

## PROPOSED TEMPORARY SIGN ORDINANCE

**Proposed by Town Council at October 28, 2020 Town Council work session and discussed by Planning Commission at December 9, 2020 work session. Planning Commission revision shown in red.**

*(Revisions in bold and italic; deletions are strikethroughs.)*

The following is a proposed ordinance to amend the Code of the Town of Vienna, Chapter 18, Zoning, Article 19. - Nameplates and Signs, Sections 18-175, 18-177, 18-178, and 18-185.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VIENNA, VIRGINIA THAT:

**Section 1:** The Town Code, Chapter 18 - Zoning, Article 19, Nameplates and Signs, Section 18-175 Definitions, is amended as follows:

Sec. 18-175. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Awning or canopy* includes any structure made of cloth or metal or a frame attached or detached from a building and projecting therefrom, and possibly carried by frames supported at grade level.

*Banner, pennants or streamers, standards or flags* means any temporary sign consisting of lightweight, flexible material, which is supported by a frame, ropes, cables, wires or other anchoring devices.

*Building directory* means a wall sign which lists the names, times, uses and locations of various services, offices or activities within a building, and which is intended to be read at close proximity.

*College or university* means a place, location, building, or structure that houses or is used by an organization devoted to higher education. To be eligible for signage under section 18-185.F, the organization must serve an institutional purpose. Proof of such purpose includes being approved or recognized by the State Council of Higher Education for Virginia, or by an equivalent agency of the state in which the primary campus of the institution is located. Eligibility under section 18-185 F does not include business schools.

*Freestanding sign* means any sign supported by one or more uprights, braces or poles, or placed directly on the ground or on a foundation on the ground and not attached to a building.

*Master sign plan* means a comprehensive sign plan for a multi-tenant development, building or shopping center which identifies all proposed permanent wall, free-standing and window signs.

*Monument sign* means a freestanding sign no taller than six feet in height, permanently placed in a landscaped area and used to identify a building, its tenants or businesses located on the same site.

*Moving or rotating signs* means any sign which involves motion or rotation of any part or which displays flashing or intermittent lights.

*Place of worship* means a church, synagogue, temple, mosque, or other building or structure that houses the sanctuary or principal place of worship of an organization devoted to the furtherance of religious ideals. To be eligible for signage under section 18-185.F, the organization must have tax exemption based on the religious nature of its activities.

*Political sign* means a temporary sign relating to the election of a person to public office, or a political party, or a matter to be voted upon by an election called by a duly constituted public body.

*Principal street* means that public street which parallels the longest side of a shopping center; in the case of only one public street adjoining a shopping center, that one street shall be the principal street.

*Projecting sign* means any sign which is attached in a plane approximately perpendicular to the surface of a building or other structure.

*School* means a location, building, or structure that houses or is used by an organization for instruction in any branch or branches of knowledge. To be eligible for signage under section 18-185 F, the organization must serve an institutional purpose. Proof of such purpose may include being accredited, licensed, certified or being recognized by the state board of education. Eligibility under section 18-185 F does not include home-based schools or vocational schools.

*Show window display* means displays of merchandise, pictures, posters, prices, promotional statements, etc., designed and intended to be viewed by pedestrians in front of the show window.

*Sign* means any object, letter, figure, design, symbol, artistic display, trademark, flag (excluding federal, state and local flags), illumination of other device intended to call attention to or identify or give direction to any place, subject, person, firm, business, public performance, article, machine or merchandise.

*Sign area* includes the entire face of the sign and any adjacent area incidental to its decoration and, in case of an open sign made up of individual letters, figures or designs, the space between and around such letters, figures or designs.

*Sign height* means the difference in height between the elevation of the established or proposed grade level beneath the sign and the elevation of the uppermost extremity of the sign structure.

*Sign maintenance* means the renewal, painting, repair or cleaning of an existing sign which retains the same sign information items, colors, composition, location and structure as the original.

*Sign structure* means any assembly of materials which supports a sign and which is not an integral element of a wall or building.

~~*Temporary sign.* means any sign, banner, valance or advertising display which may easily be dismantled or removed and which may only be displayed for a limited period of time at any one location.~~ ***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.***

*Time-temperature display* means a sign which displays time/date/temperature for the convenience of the public.

*Wall sign* means any sign which is affixed directly to or suspended from a wall, marquee, mansard roof or parapet wall of a building, with the exposed face of the wall and extending from it less than 12 inches. A wall sign may be either of one-piece construction or of individual letters or symbols. A wall sign may also be inscribed on or attached to the vertical or nearly vertical surface of an awning or canopy which is permanently affixed to a building.

~~*Window sign.* means any permanent or temporary sign which can be read from a public street or parking lot, and which is placed on the inside surface of a glass window or within a distance of six feet inside the window. Show window displays are not included within this definition.~~ ***A sign visible outside the window and attached to or within eighteen (18) inches in front of or behind the surface of a window or door.***

***Yard sign.* A temporary sign placed upon or supported by the ground independently of any other structure, or affixed to a framework or flat surface.**

***Yard sign, non-commercial (construction, for sale, rent, or lease).* A temporary sign placed upon or supported by the ground independently of any structure, or affixed to a framework or flat surface during the duration of construction or sale, rent, or lease of a property.**

**Section 2:** The Town Code, Chapter 18 - Zoning, Article 19, Nameplates and Signs, Section 18-177 Exempt Signs, is amended as follows:

Sec. 18-177. - ~~Exempt signs.~~ ***Signs not requiring a permit.***

~~Exempt signs~~ ***Signs not requiring a permit*** shall include the following:

1. Signs not exceeding 1.5 square feet in area, and not otherwise prohibited by section 18-178. Any sign over 1.5 square feet and not otherwise prohibited by section 18-178 shall require a permit as specified in section 18-176.

~~2. Temporary window signs. Signs made of paper, cardboard, cloth or similar material may be displayed in buildings in the commercial and industrial zones, provided the area of such signs shall not exceed 25 percent of the total area of transparent glass.~~

~~2.3. Bulletin boards. One white lighted bulletin board is permitted, not exceeding 18 square feet in area for nonprofit organizations.~~

~~3.4. Residential nameplate. One residential nameplate for each dwelling unit shall be permitted not exceeding 1.5 square feet in area. Such sign may be at but not project over any street sign.~~

~~5. For sale or for rent signs. One unlighted sign will be permitted to advertise property for sale or for rent, provided such sign is located on the property to which it pertains and provided the total area of such sign does not exceed six square feet.~~

**4. Temporary window and yard signs provided they meet the following standards (see Note 1):**

| <b>Type of Sign</b>  | <b>Maximum Size</b>   |  | <b>Maximum Duration</b>                                     |
|--|---|--|---|
|  | <b>Lots with Residential Land Use</b>   | <b>Lots with Non-Residential Land Use</b>  |   |
| <b>Window signs</b>  | <b>25% of total area of single window</b>   | <b>25% of total area of single window</b>  | <b>Unlimited</b>  |
| <b>Yard signs</b>  | <b>Maximum total sign area of 12 square feet with maximum 4 square feet for any single sign</b> | <b>Maximum total sign area of 24 square feet with maximum 12 square feet for any single sign</b> | <b>Unlimited</b>  |
| <b>Yard signs, short duration</b>  | <b>Maximum total sign area of 21 square feet with maximum 4 square feet for any single sign</b> | <b>Maximum total sign area of 24 square feet with maximum 12 square feet for any single sign</b> | <b>6030 days</b>  |
| <b>Yard signs, limited duration</b>  | <b>Maximum total sign area of 54 square feet with maximum 6 square feet for any single sign</b> | <b>Maximum total sign area of 54 square feet with maximum 6 square feet for any single sign</b>  | <b>7 days</b>   |
| <b>Yard signs, non-commercial (construction, for sale, rent, or lease)</b> | <b>Maximum total sign area of 12 square feet</b>  | <b>Maximum total sign area of 32 square feet</b>   | <b>During duration of construction, sale, rent or lease</b> |

**Note 1: C-1B Church Street Vision Design guidelines for signs provided in Sec. 18-87.5.K.**

5.6- Other similar signs as determined by the zoning administrator or designee.

**Section 3:** The Town Code, Chapter 18 - Zoning, Article 19, Nameplates and Signs, Section 18-178 Prohibited Signs and Sign Structures, is amended as follows:

Sec. 18-178. – Prohibited signs and sign structures.

Signs prohibited by this article include:

1. Signs and/or sign structures, except temporary signs, which are erected on any property without the express written permission of the property owner or his authorized agents.
2. Signs which are a public nuisance because of amplified sound, smoke, vapor, particle emission or objectionable odors.
3. Signs and/or sign structures which violate the visibility provisions of this article.
4. Signs on roof prohibited. Signs of any type shall not be erected upon the roof of any building, except on the sides of a mansard-type roof.
5. Billboards prohibited. Billboards are hereby prohibited in the Town.
6. Moving or rotating signs and pennants, banners, streamers, etc., are prohibited. Signs which involve motion or rotation of any part, or display flashing or intermittent lights are prohibited. Standards, banners, flags, streamers, and similar devices used for advertising purposes are prohibited, unless provided by the zoning administrator for not more than 30 days. Sponsorship banners at facilities where recreational uses occur, as defined in this chapter, may be permitted in the discretion of the zoning administrator for a period not to exceed 120 days. The zoning administrator shall exercise ~~his~~ **their** discretion with due regard for the intent provision of this article set forth in section 18-174 A.3., ***subject to appeal to the Board of Zoning Appeals per section 18-232.***
7. All signs and sign structures which are erected after the adoption of the ordinance from which this article is derived and which do not comply with the provisions of the article shall be deemed prohibited signs, subject to removal. Signs approved by the Board of Architectural Review, but not erected prior to this article shall not be subject to removal.
8. Signs or sign structures, the permits for which have been revoked.
9. Any exposed-tubing lighting arrangement, except that:
  - a. Any business establishment may have one or more signs with a total area not to exceed 1½ square feet. Signs of more than 1½ square feet in total area and consisting of exposed tubing that were in existence as of August 19, 1991, may continue in operation only so long as they remain in good operating condition and provided that they are not replaced or altered in any manner whatsoever. For the purposes of this section, the term "replaced" shall mean the removal of an existing lighting arrangement and its substitution with any other type as defined herein; and the term

"altered" shall mean the process of changing, enlarging, extending, or reducing the existing lighting arrangement.

b. Any business establishment with a public entrance and all of its parking in the rear of its building may have, in addition to the lighting permitted under subsection A.9.a of this section, one exposed-tubing lighting arrangement not exceeding one and one-half square feet in total area located in a rear-facing display window or public entrance.

10. Telephone and facsimile numbers, Internet and electronic mail addresses: the use of telephone numbers, facsimile numbers, Internet addresses or electronic mail addresses on a permanent wall and freestanding signs can be distracting to motorists and thereby create a hazardous situation. Therefore, telephone numbers, facsimile numbers, Internet addresses, and electronic mail addresses may not be displayed on such signs, either jointly or individually, except when required by federal, state, or local law. Evidence of such requirement must be submitted with any application for a sign permit containing a telephone or facsimile number, or an Internet or electronic mail address.

**Section 4:** The Town Code, Chapter 18 - Zoning, Article 19, Nameplates and Signs, Section 18-185 Special Regulations for Certain Uses and Signs, is amended as follows:

Sec. 18-185. – Special regulations for certain uses and signs.

*A. Time, temperature and date signs.* Notwithstanding the provisions of section 18-178, any freestanding sign which conforms in all other respects to the provisions of this article may include as a part thereof an area not to exceed 50 percent of that total sign on which there is alternately displayed by changing light patterns the time, temperature and date, provided:

1. Neither time, temperature nor date is otherwise displayed on or about the building or structure served by such sign.
2. The changing light patterns are restricted to the time, temperature and date portion of the sign only.
3. A series of separate, white, incandescent bulbs and no other device is used to create those characters comprising the time, temperature and date legend.
4. The said portion of the sign be completely extinguished at any time as any of the said legends should inaccurately display the proper time, temperature or date, any of the incandescent bulbs fail to light, or the sign is otherwise not fully functional or in proper operational condition.

For the purpose of this section, the judgment of the zoning administrator or designee, exercised in good faith, shall be conclusive as to whether any sign is fully functional or in proper operating condition.

B. *Awnings and canopies.* No part of any awning shall be less than seven feet above the sidewalk level, nor shall any awning be less than one foot to the curbline. Architectural canopies may project 42 inches above any building.

C. *Signs not attached to wall of building; setback requirements.* All signs, except as otherwise provided herein, that are not attached to the wall of a building shall be set back ten feet from the street line.

D. *Sign permitted for buildings other than dwelling.* One identification sign not exceeding 12 square feet in area for buildings other than dwellings or business is permitted, provided the same shall be attached to and parallel with the front wall of the building.

~~E. *Temporary signs.* A temporary real estate sign and signs of a public and semi-public nature not exceeding 50 square feet in area may be erected upon issuance of a temporary six-month renewable permit. Such sign shall not be illuminated, nor shall it be less than 75 feet from any dwelling. No such temporary permit shall be granted unless a \$25.00 bond has been posted. All temporary real estate signs and public and semi-public signs shall be dismantled within five days after expiration date of the temporary permit.~~

~~1. Temporary signs of a public or semi-public nature pertaining to elections. Five temporary signs not exceeding 20 square feet total may be posted on residential property after securing the necessary permits and posting of a \$25.00 bond, for a period of 30 days prior to election day and shall be removed not more than five days after election day. Failure to remove signs shall constitute forfeiture of all bonds posted and all material will become property of the Town.~~

~~2. A banner across Maple Avenue at the intersection of Maple Avenue and Center Street shall be erected two weeks before election day to announce Town elections, such wording shall be "Town Council Election, Tuesday, May (date)" and removed the day after election.~~

~~3. Temporary signs during construction.~~

~~a. In the event an existing approved exterior sign permitted under section 18-184 requires temporary removal due to reconstruction or renovation of the building exterior where located, a temporary business identification sign of a size not exceeding the original may be substituted therefor during the period of actual reconstruction or renovation, or six months, whichever is less. All such temporary business identification signs shall be subject to approval of the Board of Architectural Review.~~

~~b. One construction sign identifying a construction site or project, located on the identified project site and meeting the permit requirements of this article, may be erected no more than five days prior to the beginning of construction and must be removed prior to issuance of an occupancy permit in the case of new construction.~~



~~In the case of renovation or other construction during occupancy, such signs shall be removed on or before that date provided in the application for the sign permit as the date of estimated completion of renovation or other construction.~~

~~c. The zoning administrator is authorized to extend the time periods provided for in subsections E.3.a and b of this section, for one additional period not to exceed six months, for good cause shown.~~

*E.F. Informational municipal and institutional signs.*

1. The following categories of signs which serve a municipal purpose are permitted, provided that each such sign has first been authorized by the Town Council and approved by the Board of Architectural Review as to design:

a. Signs designating municipal buildings, parks, playgrounds, recreational areas and facilities or similar sites. All such signs shall be limited to 12 square feet in area except as otherwise permitted by section 18-184.1.

b. Signs identifying and designating historic districts, and sites and places where historic events occurred, provided that any such sign proposed for erection in any historic district so designated by the Town Council shall also be subject to any other procedures and approvals set forth in this Code and applicable to the erection of signs in said district. All such signs shall be limited to 12 square feet in area.

c. Signs which in the discretion of the Town Council further the municipal functions and purposes of the Town. All such signs shall be limited to 12 square feet in area.

2. The following categories of signs which serve an institutional purpose are permitted, subject to approval by the Board of Architectural Review (BAR) pursuant to chapter 4:

a. Signs designating schools, colleges, universities, hospitals, and places of worship. All such signs shall be limited to a total of 36 square feet in area per site.

(1) Such signs may be attached or freestanding. No more than two freestanding signs, each not exceeding eight feet in height, shall be permitted per site. This permitted signage includes any otherwise exempted signs and bulletin boards.

(2) Size and area restrictions herein established include all symbols, emblems, messages, or logograms.



(3) Street number designations, steeple-mounted symbols, stained glass windows or other such architectural features of a building are not to be considered a sign.

**Section 5:** This Ordinance shall become effective ten (10) days following notice of adoption by the Town Council.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Linda J. Colbert, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk