

**AN ORDINANCE TO AMEND CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) PERTAINING TO ZONING FOR THE PURPOSE OF AMENDING SIGNAGE REGULATIONS, INCLUDING BY AMENDING AND RESTATING SECTIONS 40.1-5.11 (SIGNAGE) AND 40.1-6.5 (NONCONFORMING SIGNS) IN THEIR ENTIRETY, AMENDING SECTION 40.1-8.3 (DEFINITIONS), AMENDING SECTION 407 OF APPENDIX B, AND DELETING SECTION 607 OF APPENDIX B.**

**BE IT ORDAINED** by the Council of the City of Portsmouth, Virginia:

1. That Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of the amendments shown on Exhibit A hereto and made a part hereof.
2. That this Ordinance shall take effect on the date of its adoption.

**ADOPTED** by the Council of the City of Portsmouth, Virginia at a meeting held on January 9, 2018.

Teste:

City Clerk

## EXHIBIT A

INTERPRETATION: In the amendments listed below, instructions are provided in *underlined italics*. Where only a portion of a section or a table is to be modified, the language to be deleted is indicated with a ~~double strikethrough~~ and the language to be added is indicated by double underlining. Where an entire existing section or table is to be deleted, the deletion is noted in the instructions and no strikethrough is provided. Where an entire new section or table is to be added, the addition is noted in the instructions and the new section or table is shown in plain text, without underlining.

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AMENDMENT #: 1

SECTION 40.1-5.11

Existing Section 40.1-5.11 ("Signage") is hereby DELETED in its entirety and a new Section 40.1-5.11 ("Signage") as set forth below is hereby ADDED.

### Section 40.1-5.11 SIGNAGE

#### (A) Purpose and Findings

##### (1) Findings

The City Council finds:

- (a) Signs provide a vital function for the convenience of the public and for the efficient communication of commercial and noncommercial speech.
- (b) Unlike oral speech, signs may cause harm by virtue of the physical space they occupy by obstructing views, distracting motorists, displacing alternative uses of land, and endangering the safety of persons or property. The city has a substantial and compelling interest in all of the purposes set forth below and has a substantial and compelling interest in regulating signs in such a way that the harms caused by signs might be reduced and mitigated.
- (c) Signs are essential to the health and economic well-being of the city by:
  - (i) Facilitating consumer transactions and other commercial and industrial activities that allow businesses to be successful, which in turn provides employment and supports a stable tax base; and
  - (ii) Providing information and directions for the safe and efficient travel of motor vehicles, bicycles, and pedestrians.
- (d) Signs have a strong visual impact on the character and aesthetic appearance of the city.
  - (i) They are a prominent part of the cityscape and, as such, can enhance or detract from the city's image and character and facilitate or impede the creation of an attractive and harmonious environment in the city.
  - (ii) Their suitability or appropriateness helps to define the way in which the city and neighborhoods within the city are perceived.

- (e) The visual environment and character of the city are important factors in the city's economic well-being because they influence Portsmouth's appearance and land values.
- (f) The visual environment and character of the city, as well as the orderly flow of traffic and safety of travel, are diminished when visual clutter results and the vision of motorists, bicyclists, and pedestrians is obstructed by the unrestricted proliferation and placement of signs, or from the improper maintenance of signs.
- (g) Regulation of the size, height, number, and spacing of signs throughout the city is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, to provide ample, meaningful opportunities for persons who desire to display information by means of a sign to have their information seen and understood, and to provide for the orderly and reasonable display of advertising and other messages for the benefit of all persons in the city.
- (h) For these reasons, the needs of individual citizens, property owners, and businesses to convey their commercial and noncommercial messages must be balanced against the goals of the city to ensure the safety of its roads and pedestrian-ways, maintain its desired character, and preserve and enhance the property values of property owners and businesses. The provisions of this Sec. 40.1-5.11 do not entirely eliminate all of the harm that may be created by the installation and display of signs. Instead, 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 harm caused by signs.
- (i) The provisions of this Sec. 40.1-5.11 do not apply to every form and instance of visual speech that may be displayed within the city. They are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth below.
- (j) The provisions of this Sec. 40.1-5.11 are neither intended nor designed to restrict or control signs for the purpose of promoting or stifling any messages and content that might appear on them.

**(2) Purpose**

The purpose of this Sec. 40.1-5.11 is to:

- (a) Promote and protect the public health, safety, and welfare of those within the city;
- (b) Promote the efficient use of signs as a means of communication;
- (c) Ensure that the right to free speech is protected;
- (d) Maintain and enhance a visual environment that allows the city to attract sources of economic development and supports the economic well-being of the city's businesses;

- (e) Protect and enhance the character, quality, and viability of the city's development and neighborhoods;
- (f) Protect scenic views and avoid sign clutter;
- (g) Reduce the distractions, obstructions, and hazards to pedestrian, bicycle, and automobile traffic caused by the excessive number, size, height, illumination, movement, indiscriminate placement, overconcentration, or unsafe construction or maintenance of signs;
- (h) Reasonably accommodate:
  - (i) The identification and advertising needs of businesses, institutions, and other entities; and
  - (ii) The needs of persons moving through the public spaces of the city to identify and locate destinations and find desired products and services;
- (i) Ensure signs are compatible with their surroundings, and minimize potential adverse effects on nearby properties;
- (j) Enhance property values and business opportunities; and
- (k) Enable efficient and consistent permitting and enforcement.

**(B) Applicability**

**(1) General**

Unless exempted in accordance with subsection (2) below, any installation, erection, construction, alteration, or maintenance of a sign shall comply with the standards in this Sec. 40.1-5.11. Signs located in the D1 and D2 districts shall be permitted with a zoning compliance permit and shall be subject to the provisions of this Article, and either the Downtown Design Guidelines or the D2 Form Based Code, as applicable. The more restrictive regulations shall apply in cases of conflict.

**(2) Exemptions**

Where not prohibited by subsection 40.1-5.11(D)(2), Prohibited Signs, the following signs are exempt from the standards in this Sec. 40.1-5.11:

- (a) Any sign carved into masonry that is integral to a structure;
- (b) Any sign consisting of a solid plate of bronze or similar corrosion-resistant metal that is permanently attached to a building and does not exceed four square feet in area;
- (c) Gravestones;
- (d) Traffic control signs and devices and similar signs erected by a government agency for public safety purposes;
- (e) Any sign erected on city-owned property by a public agency that is under the control of the City Manager;
- (f) Any sign required to be erected by city, state, or federal law;
- (g) Any sign the city is prohibited from regulating by state or federal law, to the extent of the prohibition;
- (h) Any sign applied directly and entirely to, and flush with, a horizontal surface paved with asphalt, concrete, or a similar material;
- (i) Any permanent sign that is located in a parking lot or parking structure or adjacent to a loading area, if the sign is less than two square feet in area

and, if freestanding, less than four feet in height and not located closer than the height of the sign from adjoining properties;

- (j) Political campaign yard signs placed on private property pursuant to Code of Virginia, § 15.2-109; and
- (k) Any sign that is applied directly to and flush with the body of a motor vehicle, as defined in Code of Virginia, § 46.2-100, that is operable and duly licensed.

**(3) Signs Not Requiring a Zoning Compliance Permit**

The following are subject to the standards in this Sec. 40.1-5.11 but do not require issuance of a zoning compliance permit in accordance with subsection (4) below:

- (a) Routine maintenance of a sign or changing of lettering or parts of signs designed to be regularly changed, including sign face changes;
- (b) For each residential structure, and for each public entrance to a nonresidential or mixed-use structure, one sign that is permanently attached to the structure if the sign does not exceed two square feet in area;
- (c) For each roadway frontage on a parcel of land upon which construction activities of any type are being performed, one temporary sign that does not exceed 32 square feet in area in a commercial or industrial zoning district or 24 square feet in area any other zoning district;
- (d) A temporary sign securely and tautly affixed to temporary protective fencing erected around an area where construction activities of any type are being performed;
- (e) For each roadway frontage on a parcel of land that is actively marketed for sale, lease, or rent, one yard sign that does not exceed four square feet in a residential zoning district, eight square feet in a mixed-use zoning district, and 16 square feet in any other zoning district;
- (f) In addition to signage required by state or federal law, signs attached to a gas pump that do not exceed four square feet in area;
- (g) Window signs located in the NMU, GMU, IL, IN, and WF districts, and, if consistent with applicable adopted design standards, window signs located in the MU-H, NAC, CAC, and RAC districts; and
- (h) Signs oriented toward the interior of and intended to be viewed from within an outdoor recreation or entertainment establishment or facility.

**(4) Procedure for Compliance**

Unless not required in accordance with subsection (3) above, a zoning compliance permit issued in accordance with Sec. 40.1-2.3(F), Zoning Compliance Permit, is required prior to any activity that is subject to this Sec. 40.1-5.11. The Zoning Compliance Permit application may be reviewed concurrently with a Type I Development Plan application for the same site.

**(C) Definitions**

Terms as used in this Sec. 40.1-5.11 have the following definitions:

**AWNING**

See Sec. 40.1-8.3, Definitions.

### **CANOPY**

See Sec. 40.1-8.3, Definitions.

### **LARGE-SCALE DEVELOPMENT**

See Sec. 40.1-8.3, Definitions.

### **MARQUEE**

See Sec. 40.1-8.3, Definitions.

### **PENNANT**

A lightweight plastic, fabric, paper or similar material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

### **SIGN**

A surface, fabric, display, device, figure, painting, drawing, message, placard, poster, billboard, or other structure which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from a street or bicycle or pedestrian path or from property other than the lot on which it is located. This term does not include flags displayed from flagpoles or staffs.

### **SIGN, A-FRAME**

A sign designed to rest on the ground that consists of two sign faces connected together at the top to form an "A" shape sign with a broad base and narrow top when viewed from the side.



### **SIGN, ATTACHED**

A sign that is attached, directly or indirectly to a building (e.g. wall sign, marquee sign) or structure that has a principal purpose other than supporting the sign (e.g. fence, light pole).

## **SIGN, AWNING**

A sign that is part of or attached to the surface of an awning.



## **SIGN, BANNER**

A sign constructed of cloth, canvas, fabric, paper, or other light materials, that does not have an integral supporting framework.

## **SIGN, BLADE**

A sign constructed of lightweight material and attached to and projecting from a light pole or similar structure, but not from a building.



## **SIGN, CANOPY**

A sign attached to a canopy.



## **SIGN, FREESTANDING**

A sign installed upon the ground directly or through a structure designed for the exclusive purpose of supporting the sign, and not attached to a building or other structure.

## **SIGN, GROUND**

A permanent freestanding sign that is not a monument sign (e.g., because the sign is not wider than it is tall), a pole sign (e.g., because there is less than two feet of open air under the sign), or an off-premises sign.

## **SIGN, INFLATABLE**

A sign that requires air pressure to maintain its shape.

## **SIGN, MARQUEE**

A sign attached to or hung from a marquee.



## **SIGN, MONUMENT**

A freestanding sign permanently mounted on or affixed to a solid decorative base or pedestal with no open air between the sign and the ground, that has, including the support structure, a total width that exceeds its height.



## **SIGN, NONCONFORMING**

A sign lawfully existing on January 9, 2018 or the effective date of amendment to this Ordinance, that does not conform to all the standards and regulations of this Ordinance or the amendment.

## **SIGN, OFF-PREMISES**

A sign that draws attention to or communicates information about a business, service, commodity, product, event or any goods or services conducted, sold or offered at a location other than the premises on which the sign is located.

## **SIGN, PERMANENT**

A sign that is intended for other than temporary use or a limited period. A permanent sign is affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

## **SIGN, POLE**

A freestanding sign permanently affixed to one or more masts, poles, or open braces that are secured permanently to the ground and have as their principal purpose support of the sign, such that there is a minimum of two vertical feet of open air under any portion of the bottom of the sign.



## **SIGN, PORTABLE OR WHEELED**

A sign that is designed to be transported on wheels or that is constructed on a chassis.

## **SIGN, PROJECTING**

A sign that is attached to and oriented approximately perpendicular to the wall or parapet of a building, the building having a principal function other than support of the sign.

## **SIGN, ROOF**

A sign affixed to the roof of a building or to the wall of a building, and extending above the roofline.



## **SIGN, TEMPORARY**

A temporary sign or display that is intended or constructed for display during a limited period of time only, and generally constructed of lightweight materials and installed in a manner so as to be easily removed.

## **SIGN, T-FRAME**

Any sign designed to rest on the ground and consisting of a sign face mounted perpendicular to its base to form an upside-down "T" shape when viewed from the side.



## **SIGN, WALL**

Any sign painted on or attached to the outside wall of any building and supported by such wall or building, and which displays only one surface.



## **SIGN, WIND SAIL**

Any sign temporarily mounted along its edge on a single, flexible pole, and which generally resembles the shape of a feather, sail, bow, teardrop, or other similar shape.



## **SIGN, WINDOW**

A sign which is painted on, applied to, or attached to a window or door, or located within three feet of the interior of the window or door, and which is legible and intended to be read from the exterior of the building.

## SIGN, YARD

A lightweight temporary freestanding sign that is not a wind sail sign, inflatable sign, or A-frame or T-frame sign. A yard sign is generally installed in the ground on a wooden post or a thin frame made of metal.



### (D) General Sign Standards

#### (1) Classification of Sign Types

For purposes of this Sec. 40.1-5.11, signs are generally classified as either permanent or temporary, and as either freestanding or attached. Table 40.1-5.11(D)(1): Classification of Sign Types, identifies signs according to their classification.

	<b>ATTACHED</b>	<b>FREESTANDING</b>
<b>PERMANENT</b>	Awning sign Canopy sign Marquee sign Off-premises sign Projecting sign Wall sign Window sign	Ground sign Monument sign Off-premises sign Pole sign
<b>TEMPORARY</b>	Banner sign Blade sign Inflatable sign Window sign	A-frame or T-frame sign Inflatable sign Wind sail sign Yard sign

#### (2) Prohibited Signs

The following signs are prohibited in all zoning districts:

- (a) Roof signs;
- (b) Pennants;
- (c) Balloons which meet the definition of "sign" and are greater than two feet in diameter with a tether more than two feet long extending from a roof or structure by means of a rope, string, or other device;
- (d) Obsolete signs containing sign copy, print, or graphics which advertise an activity, business, product, or service no longer produced or conducted on the premises. An exception to the immediate removal of obsolete sign copy, print or graphics will occur where the owner or lessor of the premises on which the sign is located is seeking a new tenant, in which

event the sign copy, print or graphics shall be removed by the owner or lessor at least two years from the date of vacancy of the premises on which the obsolete sign is located;

- (e) Portable or wheeled signs and portable or nonstructural signs with no permanently mounted, self-supporting structure, including signs mounted on wheels and otherwise constructed to be used as a temporary sign display, but not including signs applied directly to and flush with the body of a motor vehicle, as defined in Code of Virginia, § 46.2-100, that is operable and duly licensed;
- (f) Off-premises signs, except in accordance with subsection 40.1-5.11(E)(3)(d) or subsection 40.1-5.11(E)(4)(d);
- (g) Signs that include movement or animation, other than changeable copy in accordance with subsection 40.1-5.11(D)(7);
- (h) Signs located in the right-of-way, except A-frame and T-frame signs in accordance with subsection 40.1-5.11(F)(3)(a) and signs placed in the right-of-way in accordance with Chapter 32 of the City Code;
- (i) Signs of a size, location, movement, content, coloring, or manner of illumination that may cause them to be misconstrued as traffic-control devices or signs; and
- (j) Signs that hide from view any traffic or street sign or signal or that obstruct the view at a street or road intersection, as determined by the City Engineer.

**(3) Measurement of Height and Sign Area**

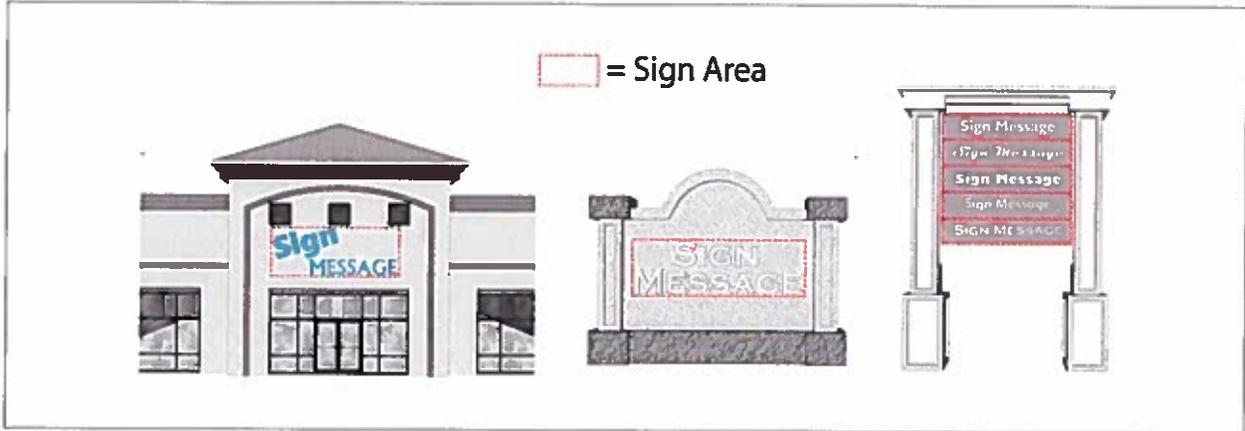
**(a) Sign Height**

The height of a sign shall be measured from the top edge of the sign to the ground level measured at the edge of the pavement of the public street on which the sign faces.

**(b) Sign Area**

The area of a sign shall be computed as the area within the smallest standard geometric shape that encloses the extreme limits of lettering, representations, emblems, or other figures, together with all surrounding material, trim, or ornamentation that either form the integral part of the display or differentiate the sign from the background where it is placed (see Figure 40.1-5.11(D)(3)(b): Sign Area). The structural supports for a sign, whether they be columns, pylons or a building or part thereof, shall not be included in the sign area unless they are designed as integral parts of the sign for the purpose of illustration or attraction.

**Figure 40.1-5.11(D)(3)(b): Sign Area**



- (4) Building Code Compliance and Installation**
  - (a) Building Code Compliance**

The requirements of this section are supplemental to the Uniform Statewide Building Code and other applicable codes. Nothing herein shall exempt any sign from compliance with these codes.
  - (b) Signs to be Permanent**

Except for temporary signs installed in accordance with subsection 40.1-5.11(F), Temporary Sign Standards, all signs shall be permanently installed as defined by the Uniform Statewide Building Code. Installation using ropes, cords, and the like is not considered permanent.
- (5) Materials**
  - (a) Generally**

Permanent signs shall be constructed of durable, weather-proof materials.
  - (b) D1 District**

In the D1 district, a sign shall not be constructed of:

    - (i) Unfinished materials, including unpainted wood;
    - (ii) Highly reflective materials;
    - (iii) Plastic; or
    - (iv) If the Downtown Design Guidelines apply, any material that the Downtown Design Committee determines is inconsistent with the Downtown Design Guidelines.
- (6) Illumination and Brightness**
  - (a)** Illumination, where permitted, shall be designed, installed and maintained in a manner that avoids glare on adjoining properties and that avoids glare or reflection which in any way interferes with traffic safety.
  - (b)** Where illumination is by a source external to the sign, the source of illumination shall be aimed and shielded so that direct illumination is focused exclusively on the sign face and is not visible from off-site areas.
  - (c)** The luminance of a sign shall not exceed 1500 nits during daylight hours and 150 nits at all other times. Signs incorporating displays that use light emitting diodes (LEDs), charge coupling devices (CCDs), plasma, or functionally equivalent technologies shall be equipped with automatic

dimming technology and certified by the manufacturer or a qualified professional to be compliant with the maximum luminance standards in this subsection (6)(c).

- (d) In the UR, UR-H, and Historic zoning districts, signs shall be illuminated only by a source external to the sign.
- (e) In the D1 district, any illumination of a sign shall be directed at the sign from an external, shielded lamp, emitting a warm light, similar to daylight, except:
  - (i) Backlighting of individual letters is allowed; and
  - (ii) If approval of the sign by the Downtown Design Committee is required, the Committee may allow internal sign illumination, such as neon in limited amounts or incandescent bulbs, or other sign illumination, if the Committee determines the proposed illumination is compatible with the character of the street and with the historic character of individual buildings and the district as a whole.

**(7) Automatic Changeable Copy**

- (a) Signs incorporating automatic changeable copy are prohibited outside of the NMU, GMU, MU-H, NAC, CAC, RAC, IL, and IN districts.
- (b) A sign that incorporates automatic changes in display or copy shall comply with the following standards:
  - (i) The display or copy shall remain static prior to each change for a period of not less than eight seconds.
  - (ii) Each change of the display or copy shall be accomplished within 0.25 seconds or less if the change is effected by digital means, or 2 seconds if the change is effected by mechanical means.
  - (iii) Each change of the display or copy shall be accomplished without the use of animation, scrolling, or simulated movement.
  - (iv) The device that automatically changes the display or copy shall be designed and equipped to maintain a static display if a malfunction occurs.

**(8) Substitution**

The replacement of commercial content with noncommercial content on any sign permitted by this Sec. 40.1-5.11 is expressly allowed.

**(9) Maintenance**

Each sign shall be maintained in good condition at all times. Maintenance shall include, but is not limited to, the following:

- (a) Each sign shall be kept free of holes, tears, and fraying;
- (b) Each sign shall be kept free of rust, rot, and similar degradation; and
- (c) Cracked, shattered, or similarly damaged parts of a sign shall be replaced.

**(E) Permanent Sign Standards**

**(1) Permanent Sign Types Allowed in Each Zoning District**

The types of permanent signs allowed in each zoning district are identified in Table 40.1-5.11(E)(1): Permanent Sign Types Allowed in each Zoning District. The types of signs that are allowed are indicated by "yes" in the zoning district column, and the types of signs that are not allowed are indicated by "no" in the

zoning district column. For each type of sign, the right-most column in Table 40.1-5.11(E)(1) references the specific standards that apply to that type of sign.

TABLE 40.1-5.11(E)(1): PERMANENT SIGN TYPES ALLOWED IN EACH ZONING DISTRICT													
TYPE OF SIGN	ZONING DISTRICT												STANDARDS SPECIFIC TO SIGN TYPE
	NR, GR	UR, UR-H	NMU	GMU	MU-H, NAC, CAC, RAC (1)	IL, IN	D1	D2	WF	PG	HLO, HLB	HR	
<b>ATTACHED SIGNS</b>													
Awning sign	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1- 5.11(E)(3)(a)
Canopy sign	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1- 5.11(E)(3)(b)
Marquee sign	no	no	no	yes	no	no	yes	yes	no	no	no	no	40.1- 5.11(E)(3)(c)
Off-premises sign	no	no	no	no	no	yes	no	no	no	no	no	no	40.1- 5.11(E)(3)(d)
Projecting sign	no	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1- 5.11(E)(3)(e)
Wall sign	no	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1- 5.11(E)(3)(f)
Window sign	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1- 5.11(E)(3)(g)
<b>FREESTANDING SIGNS</b>													
Ground sign	no	no	yes	yes	yes	yes	no	no	yes	yes	no	no	40.1- 5.11(E)(4)(b)
Monument sign	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes	40.1- 5.11(E)(4)(c)
Off-premises sign	no	no	no	no	no	yes	no	no	no	no	no	no	40.1- 5.11(E)(4)(d)
Pole sign	no	no	yes	yes	yes	yes	no	no	yes	Yes	no	no	40.1- 5.11(E)(4)(e)
NOTES: (1) Sign types indicated as allowed in the MU-H, NAC, CAC, and RAC districts are allowed unless inconsistent with the adopted design standards applicable to the district.													

- (2) **Maximum Total Sign Area per Lot for Permanent Signs**  
On any lot, the maximum total sign area of all permanent signs and any additional sign area restrictions for permanent attached signs and permanent freestanding signs are established in Table 40.1-5.11(E)(2): Maximum Total Sign Area Per Lot for Permanent Signs, for the zoning district in which the sign(s) is located.

**TABLE 40.1-5.11(E)(2): MAXIMUM TOTAL SIGN AREA PER LOT FOR PERMANENT SIGNS**

<b>ZONING DISTRICT</b>	<b>MAXIMUM TOTAL SIGN AREA PER LOT FOR ATTACHED AND FREESTANDING SIGNS (EXCLUDING WINDOW SIGNS)</b>	<b>ADDITIONAL SIGN AREA RESTRICTIONS FOR ATTACHED SIGNS</b>	<b>ADDITIONAL SIGN AREA RESTRICTIONS FOR FREESTANDING SIGNS</b>
NR, GR	Ten percent of the area of the front building facade, or one square foot for every five linear feet of street frontage, whichever is greater, provided, no individual sign shall have a sign area in excess of 18 square feet	None	Not more than 36 square feet, or one square foot for every eight linear feet of street frontage, whichever is less
UR, UR-H, HR, HLO, HLB	Ten percent of the area of the front building facade, or one square foot for every two linear feet of street frontage of the lot, whichever is greater, provided, no individual sign shall have a sign area in excess of 18 square feet	None	Not more than 36 square feet, or one square foot for every three linear feet of street frontage, whichever is less, provided, no sign shall have a sign area in excess of 18 square feet
NMU, GMU, MU-H, IL, IN, NAC, CAC, RAC, WF, PG	Ten percent of the area of the front building facade or one square foot for every one linear foot of street front of the lot, whichever is greater, provided, no sign located on a lot having less than 40 linear feet of street frontage shall have a sign area in excess of 40 square feet	None	None
D1	Ten percent of the area of the front building facade, provided, no sign located on a lot having less than 40 linear feet of street frontage shall have a sign area in excess of 40 square feet	None	N/A
D2	Ten percent of the area of the front building facade, provided, no sign located on a lot having less than 40 linear feet of street frontage shall have a sign area in excess of 40 square feet	None	Not more than 40 square feet, or one square foot for every two linear feet of street frontage, whichever is less

**(3) Permanent Attached Sign Standards (On-Site and Off-Premises)**

The general standards established for each type of permanent attached sign in subsections (a) through (g) below apply in all zoning districts, unless explicitly stated otherwise for specific zoning districts.

**(a) Awning Sign**

**(i) General Standards**

- a.** One awning sign is allowed on a lot for each public street on which the lot has frontage.
- b.** Awning signs are allowed only on awnings attached to the ground floor of a building.

- c. An awning sign that is suspended from the bottom of an awning shall:
      - 1. Not extend horizontally beyond the edges of the awning; and
      - 2. Maintain a minimum vertical distance of eight feet between the bottom of the sign and the grade directly below the bottom of the sign.
    - d. An awning sign that is applied directly to the surface of an awning shall not be illuminated internally or have any form of backlighting.
    - e. An awning sign that is mounted on the front or side of an awning shall not extend above the highest point where the awning attaches to the building.
  - (ii) **D1 District**  
If the Downtown Design Guidelines apply, the color of the sign shall be in accordance with the Downtown Design Guidelines, as determined by the Downtown Design Committee.
  - (iii) **D2 District**  
In the D2 district, the vertical dimension of the sign area shall not exceed six inches on the vertical face of the curb side of the awning.
- (b) **Canopy Sign**
  - (i) **General Standards**
    - a. One canopy sign is allowed on each side of a canopy visible from a public street on which the lot has frontage.
    - b. A canopy sign shall not extend above, beyond, or below any edge of the vertical face of the canopy roof structure.
    - c. The sign area of a canopy sign shall not exceed 20 percent the area of the vertical face of the side of the canopy roof structure to which it is attached.
  - (ii) **D1 District**  
If the Downtown Design Guidelines apply, the color of the sign shall be in accordance with the Downtown Design Guidelines, as determined by the Downtown Design Committee.
  - (iii) **D2 District**  
The vertical dimension of the sign area shall not exceed six inches on the vertical face of the curb side of the canopy.
- (c) **Marquee Sign**
  - (i) **General Standards**  
A marquee sign shall maintain a minimum vertical distance of eight feet between the bottom of the sign and the grade directly below the bottom of the sign.
- (d) **Off-Premises Sign (Attached)**
  - (i) **IL and IN Districts**

Off-premises signs are permitted only in the IL and IN districts after a use permit for the sign has been approved by the City Council in accordance with Sec. 40.1-2.3(B), Use Permit.

**(ii) General Standards**

An off-premises sign (attached) shall comply with the following standards:

- a. The maximum sign area shall not exceed 672 square feet;
- b. The maximum height shall not exceed 50 feet;
- c. An off-premises sign (attached) shall be:
  1. Oriented in only one direction;
  2. Located not less than 25 feet from the right-of-way of any public street;
  3. Located not less than 15 feet from any other property line, or, if the property line adjoins property in the NR, GR, UR, or UR-H district, by a distance at least equal to the height of the sign; and
  4. Erected not less than 500 feet from any other off-premises sign on the same side of the same street.
- d. Off-premises signs within 660 feet of the right-of-way of any highway classified as an interstate highway or as a federal aid primary highway shall also comply with Virginia Code, §§ 33.1-351 et seq.

**(e) Projecting Sign**

**(i) General Standards**

A projecting sign shall:

- a. Not extend more than six feet from a building to which it is attached;
- b. Be perpendicular to the building to which it is attached;
- c. Maintain a minimum vertical distance of eight feet between the bottom of the sign and the grade directly below the bottom of the sign;
- d. Not exceed 12 square feet in area;
- e. Not be illuminated; and
- f. If located within the public right-of-way, comply with the provisions of Section 32-7 of the City Code pertaining to street encroachments.

**(ii) D1 District**

In the D1 district, only one projecting sign is permitted per storefront.

**(iii) D2 District**

In the D2 district, a projecting sign shall not measure more than two feet vertical by three feet horizontal, or three feet vertical by two feet horizontal.

**(f) Wall Sign**

**(i) D1 District**

In the D1 district, a wall sign shall not obscure moldings or transoms.

**(ii) D2 District**

In the D2 district, a wall sign shall comply with the following standards:

- a. The vertical dimension of the sign area of a wall sign shall not exceed three feet;
- b. A sign may not be located closer than two feet from an adjacent common lot line; and
- c. A sign shall not be painted on the front façade, unless existing prior to July 2009, but may be painted on the other exterior walls (side, rear, and courtyard).

**(g) Window Sign**

- (i) On any story of a building, the total sign area of window signs shall not exceed 20 percent of the façade area comprised of windows.
- (ii) A window sign shall not be illuminated by any source other than a source external to the sign.

**(4) Permanent Freestanding Sign Standards (On-Site and Off-Premises)**

The general standards established for permanent freestanding signs in subsection (a) below and for each type of permanent attached sign in subsections (a) through (e) below, apply in all zoning districts, unless explicitly stated otherwise for specific zoning districts.

**(a) General Standards**

A freestanding sign shall comply with the following standards:

- (i) One freestanding sign support structure is allowed on a lot for each public street on which the lot has frontage. The sign support structure shall not support multiple co-located signs unless they are placed parallel to a common plane and arranged in one or a combination of the following ways:
  - a. Back-to-back;
  - b. In rows; or
  - c. In columns.
- (ii) A freestanding sign and its supporting structure shall be located not less than:
  - a. Seven feet from the front property line; and
  - b. Fifteen feet from any adjoining property located in the NR, GR, UR, UR-H, HR, HLO, or HLB zoning district.

**(b) Ground Sign**

**(i) General Standards**

A ground sign shall not exceed a height of 25 feet.

**(ii) NR or GR District**

In the NR or GR district, a ground sign shall:

- a. Not exceed six feet in height; and
- b. Not be illuminated by any source other than a source external to the sign.

(iii) **UR or UR-H District**

In the UR or UR-H districts, a ground sign shall not exceed ten feet in height.

(c) **Monument Sign**

(i) **General Standards**

- a. A monument sign shall not exceed a height of 12 feet.
- b. The base or pedestal of a monument sign shall be constructed of brick, stone, concrete, or a material of similar bulk, weight, and durability.
- c. A monument sign shall not be located less than one foot from any right-of-way.

(ii) **NR or GR District**

In the NR or GR district, a monument sign shall:

- a. Not exceed six feet in height; and
- b. Not be illuminated by any source other than a source external to the sign.

(iii) **UR or UR-H District**

In the UR or UR-H district, a monument sign shall not exceed eight feet in height.

(d) **Off-Premises Sign (Freestanding)**

A freestanding off-premises sign shall comply with the standards in subsection 40.1-5.11(E)(3)(d), Off-Premises Sign.

(e) **Pole Sign**

(i) **General Standards**

A pole sign shall not exceed a height of 25 feet.

(ii) **NR or GR District**

In the NR or GR District, a pole sign shall:

- a. Not exceed six feet in height; and
- b. Not be illuminated by any source other than a source external to the sign.

(iii) **UR or UR-H District**

In the UR or UR-H districts, a pole sign shall not exceed ten feet in height.

(F) **Temporary Sign Standards**

(1) **Temporary Signs Allowed in Each Zoning District**

The types of temporary signs allowed in each zoning district are identified in Table 40.1-5.11(F)(1): Temporary Signs Allowed in each Zoning District. The types of signs that are allowed are indicated by "yes" in the zoning district column, and the types of signs that are not allowed are indicated by "no" in the zoning district column. For each type of sign, the right-most column in Table 40.1-5.11(F)(1) references the specific standards that apply to that type of sign.

**TABLE 40.1-5.11(F)(1): TEMPORARY SIGNS ALLOWED IN EACH ZONING DISTRICT**

TYPE OF SIGN	ZONING DISTRICT											STANDARDS SPECIFIC TO SIGN TYPE
	NR, GR	UR, UR-H	NMU, GMU	MU-H, NAC, CAC, RAC	IL, IN	D1	D2	WF	PG	HR, HLB	HLO	
<b>ATTACHED SIGNS</b>												
Banner sign	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	40.1-5.11(F)(2)(a)
Blade sign	no	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1-5.11(F)(2)(b)
Inflatable sign	no	no	no	no	yes	no	no	no	no	no	no	40.1-5.11(F)(2)(c)
Window sign	no	yes	yes	yes	yes	yes	yes	yes	no	no	yes	40.1-5.11(F)(2)(d)
<b>FREESTANDING SIGNS</b>												
A-frame or T-frame sign	no	no	no	no	no	yes	yes	no	no	no	no	40.1-5.11(F)(3)(a)
Inflatable sign	no	no	no	no	yes	yes	no	no	no	no	no	40.1-5.11(F)(3)(b)
Wind sail sign	no	yes	yes	yes	yes	no	yes	yes	yes	no	no	40.1-5.11(F)(3)(c)
Yard sign	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	40.1-5.11(F)(3)(d)

**(2) Standards for Temporary Attached Signs**

**(a) Banner Sign**

Unless affixed to temporary protective fencing in accordance with subsection 40.1-5.11(B)(3)(d), a temporary banner sign shall not be displayed for a cumulative period of time longer than 30 days in any calendar year.

**(b) Blade Sign**

**(i) General Standards**

A blade sign shall maintain a minimum eight feet clear height above the ground.

**(ii) D2 District**

A blade sign shall not measure more than two feet vertical by three feet horizontal, or three feet vertical by two feet horizontal.

**(c) Inflatable Sign (Attached)**

Temporary inflatable attached signs shall:

- (i)** Project no more than 30 feet above the roof line or top of the building or structure to which they are attached;
- (ii)** Not be designed to generate animation or movement; and
- (iii)** Be displayed no more than once per year per lot, for a period of time not to exceed seven days.

**(d) Window Sign (Temporary)**

A temporary window sign shall comply with the standards in Sec. 40.1-5.11(E)(3)(g), Window Sign.

**(3) Standards for Temporary Freestanding Signs**

**(a) A-frame or T-frame Sign**

- (i) One sign is permitted per establishment.
- (ii) Sign area shall not exceed two feet in the horizontal dimension and three-and-one-half feet in the vertical dimension.
- (iii) The sign shall be located in front of, and within 16 feet of the main entrance to, the premises.
- (iv) The placement of signs must not interfere with pedestrian traffic, curb ramps, or access to buildings, driveways, or fire escapes
- (v) The sign shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- (vi) The sign shall be internally weighted so that it is stable and windproof.

**(b) Inflatable Sign (Freestanding)**

Temporary inflatable freestanding signs shall:

- (i) Have a height not exceeding 30 feet above ground level;
- (ii) Not be designed to generate animation or movement; and
- (iii) Be displayed no more than once per year per lot, for a period of time not to exceed seven days.

**(c) Wind Sail Sign**

- (i) One temporary wind sail sign is allowed on a lot that has at least 25 feet of street frontage. One additional temporary wind sail sign is allowed on the lot for each additional 50 feet of lot street frontage above 25 feet;
- (ii) A wind sail sign shall not exceed nine feet in height;
- (iii) A wind sail sign shall not be located within 25 feet of another wind sail sign on the same lot.
- (iv) A wind sail sign shall not be located less than seven feet from the right-of-way.

**(d) Yard Sign**

- (i) In addition to signs identified in subsection 40.1-5.11(B)(3), Signs not Requiring a Zoning Compliant Permit, up to four temporary yard signs having a combined sign area not exceeding 24 square feet are allowed per lot.
- (ii) A yard sign shall not exceed six feet in height.

**(G) Alternative Signage Plan**

**(1) Eligibility**

Large-scale development with common design elements (such as a shopping center, an office park, or large institutions such as a university or medical center with multiple buildings on a campus) may apply for a special exception permit to authorize alternative signage in accordance with an Alternative Signage Plan that proposes a comprehensive set of signage standards in-lieu of compliance with standards in this Sec. 40.1-5.11.

**(2) Approval and Amendment Process**

**(a) Special Exception Permit**

Application, consideration, and approval or denial of a special exception permit for an Alternative Sign Plan, and any subsequent amendments to an approval, shall conform to and be governed by the procedures set forth in Sec. 40.1-2.3(D), Special Exception Permit. In addition to the special exception permit standards in Sec. 40.1-2.3(D), prior to approval of the special exception permit, the Board of Zoning Appeals shall also find that the proposed Alternative Sign Plan is consistent with the purpose of this Sec. 40.1-5.11, includes common elements and a consistent design scheme, is consistent with the purposes of the zoning district in which it is located, and is compatible with surrounding development.

**(b) Reserved.**

**(H) Alternative Sign Overlay Districts**

**(1) Purpose**

Certain large-scale development with common design elements, including but not limited to office parks, corporate centers, and medical centers having a multi-building campus, or development that is unique in its design, operating characteristics, and presence in the city, including but not limited to outdoor performing arts centers, may present unique development opportunities of special value to the city. In order to ensure that the economic, social, and cultural benefits of that type of development are optimized, the establishment of one or more localized alternative sign overlay districts is authorized to address the unique signage needs and opportunities associated with the development.

**(2) Applicability**

The type of large-scale development described in subsection (1) above may be classified to an Alternative Sign Overlay District in accordance with subsection (3) below. All properties located within Alternative Sign Overlay District shall be subject to the signage standards of the Alternative Sign Overlay District in-lieu of the standards in this Sec. 40.1-5.11.

**(3) Procedure for Establishment**

An application for the establishment of an Alternative Sign Overlay District shall be submitted, reviewed, and decided upon in accordance with Sec. 40.1-2.3(A), Zoning Map Amendment (Rezoning) or Text Amendment. Such an application shall include, at a minimum, the following:

- (a)** A description of the boundaries of the proposed district;
- (b)** A statement of the reasons for the request; and
- (c)** A comprehensive set of signage standards proposed by the applicant to be applied within the district.

**(4) Comprehensive Signage Standards**

Comprehensive signage standards in an Alternative Sign Overlay District shall consist of a comprehensive design scheme that:

- (a)** Includes common elements;
- (b)** Is compatible with the character of the underlying base district;
- (c)** Is consistent with the purpose of this Sec. 40.1-5.11; and
- (d)** Is consistent with surrounding development.

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**AMENDMENT #: 2**

**SECTION 40.1-6.5**

Existing Section 40.1-6.5 ("Nonconforming Signs") is hereby **DELETED** in its entirety and a new Section 40.1-6.5 ("Nonconforming Signs") as set forth below is hereby **ADDED**.

**40.1-6.5 NONCONFORMING SIGNS**

The following additional restrictions shall apply to signs which were legally erected prior to January 9, 2018, but which do not conform to provisions of this Ordinance:

- (1) Any nonconforming on-premises sign and sign structure shall be removed or brought into conformance with this Ordinance if for any period of at least two years it does not advertise a business or service located on the same lot with the sign;
- (2) Any nonconforming off-premises sign and sign structure shall be removed or brought into conformance with this Ordinance if for any period of at least two years it does not contain copy or messages on the advertising display area;
- (3) In accordance with Code of Virginia, § 15.2-2307(G), the city may require the property owner to remove any non-conforming sign and/or sign structure which has been abandoned if the business for which the sign was erected has not been in operation for at least two years, or the city may remove the sign and structure after giving notice and reasonably attempting to contact the property owner and charge the cost of removal to the property owner; and
- (4) If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed or replaced except in conformity with all of the provisions of this Ordinance. All remnants of the former sign or sign structure not incorporated into the repaired, reconstructed or replaced signage shall be removed from the property. For purposes of this section, a nonconforming sign is "destroyed" if damaged to the extent that the cost of repairing the sign to its former condition equals or exceeds the value of the sign so damaged.

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**AMENDMENT #: 3**

**SECTION 40.1-8.3**

Section 40.1-8.3 is amended by adding, deleting, and/or otherwise amending certain defined terms as shown below. Except as expressly shown below, Section 40.1-8.3 is not hereby amended.

**AWNING**

A cover constructed of fabric, plastic, or a similar lightweight material that is entirely supported by the building to which it is attached, that has the purpose of shielding a doorway, window, porch, terrace, or platform from the elements. This term does not include a marquee or a canopy;

~~entirely supported by the building to which it is attached, which has the purpose of shielding a doorway, window, porch, terrace, or platform from the elements.~~

## **CANOPY**

~~A roofed shelter that is not enclosed by walls but is attached to and supported by columns extending from the ground or by a combination of a building and columns extending from the ground permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.~~

## **LARGE-SCALE DEVELOPMENT**

~~A site containing a minimum of five acres of contiguous land and 60,000 square feet of gross floor area that is developed as a cohesive unit with common design elements. Examples of common large-scale developments are shopping centers, office parks, and large institutions such as a university or medical center with multiple buildings on a campus.~~

## **MARQUEE**

~~A permanent roof-like shelter constructed of durable material that is supported solely by the building to which it is attached, and projects from the building face. A marquee is generally located at the main entrance to a building. This term does not include a canopy or an awning. Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.~~

## **PENNANT**

~~For the definition of the term pennant, see Section 40.1-5.11(C), Definitions. Any lightweight plastic, fabric, paper or material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.~~

## **SIGN**

~~For the definition of the term sign and other definitions related to signage, see Section 40.1-5.11(C), Definitions. Any surface, fabric, display, device, figure, painting, drawing, message, placard, poster, billboard, or other structure which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any public street or from any public or private property other than the zone lot on which it is located.~~

## **SIGN, INCIDENTAL**

~~Any sign which has no independent purpose but which has a purpose incidental to the use of the zone lot. Not by way of limitation but by way of example, "no parking, entrance, loading only" and other similar signs on private property are incidental signs.~~

### **SIGN, CANOPY**

~~Any sign that is part of or is attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy. The advertising display area shall be confined to the vertical surface of any canopy or awning and shall consist only of the name and/or logo of the business or institution sewn, painted, stenciled or otherwise placed on the surface.~~

### **SIGN, CHANGEABLE COPY**

~~A sign that is designed so that characters, letters or illustrations can be changed or rearranged, mechanically, manually, electrically or electronically, without altering the face or the surface of the sign. Changeable copy signs shall not be considered to be animated or flashing simply because the copy is changed electrically or electronically. Changing time and temperature or stock market indicator signs shall be considered changeable copy signs.~~

### **SIGN, FREESTANDING**

~~Any sign which is supported by a structure or supports in or upon the ground and which is independent of support from any building or other structure.~~

### **SIGN, INSTITUTIONAL CANOPY**

~~A religious, educational or other public or quasi-public institutions shall be entitled to a certificate of compliance for one canopy sign per street frontage, subject to all other applicable requirements of this chapter, except that such signs may be up to 12 feet in height.~~

### **SIGN, MARQUEE**

~~Any sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.~~

### **SIGN, NAME PLATE**

~~Name plates may include the name of the building, the name of the occupants, the address and the hours of operation for any business which is operated on the premises.~~

### **SIGN, NONCOMMERCIAL**

~~A sign that is intended to display a religious, charitable, cultural, governmental, informational, political, educational, or artistic message, that is not primarily associated with a good, product, or service offered for sale or trade. Noncommercial signs include signs advertising incidental and temporary commercial activities conducted by churches and nonprofit businesses, clubs, groups, associations or organizations.~~

### **~~SIGN, OFF-PREMISES~~**

~~Any sign that draws attention to or communicates information about a business, service, commodity, product, event or any good or activity that is conducted, sold or offered at a location other than the premises on which the sign is located.~~

### **~~SIGN, ON-PREMISES~~**

~~Any sign which is not an off-premises, incidental or real estate sign or which does not qualify under the standards for name plates and historical markers as defined in this Ordinance.~~

### **~~SIGN, PERMANENTLY MOUNTED BANNER~~**

~~Any sign or display constructed of cloth, canvas, fabric, paper, or other light materials, hung either with or without frames possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind, and installed in a permanent fashion. National flags, military flags, flags of the commonwealth, city or symbolic flags of any institution or business shall not be considered banners or signs for the purposes of this chapter. There shall be no more than one permanent banner sign per establishment per zone lot.~~

### **~~SIGN, PORTABLE~~**

~~Portable signs shall include:~~

- ~~—Any sign not permanently attached to the ground or to a permanent structure;~~
- ~~—Any sign designed to be transported, including but not limited to, a sign designed to be transported by means of wheels;~~
- ~~—Any sign with chassis or support construction without wheels;~~
- ~~—Any sign converted to or constructed as an A-frame or a T-frame except as permitted as a temporary sign, defined below; or~~
- ~~—Any sign attached to or painted on a motor vehicle parked and visible from the public right-of-way, where said motor vehicle is left in the same area for a length of time in excess of 60 days so that said motor vehicle has ceased to be used as a means of transportation in the normal operation of the business.~~

### **~~SIGN, PROJECTING~~**

~~Any sign other than a wall sign affixed to any building or wall having a principal function other than support of the sign whose leading edge extends beyond such building or wall.~~

### **~~SIGN, RESIDENTIAL-FREESTANDING~~**

~~Residential freestanding signs shall contain no commercial message except one advertising the premises for sale or lease. Residential freestanding signs shall not exceed three square feet per side in area.~~

~~**SIGN, ROOF**~~

~~Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.~~

~~**SIGN, TEMPORARY**~~

~~A temporary sign or display is a sign constructed of cloth, canvas, fabric, paper, plywood or other light materials.~~

~~**SIGN, WALL**~~

~~Any sign painted on or attached to the outside wall of any building and supported by such wall or building and which displays only one advertising surface.~~

~~**SIGN, WINDOW**~~

~~Any sign or letters, pictures, symbol or combination thereof to communicate information about a business, service, commodity, event, sale or other activity placed inside a window or upon window panes or glass and which is intended to be seen from the exterior.~~

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**AMENDMENT #: 4**

**APPENDIX B, SECTION 407**

Section 407 of Appendix B is amended by deleting subsection 407(D)(2). Except as expressly shown below Section 407 of Appendix B is not otherwise amended.

**407. Martin Luther King Highway Frontage**

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**D. Architectural Standards**

**1. Windows and Doors**

**a. Materials**

The requirements for upper story window light transmission do not apply.

**b. Configurations and Techniques**

The requirements for upper story windows do not apply.

~~**2. Signage**~~

~~For upper stories:~~

- ~~a. Wall signs are allowed anywhere above the second story floor level.~~
  - ~~b. The maximum limits on lettering size, blade sign size are increased by a factor of three (3).~~
  - ~~c. There is no limit on the size and location of blade signs.~~
  - ~~d. Marquee signs are permitted.~~
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**AMENDMENT #: 5**

**APPENDIX B, SECTION 607**

*Section 607 of Appendix B ("Signage") is hereby deleted.*