lighting levels shall be reduced to security lighting levels within thirty (30) minutes after the close of business or the end of the business activities involving the public. Security lighting levels shall be achieved by extinguishing at least fifty (50) percent of the total number of lights, by dimming lighting levels to no more than fifty (50) percent of the levels used during business or activity hours, or some combination thereof. Business or activity hours are defined by any time when the business is open to the public.~~
- h. ~~Maximum maintained illuminance levels.~~
 - 1. ~~No outdoor lighting shall be installed to exceed the maximum maintained illuminance levels as recommended by the IES for the designated activity. When no maximum level is defined by the IES, no lighting shall be installed to exceed one hundred seventy-five (175) percent of the minimum maintained illuminance levels as recommended by the IES.~~
 - 2. ~~Exceptions may be granted under the provisions in subsection 28-87(k).~~

(4).Measurements.

- 1. Unless otherwise stated all luminance measurements for the purpose of section 28-87 shall be made at waist height with the light meter oriented horizontally.
- 2. Height shall be measured from the grade or surface on which the light pole is mounted to the bottom of the lighting fixture.

(5).Street lighting shall be provided in accordance with the requirements of section 22-215

(d) Outdoor lighting standards for nonresidential uses.

(1) The average maintained lighting levels for nonresidential uses shall meet the following standards:

- a. 3 foot-candles for parking lot and other areas. However, the maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1..
- b. 5 foot-candles along fronts of buildings and along main drive aisles. The maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
- c. Thirty foot-candles for high security areas, such as, but not limited to automated teller machines (ATMs), motor vehicle display areas and vehicle fuel station canopies, but not including parking lots. The maximum to average ratio shall not exceed 1.5 to 1 for canopy lighting, and 2.5 to 1 for pole- or building-mounted lighting. Lighting levels shall be reduced to a maximum of ten foot-candles after the close of business The outdoor lighting shall be recessed into the canopy ceiling with a flat lens so as to not produce glare. Outdoor lighting fixtures shall not be mounted on the top or sides of a canopy, and the sides of the canopy cannot be illuminated unless part of the sign area

- ~~(2) A minimum of 1 footcandle shall be maintained on the site during non-daylight hours except as required along common property lines of the development.~~
- ~~(3) The minimum maintained lighting levels for nonresidential uses shall meet the following standards: Lighting levels shall not exceed five-tenths (0.5) footcandles to at any adjacent property that is zoned residential or agricultural properties at the property line.~~
- ~~(4) Five (5) footcandles along building fronts—~~Parking lot light fixtures poles shall not be more than thirty (30) feet in height. The board may modify the height requirements by review and approval of a CUP
- ~~(5) Fifteen (15) footcandles for high security areas, such as, but not limited to, vehicle fuel sales canopy areas, vehicle display areas, and ATMs. Lighting levels shall be reduced to security lighting levels within thirty (30) minutes after the close of business or the end of the business activities involving the public. Security lighting levels shall be achieved by extinguishing at least fifty (50) percent of the total number of lights, by dimming lighting levels to no more than fifty (50) percent of the levels used during business or activity hours, or some combination thereof. Business or activity hours are defined by any time when the business is open to the public.~~
- ~~((6).Parking lot lighting shall be in accordance with subsection 28-87(h).~~
- ~~Outdoor display areas used in concurrence with vehicle sale, rental, and ancillary service establishments shall not exceed—Twenty (20) footcandles measured horizontally at grade. However, a lighting level, not to _____ exceed thirty (30) footcandles, may be specified by the board with approval of a conditional use permit or proffered condition. For purposes of this section 28-87, outdoor display area shall include all display/storage areas for vehicles offered for sale or rent and the associated travel lanes~~
- ~~(7). Lots that have four (4) or more parking lot light poles, parking lot lighting levels for ground surface parking lots shall be reduced to security levels within thirty (30) minutes after the close of business. Security lighting level shall be achieved by extinguishing at least fifty (50) percent of the total number of pole-mounted lights, by dimming lighting levels to no more than fifty (50) percent of the levels used during business or activity hours, or some combination thereof~~
- ~~— Lighting levels shall not exceed five-tenths (0.5) footcandles to any adjacent residential or agricultural properties at the property line.~~
- ~~f. — Parking lot light fixtures poles shall not be more than thirty (30) feet in height. The board may modify the height requirements by review and approval of a CUP~~
- ~~(3) Vehicle fuel sales canopies.~~
- ~~a. Fifteen (15) footcandles, measured horizontally at grade, shall be maintained during business hours. However, a lighting level, not to exceed thirty (30) footcandles, may be specified by the board with approval of a conditional use permit or proffered condition.~~
- ~~1. — The outdoor lighting shall be recessed into the canopy ceiling with a flat lens so as to not produce glare.~~
- ~~2. — Outdoor lighting fixtures shall not be mounted on the top or sides of a canopy, and the sides of the canopy cannot be illuminated unless part of the sign area.~~
- ~~3. — As an alternative to recessed ceiling lights, indirect lighting may be used where light is directed upward and then reflected down from the underside of the canopy.~~
- ~~In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.~~
- (8) Public or private outdoor recreational facilities.

- a. When an outdoor recreation facility has illuminated playing fields or courts, they shall be subject to the provisions in section 28-87. Other parts of an outdoor recreation facility, such as parking lots, administrative offices, restrooms, concession stands, and spectator viewing areas, shall not be subject to the provisions in section 28-87, but shall be subject to the general standards in subsection 28-87(c).
- b. The following shall apply to recreational photometric plans, other than professional sports teams:
 1. Shall be submitted as part of a conditional use permit, site or construction plan, or rezoning application.
 2. Shall be prepared by either a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP) or a Commonwealth of Virginia licensed professional engineer, architect, landscape architect, or land surveyor with a Class A license.
 3. Shall contain the following information:
 - i. Boundaries, dimensions, and total land area of the outdoor recreation facility property, with graphic scale no less than one inch equals fifty feet (1" = 50') and north arrow.
 - ii. Location and limits of the playing field, (Table 5.1), landscaping, and/or buffering to help assist in light control and protection of adjacent properties and roadways shall be included. Perimeters shall be included around recreation fields and shall be lit. For baseball/softball fields, the perimeter shall extend thirty (30) feet perpendicular to the foul lines and away from the field. The perimeter for rectangular fields, such as but not limited to, football, lacrosse, and soccer, shall be twenty (20) feet from the side lines and thirty (30) feet from the end lines. The perimeter for all other recreation/fields shall be ten (10) feet from the playing field boundary.
 - iii. All light fixtures/light poles shall be set back a minimum of one foot for every foot in height from any residential property line, property line where residences are located, or any right-of-way.
 - iv. Location, height, and specifications of the illuminating devices, lamps, supports, and other devices, including the designation as (IES) "cut-off" fixtures. This description shall include, but is not limited to, site, parking lot, parking canopies, walkways/sidewalks, building-mounted under canopies, architectural, landscaping, flagpole, and any other area where people congregate.
 - v. Lighting levels shall not exceed five-tenths (0.5) footcandles at any common property line zoned, used as, or planned for residential units where residences may be located, agricultural, or mixed use.
 - ~~vi. All events on any playing field, court, track, or field shall be scheduled to be completed by 11:00 p.m. Lights may remain on after 11:00 p.m., only under unusual circumstances, to conclude an event started before 11:00 p.m. No event shall be permitted to start after 11:00 p.m.~~
 - ~~vi~~ vi. All lighted playing field lights shall be turned off no later than one hour after the games are over.
 - ~~viii~~ vii. All newly lighted fields or existing fields being upgraded or retrofitted, public or private, shall be equipped with overriding timing devices which will automatically cut off the lights.
- c. ~~Shielding.~~
 - ~~1. Full cut off or fully shielded lighting fixtures are required. If full cut off or fully shielded fixtures cannot be used, acceptable outdoor light fixtures shall include those which:~~

- ~~i. Are provided with internal and/or external glare control louvers and installed so as to minimize uplight and off-site light trespass;~~
- ~~ii. Are installed and maintained with aiming angles that permit no greater than five (5) percent of the light emitted by each fixture to project above the horizontal; and~~
- iii. The fixtures shall be aimed to only illuminate the playing fields/courts.

Table 5.1
Maximum Permitted Lighting Levels for Outdoor Recreation Facilities

Recreation/Sport Facility	Lighted Area	Footcandles*	Height (feet)**
Archery Ranges		10	50
Baseball	Infield	50	70—80
	Outfield	50	70—80
Softball	Infield	50	60—80
	Outfield	50	60—80
Baseball Hitting Ranges		50	50
Basketball, Volleyball		50	50
Field Hockey		50	90—100
Football		50	90—100
Go-Kart Tracks		30	50
Golf Courses	Tee boxes, Greens	5	50
Fairways		3	50
Golf Driving Ranges	Tee boxes	20	50
	Fairways	3	50
	Greens	5	50

Golf (miniature)		20	50
Horse Riding Rings/Show Areas		30	50
Ice Skating, Ice Hockey, Roller Skating Rinks		50	50
Lacrosse		50	90—100
Soccer		50	90—100
Swimming Pools	Pool Surface	10	50
	Pool Deck	30	50
Tennis Courts (College/High School)		50	50
Tennis Courts (Recreational)		50	50
Track & Field		50	90—100
Other Uses		To be determined by zoning administrator	

* Average Maintained Lighting Level

** Height Above Playing Surface

(e) Lighting standards for multifamily residential uses.

(1) ~~The maximum maintained lighting levels for multifamily residential uses shall not exceed the following standards—Five-tenths (0.5) footcandles at any common property line .~~

(2) A minimum of 1 foot candle shall be maintained on the site during non-daylight hours except required along the common property line.

(3) ~~The minimum maintained lighting levels for multifamily residential uses shall meet the following standards:~~

The average maintained lighting levels for multifamily units shall not exceed 5 foot-candles at buildings, parking lots and other areas. The maximum to average ratio shall not exceed 2.5 to one

a. ~~Five (5) footcandles for main drive aisles; and~~

b. ~~Three (3) footcandles for refuse areas, pedestrian areas, parking areas, and other areas where people congregate..~~

(f) Construction lighting.

- (1) All exterior construction lighting shall be full cut-off or directionally shielded fixtures so as to only illuminate the desired objects.
 - (2) For the purposes of section 28-87, a building is no longer considered under construction when exterior walls and windows are installed and permanent lighting replaces the temporary lighting.
- (g) Architectural and landscape lighting.
- (1) Lighting used to illuminate statues, flags, signs, or other objects mounted on a pole, platform, or pedestal, or spotlighting or floodlighting used for architectural or landscape purposes, shall be full cut-off and directionally shielded outdoor lighting fixtures that are designed, aimed, and controlled so the directed lights shall be confined to the object intended to be illuminated.

Directional shields shall be used to limit stray light and prevent minimize glare, sky glow, and light trespass.
 - (2) The lighting shall not shine directly into the window of any residence or directly onto a roadway. Light fixtures attached to a building shall be directed downward.
- ~~(h) Parking lot lighting.~~
- ~~(1) Parking lot lighting shall be located at vehicle entrances and exits, loading areas, parking spaces, and drive aisles.~~
 - ~~(2) Lighting levels shall not exceed five-tenths (0.5) footcandles at any common property line, unless the adjacent property has a similar use or compatible zoning.~~
 - ~~(3) Minimum maintained and along building fronts for businesses and commercial uses, three (3) footcandles for main drive aisles and along building fronts for other uses.~~
 - ~~(4) Minimum maintained two (2) footcandles for refuse areas.~~
 - ~~(5) Minimum maintained two (2) footcandles for pedestrian areas located in parking lots.~~
 - ~~(6) Minimum maintained three (3) footcandles in parking areas for businesses and commercial uses.~~
 - ~~(7) The location of lighting poles shall be placed in areas to reduce conflict with the ultimate growth of landscaping and tree canopies. Light poles shall not be placed within the ten-year canopy of any tree.~~
 - ~~(8) Parking lot light fixtures poles shall not be more than thirty (30) feet in height. The board may modify the height requirements by review and approval of a CUP.~~
 - ~~(9) Lots that have four (4) or more parking lot light poles, parking lot lighting levels for ground surface parking lots shall be reduced to security levels within thirty (30) minutes after the close of business. Security lighting level shall be achieved by extinguishing at least fifty (50) percent of the total number of pole-mounted lights, by dimming lighting levels to no more than fifty (50) percent of the levels used during business or activity hours, or some combination thereof.~~
 - ~~(10) A photometric plan shall be submitted following subsection 28-87(j).~~
- (ih) Pedestrian scale lighting. For the purpose of section 28-87, pedestrian scale lighting applies to sidewalks that are adjacent to rights-of-way, but are too far away to be lit by roadway lighting. Section 28-87 does not apply to trails, greenways, or paths.
- (1) Minimum average of five-tenths (0.5) footcandle for residential uses.
 - (2) Minimum average of one footcandle for nonresidential uses and multifamily residential.
 - (3) Maximum five-tenths (0.5) footcandles for conditions such as but not limited to, abrupt changes in elevation, curves, stairs, and bridges shall be adequately lit.

- (4) Securities shall be required for any lights located in homeowners association (HOA) maintained spaces that are not installed prior to recordation.
 - (5) Pedestrian scale lighting in HOA maintained spaces shall be installed throughout the subdivision section prior to the issuance of the first occupancy permit in that section.
 - (6) Pedestrian scale lighting on individual lots that will be maintained by the owner must be installed prior to issuance of occupancy permit
 - (7) Trails, greenways, and paths may be lit with a waiver. Waivers may be granted under subsection 28-87(k).
- (j) Site and subdivision plan requirements for outdoor lighting.
- (1) As part of a submission for a site, subdivision, construction, or infrastructure plan to install outdoor lighting fixtures as part of the application, the applicant shall submit evidence that the proposed lighting plan shall meet the conditions set forth in this chapter.
 - (2) The photometric plan will be prepared by either: a lighting professional that is certified by the (NCQLP) or a Commonwealth of Virginia licensed professional engineer, architect, landscape architect, or land surveyor with a Class A license.
 - (3) The point-to-point photometric plan shall include the following:
 - a. A site plan drawn to scale showing the building(s), landscaping, parking areas, vehicle ingress and egress, and proposed outdoor lighting fixtures with graphic scale no less than one inch equal to fifty feet (1" = 50'), and north arrow. Photometric plans shall be shown with the landscaping plan.
 - b. A vicinity map that shows adjacent properties and their zoning within one hundred fifty (150) feet of the project.
 - c. Location of proposed outdoor luminaires including, but not limited to, site, parking lot, parking canopies, walkways/sidewalks, building-mounted under canopies, architectural, landscaping, flagpole, and any other areas where people congregate.
 - d. Illumination calculation showing:
 1. Light levels in footcandles at points located on ten-foot (10) center grid;
 2. Maximum to minimum ratio;
 3. Average maximum to minimum ratio; and
 4. Uniformity level.
 - e. Fixture schedule that includes:
 1. Fixture design;
 2. Type of lamp;
 3. Wattage of each fixture;
 4. Luminaire and pole color/finish;
 5. Lamp quantity per luminaire;
 6. Lamp initial lumens;
 7. Lamp color temperature;
 8. Mounting height of the luminaire; and
 9. Light loss factors /maintenance plan.

Maintenance plan shall include:

- i. Immediate replacement of failed lamps, electrical components, photocells, and vandalized or damaged luminaires;
 - ii. Regular cleaning of luminaires;
 - iii. Shrubbery pruning; and
 - iv. Inspections of all lamps to be performed at least monthly during hours of darkness to look for dirty or broken lenses, failed lamps or those not performing to specified standards, tree limbs blocking light paths, and evidence of vandalism. In the case of large properties where there are on-site security patrols or maintenance personnel, lamps should be checked nightly, and observed outages reported in patrol logs or maintenance request records.
- 10. Descriptions or comments.
- f. Fixture type/marks for all luminaires.
- g. Manufacturer's cut sheet.
- h. Security levels.
 - 1. Identify fixtures that will remain on all night for security purposes.
 - 2. Note identifying the time the site will enter security lighting mode and description of the device that will automatically control the lighting.
 - 3. Pole and base design (mounting) for each type of light fixture, including:
 - i. Mounting height of the luminaires as measured from the fixture lens to the finished grade;
 - ii. Fixture type of the luminaires mounted on the pole; and
 - iii. Colors/finishes of the luminaire and pole, and finish of the base.
 - 4. Complete date for the current plan and complete dates for all prior versions of the lighting plans that were submitted to the county.
 - 5. Contact name, phone number, signature, and seal of lighting design professional.
- (k) Exemptions. The following shall be exempt from the provisions of chapter 28:
 - (1) Nonconforming fixtures. Light fixtures installed prior to the effective date of section 28-87 are exempt from the provision of this section; provided however, no replacement or structural alteration of outdoor light fixtures shall be made unless it conforms to the provisions of chapter 28. Any modification to a nonconforming fixture shall be required to meet all current standards.
 - (2) Outdoor lighting fixtures and standards required by federal, state, or other government agencies, including roads with lighting in the right-of-way.
 - (3) Construction or emergency lights used for construction, law enforcement, fire and rescue, emergency, or construction repair work to public facilities.
 - (4) Holiday outdoor lighting fixtures.
 - (5) Security lighting on single-family residences that is controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less and is not aimed at any point outside of the property boundary.
 - (6) Flag lighting of the United States' flag or Commonwealth of Virginia's flag, flags, or other noncommercial flags where such activities is protected by the United States Constitution, the Virginia Constitution, or federal or state law, provided that shielded and directional fixtures are used. Fixtures must be installed and aimed so as to minimize glare, sky glow, and light trespass to adjacent properties, pedestrians, and motorists.
 - (7) Airport lighting.

- (8) Any other uses determined by the zoning administrator.
- a. A modification, waiver, or variation from the standards set forth in section 28-87 may be granted by the zoning administrator or CPTED official.
 - b. The zoning administrator or CPTED official may modify or waive any standard set forth in section 28-87 for an individual case, and he/she may impose conditions on such a modification or waiver which he/she deems appropriate to further the purposes of these lighting regulations, under the following circumstances:
 - 1. Upon finding that the strict application of the standard would not further the purposes of chapter 28, or that the alternatives proposed by the applicant would satisfy the purposes of these lighting regulations, at least to an equivalent degree;
 - 2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and/or
 - 3. The authorization of the modification, waiver, or variation will not be of substantial detriment to the adjacent property(ies) and the character of the zoning district will not be changed by granting the modification, waiver, or variation.
 - c. Prior to the granting of a modification, waiver, or variation from the standards set forth in section 28, the zoning administrator or CPTED official shall give, or require the applicant to give, all adjacent property owners written notice of the request for the modification, waiver, or variation. Adjacent property owners shall have twenty-one (21) days from the date of the notice to comment on the request for modification, waiver or variation.
 - d. The zoning administrator or CPTED official shall make a decision of the application for modification, waiver, or variation within thirty (30) days of receipt of the application, and issue a written decision with a copy provided to the applicant and any other adjacent property owner who responded in writing to the notice sent pursuant to the section.
 - e. Decisions of the zoning administrator or CPTED official may be appealed within ten (10) days of the decision to the board of zoning appeals.
 - f. Decisions of the board of zoning appeals may be appealed to the circuit court as provided under the Virginia Code.



MEMORANDUM

Department of Planning and Zoning

MEMORANDUM TO: Community and Economic Development Committee

FROM: Jeffrey A. Harvey
Director of Planning and Zoning

DATE: February 2, 2016

SUBJECT: *Sign Regulations*

Background

In 2015, members of the EDA attended the annual International Conference of Shopping Centers (ICSC) as a means to inform retailers about Stafford County and its pent-up demand for retail services. During the conference, the EDA members heard some concern from a shopping center owner that the County's sign regulations may not meet the needs of industry. Staff was invited to attend the May 8, 2015 Economic Development Authority (EDA) meeting. To facilitate discussion of this issue, staff prepared a chart comparing sign regulations for shopping centers, stand-alone retail and industrial establishments. The comparison was made with the adjacent jurisdictions that a person drives through to get to Stafford County (City of Fredericksburg, Fauquier County, Prince William County, King George County and Spotsylvania County).

Staff presented these findings to the CEDC in June 2014. In general, signs in Stafford were comparable to adjacent jurisdictions. The Committee discussed some areas where the regulations could be modified. Staff began making modifications of the ordinance to:

- Increase the height of directional signs from 2 ½ feet to five feet.
- Place height and duration limitations on political signs.
- Eliminate the restriction on the number of colors for an EMC (Electronic Message Center) sign
- Allow wall signs on all side of buildings. Currently there is limited square footage allowed on the rear of buildings.
- Increase the height of free-standing signs for pad sites in shopping centers and businesses on individual parcels
- Include Shopping Center signs in the PTND and UD zones

Staff was prepared to present a draft ordinance to the Committee at the September meeting but was apprised of a United States Supreme Court Case ruling in *Reed v. Town of Gilbert Arizona* that makes

some of the existing sign regulations to be considered as unconstitutional. That decision further defined what constitute content based signs. A locality cannot restrict the content of signs because it violated the free-speech provisions of the US Constitution.

The current ordinance regulations have a number of sign types that are problematic. They include home occupation signs, subdivision signs, model home signs, temporary sale signs, temporary event signs, CRPA signs, school signs, directional signs, cemetery identification sign, historic site entrance sign, and political signs. All of these sign types are content based and have different standards for different zoning districts.

The Virginia Local Government Attorney's Association (VLGA) developed a model sign ordinance in order to assist localities to become compliant with the Supreme Court Ruling. In doing so, they also looked at other state and federal cases in support of the draft model legislation. Staff is currently in the process of blending the model ordinance with current county regulations in an effort to come into compliance but also take into account the previous direction of the CEDC. The draft to date would:

- Add more definitions
- Eliminate content based signs
- Provide specific requirements for permits and improve enforceability
- Specify what signs do not require permits
- Allows deviation of sign size and height regulations through CUP approval of a comprehensive sign plan rather than a variance
- Set rules for temporary signs
- Consolidate rules by 4 types of zoning categories rather than specific districts (agricultural and residential/ commercial and office/ industrial/ planned development and urban development districts) and display it in a table format.

In preparing the draft, staff has some questions for the CEDC to consider that were in the VLGA draft of the ordinance. They are:

- Do we want to regulate flags? The model ordinance places a limitation on the size without requiring a permit.
- Do we want to allow pole signs for free-standing signs? The model ordinance does not specify except to prohibit pole signs that are less than 6 feet tall. We currently do not allow them.
- The model ordinance regulates the amount of space a window sign can occupy (25% max). Do we want to regulate this?
- Do we want to allow a deviation from the standards with a CUP pursuant to a uniform sign plan?
- Do we want to regulate the size of temporary signs based on speed limit of the roadway or have one uniform size?
- Do we want to limit the number of minor signs per parcel? The model ordinance would allow 2 per parcel without a permit, one of which could be mounted to a wall.

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After receiving direction from the CEDC, staff will prepare a final draft version for the CEDC's consideration and possible referral to the Board.

JAH:SWB:DFK

Existing Sign Regulations modified to meet LGA Model Ordinance Recommendations

Sec. 28-24. - Measurements.

Measurements required under this chapter shall be made following these principles:

(6)

~~Sign, area of. The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back to back, that is on the opposite side of the sign, the area shall be considered to be that of only one face. In the case of an open sign made up of individual letters, figures or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides.~~

a. Sign area is calculated under the following principles:

1. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.
2. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.
3. For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.

b. The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area are designed in such a manner as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the preceding provisions.

(7)

Sign, height of. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. The maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- a. Existing grade prior to construction; or
- b. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

The maximum height for any sign shall be twenty-five (25) feet unless otherwise specified within this chapter.

Sec. 28-25. - Definitions of specific terms.

Advertising. Any words, symbol, color or design used to call attention to a commercial product, service, or activity.

Comprehensive sign plan. A plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.

Frontage, building. The width of a front building facade applicable to an individual building or unit within a building that is clearly visible from a public street or private travel lane, which provides primary access to the building. The length of the main wall of a building which physically encloses usable interior space, and which is an architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

Holiday Displays. Displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material

Marquee. A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Public area. Any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Public Art. Items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm.

Comment [MC1]: Adapted from ordinance approved by the Fourth Circuit court of appeals in *Brown v. Town of Cary* (2013)

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Any such device, fixture, placard or structure less than two (2) square feet in size is excluded from this definition.

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 navigable 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. The term does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term "sign" also does not include the display of merchandise for sale on the site of the display

Sign, A-Frame. A two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."

Sign, Animated. A sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a "moving sign."

Sign area. See this section, "Measurements."

Sign, banner. A temporary sign of flexible material affixed to a framework or flat surface.

Sign, business. A sign, either freestanding or projecting on a wall, which directs attention to a product, commodity or service available on the premises.

Sign, cemetery identification. A sign no smaller than one foot by one foot constructed of bronze or of another material similar in appearance that depicts the historic name associated with a particular cemetery, as recorded in the Stafford County Cultural Resource Database or as deemed appropriate by the county agent.

Sign, canopy. A sign attached to a canopy.

Sign, chalk-board. A single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

Sign, Changeable copy. A sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Comment [JAH2]: Do we want to use this instead of emc sign?

~~Sign copy. The letters, numbers, symbols, characters, pictures, lights, or other information or device included on a sign to inform or attract the attention of persons.~~

Sign dimensions (height, area). See this section, "Measurements."

~~Sign, directional. An on premises sign designed to direct customers to an entrance, drive-through facility, or parking area, except for a development in the P-TND district. The directional sign shall not exceed two and one half (2½) feet in height.~~

Sign, electronic message center (EMC). A sign that displays images, scrolling images or moving images, including video, through the use of a series of grid lights, such as: cathode ray; light emitting diode display; plasma screen; liquid crystal display; fiber optics; or other similar electronic technology. This definition includes each of the following:

- (1) Signs which present images and/or messages that are similar to those which are ordinarily displayed on color television screens or computer monitors, where the image and/or message is in motion or appears as if it is motion;
- (2) Signs for which the images and/or messages are capable of being changed through any remote means; and
- (3) Signs presenting two (2) or more separate displays of images and/or messages by means of any scrolling cylinder or other scrolling device.

~~Sign face. The area of a single side of a sign, excluding supports for such sign so long as said supports are not used for placement of any sign copy. The portion of a sign structure bearing the message.~~

Sign, feather. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.

Sign, flashing. A sign that includes lights that flash, blink, or turn on and off intermittently.

Sign, freestanding. Any sign located upon a lot or parcel of ground supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.

~~Sign, general advertising. A sign that identifies or communicates an image and/or message for any activity, product, service, or commodity not available for sale or lease on the premises at which the sign is located.~~

Sign, ground-mounted. See "Freestanding sign." A sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

Sign, historic site entrance. Any freestanding, nonilluminated sign located at the entrance of a historic site that contains the site name and does not exceed four (4) feet in height.

Sign, home occupation. An unlighted, wall mounted sign not exceeding four (4) square feet in area directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

Sign, illegal. Any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Sign, illuminated. A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting. A sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

Sign, minor. A wall or freestanding sign not exceeding two (2) square foot in area, not exceeding four feet in height, and not illuminated.

Sign, model homes. A sign that identifies a dwelling unit as a model home.

Sign, monument. A freestanding, on premises sign designed with a solid base and with a sign face attached such that there are no gaps for air or light between the sign face and the base. a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

Sign, neon. A sign containing exposed tubes filled with light-emitting gas.

Sign, nonconforming. Any sign which was lawfully erected in compliance with applicable regulations of the County and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Sign, off-premises directional. An off premises sign not over three (3) square feet in area, indicating the location of places of worship, schools, hospitals, parks, scenic or historic places, or other places of general public interest. The signs and mountings shall not exceed five (5) feet in total height and not more than one sign pertaining to a single place shall be displayed along any one street. a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

Sign, place of worship. An on site, freestanding monument style sign that does not exceed fifty (50) square feet in area, nor six (6) feet in height.

Sign, political. A temporary sign announcing or supporting political candidates or issues.

Sign, pole. A sign that is mounted on one (1) or more freestanding poles.

Sign, portable. Any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

Comment [MC3]: This is designed to replace a host of small signs formerly defined in terms of content, such as directional signs, entrance signs, and the like.

Sign, projecting. ~~Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall. Any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.~~

Sign, public. A sign owned by and erected at the instance of a federal, state or local government agency.

Sign, roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

Sign, subdivision. ~~A sign sixty (60) square feet or less in aggregate area identifying a subdivision by the name found on the recorded plat for such subdivision and located on the subdivision site at one or more of the entrances to such subdivision. Said sign shall be no greater in height than six (6) feet above ground level and shall be set back from any right of way to allow for an unobstructed motorist view.~~

Sign, temporary event. ~~A sign describing a seasonal, brief or particular event or activity to be or being conducted upon the lot or premises upon which it is located. Such sign may be erected not more than one month before the event or activity described, shall be removed within one week of its conclusion, and in no event shall such sign be displayed for a period longer than six (6) months in any one calendar year. Signs advertising construction activity may remain in place until such construction is completed. The maximum height of such sign shall be ten (10) feet. Balloons used as such signs shall be exempt from the maximum height requirement.~~

Sign, temporary sale. ~~An on premises sign used to advertise merchandise or the sale of goods or merchandise, on a temporary basis not to exceed a period of seven (7) continuous days. No freestanding temporary sale sign shall exceed four (4) square feet in sign area. No wall-mounted temporary sale sign shall exceed twenty (20) square feet in sign area.~~

Sign, tenant. ~~A wall sign to identify more than one tenant or business located within a building in which the tenant or business does not have a direct/independent entrance to a street and its primary entrance is through the principal entrance to the building. The sign shall be located near the principal entrance to the building. This term shall not include a business sign.~~

Sign, temporary. Any sign intended to be displayed for a limited period is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

Sign, vehicle or trailer. Any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Sign, wall. ~~Any sign erected or painted on a building, visible from the exterior, no part of which is more than six (6) inches from the surface of the building on which it is erected and~~

Comment [MC4]: In light of the Attorney General's Opinion 14-050, regulation of vehicles when used as vehicles is not a proper subject for a zoning ordinance.

Comment [MC5]: See Va. Code § 15.2-905

~~which is confined within the limits of an outside wall. Such sign may be illuminated flat vertical surface of a structure.~~

~~Sign, window. A sign used to advertise the sale of goods and merchandise, services or a business located on premises. Window signs shall be affixed to the interior side of a window. Any sign visible outside the window and attached to or in front of or behind the surface of a window or door.~~

ARTICLE VIII. - SIGNS

Sec. 28-121. - Purpose and intent.

~~The purpose and intent of this article is to promote the public health, safety, convenience, and general welfare through the establishment of standards for the placement, erection, use and maintenance of signs in Stafford County in order to minimize the adverse secondary effects that accompany the unregulated display of signs; preserve the character of residential neighborhoods; avoid the appearance of clutter; protect property values; reduce traffic hazards caused by visual distractions to motorists and/or the impairment of motorists sight lines; enhance the appearance and aesthetic environment of the county and ensure that the county remains an attractive place to live and work.~~

- ~~(1) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.~~
- ~~(2) Signs not expressly permitted as being allowed by right or by conditional use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Board of Supervisors are forbidden.~~
- ~~(3) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose~~

Comment [MC6]: Quotation from *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), quoted in *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2232 (2015)

Comment [MC7]: Quotation from Va. Code § 15.2-2283 (iii) and (v)

while balancing the individual and community interests identified in subsection (a) of this section.

- (4) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (5) These regulations distinguish between portions of the County designed for primarily vehicular access and portions of the County designed for primarily pedestrian access.
- (6) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the County. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (7) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Sec. 28-122. - Certain types prohibited in all districts.

The following types of signs are prohibited in all zoning districts:

~~(1)~~

~~Any sign which illuminates its image(s) and/or message(s) with lights that:~~

~~a.~~

~~Are separate from, i.e., not included within or as part of, the image(s) and/or message(s) displayed; and~~

~~b.~~

~~Continually, intermittently or regularly flash, blink, flicker, flutter or rotate (clockwise and/or counter clockwise) on an alternating cycle lasting fewer than five (5) seconds.~~

~~(2)~~

~~Any lighting, either by exposed tubing or string of lights, either outlining any part of a building or affixed to any ornamental part thereof.~~

~~(3)~~

Any sign that obscures or interferes with any sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.

(4)

Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution of the existence of danger or which is a copy or imitation of, or which, for any reason, is likely to be confused with, any sign displayed by public authority.

(5)

Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building, as required by law.

(6)

Any sign that causes illumination, as measured from the nearest edge of the nearest street, highway or public road:

a:

Greater than 0.8 footcandles for signs located in commercial, office, business, industrial or planned development zoning districts; or

b:

Greater than 0.3 footcandles for signs located in residential or agricultural zoning districts.

c:

The illumination measurements contemplated herein shall be taken no sooner than two (2) hours after sunset and no later than two (2) hours before sunrise and from a height of not less than four (4) feet, nor more than five (5) feet above ground level and, as nearly as is practicable.

1:

At a forty five degree angle to each sign image and/or message, when such image and/or message is perpendicular to the nearest roadway edge, i.e., facing oncoming traffic; and

2:

At a ninety degree angle to each sign image and/or message, when such image and/or message is parallel to the nearest roadway edge, i.e., facing the roadway edge.

(7)

~~Any sign that violates any provision of any law of the commonwealth or the United States Government relative to outdoor advertising.~~

~~(8)~~

~~An EMC, as defined in section 28-25, having any image(s) and/or message(s) which continually, intermittently or regularly change, flash, blink, flicker, flutter or rotate (clockwise and/or counter clockwise) on any cycle lasting fewer than five (5) seconds.~~

~~(9)~~

~~An EMC, as defined in section 28-25, which is located within five hundred (500) feet of any property having a historic designation.~~

~~(10)~~

~~An EMC, as defined in section 28-25, having any image(s) and/or message(s) which contain(s) four (4) or more visible colors, including the background, within each image and/or message displayed, i.e., within each of the changeable copies, except when such sign's image and/or message is less than six (6) square feet in area.~~

~~Signs erected, authorized, owned and/or operated by local, state or federal governmental authorities for the purpose of providing emergency, traffic, safety or other information for the convenience of the public are excepted from the prohibitions contained in this section.~~

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

(1) General prohibitions.

- a. Signs that violate any law of the Commonwealth relating to outdoor advertising.
- b. Signs attached to natural vegetation.
- c. Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized city official as a nuisance.
- d. Vehicle or trailer signs.
- e. Freestanding signs more than 25 feet in height.
- f. Signs hanging from supports, except against the face of a building.
- g. Any sign displayed without complying with all applicable regulations of this chapter.

Comment [MC8]: This content-based distinction is believed to be sufficiently narrowly tailored to meet a compelling state interest as to survive strict scrutiny.

(2) Prohibitions based on materials.

- a. Signs painted directly on a building, except where expressly permitted by this chapter.
- b. Animated signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every five (5) seconds.
- c. Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
- d. Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.
- e. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
- f. Signs that emit sound.
- g. Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.
- h. Strings of flags visible from, and within 50 feet of, any public right-of-way.
- i. Pole signs less than 6 feet in height.

Comment [JAH9]: Do we want to allow pole signs?

(c) Prohibitions based on location.

- (1) Off-premises signs, unless specifically permitted by this chapter.
- (2) Signs erected on public land other than those approved by an authorized County official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
- (3) Signs on the roof surface or extending above the roofline of a building or its parapet wall.
- (4) Neon signs, except in windows.
- (5) A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.

Comment [MC10]: Note that some localities permit these. If the locality desires to permit them, this provision allows that but express language will need to be permitted in the appropriate section(s) of Division II of this Article. See Sections 10 and 22 of this model for one example.

(6) Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

~~Sec. 28-123. Types permitted in A-1 districts.~~

The following types of signs are permitted in A-1 districts:

~~(1)~~

~~Business signs; provided that:~~

~~a.~~

~~No portion of a freestanding sign shall be greater than twenty (20) feet above ground level.~~

~~b.~~

~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~

~~c.~~

~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.~~

~~d.~~

~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~

~~(2)~~

~~Home occupation signs, provided that, the area of the sign shall not exceed four (4) square feet.~~

~~(3)~~

~~Public signs.~~

~~(4)~~

~~Subdivision signs.~~

~~(5)~~

~~Temporary event signs, provided that the area of each sign shall not exceed sixty four (64) square feet and, provided further, that no more than two (2) such signs shall be located on any lot or parcel of land.~~

~~(6)~~

~~Model home signs, provided that:~~

~~a:~~

~~The maximum area of the sign shall not exceed thirty two (32) square feet.~~

~~b:~~

~~No such sign shall extend more than six (6) feet in height above ground level.~~

~~c:~~

~~The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.~~

~~d:~~

~~No more than one such sign shall be located on the lot or parcel of land.~~

~~e:~~

~~The sign shall be removed when use of the advertised home as a model home is discontinued.~~

~~(7)~~

~~Temporary sale signs.~~

~~(8)~~

~~Critical resource protection area (CRPA) signs.~~

~~(9)~~

~~Sign, directional.~~

~~(10)~~

~~Sign, off premises directional.~~

~~(11)~~

~~Sign, place of worship.~~

~~(12)~~

~~School signs, provided that:~~

~~a:~~

~~No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.~~

~~b:~~

~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~

~~c:~~

~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.~~

~~d:~~

~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~

~~e:~~

~~The school shall have a regular enrollment of at least fifty (50) students grades K—8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.~~

~~Sec. 28-124. Types permitted in A-2 districts:~~

~~The following types of signs are permitted in A-2 districts:~~

~~(1)~~

~~School signs; provided that:~~

~~a:~~

~~No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.~~

~~b:~~

~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~

~~e.~~

~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.~~

~~d.~~

~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~

~~e.~~

~~The school shall have a regular enrollment of at least fifty (50) students grades K—8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.~~

~~(2)~~

~~Home occupation signs; provided that, the maximum size shall be four (4) square feet.~~

~~(3)~~

~~Public signs.~~

~~(4)~~

~~Subdivision signs.~~

~~(5)~~

~~Temporary event signs, provided that the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.~~

~~(6)~~

~~Model home signs, provided that:~~

~~a.~~

~~The area of the sign shall not exceed thirty-two (32) square feet.~~

~~b.~~

~~No such sign shall extend more than six (6) feet in height above ground level.~~

~~e.~~

~~The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.~~

~~d.~~

~~No more than one such sign shall be located on the lot or parcel of land.~~

~~e.~~

~~The sign shall be removed when use of the advertised home as a model home is discontinued.~~

~~(7)~~

~~Critical resource protection area (CRPA) signs.~~

~~(8)~~

~~Sign, directional.~~

~~(9)~~

~~Sign, off premises directional.~~

~~(10)~~

~~Business signs, provided that:~~

~~a.~~

~~No portion of a freestanding sign shall be greater than six (6) feet above ground level.~~

~~b.~~

~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~

~~c.~~

~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.~~

~~d.~~

~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~

~~(11)~~

~~Sign, place of worship.~~

~~(12)~~

~~School signs, provided that:~~

~~a.~~

~~No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.~~

~~b.~~

~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~

~~c.~~

~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.~~

~~d.~~

~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~

~~e.~~

~~The school shall have a regular enrollment of at least fifty (50) students grades K—8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.~~

~~Sec. 28-124.1. Types permitted in R-1 districts.~~

~~The following types of signs are permitted in R-1 districts:~~

~~(1)~~

~~Home occupation signs; provided that, the maximum size shall be four (4) square feet.~~

~~(2)~~

~~Public signs.~~

~~(3)~~

~~Subdivision signs.~~

~~(4)~~

~~Temporary event signs, provided that the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.~~

~~(5)~~

~~Model home signs, provided that:~~

~~a:~~

~~The area of the sign shall not exceed thirty two (32) square feet.~~

~~b:~~

~~No such sign shall extend more than six (6) feet in height above ground level.~~

~~c:~~

~~The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.~~

~~d:~~

~~No more than one such sign shall be located on the lot or parcel of land.~~

~~e:~~

~~The sign shall be removed when use of the advertised home as a model home is discontinued.~~

~~(6)~~

~~Critical resource protection area (CRPA) signs.~~

~~(7)~~

~~Sign, place of worship.~~

~~(8)~~

~~Business signs, provided that:~~

~~a:~~

~~No portion of a freestanding sign shall be greater than six (6) feet above ground level.~~

b.

No wall sign shall be greater in height than the roof line of the main building located on the premises.

e.

The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.

d.

No more than one freestanding sign shall be located on any one road frontage of any lot or premises.

(9)

Sign, directional.

(10)

Sign, off-premises directional

(11)

School signs, provided that:

a.

No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.

b.

No wall sign shall be greater in height than the roof line of the main building located on the premises.

e.

The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.

d.

No more than one freestanding sign shall be located on any one road frontage of any lot or premises.

e.

~~The school shall have a regular enrollment of at least fifty (50) students grades K—8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.~~

~~Sec. 28-125. Types permitted in R-2, R-3, and R-4 districts.~~

~~The following types of signs are permitted in R-2, R-3 and R-4 districts:~~

~~(1)~~

~~Public signs.~~

~~(2)~~

~~Subdivision signs.~~

~~(3)~~

~~Temporary event signs, provided that the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.~~

~~(4)~~

~~Model home signs, provided that:~~

~~a.~~

~~The area of the sign shall not exceed thirty-two (32) square feet.~~

~~b.~~

~~No such sign shall extend more than six (6) feet in height above ground level.~~

~~c.~~

~~The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.~~

~~d.~~

~~No more than one such sign shall be located on the lot or parcel of land.~~

~~e.~~

~~The sign shall be removed when use of the advertised home as a model home is discontinued.~~

~~(5)~~

~~Critical resource protection area (CRPA) sign.~~

~~(6)~~

~~Sign, place of worship.~~

~~(7)~~

~~Business signs, provided that:~~

~~a.~~

~~No portion of a freestanding sign shall be greater than six (6) feet above ground level.~~

~~b.~~

~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~

~~c.~~

~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.~~

~~d.~~

~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~

~~(8)~~

~~Sign, directional.~~

~~(9)~~

~~Sign, off premises directional.~~

~~(10)~~

~~School signs, provided that:~~

~~a.~~

~~No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.~~

~~b.~~

~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~

~~e.~~

~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.~~

~~d.~~

~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~

~~e.~~

~~The school shall have a regular enrollment of at least fifty (50) students grades K—8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.~~

~~Sec. 28-126. Types permitted in B-1, B-2, M-1 and M-2 districts.~~

~~The following types of signs are permitted in B-1, B-2, M-1, and M-2 districts:~~

~~(1)~~

~~Public signs.~~

~~(2)~~

~~Temporary event signs, provided that the area of the sign shall not exceed sixty four (64) square feet and, provided further, that no more than two (2) such signs shall be located on any lot or parcel of land.~~

~~(3)~~

~~General advertising signs, provided that:~~

~~a.~~

~~The area of the sign shall not exceed forty (40) square feet.~~

~~b.~~

~~No such sign shall extend more than twenty (20) feet in height above ground level.~~

~~c.~~

~~No such sign shall be located less than two hundred (200) feet from any other such sign on the same side of the same street, highway or public road.~~

~~d.~~

~~No such sign shall be located in any front, rear or side yard.~~

~~(4)~~

~~Business signs.~~

~~a.~~

~~Located within existing and proposed shopping centers, industrial parks and office parks, provided that:~~

~~1.~~

~~The sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and:~~

~~i.~~

~~The area of the sign shall not exceed one quarter square foot for each linear foot of combined building frontage or street frontage, whichever is greater.~~

~~ii.~~

~~No such sign shall extend more than thirty (30) feet in height above ground level.~~

~~iii.~~

~~Only one freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and; provided further, that the aggregate area of all signs shall not exceed the permissible area for one sign.~~

~~2.~~

~~Each building may have wall signs on its front and side exterior walls, provided that:~~

~~i.~~

~~The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of building frontage.~~

~~3.~~

~~Each building may also have one wall sign on its rear exterior wall, provided that:~~

~~i.~~

~~The height of the sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The area of the sign shall not exceed ten (10) square feet.~~

~~4.~~

~~Each building may also have one under canopy sign, located at the front of the building; not to exceed six (6) square feet in sign area.~~

~~5.~~

~~Signs for identifying proposed shopping centers, industrial parks and office parks shall be removed upon completion of the construction of the shopping center, industrial park and/or office park.~~

~~6.~~

~~Each pad site, having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~

~~i.~~

~~The height of such sign shall not extend more than eight (8) feet above ground level.~~

~~ii.~~

~~The area of such sign shall not exceed one square foot for each linear foot of building frontage.~~

~~7.~~

~~Each pad site, not having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~

~~i.~~

~~The height of such sign shall not extend more than six (6) feet above ground level.~~

~~ii.~~

~~The area of such sign shall not exceed one half square foot for each linear foot of building frontage.~~

~~b.~~

~~Not located within existing and proposed shopping centers, industrial parks and office parks, provided that:~~

~~1.~~

~~The sign shall be a freestanding monument sign, and:~~

~~i.~~

~~The area of the sign shall not exceed one square foot for each linear foot of building frontage.~~

~~ii.~~

~~No such sign shall extend more than twelve (12) feet in height above ground level.~~

~~iii.~~

~~Only one freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and; provided further, that the aggregate area of all signs shall not exceed the permissible area for one such sign.~~

~~2.~~

~~Each building may have wall signs on its front and side exterior walls, provided that:~~

~~i.~~

~~The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The aggregate area of all such signs shall not exceed two (2) square feet of sign area for each linear foot of building frontage.~~

~~(5)~~

~~Temporary sale signs.~~

~~(6)~~

~~Directional signs:~~

~~(7)~~

~~Window signs:~~

~~(8)~~

~~Critical resource protection area (CRPA) sign:~~

~~Sec. 28-127. Types permitted in RC, SC, B-3 and LC districts:~~

~~The following types of signs are permitted in RC, SC, B-3, and LC districts:~~

~~(1)~~

~~Public signs:~~

~~(2)~~

~~Temporary event signs, provided that the area of such signs shall not exceed sixty-four (64) square feet and, provided further that no more than two (2) such signs shall be located on any lot or parcel of land.~~

~~(3)~~

~~Business signs:~~

~~a.~~

~~Located within existing and proposed convenience centers, shopping centers, and office parks, provided that:~~

~~1.~~

~~The sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and:~~

~~i.~~

~~The area of the sign shall not exceed one square foot for each linear foot of combined building frontage or street frontage, whichever is greater.~~

~~ii.~~

~~No such sign shall extend more than twenty (20) feet in height above ground level.~~

~~iii.~~

~~Only one freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one sign.~~

~~2.~~

~~Each building may have wall signs on its front and side exterior walls, provided that:~~

~~i.~~

~~The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The aggregate area of all wall signs shall not exceed one square foot for each linear foot of building frontage.~~

~~3.~~

~~Each building may also have one wall sign on its rear exterior wall, provided that:~~

~~i.~~

~~The height of the sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The area of the sign shall not exceed ten (10) square feet.~~

~~4.~~

~~Signs identifying proposed convenience centers, shopping centers and office parks shall be removed upon completion of the construction of the convenience center, shopping center, and/or office park.~~

~~5.~~

~~Each pad site, having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~

~~i.~~

~~The height of such sign shall not extend more than eight (8) feet above ground level.~~

~~ii.~~

~~The area of such sign shall not exceed one square foot for each linear foot of building frontage.~~

~~6.~~

~~Each pad site, not having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~

~~i.~~

~~The height of such sign shall not extend more than six (6) feet above ground level.~~

~~ii.~~

~~The area of such sign shall not exceed one half square foot for each linear foot of building frontage.~~

~~b.~~

~~Not located within existing and proposed convenience centers, shopping centers and office parks, provided that:~~

~~1.~~

~~The sign shall be a freestanding monument sign, and:~~

~~i.~~

~~The area of the sign shall not exceed one square foot for each linear foot of building frontage.~~

~~ii.~~

~~No such sign shall extend more than twelve (12) feet in height above ground level.~~

~~iii.~~

~~Only one freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one such sign.~~

~~2.~~

~~Each building may have wall signs on its front and side exterior walls, provided that:~~

i.

~~The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

ii.

~~The aggregate area of all wall signs shall not exceed one and one half square feet for each linear foot of building frontage.~~

(4)

~~Temporary sale sign.~~

(5)

~~Directional sign.~~

(6)

~~Window sign.~~

(7)

~~Subdivision sign.~~

(8)

~~Critical resource protection area (CRPA) sign.~~

~~Sec. 28-128. Types permitted in PD-1 districts.~~

~~Signs permitted in PD-1 districts shall be the same as those specified in section 28-125; provided, however, that business signs greater than thirty (30) square feet, may be permitted, with a special exception.~~

~~Sec. 28-129. Types permitted in PD-2 districts.~~

(a)

~~The following types of signs are permitted in residential areas of a PD-2 district:~~

(1)

~~Public signs.~~

~~(2)~~

~~Subdivision signs.~~

~~(3)~~

~~Temporary event signs, provided that the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.~~

~~(4)~~

~~Model home signs, provided that:~~

~~a:~~

~~The area of the sign shall not exceed thirty two (32) square feet.~~

~~b:~~

~~No such sign shall extend more than six (6) feet in height above ground level.~~

~~c:~~

~~The sign shall only be located on the lot or parcel of land on which the model home that is the subject of the image and/or message is located.~~

~~d:~~

~~No more than one such sign shall be located on the lot or parcel of land.~~

~~e:~~

~~The sign shall be removed when use of the advertised home as a model home is discontinued.~~

~~(5)~~

~~Critical resource protection area (CRPA) sign.~~

~~(b)~~

~~The following types of signs are permitted in commercial areas of a PD 2 district:~~

~~(1)~~

~~Temporary event sign, provided that the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.~~

~~(2)~~

~~Business signs.~~

~~i.~~

~~Located within existing and proposed shopping centers and office parks, provided that:~~

~~1.~~

~~The sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and:~~

~~i.~~

~~The area of the sign shall not exceed one quarter square foot for each linear foot of combined building frontage or street frontage, whichever is greater.~~

~~ii.~~

~~No such sign shall extend more than twenty (20) feet in height above ground level.~~

~~iii.~~

~~Only one freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and, provided further that the aggregate area of all signs shall not exceed the permissible area for one sign.~~

~~2.~~

~~Each building may have wall signs on its front and side exterior walls, provided that:~~

~~i.~~

~~The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of building frontage.~~

~~iii.~~

~~The area of each such wall sign shall not exceed one hundred (100) square feet.~~

~~3.~~

~~Each building may also have one wall sign on its rear exterior wall, provided that:~~

~~i.~~

~~The height of the sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The area of the sign shall not exceed ten (10) square feet.~~

~~4.~~

~~Signs identifying proposed shopping centers and office parks shall be removed upon completion of the construction of the shopping center and/or office park.~~

~~5.~~

~~Each pad site, having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~

~~i.~~

~~The height of such sign shall not extend more than eight (8) feet above ground level.~~

~~ii.~~

~~The area of such sign shall not exceed one square foot for each linear foot of building frontage.~~

~~6.~~

~~Each pad site not having street, highway or public road frontage may have one freestanding monument sign, provided that:~~

~~i.~~

~~The height of such sign shall not extend more than six (6) feet above ground level.~~

~~ii.~~

~~The area of such sign shall not exceed one half square foot for each linear foot of building frontage.~~

~~b.~~

~~Not located within existing and proposed shopping centers and office parks, provided that:~~

~~1.~~

~~The sign shall be a freestanding monument sign, and:~~

~~i.~~

~~The area of the sign shall not exceed one square foot for each linear foot of building frontage.~~

~~ii.~~

~~No such sign shall extend more than twenty (20) feet in height above ground level.~~

~~iii.~~

~~Only one freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and, provided further that the aggregate area of all signs shall not exceed the permissible area for one such sign.~~

~~2.~~

~~Each building may have wall signs on its front and side exterior walls, provided that:~~

~~i.~~

~~The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of building frontage.~~

~~iii.~~

~~The area of each such wall sign shall not exceed one hundred (100) square feet.~~

~~(3)~~

~~Critical resource protection area (CRPA) sign.~~

~~Sec. 28-130. —Types permitted in HI districts.~~

~~The following types of signs are permitted in HI districts:~~

~~(1)~~

~~Historic entrance sign.~~

(2)

Public sign.

(3)

Temporary event sign, including banners; provided that, the maximum height shall not exceed four (4) feet.

(4)

Directional sign.

Sec. 28-131 123 - Permit to erect.

No permanent or temporary event sign shall be erected without first obtaining a sign permit. Every application for a sign permit shall be accompanied by a set of plans showing the area of the sign, the size, the structure, character and design proposed, the method of illumination if any, the exact location of the sign, building frontage, road frontage and clear sight triangles. A fee as determined by the board of supervisors shall be paid for each sign permit. The largest face of a multiple face sign shall be computed to determine the square footage.

(1) In general. A sign permit is required prior to the display and erection of any sign except as provided in section 28-124 of this Article.

(2) Application for permit.

a. An application for a sign permit shall be filed with the Department of Public Works on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.

b. The Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within twenty (20) business days after receipt. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.

(3) If the application is rejected, the County shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(4) Permit fee. A nonrefundable fee as set forth in the uncodified fee schedule adopted by the Board of Supervisors shall accompany all sign permit applications.

Comment [MC11]: A short time frame is necessary to avoid a challenge based on "prior restraint" due to a permitting process that has no end.

(5) *Duration and revocation of permit.* If a sign is not installed within six (6) months following the issuance of a sign permit (or within thirty (30) days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 30 days unless another time is provided in the zoning ordinance. The County may revoke a sign permit under any of the following circumstances:

- a. The County determines that information in the application was materially false or misleading;
- b. The sign as installed does not conform to the sign permit application; or
- c. The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(6) *Overlay district regulations.* All signs in the Historic Overlay District (HOD) require approval of the Architectural Review Board (ARB) except when a sign permit is not required as provided in Section 28-124.

(7) *Conditional Use Permits.* Comprehensive sign plans may be approved by conditional use permit. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

Comment [JAH12]: Need a policy decision on this.

Comment [JAH13]: We currently allow an increase in height of a structure with a CUP. Would this be a uniformity issue?

~~Sec. 28-132. Approval of internal illumination.~~

~~Any internally illuminated sign must have a U.L. label or meet the minimum standards of the Uniform Statewide Building Code.~~

Sec. 28-124. Permit not required.

A sign permit is not required for:

- (1) Signs erected by a governmental body or required by law.
- (2) Flags up to 16 square feet in size not containing any commercial advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.
- (3) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with Sec 28-277.
- (4) Temporary signs as follows:
 - a. One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active.

b. On any property for sale or rent, not more than one sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet when the sign abuts a road with a speed limit of 25 miles per hour or less, and when the sign abuts a road with a speed limit greater than 25 miles per hour not more than one sign with a total area of up to thirty two (32) square feet and a maximum height of eight (8) feet.

Comment [MC14]: Choose one of these two versions of paragraph (4) b.

c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

Comment [MC15]: This alternative classifies based on activity and vehicular speed to tie into the purpose of vehicular safety while avoiding a content-based distinction.

d. On residential property, one or more temporary signs with a total area of no more than twelve (12) square feet, and which are removed within 90 days after being erected.

Comment [MC16]: Permit is required on commercial property so that expirations can be tracked.

e. On residential property, window signs, provided that the total extent of window signs do not obstruct more than 25% of the total area of all windows on each building façade.

Comment [MC17]: Not putting a maximum number avoids challenges based on *Arlington County Republican Comm. v. Arlington County, Va.*, 983 F.2d 587 (4th Cir. 1993) (rule prohibiting more than two political yard signs on residential property was unconstitutional).

(6) Not more than two minor signs per parcel. Additional minor signs may be permitted in certain districts with a permit.

Comment [MC18]: 90 day time limit serves the goal of esthetics as well as traffic safety, because temporary signs are more likely to deteriorate and blow away over time, but it may be safer not to include a time limit.

(7) A-frame signs more than fifty (50) feet from the nearest public right of way.

(8) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.

Comment [MC19]: Typical existing ordinances classify political signs and other content-based categories. Those distinctions are replaced here by reference to the temporary sign definition. An alternative method would be to focus on the materials of the sign.

(9) A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.

Comment [MC20]: Without a percentage cap, there is a risk that—evaluated facially—this exemption could undermine the stated purpose of reducing clutter and promoting an “attractive and harmonious community,” since it seems to allow unlimited amounts of windows signs on residential property.

Comment [JAH21]: Need to discuss this section regarding size of signs.

Sec. 28-133. 125 - Exception from setback requirements.

Except where specified elsewhere in this article, signs Signs shall be exempt from setback requirements in all districts; provided, however, that no sign shall be so located as to interfere with vehicular clear sight triangle distance at intersections or to create a safety hazard.

Sec. 28-134. Traffic hazard.

~~No sign shall be located or illuminated in such a manner as, in the opinion of the zoning administrator or his designee, to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination, if any, of the sign are approved by the zoning administrator or his designee, who may consult with the resident engineer of the Virginia Department of Transportation to assist in determining whether the sign would constitute a traffic hazard.~~

Sec. 28-135 126. - Clearance for projecting signs.

No part of any sign projecting more than twelve (12) inches from any wall ~~or from any other support~~ shall be less than ten (10) feet above the level of the ground at that point. Signs projecting over vehicle traffic shall be not less than fourteen (14) feet above ground level.

Sec. 28-127. - Repair and removal of signs.

Whenever the zoning administrator or his designee determines that a sign is structurally unsafe or endangers the safety of a structure, premises, or the public, or is erected or maintained in violation of the provisions of this chapter, the zoning administrator or his designee shall order the sign to be made safe or in compliance with this chapter, as the case may be, or to be removed. Such order shall be sent by registered mail, return receipt requested, and shall be complied with.

~~Sec. 28-137. Types of signs permitted in P-TND Districts. Modified~~

~~(a)~~

~~Monuments.~~

~~(1)~~

~~Project or community identification signs may only be monument signs no larger than thirty (30) feet above finished grade.~~

~~(2)~~

~~The signage area of the monument sign shall not exceed one quarter square foot for each linear foot of combined building frontage or street frontage, whichever is greater.~~

~~(3)~~

~~Only one freestanding sign shall be permitted unless the center, park or project fronts on two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted, but the aggregate area of all signs shall not exceed the permissible area for one sign.~~

~~(4)~~

~~The lettering style for the monument sign shall be legible, simple and straightforward, with the size of letters scaled to pedestrian and vehicular sight lines from the street.~~

~~(5)~~

~~Any illumination of monument signs must not exceed 1.0 f.c. (footcandle) at the property/right-of way line. External lights fixtures for monument signs should be concealed or screened by landscaping and directed so that no glare impacts motorists.~~

~~(6)~~

~~High pressure sodium vapor (yellow-orange) lighting is prohibited.~~

~~(b)~~

~~Building signs— Nonresidential:~~

~~(1)~~

~~Within a project or community, each pad site having street, highway or public road frontage may have one freestanding, monument sign, provided that:~~

~~a.~~

~~The height of such sign shall not extend more than eight (8) feet above ground level;~~

~~b.~~

~~For a principal building, the height of such sign shall not extend more than thirty (30) feet above ground level; and~~

~~c.~~

~~The area of such sign shall not exceed one square foot for each linear foot of building frontage.~~

~~(2)~~

~~Within a project or community, each pad site not having street, highway or public road frontage may have one freestanding monument sign, provided that:~~

~~a.~~

~~The height of such sign shall not extend more than six (6) feet above ground level;~~

~~b.~~

~~For a principal building, the height of such sign shall not extend more than thirty (30) feet above ground level; and~~

~~c.~~

~~The area of such sign shall not exceed one-half square foot for each linear foot of building frontage.~~

(e)

~~Tenant signs.~~

~~(1)~~

~~The aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of building frontage.~~

~~(2)~~

~~The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~(3)~~

~~One blade sign for each business not to exceed five (5) square feet, may be attached perpendicular to the facade and must have at least eight (8) feet of clearance between the bottom of the blade sign and the sidewalk and shall not project more than forty two (42) inches from the wall.~~

~~(4)~~

~~One blade sign for each business not to exceed five (5) square feet, may be attached perpendicular to the facade and must have at least eight (8) feet of clearance between the bottom of the blade sign and the sidewalk and shall not project more than forty two (42) inches from the wall.~~

~~(d)~~

~~Address signs. One address number no less than six (6) inches measured vertically shall be attached to the building in proximity to the principal entrance. Per section 28-145 of the zoning ordinance, the number shall be Arabic numerals only. Roman numerals or the spelling out of an address is prohibited.~~

~~(e)~~

~~Directional signs.~~

~~(1)~~

~~Directional signs shall be no higher than eight (8) feet measured from the base of the sign.~~

~~(2)~~

~~Directional signs shall be clearly visible to vehicular traffic and located far enough from the nearest curb of an intersection to prevent visual interference of any street signs or traffic.~~

(f)

Critical resource protection area (CRPA) sign.

~~(Ord. No. 007-39, 7-17-07; Ord. No. 008-02, 5-6-08; Ord. No. 008-56, 9-16-08; Ord. No. 011-14, 6-21-11; Ord. No. 015-24, 9-1-15)~~

Editor's note—See editor's note following § 28-130.

~~Sec. 28-138. Types permitted in the RBC District.~~

~~The following types of signs are permitted in the RBC District:~~

(1)

Public signs.

(2)

~~Temporary event signs, provided that the area of such signs shall not exceed sixty four (64) square feet and, provided further, that no more than two (2) such signs shall be located on any lot or parcel of land.~~

(3)

Business signs:

a.

~~Located within existing and proposed convenience centers, shopping centers and office parks, provided that:~~

1.

~~The sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and:~~

i.

~~The area of the sign shall not exceed one square foot for each linear foot of combined building frontage or street frontage, whichever is greater.~~

ii.

~~No such sign shall extend more than twenty (20) feet in height above ground level.~~

iii.

~~Only one freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one sign.~~

~~2.~~

~~Each building may have wall signs on its front and side exterior walls, provided that:~~

~~i.~~

~~The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The aggregate area of all wall signs shall not exceed one square foot for each linear foot of building frontage.~~

~~3.~~

~~Each building may also have one wall sign on its rear exterior wall, provided that:~~

~~i.~~

~~The height of the sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The area of the sign shall not exceed ten (10) square feet.~~

~~4.~~

~~Signs identifying proposed convenience centers, shopping centers and office parks shall be removed upon completion of the construction of the convenience center, shopping center, and/or office park.~~

~~5.~~

~~Each pad site, having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~

~~i.~~

~~The height of such sign shall not extend more than eight (8) feet above ground level.~~

~~ii.~~

~~The area of such sign shall not exceed one square foot for each linear foot of building frontage.~~

~~6.~~

~~Each pad site not having street, highway or public road frontage may have one freestanding monument sign, provided that:~~

~~i.~~

~~The height of such sign shall not extend more than six (6) feet above ground level.~~

~~ii.~~

~~The area of such sign shall not exceed one half square foot for each linear foot of building frontage.~~

~~b.~~

~~Not located within existing and proposed convenience centers, shopping centers and office parks, provided that:~~

~~1.~~

~~The sign shall be a freestanding monument sign, and:~~

~~i.~~

~~The area of the sign shall not exceed one square foot for each linear foot of building frontage.~~

~~ii.~~

~~No such sign shall extend more than twelve (12) feet in height above ground level.~~

~~iii.~~

~~Only one freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted; and provided further, that the aggregate area of all signs shall not exceed the permissible area for one such sign.~~

~~2.~~

~~Each building may have wall signs on its front and side exterior walls, provided that~~

~~i.~~

~~The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii.~~

~~The aggregate area of all wall signs shall not exceed one and one half (1½) square feet for each linear foot of building frontage.~~

~~(4)~~

~~Temporary sale signs.~~

~~(5)~~

~~Directional signs.~~

~~(6)~~

~~Window signs.~~

~~(7)~~

~~Subdivision signs.~~

~~(8)~~

~~Critical resource protection area (CRPA) signs.~~

~~(9)~~

~~Model home signs, provided that:~~

~~a.~~

~~The area of the sign shall not exceed thirty two (32) square feet.~~

~~b.~~

~~No such sign shall extend more than six (6) feet in height above ground level.~~

~~c.~~

~~The sign shall only be located on the lot or premises on which the model home that is the subject of the image and/or message is located.~~

~~d.~~

~~No more than one such sign shall be located on any lot or parcel of land.~~

e.

The sign shall be removed when use of the advertised home as a model home is discontinued.

Sec. 28-128. – Types permitted in agricultural and residential districts.

(a) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags	Temporary	Permanent
Maximum Size (each/total)	16 sf/no limit	16 sf/16 sf	4 sf/4 sf
Illumination	As permitted by law	None	0.3 foot candles
Setback	Height of flagpole	None	None
Maximum Height	25 ft.	4 ft.	4 ft.
Location	Flag pole < 8" diameter	Freestanding, portable, wall, or window	Wall or window sign or affixed to mailbox

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Comment [MC22]: Signs on property for sale, or where a building permit is active, are in addition to these temporary signs. See §§ 4(4)a. and b.

(b) Except as provided otherwise in this Article, the following signs are permitted as accessory to non-residential uses in agricultural and residential districts. Moving signs are prohibited as accessory uses for non-residential uses in all residential districts.

Comment [MC23]: Such as schools and churches.

TYPE	Freestanding	Wall signs	Flags	Temporary signs
Maximum Size (each/total)	50 sf/50 sf	50 sf/50 sf	32 sf/no limit	32 sf/64 sf
Illumination	0.8 foot candles	0.8 foot candles	As permitted by law	None
Setback	None	None	Height of flagpole	None
Maximum Height	20 ft.	20 ft.	50 ft.	6 ft.

Sec. 28-129. – Types permitted in commercial and office districts.

(a) Generally. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial and office districts. In addition, up to one minor sign per business is permitted as a wall sign.

<u>TYPE</u>	<u>Freestanding</u>	<u>Wall</u>	<u>Flags</u>	<u>Temporary signs</u>
<u>Maximum Size (each/total)</u>	<u>1 sf per 1 lf of building frontage/ 1 sf per 1 lf of building frontage</u>	<u>2 sf per 1 lf of building frontage/ 2sf per 1 lf of building frontage</u>	<u>64 sf/ 64sf per lot</u>	<u>64 sf/256 sf</u>
<u>Maximum Number</u>	<u>1 per parcel and 1 per public street frontage</u>	<u>None</u>	<u>None</u>	<u>1 per tenant</u>
<u>Illumination</u>	<u>0.8 foot candles</u>	<u>0.8 foot candles</u>	<u>As permitted by law</u>	<u>None</u>
<u>Setback</u>	<u>None</u>	<u>None</u>	<u>Height of flagpole</u>	<u>None</u>
<u>Maximum Height</u>	<u>30 ft.</u>	<u>Roofline or mansard whichever is higher</u>	<u>50 ft.</u>	<u>8 ft.</u>

(b) Window signs. Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

(c) Off-Site Signs for Commercial Use of Limited Duration. Up to three off-site signs, each not to exceed 6 square feet and 7 feet in height, shall be permitted for a commercial use lasting for 3 or fewer days on property zoned for commercial or office use. No more than one permitted temporary sign shall be displayed per lot. Display of signs shall be limited to 48 hours prior to commencement, and 48 hours after cessation, of the use or activity advertised.

Sec. 28-130. – Signs permitted in industrial districts.

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts. In addition, up to one minor sign per business is permitted as a wall sign.

<u>TYPE</u>	<u>Freestanding</u>	<u>Wall</u>	<u>Flags</u>	<u>Temporary signs</u>
<u>Maximum Size (each/total)</u>	<u>1 sf per 1 lf of building frontage/ 1 sf per 1 lf of building frontage</u>	<u>2 sf per 1 lf of building frontage/ 2sf per 1 lf of building frontage</u>	<u>64 sf/ 64sf per lot</u>	<u>64 sf/128 sf per lot</u>
<u>Maximum Number</u>	<u>1 per lot and 1 per public street frontage</u>	<u>None</u>	<u>None</u>	<u>1 per lot</u>

<u>Illumination</u>	<u>0.8 foot candles</u>	<u>0.8 foot candles</u>	<u>As permitted by law</u>	<u>None</u>
<u>Setback</u>	<u>None</u>	<u>None</u>	<u>Height of flagpole</u>	<u>None</u>
<u>Maximum Height</u>	<u>12 ft.</u>	<u>Roofline</u>	<u>50 ft.</u>	<u>8 ft.</u>

Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

Sec. 28-131. – Signs permitted in planned development and urban development districts.

(a) Except as provided otherwise in this Article, the following signs are permitted as accessory uses associated with commercial uses in planned development and urban development districts. In addition, up to one minor sign per business is permitted as a wall sign.

<u>TYPE</u>	<u>Freestanding</u>	<u>Wall</u>	<u>Flags</u>	<u>Temporary signs</u>
<u>Maximum Size (each/total)</u>	<u>0.25 sf per 1 lf of building frontage/ 0.25 sf per 1 lf of building frontage</u>	<u>2 sf per 1 lf of building frontage not to exceed 100 sf. / 2sf per 1 lf of building frontage</u>	<u>32 sf/ 32sf per lot</u>	<u>64 sf/128 sf</u>
<u>Maximum Number</u>	<u>1 per lot and 1 per public street frontage</u>	<u>None</u>	<u>None</u>	<u>1 per lot</u>
<u>Illumination</u>	<u>0.8 foot candles</u>	<u>0.8 foot candles</u>	<u>As permitted by law</u>	<u>None</u>
<u>Setback</u>	<u>None</u>	<u>None</u>	<u>Height of flagpole</u>	<u>None</u>
<u>Maximum Height</u>	<u>20 ft.</u>	<u>Roofline</u>	<u>50 ft.</u>	<u>8 ft.</u>

(b) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in planned development and urban development districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts.

<u>TYPE</u>	<u>Flags</u>	<u>Temporary</u>	<u>Freestanding and</u>
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			<u>Wall</u>
<u>Maximum Size (each/total)</u>	<u>16 sf/no limit</u>	<u>16 sf/16 sf</u>	<u>4 sf/4 sf</u>
<u>Illumination</u>	<u>As permitted by law</u>	<u>None</u>	<u>0.3 foot candles</u>
<u>Setback</u>	<u>Height of flagpole</u>	<u>None</u>	<u>None</u>
<u>Maximum Height</u>	<u>25 ft.</u>	<u>4 ft.</u>	<u>4 ft.</u>
<u>Location</u>	<u>Flag pole < 8" diameter</u>	<u>Freestanding, portable, wall, or window</u>	<u>Wall or window sign or affixed to mailbox</u>

Comment [MC24]: Signs on property for sale, or where a building permit is active, are in addition to these temporary signs. See §§ 4(4)a. and b.

(c) Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

(d) Off-Site Signs for Commercial Use of Limited Duration. Up to three off-site signs, each not to exceed 6 square feet and 7 feet in height, shall be permitted for a commercial use lasting for 3 or fewer days on property for commercial or office use within the same zoning district. No more than one permitted temporary sign shall be displayed per lot. Display of signs shall be limited to 48 hours prior to commencement, and 48 hours after cessation, of the use or activity advertised.

Sec. 28-273. - Nonconforming structures.

(a)

A nonconforming building or structure, except for ~~general advertising off-premises~~ signs which are subject to Code of Virginia, § 33.1-370.2, as amended, shall conform to current zoning regulations whenever the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Virginia Uniform Statewide Building Code. The owner of a single-family residential structure may enlarge or alter the structure including any proposed increase in square footage, provided that structure shall not further encroach into the nonconforming area except as provided in this section. Under all other situations, an applicant will be required to apply to the BZA for a variance; however, any building or structure may be altered to decrease its nonconformity without the requirement for a special exception or variance.

(b)

The owner of any building or structure, except for ~~general advertising off-premises~~ signs which are subject to Code of Virginia, § 33.1-370.2, as amended, damaged or destroyed by a natural disaster or other act of God may repair, rebuild, or replace such building or structure to eliminate or reduce the nonconforming features to the extent possible, without

the need to obtain a variance from the BZA. If such building or structure is damaged greater than fifty (50) percent and cannot be repaired, rebuilt or replaced to eliminate or reduce the nonconforming features, the owner may restore it to its original nonconforming condition as long as the building or structure is not repaired, rebuilt, or replaced in a manner which increases its nonconforming characteristic. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building or structure shall be in compliance with the provisions of the Virginia Uniform Statewide Building Code, and any work done to repair, rebuild or replace such building or structure shall be in compliance with the provisions of the Flood Overlay district. Unless such building or structure is repaired, rebuilt or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning district in which it is located. However, if the nonconforming building or structure is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years for the building to be repaired, rebuilt or replaced as otherwise provided in this subsection. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under Code of Virginia, §§ 18.2-77 or 18.2-80, as amended, and obtain vested rights under this section. "Accidental means" shall not include any intentional act by the property owner to damage or destroy the building or structure.

(c)

If a nonconforming structure is moved for any reason, and for any distance, it shall thereafter, upon relocation, conform to the current regulations for the zoning district in which it is relocated.

(d)

Such buildings or structures, except for ~~general advertising off-premises~~ signs which are subject to Code of Virginia, § 33.1-370.2, as amended, shall conform to such regulations whenever they are enlarged, extended, reconstructed or structurally altered.

Sec. 28-277. - Abandoned nonconforming signs.

(a)

~~A nonconforming sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of more than two (2) years.~~

(b)

~~Upon notification by the county, an abandoned, nonconforming sign shall be removed by the owner of the property on which the sign is located within sixty (60) days of the date of the notification.~~

(c)

If the county, despite reasonable attempts, is unable to locate and/or notify the owner; or if the owner fails to remove an abandoned nonconforming sign within sixty (60) days of being notified, the county, through its agents or employees, may enter the property upon which the sign is located and remove said sign.

(d)

If the county removes an abandoned nonconforming sign pursuant to paragraph (c) above, the cost of such removal shall be chargeable to the owner of the property.

- (1) Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- (2) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- (3) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (4) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- (5) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- (6) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (7) A nonconforming sign structure shall be subject to the removal provisions of section 28-136. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Comment [MC25]: Note that an obsolete sign under § 7 (d) merely has to have the face blanked; this provision, by contrast, deals with a situation where the sign is nonconforming due to its location, height, materials, or other characteristic.

Comment [MC26]: Cross-reference provision for abandonment of NCU's or non-use for 2 years.

Comment [MC27]: Derived from Virginia Code § 15.2-2307, seventh paragraph.

LGA AD HOC COMMITTEE MODEL SIGN ORDINANCE

DIVISION I. - GENERAL PROVISIONS

- Sec. 1. – Purpose and intent.
- Sec. 2. – Definitions.
- Sec. 3. – Permit required.
- Sec. 4. – Permit not required.
- Sec. 5. – Prohibited signs.
- Sec. 6. – Measurements of sign area.
- Sec. 7. – Maintenance and removal.
- Sec. 8. – General requirements.
- Sec. 9. – Nonconforming signs.
- Sec. 10. – Non-commercial signs.
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DIVISION II. - SIGN REGULATIONS BY USE AND DISTRICT

- Sec. 21. – Residential district signs.
- Sec. 22. – Commercial district signs.
- Sec. 23. – Industrial district signs.

ARTICLE __. - SIGNS

DIVISION I. - GENERAL PROVISIONS

Sec. 1. – Findings, purpose and intent; interpretation.

- (a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing

Comment [MC1]: Quotation from *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), quoted in *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2232 (2015)

Comment [MC2]: Quotation from Va. Code § 15.2-2283 (iii) and (v)

convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

- (b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the [governing body] or Board of Zoning Appeals are forbidden.
- (c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (e) These regulations distinguish between portions of the City/County/Town designed for primarily vehicular access and portions of the City/County/Town designed for primarily pedestrian access.
- (f) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the City/County/Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (g) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Comment [MC3]: Include the BZA only if it has the power to issue SUP's/CUP's/special exceptions.

Sec. 2. - Definitions.

A-Frame sign means a two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.”

Advertising means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

Animated sign means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a “moving sign.”

Comment [MC4]: Not all these definitions are used in the model ordinance. Defined signs which are not expressly permitted are forbidden by §§ 1 (b) and 5 of the model ordinance.

Awning sign means a sign placed directly on the surface of an awning.

Banner means a temporary sign of flexible material designed to be installed with attachments at each of four corners.

[OR]

Banner means a temporary sign of flexible material affixed to a framework or flat surface.

Comment [MC5]: Choose one of these definitions.

Building frontage means the length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

Business sign means a sign which directs attention to a product, service or commercial activity available on the premises.

Canopy sign means a sign attached to a canopy.

Chalk-board sign means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

Changeable copy sign means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Comprehensive sign plan means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

Feather sign. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.

Flag means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.

Flashing sign means a sign that includes lights that flash, blink, or turn on and off intermittently.

Freestanding sign means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.

Ground mounted sign means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

Height, means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade prior to construction; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

Holiday Displays mean displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.

Comment [MC6]: Adapted from ordinance approved by the Fourth Circuit court of appeals in *Brown v. Town of Cary* (2013)

Illegal sign means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated sign means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

Marquee means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Marquee sign means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

Minor sign means a wall or freestanding sign not exceeding one (1) square foot in area, not exceeding four feet in height, and not illuminated.

Comment [MC7]: This is designed to replace a host of small signs formerly defined in terms of content, such as directional signs, entrance signs, and the like.

Monument sign means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

Neon sign means a sign containing exposed tubes filled with light-emitting gas.

Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the City/County/Town and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Off-premises sign means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

Pole sign means a sign that is mounted on one (1) or more freestanding poles.

Portable sign means any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

Projecting sign means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

Public area means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Public Art means items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm.

Comment [MC8]: Adapted from ordinance approved by the Fourth Circuit court of appeals in *Brown v. Town of Cary* (2013)

Roof sign means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

Sign means any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or character) visible to and designed to communicate information to persons in a public

Comment [MC9]: Choose one of these two definitions.

area. However, the term “sign” does not include public art, holiday displays, or architectural features, except those that identify products or services or advertise a business use. The term “sign” also does not include the display of merchandise for sale on the site of the display.

[OR]

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 navigable 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. The term does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term “sign” also does not include the display of merchandise for sale on the site of the display.

Sign face means the portion of a sign structure bearing the message.

Sign structure means any structure bearing a sign face.

Temporary sign means any sign intended to be displayed for a limited period.

[OR]

Temporary sign means a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

Vehicle or trailer sign means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Wall Sign means any sign attached to a wall or painted on or against a flat vertical surface of a structure.

Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

Sec. 3. - Permit required.

- (a) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 4 of this Article.
- (b) *Application for permit.*
 - (1) An application for a sign permit shall be filed with the City/County/Town [Community Development Department or equivalent] on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is

Comment [MC10]: This portion of the definition ties to the purposes of regulation in terms of obstructing views and distracting motorists and is broader than some of the other versions.

Comment [MC11]: Choose one of these two definitions.

Comment [MC12]: Based on Norfolk’s draft ordinance.

Comment [MC13]: In light of the Attorney General’s Opinion 14-050, regulation of vehicles *when used as vehicles* is not a proper subject for a zoning ordinance.

Comment [MC14]: See Va. Code § 15.2-905

permitted under the zoning ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.

- (2) The City/County/Town Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
- (3) If the application is rejected, the City/County/Town shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

Comment [MC15]: A short time frame is necessary to avoid a challenge based on "prior restraint" due to a permitting process that has no end.

(c) *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City/County/Town Council shall accompany all sign permit applications.

(d) *Duration and revocation of permit.* If a sign is not installed within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 30 days unless another time is provided in the zoning ordinance. The City/County/Town may revoke a sign permit under any of the following circumstances:

- (1) The City/County/Town determines that information in the application was materially false or misleading;
- (2) The sign as installed does not conform to the sign permit application; or
- (3) The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(e) *Overlay district regulations.* All signs in the Historic Overlay District (HOD) require approval of the Architectural Review Board (ARB) except when a sign permit is not required as provided in § 4.

(f) Special exceptions. Comprehensive sign plans may be approved by special use permit in ____ districts. Comprehensive sign plans may be approved by special use permit in the ____ districts for uses allowed by special use permit. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

Comment [MC16]: Substitute "Conditional Use Permit" or "Special Use Permit" if that's your preferred nomenclature.

Sec. 4. - Permit not required.

A sign permit is not required for:

- (1) Signs erected by a governmental body or required by law.
- (2) Flags up to 16 square feet in size not containing any commercial advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.
- (3) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with § 9(e).
- (4) Temporary signs as follows:
 - a. One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active.

b. On any property for sale or rent, not more than one sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet when the sign abuts a road with a speed limit of 25 miles per hour or less, and when the sign abuts a road with a speed limit greater than 25 miles per hour not more than one sign with a total area of up to thirty two (32) square feet and a maximum height of eight (8) feet.

[OR]

- b. On any property for sale or rent in ____ zoning districts, not more than one sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet, and on any property for sale or rent in ____ zoning districts, not more than one sign with a total area of up to thirty two (32) square feet and a maximum height of eight (8) feet.
 - c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
 - d. On residential property, one or more temporary signs with a total area of no more than twelve (12) square feet, and which are removed within 90 days after being erected.
 - e. On residential property, window signs, provided that the total extent of window signs do not obstruct more than 25% of the total area of all windows on each building façade.
- (6) Not more than two minor signs per parcel. Additional minor signs are permitted in certain districts with a permit.
 - (7) A-frame signs more than fifty (50) feet from the nearest public right of way.
 - (8) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.
 - (9) A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.

Comment [MC17]: Choose one of these two versions of paragraph (4) b.

Comment [MC18]: This alternative classifies based on activity and vehicular speed to tie into the purpose of vehicular safety while avoiding a content-based distinction.

Comment [MC19]: This alternative classifies based on zoning districts while avoiding a content-based distinction.

Comment [MC20]: Permit is required on commercial property so that expirations can be tracked.

Comment [MC21]: Not putting a maximum number avoids challenges based on *Arlington County Republican Comm. v. Arlington County, Va.*, 983 F.2d 587 (4th Cir. 1993) (rule prohibiting more than two political yard signs on residential property was unconstitutional).

Comment [MC22]: 90 day time limit serves the goal of esthetics as well as traffic safety, because temporary signs are more likely to deteriorate and blow away over time, but it may be safer not to include a time limit.

Comment [MC23]: Typical existing ordinances classify political signs and other content-based categories. Those distinctions are replaced here by reference to the temporary sign definition. An alternative method would be to focus on the materials of the sign.

Comment [MC24]: Without a percentage cap, there is a risk that—evaluated facially—this exemption could undermine the stated purpose of reducing clutter and promoting an “attractive and harmonious community,” since it seems to allow unlimited amounts of windows signs on residential property.

Sec. 5. – Prohibited signs

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

- (a) General prohibitions.
 - (1) Signs that violate any law of the Commonwealth relating to outdoor advertising.
 - (2) Signs attached to natural vegetation.
 - (3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized city official as a nuisance.
 - (4) Vehicle or trailer signs.
 - (5) Freestanding signs more than 25 feet in height.
 - (6) Signs hanging from supports, except against the face of a building.
 - (7) Any sign displayed without complying with all applicable regulations of this chapter.
- (b) Prohibitions based on materials.
 - (1) Signs painted directly on a building, except where expressly permitted by this chapter.
 - (2) Animated signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every seven seconds.
 - (3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
 - (4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.
 - (5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
 - (6) Signs that emit sound.
 - (7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.
 - (8) Strings of flags visible from, and within 50 feet of, any public right-of-way.
 - (9) Pole signs less than 6 feet in height.

Comment [MC25]: This content-based distinction is believed to be sufficiently narrowly tailored to meet a compelling state interest as to survive strict scrutiny.

(c) Prohibitions based on location.

- (1) Off-premises signs, unless specifically permitted by this chapter.
- (2) Signs erected on public land other than those approved by an authorized City/County/Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
- (3) Signs on the roof surface or extending above the roofline of a building or its parapet wall.
- (4) Neon signs, except in windows.
- (5) Any sign located in the vision triangle formed by any two (2) intersecting streets, as regulated by the provisions of section [REDACTED].
- (6) Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

Comment [MC26]: Note that some localities permit these. If the locality desires to permit them, this provision allows that but express language will need to be permitted in the appropriate section(s) of Division II of this Article. See Sections 10 and 22 of this model for one example.

Comment [MC27]: Insert cross-reference to provisions of ordinance or administrative code that governs sight distance at corners. Alternately, replace paragraph with "A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location."

Sec. 6. - Measurements of sign area and height.

- (a) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the preceding provisions.
- (b) In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.
- (c) *Sign area.*
 - (1) Sign area is calculated under the following principles:
 - a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.
 - b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.

- c. For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.
- (2) The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area are designed in such a manner as to form an integral background of the display.
- (d) *Maximum height.* The maximum height for any sign shall be 25 feet unless otherwise specified within this chapter.

Sec. 7. - Maintenance and removal.

- (a) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
- (b) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.
- (c) The building official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in chapter ____ of this Code, [Buildings and structures or its equivalent].
- (d) The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.
- (e) *Sign condition, safety hazard, nuisance abatement, and abandonment.*
 - (1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.
 - (2) Any sign which constitutes a nuisance may be abated by the City/County/Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

Comment [MC28]: Under *Central Hudson*, government can prevent misleading commercial speech.

Sec. 8. – General requirements.

- (a) *Placement.* Except as otherwise permitted, all freestanding signs shall be set back from any street right-of-way at least half the height of the sign.
- (b) *Illumination.* All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.

- (1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, shingle signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.
- (2) Internal illumination shall be limited to the illumination standards for parking lot lighting in [REDACTED]. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.
- (c) *Landscaping*. All non-temporary ground-mounted or monument signs shall be installed with a minimum surround of three (3) feet of regularly maintained floral and shrubbery landscaping in every direction.

Comment [MC29]: Cross-reference to ordinance or regulation on parking lot lighting.

Comment [MC30]: This optional provision is based on the City of Norfolk's ordinance. If adopted, it will need to be made consistent with the locality's Dark Skies ordinance, if any.

Sec. 9. - Nonconforming signs.

- (a) Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- (b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- (c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.

- (e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- (f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (g) A nonconforming sign structure shall be subject to the removal provisions of section _____. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Comment [MC31]: Note that an obsolete sign under § 7 (d) merely has to have the face blanked; this provision, by contrast, deals with a situation where the sign is nonconforming due to its location, height, materials, or other characteristic.

Comment [MC32]: Cross-reference provision for abandonment of NCU's or non-use for 2 years.

Comment [MC33]: Derived from Virginia Code § 15.2-2307, seventh paragraph.

Sec. 10. –Non-commercial signs.

- (a) *Substitution.* Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.
- (b) *Off-site Signs for Noncommercial Use of Limited Duration.* With a permit, a noncommercial use may erect up to 3 off-site signs on properties in zoning districts ____ with the consent of the persons in charge of such properties. Each sign shall be no more than 16 square feet in area and 8 feet in height. The area of the sign counts against the maximum sign area permitted on that lot. No more than one permitted temporary sign may be displayed per lot. Display of signs shall be limited to 30 days at a time. Each organization shall be limited to the display of such signs no more than 4 times within any calendar year.

Comment [MC34]: This optional provision is based on the City of Chesterfield's ordinance.

DIVISION II. - SIGN REGULATIONS BY USE AND DISTRICT

Section 21. – Residential district signs.

- (a) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags	Temporary	Permanent
Size (each/total)	16 s.f./no limit	16 s.f./16 s.f.	3 s.f./3 s.f.
Illumination	As required by law	None	Indirect

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Setback	Height of flagpole	None	None
Maximum Height	25 ft.	4 ft.	4 ft.
Location	Flag pole ≤ 8" diameter	Freestanding, portable, wall, or window	Wall or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited

Comment [MC35]: Signs on property for sale, or where a building permit is active, are in addition to these temporary signs. See §§ 4(4)a. and b.

Comment [MC36]: Omit this row if duration is addressed elsewhere

Comment [MC37]: Such as schools and churches.

(b) Except as provided otherwise in this Article, the following signs are permitted as accessory to non-residential uses in residential districts. Moving signs are prohibited as accessory uses for non-residential uses in all residential districts.

TYPE	Flags	Temporary signs	Changeable Message signs	Other permanent signs
Size (each/total)				
Illumination				
Setback				
Maximum Height				
Materials				
Duration				

Section 22. – Commercial district signs.

(a) *Generally.* Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial districts. In addition, up to one minor sign per business is permitted as a wall sign.

TYPE	Freestanding	Wall	Flags	Temporary signs
Size (each/total)				
Maximum Number				
Illumination				
Setback				
Maximum Height				
Materials				
Duration				

(b) *Window signs.* Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

(c) *Off-Site Signs for Commercial Use of Limited Duration.* Up to three off-site signs, each not to exceed 6 square feet and 7 feet in height, shall be permitted for a commercial use lasting for 3 or fewer days on property zoned _____. No more than one permitted temporary sign shall be displayed per lot. Display of signs shall be limited to 48 hours prior to commencement, and 48 hours after cessation, of the use or activity advertised.

Section 23. – Industrial district signs.

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts. In addition, up to one minor sign per business is permitted as a wall sign.

TYPE	Freestanding	Wall	Flags	Temporary signs
Size (each/total)				
Maximum Number				
Illumination				
Setback				
Maximum Height				
Materials				
Duration				

Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.