

Ordinance ORD2012-04

AN ORDINANCE to amend The Code of the Town of Ashland, Chapter 21, "Zoning", Article XX, "Signs."

The purpose of this ordinance is to amend the sign regulations of the Town Code by: amending Sec. 21-207 "Purpose of article" to establish a more positive purpose with regard to sign regulations; amending Sec. 21-207.1 "General provisions" to add definitions related to signs, add and amend the list of prohibited signs, and to establish regulations regarding electronic signs; revising the type, number allowed, area, and height of signs in each zoning district by amending Secs. 21-208 "Signs permitted in the RR-1, R-1, R-2, and PMH districts," 21-209 "Signs permitted in the R-3, R-4, and R-5 districts," 21-209.1 "Signs permitted in the R0-1 district," 21-210 "Signs permitted in the HE and PUD districts," 21-211 "Signs permitted in the B-2, B-4, M-1, and PSC districts," and 21-211.1 "Signs permitted in the B-1 district," and re-enacting these sections as Sec. 21-208 "Signs permitted;" amending Sec. 21-212 "Illuminated signs" with regard to the fluctuation and changing of lighted signs and re-enacting this section as Sec. 21-209 "Illuminated signs;" amending Sec. 21-213.1 "Nonconforming signs" to address the maintenance of legally nonconforming signs and re-enacting this section as Sec. 21-210 "Nonconforming signs;" re-enacting Sec. 21-213.2 "Permits" as Sec. 21-211 "Permits;" re-enacting Sec. 21-213.3 "Erection, maintenance, and removal of certain signs" as Sec. 21-212 "Erection, maintenance, and removal of certain signs;" amending Sec. 21-214 "Prohibited signs" and re-enacting as part of "Sec. 21-207.1 "General provisions;" and re-enacting Sec. 21-213.4 "Display of flag" as Sec. 21-214 "Display of flag."

WHEREAS, the Town Council has held a public hearing on the 19 day of June 2012, advertised as required by Virginia Code Section 15.2 – 2204.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Ashland, Virginia that Article XX, "Signs" shall be amended to read, as follows:

**ARTICLE XX.
SIGNS***

Sec. 21-207. Purpose of article.

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising to promote a healthy economy. The regulations for signs have the following specific objectives:

- (a) To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare;
- (b) To allow and promote positive conditions for sign communication;
- (c) To add a sense of quality to the Town, especially to the retail and commercial areas;
- (d) To reflect and support the desired ambience, development patterns, and the aesthetic and architectural harmony of the various zones, overlay zones, and plan districts and promote an attractive environment;
- (e) To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway;
- (f) To allow and encourage signs in the downtown area with dimensional characteristics at a pedestrian level scale.
- (g) To ensure freedom of expression;

- (h) To reinforce property values to protect private and public investment;
- (i) To establish and enhance aesthetic and architectural compatibility within neighborhoods and commercial areas;
- (j) To create a regular and impartial process for businesses and/or persons seeking to erect signs;
- (k) To reduce sign or advertising distractions and obstructions that may contribute to traffic accidents and reduce hazards;
- (l) To protect and enhance economic viability by assuring that the Town of Ashland will be a visually pleasant place to visit, live and do business.

(5-3-78, § 22-1; 5-12-81; 6-10-86)

Sec. 21-207.1. General provisions.

(a) *Definitions.* The following words and terms when used in this Article shall have the following meanings unless the context clearly indicates otherwise:

Attention getting device. A device placed upon or attached to any land, structure, building or vehicle to promote or advertise the sale of goods, wares, merchandise, events or services. The device includes pennants, banners, banner signs, streamers, vertical flag, teardrop flag, bow flag, banner blade, feather flag, balloons, inflatable devices, and any similar device not specifically mentioned here of any configuration when displayed outside. This includes any animated display.

Awning. A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Billboard. See "sign, billboard."

Building/Business Frontage. The portion of a building or business where the primary entrance(s) is located.

Canopy. A detachable, roof like cover, supported from the ground, or deck, floor or walls of a building, for protection from sun and weather.

Corporate flag. A flag flown on a flag pole to display only a business name and/or logo with no other advertising thereon.

Flag. Emblem or insignia of a nation or other governmental unit, political subdivisions of the United States or of bona fide civic, charitable, fraternal or welfare organizations.

Flag pole. A ground or wall-mounted fixed pole to raise a flag on. This does not include an antennae on a stationary car, truck, or vehicle.

Logo, Logogram, or Logotype. An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yard, open space, lot width and lot areas as are required by this chapter, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, corner. A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.

Marquee. A roof like structure or awning projecting over an entrance, as to a theater.

Mural. A picture on an exterior surface of a structure. A mural is an attached sign only if it is related by language or logo to the advertisement of any product or service or the identification of any business.

Nonconforming use. A principal or accessory use of land or of a building or structure, which use was lawfully existing at the effective date of this chapter or subsequent amendment thereto and is not a permitted use under the provisions of this chapter or an amendment thereto.

Scrolling displays. The movement of a static message or display on an electronic changeable copy sign.

Setback. The minimum distance by which any building, structure or designated activity or use must be separated from the front lot line. Also referred to as "front yard."

Shielded light source. Shall have the meaning associated with the nature of the light source, as follows:

(a) For an artificial light source directing light upon a Sign, Shielded Light Source shall mean a light source diffused or directed so as to eliminate glare and housed to prevent damage or danger.

(b) For light source located within a Sign, Shielded Light Source shall mean a light source shielded with a translucent material of sufficient opacity to prevent the visibility of the light source.

Sign. A presentation of letters, numbers, figures, pictures, emblems, insignia, lines or colors, or any combination thereof, including borders and trim which form an integral part of the display and which differentiate the sign from the structure against which it is placed, displayed for the purpose of information, direction or identification or to advertise or promote a business, service, activity, interest or product. Displays, graphics, artwork, or any otherwise lawful noncommercial message that is not for the purpose of directing attention to a business operated for profit or to a commodity or service for sale shall not be considered signs.

Sign, a-frame. A temporary and/or moveable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position. The sign must be constructed of durable materials. No A-frame sign shall be permitted to exceed two (2) feet in width and three (3) feet in height. Each side must be at least one (1) inch in thickness. It shall be located on the sidewalk or on the primary pedestrian path and cannot be placed more than four (4) feet from the entrance of the business it is advertising. In instances where the business entrance does not front the public street it may be located not more than four (4) feet from the edge of the main building. All such signs that encroach onto the public right-of-way must receive encroachment authorization issued in writing by the town manager. Such authorization shall specify the size and design, content, and exact location of the A-frame sign and the period of time for which such sign is authorized to be placed within the sidewalk area. A-frame signs may be placed on sidewalks that have a minimum width of sixty (60) inches or five (5) feet and then the sign must be placed to allow a minimum of thirty-six (36) inches of space for an individual in a wheelchair to pass.

Sign, abandoned. Any sign which:

(a) For at least 6 continuous months, does not identify or advertise a bona fide business, leaser, service, owner, product or activity on the premises on which the sign is located; or

(b) If the premises is leased, relates to a tenant and at least two years have elapsed since the date the most recent tenant ceased to operate on the premises; or

(c) No legal owner can be found and relates to a use or purpose that is no longer in existence.

Sign alteration. Any change in size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration. A change in corporate logo is not considered an alteration.

Sign, animated. A sign or display which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

Sign, attached. A sign which is painted on or attached flat against a wall or other vertical surface of a building or other structure, including the face of a permanently covered walkway or porch, and which sign extends no more than one (1) foot from the surface to which it is attached and does not extend beyond the extremities of such surface. Signs attached to the lower plane of a mansard or gambrel roof of a building or other structure shall be construed as attached signs, provided that such signs are attached flat to the roof surface or are parallel to the building or structure wall above which they are located, and do not extend beyond the extremities of the roof surface. The total area of attached signs located on a lot shall not exceed one and one-half (1 1/2) square feet of sign area for each linear foot of main building/business frontage and such signs may be located on the main building or other structure on the lot. On a corner lot, the permitted sign area shall apply to each street frontage.

Sign, awning. A sign that is painted or otherwise applied on or attached to an awning, or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.

Sign, banner. See sign, temporary.

Sign, billboard. A sign used as an outdoor display for the purpose of advertising or promoting a business, service, activity, interest or product which is not located, offered for sale or otherwise related to the use of the premises on which such sign is situated.

Sign, business. A sign which directs attention to a profession or business conducted or to a commodity, service activity or entertainment sold or offered upon the premises where the sign is located, or on the building to which the sign is affixed.

Sign, changeable copy. A freestanding sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Sign, changeable copy, electronic. A monument sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs or fuel price display signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects. The total area of the electronic changeable copy area for such signs shall not exceed 40% of the total area of the sign area permitted for that site.

Sign, directional. A freestanding sign indicating the direction to which attention is called, and including the name and approximate location of the person or firm responsible for its erection. Directional signs shall not exceed four (4) square feet in area or five (5) feet in height, and shall not be located within ten (10) feet of any street line or other property line.

Sign, directory. A sign attached to a building that lists the names, uses, or locations of the businesses or activities conducted within a building or group of buildings of a development.

Sign, double-faced. A sign with two faces either parallel to each other and located not more than 24 inches from each other or being a V-shaped sign.

Sign, electronic graphic display. A monument sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or

other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects. The total area of the electronic message display area for such signs shall not exceed 40% of the total area of the sign area permitted for that site.

Sign face. The area of display surface used for the message.

Sign, flashing. A sign of which any portion changes in light intensity, switches on and off in a constant pattern, or contains moving parts or the optical illusion of motion caused by use of electrical energy or illumination. Signs which display time, temperature, or date, and electronically controlled message centers shall not be considered a flashing sign.

Sign, freestanding. A sign not attached to a building and supported by uprights, brackets, poles, posts, foundation or similar features which are anchored within the ground. No freestanding sign shall be located within ten (10) feet of any property line. In locating freestanding signs within setbacks, consideration of the location and character of street trees, landscaping features, utility lines, driveways and other features shall be afforded in accordance with guidelines contained in the Development Guidelines Handbook.

Sign, fuel pump. A sign placed directly on, or attached to a fuel pump. Fuel pump signs shall not exceed two (2) square feet in area on each face of a fuel pump.

Sign, gas station canopy. A sign attached to the fascia of a gas station canopy.

Sign, height. The vertical distance from the street grade or the average lot grade at the front setback line, whichever is greater, to the highest point of the sign.

Sign, home occupation. A sign not exceeding the two (2) square feet in area attached to a building and identifying a home occupation located within such building.

Sign, illegal. Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit.

Sign, illuminated. A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

Sign, inflatable. 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, marquee. Any sign painted on or attached to or supported by a marquee. Marquee signs shall only be permitted for theaters and live production venues.

Sign, mounted type. A freestanding sign, limited to no more than the permitted height, with a supporting structure that forms an integral part of the sign displayed thereon.

Sign, monument. A detached sign that is either: 1) a solid structure made of brick, stone, concrete or similar durable type of material; or 2) constructed on or connected directly to a solid supporting foundation made of brick, stone, concrete or similar durable type of material, with no separation between the sign and the base.

Sign, multi-vision. Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

Sign, neighborhood. A monument sign erected at the entrance of a residential, commercial, or

industrial development that identifies the development. One (1) neighborhood sign may be located at each street entrance to a residential neighborhood, provided that a total of not more than two (2) such signs shall be erected for a neighborhood, and provided further that each such signs shall not exceed thirty-two (32) square feet in area or six (6) feet in height, and shall not be located within five (5) feet of any street line or other property line.

Sign, nonconforming. A sign lawfully erected and maintained prior to the adopting of this ordinance that does not conform with the requirements of this ordinance.

Sign, off-premise. A sign that directs attention to a business, product, service or establishment, conducted, sold or offered at a location other than the premises on which the sign is erected.

Sign, on-premise. Any sign identifying or advertising a business, person, property, activity, goods, products, or services, located on the premises where the sign is installed and maintained.

Sign, pennant. A sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line, such as streamers.

Sign, political. Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election. See temporary sign.

Sign, portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to: signs designed to be transported by means of wheels, balloons; umbrellas used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used/moved in the normal day-to-day operations of the business and is currently licensed by the State of Virginia with a valid inspection decal displayed.

Sign, projecting. A sign or marquee that is attached to and projects more than one (1) foot from the face of a wall, facade or porch of a structure so that the face of the sign is perpendicular or nearly perpendicular to such wall, facade or porch, except when on an awning or marquee. Projecting signs shall have a minimum under-clearance of eight (8) feet and shall not project from the building greater than ten (10) feet or more than two (2) feet less than the width of any sidewalk over which such sign projects.

Sign, roof. A sign that is mounted on the roof of a building, or roof mounted equipment structure, which extends above the top edge of the wall of a flat-roofed building; above the eave line of a building with a hip, or gable roof; or above the deck line of a building with a mansard roof. Any sign attached to the lower plane of a gambrel or mansard roof shall be considered an attached sign as permitted within this article.

Sign, shared. A freestanding sign that displays the name and/or use of two (2) or more uses or structures located on the same lot or on abutting lots. Two (2) or more abutting properties utilizing a common driveway are permitted one (1) such sign when a shared/common entrance between the abutting parcels exists. The height of such sign shall not exceed eighteen (18) feet; and the area of such sign shall not exceed one hundred twenty (120) square feet. When a shared sign is utilized, no other freestanding sign shall be permitted on either parcel. Such sign shall not be considered a billboard sign as defined herein.

Sign, temporary. A sign applying to seasonal or other brief activity. Temporary signs shall be located on private property. Real properties are not permitted a temporary sign for more than thirty (30) days during a twelve-month period unless otherwise specified in this chapter. Specific types of temporary signs include but not limited to summer camps, horse shows, auctions or charitable educational or religious events; and in addition thereto, including the following types of signs:

- (a) *Political campaign signs.* Signs announcing candidates seeking public political office or other data pertinent thereto shall be permitted up to a total area of four (4) square feet for each lot in a residential district. Only one campaign sign will be allowed per candidate on a residential lot. Political campaign signs shall be permitted up to a total area of thirty-two

(32) square feet in a business or industrial zone. These signs shall be confined within private property and shall not encroach into the visibility triangle at street intersections. Political campaign signs may be displayed thirty (30) days prior to and seven (7) days after the election for which intended. All political campaign signs must be removed within seven (7) days after the election. All signs must be located a minimum of ten (10) feet from the property line.

- (b) *Construction signs.* Signs erected and maintained on the site of a structure during the period of construction to announce only the nature of the structure and/or the name or names of the owners, contractor, architect, landscape architect or engineer. There shall be permitted only one such sign upon each site, and it shall not exceed the area of thirty-two (32) square feet. It shall not be illuminated and shall be set back not less than ten (10) feet from the property line. These signs shall be removed upon the issuance of the certificate of occupancy.
- (c) *Real estate signs.* Signs pertaining only to the offering for sale or lease of the land or structures on the land upon which the sign is placed. There shall be permitted only one sign upon any lot of less than ten (10) acres. For a lot in excess of ten (10) acres, there shall be permitted two (2) such signs. In all residential zones, the area of each such sign shall not exceed four (4) square feet. In all business and industrial zones, the area of such signs shall not exceed thirty-two (32) square feet each. In all zones, such signs shall not be illuminated and shall be set back at least ten (10) feet from the property line.
- (d) *Yard sale signs.* Signs announcing to the public the location of a temporary sale of various items of merchandise at a residence. Such signs may be displayed three (3) days prior to such sale and must be removed within three (3) days following the sale. Such signs may only be placed on the property where the yard sale is to take place. No permit is required for such a sign.
- (e) *Auction signs.* A sign, not illuminated, advertising an auction to be conducted on the lot or premises upon which it is situated, such signs shall not exceed 20 square feet in area and may be erected not more than one (1) month before the date of the auction advertised and shall be removed within forty-eight (48) hours of its conclusion. No more than one such sign per site per calendar year.
- (f) *Banner signs.* A temporary sign, not exceeding 20 square feet, made of fabric or other flexible material, suspended from a fixed structure, rope, wire, string, or cable. Banner signs are for the advertising of a special event, product, or group. Banner signs are not to be displayed for a period of more than thirty (30) days per calendar year. New businesses may be granted an additional thirty (30) days within the same calendar year.

(a) In all Residential Zones, temporary banners are not permitted on sites with houses, duplexes, and attached houses.

Exception: banners for holidays, religious commemoration, and special family events.

(b) In the, Central Business District B-1, Highway Commercial B-2, Neighborhood Commercial B-4, Limited Industrial M-1, Planned Shopping Center PSC, Planned Office-Business POB zones, one banner no larger than twenty (20) square feet in size is permitted per property or, on a multi-use property, per storefront. Only one (1) of these banners may be hung on each building wall or on each separate structure.

- i. In no case may a site or storefront have more than two (2) temporary banners.
- ii. In no case shall a temporary banner be larger than twenty (20) square feet in size.

iii. A temporary banner may be displayed no longer than thirty (30) days per calendar year with the exception of an additional thirty (30) days for a new business.

iv. Banners that do not meet the regulations of this subparagraph, must meet the standards for permanent signs.

Sign, traffic control. A freestanding or attached sign not exceeding four (4) square feet in area, containing no advertising matter, and indicating the direction that traffic on the premises is to be routed including but not limited to entrance and exit signs.

Sign, unsafe. Signs deemed unsafe to the public safety, health and welfare by the administrator, for whatever reason, are prohibited in all districts. Such signs shall be removed or modified immediately.

Sign, video display. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

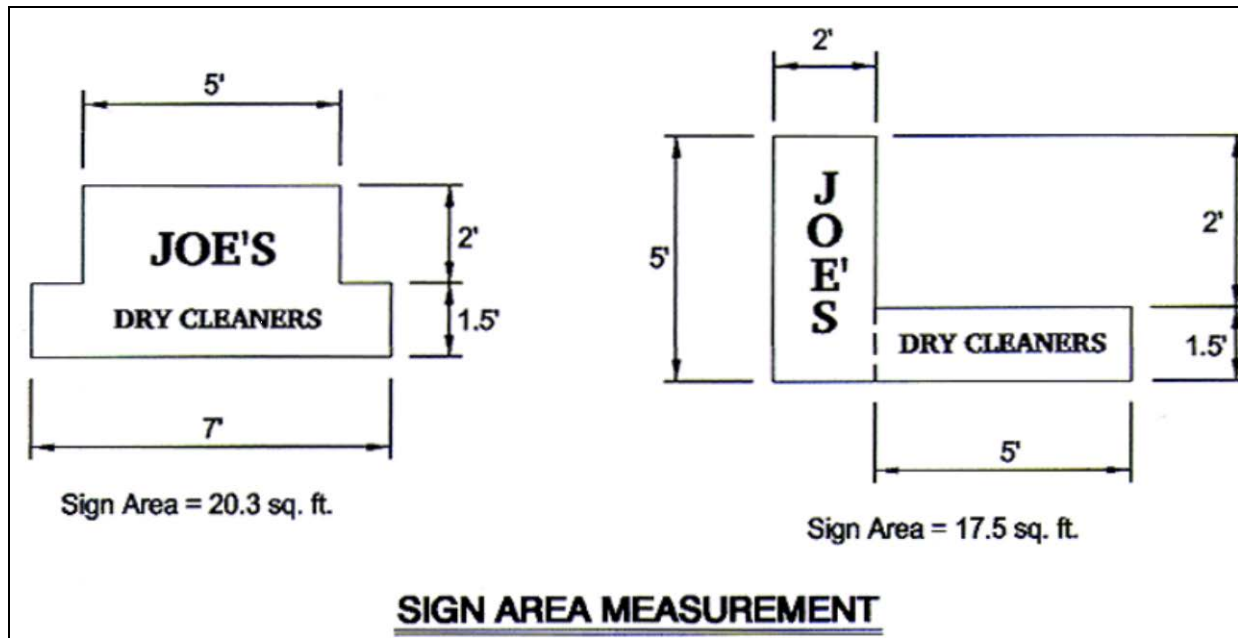
Sign, window. A permanent or temporary sign affixed to the interior or exterior of a window or door, or within one (1) foot of the interior of the window or door, visible primarily from the outside of the building; provided that the display of goods available for purchase on the premises is not a window sign. Such signs shall not exceed 40% of the total area of the window or door on which it is located. Window signs of a temporary material, such as paper, cloth or plastic, are allowed provided the regulations set forth for temporary signs are followed.

(b) *Prohibited signs.* The following signs are prohibited in all zoning districts:

- (1) Billboards.
- (2) Unsafe signs.
- (3) Portable signs.
- (4) Roof signs.
- (5) Attention getting devices. Except as otherwise permitted in this Article, pennants, banners, streamers and all other fluttering, spinning or similar signs and advertising devices are prohibited; except for national flags, flags of political subdivisions of the United States and flags of bona fide civic, charitable, fraternal or welfare organizations and corporate flags which are permitted in accordance with section 21-213.4 of this article. However, during nationally recognized holidays, or during a special civic event, pennants, banners, streamers, and other fluttering, spinning or similar type advertising devices pertaining to these holidays or events may be displayed by temporary permit. Notwithstanding the provisions of this paragraph, any business may display such signs at grand opening of that business for a period not to exceed seven (7) consecutive days.
- (6) Flashing signs.
- (7) Vehicle signs.
- (8) Video display signs.
- (9) Signs with fluctuating illumination.

- (10) Multi-vision signs.
- (11) Animated signs.
- (12) Inflatable signs.
- (13) Off-premise signs. All signs shall be located on the lot being served except for shared signs as permitted within this article.
- (14) No signs shall be erected within the right-of-way of any roadways within the Town limits. This includes signs placed in the ground or attached to regulatory signs, trees, power poles or fences.
- (15) Signs mounted on unapproved structures. Signs, including posters, which are mounted on trees, utility poles, street sign poles, or on any other unapproved supporting structure are prohibited in all districts, except as provided by state law. The administrator may grant a permit for such signs, as a temporary sign under the provisions of this article, if the supporting structure is deemed appropriate by the administrator.

(c) *Calculation of sign area.* For the purpose of calculating permitted sign area, the sign area or gross sign area shall be construed as the smallest individual rectangle, triangle or circle or combination of not more than two (2) such figures which will encompass all elements of the sign, provided that in the case of a freestanding sign, such figures need not be contiguous, and poles, posts and similar supporting elements not a part of the sign shall not be included in calculation of sign area. The area of a double-faced sign shall be construed to be the area of the largest single face of the sign, provided that the interior angle formed by the two (2) faces does not exceed thirty (30) degrees. In the case of a monument type sign, a supporting structure not exceeding fifty (50) percent of the area of the sign shall be permitted and excluded from calculation of the area of the sign.



(d) *Electronic changeable copy sign and Electronic graphic display signs.* Electronic signs must meet the following standards:

- (1) Design. The electronic sign must be contained within / or as part of a monument sign;

- (2) Setback from residential. The leading edge of the electronic sign must be a minimum distance of 100 feet from an abutting residential district boundary;
- (3) Setback from other electronic changeable copy or electronic graphic display. Electronic signs must be separated from other electronic signs by at least 35 feet;
- (4) Orientation. When located within 150 feet of a residentially-used lot in a residential zone, any part of the electronic sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
- (5) Duration.
 - a. Any portion of the electronic changeable copy sign message must have a minimum duration of eight seconds and must be a static display.
 - b. Any portion of the electronic graphic display sign image must have a minimum duration of 20 minutes and must be a static display.
 - c. No portion of the electronic sign message or image may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement;
- (6) Color. The message or display must use a single color. Gasoline price signs may use up to two colors;
- (7) All electronic signs must be equipped with an automatic dimmer that controls the intensity of the light source. The intensity of light allowed for all illuminated signs shall be 85 percent by day and 50 percent at night;
- (8) All electronic message signs must be turned off at the close of business, unless displaying time or temperature;
- (9) Limited text. The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction; and
- (10) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.

(5-12-81; 8-10-82; 9-14-82; 3-8-83, § 1; 6-10-86; 6-22-93, § 1; 1-23-96, § 1; 3-14-00, § 1; 2-17-04)

Sec. 21-208. Signs permitted.

- (a) Only the following signs are permitted in **RR-1, R-1, R-2, and PMH** districts!:

Type of Sign	Number Allowed	Maximum Sign Area	Maximum Sign Height
Home occupation sign	1 per lot	2 square feet	N/A
Neighborhood sign	1 at each street entrance but not more than 2 total	32 square feet	6 feet
Directional sign	1 per lot	4 square feet	5 feet
Traffic control sign	2 per (entrance)	4 square feet	5 feet
Freestanding sign	1 per lot	24 square feet	8 feet

Temporary sign	*as allowed according to temporary sign definition within this article	*	*
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¹Signage within the RR-1, R-1, R-2, and PMH district may not be illuminated in any way.

(b) Only the following signs are permitted in the **R-3, R-4 and R-5** districts²:

Type of Sign	Number Allowed	Maximum Sign Area	Maximum Sign Height
Attached sign	1 per lot	24 square feet	N/A
Freestanding sign	1 per lot	32 square feet	8 feet
Home occupation sign	1 per lot	2 square feet	N/A
Neighborhood sign	1 at each street entrance but not more than 2 total	32 square feet	6 feet
Directional sign	1 per lot	4 square feet	5 feet
Traffic control sign	2 per entrance	4 square feet	5 feet
Awning sign	1 per lot	25 square feet	N/A
Temporary sign	*as allowed according to temporary sign definition within this article	*	*

²Signage within the R-3, R-4, and R-5 district may not be illuminated in any way.

(c) Only the following signs are permitted in **RO-1** district³:

Type of Sign	Number Allowed	Maximum Sign Area	Maximum Sign Height
Attached sign	1 per lot	12 square feet	N/A
Freestanding sign	1 per lot	16 square feet	8 feet
Neighborhood sign	1 at each street entrance but not more than 2 total	32 square feet	6 feet
Temporary sign	*as allowed according to temporary sign definition within this article	*	*

Home occupation sign	1 per lot	2 square feet	N/A
Awning sign	1 per lot	25 square feet	N/A
Directory sign	1 per lot	6 square feet	N/A
Window sign	*as allowed according to window sign definition within this article	*	*
Traffic control signs	2 per entrance	4 square feet	5 feet

³Signage within the RO-1 district may not be illuminated in any way.

(d) Only the following signs are permitted in **HE** and **PUD** districts⁴:

Type of Sign	Number Allowed	Maximum Sign Area	Maximum Sign Height
Attached sign	1 per lot	24 square feet	N/A
Freestanding sign	1 per lot	24 square feet	8 feet
Monument-type freestanding sign	1 per lot	30 square feet	8 feet
Directional sign	1 per lot	4 square feet	5 feet
Traffic control sign	2 per entrance	4 square feet	5 feet
Awning sign	1 per lot	25 square feet	N/A
Directory sign	1 per lot	6 square feet	N/A
Window sign	*as allowed according to window sign definition within this article	*	*
Temporary sign	*as allowed according to temporary sign definition within this article	*	*

⁴Signage within the HE and PUD districts may be illuminated in accordance with Sec. 21-209.

(e) Only the following signs are permitted in **B-2**, **B-4**, **M-1**, and **PSC** districts⁵:

Type of Sign	Number Allowed	Maximum Sign Area	Maximum Sign Height
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Attached sign	Two shapes per street frontage	1.5 square feet for each linear foot of building/business frontage, not to exceed 120 square feet	N/A
Freestanding signs	1 per lot	60 square feet	18 feet
Monument-type freestanding sign	1 per lot	75 square feet	8 feet
Electronic changeable copy or graphic display sign (allowed as up to 40% of the total area of a monument sign)	See monument sign above	See monument sign above	See monument sign above
Directional sign	1 per lot	4 square feet	5 feet
Fuel pump sign	1 per each face of a fuel pump	2 square feet	N/A
Projecting sign	1 per lot	24 square feet	None
Temporary sign	*as allowed according to temporary sign definition within this article	*	*
Shared sign	*as allowed according to shared sign definition within this article	120 square feet	18 feet
Awning sign	1 per lot	25 square feet	N/A
Directory sign	1 per lot	6 square feet	N/A
Marquee sign	*as allowed according to marquee sign definition within this article	48 square feet per side	N/A
Window sign	*as allowed according to window sign definition within this article	*	*
Gas station canopy sign	N/A	No more than 25 square feet per side	N/A

Traffic-control signs	2 per entrance	4 square feet	5 feet
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⁵Signage within the B-2, B-4, M-1, and PSC districts may be illuminated in accordance with Sec. 21-209.

(f) Only the following signs are permitted in **B-1** district⁶:

Type of Sign	Number Allowed	Maximum Sign Area	Maximum Sign Height
Attached sign	Two shapes per street frontage	1.5 square feet for each linear foot of building/business frontage, not to exceed 120 square feet	N/A
Monument-type freestanding sign (only if building is setback a minimum of 10 feet)	1 per lot	30 square feet	8 feet
Electronic changeable copy for fuel price display	See Monument sign above	See Monument sign above	See Monument sign above
Directional sign	1 per lot	4 square feet	5 feet
Fuel pump sign	1 per each face of a fuel pump	2 square feet	N/A
Projecting sign	1 per lot	1 square foot for each linear foot of building/business frontage, not to exceed 16 square feet	None
Awning sign	1 per lot	25 square feet	N/A
Directory sign	1 per lot	6 square feet	N/A
Marquee sign	*as allowed according to marquee sign definition within this article	48 square feet per side	N/A
Window sign	*as allowed according to window sign definition within this article	*	*
Gas station canopy sign	N/A	No more than 25 square feet per side	N/A
Temporary sign	*as allowed according to temporary sign definition within this article	*	*

Shared sign	*as allowed according to shared sign definition within this article	120 square feet	18 feet
Traffic control sign	2 per entrance	4 square feet	5 feet
A-frame sign	1 per lot	6 square feet	3 feet

⁶Signage within the B-1 district may not be internally illuminated.

(5-3-78, § 22-2; 5-12-81; 6-10-86; 6-23-98(2), § 1; 2-17-04)

Sec. 21-209. Illuminated signs.

(a) *Illumination of signs.* Unless otherwise specified by the provisions of this article, permitted signs may be illuminated, provided the source of illumination is not visible and exposed, with the exception of LED and neon signs, and that illumination is of such type and is located, directed or shielded so as not to shine directly on adjoining properties or streets, and provided further that illumination of signs is consistent with the standards and guidelines set forth in the Development Guidelines Handbook.

(b) *Interference with traffic.* No sign shall be located, arranged, designed or illuminated in such a manner that it interferes with traffic by any of the following means: glare; confusion with a traffic control device by reason of its color, location, shape, or other characteristic; similarity to or confusion with official signs, traffic signals, warning lights or lighting on emergency vehicles, or any other.

(c) *Flashing or intermittent messages.* No sign having a conspicuous and intermittent variation in illumination or message shall be permitted, except a sign indicating time or temperature which changes its message not more than once every eight (8) seconds.

(d) Any type of sign that fluctuates in light intensity or uses intermittent, strobe or moving light or lights that does not fall under the definition of electronic changeable copy signs or electronic graphic display signs is prohibited.

(e) No internally illuminated signs shall be permitted in the B-1, Central Business district.

(5-3-78, § 22-6; 5-12-81; 6-10-86; 2-17-04)

Sec. 21-210. Nonconforming signs.

(a) *Alterations.* Any sign existing prior to July 1, 1986, which does not meet the requirements of this article is declared a legal nonconforming sign and may remain. Normal maintenance of a legal nonconforming sign, including changing of copy or sign face, nonstructural repairs, and incidental alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted. However, no structural alteration, enlargement, or extension shall be made to a legal nonconforming sign unless the alteration, enlargement, or extension will result in elimination or reduction of the nonconforming features of the sign.

(b) *Repair of damage.* Damaged nonconforming signs may be repaired to their original state if the extent of the damage does not exceed fifty (50) percent of the sign's replacement value during a period of twelve (12) consecutive months.

(c) *Additional signs.* Real properties with nonconforming signs are not permitted any additional signs, except that each business located in a shopping center shall be allowed one attached sign.

(6-10-86; 7-26-94, §§ 1, 2; 2-17-04)

Sec. 21-211. Permits.

(a) A permit is required from the town or the Hanover County building inspector's office prior to the construction, major alteration or relocation of all signs. No sign permit shall be issued before an application especially provided by the town or the Hanover County building inspector's office is filed with the administrator, along with two (2) sets of drawings or specifications, as required by section 21-215. Drawings or specifications must be sufficiently detailed so as to fully acquaint the administrator with sign location, construction materials to be used, manner of illumination, method of support and approximate wording to be used. Each sign for which a permit is issued shall be inspected by the administrator, his agent or the Hanover County building inspector.

(b) All signs shall be constructed, altered or relocated before six (6) months elapse from the date the permit is issued. A new permit shall be required for all signs not constructed, altered or relocated within this period.

(c) The zoning administrator shall issue temporary permits for the following signs and displays for a period of time to be determined by the zoning administrator, but not to exceed forty-five (45) consecutive days during one (1) calendar year.

- (1) Signs advertising a special civic or cultural event, such as a fair or exposition, play, concert or meeting, sponsored by a governmental or charitable organization.
- (2) Special decorative displays used for holidays, public demonstrations, or promotion for nonpartisan civic purposes, provided no commercial sign area is displayed.

(6-10-86; 7-13-04)

Sec. 21-212. Erection, maintenance and removal of certain signs.

(a) It is recognized that in a limited number of cases a reasonable argument might be made for erecting a noncommercial identification, attached or projecting sign in the RR-1, R-1, R-2, R-3, R-4, R-5 and PUD districts. Such a sign is necessary to adequately identify property usage and appropriate in character to the area in which it is located. Such signs are limited to one per property, regardless of property size or location.

(b) All temporary signs are to be removed by the owner no later than seven (7) days following cessation of activity for which the signs are intended. If such removal is not accomplished, the administrator shall cause the removal and charge the cost to the owner on whose property the sign is located or take such other action as is permitted in section 21-7 of this chapter.

(c) Every sign, including those exempt from the permit and fee requirements of this article, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports that are not galvanized or of a rust-resistant material. The administrator or his representative shall inspect and possess the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to the health, safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(6-10-86; 6-23-98(2), § 1)

Sec. 21-213. Reserved.

Editors Note: Provisions enacted as §§ 21-213.1--21-213.3 by an Ordinance adopted June 10, 1986, have been treated by the editors as superseding § 21-213 in its entirety. Section 21-213 pertained to special sign provisions and was derived from amendments adopted May 3, 1978, § 22-7; May 12, 1981; and Aug. 10, 1982. See now §§ 21-213.1--21-213.3.

Sec. 21-214. Display of flag.

(a) National flags, flags of political subdivisions, flags of bona fide civic, charitable, fraternal, and welfare organizations and corporate flags may be displayed without a permit, and may be displayed in addition to other permitted signs provided that such flags are displayed with the following standards.

- (1) All flags must be displayed on a flag pole.
- (2) The number of flags or flag poles on the property shall be limited to three (3), one of which may be a corporate flag.
- (3) Flag pole height shall be limited to thirty-five (35) feet measured from the ground.
- (4) Total area of each flag shall be limited to one hundred twenty (120) square feet.

(1-28-97, § 2; 5-27-97(2), § 1)

Sec. 21-215. Sign permit fee and bonding requirements.

(a) All applications for a sign permit must contain a signed statement from the owner of the sign that the town is protected and held harmless for any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor, or his agents, or by reason of defects in the construction or damages resulting from the collapse or failure of any sign or part thereof. This signed statement shall remain in effect for the life of the sign.

(b) If required by the administrator, a person shall not erect, install, remove or rehang any sign for which a permit is required until an approved bond shall be filed in the sum of four thousand dollars (\$4,000.00) as herein required. Such bond shall be conditioned on the construction, erection and maintenance of the sign in accordance with the provisions of the Town Code and shall protect and save the town harmless from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor or his agents, or by reason of defects in the construction, or damages resulting from the collapse or failure of any sign or part hereof. The obligation herein specified shall remain in effect during the life of every sign and shall not be cancelled by the principal or surety until after thirty (30) days' written notice to the building official.

(c) Fees. Fees for the review of all sign permits shall be in accordance with the fee schedule established by the town council.

- (1) No fee is required for temporary signs. All fees shall be paid in full at the time a permit is applied for.

(5-3-78, § 22-9; 5-12-81; 6-10-86; 1-15-08)

BE IT FURTHER ORDAINED by the Town Council that the amendments herein of the Code of the Town of Ashland shall be effective immediately upon adoption.

Introduced:	February 21, 2012
Advertised:	Planning Commission: Herald Progress: April 26, 2012 & May 3, 2012 Town Council: Herald Progress: May 31, 2012 & June 7, 2012
Public Hearing:	Planning Commission: May 9, 2012 Town Council: June 19, 2012
Adopted:	June 19, 2012
Effective:	June 19, 2012