

## LGA AD HOC COMMITTEE MODEL SIGN ORDINANCE

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## ARTICLE \_\_. - SIGNS

### DIVISION I. - GENERAL PROVISIONS

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

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

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

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

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

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

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

## **Sec. 2. - Definitions.**

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

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

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

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

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

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

**[OR]**

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

**Commented [MC5]:** Choose one of these definitions.

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

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

*Canopy sign* means a sign attached to a canopy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Sign* means any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, symbol or trademark, flag, banner or pennant or any other device, figure or character) visible to and designed to communicate information to persons in a public area. The term "sign" also does not include the display of merchandise for sale on the site of the display.

**[OR]**

*Sign.* Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters,

**Commented [MC6]:** This is designed to replace a host of small signs formerly defined in terms of content, such as directional signs, entrance signs, and the like.

**Commented [MC7]:** Choose one of these two definitions.

**Commented [MC8]:** This portion of the definition ties to the purposes of regulation in terms of obstructing views and distracting motorists and is broader than some of the other versions.

figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term “sign” also does not include the display of merchandise for sale on the site of the display.

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

*Sign structure* means any structure bearing a sign face.

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

**Commented [MC9]:** Choose one of these two definitions.

**[OR]**

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

**Commented [MC10]:** Based on Norfolk’s draft ordinance.

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

**Commented [MC11]:** In light of the Attorney General’s Opinion 14-050, regulation of vehicles *when used as vehicles* is not a proper subject for a zoning ordinance.

**Commented [MC12]:** See Va. Code § 15.2-905

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

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

### Sec. 3. - Permit required.

(a) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 4 of this Article.

(b) *Application for permit.*

(1) An application for a sign permit shall be filed with the City/County/Town [Community Development Department or equivalent] on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.

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

**Commented [MC13]:** A short time frame is necessary to avoid a challenge based on “prior restraint” due to a permitting process that has no end.

(3) If the application is rejected, the City/County/Town shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the

terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

- (c) *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City/County/Town Council shall accompany all sign permit applications.
- (d) *Duration and revocation of permit.* If a sign is not installed within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 30 days unless another time is provided in the zoning ordinance. The City/County/Town may revoke a sign permit under any of the following circumstances:
  - (1) The City/County/Town determines that information in the application was materially false or misleading;
  - (2) The sign as installed does not conform to the sign permit application; or
  - (3) The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (e) *Overlay district regulations.* All signs in the Historic Overlay District (HOD) require approval of the Architectural Review Board (ARB) except when a sign permit is not required as provided in § 4.
- (f) *Special exceptions.* Comprehensive sign plans may be approved by special use permit in \_\_\_\_ districts. Comprehensive sign plans may be approved by special use permit in the \_\_\_\_ districts for uses allowed by special use permit. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

**Commented [MC14]:** Substitute "Conditional Use Permit" or "Special Use Permit" if that's your preferred nomenclature.

#### **Sec. 4. - Permit not required.**

A sign permit is not required for:

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

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

**Commented [MC15]:** Choose one of these two versions of paragraph (4) b.

**Commented [MC16]:** This alternative classifies based on activity and vehicular speed to tie into the purpose of vehicular safety while avoiding a content-based distinction.

[OR]

- b. On any property for sale or rent in \_\_\_\_ zoning districts, not more than one sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet, and on any property for sale or rent in \_\_\_\_ zoning districts, not more than one sign with a total area of up to thirty two (32) square feet and a maximum height of eight (8) feet.

**Commented [MC17]:** This alternative classifies based on zoning districts while avoiding a content-based distinction.

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

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

**Commented [MC18]:** Permit is required on commercial property so that expirations can be tracked.

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

**Commented [MC19]:** Not putting a maximum number avoids challenges based on *Arlington County Republican Comm. v. Arlington County, Va.*, 983 F.2d 587 (4th Cir. 1993) (rule prohibiting more than two political yard signs on residential property was unconstitutional).

- (5) Not more than two minor signs per parcel. Additional minor signs are permitted in certain districts with a permit.

**Commented [MC20]:** 90 day time limit serves the goal of esthetics as well as traffic safety, because temporary signs are more likely to deteriorate and blow away over time, but it may be safer not to include a time limit.

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

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

**Commented [MC21]:** Typical existing ordinances classify political signs and other content-based categories. Those distinctions are replaced here by reference to the temporary sign definition. An alternative method would be to focus on the materials of the sign.

- (8) 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.

**Commented [MC22]:** Without a percentage cap, there is a risk that—evaluated facially—this exemption could undermine the stated purpose of reducing clutter and promoting an “attractive and harmonious community,” since it seems to allow unlimited amounts of windows signs on residential property.

## Sec. 5. – Prohibited signs

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

- (a) General prohibitions.
- (1) Signs that violate any law of the Commonwealth relating to outdoor advertising.
  - (2) Signs attached to natural vegetation.

(3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized city official as a nuisance.

**Commented [MC23]:** This content-based distinction is believed to be sufficiently narrowly tailored to meet a compelling state interest as to survive strict scrutiny.

(4) Vehicle or trailer signs.

(5) Freestanding signs more than 25 feet in height.

(6) Signs hanging from supports, except against the face of a building.

(7) Any sign displayed without complying with all applicable regulations of this chapter.

(b) Prohibitions based on materials.

(1) Signs painted directly on a building, except where expressly permitted by this chapter.

(2) Animated signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every seven seconds.

(3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.

(4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.

(5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

(6) Signs that emit sound.

(7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.

(8) Strings of flags visible from, and within 50 feet of, any public right-of-way.

(9) Pole signs less than 6 feet in height.

(c) Prohibitions based on location.

(1) Off-premises signs, unless specifically permitted by this chapter.

(2) Signs erected on public land other than those approved by an authorized City/County/Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

**Commented [MC24]:** Note that some localities permit these. If the locality desires to permit them, this provision allows that but express language will need to be permitted in the appropriate section(s) of Division II of this Article. See Sections 10 and 22 of this model for one example.



- (3) Signs on the roof surface or extending above the roofline of a building or its parapet wall.
- (4) Neon signs, except in windows.
- (5) Any sign located in the vision triangle formed by any two (2) intersecting streets, as regulated by the provisions of section  .
- (6) Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

**Commented [MC25]:** Insert cross-reference to provisions of ordinance or administrative code that governs sight distance at corners. Alternately, replace paragraph with "A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location."

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

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

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

#### **Sec. 7. - Maintenance and removal.**

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

**Commented [MC26]:** Under *Central Hudson*, government can prevent misleading commercial speech.

#### **Sec. 8. – General requirements.**

- (a) *Placement.* Except as otherwise permitted, all freestanding signs shall be set back from any street right-of-way at least half the height of the sign.
- (b) *Illumination.* All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.
- (1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, shingle signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

(2) Internal illumination shall be limited to the illumination standards for parking lot lighting in [REDACTED]. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky. [REDACTED]

**Commented [MC27]:** Cross-reference to ordinance or regulation on parking lot lighting.

- (c) *Landscaping.* All non-temporary ground-mounted or monument signs shall be installed with a minimum surround of three (3) feet of regularly maintained floral and shrubbery landscaping in every direction.

**Commented [MC28]:** This optional provision is based on the City of Norfolk's ordinance. If adopted, it will need to be made consistent with the locality's Dark Skies ordinance, if any.

#### **Sec. 9. - Nonconforming signs.**

- (a) Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- (b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- (c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- (e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- (f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

(g) A nonconforming sign structure shall be subject to the removal provisions of section [REDACTED]. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

**Commented [MC29]:** Note that an obsolete sign under § 7 (d) merely has to have the face blanked; this provision, by contrast, deals with a situation where the sign is nonconforming due to its location, height, materials, or other characteristic.

**Commented [MC30]:** Cross-reference provision for abandonment of NCU's or non-use for 2 years.

**Commented [MC31]:** Derived from Virginia Code § 15.2-2307, seventh paragraph.

#### Sec. 10. –Non-commercial signs.

(a) *Substitution.* Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

(b) *Off-site Signs for Noncommercial Use of Limited Duration.* With a permit, a noncommercial organization may erect up to two off-premises temporary signs on properties in commercial and industrial zoning districts with the consent of the persons in charge of such properties. Each sign shall be no more than 16 square feet in area and 8 feet in height. The area of the sign counts against the maximum temporary sign area permitted on that lot. No more than one off-premises temporary sign may be displayed per lot. Display of such signs shall be limited to 30 days at a time. Each organization shall be limited to the display of such signs no more than 4 times within any calendar year.

**Commented [MC32]:** This optional provision is based on the City of Chesterfield's ordinance, rewritten for clarity and consistency.

### DIVISION II. - SIGN REGULATIONS BY USE AND DISTRICT

#### Section 21. – Residential district signs.

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

TYPE	Flags	Temporary	Permanent
Size (each/total)	16 s.f./no limit	16 s.f./16 s.f.	3 s.f./3 s.f.
Illumination	As required by law	None	Indirect
Setback	Height of flagpole	None	None
Maximum Height	25 ft.	4 ft.	4 ft.
Location	Flag pole ≤ 8" diameter	Freestanding, portable, wall, or window	Wall or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited

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**Commented [MC33]:** Signs on property for sale, or where a building permit is active, are in addition to these temporary signs. See §§ 4(4)a. and b.

**Commented [MC34]:** Omit this row if duration is addressed elsewhere

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

**Commented [MC35]:** Such as schools and churches.

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

## Section 22. – Commercial district signs.

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

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

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

(c) *Off-Site Signs for Commercial Use of Limited Duration.* Up to three off-site signs, each not to exceed 6 square feet and 7 feet in height, shall be permitted for a commercial use lasting for 3 or fewer days on property zoned \_\_\_\_\_. No more than one permitted temporary sign shall

be displayed per lot. Display of signs shall be limited to 48 hours prior to commencement, and 48 hours after cessation, of the use or activity advertised.

**Section 23. – Industrial district signs.**

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

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

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