

Sec. 24-104.1. - Signs.

(a) Findings, purpose and intent; interpretation.

- (1) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that call for regulation.
- (2) This section regulates the size, color, illumination, movement, materials, location, height, and condition of signs. The purposes of this section are to:
 - a. Reduce the problems caused by signs;
 - b. Facilitate the creation of a convenient, attractive, and harmonious community;
 - c. Protect property values and the character of neighborhoods and historic areas within the county;
 - d. Promote the safety of pedestrians and traffic; and
 - e. Encourage economic development.
- (3) This section is designed to comply with the United States Supreme Court's ruling in *Reed v. Town of Gilbert* decided June 18, 2015.
- (4) If any provision of this section is found by a court of competent jurisdiction to be invalid, the remaining provisions should be given effect to the fullest extent possible consistent with the First Amendment guarantee of free speech.
- (5) Wherever this chapter allows a sign with commercial content, noncommercial content is also permitted subject to the same requirements.

(b) Permit required.

- (1) A sign permit is required prior to the display of any sign except as provided in subsection (c).
- (2) An application for a sign permit on provided forms shall be filed with the building official, who shall submit it to the director of planning for review. The applicant shall provide sufficient information to demonstrate that the proposed sign is permitted under the Uniform Statewide Building Code and this chapter.
- (3) A nonrefundable fee as set forth in the Uniform Statewide Building Code shall accompany each sign permit application.
- (4) If an application complies with all provisions of this chapter, the director of planning shall indicate approval of the application and return it to the building official within 20 business days after receipt. If an application is incomplete, the director of planning or designee shall notify the applicant of the deficiencies within 20 business days after receipt.
- (5) If an application does not comply with this chapter, the director of planning or designee shall indicate denial on the application, provide written reasons for the denial, and return it to the building official or designee within 20 business days after receipt.
- (6) If a sign is not installed within six months after issuance of a sign permit, the permit shall be void. The director of planning or designee may revoke approval of a sign permit under any of the following circumstances:
 - a. Information in the application was materially false or misleading;
 - b. The sign as installed does not conform to the sign permit application; or
 - c. The sign violates this chapter or the Uniform Statewide Building Code.
- (7) For any property subject to a plan of development, a comprehensive sign program may be submitted to the director of planning with one or more sign permit applications. The comprehensive sign program shall establish the number, location, area, height, materials, and illumination of all signs to be placed on the site. The director of planning may approve a comprehensive sign program that conforms to the total area and maximum height limitations of this section.

(c) Signs not requiring permits.

A sign permit is not required for:

- (1) Any sign placed by a government body, required by law, or permitted by the Virginia Department of Transportation.
- (2) Up to three noncommercial flags on any lot. Any commercial flag shall comply with the regulations for detached signs.
- (3) The refacing or repair of an existing permitted sign.
- (4) On any lot, not more than two non-illuminated signs each not exceeding 1 square foot in area or 4 feet in height.
- (5) Non-illuminated signs posted along the property line of any lot, except that (i) no such sign shall exceed 1 square foot in area and (ii) no two such signs shall be posted within 250 feet of each other on the same property line. Notwithstanding the general prohibition in section 24-104.1(d)(1)(b), such signs may be attached to trees.

- (6) Window signs that do not exceed 50% of the total area of the window or door.
- (7) Temporary signs, as follows:
 - a. On property where a building permit is active, one sign no more than 3 square feet in area;
 - b. On property actively marketed for sale or rent, one sign no more than 32 square feet in area and 8 feet in height when the sign abuts a street classified as a controlled access, major arterial, minor arterial, major collector, or major access road; and no more than 3 square feet in area and 4 feet in height when the sign abuts any other street;
 - c. In any R, A-1, or C-1 district: temporary noncommercial signs not exceeding 16 square feet in aggregate area for each lot may be displayed no more than 90 consecutive days and no more than 120 days in any calendar year; and
 - d. In any office, business, or industrial district: temporary noncommercial signs may be displayed no more than 90 consecutive days and no more than 120 days in any calendar year. Each sign shall not exceed 32 square feet, and the total aggregate area of signs along any 300-foot segment of street frontage shall not exceed 32 square feet. Detached signs shall not be illuminated and shall not exceed 8 feet in height.
- (8) In any office, business, or industrial district: one display of attention-getting devices for a period not exceeding 10 days in each three-month period: January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31, provided that:
 - a. The display shall not obstruct any public right-of-way, required parking space, or ingress or egress to any building;
 - b. The display shall not damage required landscaping; and
 - c. If an otherwise permissible attention-getting device is displayed more than 10 days in any three-month period, in addition to any other remedy, the number of days in excess of 10 shall be counted against the number of days permitted in future three-month periods.

(d) *Prohibited signs.*

The following signs are prohibited:

- (1) General prohibitions.
 - a. Any sign attached to trees, bushes, shrubberies, or other plants or vegetation;
 - b. Any sign simulating, or which is likely to be confused with, a traffic control sign, any other sign displayed by a public authority, or the lights or markings on an emergency vehicle; and
 - c. Any sign displayed on a stationary vehicle or trailer that is used for the purpose of a mobile or portable sign, including the parking of a vehicle for a period of more than 24 hours in such a manner that it is within 100 feet of and plainly visible from the public right-of-way.
- (2) Prohibitions based on construction.
 - a. Any sign with parts that rotate or move, or appear to rotate or move;
 - b. Any sign displaying flashing, scrolling, or intermittent lights or lights of changing degrees of intensity;
 - c. Searchlights;
 - d. Any sign consisting primarily of exposed illuminated tubing or strings of lights, except in windows or when used for temporary decorations not to exceed 90 days in any calendar year;
 - e. Any sign that emits smoke, flame, scent, mist, aerosol, liquid, or gas;
 - f. Any sign that emits sound; and
 - g. Strings of pennants or flags except temporary attention-getting devices as provided in section 24-104.1(c)(8).
- (3) Prohibitions based on location.
 - a. Off-premises commercial signs, except outdoor advertising signs allowed by section 24-104.1(l)(7);
 - b. Any sign placed on public land, including street right-of-way, other than those approved in writing by the county engineer or the Virginia Department of Transportation, required by law without such approval, or permitted under Code of Virginia § 24.2-310 E, as amended. Any unauthorized sign is subject to immediate removal and disposal by any authorized official. Removal of the sign by an authorized official does not preclude prosecution of the person responsible for the sign;
 - c. Any sign attached to the roof of a building (other than the lower plane of a mansard roof), extending above the ridge of a sloped roof, or attached to a parapet wall and extending above the top of such wall; and
 - d. Any sign that prevents a driver from having an unobstructed view of an intersection or seeing conflicting vehicles or pedestrians in the roadway.

(e) *Measurements of sign area and height.*

- (1) For a detached sign, the sign area shall include all of the sign including the background of the display. The supports, uprights, or structure on which a detached sign is supported shall not be included in determining the sign area unless they form an integral part of the display.
- (2) For an attached sign, the sign area shall include all of the sign and that portion of the wall or fence that forms the background of the display.
- (3) For a sign in the shape of a regular polygon or circle, the area shall be calculated by the mathematical formula for area of that polygon or circle. For a sign not in the shape of a regular polygon or circle, the sign area shall be calculated based on a maximum of six abutting or overlapping rectangles that enclose the sign.
- (4) For a sign with two parallel faces not more than 24 inches apart, or two faces attached in a V-shape with an interior angle not exceeding 90 degrees, only one side shall be included in the calculation of sign area. If one face is larger than the other, the larger face shall be used.
- (5) For a sign consisting of three vertical faces attached in the shape of a triangle, the largest two faces shall be included in the calculation of sign area.
- (6) For an attached sign that projects four inches or more from the wall to which it is attached, the sign area shall also include the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.
- (7) For a cylindrical sign, the sign area shall be calculated by multiplying one-half of its circumference by its height.
- (8) Where the allowed sign area is based on the length of a building, the building length shall be the longest dimension parallel to one wall. For a building divided into multiple tenant spaces, the length of the building shall be the sum of the lengths of the longest exterior wall of each tenant space.
- (9) The height of a sign shall be the vertical distance from the highest point of the sign to either the street grade or the average lot grade at the front setback line, whichever elevation is greater.

(f) *Maintenance and removal.*

- (1) All signs shall be constructed and maintained in compliance with the Uniform Statewide Building Code and in a neat and clean condition.
- (2) The building official may order the immediate removal or repair of any sign which he determines presents an immediate threat to the safety of the public because it has become insecure, in danger of falling, or otherwise unsafe. If such action is necessary to render a sign safe, the cost of such action shall be at the expense of the owner or lessee of the premises.
- (3) Any sign that becomes a safety hazard or that is not kept in a reasonably good state of repair shall be put in a safe and good state of repair after written notice by the building official to the property owner or permit holder.
- (4) When the business advertised on a sign has ceased operating, the owner of the property shall remove the sign or replace the sign face with a blank face within 60 days of the cessation of business operations until such time as a new use has begun operating on the property.
- (5) Any sign that constitutes a nuisance may be abated by the county under the provisions of Code of Virginia §§ 15.2-900, 15.2-906, or 15.2-1115.

(g) *General requirements.*

- (1) Detached signs shall be set back from any street right-of-way at least 5 feet.
- (2) Any attached sign in a business or industrial district located within 150 feet of an R district on the same side of the same street shall be attached flat against a building wall that does not face the adjacent R district.
- (3) External lighting of signs 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. The beam width shall not be wider than that needed to illuminate the sign.
- (4) Illumination from any sign shall not exceed 0.5 foot candle above ambient lighting conditions at any property line, and shall not shine directly into oncoming traffic or directly into a dwelling.
- (5) For any sign in the B-1, B-2, or B-3 business districts or the M-1, M-2, or M-3 industrial districts, except for outdoor advertising signs subject to section 24-104.1(l)(7), the image or message shall not change more often than once every 10 seconds. For any sign in any other zoning district, the image or message shall not change more often than once every 5 minutes. The images, messages, and transitions between them shall not include or simulate motion, video, or animation.

(h) *Nonconforming signs.*

- (1) Signs lawfully existing on April 25, 2017, that do not conform to the provisions of this section shall be deemed nonconforming but may remain, subject to the qualifications in this subsection. Notwithstanding

the foregoing, any outdoor advertising sign (i) allowed by section 24-104.1(l)(7), (ii) not prohibited by section 24-104.1(d), and (iii) meeting the requirements of section 24-104.1(g) shall be considered a conforming sign for purposes of this section.

(2) The burden of establishing nonconforming status of a sign and of the physical characteristics and location of such sign shall be that of the owner of the property. Upon notice from the director of planning, a property owner shall submit verification that a sign was lawfully existing at the time of erection. Failure to provide such verification shall be cause for an order to remove the sign or bring the sign into compliance with this section.

(3) A nonconforming sign may not be enlarged and any feature of a nonconforming sign, such as illumination, may not be increased. This paragraph is not intended to prohibit upgrades in the efficiency of lighting of any sign, or the addition of solar panels to an outdoor advertising sign subject to section 24-104.1(l)(7).

(4) Nothing in this section shall be deemed to prevent maintenance or repair of a nonconforming sign.

(5) A nonconforming sign may not be moved unless such change in location will make the sign more nearly conform to the provisions of this section.

(6) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50% of its area may be restored within two years after such destruction or damage but shall not be enlarged in any manner. If a nonconforming sign is destroyed or damaged to an extent exceeding 50% of its area, it shall not be reconstructed but may be replaced with a sign that complies with this section.

(7) A nonconforming sign that is changed to become conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be maintained in accordance with the provisions of this section.

(8) A nonconforming sign structure shall be subject to the removal provisions of this section. 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. Following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the county to do so. If, following such two-year period, the county has made a reasonable attempt to notify the property owner, the county through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property.

(i) *One-family residence, R-5A, agricultural, and conservation districts.* A sign permit may be issued for the following signs in the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, and R-4A one-family residence districts, the R-5A general residence district, the A-1 agricultural district, and the C-1 conservation district.

(1) At each entrance to a section of an approved and recorded subdivision: one detached sign not exceeding 25 square feet in area or 6 feet in height, or two signs attached to a wall or fence on opposite sides of the entrance, not exceeding 30 square feet in aggregate area. Such signs may be located in the right-of-way if approved by the county engineer.

(2) Accessory to a nonresidential use other than an assembly use or county facility: one attached or detached sign not exceeding 20 square feet in area. Detached signs shall not exceed 8 feet in height.

(3) Accessory to an assembly use or county facility:

a. No more than three attached or detached signs, not exceeding 50 square feet each or 82 square feet in aggregate area. Detached signs shall not exceed 8 feet in height.

b. For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.

(j) *Other residence districts.* A sign permit may be issued for the following signs in the R-5 and R-6 general residence districts, the RTH residential townhouse district, and the RMP district.

(1) Accessory to a residential use for which a plan of development is required, including a townhouse project or multifamily development:

a. At each entrance to a phase or section as shown on the approved plan of development or recorded subdivision plat: one sign not exceeding 32 square feet in area or 8 feet in height, or two signs attached to a wall or fence on opposite sides of the entrance, not exceeding 36 square feet in aggregate area. Such signs may be located in the right-of-way if approved by the county engineer.

b. For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.

(2) Accessory to a nonresidential use other than an assembly use or county facility: one attached or detached sign not exceeding 20 square feet in aggregate area. Detached signs shall not exceed 8 feet in height.

- (3) Accessory to an assembly use or county facility:
 - a. No more than three attached or detached signs, not exceeding 50 square feet each or 82 square feet in aggregate area. Detached signs shall not exceed 8 feet in height.
 - b. For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.
- (k) *Office and office/service districts.* A sign permit may be issued for the following signs in the O-1, O-2, and O-3 office districts, and the O/S and O/S2 office service districts.
 - (1) For each lot: one detached sign if the lot has an entrance on one public street, or two detached signs if the lot has entrances on two or more public streets. Each sign shall not exceed 32 square feet in area or 15 feet in height.
 - (2) For each building: attached signs not exceeding 32 square feet in aggregate area for each 25,000 square feet of finished floor area or part thereof. One detached sign not exceeding 12 square feet in area or 5 feet in height may be substituted for 12 square feet of attached sign area.
 - (3) For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.
 - (4) For each phase or section in the approved plan of development: one attached or detached sign not exceeding 20 square feet in area. Detached signs shall not exceed 10 feet in height. Such signs may be located in the right-of-way if approved by the county engineer.
 - (5) For a coordinated development of 20 acres or more:
 - a. For each entrance from a major arterial, minor arterial, or major collector road: one detached sign not exceeding 75 square feet in area, or two signs not exceeding 75 square feet in aggregate area when attached to a wall or fence on opposite sides of an entrance. Each sign shall not exceed 15 feet in height and shall not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the county engineer.
 - b. For each 20 acres or part thereof: one detached sign not exceeding 36 square feet in area or 6 feet in height, provided such signs shall not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the county engineer.
- (l) *Business districts.* A sign permit may be issued for the following signs in the B-1, B-2, and B-3 business districts. In the B-1 district, no sign shall be illuminated between 12:00 midnight and 6:00 a.m.
 - (1) Attached signs not exceeding the following aggregate allowance of sign area for each linear foot of building length: in the B-1 district, 1.5 square feet; in the B-2 district, 3 square feet; in the B-3 district, 4 square feet.
 - (2) Detached signs: one of the following may be allowed on a parcel as applicable, but not both:
 - a. Accessory to one business with independent street access and parking: one detached sign may be located along each public street frontage. Such signs shall not exceed 32 square feet in area each or 8 feet in height and shall be located at least 75 feet from any other detached sign.
 - b. Accessory to a group of two or more businesses with coordinated street access and parking: one detached sign for each point of access to a public street, provided that any two signs on the same public street shall be located at least 500 feet apart, and any such sign shall be located at least 75 feet from any other detached sign. Such signs shall not exceed 150 square feet in area each or 25 feet in height, except that for a coordinated development of 40 acres or more, one detached sign may be up to 250 square feet in area and 30 feet in height.
 - (3) For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.
 - (4) For a coordinated development of 20 acres or more: one detached sign not exceeding 36 square feet in area or 6 feet in height for each 20 acres or part thereof. Such signs shall not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the county engineer.
 - (5) For a coordinated development of 40 acres or more: for each parcel improved with a building of 60,000 square feet or more of finished floor area, one monument sign not exceeding 35 square feet in area or 5 feet in height.
 - (6) Accessory to a drive-through window: no more than two detached signs for each position where orders are placed or customers are served, one not exceeding 48 square feet in area and one not exceeding 24 square feet in area. Such signs shall not exceed 8 feet in height.
 - (7) In the B-3 district, outdoor advertising signs as provided below.
 - a. No permit will be issued for a new outdoor advertising sign in addition to those lawfully in existence on May 27, 1998, except as follows:

1. Replacement. A lawful outdoor advertising sign for which a permit has been issued may be replaced with a new outdoor advertising sign at the same location provided the new sign shall not (i) exceed 500 square feet in area, (ii) exceed 40 feet in height if abutting an interstate highway or 25 feet in height if not abutting an interstate highway, and (iii) project over any property line or any right-of-way line (public or private).

2. Relocation. A lawful outdoor advertising sign for which a permit has been issued may be relocated to, or replaced with a new outdoor advertising sign at, a new site on the same side of the same street provided that (i) the new location shall be on the same lot as the original sign or on a different lot and within 500 feet of the original sign, measured parallel to the front property line, (ii) the new location shall be at least 1,000 feet from any other outdoor advertising sign on the same side of the same street, (iii) the new location shall be at least 500 feet from any residential district fronting on the same side of the same street, or from any school, county park, or place of worship, (iv) the relocated or replacement sign shall not exceed 500 square feet in area, (v) the relocated or replacement sign shall not exceed 40 feet in height if abutting an interstate highway, or 25 feet in height if not abutting an interstate highway, and (vi) the relocated or replacement sign shall not project over any property line or any right-of-way line (public or private). For purposes of this provision, "original sign" shall mean the sign as it existed on May 27, 1998.

b. A lawful outdoor advertising sign for which a permit has been issued may be continued, maintained, refaced, or repaired at its existing location, size, and height.

c. Artistic embellishments may be added to a lawful outdoor advertising sign structure for which a permit has been issued, if such embellishments do not exceed 10 percent of the area of the sign face and such embellishments do not extend more than 5 feet from such sign structure.

(m) *Industrial districts.* In the M-1, M-2, and M-3 industrial districts and the PMD Planned Industrial District, signs shall be allowed for any use allowed in the B-3 business district, subject to the regulations for the B-3 district in subsection (l). A sign permit may be issued for the following signs for any use first allowed in the industrial districts.

(1) Attached signs not exceeding 4.5 square feet of sign area for each linear foot of building length.

(2) Detached signs: one for each point of access to a public street, provided that any two signs on the same public street shall be located at least 500 feet apart. Each sign shall not exceed 150 square feet in area or 25 feet in height and shall be located at least 75 feet from any other detached sign.

(3) For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.

(4) For a coordinated development of 20 acres or more: one detached sign not exceeding 50 square feet in area or 6 feet in height for each 20 acres or part thereof. Such signs shall not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the county engineer.

(5) Outdoor advertising signs shall be allowed subject to section 24 104.1(l)(7).

(Ord. 1231, § 26, 4-25-2017)

Sec. 24-105. - Reserved.

(Code 1980, § 22-105; Code 1995, § 24-105; Ord. 1231, § 27, 4-25-2017)