

ORDINANCE REPEALING
TITLE 7 – SIGNS; SECTIONS 11-7-1 THROUGH 11-7-15; REPLACED BY
ENACTMENT OF CHAPTER 3 – ZONING; ARTICLE EE – SIGNS SECTIONS 10-3-
206 TO 10-3-218, AND AMENDING AND REENACTING CHAPTER 3 ZONING,
ARTICLE C ADMINISTRATION AND ENFORCEMENT SECTION 10-3-13 -
PENALTIES
OF THE CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Chapter 3 Zoning, Article EE – Signs be enacted as follows:

Sec. 10-3-206. – Purpose and intent; interpretation.

- (1) The purpose of this article is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of neighborhoods, the creation of a convenient, attractive and harmonious community, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that call for regulation. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. This article shall allow a noncommercial message to be automatically displayed, whenever a commercial message is allowed to be displayed. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article, which can be given effect without the invalid provision.
- (2) A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection 10-3-206(1) of this section.
- (3) These regulations are intended to promote signs that are not distracting to motorists and are constructed and maintained in a structurally sound and attractive condition.
- (4) These regulations distinguish between portions of the City designed primarily for vehicular access and portions of the City designed primarily for pedestrian access.
- (5) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (6) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, the intent is that 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 harms caused by signs.

Sec. 10-3-207. – Definitions.

For the purposes of this article, certain words or terms used herein are defined in this section, and those words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

Alter: Any change to a sign or its supporting structure, including a change in size, height, or location. The term "alter" shall not apply to the change of message on signs designed to have periodic changes in message, such as changeable copy signs.

Animated sign: A sign or part of a sign that is designed to rotate, move, flutter, spin, scroll, or to have a similar appearance of rotating, moving, fluttering, spinning, and scrolling.

Awning sign: A sign placed directly on the surface of an awning. Awning signs are wall signs.

Banner: A sign of flexible material affixed to a framework or flat surface.

Canopy sign: A sign attached to a canopy. Canopy signs are wall signs.

Changeable copy sign: A sign or part of a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Double-faced sign: A sign with two (2) faces supported by the same structure and diverge from a common edge by an internal angle of no more than 45 degrees. Signs with faces diverging from an angle more than 45 degrees shall be considered multiple signs.

Electronic message center: An electronic message center is a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. Such a sign is not a changeable copy sign.

Entry/exit sign: A wall or freestanding sign not exceeding four (4) square feet in area. If such sign is a freestanding sign, the height may not exceed four (4) feet.

Establishment: A public or private institution or a place of business.

Feather sign: A lightweight sign mounted along one edge on a single and vertical pole structure, which may resemble a feather, sail, bow, or teardrop. Feather signs are animated signs.

Flag: A piece of cloth or similar material, typically oblong or square, attached by one edge to a pole or rope.

Flashing sign: A sign that includes lights that flash, blink, or turn on and off at less than 5 second intervals.

Freestanding sign: Any non-portable sign supported by a fence, wall, or by upright structural members or braces on or in the ground and not attached to a building.

Illegal sign: Any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated sign: A sign that is backlit, internally lighted, or indirectly lighted.

Marquee: A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond a building wall designed and constructed to provide protection against the weather.

Marquee sign: A sign attached to or made a part of a marquee or any similar projections from a building. Marquee signs are wall signs.

Monument sign: A sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign. Monument signs are freestanding signs.

Multiple establishment building: A commercial development with two or more establishments on a single parcel of common ownership attached by common walls or, if located in separate buildings, are interconnected by walkways and/or access ways on one or more commonly owned or managed properties, providing common parking facilities for all establishments, having multiple tenancy of a single or several common structures, and otherwise presenting the appearance of one continuous commercial area.

Neighborhood sign: Freestanding sign located at the entrance of a neighborhood or subdivision.

Nonconforming sign: Any sign which was lawfully erected in compliance with applicable regulations of the City and maintained prior to the effective date of this article and which fails to conform to current standards and restrictions.

Off-premises sign: A sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered at a location other than the parcel on which the sign is located.

On-premises sign: Any sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered on the parcel upon which the sign is located.

Pole sign: A sign that is attached to one (1) or more freestanding poles. Pole signs are freestanding signs.

Projecting sign: Any sign, other than a wall sign, affixed perpendicular to a building and supported only by the wall on which it is mounted.

Public area: Any public place, public right-of-way, or parking lot or other right-of-way open to use by the general public.

Roof sign: A sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, the lowest portion of a roof for any building with a pitched roof, or above a parapet wall.

Sidewalk sign: A sign not affixed to a building, structure, vehicle, or the ground. This includes, but is not limited to, A-frame signs, otherwise known as sandwich boards and chalkboard signs. Sidewalk signs do not include a flag or banner.

Sign: Any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, symbol or trademark, figure, or character) visible to and designed to communicate information to persons in a public area. The term "sign" does not include devices specifically for drive-thru patrons.

Sign area: The area which encloses the extreme limits of the intended communicated information.

Sign face: The area or surface which displays the intended communicated information.

Sign height: The vertical distance from the ground at the sign's foundation to the highest point of the sign.

Street frontage: The width of the lot measured along the line parallel to the street in which the lot is addressed. On corner lots with a curve connecting the intersecting streets, frontage shall be measured along the extended tangent to the point of intersection of the two streets.

Traffic control device: A sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

Wall sign: Any sign attached to, painted upon, and erected parallel to the face of the outside wall of a building and supported by such wall or building. Canopy, marquee, and awning signs shall be wall signs.

Sec. 10-3-208. – Sign permit required and application process.

- (1) Except for signs where no permit is required, no sign shall be displayed until a permit has been issued by the Department of Community Development.
- (2) Application for permit.

- (a) Before any permit is issued, an application shall be filed with sufficient plans and/or specifications as is necessary to fully establish the scope and intent of the work and the sign value including cost of materials, installation, and labor. All signs which are electrically illuminated shall require a separate electrical permit and inspection.
- (b) The Department of Community Development shall process the sign permit application and within 20 business days after receipt either 1) approve the application or 2) reject the application, and notify the applicant of deficiencies in the application, or reasons for which the permit cannot be approved.
- (3) Permit fee.
 - (a) Fees for sign permits shall be \$50.00 up to the first \$1,000.00 of sign value and \$20.00 for each additional \$1,000.00 of sign value or portion thereof based upon the combined value of the sign materials, sign installation, and labor. Government, civic, charitable, and nonprofit organizations are exempt from fee requirements.
- (4) Duration and revocation of permit for permanent signs.
 - (a) If a sign is not installed within six (6) months following the issuance of a sign permit, the permit shall be void.
 - (b) The City may revoke a sign permit under any of the following circumstances:
 - 1. The City determines that information in the application was materially false or misleading;
 - 2. The sign as installed does not conform to the sign permit application; or
 - 3. The sign violates the Zoning Ordinance, Building Code, or other applicable law, regulation, or ordinance.
- (5) Temporary sign permit applications.
 - (a) A temporary sign permit may be applied for with the Department of Planning and Community Development and, when approved, must be installed within thirty (30) days, or the permit shall be void.
 - (b) The application for a temporary sign permit shall list the dates the sign is intended to be erected, not exceeding a total of thirty (30) days.
 - (c) A temporary sign permit may be issued to uses up to two (2) times per calendar year.
 - (d) Grand openings. A temporary sign permit may be issued when: a new establishment begins its initial operation, an establishment's name changes, a change in business or activity occurs, or the site is redeveloped. A change in ownership does not constitute a change in business. After approval, the sign permit shall be active starting on the opening date of the business for thirty (30) days thereafter. Each grand opening sign shall not exceed thirty-two (32) square feet in sign area and shall not exceed eight (8) feet in height. Up to six (6) of any combination of the following grand opening signs are permitted during this time period:
 - 1. Feather signs.
 - 2. Wall signs.
 - 3. Freestanding signs.

Sec. 10-3-209. – Sign permit not required.

- (1) A sign permit is not required when changing messages on marquees, changing faceplates, changing messages on changeable copy signs, or for the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with the nonconforming requirements of this article. The sign cabinets shall continue to count against the total allowable sign area for the use or parcel.
- (2) The sign area for the following signage shall not count against the allotment for the use of a parcel as described by this article and does not require a sign permit:
 - (a) Signs required by law or erected by a government entity.

- (b) Flags not containing any commercial advertising.
- (c) Nonilluminated signs with total area up to thirty-two (32) square feet and a maximum height of eight (8) feet located on property where a building permit or legal land disturbance is active.
- (d) On any parcel for sale or rent in R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, MH-1, MH-2, or U-R zoning districts, not more than one (1) nonilluminated sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet, and on any property for sale or rent in B-1, B-1A, B-2, M-1, or MX-U zoning districts, not more than one (1) nonilluminated sign with a total area of up to thirty two (32) square feet and a maximum height of eight (8) feet.
- (e) On any residential parcel where improvements to the property are being made, one or more temporary signs with a combined total area up to twelve (12) square feet and maximum height of four (4) feet, and which are removed when the work has been completed.
- (f) On any residential parcel, one or more temporary signs with a total area up to sixteen (16) square feet and a maximum height of four (4) feet.
- (g) Signs applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface horizontal to the ground elevation.
- (h) Sign on a truck, bus, trailer, or other vehicle while in use in the normal course of business. This section shall not be interpreted to allow parking for display purposes of a vehicle to which signs are attached in a district where such signs are not permitted.
- (i) On any residential parcel, a permanent sign with a total area of no more than three (3) square feet and a maximum height of four (4) feet.
- (j) Signs recognized as a significant facet of a historical structure included in or eligible for inclusion on a register of historic places.

Sec. 10-3-210. – Prohibited signs.

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

- (1) General prohibitions.
 - (a) Signs without a permit.
 - (b) Signs that violate any law of the Commonwealth relating to outdoor advertising.
 - (c) Signs attached to natural vegetation, public utility poles, public light poles, traffic control devices or other traffic signs, or unapproved supporting structures.
 - (d) Signs simulating, or which are likely to be confused with, a traffic control device or any other device displayed by a public authority.
 - (e) Signs displayed on a vehicle or trailer that is parked in the same location at frequent or for extended periods of time so as to be visible from the public right of way, or other highly visible locations, where the primary purpose is to display a message.
 - (f) Signs built on an earthen mound that was created to increase the height of the sign.
 - (g) Any sign displayed without complying with applicable regulations of this article.
 - (h) Strings of flags or pennants.
- (2) Prohibitions based on materials.
 - (a) Animated signs, except flags expressly permitted under this article.
 - (b) Flashing signs or other signs displaying flashing, scrolling, or intermittent lights or lights of changing degrees of intensity. This subsection does not apply to electronic message centers on which the changing of the message content is displayed at intervals five seconds or slower.
 - (c) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
 - (d) Signs that emit sound.
 - (e) Feather signs, except as allowed as a grand opening sign.

- (3) Prohibitions based on location.
 - (a) Off-premises signs, unless specifically permitted by this article.
 - (b) Signs erected on city property other than those approved by the City in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized may be removed and discarded by the City.
 - (c) Roof signs.
 - (d) A sign that obstructs sight distance, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.
 - (e) Illuminated wall signs on side or rear walls within one hundred (100) feet of a residential district.

Sec. 10-3-211. – Illumination.

- (1) Signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.
- (2) In the case of indirect lighting, the beam width shall not be wider than that needed to light the sign and aimed to minimize glare and light trespass.
- (3) The illumination of signs shall be in keeping with the intent and purpose of the district where it is located.

Sec. 10-3-212. – Sign allotment and measurements of sign area.

- (1) Sign allotment.
 - (a) Parcels with one establishment:
 1. One square foot of signage is permitted for every one linear foot of street frontage parallel to the street on which the parcel is addressed or a total face area of not more than 10 percent of building frontage square footage along any adjacent public street. The sign allotment is the total for all types of signage on the parcel.
 - (b) Parcels with two or more establishments:
 1. Freestanding signage: One square foot of freestanding signage is permitted for every one linear foot of street frontage parallel to the principal street.
 2. Wall signage: One square foot of wall signage is permitted for every one linear foot of the front exterior wall occupied by that use. End units shall be permitted one square foot of wall signage for every one linear foot of the front and side exterior walls occupied by that use.
- (2) The area of a cylindrical or spherical sign shall be computed by multiplying one-half ($\frac{1}{2}$) of the circumference by the height of the sign.
- (3) Only one side of a double-faced sign shall count toward the allowable sign area. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. For other signs with more than one (1) face, each side shall be included in the computation of sign area.
- (4) Supports, uprights, or structures on which any sign is supported shall not be included in determining the sign area unless such supports, uprights, or structures are designed in such a way as to form an integral feature of the display.

Sec. 10-3-213. – Signs allowed per zoning districts.

Districts	Allowed sign types					
	Freestanding ¹	Wall ²	Projecting ³	Sidewalk signs ⁴	Entry/Exit signs	Temporary signs ⁵
B-1 and B-1A	Maximum height: 30 feet Maximum size: 100 square feet or sign allotment, whichever is less.	Maximum size: Not to exceed sign allotment.	Maximum Size: 32 square feet, or sign allotment, whichever is less. Note: Uses within B-1A shall only be permitted one projecting sign per building.	Maximum height: 6 feet. Maximum width: 3 feet. Note: No permit required. Minimum clear sidewalk area of 3 feet.	Maximum height: 4 feet. Maximum size: 4 square feet. Two per entrance on the parcel	Maximum height: 8 feet. Maximum size: 16 square feet. Temporary signs do not count against allotment and may be located within the minimum building setbacks. A parcel shall only be permitted one temporary sign at any one time, even if there are multiple uses on the parcel.
B-2, M-1	Maximum height: 35 feet. Maximum size: 240 square feet, or sign allotment, whichever is less.	Maximum size: Not to exceed sign allotment.	Maximum size: Not to exceed sign allotment.	Not permitted.	Maximum height: 4 feet. Maximum size: 4 square feet. Two per entrance on the parcel.	
R-1, R-2, R-3, R-4, R-8, U-R, MH-1, MH-2 Nonresidential use and neighborhood signs only	Maximum height: 8 feet. Maximum size: 32 square feet.	Maximum size: 32 square feet.	Not permitted.	Not permitted.	Maximum height: 4 feet. Maximum size: 4 square feet. Two per entrance on the parcel.	

<p>R-5, MX-U</p> <p>Nonresidential use and neighborhood signs only</p>	<p>Maximum height: 18 feet.</p> <p>Maximum size: 64 square feet or sign allotment, whichever is less.</p>	<p>Maximum size: 50 square feet or not to exceed sign allotment, whichever is less.</p>	<p>Not permitted.</p>	<p>Only MX-U uses with a master plan allowing zero setbacks.</p> <p>Maximum height: 6 feet.</p> <p>Maximum width: 3 feet.</p> <p>Note: No permit required.</p> <p>Minimum clear sidewalk area of 3 feet.</p>	<p>Maximum height: 4 feet.</p> <p>Maximum size: 4 square feet.</p> <p>Two per entrance on the parcel.</p>	
<p>R-6, R-7</p> <p>Nonresidential use and neighborhood signs only</p>	<p>Maximum height: 8 feet.</p> <p>Maximum size: 32 square feet.</p> <p>Monument signs are the only type of freestanding signs permitted within this district.</p>	<p>Maximum size: 50 square feet or not to exceed sign allotment, whichever is less.</p>	<p>Maximum size: 6 square feet.</p>	<p>Not permitted.</p>	<p>Maximum height: 4 feet.</p> <p>Maximum size: 4 square feet.</p> <p>Two per entrance on the parcel.</p>	
<p>R-P, I-1 overlays</p>	<p>Follow the regulations of the underlying district.</p>					

¹ For all districts, one freestanding sign is permitted per parcel public street frontage and may occupy the minimum building setback requirements provided the sign does not obstruct sight distance.

² For all districts, the following wall signs shall be limited to uses on the second floor or below of a building: awning, canopy, and marquee.

³ Within allowed districts, projecting signs may extend no closer than two (2) feet from the vertical face of curbing along public streets and shall have a minimum height clearance of eight (8) feet above all areas for pedestrian use and fourteen (14) feet above areas for vehicular use.

⁴ Within allowed districts, sidewalk signs shall be located only in front of the business advertised and only during the hours of operation

⁵ For all districts, only applies to temporary signs where a permit is required.

Sec. 10-3-214. – Comprehensive Sign Plan.

- (1) A comprehensive sign plan is a plan which permits otherwise prohibited off-premises wall, projecting, or freestanding signage. The comprehensive sign plan shall be reviewed administratively and either approved or denied with an explanation of why the sign plan was denied within twenty (20) business days from the receipt of the application.
 - (a) Application submittal requirements.
 1. The comprehensive sign plan shall include a written explanation of the request and a scaled graphic representation of the following information:
 - a. The boundaries of the area involved and the ownership of parcels contained therein, as well as all existing public streets and alleys within and adjacent to the site.
 - b. The location, dimensions, and general description of all proposed signage for the comprehensive sign plan.
 - (2) Special regulations per zoning district.
 - (a) B-1 and B-1A Districts.
 1. Permitted applicant. A property owner with one or more multiple establishment buildings on one parcel or multiple parcels of common ownership, managed by a single entity as a unified commercial project.
 2. Freestanding signage. Only one freestanding sign is permitted per street frontage per parcel. Multiple parcels as a part of a comprehensive sign plan shall be treated as one parcel, and individual parcels waive their right to have their own individual freestanding sign. For a development of multiple parcels, the total square footage of the combined freestanding signage shall not exceed what the total would be if the development was located on one (1) parcel. No single freestanding sign permitted by this provision shall exceed thirty (30) feet in height or one hundred (100) square feet in area.
 3. Wall and projecting signage. Property owner may allot signage to each tenant, provided maximum signage does not exceed the total allotted signage for the building as a whole.
 - (b) B-2 and M-1 District.
 1. Permitted applicant. A property owner with one or more multiple establishment buildings on one parcel or multiple parcels of common ownership, managed by a single entity as a unified commercial project.
 2. Freestanding signage. Only one freestanding sign is permitted per street frontage per parcel. Multiple parcels as a part of a comprehensive sign plan shall be treated as one parcel, and individual parcels waive their right to have their own individual freestanding sign. For a development of multiple parcels, the total square footage of the combined freestanding signage shall not exceed what the total would be if the development was located on one (1) parcel. No single freestanding sign permitted by this provision shall exceed thirty (35) feet in height or two hundred forty (240) square feet in area.
 3. Wall and projecting signage. Property owner may allot signage to each tenant, provided maximum signage does not exceed the total allotted signage for the building as a whole.
 - (c) R-1, R-2, R-3, R-4, R-8, U-R, MH-1, MH-2, R-6, and R-7 Districts.
 1. Permitted applicant. A property owner with any of the following uses: colleges, universities, hospitals, public schools, and private schools having a function substantially the same as public schools.
 2. Freestanding signage. The right of individual establishments and buildings to have individual freestanding signs shall be waived. The total square footage of the combined signage shall be limited to not more than one-half (0.5) square foot for every linear foot of site frontage parallel to the principal street, provided no single freestanding sign exceeds an area of two hundred (200) square feet, or a maximum height of eight (8) feet above grade.

3. Wall and projecting, where allowed, signage. Property owner may allot signage to each tenant, provided that the total allotted signage does not exceed the total signage for the building as a whole.
- (d) R-5 and MX-U Districts.
1. Permitted applicant. A property owner with one or more multiple establishment buildings on one parcel or multiple parcels of common ownership, managed by a single entity as a unified commercial project.
 2. Freestanding signage. Only one freestanding sign is permitted per street frontage per parcel. Multiple parcels as a part of a comprehensive sign plan shall be treated as one parcel, and individual parcels waive their right to have their own individual freestanding sign. For a development of multiple parcels, the total square footage of the combined freestanding signage shall not exceed what the total would be if the development was located on one (1) parcel. No single freestanding sign permitted by this provision shall exceed eighteen (18) feet in height or sixty-four (64) square feet in area.
 3. Wall and projecting, where allowed, signage. Property owner may allot signage to each tenant, provided that the total allotted signage does not exceed the total signage for the building as a whole.
- (e) I-1 Overlay District.
1. Permitted applicant. A property owner of any use permitted by right in the I-1, Institutional Overlay District.
 2. All signage. The total square footage of the combined signage shall be limited to not more than one-half (0.5) square feet for every linear foot of site frontage parallel to the principal street. No single freestanding sign permitted by this provision shall exceed an area of two hundred (200) square feet, or a maximum height of eight (8) feet above grade.

Sec. 10-3-215. – Parcels with no street frontage.

- (1) T
The total sign allotment for the parcel with no street frontage shall be calculated as if the parcel had street frontage using the lot line most parallel with the public street on which it is addressed.
- (2) U
Uses on parcels zoned B-2 or M-1 that have no public street frontage may locate one freestanding sign on a separate parcel, with the permission of the parcel owner, that has frontage along a public street, but shall be bound to the following requirements and regulations:
 - (a) Al
All uses located on the parcel with no street frontage shall advertise on one freestanding sign, which shall be the only freestanding sign permitted for the parcel with no street frontage.
 - (b) T
The sign allotment shall not exceed the maximum sign allotment that would have been permitted on that parcel and shall not exceed the maximum sign allotment on the parcel in which the sign is located.
 - (c) T
The sign area of the freestanding sign shall count against the allotment for the parcel with no street frontage and shall not count against the parcel on which the sign is located.

Sec. 10-3-216. – Interstate 81 Overlay Sign District.

Any business or industrial zoned property located within an eight hundred (800) foot radius of the center of any Interstate 81 exit ramp intersection with the closest boundary of an intersecting street shall be defined as the Interstate 81 overlay sign district. Within this Interstate 81 overlay sign district, the maximum height allowance for

freestanding signs shall be limited to thirty-five (35) feet above average grade conditions or be determined by the nearest interstate exit number and based on an elevation above mean sea level as set out below:

Exit Number	Maximum Sign Height (feet above mean sea level)
243 (Pleasant Valley Road)	1349.6
245 (Port Republic Road)	1341.8
247 (East Market Street)	1452.6

Elevations must be determined by a licensed surveyor from a city Global Positioning System (GPS) point. Signs located within the Interstate 81 overlay sign district shall not project over any lot line and shall not exceed a sign area of three hundred (300) square feet for one sign or sign allotment, whichever is less. When more than one qualifying use is located on a single parcel within the Interstate 81 overlay sign district, a single support structure may be erected which contains a combined sign area not to exceed five hundred (500) square feet or sign allotment, whichever is less, provided no single sign size shall exceed three hundred (300) square feet.

Sec. 10-3-217. – Nonconforming signs.

- (1) Signs lawfully existing on the effective date of this article or prior ordinances, which do not conform to the provisions of this article, shall be deemed to be nonconforming signs and may remain except as qualified within this section. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the City, a property owner shall submit verification that sign(s) were lawful at the time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance within thirty (30) days of receiving written notice.
- (2) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended, enlarged, or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (3) Nonconforming signs shall not be moved for any distance on the same parcel or to any other parcel unless moving it makes the sign conforming to the provisions of this article.
- (4) A nonconforming sign that is destroyed or damaged to an extent not exceeding fifty (50) percent of its present replacement costs based upon the combined value of the sign materials, sign installation, and labor may be restored within two (2) years after such destruction or damage and shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent of its present replacement costs as noted above, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- (5) Nonconforming signs shall be subject to the removal provisions of this article. In addition, nonconforming signs shall be removed if the use to which it is associated has not been in operation for a period of two (2) years or more. Such sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign, the City or their designated agent shall give the owner thirty (30) days after receiving written notice to remove it. Upon failure to comply with this notice, the City or their designated agent may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this article. The cost of such removal or other action shall be chargeable to the owner of the property.

Sec. 10-3-218. – Maintenance and removal.

- (1) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.

- (2) The owner of any sign, other than a permitted off-premises sign, located on property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face or remove the sign until a use has resumed operating on the property.
- (3) Sign condition, safety hazard, nuisance abatement, and abandonment.
 - (a) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner.
 - (b) Any sign which constitutes a nuisance may be abated by the City under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

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That Chapter 3 Zoning, Article C Administration and Enforcement be amended and re-enacted as follows

Section 10-3-13 – Penalties

(2) Civil penalties.

- a. A violation of the following provisions of the Zoning Ordinance shall be punishable by a civil penalty of one hundred dollars (\$100.00) for a first offense, two hundred dollars (\$200.00) for a second offense, and five hundred dollars (\$500.00) for each subsequent offense arising from the same set of operative facts:
 - i. Operating a short-term rental in violation of the Zoning Ordinance.
 - ii. [Erecting a sign prior to approval of a sign permit or other violation of Article EE.](#)

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