

ORDINANCE NO. 15-18()**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

Sec. 4.15.21	Determining sign setback	Sec. 4.15.16	on structure frontage Measuring sign setback; signs prohibited therein
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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 of the public. 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:

Comment: The added text is from *City of Ladue v. Gilleo*, 512 U.S. 43, 48 (1994) and was cited in *Reed*.

1. Preserve the rights of free speech and expression;
- ~~12.~~ Promote the general health, safety and welfare, including the creation of an attractive and harmonious environment;
- ~~23.~~ Protect the public investment in the creation, maintenance, safety, and appearance of its streets, highways, and other areas open to the public;
- ~~34.~~ Improve vehicular and pedestrian safety by avoiding saturation and confusion in the field of vision and by directing and controlling vehicular traffic and pedestrians that could otherwise

~~result if such signs were not regulated as provided herein; and~~

~~45. 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 ~~significant~~ 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.

Comment: Many warning signs will be public signs and regulated as such. However, a number of warning signs, such as those directing traffic on private property, such as shopping centers, serve similar purposes. Other signs, such as those identifying handicapped parking spaces, also protect public safety and welfare. The "certain regulations" referred to primarily refer to the total number of signs allowed onsite; warning signs would not count toward the total number of signs allowed onsite. Warning signs to protect vehicular and pedestrian safety were recognized by *Reed* as being justified as serving a compelling governmental interest.

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.

Comment: Directional signs to protect vehicular and pedestrian safety were recognized by *Reed* as being justified as likely serving a compelling governmental interest.

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.

Comment: Signs that identify the address of buildings to allow emergency vehicles to find them were recognized by *Reed* as being justified as likely serving a compelling governmental interest.

~~c. Signs are classified and regulated in this section 4.15 by their purpose (e.g., bonus tenant panel), physical type (e.g., freestanding sign), location (e.g., off-site sign) and characteristics (e.g., illuminated sign). By classifying and regulating signs by their purpose, the board of supervisors does not intend to regulate their content and, more specifically, any particular viewpoint, but rather intends to create a reasonable classification by which to regulate the time, place and manner of signs.~~

Comment: This subsection, which explains that the regulations did not regulate content or any particular viewpoint, is no longer appropriate in light of *Reed* to the extent that it applies to noncommercial signs, but which may also apply to commercial signs if *Reed* is extended. The justifications for those narrow classifications in which the County regulates noncommercial signs based on their message are explained in subsections 4.15.1(b)(1), (2), and (3).

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.

Comment: Sign regulations can run afoul of the First Amendment if they are overbroad, because they allow too little signage, or are underinclusive, because they allow too much signage and, therefore, defeat the public purposes for regulating signs at all (e.g., promoting traffic safety, preserving aesthetics, and protecting property values) for regulating signs at all. Between ensuring that sign regulations are neither overbroad nor underinclusiveness, localities must also allow “ample alternative channels of communication.” Allowing additional signs only when specific situations arise addresses not only the issue of underinclusiveness, but also provides some reasonable flexibility to allow ample alternative channels of communication when those situations arise.

d. ~~The regulations in this section 4.15 shall apply to all outdoor signs and window signs. Each sign subject to this section 4.15 shall comply with all regulations applicable to that sign.~~

Comment: Subsection (d) is not a statement of purpose and intent, but is more a statement of applicability, and the subject matter is moved to new section 4.15.2.

(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).

Comment: This section is new. Subsection (a) incorporates current section 4.15.1(d) (applicability, generally) and subsection (b) incorporates current section 4.15.15(a) and (b) (applicability regarding signs in the entrance corridor overlay district).

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

Sec. 4.15.23 Definitions and qualifications

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

- (4) *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.

Comment: The majority opinion in *Reed* acknowledges that a compelling governmental interest may be found in regulations pertaining to matters of public safety. Addresses are assigned by the County in

conjunction with its E-911 system and, therefore, posting an address sign allows emergency vehicles to locate structures and persons. This definition replaces the definition of “residence sign.”

- (1.1) *Advertising vehicle.* The term “advertising vehicle” means a motor vehicle, trailer or semitrailer (collectively, “vehicle”) ~~having 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.

Comment: Subparagraph (ii) is added at the suggestion of the Planning Commission at the October 20, 2015 work session to ensure that inoperable vehicles are not used as advertising vehicles. Subparagraphs (iii) and (iv) are moved from current section 4.15.6(21).

- (1.1) *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)

Comment: This is a content based but viewpoint neutral commercial sign. *Reed* applies to noncommercial signs.

- ~~(2) — *Anchor sign.* (Repealed 3-14-12)~~

- (3) *Animated sign.* The term “animated sign” means a sign that moves or a sign that changes lighting by any mechanical, electrical or other device.
- (4) *Auction sign.* The term “auction sign” means a sign that advertises an auction to be conducted.

Comment: This is a content based but viewpoint neutral commercial sign. *Reed* applies to noncommercial signs.

- (5) *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.
- (6) *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.
- (7) *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)
- (8) *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.

Comment: This definition is amended to clarify the language. The on-site and off-site sign distinction applies to commercial signs because noncommercial signs are generally not tied to the site on which they are located.

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

Comment: This definition is amended to clarify the language.

- (9) ~~*Bulletin board sign.* The term “bulletin board sign” means a type of directory sign that has changeable copy enclosed in a casement covered by glass, plexiglass, or other transparent material.~~

Comment: This definition is deleted and its substance is combined with regulations pertaining to on-site directional signs.

- (9.1) *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)

Comment: This definition is amended to be consistent in terminology (a “type of” sign) in other definitions.

- (10) *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.
- (11) *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.

Comment: The added language is moved from current section 4.15.16(c).

- (12) ~~*Commercial speech.* The term “commercial speech” means speech that is an expression related solely to the economic interests of the speaker and its audience, concerns lawful activity, and is not misleading.~~

Comment: This definition is moved to “Speech, commercial” so that it and the definition of “noncommercial speech” can immediately follow it.

- (13) *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.

Comment: This is a content based but viewpoint neutral commercial sign. *Reed* applies to noncommercial signs.

- (14) *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.

Comment: The definition of “sign” also includes this list of qualities, including the “or any part or combination thereof” clause. The clause is added here for consistency, and the definition of “sign” will be amended to refer to “copy” instead of repeating all of these qualities.

- (14.1) *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)

- (14.2) *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, to an establishment and displays the establishment name, distance, an arrow providing direction, or any combination of the foregoing. (Added 6-4-14)

Comment: This definition is amended to comply with *Reed*. The majority in *Reed* recognized that there may be a compelling governmental interest in classifying signs that guide traffic and pedestrians. As amended, the definition is consistent with *Reed* without specifying the information that must be included on the sign.

- (15) *Directory sign* *Directional sign, on-site.* The term “directory sign on-site directional sign” means a type of on-site freestanding or wall sign, ~~other than a development’s primary freestanding sign, that displays the names and/or the addresses of the establishments or uses of a building or group of buildings located within the development for the sole purpose of providing direction~~ 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 ~~bulletin board sign that has non-electric changeable copy enclosed in a casement covered by a transparent material.~~ See Figure I following this section.

Comment: The difference between the current definitions of “directional sign” and “directory sign” is that the former is an off-site directional sign and the latter is an on-site directional sign. This term is changed to eliminate confusion as to its purpose and to be consistent with *Reed*. The clause in the second line “other than a development’s primary freestanding sign” is unnecessary because the district sign regulations in sections 4.15.9, 4.15.10, and 4.15.11 account for on-site directory signs as additional signs. The last clause added to the definition is the substance of the definition of “bulletin board sign” (a term that currently exists only in the definition of “directory sign”).

- (16) *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)

Comment: This definition is amended to distinguish fuel prices signs from other electric message signs in a content neutral manner. Electric message signs for gas fuel prices have been allowed by right, primarily because the copy on these signs changes infrequently.

- (17) *Erect.* The term “erect” means, in the appropriate context, to affix, construct, hang, install, locate, paint, place, or print.
- (18) *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.

- (19) ~~*Estate sign.* The term “estate sign” means a sign that identifies the name of a private residence.~~

Comment: This sign classification is being eliminated because it is content based and it would be allowed as one of the content neutral sign classes allowed under sections 4.15.5, 4.15.9, 4.15.10, or 4.15.11 that are not subject to the sign permitting requirement.

- (20) ~~*Farm sign.* The term “farm sign” means a sign that identifies the name of a property in agricultural or forestal use.~~ (Amended 3-16-05)

Comment: The definition is deleted because it is content based (though viewpoint neutral) under *Reed*.

- (21) *Fascia*. The term “fascia” means one or more of the vertical faces of the roof of a canopy or structure.
- (22) *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 ~~except as otherwise authorized~~. A flag representing the official symbol of a national, state or local government is not a sign for the purposes of section 4.15 (for federal law pertaining to flying the flag of the United States of America, see 4 U.S.C. § 5 *et seq.*). A “commercial flag” is a flag that contains commercial speech. A “noncommercial flag” is a flag that contains 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. (Amended 3-16-05)

Comment: The definition of “flag” is now three separately defined terms. The exception for governmental flags has been moved to the definition of “sign.” The definition is also updated to provide that flags may be attached to not only flag poles, but also light poles and mounts on dwellings, as allowed in the current sign regulations and as will be allowed in new sections 4.15.9, 4.15.10, and 4.15.11.

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

Comment: The definition of “flag” is now three separately defined terms.

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.

Comment: The definition of “flag” is now three separately defined terms.

- (23) *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.
- (24) *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.

Comment: The addition of the word “permanent” is intended to merely state the longstanding implementation of section 4.15 by clearly distinguishing permanent freestanding signs from temporary signs, in whatever structural form they may be.

- (25) *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)

Comment: This is a content based but viewpoint neutral commercial sign. *Reed* applies to noncommercial signs.

- ~~(26)~~ *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.

Comment: The word “deliberately” is added to clarify the definition and to distinguish “illuminated signs” from other signs that are illuminated by natural light or spillover light.

- (27) ~~*Incidental sign.* The term “incidental sign” means a sign that has a purpose secondary to the use of the lot on which it is located, such as “handicap parking,” “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives.~~

Comment: This definition is deleted and its provisions are being added to the definition of “warning sign.”

- (28) *Maintain.* The term “maintain” means ~~the~~ cleaning, painting, repairing, or replacement of 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.
- (29) *Marquee.* The term “marquee” means a fixed covering that projects over an entrance to a theater or other building.
- (30) *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.
- (31) *Menu sign.* The term “menu sign” means a type of freestanding or wall sign designed and located to be read from ~~a drive-thru lane~~ an authorized drive-through lane.

Comment: This definition is revised to incorporate the provisions in current section 4.15.16(f).

- (32) *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.
- (33) ~~*Noncommercial speech.* The term “noncommercial speech” means speech that is not commercial speech, but does not include expressions related solely to the economic interests of the speaker and its audience that do not concern lawful activity or are misleading.~~

Comment: This definition is moved to “Speech, noncommercial” so that it can immediately follow the definition of “Speech, commercial.”

- (34) *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.

Comment: This definition is revised to clarify that the nonconforming sign regulations in section 4.15.20 apply to signs that are nonconforming uses (e.g., the sign was established without a sign permit or a special use permit for which one or both is now required), or nonconforming structures (e.g., the sign does not comply with the applicable setbacks, sign size, or sign height requirements).

- (35) *Off-site sign.* The term “off-site sign” means ~~a sign that is:~~ (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)

Comment: The last sentence incorporates the provisions of current section 4.15.16(g).

- (36) *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 with as the principal use 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) includes every sign whose containing copy that is exclusively noncommercial speech.

Comment: This definition is amended to clarify the language. The on-site and off-site sign distinction applies to commercial signs because noncommercial signs are generally not tied to the site on which they are located. Sandwich board signs are treated as on-site signs under the current sign regulations and their addition here expressly acknowledges their status as on-site signs under the regulations.

~~(36.1)~~ *Opaque background*. The term “opaque background” means the portion of ~~the face of a 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)

Comment: “Sign face” replaces “the face of a sign” because “sign face” is a defined term.

~~(37)~~ *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.

Comment: This definition is added because the term “permanent sign” is used in the proposed ordinance to better distinguish permanent signs from temporary signs.

~~(38)~~ *Political sign*. The term “political sign” means a sign that pertains to the candidacy of one or more persons for an elective office, or pertains to one or more issues to be voted upon, in an upcoming election.

Comment: This definition is deleted as a sign classification because political signs are noncommercial speech. Under *Reed*, this is a content based (though viewpoint neutral) classification and, despite statements by the United States Supreme Court below, the court has not recognized that political speech may be singled out by its content and be regulated differently. Any political signs will be allowed by a content neutral allowance for noncommercial signage.

~~(39)~~ *Portable sign*. The term “portable sign” means a type of 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 including, but not limited to, a sign erected on a trailer, a sign with attached wheels, or a sign consisting of A-shaped or T-shaped frames. See Figure I following this section. (Amended 3-16-05)

Comment: The substance of this definition is moved to section 4.15.6(a)(3)(d), which is the only regulation where the concept of sign portability is discussed.

~~(40)~~ *Private drive sign*. The term “private drive sign” means an on-site sign that contains only the words “private drive.”

Comment: This definition is deleted as a sign classification because it is noncommercial speech. Under *Reed*, this is a content based (though viewpoint neutral) classification. The message will be permitted by a content neutral allowance for noncommercial signage.

- (41) *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.

Comment: The added language is moved from current section 4.15.16(h).

- (42) *Public sign.* The term “public sign” means a sign that is erected and maintained by ~~a town, city, the county, or the state or federal government, or an authority thereof, and any lawful road name and number sign~~ regardless of whether it was publicly or privately erected or maintained containing copy that is exclusively governmental speech.

Comment: Public signs are distinguished as a separate sign classification because governmental speech is not subject to the First Amendment. The definition is clarified to require that a public sign is limited to signs containing governmental speech.

- (42.1) *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)
- (43) *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.

Comment: This is a content based but viewpoint neutral commercial sign. Reed applies to noncommercial signs.

- ~~(44) *Residence sign.* The term “residence sign” means a sign erected on a lot containing a private dwelling that identifies the name of the occupant and/or the street address of the residence.~~

Comment: This definition is replaced by the term “address sign.”

- ~~(45) *Residential sign.* The term “residential sign” means a sign erected on a lot containing a private dwelling whose copy is exclusively noncommercial speech.~~

Comment: This definition is deleted as a sign classification because it is noncommercial speech. Under Reed, this is a content based (though viewpoint neutral) classification. The message will be permitted by a content neutral allowance for noncommercial signage.

- (46) *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; ~~except~~ provided that a sign located on a fake mansard is not a roof sign, but is a wall sign.
- (46.1) *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 ~~place of business~~ 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 ~~or~~ 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)

Comment: The definition is amended to change “place of business” to “establishment.” These terms have the same meaning but “establishment” is defined in this section. The reference to the sign being placed directly in front of an establishment is a permissible “place” regulation. The second sentence is moved from current section 4.15.16(i).

(47) *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 exists primarily to advertise, identify, display, or direct or attract attention to a structure, object, person, institution, organization, business, product, service, event, issue or location by any means, including letters, figures, designs, devices, pictures, projected images, symbols, fixtures, colors, logos, emblems, or insignias, or any part or combination thereof. 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)

Comment: There have been a number of recent challenges in which a plaintiff has alleged that a locality’s definition of “sign” is content based. In order to avoid such a challenge, the clause in the current definition that pertains to the sign’s possible purpose is deleted and replaced with the much broader and defined concepts of commercial, noncommercial, and governmental speech. The clause “letters, figures, designs, devices, pictures, projected images, symbols, fixtures, colors, logos, emblems, or insignias” make up the definition of “copy” and, therefore, to simplify the definition of “sign,” the word “copy” replaces the list of qualities that are “copy” instead of repeating them in this definition. The exception for “governmental flags” is moved from the definition of “flag.” The exceptions for works of art and architectural features are borrowed from other recent Virginia locality sign ordinances. Staff recognizes that describing what may be a “work of art” as distinguished from a sign can present some difficulty

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.

Comment: This definition is new. The substance of the definition is from the regulations pertaining to sign area in current section 4.15.17.

(48) *Sign face.* The term “sign face” means the area or display surface ~~used to advertise, identify, display, or direct or attract attention~~ that contains copy. See Figure I following this section.

Comment: This definition is amended to be consistent with the proposed amendment to the definition of “sign” and the current definition of “copy.” The second sentence is deleted because Figure I does not depict “sign face.”

(49) *Sign structure.* The term “sign structure” means the supports, uprights, bracings, and framework of any structure, ~~be it regardless of whether it is~~ single-faced, double-faced, V-type or otherwise, used to exhibit a sign. See Figure I ~~at the end of~~ 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.

Comment: The definitions of “commercial speech” and “noncommercial speech” were stated as provided so that one definition could be in proximity to the other. This is the definition of the term in *Central Hudson Gas & Electric v. Public Service Commission*, 447 U.S. 557 (1980).

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

Comment: This definition is related to the definition of “public sign.” The messages on public signs erected by the government are “government speech” and are not subject to Free Speech Clause requirements under the First Amendment. *Walker v. Texas Division, Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239, 2245-2246 (2015) (“When government speaks, it is not barred by the Free Speech Clause from determining the content of what it says”); see *Rust v. Sullivan*, 500 U.S. 173, 193–194, 111 S. Ct. 1759 (1991), cited in *Reed*, 135 S. Ct. at 2235 (Breyer concurring). “Governmental speech” would include, but not be limited to, traffic signs, warning signs, signs identifying the locality or its boundaries or buildings, monuments, historical markers, and tourism oriented signs.

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

Comment: The definitions of “commercial speech,” “noncommercial speech,” and “governmental speech” were restated as provided above so that one definition could be in proximity to the other. The definition of “commercial speech” is unchanged; the definition of “noncommercial speech” was amended by deleting the ending clauses “but does not include expressions related solely to the economic interests of the speaker and its audience that do not concern lawful activity or are misleading” because they are already addressed in the definition of commercial speech. Examples of signs containing noncommercial speech include political signs, ideological signs, and protest signs and other types of messages related to the “marketplace of ideas.”

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

Comment: This is a content based but viewpoint neutral noncommercial sign definition, and it is being revised to comply with *Reed*.

(51) *Temporary sign.* The term “temporary sign” means a sign that is displayed ~~at an establishment or on a lot~~ for only a limited period of time authorized in section ~~4.15.4A~~ 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)

Comment: The definition is amended to delete unnecessary text and to acknowledge that some temporary signs are permitted without a temporary sign permit.

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

(53) *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.

Comment: The added language is moved from current section 4.15.16(k).

- (54) *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 ~~stating that solicitations, hunting, fishing or trespassing is prohibited, that a dog is present on the property, and that the property is protected by a security or alarm system~~ 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.

Comment: The majority opinion in *Reed* acknowledges that a compelling governmental interest may be found in regulations pertaining to matters of public safety such as warning signs. The “guiding vehicular or pedestrian” element is intended to replace the current definition of “directory sign” in the current regulations, the “identify hazards and possibly dangerous conditions” element is intended to replace the current definition of “warning sign,” and the “ensure public safety” element is intended to replace the current definition of “incidental sign.” The clause “that is not a public sign” is added to be clear that “warning signs” covered by this definition are private signs; warning signs erected by the government would be “public signs.”

- (55) *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.

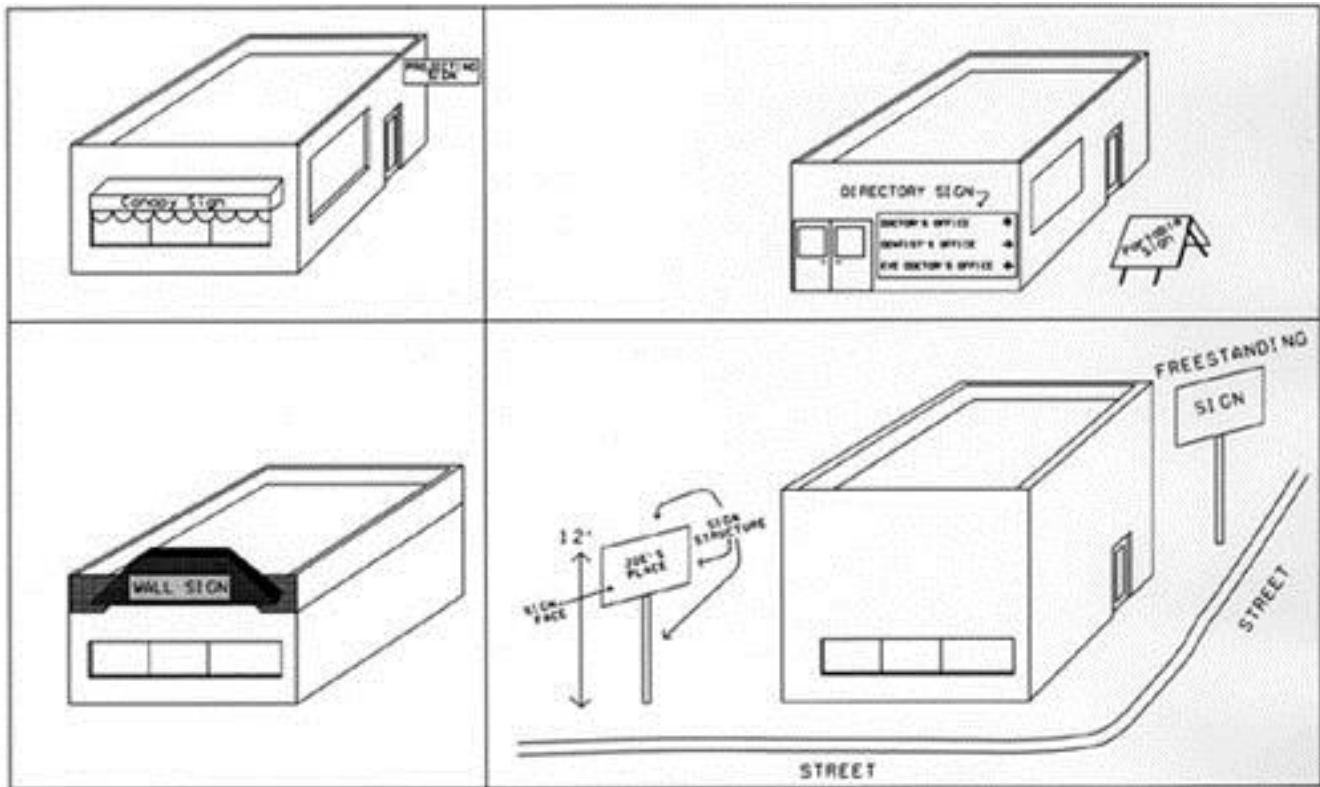


Figure I: Illustrations of Sign Type

Sec. 4.15.34 ~~Sign content~~ 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.

Comment: This subsection requires compliance with all applicable requirements.

- b. Noncommercial copy in lieu of commercial copy. Each sign authorized by ~~this~~ section 4.15 may contain any ~~noncommercial~~ copy that is noncommercial speech in lieu of, or in addition to, any ~~commercial~~ copy that is commercial speech.

Comment: This subsection continues the substance of current section 4.15.3. Its purpose is to ensure that commercial speech is not treated more favorably than noncommercial 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.

Comment: Local sign ordinances are challenged on First Amendment grounds and one possible outcome of such a challenge is that the locality's sign regulations may be found to be unconstitutional. The purpose of a severability provision is to allow the court to sever the unconstitutional provision from the remainder of the sign regulations so that they can continue in force. The language in this subsection addresses the elements the Virginia Supreme Court has laid out in a severability analysis for local regulations (State statutes are covered by the severability provision in Virginia Code § 1-243). It is possible that, even if a local sign ordinance has a severability clause, a court may conclude that the constitutional parts of the ordinance are so intertwined with the unconstitutional parts that the entire ordinance may be invalidated (see, e.g., *Adams Outdoor Advertising v. City of Newport News*, 236 Va. 370 (1988)). The first sentence of subsection (c) is similar to that in County Code § 1-114, but it is recommended that the sign regulations have their own severability clause. The second sentence bolsters the board's legislative intent that if certain specific provisions are invalidated, the remaining provisions shall remain in full force and effect.

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

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

Sec. 4.15.45 Permanent Signs authorized by for which a sign permit is required; signs exempt from obtaining a sign permit

~~Except for temporary signs subject to the permitting requirements of section 4.15.4A, signs exempt from this section under section 4.15.6 or nonconforming signs subject to section 4.15.24~~

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 ~~required~~ 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:
 - ~~a1.~~ 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 ~~of this chapter~~. A complete application shall consist of the following:
 - ~~1a.~~ 1a. A fully completed application form, provided to the applicant by the zoning administrator;
 - ~~2b.~~ 2b. A schematic legibly drawn to scale and sufficiently detailed showing the proposed location and dimensions of the sign; and
 - ~~3c.~~ 3c. 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.
 - ~~b2.~~ Application review and permit issuance. A sign permit application shall be reviewed and acted upon by the zoning administrator only as provided herein:
 - ~~1a.~~ 1a. 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 4.15.57 or a certificate of appropriateness for the sign is required under ~~section 4.15.15~~ and 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.

- 2b. *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 ~~section 4.15.4(a)(3)~~ 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.

Comment: The added text allows an application for a purported commercial sign to be denied if it pertains to a use not allowed in the Zoning Ordinance or any other unlawful activity (signs advertising unlawful activity are not entitled to First Amendment protections). The added text also links to section 31.2 and authorizes the zoning administrator to decline to approve a building permit for a purported commercial sign that advertises an unlawful use.

- 3c. *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 ~~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.

Comment: The requirement that a sign “deemed approved” nonetheless be required to comply with all applicable requirements is based on a similar (though differently worded) requirement in Virginia Code § 15.2-2259, which applies to subdivision plats deemed approved because of the locality’s failure to timely act.

- e3. *Administration.* A sign permit shall become null and void if the ~~use to which the sign permit pertains is not commenced within six (6) months after the date the sign permit, special use permit or certificate of appropriateness is issued, whichever is later or, if the sign contains exclusively noncommercial copy, 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.

Comment: The phrase “the use to which the sign pertains” is deleted because it is content based (though viewpoint neutral) under *Reed* and it would apply to both noncommercial and commercial speech (where only commercial speech may be regulated by content).

- 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.

Comment: This category replaces the “agricultural product sign” that was a content based classification. On-site agricultural product signs are allowed without a sign permit, provided they are located on the farm. Off-site agricultural product signs are allowed with a sign permit.

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)

Comment: The list of signs exempt from the requirement of a sign permit are in current section 4.15.6, several pages removed from current section 4.15.4, which imposes the requirements for a sign permit. The list of exempt signs is moved to this section (permanent signs) and section 4.15.6 (temporary signs) in order to clarify the regulations, better distinguish permanent and temporary signs not subject to the sign permit requirement, and make the regulations more user friendly. The list in current section 4.15.6 contains 21 sign classifications, many of which are content based (though viewpoint neutral), apply to noncommercial signs and, therefore, must be revised in order to comply with *Reed*. Most of the signs on the list were exempt if they were below 4 square feet in area, and they were a mix of commercial and noncommercial signs. The content based classifications for noncommercial signs have been eliminated in order to comply with *Reed* except in the three circumstances where the classification may be justified by a compelling (rather than the lesser “substantial”) governmental interest (address signs, directional signs, and warning signs). The size and number of noncommercial signs are addressed in the text following the tables in sections 4.15.9, 4.15.10, and 4.15.11. Several of the exempt signs that are temporary were moved to section 4.15.6(b). A special note is made here for what was identified at the Planning Commission public hearing as a “temporary off-site directional sign,” a type of sign that identifies, for example, how to get to a temporary event. This sign classification was at the center of the dispute in *Reed*, and the United States Supreme Court treated such a sign as a noncommercial sign that cannot be distinguished based on its content. Therefore, such a sign will be classified and treated as a temporary noncommercial sign.

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. 4.15.4A6 ~~Signs authorized by temporary sign permit~~ 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 permit shall be required for each temporary sign (hereinafter, a “temporary sign permit”), prior to its erection, alteration, replacement or relocation, as provided herein:

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:

a1. *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 4.15.45(a)(1).

b2. *Application review and permit issuance.* A temporary sign permit application shall be reviewed and acted upon by the zoning administrator only as provided herein:

2a. *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 4.15.4(a)(3)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.

3b. *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.

e3. *Administration.* The following regulations shall apply to the administration of temporary sign permits:

1a. *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 ~~(e)(2)(b)~~ (a)(3)(b)(2) shall not count toward this limit.

2b. *Period of validity.* Each temporary sign permit shall be valid for the following periods:

(a1) *Generally.* Except as provided in subsections ~~(e)(2)(b)~~ (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.

(b2) *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: (1) 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 (2) the permanent sign was required by VDOT to be removed in conjunction with the construction project.

- (e) *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: (1) not more than one (1) sign authorized by this subsection per lot may be erected; (2) the lot has an existing primary use or a structure for a pending primary use is under construction; (3) the lot abuts a primary arterial or other public street within the project limits of the construction project that includes the primary arterial; (4) the lot is within a ~~zoning~~ district subject to sections 4.15.12, 4.15.13, or 4.15.14; and (5) 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.

Comment: This subsection incorporates the 29 Solutions Phase 2 ZTA text and the underlining shows changes to that language.

- 3c. *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 ~~(e)(2)(b)~~ (a)(3)(b)(2) and ~~(e)(2)(c)~~ (a)(3)(b)(3).

Comment: This subsection incorporates the 29 Solutions Phase 2 ZTA text and the underlining shows changes to that language.

- 4d. *Portable signs; stabilization.* A temporary sign that is ~~a portable sign~~ 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.

Comment: This subsection incorporates the substance of the definition of “portable sign” in section 4.15.2.

- 4b. *Exemptions.* ~~A temporary sign permit is not required for a sign exempt from the sign permit requirement under section 4.15.6 or nonconforming signs subject to section 4.15.24.~~
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).

Comment: The list of signs exempt from the requirement of a sign permit are in current section 4.15.6, several pages removed from current section 4.15.4, which imposes the requirements for a sign permit. The list of exempt signs is moved to this section (permanent signs) and section 4.15.6 (temporary signs) in order to clarify the regulations, better distinguish permanent and temporary signs not subject to the permit requirement, and make the regulations more user friendly. The list in current section 4.15.6 contains 21 sign classifications, many of which are content based (though viewpoint neutral), apply to noncommercial signs, and which, therefore, must be revised in order to comply with *Reed*. Most of the signs on the list were exempt if they were below 4 square feet in area, and they were a mix of commercial and noncommercial signs. The content based classifications for noncommercial signs have been eliminated in order to comply with *Reed* except in the three circumstances where the classification may be justified by a compelling (rather than the lesser “substantial”) governmental interest (address signs, directional signs, and warning signs). The size and number of noncommercial signs are addressed in the text following the tables in sections 4.15.9, 4.15.10, and 4.15.11.

- 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.

Comment: Flags are treated the same way temporary signs. Subparagraph (ii) is amended from the current provision to allow noncommercial flags to also be flown from flag poles.

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. 4.15.5 Electric message signs; authorized by special use permit

Electric message signs may be authorized by special use permit, as provided herein:

- a. ~~Authority.~~ The board of zoning appeals is authorized to issue special use permits for electric message signs.
- b. ~~Procedure and administration.~~ The application procedure, the factors to be considered, the conditions imposed, and the authority to revoke such a permit shall be as provided in section 33.
- c. ~~Eligibility for special use permit.~~ In order to be eligible for a special use permit, any proposed electric message sign shall be located within an industrial or commercial district or a commercial section of a planned development district, and the proposed sign shall comply with all applicable state laws for such signs.

Comment: This section is replaced by new section 4.15.7, which consolidates current sections 4.15.5 and 4.15.5A to streamline the regulations, eliminate duplication, update the authority, procedure, and administration subsections, clarify that signs subject to special use permits must also obtain a sign permit and comply with all other applicable requirements of section 4.15, and to remove the remaining sign types allowed by right which will be addressed in revised sections 4.15.9, 4.15.10, and 4.15.11.

(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. 4.15.5A Off site signs; authorized by right and by special use permit.

Off site signs are subject to the following:

- a. ~~Authority of the board of zoning appeals to grant special use permits; procedure and administration.~~ The board of zoning appeals is authorized to grant special use permits for bundle signs, directional signs, and signs in public rights of way as provided in subsection (b). The application procedure, the factors to be considered, the conditions imposed, and the authority to revoke a special use permit shall be as provided in section 33.
- b. ~~When directional signs, bundle signs and signs in the public right of way may be authorized.~~ Directional signs, bundle signs and signs in the public right of way are authorized by right or by special use permit as follows:

Directional Signs			
Authorized	Eligibility	Districts Where Sign May Be Located	Other Location Requirements
By right	Up to two (2) directional signs pertaining to any single twenty-four (24) hour emergency medical service facilities.	Within any zoning district.	None.
By right	Up to two (2) directional signs pertaining to any public use.	Within any zoning district.	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 public use directional signs or the board of zoning appeals for all other 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
By special use permit	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 sign, and that no on-site sign face located at the site entrance would be visible from the street providing direct access to the site entrance within one	Within any zoning district.	

	hundred (100) feet of the site entrance.		a street providing direct access to the site entrance; or (iii) if the owner demonstrates to the satisfaction of the zoning administrator for public use directional signs or the board of zoning appeals for all other directional signs that it is unable to obtain permission as provided under subdivisions (i) and (ii), then another authorized location.
Bundle Signs			
Authorized	Eligibility	Districts Where Sign May Be Located	Other Location Requirements
By special use permit	The establishment or site to which the bundle sign pertains 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.	Within an industrial or commercial district, a residential district authorizing a density of six (6) dwelling units per acre or more, or a planned development district.	The sign shall be located on a parcel having frontage on the intersection of a street and an access road serving all establishments or sites identified on the sign.
Signs in the Public Right of Way			
Authorized	Eligibility	Districts Where Sign May Be Located	Other Location Requirements
By special use permit	The sign: (i) shall be either a subdivision sign or a sign identifying a planned development authorized by sections 19, 20, 25, 25A, and 29; (ii) the subdivision or planned development to which the sign pertains 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 to which the sign pertains, 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.	Within any zoning district.	The sign shall be located only where the Virginia Department of Transportation authorizes it to be located.

Comment: The by right off-site signs will be added to the tables that apply to the zoning districts in sections 4.15.9 through 4.15.11.

~~c. — Other off site signs authorized by right. The following off site signs are authorized by right:~~

1. ~~*Agricultural product signs.* Agricultural product signs, except for those advertising a farmers' market in any district other than the Rural Areas, Monticello Historic District, and the Village Residential districts, provided that: (i) the agricultural product signs do not exceed an aggregate of thirty two (32) square feet in sign area; and (ii) the number of signs advertising a farmers market in the Rural Areas, Monticello Historic District, or the Village Residential districts does not exceed two (2) and the signs are posted within that particular district.~~
2. ~~*Political signs.* Off-site political signs, in any district.~~

Comment: This sign class can be deleted from this section because the definition of "off-site sign" has been amended to state that an off-site sign's copy pertains to commercial speech; as another way of stating this, noncommercial speech, *i.e.*, speech that pertains to ideas is not tied to a particular lot and, therefore, off-site noncommercial speech does not exist.

3. ~~*Subdivision signs.* Off-site subdivision signs, in any district, except for subdivision signs in public rights-of-way which are subject to subsection (b).~~

Comment: This by right off-site sign class will be added to the tables that apply to the zoning districts in sections 4.15.9 through 4.15.11.

4. ~~*Temporary signs.* Off-site temporary signs, in any district.~~

Comment: This by right off-site sign will be added to the tables that apply to the zoning districts in sections 4.15.9 through 4.15.11.

Comment: This section is repealed and a new section 4.15.7 is added. The new section consolidates current sections 4.15.5 and 4.15.5A to streamline the regulations, eliminate duplication, update the authority, procedure and administration subsections, clarify that signs subject to special use permits must also obtain a sign permit and comply with all other applicable requirements of section 4.15, and to remove the remaining sign types allowed by right which will be addressed in sections 4.15.9 through 4.15.11.

~~(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; § 4.14.5A, Ord. 14-18(3), 6-4-14)~~

~~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.

Comment: Subsection (a) is materially identical to the regulations in current section 4.15.5A for off-site directional signs authorized by special use permit. The statement in the current regulations that these signs are allowed in all zoning districts has been moved to the district regulations.

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.

Comment: Subsection (b) is materially identical to the regulations in current section 4.15.5A for off-site bundle signs authorized by special use permit. The statement in the current regulations that these signs are allowed in certain zoning districts has been moved to the district regulations.

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.

Comment: The phrase “a sign identifying a planned development . . .” has been replaced by “a sign at an entrance to a planned development . . .” in order to comply with Reed.

2. Authorized locations. The sign shall be located only where the Virginia Department of Transportation authorizes it to be located.

Comment: Subsection (c) is materially identical to the regulations in current section 4.15.5A for signs in a public right-of-way, but has been revised to comply with Reed by deleting the content-related elements (e.g., “a sign identifying a planned development” and the “development to which the sign pertains”). The statement in the current regulations that these signs are allowed in all zoning districts has been moved to the district regulations in sections 4.15.9, 4.15.10, and 4.15.11.

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.

Comment: Subsection (d) is materially identical to the regulations in current section 4.15.5 for electric message signs. The statement in the current regulations that these signs are allowed in any industrial or commercial district or a commercial section of a planned development district has been moved to the district regulations in sections 4.15.10 and 4.15.11.

(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. 4.15.6 Signs exempt from the sign permit requirement~~

The following signs are exempt from the requirement to obtain a sign permit under section 4.15.4 and a temporary sign permit under section 4.15.4A, provided that they comply with the regulations set forth below and all other applicable regulations of this section 4.15. A sign exempt from the requirements to obtain permits under sections 4.15.4 and 4.15.4A is not exempt from the requirement to obtain a special use permit under section 4.15.5 if required.

- ~~(1) — *Agricultural product sign, on-site.* One or two on-site agricultural product signs that do not exceed an aggregate of thirty two (32) square feet in sign area. (Added 3-16-05; Amended 5-5-10)~~
- ~~(2) — *Auction sign.* An auction sign that does not exceed four (4) square feet in sign area, and which is posted for a total of thirty (30) days or less in a calendar year. Such an auction sign shall be removed within seven (7) days after date of the auction.~~
- ~~(3) — *Commemorative plaque.* A commemorative plaque that does not exceed four (4) square feet in sign area. (Amended 5-5-10)~~
- ~~(4) — *Construction sign.* A construction sign that does not exceed thirty two (32) square feet in sign area. Such a construction sign shall be removed within seven (7) days after issuance of a certificate of occupancy.~~
- ~~(5) — *Estate sign.* An estate sign that does not exceed four (4) square feet in sign area.~~
- ~~(6) — *Farm sign.* A farm sign that does not include commercial identification and does not exceed four (4) square feet in sign area.~~
- ~~(7) — *Home occupation class B or major home occupation sign.* A home occupation class B or major home occupation sign that does not exceed four (4) square feet in sign area. (Amended 1-12-11, 3-14-12)~~
- ~~(8) — *Incidental sign.* An incidental sign that does not exceed four (4) square feet in sign area.~~
- ~~(9) — *Political sign.* One or more political signs that do not exceed the maximum sign area allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district.~~
- ~~(10) — *Private drive sign.* A private drive sign that does not exceed four (4) square feet in sign area, limited to one such sign per entrance.~~
- ~~(11) — *Public sign.* A public sign.~~
- ~~(12) — *Residence sign.* A residence sign that does not exceed four (4) square feet in sign area.~~

- ~~(13) — *Residential sign.* One or more residential signs that are not illuminated signs and do not exceed thirty-two (32) square feet in cumulative sign area.~~
- ~~(14) — *Special decorative display.* A special decorative display used for holidays or public events, and which is displayed for a total of sixty (60) days or less in a calendar year. Such a display shall be removed within seven (7) days of said event.~~
- ~~(15) — *Temporary directional sign.* A temporary directional sign that is erected no closer than five (5) feet from a front lot line and does not exceed four (4) square feet in sign area.~~
- ~~(16) — *Real estate sign.* A real estate sign that does not exceed thirty two (32) square feet in sign area. Such a real estate sign shall be removed from the site within seven (7) days of sale, lease or rental.~~
- ~~(17) — *Warning sign.* A warning sign that is erected by a private landowner and does not exceed four (4) square feet in sign area.~~
- ~~(18) — *Window sign.* A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed twenty five percent (25%) of the total area of the window or door. (Amended 3-16-05, 3-14-12)~~
- ~~(19) — *Commercial flag.* A commercial flag, subject to the following: (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)~~
- ~~(20) — *Noncommercial flag.* A noncommercial flag, subject to the following: (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 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)~~
- ~~(21) — *Advertising vehicle.* An advertising vehicle in which none of the prohibited conditions delineated in section 4.15.7(c)(2)(ii) or (iii) exist that is: (i) used as transportation for the business; and (ii) parked in an approved parking space or parking area that serves the advertised 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. (Added 3-16-05)~~

Comment: The subject matter of this section has been moved to sections 4.15.5 and 4.15.6. The list in current section 4.15.6 contains 21 sign classifications, many of which are content based (though viewpoint neutral) classifications, and those that are noncommercial signs may not be content based (with limited exceptions for those signs justified by a public safety purpose) under *Reed*. Most of the signs on the list were exempt from the sign permit requirement if they were below 4 square feet in area. In order to comply with *Reed*, those content based classifications have been eliminated except in the three circumstances where the classification may be justified by a compelling (rather than the lesser “substantial”) governmental interest, and reclassified based solely on square footage and other content neutral factors. The sign class “special decorative display” (section 4.15.6(14)) is being deleted.

(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.

Sec. 4.15.78 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 §§ ~~33.1-351 to 33.1-381~~ 33.2-1200 to 33.2-1234, inclusive, and ~~46.1-174~~ 46.2-831.

Comment: These are updated cross-references.

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, ~~fence~~, utility pole or support, utility tower, rack, curbstone, sidewalk, lamp post, hydrant, bridge or public property of any description.

Comment: Current section 4.15.17 implies that signs may be erected on “decorative” fencing. The proposed revision eliminates the inconsistency between this section and current section 4.15.17.

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) milliamperes; 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 ~~4.15.5~~ 4.15.7.

Comment: This is an updated cross-reference.

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 message content.
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 ~~4.15.6(21)~~ 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)

Comment: This is an updated cross-reference.

3. Banners, except as an authorized temporary sign under section ~~4.15.4A~~ 4.15.6. (Amended 3-16-05)

Comment: This is an updated cross-reference.

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 sections ~~4.15.6(18)~~ or ~~4.15.6(19)~~ 4.15.3. (Amended 3-16-05)

Comment: These are updated cross-references.

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 4.15.8 Regulations applicable in the MHD, RA, VR, R-1 and R-2 zoning districts~~

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Monticello Historic District (MHD), Rural Areas (RA), Village Residential (VR) and Residential (R-1 and R-2) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
<i>Directory</i>	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
<i>Freestanding</i>	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, aggregated; if more than 1 sign, no single sign shall exceed 12 square feet	10 feet	5 feet
<i>Subdivision</i>	2 per entrance per subdivision	24 square feet, aggregated; per entrance	6 feet	5 feet
<i>Temporary</i>	1 per street frontage per establishment	24 square feet	10 feet, if freestanding sign; 20 feet, if wall sign, but not to exceed the top of the fascia or mansard	5 feet
<i>Wall</i>	As calculated pursuant to section 4.15.20	40 square feet, aggregated in the RA zoning district; 20 square feet, aggregated, in other zoning districts	20 feet	Same as that applicable to structure

~~(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)~~

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

Comment: The regulations in sections 4.15.8, 4.15.9, and 4.15.10 are identical with the exception of projecting signs, and the three sections are consolidated in section 4.15.9 and the variations among the districts regarding projecting signs are addressed in revised section 4.15.9.

~~Sec. 4.15.9 Regulations applicable in the R-4 and R-6 zoning districts~~

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Residential (R-4 and R-6) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
Freestanding	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, aggregated; if more than 1 sign, no single sign shall exceed 12 square feet	10 feet	5 feet
Projecting	1 per street frontage	24 square feet	20 feet, but not to exceed the top of the fascia or mansard	Not applicable
Subdivision	2 per entrance per subdivision	24 square feet, aggregated, per entrance	6 feet	5 feet
Temporary	1 per street frontage per establishment	24 square feet	10 feet, if freestanding sign; 20 feet, if wall sign, but not to exceed the top of the fascia or mansard	5 feet
Wall	As calculated pursuant to section 4.15.20	20 square feet, aggregated	20 feet	Same as that applicable to structure

~~(12-10-80; 7-8-92, § 4.15.12.2; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12)~~

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

Comment: The regulations in sections 4.15.8, 4.15.9, and 4.15.10 are identical with the exception of projecting signs, and the three sections are consolidated in section 4.15.9, and the variations among the districts regarding projecting signs are addressed in revised section 4.15.9.

Sec. 4.15.109 Regulations applicable 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 following regulations pertaining to the maximum number of signs permitted per lot or establishment, the sign area, and sign height, and the minimum sign setback requirements shall apply to are as follows for each sign for which a sign permit is required 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) zoning districts:

Comment: The “per lot or establishment” clause is deleted because the number of signs allowed also may depend on the number of street frontages or entrances, depending on the sign type, as provided in the table below.

Sign Type	Number of Signs Allowed (Maximum)	Sign Area (Maximum) ^a	Sign Height (Maximum)	Sign Setback (Minimum)
Directory <u>Directional</u> ¹	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	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, aggregated; if more than 1 sign, no single sign shall exceed 12 square feet	12 feet	5 feet
Projecting ⁴	1 per street frontage	24 square feet	20 feet, but not to exceed the top of the fascia or mansard	Not applicable
Subdivision ⁵	2 per entrance per subdivision	24 square feet, aggregated, 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	24 square feet	<u>10 feet in the RA,</u>	5 feet

	frontage per establishment		<u>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</u>	
Wall	As-calculated pursuant to section 4.15.20 <u>Not applicable</u>	<u>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</u>	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. *Freestanding signs; 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)

Comment: Subsections (a) and (b) are the consolidation of numerous express and implied requirements in other sections of the current sign regulations. The number of signs allowed and the applicable standards have been clarified. If every sign allowed on an individual lot was erected at the same time, the potential amount of signage would be substantial and the purposes of the sign regulations might be denigrated. However, many of the signs allowed are situational and the likelihood of multiple simultaneous situations arising on a lot at any particular time is remote. Moreover, experience and observation show that, in agricultural and residential districts in particular, the amount of signage erected on a lot at any particular time is significantly less than the signage allowed, if any signage other than address signs are present at all. A special note is made here for what was identified at the Planning Commission public hearing as a “temporary off-site directional sign,” a type of sign that identifies, for example, how to get to a temporary event. This sign classification was at the center of the dispute in *Reed*, and the United States Supreme Court treated such a sign as a noncommercial sign that cannot be distinguished based on its content. Therefore, such a sign will be classified and treated as a temporary noncommercial sign.

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. 4.15.140 ~~Regulations applicable~~ Maximum sign number, area, and height, and minimum sign setback in the PUD, DCD, and NMD zoning districts

The following regulations pertaining to the maximum number of signs permitted per lot or establishment, the sign area, and sign height, and the minimum sign setback requirements ~~shall apply to~~ are as follows for each sign for which a sign permit is required each sign within the Planned Unit Development (PUD), Downtown Crozet (DCD) and Neighborhood Model (NMD) ~~zoning~~ districts:

Sign Type	Number of Signs Allowed (Maximum)	Sign Area (Maximum) ^{8, 9, 10, 11}	Sign Height (Maximum)	Sign Setback (Minimum)
<u>Directory Directional</u> ¹	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
<u>Freestanding</u> ^{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, aggregated , plus bonus tenant panels as provided in section 4.15.16(b) ; if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	12 feet	5 feet
<u>Projecting</u> ⁴	1 per street frontage	24 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
<u>Subdivision</u> ⁵	2 per entrance per subdivision	24 square feet, aggregated , per entrance; if more than 1 sign, no single sign shall exceed 12 square feet	6 feet	5 feet
<u>Temporary</u> ^{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
<u>Wall</u> ⁴	As calculated pursuant to section 4.15.20 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	Not to exceed the cornice line	Same as that applicable to structure

		wall sign		
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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, 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. *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, in the commercial section of a planned development, 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, in the commercial section of a planned development, 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)

Comment: Subsections (a) and (b) are the consolidation of numerous express and implied requirements in other sections of the current sign regulations. If every sign allowed on an individual lot was erected at the same time, the potential amount of signage would be substantial and the purposes of the sign regulations might be denigrated. However, many of the signs allowed are situational and the likelihood of multiple simultaneous situations arising on a lot at any particular time is remote. Moreover, experience and observation show that, in agricultural and residential districts in particular, the amount of signage erected on a lot at any particular time is significantly less than the signage allowed, if any signage other than address signs are present at all. A special note is made here for what was identified at the Planning Commission public hearing as a “temporary off-site directional sign,” a type of sign that identifies, for example, how to get to a temporary event. This sign classification was at the center of the dispute in *Reed*, and the United States Supreme Court treated such a sign as a noncommercial sign that cannot be distinguished based on its content. Therefore, such a sign will be classified and treated as a temporary noncommercial sign.

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

The following regulations pertaining to the maximum number of signs permitted per lot or establishment, the sign area, and sign height, and the minimum sign setback requirements shall apply to are as follows for each sign for which a sign permit is required each sign within the Commercial (C-1), Commercial Office (CO), and 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) zoning districts:

Sign Type	Number of Signs Allowed (Maximum)	Sign Area (Maximum) ^{7, 8, 9, 10, 11}	Sign Height (Maximum)	Sign Setback (Minimum)
<u>Directory Directional</u> ¹	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
<u>Freestanding</u> ^{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, aggregated, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	<u>In the C-1 and HC districts, 12 feet;</u> <u>16 feet in all other districts</u>	5 feet
<u>Projecting</u> ⁴	1 per street frontage	32 square feet	30 feet, but not to exceed the top of the fascia or mansard	<u>In the LI, HI, and PDIP districts, 5 feet;</u> <u>in all other districts, Not</u>

				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
Wall ⁴	As calculated pursuant to section 4.15.2015	In the C-1 and CO zoning districts, 1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 100 square feet; in the HC zoning district 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)

Comment: Subsections (a) and (b) are the consolidation of numerous express and implied requirements in other sections of the current sign regulations. The number of signs allowed and the applicable standards have been clarified. As stated in proposed section 4.15.1(c), if every sign allowed on an individual lot was erected at the same time, the potential amount of signage would be substantial and the purposes of the sign regulations might be denigrated. However, many of the signs allowed are situational and the likelihood of multiple simultaneous situations arising on a lot at any particular time is remote. Moreover, experience and observation show that, in agricultural and residential districts in particular, the amount of signage erected on a lot at any particular time is significantly less than the signage allowed, if any signage other than address signs are present at all. A special note is made here for what was identified at the Planning Commission public hearing as a “temporary off-site directional sign,” a type of sign that identifies, for example, how to get to a temporary event. This sign classification was at the center of the dispute in *Reed*, and the United States Supreme Court treated such a sign as a noncommercial sign that cannot be distinguished based on its content. Therefore, such a sign will be classified and treated as a temporary noncommercial sign.

(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): (12-10-80; 7-8-92, § 4.15.12.6; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12)

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. 4.15.13 Regulations applicable in the PD-SC and PD-MC zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Planned Development Shopping Center (PD-SC) and Planned Development Mixed Commercial (PD-MC) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area	Sign Height	Sign Setback
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		(Maximum)	(Maximum)	(Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
Freestanding	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, aggregated, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	16 feet	5 feet
Projecting*	1 per street frontage	32 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
Temporary**	1 per street frontage per establishment	32 square feet	12 feet, if freestanding sign; 30 feet if wall sign, but not to exceed the cornice line	5 feet
Wall*	As calculated pursuant to section 4.15.20	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

*Each establishment may have both a projecting sign and a wall sign. If the establishment has both such signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign (which may not exceed thirty two (32) square feet).

**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 4.15.4A(c)(2)(c).

(12-10-80; 7-8-92, § 4.15.12.6; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12)

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

Comment: The regulations in current sections 4.15.12, 4.15.13, and 4.15.14 are identical with three exceptions where there are variations among some districts, and the three sections are consolidated in section 4.15.11 and the variations among the districts are addressed in revised section 4.15.11.

Sec. 4.15.14 Regulations applicable in the HI, LI and PD-IP zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Heavy Industry (HI), Light Industry (LI) and Planned Development Industrial Park (PD-IP) zoning districts.

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
Freestanding	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, aggregate, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	16 feet	5 feet
Projecting*	1 per street frontage	32 square feet	30 feet, but not to exceed the top of the fascia or mansard	5 feet
Temporary**	1 per street frontage per establishment	32 square feet	12 feet, if freestanding sign; 30 feet if wall sign, but not to exceed the cornice line	5 feet
Wall*	As calculated pursuant to section 4.15.20	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

~~*Each establishment may have both a projecting sign and a wall sign. If the establishment has both such signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign (which may not exceed thirty two (32) square feet).~~

~~**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 4.15.4A(c)(2)(c).~~

(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.

Comment: The regulations in current sections 4.15.12, 4.15.13, and 4.15.14 are identical with three exceptions where there are variations among some districts, and the three sections are consolidated in section 4.15.11 and the variations among the districts are addressed in revised section 4.15.11.

Sec. 4.15.15 Regulations applicable in the entrance corridor overlay district

In addition to all other regulations set forth in this section 4.15, the following regulations shall apply within the entrance corridor overlay zoning district:

- a. ~~Certificate of appropriateness required.~~ Prior to the erection of a 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 unless the sign is exempt under section 30.6.5(d).
- b. ~~Authority and procedure for acting upon application for certificate of appropriateness.~~ The authority and procedure for acting upon an application for a certificate of appropriateness for a sign shall be as set forth in section 30.6.
- c. ~~Opaque backgrounds.~~ All internally illuminated box style and cabinet style signs shall have an opaque background.

Comment: The subject matter of subsections (a) and (b) are moved to new section 4.15.2 (Applicability). The subject matter of subsection(c) is moved to section 4.15.17 (Sign Illumination).

(12-10-80; 7-8-92, § 4.15.12.8; Ord. 01-18(3), 5-9-01; Ord. 10-18(5), 5-12-10; Ord. 12-18(2), 3-14-12)

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

Sec. 4.15.16 Regulations applicable to certain sign types

In addition to all other regulations set forth in this section 4.15, the following regulations apply to the sign types identified herein:

- a. ~~All sign types.~~ The following regulations shall apply to all signs, including exempt signs: (i) no sign shall be erected within the applicable minimum setback area or within the sight distance triangle; and (ii) the area of the sign face shall not exceed two hundred (200) percent of the sign area.

Comment: The subject matter of subparagraph (i) is moved to section 4.15.16; the subject matter of subsection (ii) is moved to section 4.15.12.

- b. ~~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.

Comment: The subject matter of this subsection is moved to sections 4.15.10 and 4.15.11.

~~e. — *Canopy signs.* A canopy sign shall not extend above or below the edge of the canopy's fascia.~~

Comment: The subject matter of this subsection is moved to the definition of “canopy sign” in section 4.15.3.

~~d. — *Freestanding signs.* The following regulations shall apply to freestanding signs: (i) the maximum combined size of a freestanding sign and its support structure shall not exceed two and one-half (2.5) times the maximum allowable sign size; and (ii) a lot with less than one hundred (100) feet of frontage, on which there is erected a freestanding sign on the date of the adoption of this regulation, shall be permitted one (1) freestanding sign.~~

Comment: The subject matter of subsection (i) is moved to section 4.15.12 pertaining to freestanding sign size; the subject matter of subsection (ii) is deleted because it is already addressed in the regulations applicable to the various districts in sections 4.15.9, 4.15.10, and 4.15.11.

~~e. — *Gasoline service station fuel price signs.* Gasoline service stations shall be permitted additional sign area for the exclusive purpose of displaying fuel prices. This sign area shall be calculated at a maximum of fifty (50) percent of the principal sign area to which it is attached or sixteen (16) square feet, whichever is less.~~

Comment: The subject matter of this subsection is moved below the district table where the use is allowed and amended to be content neutral under *Reed*.

~~f. — *Menu signs.* An outdoor menu sign shall be permitted as a directory sign only on a lot with a permitted drive-through use and shall not be visible from any street.~~

Comment: The subject matter of this subsection is moved to the definition of “menu sign” in section 4.15.3. The clause “and shall not be visible from any street” is deleted. The pending drive-through window performance standards will address the off-site visibility of menu signs by landscaping.

~~g. — *Off site signs.* An off-site sign shall count toward the signage allowed on the lot on which the sign is located.~~

Comment: The subject matter of this subsection is moved below the table in section 4.15.7.

~~h. — *Projecting signs.* A projecting sign shall not be mounted on the fascia of a canopy and shall not be mounted such that the projecting sign extends, in whole or in part, above the top of the wall structure.~~

Comment: The subject matter of this subsection is moved to the definition of “projecting sign” in section 4.15.3.

~~i. — *Sandwich board signs.* 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 or 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, 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.

Comment: The subject matter of this subsection is moved to the definition of “sandwich board sign” in section 4.15.3.

j. ~~Signs using rare gas illumination. Signs using exposed 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. (Added 3-16-05)~~

Comment: The subject matter of this subsection is moved to new section 4.15.17 pertaining to sign illumination.

k. ~~Wall signs. In order to be eligible to have a wall sign, the establishment shall have an exterior wall.~~

Comment: The subject matter of this subsection is moved to the definition of “wall sign” in section 4.15.3.

~~(12-10-80; 7-8-92, § 4.15.12; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 12-18(2), 3-14-12)~~

~~State law reference — Va. Code § 15.2-2280.~~

Sec. 4.15.17~~2~~ Determining sign area 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:

a1. 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 letters, figures, designs, devices, pictures, projected images, symbols, fixtures, logos, emblems or insignias, or any part or combination thereof, 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.

Comment: The stricken language is what is defined in section 4.15.2 to be the elements of “copy,” and so that term is used here.

b2. 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 regulations requirements of this section 4.15 and is clearly incidental to the sign itself.

Comment: Subsection (a) is based on current section 4.15.16(d). Subsection (b) is based on current section

4.15.16(a)(ii).

(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.

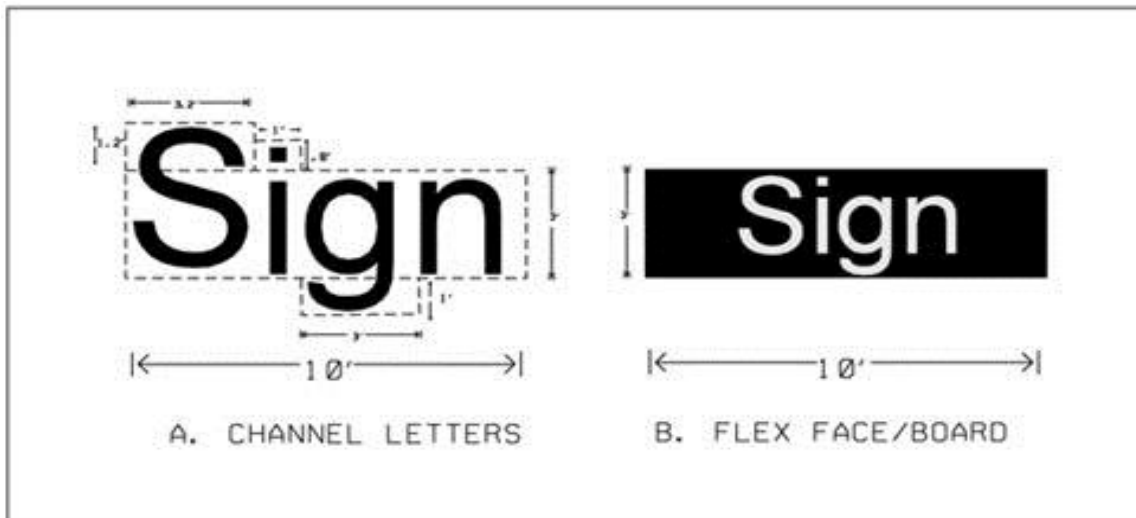


Figure II: Measuring Sign Area

Sec. 4.15.183 Determining sign height Measuring sign heightThe sign height shall be measured as ~~provided herein~~ 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 (Aa), 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.

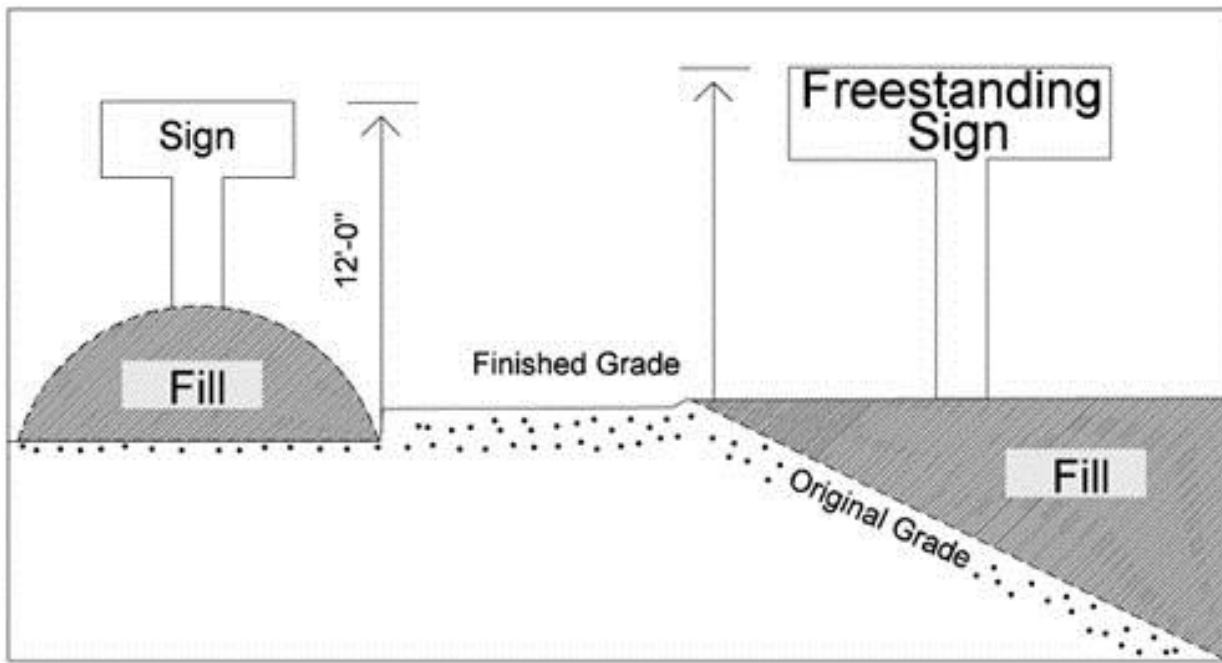


Figure III: Measuring Sign Height

Sec. 4.15.194 ~~Determining sight distance triangle~~ 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 ~~provided herein~~ follows:

- a1. Measurement 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.
- b2. Area not included. The driveway for a single-family or two-family residence shall not be included in this calculation.
- c3. 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.

Comment: Sight distance triangle regulations are consolidated in this amended section. Subsection (b) is based on current section 4.15.16(a)(i).

(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.

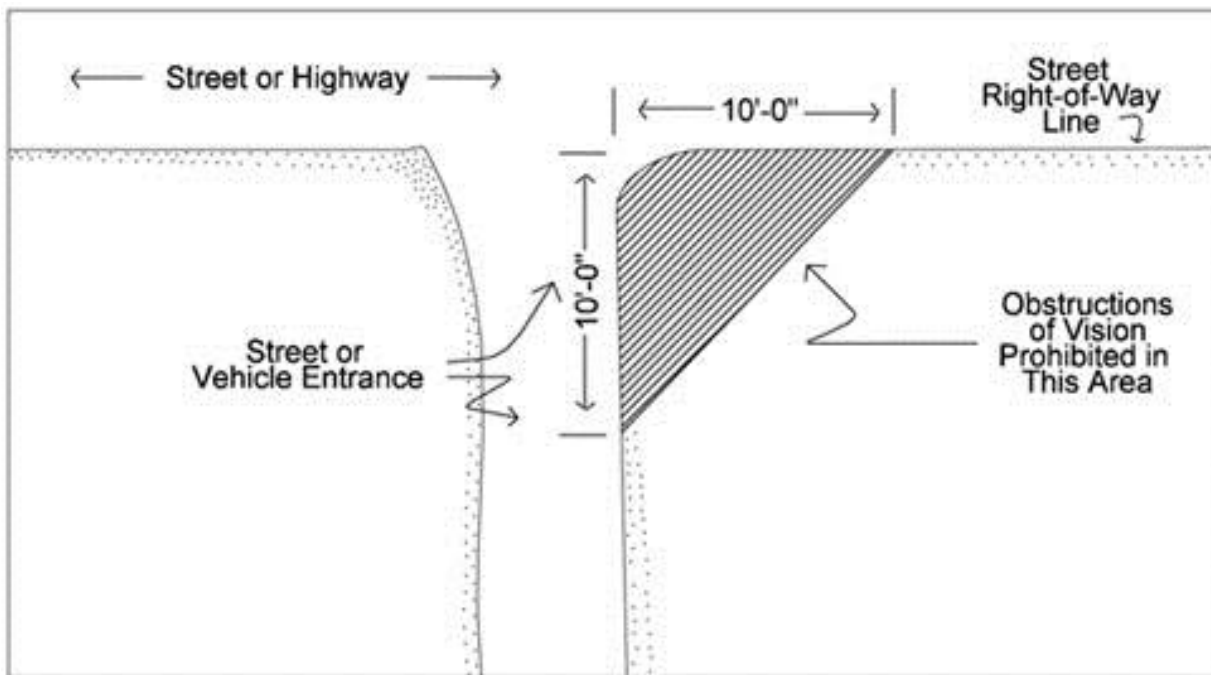


Figure IV: Determining Sight Distance Triangle

Sec. 4.15.2015 ~~Determining structure frontage~~ Measuring permitted wall signage based on structure frontage

The structure frontage shall be measured to calculate the permitted wall signage as ~~provided herein.~~ 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. 4.15.2416 ~~Determining sign setback~~ 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.

Comment: Setback regulations are consolidated in this amended section with cross-references to the setback . Subsection (b) is based on current section 4.15.16(a)(i).

(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.

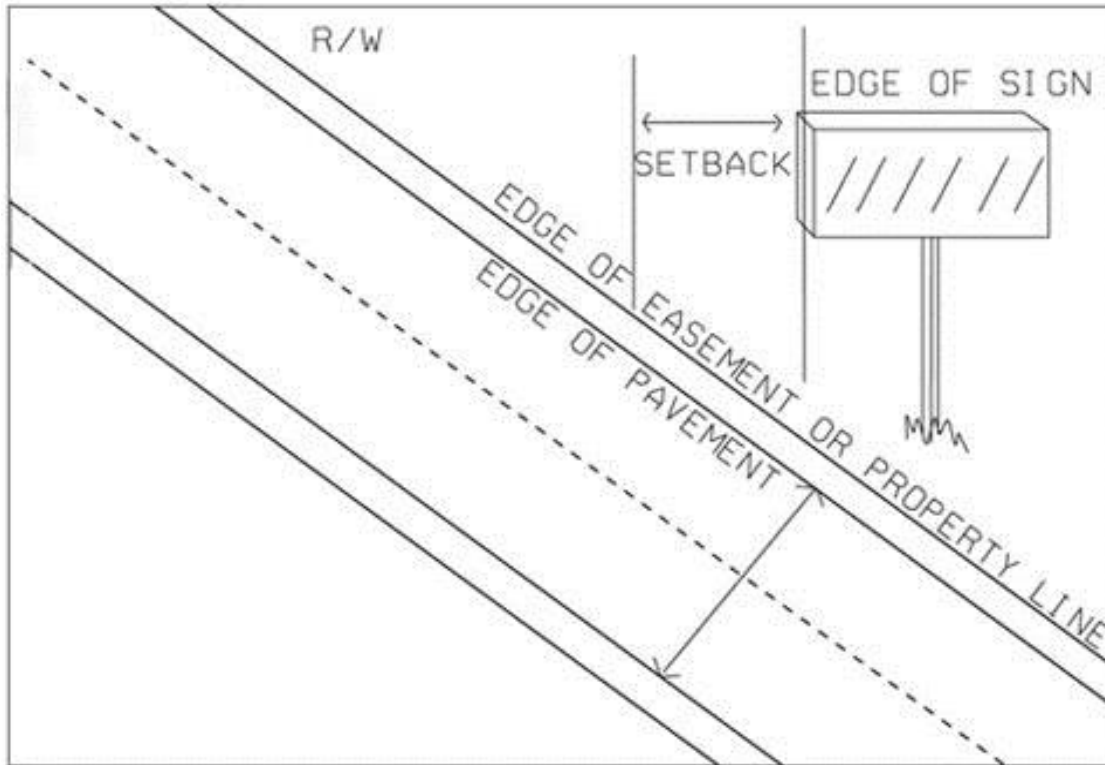


Figure V: Determining Sign Setback

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.

Comment: This section is new to provide a cross-reference to section 4.17, which establishes the regulations applicable to outdoors lighting. Subsection (b) is based on current section 4.15.6(j). Subsection (c) is based on current section 4.15.15(c).

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

Sec. 4.15.2218 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. 4.15.2319 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 property 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 property 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 ~~pertaining to that use~~ 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.

Comment: This provision is amended to delete what may be perceived as a content based standard, i.e., “pertaining to that use” and replaces it with a more generic reference to “commercial speech.”

- 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 property 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. 4.15.240 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 by or for the current owner of the establishment to which the sign pertains.

Comment: Because this section applies to both commercial and noncommercial signs, this section must be content neutral and, therefore, the phrase “establishment to which the sign pertains” is deleted.

- 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 ~~property~~ lot on which the sign is located.

Comment: “Lot” is the current term being used and is defined in the Zoning Ordinance.

- 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 ~~property~~ lot on which the sign is located if the use to which the sign pertains is discontinued for more than two (2) years.

Comment: Generally, noncommercial speech will not pertain to any use that is occurring on the site, but commercial speech will (unless the sign is an off-site sign). Thus, this provision is clarified so that it is limited to signs containing commercial speech. “Lot” is the current term being used and is defined in the Zoning Ordinance.

- 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.

Comment: This subsection is amended to authorize the zoning administrator to also consider the location being more in compliance with the requirements applicable to signs which, in this case, would be the setback and sight distance triangle regulations.

- 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 ~~property lot~~ on which ~~there is erected~~ 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.

Comment: “Lot” is the current term being used and is defined in the Zoning Ordinance.

(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.

I, Ella W. Jordan, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	Aye	Nay
Mr. Boyd	_____	_____
Ms. Dittmar	_____	_____
Ms. Mallek	_____	_____

Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Sheffield	_____	_____