

**AN ORDINANCE TO AMEND SECTIONS 66-3 AND 66-335 OF THE
CODE OF THE TOWN OF MOUNT JACKSON REGULATING SIGNS**

WHEREAS, signs have a direct impact on the character and image of a community; and,

WHEREAS, the location, maintenance and manner of installation of signs affects the public health, safety, welfare and aesthetics of the Town; and,

WHEREAS, the safety of motorists, cyclists and pedestrians is affected by signs that divert the attention of drivers; and,

WHEREAS, the Town Council desires to update the existing regulations of business signs and add provisions regarding changeable copy signs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Mount Jackson that the following changes to Chapter 66 – Zoning of the Code of the Town of Mount Jackson be and hereby are enacted:

Sec. 66-3. Definitions. Add the following definitions:

Sign, electronic, means any sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens, or other non-pictorial internal illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals, that are used to change the messages, intensity of light, or colors displayed by such sign that change no more than once every six seconds and shall not be animated by scrolling, flashing or other similar non-static displays. Light produced by electronic signs shall not exceed 0.3 foot-candles over ambient light levels. ALL ELECTRONIC SIGNS SHALL HAVE AMBIENT LIGHT MONITORS THAT ALLOW AUTOMATIC ADJUSTMENT OF THE BRIGHTNESS LEVEL OF THE SIGN BASED ON AMBIENT LIGHT CONDITIONS. In no case shall an electronic sign occupy more than 50% of the area of a permitted sign size.

Sign, monument, means a freestanding sign supported primarily by internal structural framework mounted on the ground or integrated into landscaping or other solid structural features other than support poles, and the base of which is at least 75% of the total width of the sign. The width of the base cannot exceed twice the height of the total sign structure and not extend more than one foot beyond the outside edge of the face of the sign. In no case shall the height of the sign exceed eight feet from ground level.

SIGN, INFLATABLE, MEANS ANY DISPLAY CAPABLE OF BEING EXPANDED BY AIR OR OTHER GAS AND USED ON A PERMANENT OR TEMPORARY BASIS TO ADVERTISE A PRODUCT OR EVENT.

SIGN, SANDWICH BOARD, MEANS A PORTABLE SIGN CONSISTING OF TWO(2) FACES FOR DISPLAY IN FRONT A BUSINESS FOR THE SPECIFIC USE OF ADVERTISING THAT BUSINESS. SANDWICH BOARD SIGNS SHALL HAVE AN ERASABLE FACE OR PERMANENT MESSAGE; MOVABLE LETTER SIGNS NOT ALLOWED.

SIGN, POINT-OF-SALE, MEANS A GROUND-MOUNTED, METAL-FRAMED SIGN, WHICH MAY CONSIST OF TWO (2) FACES, OF A SEMI-PORTABLE NATURE IN FRONT OF A BUSINESS THAT ADVERTISES A PRODUCT OR SERVICE AVAILABLE FROM THAT BUSINESS.

Sec. 66-335. Signs.

. Purpose and Intent

The purpose of this section is to regulate the size, location, height, construction and appearance of all exterior signs; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive and harmonious community; to protect property values; and to further the objectives of the Comprehensive Plan. To these ends, these regulations are intended to promote signs that are: A) compatible with the landscape, streetscape and architecture of surrounding buildings, including historic sites and structures; B) legible and appropriate to the activity to which they pertain; C) not distracting to motorists; and D) constructed and maintained in a structurally sound and attractive condition.

. Applicability

Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and property. These regulations shall apply to all signs erected within the Town of Mount Jackson.

. Signs – Permit Required

- (a) Permitted signs. In all zoning districts, the following signs shall be permitted and general regulations adhered to:
- (1) Official traffic or directional signs and other official federal, state, county, or town government signs.
 - (2) Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization; provided, that such

sign shall not exceed 12 square feet in area and shall be removed seven days after the completion of the campaign, drive, or event. Said signs shall not be in place for a time exceeding a ~~six-month~~ **thirty-day** period before such an event occurs.

- (3) Signs offering for sale or rental or future use of the premises upon which such signs are erected; provided, that the ~~combined~~ **total** area of such signs shall not exceed 12 square feet **and that there shall be no more than one such sign on any one lot on the same street frontage.** ~~Not more than one such sign shall be placed on the property.~~
 - (4) One temporary sign of each contractor or developer and one sign for all combined subcontractors, erected and maintained on the premises where the work is being performed; provided, that the area of each such sign shall not exceed 18 square feet, and provided, that such sign shall be removed upon completion of the work.
 - (5) Trespassing signs, signs indicating the private nature of a road, driveway or premises, and signs controlling fishing or hunting on the premises; provided that the area of any such sign shall not exceed four square feet.
 - (6) Signs may be lighted with non-glaring lights or may be illuminated by shielded floodlights; provided, however, that no red, green, or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing, or animated types shall be permitted.
 - (7) No signs, temporary or permanent, shall be permitted which are posted, stapled, or otherwise permanently attached to trees or utility poles ~~within~~ **the street line.**
 - (8) All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.
 - (9) Nonconforming signs, once removed, shall be replaced only with conforming signs.
 - (10) Nonconforming signs may only be reworded, repainted, or repaired subject to all the following conditions:
 - a. That sign dimensions are not changed; and
 - b. That the sign does advertise the same business enterprise as before painting.
- (b) Prohibited signs. In all zones unless specifically stated otherwise, the following signs shall not be permitted:
- (1) Signs with moving, revolving or rotating parts, optical illusions of movement, mechanical movement of any description, or other apparent movement achieved by electrical, electronic, mechanical or natural means, but not including time, temperature and date signs and barber poles.
 - (2) Signs with lights which flash, move, rotate, blink, flicker, or vary in either intensity or color.
 - (3) Moored balloons or other floating signs that are tethered to a structure or the ground.

- (4) Pennants.
- (5) Portable signs, ~~except those used in the specific instances authorized.~~
This provision shall not be construed to prohibit signs of reasonable size and proportion as determined by the zoning administrator, painted on or attached to automobiles, trucks, buses, trailers or other vehicles which are used in the normal course of business. It shall, however, be construed to prohibit the parking of vehicles or trailers on which signs are hung, or otherwise attached, when such parking is for display purposes intended to circumvent the provisions of this chapter. The removal of wheels and chassis assemblies from a portable message board sign with the intent of mounting it on posts shall not be sufficient to cause the sign to be permitted as a freestanding or wall sign.
- (6) Any sign which by reason of position, shape or color may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.
- (7) **Off-premises Signs – Signs located anywhere other than on the property or structure to which they direct attention or to which they are appurtenant.**
- (8) **Billboards – Any billboards or signs of similar size.**
- (9) **Signs that obstruct the visibility at intersections, entrances, and/or sidewalks, or block any door, fire escape, stairway, or any opening intended for light, air, or access to any building.**
- (10) **Signs that violate any provision of the laws of Virginia or violates federal law including U.S.C. section 131, control of outdoor advertising.**
- (11) **A sign, other than a temporary sign, that displays a commercial logo, identifier, or company emblem other than that of the establishment being advertised.**
- (12) **INFLATABLE SIGNS.**

- (c) Residential districts. The following signs shall be permitted in residential districts:
 - (1) Home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling or dwelling unit; provided that not more than one such sign shall be erected for each permitted use of the lot, and provided that the area of each such sign shall not exceed two square feet, and provided that each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten feet of a street right-of-way line.
 - (2) Sign, bulletin, announcement board, or identification sign for schools, parks or playgrounds, churches, hospitals, clubs, multifamily dwellings or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services; provided that the area of any such sign shall not exceed 24 square feet, and not more than one such sign shall be erected or displayed on each street frontage.

- (3) Subdivision signs, not exceeding 18 square feet in area, for the purpose of advertising or identifying a housing development or subdivision, when erected or displayed on the property so advertised or identified at least ten feet from the front lot line; provided, that only one such sign shall be erected or displayed facing any one street on the perimeter of such development or subdivision.
- (d) Multifamily dwellings. The following signs shall be permitted for multifamily dwellings:
- (1) Freestanding real estate signs for advertising the sale or rental of the premises upon which the sign is erected; provided, that the total area of the sign does not exceed 24 square feet, that there shall be no more than one such sign on any one lot on the same street frontage and that no sign shall be erected so as to stand higher than one of the buildings it advertises.
 - (2) Directional signs, not to exceed two square feet each, erected within the project itself to direct persons to a rental office or sample unit.
 - (3) Permanent identifying signs for the purpose of indicating the name of the multifamily project and for the purpose of identifying the individual buildings within the project. Not more than one sign for each entrance to the project from a public street to identify the name of the project shall be permitted and no such sign shall exceed ten square feet in size. Signs used to identify the individual buildings within the project shall not exceed six square feet in size.
- (e) Business districts. The following signs shall be permitted in business districts:
- (1) Any sign permitted in a residential zone, with the setback requirement waived where applicable.
 - (2) Signs advertising only the general business conducted within the premises upon which such signs are erected or displayed, except as otherwise provided in this section.
 - (3) Signs permitted within a business district shall be erected or displayed only on such walls of a building as face a street, alley, or parking area, or as freestanding signs upon the lot, subject to the following provisions as to size and location:
 - a. ~~One-story building.~~ The total area of all signs facing a street, alley, or parking area shall not exceed one square foot for each linear foot of building width facing such street, alley, or parking area. ~~, but in no case shall the aggregate of all such signs exceed 100 square feet. This applies to signs which are only affixed to the building, not freestanding signs. In the case of a corner lot, the total frontage on both streets may be used in calculating the allowable sign area. Distribution of allowable sign area between multiple businesses in same building is at the sole discretion of the property owner, but in no case shall the aggregate of all such signs exceed 100 square feet.~~

This applies to signs which are only affixed to the building, not freestanding signs.

- ~~b. First floor business in multistory buildings. The total area of all signs facing a street, alley, or parking area shall not exceed one square foot for each foot of building width facing such street, alley, or parking area and in no case shall the aggregate of such signs exceed 100 square feet. All such signs shall be kept within a height of 20 feet above the sidewalk.~~
- ~~e. Above the first floor of multistory buildings containing one or more businesses above the first floor. The total area of all signs facing a street, alley, or parking area on any wall above the 20-foot height specified in subsection (e)(3)b. of this section shall not exceed 40 square feet or 1/40 of the area of that wall above such 20-foot height, whichever is greater.~~
- ~~d. Multistory buildings occupied by one business only. Where entire buildings over one story in height are occupied by one business, a total sign area of 100 square feet facing any street, alley, or parking area or of 1/40 of the wall area facing such street, alley, or parking area, whichever is greater, may be substituted for the allowable sign areas specified in subsections (e)(3)b. and c. of this section. In such a case, the sign may be located without regard to the 20-foot height provision contained in this section.~~
- e. Signs hung on marquees. No sign shall be hung on a marquee, canopy, or portico if such sign shall extend beyond the established setback line. The area of any such sign shall be included in determining the total area of signs erected or displayed.
- f. Signs on windows advertising occupants, etc. Signs advertising only the name of the occupant of a store, office, or building, the business or occupation conducted, or the products sold therein may be placed on show windows; provided, that not more than 20 percent of the area of such windows shall be covered. The area of such signs shall be included in determining the total area of signs erected or displayed and shall not include temporary signs according to special regulations.
- g. Projection and height of signs. A sign may be erected or displayed flat against a wall or at an angle thereto, but no sign shall project beyond the established setback line unless as otherwise provided in this section. ~~The bottom of a sign, the area of which exceeds six square feet, erected flat against a wall, shall not be less than eight feet above the sidewalk, alley, or parking area.~~ The bottom of a sign projecting from a wall shall be not less than eight feet above a walkway or parking area and not less than 14 feet above an alley.
- h. Roof signs. No ~~roof~~ signs shall be permitted **on or over the roof of a building.**
- i. Freestanding signs.

- . **Within the B-1 zoning district each lot may erect or display one freestanding sign where drive-in service or parking is provided. This sign shall conform to the following standards:**
 - i. The total sign area shall not exceed 32 square feet.**
 - ii. The height shall not exceed 8 feet, if mounted on poles.**
 - iii. Monument signs, as defined in Section 66-3, are preferred in the B-1 zoning district.**
 - iv. Signs shall be placed a minimum of five feet from any property line.**
- . Within the B-2 zoning district each lot may erect or display one freestanding sign where drive-in service or parking is provided. This sign shall conform to the following standards:
 - i. The total sign area shall not exceed 100 square feet.
 - ii. The height shall not exceed 30 feet, **if mounted on poles.**
 - iii. **Monument signs, as defined in Section 66-3, are preferred in the B-2 zoning district.**
 - ~~iii~~ **iv. Setbacks from any side yard Signs shall be placed a minimum of ten feet from any side property line.**
- . Within the B-2 zoning district and located within 400 feet of the right-of-way of an interstate interchange, one additional freestanding sign per lot shall be permitted. However, when two or more permitted uses are located on the same lot, each use may erect one freestanding sign. These additional signs shall be erected in conformance with the following standards:
 - i. The area per sign face shall not exceed ~~600~~ **200** square feet. In no case shall the aggregate of all freestanding signs exceed ~~600~~ **400** square feet.
 - ii. The message portion of the sign shall be set back a minimum of ten feet from the property boundary line or right-of-way.
 - iii. Lot owners within this area may request permission from the town council to erect additional signs by Special Use Permit, as provided in Sections 66-349 and 66-399 of this code.**
 - iv. Any sign in place on October 14, 1997, shall be considered legal.
- j. Identification signs. Identification signs for shopping centers consisting of five or more separate businesses and having a continuous street frontage of at least 200 feet shall be permitted, and the area of such signs shall not be included in the total area of signs otherwise permitted in this section for the separate businesses. The total area of such identification signs for any shopping center shall not exceed one square foot for each foot of street frontage, nor shall the total area of such signs facing any street, alley, or parking area exceed 150 square feet.
- k. Advertising theater acts, etc. Signs advertising the acts or features to be given in a movie theater may be displayed on permanent cases or frames erected on theater buildings in accordance with the provisions of this section as to size and location. The bottoms of any such case or frame

erected flat against a wall may be less than eight feet above the sidewalk, alley, or parking area. When the area of any such case or frame facing a street, alley, or parking area does not exceed 24 square feet and the area of all such case or frame facing such street, alley, or parking area does not exceed 48 square feet, the area of the signs displayed thereon shall not be included in determining the total area of signs erected or displayed.

1. Private directional signs. Private directional signs showing by minimum words, symbols, and arrows the location of parking or other services on a lot may be erected between building setback lines, driveways, and lot lines, and if freestanding, shall be between a minimum of 15 inches and a maximum of 50 inches above grade. Such signs not exceeding six square feet in area may be erected without a sign permit and without being counted against the number or square footage of signs permissible on a lot, provided that other requirements of this chapter, the county building code, and the state department of transportation are met. In addition, upon application, a zoning permit may be issued for such signs up to 32 square feet in area and if freestanding, up to ten feet above grade without being so counted.

m. Electronic signs, as defined in Section 66-3, and which shall not be animated by scrolling, flashing, or other similar non-static displays. In no case shall an electronic sign occupy more than 50% of the area of a permitted sign size.

N. PORTABLE BLACKBOARDS OR SANDWICH BOARD SIGNS ALLOWED IN B-1 ZONE, PROVIDED THAT THERE ARE NO MORE THAN ONE (1) PER BUSINESS WITH AN AGGREGATE SIGN AREA OF NOT MORE THAN NINE (9) SQUARE FEET PER SIDE, AND ARE NO MORE THAN FOUR (4) FEET IN HEIGHT, AND FURTHER PROVIDED THAT THEY DO NOT REMAIN OUTSIDE AFTER BUSINESS HOURS.

O. POINT-OF-SALE SIGNS ARE ALLOWED IN B-2 ZONE, PROVIDED THAT THERE ARE NO MORE THAN TWO (2) SIGNS PER BUSINESS AND THE SIGNS ARE NOT MORE THAN TEN (10) SQUARE FEET IN SIZE, AND FURTHER PROVIDED THE SIGNS MUST BE MAINTAINED IN A STATE OF GOOD REPAIR.

- (4) Where the applicant can show that the provision of this chapter regarding the size of all signs erected or displayed in the B-1, B-2, or B-3 districts would cause unnecessary hardship if strictly adhered to because of conditions peculiar to the site, in the opinion of the town council, a departure may be made without destroying the overall intent of such provision. The council may authorize an exception by an affirmative vote of two-thirds majority after a review by the planning commission.

- (f) Industrial district. Any sign permitted in a business district shall be permitted in an industrial district; provided, that the allowable area of any such sign where it faces a business or industrial zone shall not exceed the allowable area specified in subsection (e) of this section.
- (g) Sign permit requirements. A sign permit shall be required before a sign is erected, altered, or relocated, except as otherwise provided in this subsection.
- (1) Applications. Each application for such permit shall be accompanied by plans showing the area of the sign; the size, character, and design proposed; the method of illumination, if any; the exact location proposed for such sign; the method of fastening such sign; the name and address of the sign owner and of the sign erector.
 - (2) Fees. Fees for sign permits shall be as determined by the town council.
 - (3) Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of issuance of the permit.
 - (4) Permit exceptions. A permit shall not be required for the following; provided, however, that such signs shall be subject to any and all applicable provisions of this section:
 - a. Any sign four square feet or less in area.
 - b. Repainting without changing wording, composition, or color, or minor nonstructural repairs.
 - c. The changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee and similarly approved signs which are specifically designed for the use of replaceable copy.

This ordinance shall take effect _____, 2012.

INTRODUCED at a meeting of the Mayor and Town Council on _____, 2012.

PASSED by the Council of the Town of Mount Jackson, Virginia, on the ____ day of _____, 2011.

Judy L. Fultz, Town Clerk

Joseph A. Williams, Mayor

Underlined text = New wording

~~Strikethrough wording~~ = Deleted text