

ACTIONS Board of Supervisors Meeting of December 9, 2015		
		December 10, 2015
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST/ VIDEO</u>
Call to Order. Meeting was called to order at 3:06 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris.		Listen
1. Work Session: Five year Financial Plan. HELD.		
2. Closed Meeting. At 5:02 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711 (A) of the Code of Virginia, under Subsection (1) to discuss the appointment of a department head and the retirement of a department head.		
3. Reconvene and Call to Order. At 6:02 p.m., the Board reconvened into open meeting.		Video
6. Certify Closed Meeting. The Board immediately certified the closed meeting.		
7. Adoption of Final Agenda. By a vote of 6:0, ADOPTED final agenda.		
8. Brief Announcements by Board Members. <u>Liz Palmer:</u> - Announced a new day care facility "The Little Learners" opening up in Yancey School. <u>Ann Mallek:</u> - Announced the launch of Pearl, a new energy efficiency certification program in Central Virginia. - Reported on her attendance at the launch of the ornaments at the Governor's mansion. - Announced that on December 12, 2015, the Crozet Dog Park will open. - Spoke on the passing of Chris Lee. <u>Jane Dittmar:</u> - Spoke on the passing of Chris Lee. - Announced that Albemarle County Public Schools has been recognized in the top 5 in Virginia and in the top 2 percent in the United States.		
9. Recognitions. Col. Steve Sellers, Chief of Police, formally announced his retirement effective June 1, 2016.		
10. From the Public: Matters Not Listed for Public Hearing on the Agenda. <u>The following residents of Ballards Mill Road, in Free Union, spoke in opposition to a request to allow farm winery, weddings and other events on Waterperry Farm:</u> - Bob Brechi		

	• Bill Pritchard • Cynthia Hurt • Nancy Breci • Elizabeth Neff • <u>Kieran Cottrell, Danny Guzman, Addie Almalham, Samantha Payne and Rachel Tapscott</u>, Monticello High School Students, presented information on their CAP project concerning the potential implementation of a stormwater utility fee. • <u>Naji Jones, Makayla Whitehurst and Sherrika Howard</u>, Monticello High School students, presented information on their CAP project concerning Pre-K education. • <u>Jeffery Herring</u>, addressed the Board and requested that they consider a Proclamation of Kinship dedicated to the Muslim community. • <u>Katie Devine, Jenna Moody and Braxton Clay</u>, students at Monticello High School presented information on their CAP project concerning the expansion and communication of Broadband to the rural areas. • <u>Jeff Werner</u>, addressed the Board and spoke on farm wineries and spoke on the Governor's proposed bond package as it relates to the Biscuit Run State Park. • <u>Neil Williamson</u>, addressed the Board and spoke on farm wineries and thanked Supervisors Ken Boyd and Jane Dittmar as well as requested that the County modify the Cash Proffer Policy. • Monticello High School students presented information on their CAP project concerning the subsidization of Community College tuition for County residents. • <u>Frank Squillace</u>, addressed the Board and thanked the Chair for her service. • <u>John Conover</u>, addressed the Board on the proposed action requesting forgiveness of the Lewis and Clark Loan. • <u>Rick Randolph</u>, addressed the Board and thanked the Chair for giving him the honor to serve as the Scottsville representative on the Planning Commission.		
11.2	Cancel January 13, 2016 Regular Night Board Meeting. • APPROVED.	<u>Clerk:</u> Notify appropriate individuals.	
12.	Pb. Hrg: <u>ZTA-2015-00002. Farm distilleries, farm breweries, and farm wineries.</u> • By a vote of 4:2 (Dittmar/McKeel), ADOPTED ordinance.	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 1)	
13.	Pb. Hrg: <u>ZTA-2015-00010. Signs.</u> • By a vote of 6:0, ADOPTED ZTA-2015-00010 as recommended by staff.	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 2)	

14.	Lewis & Clark Exploratory Center Loan Request. • Motion to direct staff to work out the mechanics of forgiveness of the \$130,000 loan and that staff convey it to City Council as soon as possible so that they can move forward on their end with the same bargain FAILED by a vote of 3:3 (McKeel/Palmer/Sheffield).	<u>Clerk:</u> Notify Clerk of Council.	
15.	From the Board: Matters Not Listed on the Agenda. <u>Ann Mallek:</u> • Discussed the Community Development priority schedule for Phase II of farm distilleries, farm breweries and farm wineries. a. Update on Joint Resolution of Charlottesville City Council and the Albemarle County Board of Supervisors Regarding Establishment of a Management Committee for the Charlottesville Albemarle Convention and Visitors Bureau. • Received. b. Year-in-Review. • Received. c. Presentation to Chair. • Held.	<u>Clerk:</u> add to the January 6 agenda.	
16.	From the County Executive: Report on Matters Not Listed on the Agenda. <u>Tom Foley:</u> • Updated Board members on the current status of the Cash Proffer Policy. a. Year-In-Review. • Received.		
17.	Adjourn. • With no further business to come before the Board, the meeting was adjourned at 10:18 p.m.		

ewj/tom

Attachment 1 – Ordinance No. 15-18(10)

Attachment 2 – Ordinance No. 15-18(11)

ORDINANCE NO. 15-18(10)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, ARTICLE III, DISTRICT REGULATIONS, AND ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Regulations, Article II, Basic Regulations, Article III, District Regulations, and Article IV, Procedure, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions
 Sec. 5.1.25 Farm wineries
 Sec. 5.1.57 Farm breweries
 Sec. 10.2.1 By right
 Sec. 10.2.2 By special use permit
 Sec. 11.3.1 By right uses
 Sec. 11.3.2 By special use permit
 Sec. 31.5 Zoning clearance

By Adding:

Sec. 5.1.59 Farm distilleries

Article I. General Provisions**Sec. 3.1 Definitions.**

...

Farm distillery: An establishment located on one or more lots in Albemarle County to which a limited distiller's license is issued under Virginia Code § 4.1-206.

Farm distillery event: An event conducted at a farm distillery on one or more days where the purpose is agritourism or to promote the sale of distilled spirits, including, but not limited to, gatherings not otherwise expressly authorized as a use under section 5.1.59(a), (b)(1) and (b)(3) through (b)(9), including, but not limited to, distilled spirits festivals; receptions where distilled spirits are sold or served; distilled spirits club meetings and activities; distilled spirits tasting educational seminars; distilled spirits tasting luncheons, business meetings, and corporate luncheons with a focus on selling distilled spirits; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; distillers' dinners where distilled spirits are paired with food; agritourism promotions; and fundraisers and charity events.

...

Substantial impact: An impact that may arise from an event or activity at a farm winery, farm brewery, farm distillery, or agricultural operation that has a significant adverse effect on: (i) an abutting lot or the neighborhood, including an impact on any owner, occupant, or agricultural or silvicultural activity; or (ii) any rural road, natural resource, cultural resource, or historical resource. A substantial impact may result from a wide variety of factors including, but not limited to, the generation of traffic, noise, dust, artificial outdoor light, trash, stormwater runoff, and excessive soil compaction; the failure to provide adequate traffic controls and sanitation facilities; the cumulative effects of large numbers of events and activities occurring simultaneously, particularly when they are in close proximity to one another or require travel on the same rural roads; and events and activities that are incompatible with existing production agriculture.

...

Usual and customary use, event or activity: A use, event, or activity at a farm winery, farm brewery, farm distillery, or agricultural operation that is both ordinary and commonly practiced or engaged in at farm

wineries, farm breweries, farm distilleries, or agricultural operations, as applicable, within the Commonwealth, as determined by objective evidence.

...

(§ 20-3.1, 12-10-80, 7-1-81, 12-16-81, 2-10-82, 6-2-82, 1-1-83, 7-6-83, 11-7-84, 7-17-85, 3-5-86, 1-1-87, 6-10-87, 12-2-87, 7-20-88, 12-7-88, 11-1-89, 6-10-92, 7-8-92, 9-15-93, 8-10-94, 10-11-95, 11-15-95, 10-9-96, 12-10-97; § 18-3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01; Ord. 01-18(9), 10-17-01; Ord. 02-18(2), 2-6-02; Ord. 02-18(5), 7-3-02; Ord. 02-18(7), 10-9-02; Ord. 03-18(1), 2-5-03; Ord. 03-18(2), 3-19-03; Ord. 04-18(2), 10-13-04; 05-18(2), 2-2-05; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 07-18(1), 7-11-07; Ord. 07-18(2), 10-3-07; Ord. 08-18(3), 6-11-08; Ord. 08-18(4), 6-11-08; Ord. 08-18(6), 11-12-08; Ord. 08-18(7), 11-12-08; Ord. 09-18(3), 7-1-09; Ord. 09-18(5), 7-1-09; 09-18(8), 8-5-09; Ord. 09-18(9), 10-14-09; Ord. 09-18(10), 12-2-09; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 11-18(5), 6-1-11; Ord. 11-18(6), 6-1-11; Ord. 12-18(3), 6-6-12; Ord. 12-18(4), 7-11-12; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(1), 4-3-13; Ord. 13-18(2), 4-3-13; Ord. 13-18(3), 5-8-13; Ord. 13-18(5), 9-11-13; Ord. 13-18(6), 11-13-13, effective 1-1-14; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(2), 3-5-14; Ord. 14-18(4), 11-12-14; Ord. 15-18(1), 2-11-15; Ord. 15-18(2), 4-8-15; Ord. 15-18(4), 6-3-15; Ord. 15-18(5), 7-8-15)

State law reference – Va. Code § 15.2-2286(A)(4).

Article II. Basic Regulations

Sec. 5.1.25 Farm wineries

Each farm winery shall be subject to the following:

- a. *Uses permitted.* The following uses, events and activities (hereinafter, collectively, “uses”) are permitted at a farm winery:
 1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine including, but not limited to, activities related to the production of the agricultural products used in wine, including but not limited to, growing, planting and harvesting the agricultural products and the use of equipment for those activities.
 2. The sale, tasting, including barrel tastings, or consumption of wine within the normal course of business of the farm winery.
 3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 of the Virginia Code and the regulations of the Alcoholic Beverage Control Board.
 4. The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 6. The sale of wine-related items that are incidental to the sale of wine including, but not limited to, the sale of incidental gifts such as cork screws, wine glasses and t-shirts.
 7. Private personal gatherings of a farm winery owner who resides at the farm winery or on property adjacent thereto that is owned or controlled by the owner, provided that wine is not sold or marketed and for which no consideration is received by the farm winery or its agents.
- b. *Agritourism uses or wine sales related uses.* The following uses are permitted at a farm winery, provided they are related to agritourism or wine sales, and further provided that, for each farm winery licensed after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to commencing the use if either the lot or the abutting lots on which the uses allowed in this

subsection occur is less than twenty-one (21) acres in size or the use will generate more than fifty (50) visitor vehicle trips per day:

1. Exhibits, museums, and historical segments related to wine or to the farm winery.
 2. Farm winery events at which not more than two hundred (200) persons are in attendance at any time for this use and any uses identified in subsection (h).
 3. Guest winemakers and trade accommodations of invited guests at a farm winery owner's private residence at the farm winery.
 4. Hayrides.
 5. Kitchen and catering activities related to a use at the farm winery.
 6. Picnics, either self-provided or available to be purchased at the farm winery.
 7. Providing finger foods, soups and appetizers for visitors.
 8. Tours of the farm winery, including the vineyard.
 9. Weddings and wedding receptions at which not more than two hundred (200) persons are in attendance at any time for this use and any uses identified in subsection (h).
 10. Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the Commonwealth, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than two hundred (200) persons are in attendance at any time for this use and any uses identified in subsection (h).
- c. *Agritourism uses or wine sales related uses; more than 200 person at any time; special use permit.* The following uses, at which more than two hundred (200) persons will be allowed to attend at any time this use and any uses identified in subsection (h), are permitted at a farm winery with a special use permit, provided they are related to agritourism or wine sales:
1. Farm winery events.
 2. Weddings and wedding receptions.
 3. Other uses not expressly authorized that are agritourism uses or wine sales related uses which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the Commonwealth.
- d. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more uses authorized under section 5.1.25(c) shall include the following:
1. *Information.* Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure or other place where music will be performed.
 2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.

- e. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
 - 1. *Zoning clearance.* Each farm winery licensed on and after November 12, 2014 shall obtain approval of a zoning clearance under section 31.5 prior to generating any outdoor amplified music at the farm winery. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the farm winery will comply with the applicable standards in section 4.18 or that the owner has and will use a sound level meter as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being played, to monitor compliance with the applicable standards in section 4.18, or both.
 - 2. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
 - 3. *Outdoor amplified music not an exempt sound.* Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
- f. *Yards.* Notwithstanding any other provision of this chapter, the minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures established after May 5, 2010 and to all tents, off-street parking areas and portable toilets used in whole or in part to serve any use permitted at a farm winery, provided that the minimum required yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.
- g. *Uses prohibited.* The following uses are prohibited:
 - 1. Restaurants.
 - 2. Helicopter rides.
- h. For the purposes of determining the actual or allowed attendance at any time under subsections (b) and (c), the actual or allowed attendance for the following uses shall be considered: farm winery events, farm brewery events, and farm distillery events as provided in sections 5.1.25(b)(2) and (c)(1), 5.1.57(b)(2) and (c)(1), and 5.1.59(b)(2) and (c)(1), respectively; weddings and wedding receptions as provided in sections 5.1.25(b)(9) and (c)(2), 5.1.57(b)(9) and (c)(2), and 5.1.59(b)(9) and (c)(2); and unclassified usual and customary uses as provided in sections 5.1.25(b)(10) and (c)(3), 5.1.57(b)(10) and (c)(3), and 5.1.59(b)(10) and (c)(3).

(§ 5.1.25, 12-16-81, 1-1-84; Ord. 98-20(1), 4-1-98; Ord. 01-18(6), 10-3-01; Ord. 10-18(3), 5-5-10; Ord. 11-18(3), 3-9-11; Ord. 14-18(4), 11-12-14)

Sec. 5.1.57 Farm breweries

Each farm brewery shall be subject to the following:

- a. *Uses permitted.* The following uses, events and activities (hereinafter, collectively, “uses”) are permitted at a farm brewery:
 - 1. The production and harvesting of barley and other grains, hops, fruit, and other agricultural products, and the manufacturing of beer including, but not limited to, activities related to the production of the agricultural products used in beer including, but not limited to, growing, planting, and harvesting the agricultural products and the use of equipment for those activities.
 - 2. The sale, tasting, or consumption of beer within the normal course of business of the farm brewery.

3. The direct sale and shipment of beer in accordance with Title 4.1 of the Virginia Code and the regulations of the Alcoholic Beverage Control Board.
 4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 5. The storage and warehousing of beer in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 6. The sale of beer-related items that are incidental to the sale of beer including, but not limited to, the sale of incidental gifts such as bottle openers, beer glasses, and t-shirts.
 7. Private personal gatherings of a farm brewery owner who resides at the farm brewery or on property adjacent thereto that is owned or controlled by the owner, provided that beer is not sold or marketed and for which no consideration is received by the farm brewery or its agents.
- b. *Agritourism uses or beer sales related uses.* The following uses are permitted at a farm brewery, provided they are related to agritourism or beer sales, and further provided that, for each farm brewery licensed after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to commencing the use if either the lot or the abutting lots on which the uses allowed in this subsection occur is less than twenty-one (21) acres in size or the use will generate more than fifty (50) visitor vehicle trips per day:
1. Exhibits, museums, and historical segments related to beer or to the farm brewery.
 2. Farm brewery events at which not more than two hundred (200) persons are in attendance at any time for this use and any uses identified in subsection (h).
 3. Guest brewmasters and trade accommodations of invited guests at a farm brewery owner's private residence at the farm winery.
 4. Hayrides.
 5. Kitchen and catering activities related to a use at the farm brewery.
 6. Picnics, either self-provided or available to be purchased at the farm brewery.
 7. Providing finger foods, soups, and appetizers for visitors.
 8. Tours of the farm brewery, including the areas where agricultural products are grown.
 9. Weddings and wedding receptions at which not more than two hundred (200) persons are in attendance at any time for this use and any uses identified in subsection (h).
 10. Other uses not expressly authorized that are agritourism uses or are beer sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm breweries throughout the Commonwealth, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than two hundred (200) persons are in attendance at any time for this use and any uses identified in subsection (h).
- c. *Agritourism uses or beer sales related uses; more than 200 person at any time; special use permit.* The following uses, at which more than two hundred (200) persons will be allowed to attend at any time this use and any uses identified in subsection (h), are permitted at a farm brewery with a special use permit, provided they are related to agritourism or beer sales:
1. Farm brewery events.

2. Weddings and wedding receptions.
 3. Other uses not expressly authorized that are agritourism uses or beer sales related uses which are determined by the zoning administrator to be usual and customary uses at farm breweries throughout the Commonwealth.
- d. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more uses authorized under section 5.1.57(c) shall include the following:
1. *Information.* Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure, or other place where music will be performed.
 2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage, and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
- e. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
1. *Zoning clearance.* Each farm brewery shall obtain approval of a zoning clearance under section 31.5 prior to generating any outdoor amplified music at the farm brewery. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the farm brewery will comply with the applicable standards in section 4.18 or that the owner has and will use a sound level meter as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being played, to monitor compliance with the applicable standards in section 4.18, or both.
 2. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
 3. *Outdoor amplified music not an exempt sound.* Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
- f. *Yards.* Notwithstanding any other provision of this chapter, the minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures and to all tents, off-street parking areas, and portable toilets used in whole or in part to serve any use permitted at a farm brewery, provided that the minimum required yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.
- g. *Uses prohibited.* The following uses are prohibited:
1. Restaurants.
 2. Helicopter rides.
- h. For the purposes of determining the actual or allowed attendance at any time under subsections (b) and (c), the actual or allowed attendance for the following uses shall be considered: farm winery events, farm brewery events, and farm distillery events as provided in sections 5.1.25(b)(2) and (c)(1), 5.1.57(b)(2) and (c)(1), and 5.1.59(b)(2) and (c)(1), respectively; weddings and wedding receptions as provided in sections 5.1.25(b)(9) and (c)(2), 5.1.57(b)(9) and (c)(2), and 5.1.59(b)(9)

and (c)(2); and unclassified usual and customary uses as provided in sections 5.1.25(b)(10) and (c)(3), 5.1.57(b)(10) and (c)(3), and 5.1.59(b)(10) and (c)(3).

(Ord. 14-18(4), 11-12-14)

Sec. 5.1.59 Farm distilleries.

Each farm distillery shall be subject to the following:

- a. *Uses permitted.* The following uses, events and activities (hereinafter, collectively, “uses”) are permitted at a farm distillery:
 1. The production and harvesting of agricultural products and the manufacturing of alcoholic beverages other than wine or beer.
 2. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours in accordance with a contract between a distillery and the Alcoholic Beverage Control Board pursuant to the provisions of Virginia Code § 4.1-119(D).
 3. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 4. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 5. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the sale of the alcoholic beverages.
- b. *Agritourism uses or sales related uses.* The following uses are permitted at a farm distillery, provided they are related to agritourism or the sale of alcoholic beverages other than wine or beer, and further provided that, for each farm distillery licensed after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to commencing the use if either the lot or the abutting lots on which the uses allowed in this subsection occur is less than twenty-one (21) acres in size or the use will generate more than fifty (50) visitor vehicle trips per day:
 1. Exhibits, museums, and historical segments related to alcoholic beverages other than wine or beer or to the farm distillery.
 2. Farm distillery events at which not more than two hundred (200) persons at any time for this use and any uses identified in subsection (h).
 3. Guest distillers and trade accommodations of invited guests at a farm distillery owner’s private residence at the farm distillery.
 4. Hayrides.
 5. Kitchen and catering activities related to a use at the farm distillery.
 6. Picnics, either self-provided or available to be purchased, at the farm distillery.
 7. Providing finger foods, soups, and appetizers for visitors.
 8. Tours of the farm distillery, including the areas where agricultural products are grown.
 9. Weddings and wedding receptions at which not more than two hundred (200) persons at any time for this use and any uses identified in subsection (h).

10. Other uses not expressly authorized that are agritourism uses or are sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm distilleries throughout the Commonwealth, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than two hundred (200) persons are in attendance at any time for this event and any events identified in subsection (h).
- c. *Agritourism uses or sales related uses; more than 200 person at any time; special use permit.* The following uses, at which more than two hundred (200) persons will be allowed to attend at any time this use and any uses identified in subsection (h), are permitted at a farm distillery with a special use permit, provided they are related to agritourism or the sale of alcoholic beverages other than wine or beer:
 1. Farm distillery events.
 2. Weddings and wedding receptions.
 3. Other uses not expressly authorized that are agritourism uses or related to the sale of alcoholic beverages other than wine or beer which are determined by the zoning administrator to be usual and customary uses at farm distilleries throughout the Commonwealth.
 - d. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more uses authorized under section 5.1.59(c) shall include the following:
 1. *Information.* Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure, or other place where music will be performed.
 2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage, and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
 - e. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
 1. *Zoning clearance.* Each farm distillery shall obtain approval of a zoning clearance under section 31.5 prior to generating any outdoor amplified music at the farm distillery. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the farm distillery will comply with the applicable standards in section 4.18 or that the owner has and will use a sound level meter as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being played, to monitor compliance with the applicable standards in section 4.18, or both.
 2. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
 3. *Outdoor amplified music not an exempt sound.* Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
 - f. *Yards.* Notwithstanding any other provision of this chapter, the minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures and to all tents, off-street parking areas, and portable toilets used in whole or in part to serve any use permitted at a

farm distillery, provided that the minimum required yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

g. *Uses prohibited.* The following uses are prohibited:

1. Restaurants.
2. Helicopter rides.

h. For the purposes of determining the actual or allowed attendance at any time under subsections (b) and (c), the actual or allowed attendance for the following uses shall be considered: farm winery events, farm brewery events, and farm distillery events as provided in sections 5.1.25(b)(2) and (c)(1), 5.1.57(b)(2) and (c)(1), and 5.1.59(b)(2) and (c)(1), respectively; weddings and wedding receptions as provided in sections 5.1.25(b)(9) and (c)(2), 5.1.57(b)(9) and (c)(2), and 5.1.59(b)(9) and (c)(2); and unclassified usual and customary uses as provided in sections 5.1.25(b)(10) and (c)(3), 5.1.57(b)(10) and (c)(3), and 5.1.59(b)(10) and (c)(3).

Article III. District Regulations

Section 10. Rural Areas

Sec. 10.2.1 By right.

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

...

31. Farm distillery uses, events, and activities authorized by section 5.1.59(a) and (b).

(§ 20-10.2.1, 12-10-80; 12-16-81; 7-6-83; 11-1-89; 11-8-89; 11-11-92; 5-12-93; Ord. 95-20(5), 11-15-95; Ord. 98-A(1), § 18-10.2.1, 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(3), 6-6-12; Ord. 13-18(5), 9-11-13; Ord. 14-18(4), 11-12-14)

Sec. 10.2.2 By special use permit.

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter: (Added 10-9-02; Amended 5-5-10)

57. Farm distillery uses, events, and activities authorized by section 5.1.59(c).

(§ 20-10.2.2, 12-10-80; 3-18-81; 2-10-82; 4-28-82; 7-6-83; 3-5-86; 1-1-87; 12-2-87; 11-8-89; 6-10-92; 11-11-92; Ord. 95-20(1), 3-15-95; Ord. 95-20(3), 10-11-95; Ord. 95-20(5), 11-15-95; Ord. 98-A(1), § 18-10.2.2, 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 00-18(6), 10-18-00; Ord. 01-18(2), 3-21-01; Ord. 02-18(6), 10-9-02; Ord. 04-18(1), 5-5-04 effective 7-1-04; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 14-18(4), 11-12-14)

Section 11. Monticello Historic District

Sec. 11.3.1 By right.

The following uses shall be permitted by right in the MHD:

...

30. Farm distillery uses, events, and activities authorized by section 5.1.59(a) and (b).

(Ord. 05-18(5), 6-8-05; Ord. 08-18(2), 5-7-08; Ord. 10-18(4), 5-5-10; Ord. 11-18(4), 4-6-11; Ord. 14-18(4), 11-12-14)

Sec. 11.3.2 By special use permit.

The following uses shall be permitted by special use permit in the MHD:

. . .

11. Farm distillery uses, events, and activities authorized by section 5.1.59(c), provided, however, that no special use permit shall be required for any use that is otherwise permitted pursuant to section 11.3.1.

(Ord. 05-18(5), 6-8-05; Ord. 10-18(4), 5-5-10; Ord. 11-18(4), 4-6-11; Ord. 14-18(4), 11-12-14)

Article IV. Procedure

Sec. 31.5 Zoning clearance.

The zoning administrator shall review requests for zoning clearances as follows:

- a. *When required.* A zoning clearance shall be required in the following circumstances:
 1. *New use.* Prior to establishing a new non-residential use, including those provided in subsections (a)(6) and (a)(7), other than an agricultural₇ use.
 2. *Change or intensification of existing use.* Prior to changing or intensifying an existing non-residential use, including those provided in subsections (a)(6) and (a)(7), other than an agricultural₇ use.
 3. *Change of occupant.* Prior to a new occupant taking possession of an existing non-residential use, other than an agricultural₇ use.
 4. *Specific buildings, structures or uses.* Prior to establishing any building, structure, or use for which a zoning clearance is required under section 5.
 5. *Commencement of extraction activity.* Prior to commencing any natural resource extraction activity within the natural resources overlay district.
 6. *Events and activities at farm wineries, farm breweries, farm distilleries, and agricultural operations.* Prior to the first time that a specific class of event or activity is held at ~~an~~ a farm winery, farm brewery, farm distillery, or agricultural operation, if a zoning clearance is required under sections 5.1.25(b), 5.1.57(b), 5.1.58(d), and 5.1.59(b).
 7. *Outdoor amplified music.* Prior to the first time that outdoor amplified music is generated at an event or activity at a farm winery, farm brewery, farm distillery, or agricultural operation as provided in sections 5.1.25, 5.1.57, 5.1.58, and 5.1.59.
- b. *Approval.* If the proposed building, structure, improvements, and site, and the proposed use thereof, comply with this chapter, the zoning administrator shall issue the zoning clearance.
- c. *Circumstance when zoning clearance shall not be issued.* The zoning administrator shall not issue a zoning clearance if, after review of any site, the zoning administrator determines that additional improvements are necessary to protect the public health or safety, regardless of whether the improvements are shown on the site plan.
- d. *Notice to the owner if the applicant is not the owner.* Within ten (10) days after receipt of a request for a zoning clearance by an applicant who is not the owner of the lot and/or structure to which the zoning clearance pertains, and prior to acting on the request, the zoning administrator or the applicant, at the zoning administrator's request, shall give written notice of the request to the owner.

Written notice mailed to the owner's last known address as shown on the current real estate tax assessment records shall satisfy this notice requirement. If the zoning administrator requests that the applicant provide the written notice, the applicant shall provide satisfactory evidence to the zoning administrator that the notice has been given.

- e. *Commercial and industrial uses defined.* For the purposes of this section 31.5, production agriculture, production silviculture, and agricultural operations are neither commercial nor industrial uses a home occupation is a commercial use.
- f. *Effect of renumbering and renaming.* Any other section of this chapter that refers to section 31.2.3.2 or to a zoning compliance clearance shall be deemed to be a reference to section 31.5 or a zoning clearance.

(§ 31.2.3.2, 9-9-92; Ord. 01-18(6), 10-3-01; Ord. 09-18(3), 7-1-09; Ord. 11-18(1), 1-12-11; Ord. 11-18(8), 8-3-11; Ord. 14-18(4), 11-12-14)

ORDINANCE NO. 15-18(11)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, is hereby amended and reordained as follows:

By Amending:

Sec. 4.15.1 Purpose and intent

By Amending and Renumbering:

<u>Old</u>	<u>New</u>	
Sec. 4.15.7	Sec. 4.15.8	Prohibited signs and sign characteristics
Sec. 4.15.22	Sec. 4.15.18	Sign maintenance
Sec. 4.15.23	Sec. 4.15.19	Sign alteration, repair, or removal; when required
Sec. 4.15.24	Sec. 4.15.20	Nonconforming signs

By Amending, Renumbering, and Renaming:

<u>Old</u>		<u>New</u>	
Sec. 4.15.2	Definitions	Sec. 4.15.3	Definitions and qualifications
Sec. 4.15.3	Sign content	Sec. 4.15.4	Administration
Sec. 4.15.4	Signs authorized by sign permit	Sec. 4.15.5	Permanent signs for which sign permit is required; signs exempt from obtaining a sign permit
Sec. 4.15.4A	Signs authorized by temporary sign permit	Sec. 4.15.6	Signs for which temporary sign permit is required; temporary signs exempt from obtaining temporary sign permit
Sec. 4.15.10	Regulations applicable in the R-10, R-15 and PRD zoning districts	Sec. 4.15.9	Maximum sign number, area, height, and minimum sign setback in the RA, MHD, VR, R-1, R-2, R-4, R-6, R-10, R-15, and PRD zoning districts
Sec. 4.15.11	Regulations applicable in the PUD, DCD, and NMD zoning districts	Sec. 4.15.10	Maximum sign number, area, height and minimum sign setback in the PUD, DCD, and NMD zoning districts
Sec. 4.15.12	Regulations applicable in the C-1, CO and HC zoning districts	Sec. 4.15.11	Maximum sign number, area, height, and minimum sign setback in the C-1, CO, PD-SC, PD-MC, HI, LI, and PD-IP zoning districts
Sec. 4.15.17	Determining sign area	Sec. 4.15.12	Maximum freestanding sign size; Sign face; measuring sign area
Sec. 4.15.18	Determining sign height	Sec. 4.15.13	Measuring sign height
Sec. 4.15.19	Determining sight distance triangle	Sec. 4.15.14	Measuring sight distance triangle; signs prohibited therein
Sec. 4.15.20	Determining structure frontage	Sec. 4.15.15	Measuring permitted wall signage Based on structure frontage
Sec. 4.15.21	Determining sign setback	Sec. 4.15.16	Measuring sign setback; signs prohibited therein

By Adding:

Sec. 4.15.2 Applicability

Sec. 4.15.7 Signs authorized by special use permit; off-site directional signs, off-site bundle signs, signs in a public right-of-way, electric message signs

Sec. 4.15.17 Sign Illumination

By Repealing:

- Sec. 4.15.5 Electric message signs; authorized by special use permit
- Sec. 4.15.5A Off-site signs; authorized by right and by special use permit
- Sec. 4.15.6 Signs exempt from the sign permit requirement
- Sec. 4.15.8 Regulations applicable in the MHD, RA, VR, R-1 and R-2 zoning districts
- Sec. 4.15.9 Regulations applicable in R-4 and R-6 zoning districts
- Sec. 4.15.13 Regulations applicable in the PD-SC and PD-MC zoning districts
- Sec. 4.15.14 Regulations applicable in the HI, LI and PD-IP zoning districts
- Sec. 4.15.15 Regulations applicable in the entrance corridor overlay district
- Sec. 4.15.16 Regulations applicable to certain sign types

Chapter 18. Zoning**Article II. Basic Regulations****Sec. 4.15.1 Purpose and intent**

The purpose and intent of this section 4.15 include, but are not limited to, the following:

- a. The board of supervisors finds that signs are a separate and distinct use of the property upon which they are located and affect the uses and users of adjacent streets, sidewalks, and other areas open to the public; and that signs are an important means of communication for businesses, organizations, individuals, and government;. The board also finds that signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation; and that the unregulated erection and display of signs constitute a public nuisance detrimental to the public health, safety, convenience, and general welfare. Therefore, the purpose of this section 4.15 is to establish reasonable regulations pertaining to the time, place, and manner in which outdoor signs and window signs may be erected and maintained in order to:
 - 1. Preserve the rights of free speech and expression;
 - 2. Promote the general health, safety and welfare, including the creation of an attractive and harmonious environment;
 - 3. Protect the public investment in the creation, maintenance, safety, and appearance of its streets, highways, and other areas open to the public;
 - 4. Improve vehicular and pedestrian safety by avoiding saturation and confusion in the field of vision and by directing and controlling vehicular traffic and pedestrians;
 - 5. Protect and enhance the county's attractiveness to tourists and other visitors as sources of economic development; and
 - 6. Protect property values.
- b. The board of supervisors finds that the regulations in this section 4.15 advance the substantial governmental interests identified herein and are the minimum amount of regulation necessary to achieve them, provided further that:
 - 1. The board of supervisors finds that the provisions in this section 4.15 that separately classify warning signs advance the compelling governmental interest of protecting vehicular and pedestrian safety.
 - 2. The board of supervisors finds that the provisions in this section 4.15 that separately classify directional signs advance the compelling governmental interest of protecting vehicular and pedestrian safety.
 - 3. The board of supervisors finds that the provisions in this section 4.15 that separately classify address signs advance the compelling governmental interest of ensuring that emergency vehicles are able to locate persons and buildings in emergency situations.

- c. Many of the signs allowed by this section 4.15 are situational, and the likelihood of multiple simultaneous situations arising on a lot at any particular time is remote. Therefore, the board finds that the number of signs allowed on a lot is reasonable and allows alternative channels of communication as situations arise without adversely impacting the purposes of this section 4.15.

(12-10-80; 7-8-92, § 4.15.01; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.2 Applicability

This section 4.15 shall apply as follows:

- a. *General.* The requirements of section 4.15 shall apply to all outdoor signs and window signs, including all outdoor signs and window signs in the entrance corridor overlay district, that are visible from beyond the boundaries of the lots on which they are located. Each sign subject to this section 4.15 shall comply with all regulations applicable to that sign.
- b. *Within the entrance corridor overlay district.* In addition to all other applicable requirements of section 4.15, prior to erecting an outdoor sign or window sign that would be visible from an entrance corridor street, the owner or lessee of the lot on which the sign will be located shall obtain a certificate of appropriateness for that sign as provided in section 30.6 unless the sign is exempt from needing a certificate of appropriateness under section 30.6.5(d).

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.3 Definitions and qualifications

The following definitions shall apply in the interpretation and implementation of this section 4.15:

Access road. The term “access road” means a public or private street that is not a through street or provides frontage to fewer than ten (10) parcels. (Added 6-4-14)

Address sign. The term “address sign” means a sign containing the address of a structure or a site.

Advertising vehicle. The term “advertising vehicle” means a motor vehicle, trailer or semitrailer (collectively, “vehicle”) that: (i) has a permanent or temporary sign affixed, painted on or placed upon it, including a sign that alters the vehicle’s manufacturer’s profile; provided that a temporary sign affixed to an employee’s private vehicle during his or her working hours is not an advertising vehicle; (ii) is in operating condition, displays valid license plates, and displays an inspection decal that is either valid or has not been expired for more than sixty (60) days; (iii) is used as transportation for the business; and (iv) is parked in an approved parking space or parking area that serves the business, or temporarily parked at another business to actively receive or provide goods or services, such as to load or unload goods, provide on-site services, receive vehicle maintenance and repair, or obtain food for the driver and passengers.

Agricultural product sign. The term “agricultural product sign” means a sign or signs identifying the produce, crops, animals or poultry raised or quartered on the property, or identifying farm sales, a farm stand, a farmers’ market, or a farm winery. (Added 3-16-05; Amended 5-5-10)

Animated sign. The term “animated sign” means a sign that moves or a sign that changes lighting by any mechanical, electrical or other device.

Auction sign. The term “auction sign” means a sign that advertises an auction to be conducted.

Awning. The term “awning” means a covering attached to a structure, erected on or over a window or door, and typically supported by a metal frame.

Awning sign. The term “awning sign” means a type of projecting sign that is painted or printed on, or attached to, the surface of an awning.

Banner. The term “banner” means a type of temporary sign that is not a pennant, consisting of a piece of fabric or other flexible material, suspended from a fixed structure, rope, wire, string or cable. (Amended 3-16-05)

Billboard. The term “billboard” means a type of freestanding off-site sign containing copy that is commercial speech that exceeds thirty-two (32) square feet in sign area.

Bonus tenant panel. The term “bonus tenant panel” means an additional sign permitted for individual tenants in shopping centers or planned developments containing copy that is commercial speech and which may be added to a freestanding sign. (Added 3-14-12)

Bundle sign. The term “bundle sign” means a type of freestanding off-site sign that identifies two or more establishments or sites that are not part of a planned development district and which share a common entrance or access road. (Added 6-4-14)

Canopy. The term “canopy” means a permanent structure, or part thereof, that has a roof with support but no walls, and is intended as to provide shelter.

Canopy sign. The term “canopy sign” means a type of wall sign that is attached to the fascia of a canopy. A canopy sign shall not extend above or below the edge of the canopy’s fascia. See Figure I following this section.

Construction sign. The term “construction sign” means a sign that identifies a construction project and/or an architect, contractor, subcontractor, material supplier or lending institution participating in the construction project.

Copy. The term “copy” means the letters, figures, designs, devices, pictures, projected images, symbols, fixtures, colors, logos, emblems, or insignias, or any part or combination thereof, displayed on a sign face.

Cornice line. The term “cornice line” means the location of a cornice along the top of a wall; or, for a wall that has no cornice, the corresponding horizontal line along the top of a wall where a cornice would traditionally be located. In all cases, the “cornice line” applies to the main walls of a building and does not apply to features that extend above the top of the main walls of a building. (Added 3-14-12)

Directional sign, off-site. The term “off-site directional sign” means a type of freestanding off-site sign that directs vehicular or pedestrian traffic, or both. (Added 6-4-14)

Directional sign, on-site. The term “on-site directional sign” means a type of on-site freestanding or wall sign that directs vehicular or pedestrian traffic, or both, that is not erected at the road entrance to the development, and includes, but is not limited to, a sign that has non-electric changeable copy enclosed in a casement covered by a transparent material. See Figure I following this section.

Electric message sign. The term “electric message sign” means a sign on which the copy can be changed or altered by electric, electro-mechanical, or electronic means, but does not include an electric message sign to display fuel prices and having copy that does not change more than once per day at an establishment at which gasoline or diesel fuel is dispensed. (Amended 3-14-12)

Erect. The term “erect” means, in the appropriate context, to affix, construct, hang, install, locate, paint, place, or print.

Establishment. The term “establishment” means a public or private institution or a place of business; for purposes of this definition, the number of franchises held by an automobile dealership shall not be relevant to the determination as to what is an establishment.

Fascia. The term “fascia” means one or more of the vertical faces of the roof of a canopy or structure.

Flag. The term “flag” means a sign consisting of a piece of fabric or other flexible material attached to a flag pole, light pole, or mount as provided in this section 4.15.(Amended 3-16-05)

Flag, commercial. The term “commercial flag” means a flag containing copy that is commercial speech.

Flag, noncommercial. The term “noncommercial flag” means a flag containing copy that has no commercial speech, such as decorative, hospitality, and seasonal flags containing no advertising, words, or logos related to a specific business, product, or service, and does not represent the official symbol of a national, state, or local government.

Flashing sign. The term “flashing sign” means an illuminated sign of which all or part of the illumination is flashing or intermittent, or changing in degrees of intensity, brightness or color.

Freestanding sign. The term “freestanding sign” means a permanent sign that is supported from the ground and not attached to another structure. See Figure I following this section.

Home occupation sign. The term “home occupation sign” means a sign on the premises of a dwelling unit that has an authorized Class B or major home occupation that does not exceed four (4) square feet in sign area and only states the name of the person occupying the dwelling and identifies the product or service offered by the home occupation. (Amended 1-12-11)

Illuminated sign. The term “illuminated sign” means a sign, or any part of a sign, that is deliberately illuminated by an external or internal light source.

Maintain. The term “maintain” means cleaning, painting, repairing, or replacing defective parts of a sign in a manner that does not alter in any way, however slight, the copy, design, or the structure of the sign.

Marquee. The term “marquee” means a fixed covering that projects over an entrance to a theater or other building.

Marquee sign. The term “marquee sign” means a type of wall sign incorporated in or attached to a marquee, and that may have changeable copy.

Menu sign. The term “menu sign” means a type of freestanding or wall sign designed and located to be read from an authorized drive-through lane.

Moving sign. The term “moving sign” means a sign, any part of which moves by means of an electrical, mechanical or other device, or that is set in motion by wind.

Nonconforming sign. The term “nonconforming sign” means a lawful sign existing on the effective date of this section 4.15 that does not comply with the requirements for the use, the structure, or both, contained herein.

Off-site sign. The term “off-site sign” means: (i) if it is within a district other than a planned development district, a sign that is not located on the same lot with the use to which it pertains, but does not include a sign located in a public right-of-way; or (ii) if it is within a planned development district, a sign that is not located within the area depicted on the application plan approved for the planned development, but does not include a sign located in a public right-of-way. An off-site sign shall count toward the number and square footage for the sign type allowed on the lot on which the sign is located. (Added 3-14-12; Amended 6-4-14)

On-site sign. The term “on-site sign” means: (i) a sign containing copy that is commercial speech that is located on the same lot as the establishment to which it pertains; (ii) a sandwich board sign that is located on county-owned right-of-way abutting the lot on which the establishment to which it pertains is located; and (iii) every sign containing copy that is exclusively noncommercial speech.

Opaque background. The term “opaque background” means the portion of sign face that lies behind the message portion of the sign, and is made of a material through which light cannot pass when the sign is internally illuminated at night. (Added 5-12-10)

Pennant. The term “pennant” means a series of two (2) or more sections of a piece of fabric or other flexible material that is generally triangular and tapering, suspended from a fixed structure, rope, wire, string or cable and designed to move in the wind and including, but not limited to, streamers and tinsel. (Amended 3-16-05)

Permanent sign. The term “permanent sign” means a sign that is permanently installed in the ground or permanently affixed to a structure that is permanently installed in the ground that is intended to be displayed indefinitely and authorized in sections 4.15.5 and 4.15.7, if applicable, or, if the permanent sign is not required to obtain a sign permit under section 4.15.5, as provided in sections 4.15.0, 4.15.10, and 4.15.11.

Projecting sign. The term “projecting sign” means a sign, other than a wall sign, that is attached to a structure but which is not mounted parallel to the structure’s wall surface, and includes, but is not limited to, an awning sign. A projecting sign shall not be mounted either: (i) on the fascia of a canopy; or (ii) such that the projecting sign extends, in whole or in part, above the top of the wall structure. See Figure I following this section.

Public sign. The term “public sign” means a sign that is erected and maintained by the county, or the state or federal government, or an authority thereof containing copy that is exclusively governmental speech.

Rare gas illumination. The term “rare gas illumination” means a sign using a rare gas such as neon, argon, helium, xenon, or krypton in a glass tube for illumination. (Added 3-16-05)

Real estate sign. The term “real estate sign” means a sign that is used to advertise the sale, lease, rental, development or other use of the property on which the sign is located.

Roof sign. The term “roof sign” means a sign erected on a structure that extends, in whole or in part, above the top of the wall of the structure; provided that a sign located on a fake mansard is not a roof sign, but is a wall sign.

Sandwich board sign. The term “sandwich board sign” means an A-frame sign with two (2) faces that is periodically placed directly in front of the establishment that it advertises. Sandwich board signs shall be subject to the following: (1) the sign shall not exceed four (4) feet in height, two (2) feet in width and eight (8) square feet of area per sign face; (2) if the sign is placed on a sidewalk or any other public pedestrian right-of-way, it shall be placed in a location that provides a contiguous and unobstructed pedestrian passageway at least three (3) feet wide; (3) the sign shall not be located in any required off-street parking space, driveway, access easement, alley or fire lane; (4) the sign shall not be illuminated; (5) the sign shall be removed during non-business hours; and (6) if the sign is located on county-owned right-of-way abutting the establishment, prior to placement of the sign, the owner shall agree to indemnify and hold harmless the county against any claim or liability arising from the placement of the sign, and the agreement shall be in a form and have a substance approved by the county attorney. (Added 1-13-10)

Sign. The term “sign” means any object, device or structure, or any part thereof including the sign face and the sign structure, visible from beyond the boundaries of the lot on which it is located, and which has copy containing commercial speech, noncommercial speech, or governmental speech. The term “sign” does not include: (i) a flag representing the official symbol of a national, state, or local government; (ii) works of art in which creative skill or imagination is expressed in a visual form, such as a painting or a sculpture, intended to beautify or provide an aesthetic influence, and which contains no copy containing commercial speech; and (iii) architectural elements incorporated into the style or function of a structure. (Amended 3-16-05)

Sign area. The term “sign area” means the area of a sign face within the smallest square, circle, rectangle, triangle, or combination thereof, that encompasses the extreme limits of the copy, together with any materials or colors forming an integral part of the background of the sign face or used to differentiate the sign from the backdrop or structure against which it is placed.

Sign face. The term “sign face” means the area or display surface that contains copy.

Sign structure. The term “sign structure” means the supports, uprights, bracings, and framework of any structure, regardless of whether it is single-faced, double-faced, V-type or otherwise, used to exhibit a sign. See Figure I following this section.

Speech, commercial. The term “commercial speech” means speech that is an expression related solely to the economic interests of the speaker and its audience.

Speech, governmental. The term “governmental speech” means speech that is a message of the government.

Speech, noncommercial. The term “noncommercial speech” means speech that is neither commercial speech nor governmental speech.

Subdivision sign. The term “subdivision sign” means a type of freestanding sign erected at the entrance of a residential development containing copy that is noncommercial speech.

Temporary sign. The term “temporary sign” means a sign that is displayed for only a limited period of time authorized in section 4.15.6 or, if the temporary sign is not required to obtain a temporary sign permit under section 4.15.6, as provided in sections 4.15.09, 4.15.10, and 4.15.11. (Amended 3-16-05; 5-6-15)

Visible. The term “visible” means that which is capable of being seen, whether or not legible, by a person of normal visual acuity.

Wall sign. The term “wall sign” means a sign, other than a projecting sign, that is painted on, printed on, or attached to, a wall of a building and parallel to the wall, is located on a fake mansard, or is a canopy sign or a marquee sign. In order to be eligible to have a wall sign, the establishment shall have an exterior wall. See Figure I following this section.

Warning sign. The term “warning sign” means a sign, that is not a public sign, that provides a warning or a notice to persons on, or entering upon, the premises on which the sign is located including, but not limited to, signs that guide vehicular or pedestrian traffic within, but not at the entrance of a development, identify hazards and possibly dangerous conditions, ensure public safety, or are required by law to be erected.

Window sign. The term “window sign” means a permanent or temporary sign affixed to the interior or exterior of a window or door, or within three (3) feet of the interior of the window or door; provided that the display of goods available for purchase on the premises is not a window sign. (Amended 3-16-05)

(12-10-80; 7-8-92, § 4.15.03; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 10-18(1), 1-13-10; Ord. 10-18(3), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(2), 3-14-12; Ord. 14-18(3), 6-4-14; Ord. 15-18(3), 5-6-15)

State law reference – Va. Code § 15.2-2280.

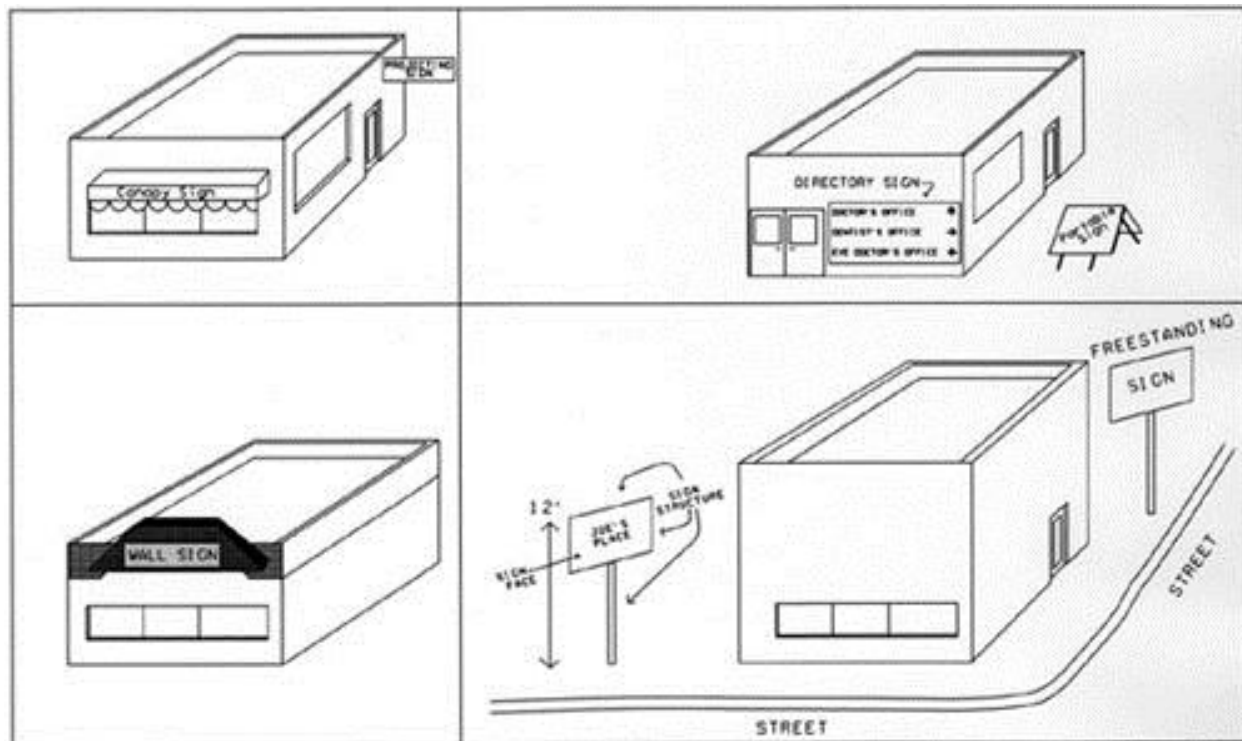


Figure I: Illustrations of Sign Type

Sec. 4.15.4 Administration

The following provisions apply in the administration of this section 4.15:

- a. *Compliance with all requirements.* Each sign authorized by section 4.15 shall comply with all applicable requirements of section 4.15 and all other applicable requirements of this chapter. No sign lawfully erected prior to December 9, 2015 shall be altered or moved, except in compliance with the provisions of section 4.15 and all other applicable requirements of this chapter.
- b. *Noncommercial copy in lieu of commercial copy.* Each sign authorized by section 4.15 may contain any copy that is noncommercial speech in lieu of, or in addition to, any copy that is commercial speech.
- c. *Severability.* It is hereby declared to be the intention of the board of supervisors that the sections, subsections, paragraphs, sentences, clauses, and phrases of section 4.15 are severable. If any section, subsection, paragraph, sentence, clause, or phrase is declared to be unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, and phrases, of section 4.15. The board of supervisors further declares its intention that, if any regulations in section 4.15 pertaining to warning signs, directional signs, address signs, or signs containing copy that is commercial speech are invalidated as being content based and not justified by a compelling governmental interest, the remaining provisions of section 4.15 remain in full force and effect.

(Ord. 01-18(3), 5-9-01)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.5 Permanent signs for which a sign permit is required; signs exempt from obtaining a sign permit

Each permanent sign is subject to the following:

- a. *Signs required to obtain sign permit.* Except for those signs identified in subsection (b), a sign permit shall be obtained for each sign prior to its erection, alteration, replacement, or relocation to ensure that it complies with any applicable requirements of this section 4.15, as provided herein:
 1. *Application.* An application for a sign permit shall be submitted to the department of community development, together with payment of the fee required for the application pursuant to section 35.1. A complete application shall consist of the following:
 - a. A fully completed application form, provided to the applicant by the zoning administrator;
 - b. A schematic legibly drawn to scale and sufficiently detailed showing the proposed location and dimensions of the sign; and
 - c. Any plans, specifications and details pertaining to, among other things, the sign materials, the methods of illumination, methods of support, components, and the condition and age of the sign, as determined by the zoning administrator to be necessary for the review of the application.
 2. *Application review and permit issuance.* A sign permit application shall be reviewed and acted upon by the zoning administrator only as provided herein:
 - a. *Timing of application.* An application for a sign permit may be filed at any time, and if a special use permit for the sign is required under section 4.15.7 or a certificate of appropriateness for the sign is required under section 30.6 of this chapter, the application may be filed with or any time after the application for the special use permit or certificate of appropriateness is filed.
 - b. *Action on application.* Within thirty (30) days after receipt of a complete sign permit application, the zoning administrator shall review the application and either: (i) approve the application; (ii) deny the application; or (iii) refer the application to the applicant for more information as may be required by subsection (a)(1)(c). An application shall be denied only if the proposed sign is a prohibited sign, does not comply with the regulations set forth in this section 4.15, the application is for a sign containing purported commercial speech related to an unlawful use under this chapter or other unlawful activity, or, a required special use permit or certificate of appropriateness for the sign was not granted. If the application is denied, the reasons shall be specified in writing.
 - c. *Failure to timely act.* If the zoning administrator fails to take one of the actions described herein within thirty (30) days of receipt of a complete sign permit application, the permit shall be deemed approved, provided that the sign deemed approved shall nonetheless be subject to, and shall comply with, all applicable requirements of this section 4.15.
 3. *Administration.* A sign permit shall become null and void if the sign is not erected within six (6) months after the date the sign permit is issued. Upon written request by the permittee and upon good cause shown, the zoning administrator may grant an extension of the six (6)-month period.
- b. *Signs not required to obtain sign permit; subject to all other applicable requirements.* Each permanent sign classified in this subsection may be erected, altered, replaced, or relocated without first obtaining a sign permit, provided that it complies with all applicable requirements of this section 4.15 and the following:

1. *Address signs.* Address signs that do not exceed four (4) square feet.
2. *Advertising vehicles.* Advertising vehicles in which none of the prohibited conditions delineated in section 4.15.8(c)(2)(ii) or (iii) exist. (Added 3-16-05)
3. *Agricultural product signs.* Agricultural product signs, provided that the signs do not exceed thirty-two (32) square feet in total sign area, provided that if two (2) signs are erected, neither sign shall exceed sixteen (16) square feet.
4. *Home occupation signs.* Home occupation signs located on lots on which there is a class B home occupation or a major home occupation that is allowed in the applicable district under section 4.15.9, 4.15.10, or 4.15.11, and that do not exceed four (4) square feet in sign area.
5. *Noncommercial signs.* Signs containing copy that is exclusively noncommercial speech that do not exceed the maximum sign area allowed for the type of sign (e.g., freestanding, wall) in the applicable district.
6. *Warning signs.* Warning signs that do not exceed four (4) square feet.
7. *Window signs.* Window signs, 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. (Amended 3-16-05, 3-14-12)

Subsection (a): (12-10-80; 7-8-92, §§ 4.15.09, 4.15.09.1, 4.15.09.2, 4.15.09.3; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12)

Subsection (b): (12-10-80; 7-8-92, § 4.15.04; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(2), 3-14-12)

State law reference – Va. Code §§ 15.2-2280, 15.2-2286.

Sec. 4.15.6 Temporary signs for which a temporary sign permit is required; temporary signs exempt from obtaining temporary sign permit

Each temporary sign is subject to the following:

- a. *Signs required to obtain temporary sign permit.* Except for those signs identified in subsection (b), a temporary sign permit shall be obtained for each temporary sign prior to its erection, alteration, replacement, or relocation to ensure that it complies with all applicable requirements of this section 4.15, as provided herein:
 1. *Application.* An application for a temporary sign permit shall be submitted to the department of community development, together with payment of the fee required for the application pursuant to section 35.1, and comply with the application requirements of subsection 4.15.5(a)(1).
 2. *Application review and permit issuance.* A temporary sign permit application shall be reviewed and acted upon by the zoning administrator only as provided herein:
 - a. *Action on application.* Within seven (7) days after receipt of a complete application, the zoning administrator shall either: (i) approve the application; (ii) deny the application; or (iii) refer the application to the applicant for more information as may be required by section 4.15.5(a)(1)(c). An application shall be denied only if the proposed temporary sign is a prohibited sign or does not comply with the regulations set forth in this section 4.15. If the application is denied, the reasons shall be specified in writing.

- b. *Failure to timely act.* If the zoning administrator fails to take one of the actions described herein within seven (7) days after receipt of a complete sign application for a temporary sign, the permit shall be deemed approved as received, provided that the sign deemed approved shall nonetheless be subject to, and shall comply with, all applicable requirements of this section 4.15.
- 3. *Administration.* The following regulations shall apply to the administration of temporary sign permits:
 - a. *Number of permits.* No more than six (6) temporary sign permits shall be issued by the zoning administrator to the same establishment, or lot not containing an establishment, in any calendar year, provided that a temporary sign erected to replace a permanent sign as provided in subsection (a)(3)(b)(2) shall not count toward this limit.
 - b. *Period of validity.* Each temporary sign permit shall be valid for the following periods:
 - (1) *Generally.* Except as provided in subsections (a)(3)(b)(2) and (a)(3)(b)(3), for a period not to exceed fifteen (15) consecutive days after the erection of the sign, provided that a temporary sign permit issued while a permanent sign is being made may be valid for longer than fifteen (15) days until the permanent sign is erected.
 - (2) *Within limits of VDOT construction project during construction; where existing permanent sign removed.* For the period between the date the sign is erected, which shall be on or after the date the Virginia Department of Transportation ("VDOT") issues a notice to proceed for a VDOT construction project, until the date of project construction completion as evidenced by the date that is thirty (30) days after the date VDOT issues a form C-5 or makes an equivalent written determination, or until a permanent sign to replace the removed permanent sign is installed at the establishment or on the lot, whichever occurs first, provided that: (i) the temporary sign is erected to replace a permanent sign on a lot abutting a primary arterial or other public street within the project limits of the construction project that includes the primary arterial; and (ii) the permanent sign was required by VDOT to be removed in conjunction with the construction project.
 - (3) *Within limits of VDOT construction project during construction.* For the period between the date the sign is erected, which shall be on or after the date the Virginia Department of Transportation ("VDOT") issues a notice to proceed for a VDOT construction project, until the date of project construction completion as evidenced by the date that is thirty (30) days after the date VDOT issues a form C-5 or makes an equivalent written determination, provided that: (i) not more than one (1) sign authorized by this subsection per lot may be erected; (ii) the lot has an existing primary use or a structure for a pending primary use is under construction; (iii) the lot abuts a primary arterial or other public street within the project limits of the construction project that includes the primary arterial; (iv) the lot is within a district subject to sections 4.15.11; and (v) the sign area of the sign shall not exceed either thirty-two (32) square feet if the sign identifies three (3) or fewer establishments, or forty-eight (48) square feet if the sign identifies four (4) or more establishments, where the establishments identified on the sign may be those located on the lot on which the sign is located and any lot that abuts the lot on which the sign is located, provided that the abutting lot is also within the project limits of the construction area and does not abut a primary arterial or other public street.
 - c. *Aggregate duration for temporary signs in calendar year.* Temporary signs shall not be erected at an establishment for more than sixty (60) days, in the aggregate, in a

calendar year, provided that this limit shall not apply to a temporary sign authorized by subsections (a)(3)(b)(2) and (a)(3)(b)(3).

- d. *Portable signs; stabilization.* A temporary sign that is not permanently affixed to the ground or to a permanent structure, or a sign that can be moved to another location, shall be stabilized so as not to pose a danger to public safety. Prior to the sign being erected, the zoning administrator shall approve the method of stabilization.
- b. *Temporary signs not required to obtain temporary sign permit; subject to all other applicable requirements.* Each temporary sign classified in this subsection may be erected, altered, replaced, or relocated without first obtaining a temporary sign permit and is not subject to the durational limits in subsection (a)(3)(c), provided that it complies with all applicable requirements of this section 4.15 and the following:
 - 1. *Auction signs.* Auction signs on lots on which there is a pending auction, provided that the signs do not exceed four (4) square feet, the signs are not erected for more than thirty (30) days in a calendar year, and the signs are removed within seven (7) days after the auction.
 - 2. *Construction signs.* Construction signs on lots on which there is an active construction project, provided that the signs do not exceed thirty-two (32) square feet in sign area.
 - 3. *Real estate signs.* Real estate signs on lots where either the lot or any structure thereon, or any portion thereof, is for sale, lease, rent, or development, provided that the signs do not exceed thirty-two (32) square feet in sign area.
 - 4. *Temporary noncommercial signs.* Temporary signs containing copy that is exclusively noncommercial speech that do not exceed the maximum sign area allowed for the type of sign (e.g., freestanding, wall) in the applicable district.
 - 5. *Other.* Any sign classified under section 4.15.5(b).
- c. *Flags not required to obtain temporary sign permit; subject to all other applicable requirements.* Any commercial flag or noncommercial flag may be erected, altered, replaced, or relocated without first obtaining a temporary sign permit and is not subject to the durational limits in subsection (a)(3)(c), provided that it complies with all applicable requirements of this section 4.15.

Subsection (a): (Ord. 12-18(2), 3-14-12; Ord. 15-18(3), 5-6-15)

Subsection (b): (12-10-80; 7-8-92, § 4.15.04; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(2), 3-14-12)

State law reference – Va. Code §§ 15.2-2280, 15.2-2286.

Sec. 4.15.7 Signs authorized by special use permit; off-site directional signs, off-site bundle signs, signs in a public right-of-way, electric message signs

The following signs are authorized by a special use permit granted by the board of zoning appeals under section 34.5, provided that a sign permit required by section 4.15.5 is also obtained for the sign, the sign complies with all applicable requirements of this section 4.15, and the following:

- a. *Off-site directional signs.* A proposed off-site directional sign shall satisfy the following:
 - 1. *Eligibility.* The owner shall demonstrate to the satisfaction of the zoning administrator that it has exhausted all possible locations and sign types for an on-site directional sign, and that no on-site directional sign face located at the site entrance would be visible from the street providing direct access to the site entrance within one hundred (100) feet of the site entrance.

2. *Authorized locations.* The sign shall be located only in compliance with one of the following: (i) within one-half (1/2) mile from the site entrance along a street providing direct access to the site entrance; (ii) if the owner demonstrates, to the satisfaction of the zoning administrator for off-site directional signs that are public signs or the board of zoning appeals for all other off-site directional signs, that it is unable to obtain permission from an owner within one-half (1/2) mile from the site entrance as provided in subdivision (i), then within one-quarter (1/4) mile from the turning decision onto a street providing direct access to the site entrance; or (iii) if the owner demonstrates, to the satisfaction of the zoning administrator for off-site directional signs that are public signs or the board of zoning appeals for all other off-site directional signs, that it is unable to obtain permission as provided under subdivisions (i) and (ii), then another authorized location.
- b. *Off-site bundle signs.* A proposed off-site bundle sign shall satisfy the following:
 1. *Eligibility.* The site whose owner is requesting the bundle sign must be located within an industrial, commercial, or residential district and share a common entrance or access road with one (1) or more other establishments or sites.
 2. *Authorized locations.* The sign shall be located on a lot having frontage on the intersection of a street and an access road serving all establishments or sites.
 - c. *Signs in a public right-of-way.* A proposed sign in a public right-of-way shall satisfy the following:
 1. *Eligibility.* The sign: (i) shall be either a subdivision sign or a sign at an entrance to a planned development authorized by sections 19, 20, 25, 25A, and 29; (ii) the subdivision or planned development shall abut the public right-of-way in which the sign will be located; (iii) the regulations applicable to freestanding signs for the subdivision or planned development, except for setback regulations, shall apply unless the Virginia Department of Transportation imposes more restrictive standards; and (iv) the applicant submits a written statement from the Virginia Department of Transportation stating that it will permit the sign to be located in the public right-of-way.
 2. *Authorized locations.* The sign shall be located only where the Virginia Department of Transportation authorizes it to be located.
 - d. *Electric message signs.* A proposed electric message sign shall comply with all applicable requirements of section 4.15 and Virginia Code §§ 33.2-1216 and 33.2-1217.

(12-10-80; 7-8-92, § 4.15.05; Ord. 01-18(3), 5-9-01; Ord. 10-18(4), 5-5-10; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 14-18(3), 6-4-14)

State law reference – Va. Code §§ 15.2-2280, 15.2-2286.

Sec. 4.15.8 Prohibited signs and sign characteristics

Notwithstanding any other provision of this section 4.15, the following signs and sign characteristics are prohibited in all districts:

- a. *Signs that violate state or federal law.* Signs that violate state or federal law, including but not limited to:
 1. A sign that violates any law of the Commonwealth of Virginia related to outdoor advertising, including but not limited to Virginia Code §§ 33.2-1200 to 33.2-1234, inclusive, and 46.2-831.
 2. A sign that violates any law of the United States related to the control of outdoor advertising, including but not limited to 23 U.S.C. § 131.
 3. A sign that violates any state or federal law related to Virginia byways or scenic highways.

4. A sign that violates the building code or the fire code.
- b. *Signs with characteristics that create a safety hazard or are contrary to the general welfare.* Signs whose construction, design, location or other physical characteristic create a safety hazard or are contrary to the general welfare, as follows:
1. *Sign that is attached to another thing.* A sign, other than a public sign or a warning sign, that is nailed, tacked, painted or in any other manner attached to any tree, cliff, utility pole or support, utility tower, rack, curbstone, sidewalk, lamp post, hydrant, bridge or public property of any description.
 2. *Sign that casts illumination off-site.* A sign that casts illumination, directly or indirectly, on any street, or on any adjacent property within a residential district.
 3. *Floating sign.* A sign that is a moored balloon or other type of tethered floating sign.
 4. *Lighting that illuminates outline.* Lighting that outlines any structure, window, sign structure, sign, or part thereof, using rare gas illumination or other light. (Amended 3-16-05)
 5. *Sign that imitates a traffic sign or signal or a road name sign.* A sign that imitates an official traffic sign or signal or a road name sign, or conflicts with traffic safety needs due to its location, color, movement, shape, or illumination.
 6. *Sign using exposed, bare, or uncovered rare gas illumination.* A sign that uses exposed, bare, or uncovered rare gas illumination having a brightness that exceeds thirty (30) milliamps; provided that a sign within the entrance corridor overlay district that is visible from an entrance corridor overlay street that uses exposed, bare or uncovered rare gas illumination in clear, rather than frosted, tubing, regardless of brightness, is also prohibited. (Amended 3-16-05)
 7. *Sign that obstructs vision.* A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location, shape, illumination or color; and window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door. (Amended 3-16-05)
 8. *Pennants, ribbons, spinners, streamers.* Pennants, ribbons, spinners, streamers or similar moving devices, whether or not they are part of a sign.
 9. *Sign erected in public right-of-way.* A sign, other than a public sign, erected on or over a public right-of-way unless the sign is authorized under section 4.15.7.
 10. *Sign that contains or consists of searchlight, beacon or strobe light.* A sign, other than a public sign, that contains or consists of a searchlight, beacon, strobe light, or similar form of illumination.
 11. *Sign that produces sound.* A sign that produces sound for the purpose of attracting attention regardless of whether the sign has a written copy.
 12. *Sign that contains or consists of strings of light bulbs.* A sign that contains or consists of one (1) or more strings of light bulbs that is not part of a decorative display.
 13. *Sign with unsafe illumination.* A sign that is illuminated so as to be unsafe to vehicular or pedestrian traffic.
 14. *Sign erected in unsafe location.* A sign that is erected in a location so as to be unsafe to vehicular or pedestrian traffic.

15. *Sign determined by official to create safety hazard.* A sign whose characteristics, including but not limited to its construction, design, or location, are determined by a fire official, the building official, or a law enforcement officer, to create a safety hazard.
 16. *Window sign above the first floor, exception.* A commercial window sign affixed to a window or door above the first floor of the structure unless the business to which the sign pertains does not occupy any first floor space. (Added 3-16-05)
- c. *Certain sign types.* Signs that are:
1. Animated signs, including signs using rare gas illumination, that give the appearance of animation. (Amended 3-16-05)
 2. Advertising vehicles, where (i) the vehicle is parked so as to be visible from a public right-of-way in a parking space or parking area not authorized by section 4.15.5(b)(2); (ii) the vehicle is an inoperable vehicle; or (iii) the vehicle is incapable of moving on its own or is not self-propelled. (Amended 3-16-05)
 3. Banners, except as an authorized temporary sign under section 4.15.6. (Amended 3-16-05)
 4. Billboards.
 5. Flashing signs.
 6. Moving signs, including signs using rare gas illumination, that give the appearance of movement, but not including flags that meet the requirements of section 4.15.3. (Amended 3-16-05)
 7. Roof signs.

(12-10-80; 7-8-92, § 4.15.06; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 13-18(6), 11-13-13, effective 1-1-14; Ord. 15-18(3), 5-6-15)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.9 Maximum sign number, area, height, and minimum sign setback in the RA, MHD, VR, R-1, R-2, R-4, R-6, R-10, R-15, and PRD zoning districts

The maximum number of signs permitted, sign area, and sign height, and the minimum sign setback are as follows for each sign within the Rural Areas (RA), Monticello Historic District (MHD), Village Residential (VR), Residential (R-1, R-2, R-4, R-6, R-10, and R-15) and Planned Residential Development (PRD) districts:

Sign Type	Number of Signs Allowed (Maximum)	Sign Area (Maximum)⁷	Sign Height (Maximum)	Sign Setback (Minimum)
Directional¹	1 or more per establishment, as authorized by zoning administrator	24 square feet	6 feet	5 feet
Freestanding^{2, 3}	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	24 square feet; if more than 1 sign, no single sign shall exceed 12 square feet	12 feet	5 feet
Projecting⁴	1 per street frontage	24 square feet	20 feet, but not to exceed the top of the fascia or mansard	Not applicable
Subdivision⁵	2 per entrance	24 square feet per entrance; if more than 1 sign, no single sign shall exceed 12 square feet	6 feet	5 feet

Temporary⁶	1 per street frontage per establishment	24 square feet	10 feet in the RA, MHD, VR, R-1, R-2, R-4 and R-6 districts; 12 feet, if freestanding sign; or 20 feet, if wall sign, but not to exceed the top of the fascia or mansard, in the R-10 and R-15 districts	5 feet
Wall	Not applicable	40 square feet in the RA district; 20 square feet in the MHD, VR, R-1, R-2, R-4, and R-6 district; 1 square foot per 1 linear foot of establishment structure frontage, not to exceed 32 square feet, in the R-10 and R-15 districts	20 feet	Same as that applicable to structure

a. The following apply to the corresponding sign types and standards for which superscript numbers are in the table above:

1. *Directional signs.* The requirements in the table apply to permanent on-site directional signs and off-site directional signs. Up to two off-site directional signs are permitted by right if the signs are erected by the owner of any single twenty-four (24) hour emergency medical service facility or pertain to any public sign identifying a public use, facility, or structure. Up to two off-site directional signs are permitted by special use permit under section 4.15.7(a). An off-site directional sign shall count as a freestanding sign on the lot on which the sign is located.
2. *Agricultural product signs.* Agricultural product signs on lots on which there is an agricultural operation, farm sales, farm stand, farmers' market, farm winery, farm brewery, or farm distillery, and agricultural product signs erected off-site, are permitted by right, provided: (i) the signs do not exceed thirty-two (32) square feet in total sign area; (ii) if two (2) signs are erected on-site, neither sign shall exceed sixteen (16) square feet; (iii) if signs are erected off-site, no more than two (2) such signs may be erected; and (iv) an off-site sign shall count as a freestanding sign on the lot on which the sign is located.
3. *Bundle signs.* One off-site bundle sign is allowed only in the R-6, R10, R-15, and PRD districts by special use permit under section 4.15.7(b), and is not allowed in the other districts subject to this section. An off-site bundle sign shall count as a freestanding sign on the lot on which the sign is located.
4. *Projecting signs.* Projecting signs are not permitted in the RA, MHD, VR, R-1, and R-2 districts.
5. *Subdivision signs; signs in public right-of-way.* The requirements in the table also apply to subdivision signs and planned development signs in the public right-of-way authorized by special use permit under section 4.15.7(c).
6. *Temporary noncommercial signs.* Temporary noncommercial signs are permitted as provided in subsection (b)(8) below.
7. *Additional sign area for establishments at which gasoline or diesel fuel is dispensed.* Any establishment at which gasoline or diesel fuel, or both, is dispensed shall be entitled to additional sign area to display fuel prices of up to fifty (50) percent of the primary sign area to which it is attached, or sixteen (16) square feet, whichever is less.

b. In addition to the signs in the table, the following signs may be erected;

1. *Address signs.* Up to three address signs per lot or establishment composed of: (i) one address sign attached to each official United States Postal Service mailbox; (ii) one address sign attached or printed on a building for each address; and (iii) one additional address sign.

2. *Advertising vehicles.* Advertising vehicles in which none of the prohibited conditions delineated in section 4.15.7(c)(2)(ii) or (iii) exist.
3. *Auction signs.* One auction sign per lot on which there is a pending auction, provided that the sign does not exceed four (4) square feet, the sign is not erected for more than thirty (30) days in a calendar year, and the sign is removed within seven (7) days after the auction.
4. *Commercial flags.* Up to two commercial flags per lot, provided that: (i) not more than one (1) flag may be flown on a lot, provided that if the lot is four (4) acres or larger, then one (1) additional flag may be flown; (ii) the flag shall not exceed twenty-four (24) square feet in size; and (iii) the flag shall be flown on a flag pole and, if two (2) flags may be flown, they may either be on the same or on separate flag poles. (Added 3-16-05)
5. *Construction signs.* One construction sign per lot on which there is an active construction project, provided that the sign does not exceed thirty-two (32) square feet in sign area.
6. *Home occupation signs.* One home occupation sign per lot on which there is a class B home occupation or a major home occupation that is allowed in the applicable district under section 4.15.9, 4.15.10, or 4.15.11, and that do not exceed four (4) square feet in sign area.
7. *Noncommercial flags.* Up to three noncommercial flags per lot, provided that: (i) the flag shall not exceed twenty-four (24) square feet in size; (ii) on commercial, institutional, and industrial lots, the flag shall be displayed only on flag poles or on privately owned light posts and shall be installed in a manner so that it remains taut, and flapping and movement is minimized; and (iii) on residential and agricultural lots, the flag shall be displayed from a mount on a dwelling unit or other permitted primary or accessory structure, a flag pole, a mast, or suspended from a fixed structure, rope, wire, string, or cable. (Added 3-16-05)
8. *Noncommercial signs.* Up to two signs per lot containing copy that is exclusively noncommercial speech that do not exceed the maximum sign area allowed for the sign type (e.g., freestanding, wall) within the applicable district, and up to two signs per lot containing copy that is exclusively noncommercial speech that do not exceed four (4) square feet per sign, regardless of whether the signs are permanent or temporary.
9. *Real estate signs.* One real estate sign per lot on which either the lot or any structure thereon, or any portion thereof, is for sale, lease, rent, or development, provided that the sign does not exceed thirty-two (32) square feet in sign area.
10. *Sandwich board signs.* One sandwich board sign per establishment that does not exceed eight (8) square feet.
11. *Warning signs.* Warning signs as required by law or as determined to be necessary to protect public health or safety.
12. *Window signs.* Window signs, 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. (Amended 3-16-05, 3-14-12)

RA, MHD, R-1, R-2 (former § 4.15.8): (12-10-80; 7-8-92, § 4.15.12.1; Ord. 01-18(3), 5-9-01; Ord. 05-18(5), 6-8-05; Ord. 12-18(2), 3-14-12)

R-4 and R-6 (former § 4.15.9: (12-10-80; 7-8-92, § 4.15.12.2; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12)
R-10, R-15, and PRD: (12-10-80; 7-8-92, § 4.15.12.3; Ord. 01-18(3), 5-9-01)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.10 Maximum sign number, area, and height, and minimum sign setback in the PUD, DCD, and NMD zoning districts

The maximum number of signs permitted, sign area, and sign height, and the minimum sign setback are as follows for each sign for each sign within the Planned Unit Development (PUD), Downtown Crozet (DCD) and Neighborhood Model (NMD) districts:

Sign Type	Number of Signs Allowed (Maximum)	Sign Area (Maximum)^{8, 9, 10}	Sign Height (Maximum)	Sign Setback (Minimum)
Directional¹	1 or more per establishment, as authorized by zoning administrator	24 square feet	6 feet	5 feet
Freestanding^{2, 3}	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, plus bonus tenant panels; if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	12 feet	5 feet
Projecting⁴	1 per street frontage	24 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
Subdivision⁵	2 per entrance	24 square feet per entrance; if more than 1 sign, no single sign shall exceed 12 square feet	6 feet	5 feet
Temporary^{6, 7}	1 per street frontage per establishment	24 square feet	12 feet, if freestanding sign; 20 feet, if residential wall sign; 30 feet if nonresidential wall sign, but not to exceed the cornice line	5 feet
Wall⁴	As calculated pursuant to section 4.15.15	1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 32 square feet if residential wall sign, or 100 square feet if nonresidential wall sign	Not to exceed the cornice line	Same as that applicable to structure

a. The following apply to the corresponding sign types and standards for which superscript numbers are in the table above:

- Directional signs.* The requirements in the table apply to permanent on-site directional signs and off-site directional signs. Up to two off-site directional signs are permitted by right if the signs are erected by the owner of any single twenty-four (24) hour emergency medical service facility or pertain to any public sign identifying a public use, facility, or structure. Up to two off-site directional signs are permitted by special use permit under section 4.15.7(a). An off-site directional sign shall count as a freestanding sign on the lot on which the sign is located.
- Agricultural product signs.* Agricultural product signs located on lots on which there is an agricultural operation, farm sales, farm stand, farmers' market, farm winery, farm brewery, or farm distillery, and agricultural product signs erected off-site, are permitted by right, provided: (i) the signs do not exceed thirty-two (32) square feet in total sign area; (ii) if two (2) signs are erected on-site, neither sign shall exceed sixteen (16) square feet; (iii) if signs are erected off-site, no more than two (2) such signs may be erected; and (iv) an off-site sign shall count as a freestanding sign on the lot on which the sign is located.
- Freestanding signs; bundle signs; electric message signs.* The freestanding signage permitted may include one off-site bundle sign allowed by special use permit under section 4.15.7(b) and one electric message sign allowed by special use permit under section 4.15.7(d). An off-site bundle sign shall count as a freestanding sign on the lot on which the sign is located.

4. *Projecting signs and wall signs.* Each establishment may have both a projecting sign and a wall sign. The projecting or wall signage permitted may include one electric message sign allowed by special use permit under section 4.15.7(d). See subsection (a)(11) for the allowed sign area when both sign types are erected.
 5. *Subdivision signs; signs in public right-of-way.* The requirements in the table also apply to subdivision signs and planned development signs in the public right-of-way authorized by special use permit under section 4.15.7(c).
 6. *Temporary noncommercial signs.* Temporary noncommercial signs are permitted as provided in subsection (b)(9) below.
 7. *Additional sign area for establishments at which gasoline or diesel fuel is dispensed.* Any establishment at which gasoline or diesel fuel, or both, is dispensed shall be entitled to additional sign area to display fuel prices of up to fifty (50) percent of the primary sign area to which it is attached, or sixteen (16) square feet, whichever is less.
 8. *Sign area for bonus tenant panels.* In each shopping center exceeding fifty thousand (50,000) square feet in gross floor area: (i) one (1) bonus tenant panel shall be permitted for each fifty thousand (50,000) square feet in gross floor area, not to exceed four (4) bonus tenant panels at the shopping center; and (ii) no bonus tenant panel shall exceed eight (8) square feet in sign area.
 9. *Sign area for certain temporary signs within the limits of Virginia Department of Transportation construction projects.* Temporary signs within the limits of Virginia Department of Transportation construction projects may have a sign area of up to forty-eight (48) square feet as provided in section 4.15.6(c)(2)(c).
 10. *Sign area if both projecting sign and wall sign erected.* If an establishment has both projecting and wall signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign.
- b. In addition to the signs in the table, the following signs may be erected:
1. *Address signs.* Up to three address signs per lot or establishment composed of: (i) one address sign attached to each official United States Postal Service mailbox; (ii) one address sign attached or printed on a building for each address; and (iii) one additional address sign.
 2. *Advertising vehicles.* Advertising vehicles in which none of the prohibited conditions delineated in section 4.15.7(c)(2)(ii) or (iii) exist.
 3. *Auction signs.* One auction sign per lot on which there is a pending auction, provided that the sign does not exceed four (4) square feet, the sign is not erected for more than thirty (30) days in a calendar year, and the sign is removed within seven (7) days after the auction.
 4. *Commercial flags.* Up to two commercial flags per lot, provided that: (i) not more than one (1) flag may be flown on a lot, provided that if the lot is four (4) acres or larger, then one (1) additional flag may be flown; (ii) the flag shall not exceed twenty-four (24) square feet in size; and (iii) the flag shall be flown on a flag pole and, if two (2) flags may be flown, they may either be on the same or on separate flag poles. (Added 3-16-05)
 5. *Construction signs.* One construction sign per lot on which there is an active construction project, provided that the sign does not exceed thirty-two (32) square feet in sign area.
 6. *Home occupation signs.* One home occupation sign per lot on which there is a class B home occupation or a major home occupation that is allowed in the applicable district under section 4.15.9, 4.15.10, or 4.15.11, and that do not exceed four (4) square feet in sign area.

7. *Menu signs.* One menu sign per establishment having an approved drive-through lane that does not exceed thirty-two (32) square feet.
8. *Noncommercial flags.* Up to three noncommercial flags per lot, provided that: (i) the flag shall not exceed twenty-four (24) square feet in size; (ii) on commercial, institutional, and industrial lots, the flag shall be displayed only on flag poles or on privately owned light posts and shall be installed in a manner so that it remains taut, and flapping and movement is minimized; and (iii) on residential and agricultural lots, the flag shall be displayed from a mount on a dwelling unit or other permitted primary or accessory structure, a flag pole, a mast, or suspended from a fixed structure, rope, wire, string or cable. (Added 3-16-05)
9. *Noncommercial signs.* Up to two signs per lot containing copy that is exclusively noncommercial speech that do not exceed the maximum sign area allowed for the sign type (e.g., freestanding, wall) within the applicable district, and up to two signs per lot containing copy that is exclusively noncommercial speech that do not exceed four (4) square feet per sign, regardless of whether the signs are permanent or temporary.
10. *Real estate signs.* One real estate sign per lot on which either the lot or any structure thereon, or any portion thereof, is for sale, lease, rent, or development, provided that the sign does not exceed thirty-two (32) square feet in sign area.
11. *Sandwich board signs.* One sandwich board sign per establishment that does not exceed eight (8) square feet.
12. *Warning signs.* Warning signs as required by law or as determined to be necessary to protect public health or safety.
13. *Window signs.* Window signs, 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. (Amended 3-16-05, 3-14-12)

(12-10-80; 7-8-92, § 4.15.12.4; Ord. 01-18(3), 5-9-01; Ord. 03-18(2), 3-19-03; Ord 10-18(1), 1-13-10; Ord. 12-18(2), 3-14-12)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.11 Maximum sign number, area, and height, and minimum sign setback in the C-1, CO, HC, PD-SC, PD-MC, HI, LI, and PD-IP zoning districts

The maximum number of signs permitted, sign area, and sign height, and the minimum sign setback are as follows for each sign for each sign within the Commercial (C-1), Commercial Office (CO), Highway Commercial (HC), Planned Development-Shopping Center (PD-SC) and Planned Development-Mixed Commercial (PD-MC) Heavy Industry (HI), Light Industry (LI) and Planned Development-Industrial Park (PD-IP) districts:

Sign Type	Number of Signs Allowed (Maximum)	Sign Area (Maximum)^{7, 8, 9, 10}	Sign Height (Maximum)	Sign Setback (Minimum)
Directional¹	1 or more per establishment, as authorized by zoning administrator	24 square feet	6 feet	5 feet
Freestanding^{2, 3}	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, plus bonus tenant panels; if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	In the C-1 and HC districts, 12 feet; 16 feet in all other districts	5 feet

Projecting⁴	1 per street frontage	32 square feet	30 feet, but not to exceed the top of the fascia or mansard	In the LI, HI, and PDIP districts, 5 feet; in all other districts, not applicable
Temporary^{5, 6}	1 per street frontage per establishment	32 square feet	12 feet, if freestanding sign; 20 feet, if residential wall sign; 30 feet if nonresidential wall sign, but not to exceed the cornice line	5 feet
Wall⁴	As calculated pursuant to section 4.15.15	In the C-1 and CO districts, 1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 100 square feet; in all other districts, 1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 200 square feet	Not to exceed the cornice line	Same as that applicable to structure

- a. The following apply to the corresponding sign types and standards for which superscript numbers are in the table above:
1. *Directional signs.* The requirements in the table apply to permanent on-site directional signs and off-site directional signs. Up to two off-site directional signs are permitted by right if the signs are erected by the owner of any single twenty-four (24) hour emergency medical service facility or pertain to any public sign identifying a public use, facility, or structure. Up to two off-site directional signs are permitted by special use permit under section 4.15.7(a). An off-site directional sign shall count as a freestanding sign on the lot on which the sign is located.
 2. *Agricultural product signs.* Agricultural product signs located on lots on which there is an agricultural operation, farm sales, farm stand, farmers' market, farm winery, farm brewery, or farm distillery, and agricultural product signs erected off-site, provided: (i) the signs do not exceed thirty-two (32) square feet in total sign area; (ii) if two (2) signs are erected on-site, neither sign shall exceed sixteen (16) square feet; (iii) if signs are erected off-site, no more than two (2) such signs may be erected; and (iv) an off-site sign shall count as a freestanding sign on the lot on which the sign is located.
 3. *Freestanding signs; bundle signs; electric message signs.* The freestanding signage permitted may include one off-site bundle sign allowed by special use permit under section 4.15.7(b) and one electric message sign allowed by special use permit under section 4.15.7(d). An off-site bundle sign shall count as a freestanding sign on the lot on which the sign is located.
 4. *Projecting signs and wall signs.* Each establishment may have both a projecting sign and a wall sign. The projecting or wall signage permitted may include one electric message sign allowed by special use permit under section 4.15.7(d). See subsection (a)(11) for the allowed sign area when both sign types are erected.
 5. *Subdivision signs; signs in public right-of-way.* The requirements in the table also apply to subdivision signs and planned development signs in the public right-of-way authorized by special use permit under section 4.15.7(c).
 6. *Temporary noncommercial signs.* Temporary noncommercial signs are permitted as provided in subsection (b)(9) below.
 7. *Additional sign area for establishments at which gasoline or diesel fuel is dispensed.* Any establishment at which gasoline or diesel fuel, or both, is dispensed shall be entitled to

additional sign area to display fuel prices of up to fifty (50) percent of the primary sign area to which it is attached, or sixteen (16) square feet, whichever is less.

8. *Sign area for bonus tenant panels.* In each shopping center exceeding fifty thousand (50,000) square feet in gross floor area: (i) one (1) bonus tenant panel shall be permitted for each fifty thousand (50,000) square feet in gross floor area, not to exceed four (4) bonus tenant panels at the shopping center; and (ii) no bonus tenant panel shall exceed eight (8) square feet in sign area.
 9. *Sign area for certain temporary signs within the limits of Virginia Department of Transportation construction projects.* Temporary signs within the limits of Virginia Department of Transportation construction projects may have a sign area of up to forty-eight (48) square feet as provided in section 4.15.6(c)(2)(c).
 10. *Sign area if both projecting sign and wall sign erected.* If an establishment has both projecting and wall signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign.
- b. In addition to the signs in the table, the following signs may be erected;
1. *Address signs.* Up to three address signs per lot or establishment composed of: (i) one address sign attached to each official United States Postal Service mailbox; (ii) one address sign attached or printed on a building for each address; and (iii) one additional address sign.
 2. *Advertising vehicles.* Advertising vehicles in which none of the prohibited conditions delineated in section 4.15.7(c)(2)(ii) or (iii) exist.
 3. *Auction signs.* One auction sign per lot on which there is a pending auction, provided that the sign does not exceed four (4) square feet, the sign is not erected for more than thirty (30) days in a calendar year, and the sign is removed within seven (7) days after the auction.
 4. *Commercial flags.* Up to two commercial flags per lot, provided that: (i) not more than one (1) flag may be flown on a lot, provided that if the lot is four (4) acres or larger, then one (1) additional flag may be flown; (ii) the flag shall not exceed twenty-four (24) square feet in size; and (iii) the flag shall be flown on a flag pole and, if two (2) flags may be flown, they may either be on the same or on separate flag poles. (Added 3-16-05)
 5. *Construction signs.* One construction sign per lot on which there is an active construction project, provided that the sign does not exceed thirty-two (32) square feet in sign area.
 6. *Home occupation signs.* One home occupation sign per lot on which there is a class B home occupation or a major home occupation that is allowed in the applicable district under section 4.15.9, 4.15.10, or 4.15.11, and that do not exceed four (4) square feet in sign area.
 7. *Menu signs.* One menu sign per establishment having an approved drive-through lane that does not exceed thirty-two (32) square feet.
 8. *Noncommercial flags.* Up to three noncommercial flags per lot, provided that: (i) the flag shall not exceed twenty-four (24) square feet in size; (ii) on commercial, institutional, and industrial lots, the flag shall be displayed only on flag poles or on privately owned light posts and shall be installed in a manner so that it remains taut, and flapping and movement is minimized; and (iii) on residential and agricultural lots, the flag shall be displayed from a mount on a dwelling unit or other permitted primary or accessory structure, a flag pole, a mast, or suspended from a fixed structure, rope, wire, string, or cable. (Added 3-16-05)
 9. *Noncommercial signs.* Up to two signs per lot containing copy that is exclusively noncommercial speech that do not exceed the maximum sign area allowed for the sign type (e.g., freestanding, wall) within the applicable district, and up to two signs per lot containing

copy that is exclusively noncommercial speech that do not exceed four (4) square feet per sign, regardless of whether the signs are permanent or temporary.

10. *Real estate signs.* One real estate sign per lot on which either the lot or any structure thereon, or any portion thereof, is for sale, lease, rent, or development, provided that the sign does not exceed thirty-two (32) square feet in sign area.
11. *Sandwich board signs.* One sandwich board sign per establishment that does not exceed eight (8) square feet.
12. *Warning signs.* Warning signs as required by law or as determined to be necessary to protect public health or safety.
13. *Window signs.* Window signs, 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. (Amended 3-16-05, 3-14-12)

(12-10-80; 7-8-92, § 4.15.12.5; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12; Ord. 12-18(5), 9-12-12)

PD-SC and PD-MC (former § 4.15.13)

LI, HI, and PD-IP (former § 4.15.14): (12-10-80; 7-8-92, § 4.15.12.7; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.12 Maximum freestanding sign size; sign face; measuring sign area

Each sign shall be subject to the following, as applicable:

- a. *Size of freestanding signs and their support structure.* The maximum combined size of a freestanding sign and its support structure shall not exceed two and one-half (2 ½) times the maximum allowable sign size.
- b. *Size of sign face.* The area of a sign face shall not exceed two hundred (200) percent of the sign area.
- c. *Measuring sign area.* The sign area shall be measured as provided herein:
 1. *Area included.* The sign area shall be measured as the area of a sign face within the smallest square, circle, rectangle, triangle or combination thereof, that encompasses the extreme limits of the copy, together with any materials or colors forming an integral part of the background of the sign face or used to differentiate the sign from the backdrop or structure against which it is placed. Two-sided sign faces shall be counted as single sign face provided the angle separating them does not exceed forty-five (45) degrees. See Figure II following this section.
 2. *Area not included.* The sign area shall not include any supporting framework, bracing, or decorative fence or wall when such feature otherwise complies with the requirements of this section 4.15 and is clearly incidental to the sign itself.

(12-10-80; 7-8-92, § 4.15.07.1; Ord. 01-18(3), 5-9-01)

State law reference – Va. Code § 15.2-2280.

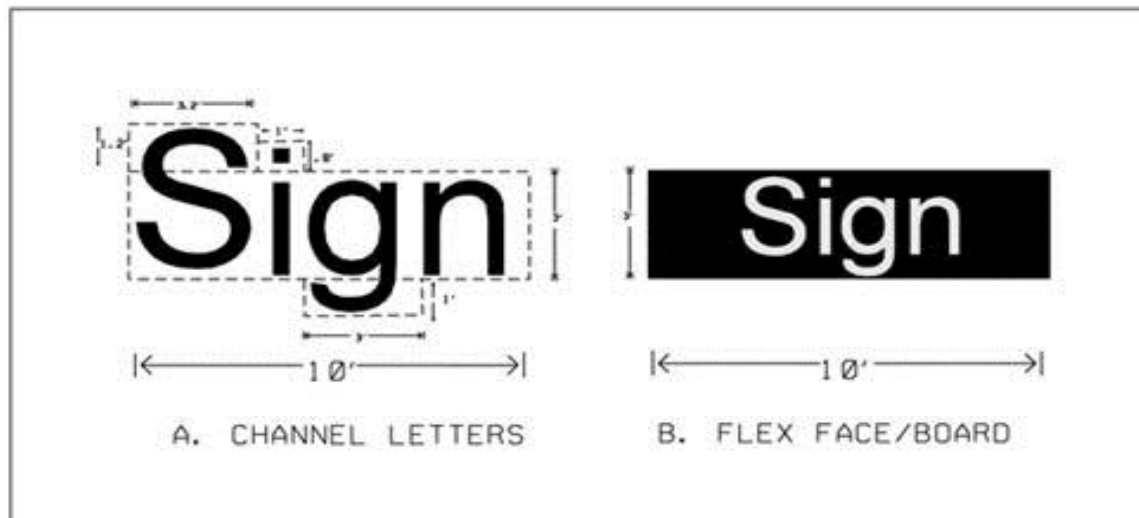


Figure II: Measuring Sign Area

Sec. 4.15.13 Measuring sign height

The sign height shall be measured as follows:

- a. *Measurement.* The sign height shall be measured as the vertical distance from the normal grade directly below the sign to the highest point of the sign or sign structure, whichever is higher, and shall include the sign base, regardless of material, including earth used primarily to elevate the sign. See Figure III following this section.
- b. *Determining the highest point.* In determining the highest point of the sign or sign structure in subsection (a), the normal grade from which to measure the bottom of the sign height shall be that which is either existing prior to construction, or newly established after construction, depending on which grade is more consistent with the surrounding elevation of the lot on which the sign is located. Any fill or excavation that serves primarily to elevate the sign shall be included in the height of the sign.

(12-10-80; 7-8-92, § 4.15.07.2; Ord. 01-18(3), 5-9-01)

State law reference – Va. Code § 15.2-2280.

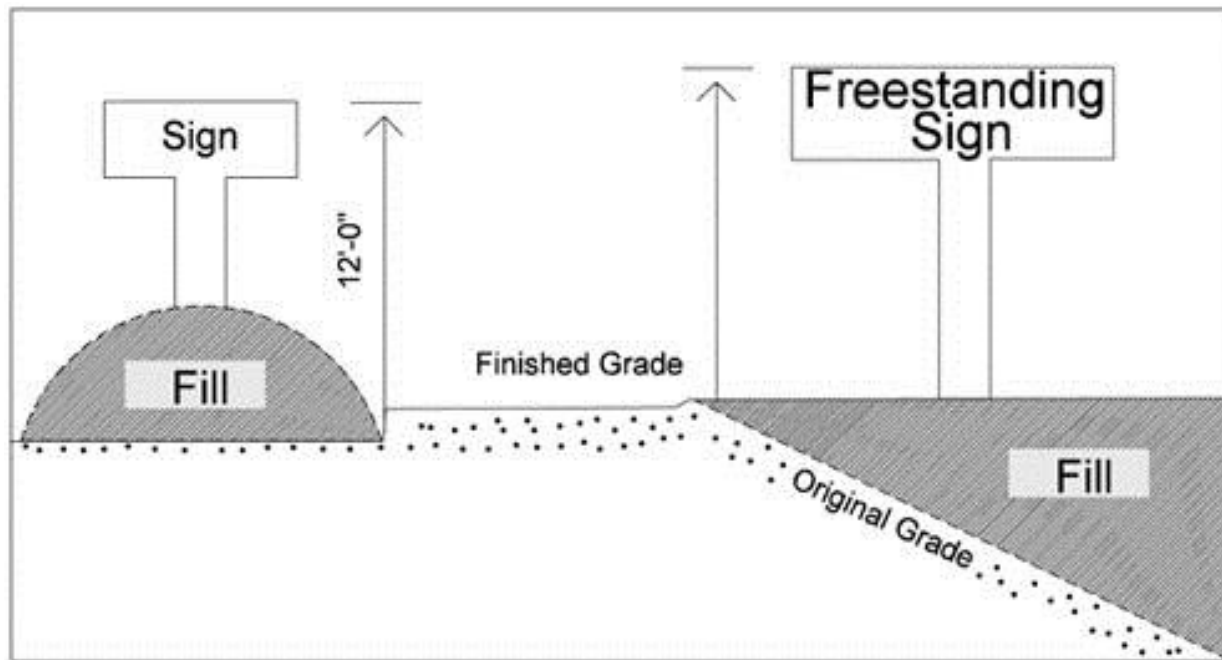


Figure III: Measuring Sign Height

Sec. 4.15.14 Measuring sight distance triangle; signs prohibited therein

Each sign shall be subject to the following:

- a. *Measurement.* The sight distance triangle shall be measured as follows:
 1. *Area included.* The sight distance triangle is that triangular area on a property between the two lines created by the existing or proposed right-of-way lines of intersecting exterior streets and/or street commercial entrances, and the straight line connecting them at points ten (10) feet distant from where the right-of-way lines intersect. See Figure IV following this section.
 2. *Area not included.* The driveway for a single-family or two-family residence shall not be included in this calculation.
 3. *Extension of sight distance triangle.* The sight distance triangle may be extended to conform to minimum Virginia Department of Transportation sight distance standards.
- b. *Signs in sight distance triangle prohibited.* No sign shall be erected within a sight distance triangle.

(12-10-80; 7-8-92, § 4.15.07.3; Ord. 01-18(3), 5-9-01)

State law reference – Va. Code § 15.2-2280.

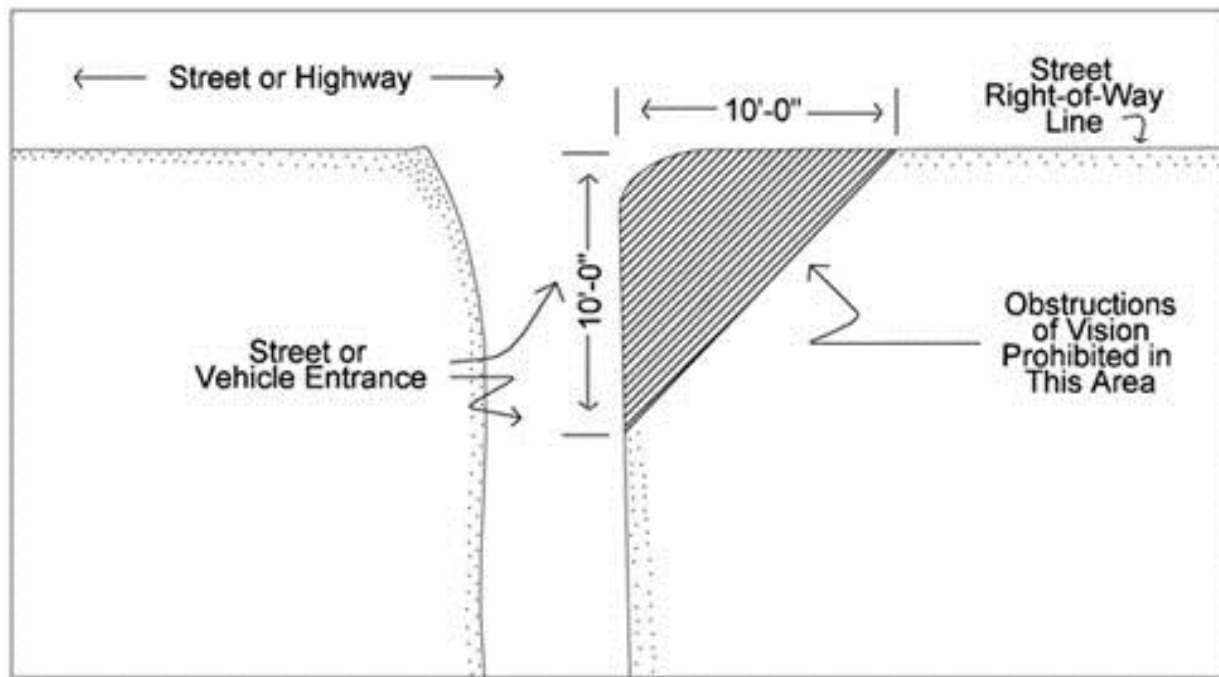


Figure IV: Determining Sight Distance Triangle

Sec. 4.15.15 Measuring permitted wall signage based on structure frontage

The structure frontage shall be measured to calculate the permitted wall signage as follows:

- a. *Measurement.* The structure frontage is the horizontal length of the outside structure wall of the establishment, in one plane, adjacent to a street.
- b. *Two or more walls adjacent to a street.* If an establishment has two (2) or more walls adjacent to a street, at least one of which is an exterior wall, one (1) of these additional walls may be used to calculate additional wall signage at one-third (1/3) the rate as allowed on the structure frontage. The total permitted wall signage may then be divided to be used on any walls of the structure and/or canopy, provided that no one wall sign shall exceed the applicable maximum allowable sign area.

(12-10-80; 7-8-92, § 4.15.07.5; Ord. 01-18(3), 5-9-01)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.16 Measuring sign setback; signs prohibited therein

Each sign shall be subject to the following:

- a. *Measurement.* For all signs other than a sign within a public right-of-way, the sign setback shall be measured from the property line or, in the case of an access easement, from the edge of the easement, to the closest point of the sign. The setback for a sign within a public right-of-way shall be measured from the edge of the travelway to the closest point of the sign. See Figure V following this section.
- b. *Signs in setback prohibited.* No sign shall be erected within the applicable minimum setback area in sections 4.15.9, 4.15.10, and 4.15.11.

(12-10-80; 7-8-92, § 4.15.07.4; Ord. 01-18(3), 5-9-01)

State law reference – Va. Code § 15.2-2280.

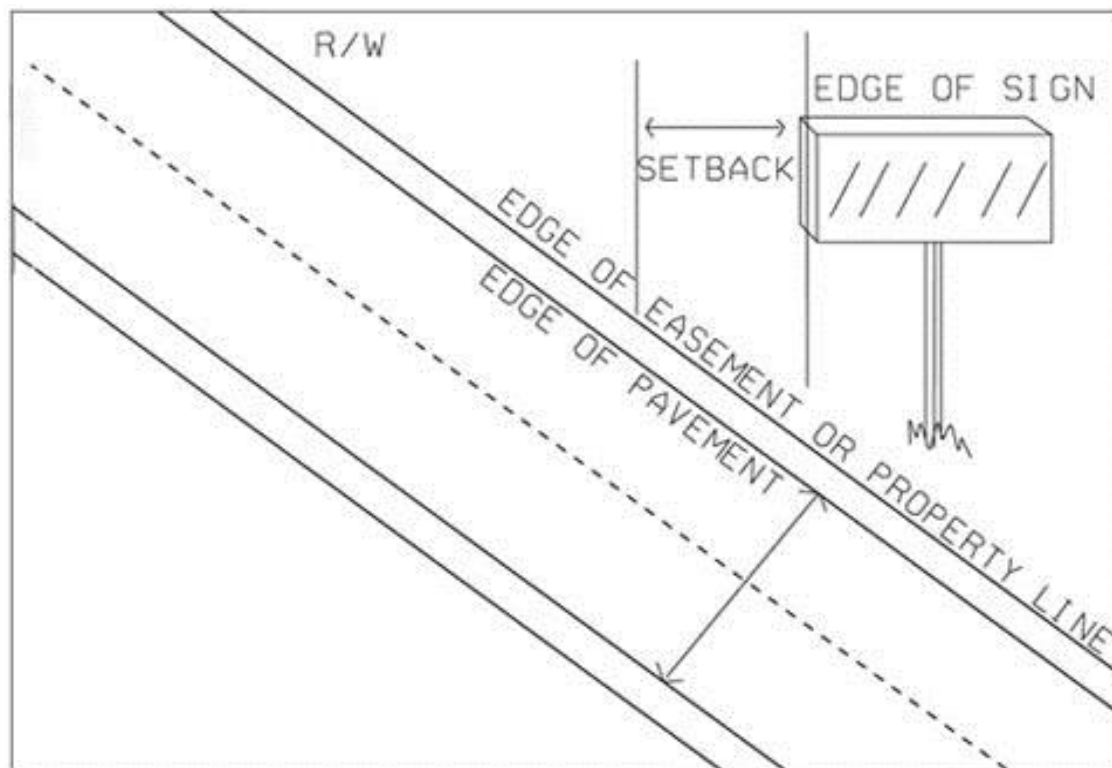


Figure V: Determining Sign Setback

Sec. 4.15.17 Sign illumination

Each sign shall be subject to the following:

- a. *Illuminated signs.* Signs using any form of outdoor luminaire shall comply with the requirements of section 4.17.
- b. *Signs using rare gas illumination.* Signs using exposed, bare, or uncovered rare gas illumination, and signs within the entrance corridor overlay district visible from an entrance corridor overlay street that use rare gas illumination covered by a transparent material, shall not have a brightness that exceeds thirty (30) milliamps. Brightness shall be determined by the zoning administrator, who shall consider information provided by the sign manufacturer, the rated size of the sign's transformer, and any other relevant information deemed appropriate.
- c. *Signs within the entrance corridor overlay district; opaque backgrounds.* All internally illuminated box-style and cabinet-style signs within the entrance corridor overlay district shall have an opaque background.

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.18 Sign maintenance

Each sign, including the sign structure, shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts. If the sign is illuminated, all lighting fixtures and sources of illumination shall be maintained in proper working order. (Amended 3-16-05)

(12-10-80; 7-8-92, § 4.15.09.4 (part); Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.19 Sign alteration, repair, or removal; when required.

A sign shall be altered, repaired, or removed in any of the following cases:

- a. *Alteration, repair, or removal; unsafe or endangering condition.* If a sign becomes structurally unsafe, as determined by the building official, so as to become a danger to the public health or safety, the zoning administrator may order the owner or lessee of the lot on which the sign is located to alter, repair, or remove the sign within a time period determined by the zoning administrator to be appropriate under the circumstances. If the owner or lessee fails to comply with the order, the zoning administrator may cause the sign to be removed or initiate such other action as may be necessary to compel the alteration, repair or removal of the sign.
- b. *Removal; unlawful erection of sign.* If a sign is erected on private property in violation of this section 4.15, the zoning administrator shall order the owner or lessee of the lot on which the sign is located to remove the sign within a time period determined by the zoning administrator to be appropriate under the circumstances. If the owner or lessee fails to comply with the order, the zoning administrator may cause the sign to be removed or initiate such other action as may be necessary to compel compliance with the provisions of this section 4.15. If a sign is erected on public property, including a public right-of-way in violation of this section 4.15, any county employee may immediately remove the sign without prior notice to the owner of the sign.
- c. *Removal of copy on sign face; discontinuance of pertinent use.* If the use of a structure or property is discontinued, the copy on each sign face that is commercial speech shall be removed by the owner or lessee of the property on which the sign is located within two (2) years from the date of the discontinuance of the use. If the owner or lessee fails to remove the copy, the zoning administrator may cause the copy to be removed or initiate such other action as may be necessary to compel compliance with the provisions of this section 4.15.
- d. *Liability for cost of removal by county.* If the zoning administrator causes a sign or copy on a sign face to be removed under the provisions of this section, the cost of such removal shall be chargeable to the owner of the sign or the owner or lessee of the lot on which the sign is located.
- e. *Custody and destruction of removed signs.* Cardboard and paper signs that have been removed by the county pursuant to this section shall be destroyed upon removal. All other signs which have been removed by the county shall be held for a period of thirty (30) days and may be reclaimed by the sign owner within that time by reimbursing the county for the costs of removal. If such a sign is not reclaimed within the thirty (30)-day period, it shall be deemed to have been forfeited by the owner and shall be destroyed.

(12-10-80; 7-8-92, § 4.15.09.4 (part); Ord. 01-18(3), 5-9-01)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.20 Nonconforming signs

A nonconforming sign may continue, subject to the provisions, conditions, and prohibitions set forth herein:

- a. *Alteration of copy.* The copy of a nonconforming sign may be altered by refacing the sign.
- b. *Alteration of sign structure.* A nonconforming sign shall not be structurally altered; provided that the zoning administrator may authorize a nonconforming sign to be structurally altered so that it is less nonconforming and further provided that each time the nonconforming sign is structurally altered, the sign area and sign height shall be reduced by at least twenty-five (25) percent of its current area and height until the sign area and the sign height are conforming.
- c. *Consolidation.* Two or more nonconforming signs on a lot may be consolidated into a single sign; provided that the resulting sign area and sign height shall be reduced by at least twenty-five (25) percent of its current area and height until the sign area and the sign height are conforming, and further provided that each time the resulting nonconforming sign is thereafter consolidated with

another nonconforming sign on the lot, the resulting sign area and sign height shall be reduced by at least twenty-five (25) percent of its current area and height, until the sign area and the sign height are conforming. A sign resulting from the consolidation of nonconforming signs shall not have greater sign height than any of the signs that were consolidated.

- d. *Discontinuance of copy on sign face.* A nonconforming sign without copy on its sign face for a continuous period of two (2) years shall lose its nonconforming status and be removed by the owner of the lot on which the sign is located.
- e. *Discontinuance of use or structure to which sign pertains.* A nonconforming sign containing copy that is commercial speech shall lose its nonconforming status and be removed by the owner of the lot on which the sign is located if the use to which the sign pertains is discontinued for more than two (2) years.
- f. *Enlargement or extension.* A nonconforming sign shall not be enlarged or extended.
- g. *Maintenance.* A nonconforming sign shall be maintained in good repair and condition.
- h. *Relocation.* A nonconforming sign shall not be moved to another location on the same lot or to any other lot; provided that the zoning administrator may authorize a nonconforming sign to be moved to a location that is more in compliance with the purpose and intent and the requirements of this section 4.15.
- i. *Replacement or restoration.* A nonconforming sign may be replaced or restored only as provided below:
 - 1. A nonconforming sign that is destroyed or damaged by the owner of the sign or the owner of the lot on which the sign is located shall not be replaced or restored unless it complies with this section 4.15.
 - 2. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the lot on which the sign is located, to an extent the destruction or damage exceeds fifty (50) percent of its appraised value, shall not be replaced or restored unless it complies with this section 4.15.
 - 3. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the lot on which the sign is located, to an extent the destruction or damage is fifty (50) percent or less of the appraised value, may be replaced or restored provided that the replacement or restoration is completed within two (2) years after the date of the destruction or damage, and the sign is not enlarged or extended.
- j. *Removal if in unsafe condition.* A nonconforming sign declared to be unsafe by a public safety official because of the physical condition of the sign, including an unsafe physical condition arising from the failure of the sign to be maintained, shall be removed.
- k. *Registry of nonconforming signs.* The owner of any lot on which a nonconforming sign shall, upon notice from the zoning administrator, submit verification within sixty (60) days that the sign was lawfully in existence at the time of adoption of these sign regulations. The zoning administrator shall maintain a registry of such nonconforming signs.

(12-10-80; 7-8-92, §§ 4.15.09.5, 4.15.10; Ord. 01-18(3), 5-9-01)

State law reference – Va. Code § 15.2-2280.