

ARTICLE IV. SIGNS

Sec. 130-121. Purpose and intent.

This article is intended to regulate the size, materials, location, and condition of signs in a manner that as its first priority protects the safety of those who travel in and through the City. As its second priority, this article preserves an attractive and harmonious community. As its third priority, this article promotes commerce and trade. This article bans some types of signs entirely. Signs not expressly prohibited are permitted only if expressly allowed by right or by special use permit (SUP) under this article or by specific requirements in another portion of this chapter. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

Sec. 130-122. Reserved.

Sec. 130-123. Administration.

- (a) *Authorization.* No sign shall be erected or displayed without a permit, except as otherwise provided in this article.
- (b) *Application for permit.*
 - (1) An application for a sign permit shall be filed with the City on forms furnished by the issuing 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.
 - (2) The City shall process the sign permit application and notify the applicant within 20 business days of approval, rejection, or notify the applicant of deficiencies in the application.
 - (3) If the application is rejected, the City 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 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, the permit shall be void. Whenever the use of a building or land is discontinued by a specific business, the sign permit shall expire and all signs pertaining to that business shall be removed by the owner of the building or premises within 30 calendar days of the discontinuance. The permit for a temporary sign shall state its duration, which is not to exceed 30 calendar days unless another duration is provided in the Zoning Ordinance. The City may revoke a sign permit under any of the following circumstances:
 - (1) The Zoning Administrator determines that 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.

Upon expiration of a permit or receipt of a notice of revocation, the owner or occupant of the property shall remove the sign within 15 calendar days.

- (e) *Overlay district regulations.* If the land on which a sign is proposed is located within any overlay district as delineated in this chapter, the proposed sign shall conform to the requirements of such district in addition to those of the underlying district. All signs in the Historic Overlay District require review and may require approval of the Architectural Review Board in accordance with the requirements of §130-405.
- (f) *Special exceptions.* Comprehensive sign plans may be approved by special use permit in B, I, and P districts. Comprehensive sign plans may be approved by special use permit in R or A-1 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 may not be modified above the height permitted in the Zoning Ordinance.

Sec. 130-124. General regulations.

- (a) *Setbacks.* Except as otherwise permitted, all freestanding signs shall be set back from any street right-of-way at distance of at least half the height of the sign. In addition, no sign shall violate the visibility requirements set forth in §130-56 or otherwise create a hazard to the public.
- (b) *Illumination.* All permitted signs may be 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. 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. Light fixtures that illuminate a sign placed in a sign easement shall also be within that easement. Shingle signs shall only be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter.
 - (2) Internal illumination shall be limited to the illumination standards for parking lot lighting in the DCSM. No sign shall be permitted to have an illumination spread of more than .05-footcandle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit.

(c) *Maximum height.* The maximum height for any sign shall be 25 feet unless otherwise specified within this chapter. The height of a sign is measured to the highest point of the sign structure from the grade immediately adjacent to the sign. Property grade shall not be modified immediately adjacent to a sign unless the modified grade is shown on an approved site plan.

(d) *Sign area.*

(1) Sign area is calculated under the following requirements:

- 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 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.

(e) *Sign condition, safety hazard, nuisance abatement, and abandonment.*

(1) Any sign which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 15 calendar days of a written notice to the owner and permit holder.

(2) Any sign which constitutes a nuisance may be abated by the City under the requirements of the Code of Virginia §§15.2-900, 15.2-906, and/or 15.2-1115.

(3) If a sign presents an imminent and immediate threat to life or property, then an authorized City official may abate, raze, or remove it, and the City may bring an action against the responsible party to recover the necessary costs incurred for abating, razing, or removing the sign.

(f) *Applicable building frontage.* No building wall or lot frontage shall be calculated more than once in determining the permitted sign area.

(g) *Noncommercial signs.* Any sign that may display commercial messages under this ordinance may also be used as a noncommercial sign.

(h) *Nonconforming signs.*

- (1) Nonconforming signs and signs that 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 receipt of notice from the Zoning Administrator, a property owner shall within 30 calendar days submit verification that sign(s) lawfully existed 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 all current requirements of this article.
- (2) A nonconforming sign shall not be enlarged nor shall any feature of a nonconforming sign including, but not limited to, illumination, be increased.
- (3) Nothing in this section shall be deemed to prevent keeping a nonconforming sign in good repair. Nonconforming signs shall not be extended, structurally reconstructed, or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (4) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign meet all current requirements of this article.
- (5) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50 percent of its sign area may be restored within two years after such destruction or damage, but shall not be enlarged in any manner. If such sign is destroyed or damaged to an extent exceeding 50 percent, it shall not be reconstructed but may be replaced with a sign that meets all current requirements of this article.
- (6) A nonconforming sign that is changed to conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter, such sign shall meet all current requirements of this article.
- (7) In the event of any permitted expansion of a nonconforming structure, all signs located on the property shall be brought into compliance with all current requirements of this article.
- (8) A nonconforming sign structure shall be subject to the removal requirements of §130-124(e). In addition, the owner or lessee of the property shall remove any nonconforming sign structure if the use to which it is accessory has not been in operation for a period of two years or more. If the owner or lessee fails to remove the sign structure, the Zoning Administrator or designee shall give the owner 15 calendar 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 charged to the owner of the property.

Sec. 130-125. Permitted signs in residential districts.

Signs in residential districts may not advertise any commercial message, business, trade, profession, occupation, or calling except as expressly provided in this section.

- (a) *Signs in residential districts generally.* In any “R” or A-1 district or for any single-family detached residential dwelling unit, the following signs may be displayed with the consent of the owner or occupant of the residential unit without a permit. The total area of such signs, except for flags and signs permitted under paragraphs (3) and (5) of §130-125(a) is subject to the cumulative size limit set out in Section 130-125(f). Flags are subject to the total size limit set out in §130-130.
- (1) Noncommercial signs, including noncommercial flags as provided in §130-130.
 - (2) Signs on any property for sale or rent, or during construction or renovation, up to the size limit listed in §130-129(e).
 - (3) Signs erected by or required by public entities or public utilities.
 - (4) Minor signs up to three square feet in sign area.
 - (5) Signs approved by Special Use Permit per §130-123(g).
- (b) *Signs in single-ownership, high density housing.* In the R-5 and R-6 districts, where a multifamily development exists under the control of a single owner, proprietor and/or rental agent, a community sign may be erected. The community sign is subject to the following conditions:
- (1) Maximum sign area shall be 32 square feet.
 - (2) The sign may be freestanding monument sign or mounted as a wall sign.
 - (3) Location:
 - a. From any right-of-way line, 15 feet.
 - b. From any adjoining lot line, 25 feet.
 - (4) Any illumination of the sign shall be indirect ground-mounted lighting.
 - (5) A development having frontage on two or more streets may have one sign per road frontage.
- (c) *Community signs, and signs for non-residential uses.* One sign is permitted per community or use, subject to the following requirements:
- (1) The sign shall not exceed 32 square feet.
 - (2) The sign may be freestanding monument sign or mounted as a wall sign.
 - (3) Any illumination of the sign shall be indirect ground-mounted lighting.

- (4) A development having frontage on two or more streets may have one sign per road frontage.
- (d) *Maximum height.* The maximum height of a sign in any residential district is ten feet, except as otherwise provided in this article.
- (e) *Minimum setback.* The minimum setback from any right-of-way, unless otherwise specified, is the height of the sign.
- (f) *Maximum area.* The cumulative total of permitted sign area for all signs on a single parcel located in the A-1, R-1, R-2, R-2-S, R-3, R-4, R-7, and PMD district shall not exceed a maximum area of 16 square feet, unless otherwise specified in this ordinance.

Sec. 130-126. Permitted signs in non-residential or mixed-use districts.

- (a) *Signs in non-residential or mixed-use districts generally.* In addition to signs allowed in every district without a sign permit, freestanding signs, wall signs, projecting signs, canopy signs, changeable message signs, portable signs, and banner signs are permitted in all B, I, and P zoning districts subject to the requirements provided in this section.
 - (1) *Freestanding signs.*
 - a. One freestanding sign, not more than 50 square feet in sign area, shall be permitted, in addition to wall or other permitted signs, for each separate street frontage of the lot, subject to the following requirements:
 - 1. One freestanding sign may be located anywhere on the lot provided it maintains the setbacks as identified in §130-124.
 - 2. When two or more freestanding signs are installed on a parcel that has two or more street frontages, no freestanding sign shall be located within the area between the two points of curvature of the intersecting streets and a radius point no less than ten feet from the point of curvature.
 - 3. When multiple street frontages permit two or more freestanding signs, a maximum of two permitted freestanding signs may be consolidated into one sign no larger than 75 square feet in sign area and conforming to all other required sign setbacks.
 - b. For lots supporting three or more occupants and operating as a shopping center, plaza, mall, or other common title, one freestanding sign shall be permitted in addition to the wall or other signs allowed for the individual occupant. Sign area shall not exceed the sum of one square foot for each linear foot of lot frontage, up to a maximum of 75 square feet.
 - c. Freestanding signs located in any buffer area and community signs shall only be monument signs and shall not exceed 10-feet in height.

(2) *Wall signs.*

- a. Wall signs shall be permitted on each building face fronting on a street or containing a public entrance, up to the maximum sign area permitted in the following subsections. In the I-A district, streets may include airport aprons, taxiways, and runways.
- b. The maximum sign area of wall signage located within 45 feet from the street right-of-way shall be one square foot for each linear foot of building face on which the sign is located. The maximum sign area of wall signage located more than 45 feet from a street right-of-way shall be 1.5 square feet for each linear foot of building face on which the sign is located.
- c. The maximum sign area of wall signage located on a building face containing a public entrance that does not front on a street shall be 25 square feet.
- d. For lots supporting three or more occupants and operating as a shopping center, plaza mall, or other common title, a minimum of one wall sign shall be permitted for each occupant. Such sign shall not exceed 25 square feet of sign area or up to 1.5 square feet of sign area per linear foot of the width of the occupant's wall, if larger.
- e. Signs painted directly on an awning and legible from the street right-of-way shall be considered wall signs. Illuminated awnings, if translucent, are considered part of the total sign area.

(3) *Projecting signs.*

- a. One projecting sign not exceeding 24 square feet in sign area shall be permitted per lot or building frontage for each individual occupant.
- b. Projecting signs erected over public property shall not extend more than six feet beyond the face of the building or beyond a vertical plane two feet inside the curblin and shall be a minimum of eight feet above the sidewalk or ground.
- c. Projecting signs erected over private property shall not extend more than six feet beyond the face of the building and shall be a minimum of eight feet above the sidewalk or ground. If such sign extends over a vehicle travelway, the minimum clearance shall be 12 feet.
- d. When a building is located closer than 30 feet to a street right-of-way, wall signs on the sides of the building perpendicular to the street may be substituted for the otherwise permitted projecting sign specified in §130-126(a)(3)a. The 24-square-foot maximum for sign area shall apply.

- (4) *Canopy signs.* Canopy signs are limited to 0.5 square foot per linear foot of canopy fascia on which the sign is mounted. Such sign shall not extend above the cap on the fascia board or be suspended below the horizontal plane formed by the bottom of the fascia board.
- (b) *Changeable message signs.* One freestanding or wall-mounted sign per lot may be replaced with a changeable message sign subject to the following requirements:
- (1) The location of the sign is such that the sign will not adversely impact vehicle or pedestrian sight distance, and conforms to the location requirements of the freestanding or wall sign it is replacing.
 - (2) The total area of the portion of the sign designed to display a changeable message shall not exceed 75 percent of the overall sign area of the permitted sign or allow for more than four horizontal lines of text.
 - (3) The structure supporting a changeable message sign shall be designed as a freestanding or wall sign.
 - (4) The applicant shall demonstrate by the design, height, or other security measures that the movement or changing of the sign's text is restricted to the user of the sign exclusively.
 - (5) Illumination requirements shall be the same as for freestanding or wall signs.
 - (6) The message shall not be changed more than once every twelve seconds, move, flash, or display animation, as prohibited by §130-128.
 - (7) Any changeable message sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, thereby causing motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 12 hours by the owner or operator of such sign.
- (c) *Portable signs.* One portable sign per road frontage is permitted subject to the following requirements:
- (1) Maximum sign area is 15 square feet.
 - (2) Maximum height is four feet.
 - (3) No portable sign shall display changeable text except for slate or other erasable boards. Changeable text shall not be changed more frequently than once every 24 hours.
 - (4) Every portable sign shall be maintained in a legible condition and shall be displayed only in front of the business it advertises.
 - (5) A detailed location plan must be submitted with each application for a portable sign. Such plan shall indicate:
 - a. The proposed location at which the sign is to be located.

- b. The minimum vehicle sight distance created by the sign at vehicle entrances on either side of the sign.
 - c. On property occupied by multiple occupants the property owner, condominium administration, or designated agent must secure this permit and is responsible for compliance with this section and may authorize rotating occupants at this portable sign location.
- (6) When a portable sign is placed on a sidewalk or pedestrian travelway, a minimum five-foot wide paved pedestrian travelway must be maintained. This travelway shall not contain any pole, trashcan, or other obstruction to pedestrian travel.
- (7) A portable sign is subject to the sight distance requirements of §130-56.
- (8) All portable signs shall be removed and stored inside the place of business when it is closed.
- (d) *Banner signs.* Banner signs are permitted as temporary signs subject to the following requirements:
- (1) Banner signs shall not exceed one-half the maximum size of the permitted wall sign area.
 - (2) Banner signs shall not be displayed more than 14 days in any calendar month.
 - (3) All banner signs must be located against an existing building wall, unless the building fascia includes a canopy extension greater than four feet in depth.
 - (4) If a canopy extends more than four feet from the front of the wall face, a banner sign may be suspended between the canopy support columns provided the bottom of the banner sign and all securing devices are installed and maintained at a minimum distance of eight feet above the grade or sidewalk surface.
 - (5) Any banner sign shall be installed in a taut manner to restrict movement or damage by the natural environment, and shall be maintained in this manner at all times. Any banner sign not being maintained in that manner shall be secured or removed within 15 calendar days upon receipt of a notice of violation.
 - (6) If any person does not maintain a banner sign in accordance with the requirements of this subsection, the City may revoke the permit to erect banner signs on that property and decline to issue a new banner sign permit for a period of six months.

Sec. 130-127. Reserved.

Sec. 130-128. Prohibited signs.

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

(a) *General prohibitions.*

- (1) Any sign not expressly permitted by this chapter.

- (2) Signs that violate any law of the Commonwealth relating to outdoor advertising.
- (3) Signs attached to, painted on, or otherwise affixed to any rock, vegetation, or other natural feature.
- (4) 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.
- (5) Vehicle or trailer signs.
- (6) Signs more than 25 feet in height.
- (7) Signs hanging from supports, except against the face of a building.

(b) *Prohibitions based on materials.*

- (1) Signs painted directly on a building, except where expressly permitted by this chapter.
- (2) Moving signs. This subsection does not apply to the hands of a clock operating as such, to the display of the time or temperature, to barber poles (one per shop, not exceeding 36 inches in length), to flags expressly permitted under this article, or to banner signs that conform to §130-126(d).
- (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 street right-of-way.

(c) *Prohibitions based on location.*

- (1) Off-site signs, unless specifically permitted by this chapter.
- (2) Signs on the roof surface or extending above the roofline of a building or its parapet wall.
- (3) Outdoor advertising signs and billboards.

Sec. 130-129. Signs not requiring permit.

In addition to signs allowed without a permit elsewhere in this article, the following signs are allowed and do not require a permit:

- (a) The changing of message content, including message content on a changeable message sign, if permitted in that district.
- (b) Signs erected by the City or other government entity, including but not limited to traffic control signs, signals, regulatory devices, legal announcements, historical markers, and directional signs.
- (c) The following small signs:
 - (1) Yard sale signs permitted under §130-101.
 - (2) Multi-occupant signs erected in multiple-building complexes or on lots supporting three or more occupants, and operating as a shopping center, plaza, mall, or other common title.
 - (3) Two minor signs, not exceeding three square feet in sign area. Freestanding minor signs shall be located a minimum distance of twenty-five feet apart.
 - (4) Menu boards located adjacent to a drive-through lane and not exceeding six-feet in height.
 - (5) Temporary signs not exceeding three square feet in sign area and erected for not more than 30 consecutive days.
- (d) Noncommercial signs on private property, subject to the restrictions on location, cumulative size, and materials provided in this article.
- (e) On a property under construction or renovation, for sale, or for rent, signs not exceeding four square feet for single-family detached properties or 18 square feet for all other residential, non-residential, or mixed-use properties.
- (f) Window signs, provided the aggregate sign area of all window signs does not exceed 25 percent of the total transparent area of the windows and doors on the building wall.

Sec. 130-130. Flags.

Except as prohibited by §130-128(b)(8), flags are permitted as follows:

- (a) Noncommercial flags are permitted in every zoning district without a permit, subject to the general requirements of this article.
- (b) Except for entrance flags permitted under §130-130(e), the minimum setback for a flag pole is the longest dimension of the pole, in order to prevent the flag or pole falling into the property of another or into a public street, trail, or sidewalk.
- (c) The maximum height of a flagpole is 25 feet.

(d) Maximum size and number:

- (1) The maximum sign area of any flag in a residential district is 24 square feet. There is no maximum number of flags in a residential district.
- (2) A single commercial flag of no more than 50 square feet sign area is permitted per business in any B (except B-3), I, or P district. No permit is required.
- (3) Businesses in the B-3 district may have up to two entrance flags per entrance. The maximum sign area of an entrance flag is 12 square feet. No permit is required.

(e) Flags shall not be illuminated unless illumination is required by law.

Sec. 130-131. Violations.

Violations of any of the requirements of this article may be prosecuted in accordance with Article X of this chapter, enforced by action for injunction, or remedied as otherwise provided in this article. Any sign erected on private property in violation of the requirements of this article shall be presumed to have been erected by the owner of the property and/or by the person who owns, sponsors, sells, or otherwise possesses a beneficial interest in that which is described or advertised on the unlawfully erected sign.

Secs. 130-132—130-160. Reserved.