

# Montgomery County:

*Sign* means any device or display of any letters, words, numerals, figures, emblems, pictures, trademark, symbol, flag, banner, pennant or any parts or combinations thereof, by any means whereby such are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area bearing only property numbers, postal box numbers, names of occupants of premises or other identification of premises not having commercial purpose is excluded from this definition. Detailed definitions of sign types and related terms are contained in detailed sign regulations herein below.

*Sign background* means the surface on which a sign is affixed, not meant to include the base, poles, pedestals, walls, or fences under three feet six inches (3' 6") in height; which background is determined by computing the entire area within a single geometric form that encloses the background.

*Sign, billboard*, means any sign where the product, business or thing so advertised or displayed is not located on the premises of the site or property on which said sign is erected or displayed.

*Sign, business*, means a sign which directs attention to a product, commodity or service available on the premises.

*Sign, construction*, means a temporary sign identifying those engaged in construction of any building site.

*Sign, directional*, means a sign indicating the direction to which attention is called giving the name and approximate location only of the business or service.

*Sign, directory*, means a sign on which the names and locations of occupants or the uses of a building or group of buildings is given.

*Sign, farm identification*, means a sign which identifies or otherwise describes the name, ownership and/or type of agricultural operation of the lot or parcel of land upon which it is situated.

*Sign, freestanding*, means any nonmovable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to nor printed on a building.

*Sign, general advertising*, means a sign which directs attention to a product, commodity or service not necessarily available on the premises and which is licensed by the state.

*Sign, ground mounted*, means any sign which is supported by structures or supports in or upon the ground and independent of any support from any building, not a pole sign.

*Sign, home occupation*, means a sign not exceeding four (4) square feet in area directing attention to a product, commodity or service available on the premises but which product, commodity or service is clearly a secondary use of the dwelling.

*Sign, identification*, means a sign which identifies or otherwise describes the name, ownership or location of a business, tenant or service.

*Sign lighting:*

1. *Direct*. A direct lighted sign shall mean a sign illuminated internally or on the surface of the sign itself.

2. *Indirect*. An indirect lighted sign shall mean a sign that is illuminated from a source separate from the sign.

*Sign, marquee*, means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

*Sign, monument*, means a type of ground mounted sign which is built on grade and which the sign and structure are an integral part of one another.

*Sign, multifamily housing*, means a sign which identifies the name of a multifamily housing development. The message content shall be limited to the name of the multifamily housing development.

*Sign, nonshielded illumination of*, means a light source of which the bulb or light source is visible to a motorist, pedestrian or first floor window on from off of the property on which the light is located.

*Sign, on-premises*, means any sign which directs attention to a business, commodity, activity, service or product conducted, sold, or offered upon the premises where the sign is located.

*Sign, planned mobile home park*, means a sign which identifies the name of a planned mobile home park. The message content shall be limited to the name of the planned mobile home park.

*Sign, pole or pole-mounted,* means a sign that is mounted on one (1) or more freestanding poles or similar columnar supports.

*Sign, portable,* means any sign not permanently affixed to the ground nor to a structure, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment. Any such vehicle shall, without limitation, be considered to be used for the express purpose of advertising if it fails to display current license plates, inspection sticker, municipal decal or if evidence of paid-to-date local taxes can not be made available. Portable signs may be used only as temporary signs, as defined in this section

*Sign, projecting,* means any sign, other than a wall, awning or marquee sign, which is affixed to a building.

*Sign, roof,* means any sign erected or constructed, in whole or part, above a roof line.

*Sign structure* means the supports, uprights, bracing and framework of any structure be it single-faced, double-faced, V-type or otherwise, exhibiting a sign. Sign structures shall be of sound construction and shall be maintained in a reasonably good state of repair.

*Sign, residential,* means a sign which identifies the name of a residential project. The message content shall be limited to the name of the subdivision.

*Sign, temporary,* means any sign not permanently attached to a structure nor permanently mounted in the ground, which can be transported to other locations. Such signs may include, but are not limited to, paper or poster signs, portable signs or other moveable signs, which may announce or advertise seasonal or other brief activity such as weekly specials, special services offered for a limited time by a business establishment, summer camps, fairs, auctions, sale of property or other similar temporary or nonrecurring offers or notices. A temporary sign shall not remain on the property for more than ninety (90) days in any one calendar year, with the exception of signs advertising the sale of the property on which the sign is placed.

*Sign, wall,* means any sign attached to a wall or painted on or against a surface of a structure that is designed and used for human occupancy, which sign displays only one (1) advertising surface and which extends not more than eighteen (18) inches from the wall.

*Sign, window,* means any sign attached to or applied directly onto the surface of a window or any sign visible from a public right-of-way through a window.

## **Sec. 10-45. Sign regulations.**

(a) *General provisions.*

(1) *Purpose.* The purpose of these regulations is to regulate all signs placed for exterior observance, thus ensuring the conservation of property values, the consideration of the character of the various communities, the protection of safety and welfare of pedestrians and wheeled traffic, the provision of convenience to citizens and the encouragement of economic development. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein is intended to be an integral but accessory and subordinate part of the principal use of land or building.

These regulations are intended to promote signs that are appropriate to the activity to which they pertain and are constructed and maintained in a structurally sound and attractive condition.

The regulations of this chapter are not intended to interfere with, abrogate or annul any law of the state relating to outdoor advertising nor to prevent application of the county's higher/stricter regulations.

(2) *Permits required.* A sign permit is required prior to the display and erection of any sign unless it is excepted in subsection (3).

(3) *Permits not required.*

a. Signs of a constituted governmental body, including traffic signs and signals, directional signs and regulatory signs.

b. National or state flags or flags of other political units or of any civic, charitable, educational, philanthropic or similar group or movement; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.

c. Legal devices or warnings at railroad crossings.

d. Freestanding signs or signs attached to a structure or tree, no more than one and one-half (1 1/2) square feet in area, to warn the public against hunting, fishing, trespassing, dangerous animals, swimming, the

existence or danger or such, when placed on the periphery of the property or at a location where the warning is necessary.

e. Directional signs.

f. The changing of messages on marquees and the repair of an existing permitted sign.

g. Temporary signs as defined and as specified herein may be used in every zoning district unless otherwise prohibited:

1. One (1) contractor's sign per job site, no more than twelve (12) square feet in area, located on the property on which the work is being done.

2. One (1) real estate sign per lot, advertising the sale, rental or lease of the premises, or part of the premises on which the sign is displayed, no more than twelve (12) square feet in area.

3. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

4. Political campaign signs, no more than twelve (12) square feet in area, on any privately owned lot or parcel.

5. Temporary signs, no more than twelve (12) square feet, announcing a campaign drive or an event of a civic, philanthropic, educational or religious organization; provided, that the sponsoring organization shall ensure proper and prompt removal of such sign within five (5) days after drive or event.

6. Temporary signs, no more than twelve (12) square feet in area, featuring such announcements as "Grand Opening," "Under New Management" or "Going Out of Business"; provided, they are displayed for no longer than thirty (30) days and removed on the thirty-first day.

7. Window signs advertising weekly specials or special services offered for a limited time by a business establishment and then promptly removed.

(4) *Prohibited signs.* All signs not specifically permitted are prohibited, including, but not limited to, the following:

a. Moving signs of which all or any parts move by any means, including, but not limited to, [REDACTED] or rotating signs, propellers, discs and such, but excluding pennants and signs indicating time and temperature. This prohibition shall not apply to the hands of a clock, a weathervane or flags as provided in subsection (3).

b. Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement to stop or cautions of the existence of danger or which is a copy of, imitation of or which for any reason is likely to be confused with any sign displayed or authorized by a public authority.

c. Any nonshielded illumination of a sign within two hundred (200) feet of an A-1, C-1, R or PD-RES district.

d. Illuminated tubing or strings of lights solely for the purpose of illumination, except when displayed as decorations during the months of November through January. This includes any lighting arrangement which outlines any portion of a building or structure by exposed tubing or strings of light.

e. Any sign that violates any provision of the Montgomery County Code, Buildings and Structures or the Virginia Uniform Statewide Building Code.

f. Any sign that is attached to a tree, except official notices or announcements as provided in subsection (3).

g. Any sign that is attached to a utility pole, rock, curbstone, sidewalk, lamppost, hydrant, bridge, highway marker or other signs, except official notices or announcements as provided in subsection (3).

h. Any sign that projects beyond a lot line.

i. Any sign not meeting sign setback regulations or within any public right-of-way.

j. Any sign that overhangs and has a minimum clearance of less than ten (10) feet above a walkway or fifteen (15) feet above a driveway, alley or travel lane.

k. Any sign located in the vision triangle formed by any two (2) intersecting streets, or of a commercial entrance and a public street as regulated by section 10-41(11) provisions.

l. Roof signs.

m. Any sign erected to a height higher than the maximum building height allowed in the respective zoning district.

n. Any sign which projects more than four (4) feet from the building to which it is attached, or extends above the roof line.

(5) *Measurement of sign area, allowable sign area.*

a. *Measurements of sign area:* The area of a sign shall be that contained within the outside measurement of the perimeter of the display area of the sign, the total area of which is in the smallest square or squares, rectangle or rectangles, triangle or triangles which will contain the entire sign including lighting but excluding

supports or sign background whether lighted or not. The area of a sign with two (2) sign faces shall be computed according to the following:

1. If the sign faces are separated by an interior angle of forty-five (45) degrees or greater, all faces shall be included in computing the area of the sign.
2. If the sign faces are separated by an interior angle that is less than forty-five (45) degrees, the area of one (1) face shall be used when the two (2) faces are equal in area. The area of the larger face shall be used when the two (2) faces are unequal in area.
3. If the sign faces are parallel to one another, the area of one (1) face shall be used when the interior distance or space between the two (2) faces is eighteen (18) inches or less. The area of all faces shall be used when the interior distance or space between the two (2) faces is greater than eighteen (18) inches.

b. *Measurement of allowable sign area:* Supports, uprights or structures on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the preceding provisions. In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

(6) *Nonconforming signs.*

- a. No nonconforming sign shall be enlarged nor be worded so as to advertise or identify any use other than that in effect at the time it became a nonconforming sign.
- b. Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. Such signs shall not be enlarged, extended 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. 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 zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into conformance with current ordinance.
- c. Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign; provided, however, that no nonconforming sign which has been declared by the zoning administrator to be unsafe because of its physical condition, as provided for in this chapter, shall be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable regulations.
- d. No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform to the provisions of this article.
- e. If a nonconforming sign is removed, the subsequent erection of a sign shall be in accordance with the provisions of this article.
- f. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its replacement value may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed except for a sign which would be in accordance with the provisions of this article.
- g. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its appraised value may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed except for a sign which would be in accordance with the provisions of this article.
- h. A nonconforming sign which is changed to or replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- i. A nonconforming sign shall be subject to the removal provisions of section 10-47. In addition, a nonconforming sign shall be removed if the structure to which it is accessory is demolished or destroyed to an extent exceeding fifty (50) percent of its appraised value.
- j. The ownership of the sign or the property on which the sign is located shall not, in and of itself, affect the status of a nonconforming sign.

(7) *Setback.* Minimum setback from public right-of-way for all signs shall be ten (10) feet. Signs are not permitted in required side yards.

(8) *Maximum height.* Signs shall not be greater in height than the building upon which it is mounted. If freestanding and at existing grade, then signs shall not be greater than twelve (12) feet in height. Signs not at existing grade shall not exceed twelve (12) feet in height if ground mounted nor fifteen (15) feet if pole mounted, inclusive of berm, above edge of pavement adjacent to such sign. In cases where normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower. If the land is uneven, an average elevation will be used at the base of the sign. Signs on penthouses, cooling towers or other rooftop appendages are prohibited.

(9) *Lighting.* All lighting for signs shall not cause a glare onto adjacent properties or oncoming traffic.

(10) *Monument signs.* The base of a monument sign is the structure or apparent structure in direct contact with the ground that supports or appears to support the message portion of a monument sign. All monument signs shall have a minimum base height of eighteen (18) inches and a maximum of four (4) feet. The width of the base shall not exceed twice the height of the total structure and shall not extend more than one (1) foot beyond either outside edge of the message portion of the sign. The minimum width of the base shall be one-half the width of the message portion of the sign.

(b) *Permitted signs by use and district.*

(1) *Number of signs, aggregate sign area.* Except for business and general advertising signs or unless otherwise provided, these regulations shall be interpreted to permit one (1) sign for each permitted use on the lot or premises. For business and general advertising signs, these regulations shall be interpreted as the maximum aggregate area of such signs permitted on the lot or premises subject to the following requirements:

a. No more than one (1) freestanding sign shall be erected on any one (1) lot or premises with the exception of shopping centers.

b. Where two (2) or more individual businesses share a common lot or premises it is the responsibility of the property owner to allocate sign sizes in conformance with the maximum aggregate area requirements listed within the sign matrix at subsection (b)(2), following herein.

(2) *Sign matrix.* The following sign matrix indicates the type and maximum aggregate sign area (in square feet) of signs permitted in each zoning district. With the exception of special districts, if the sign matrix gives no numerical value, then the indicated type of sign is not permitted in the indicated zoning district:

TABLE INSET:

Sign	Zoning District								
	C-1	A-1	R-R	R-1, R-2	R-3	RM-1	CB, GB	M-1, M-L	PIN, PMR, RSE and All PUD**
Business		20	20				50*	50	
Church	50	50	50	50			50		
Identification	6	6	6	6	6	6	6	6	6
Home occupation	4	4	4	4	4				4
General advertising							100*	300	
Location/direction	4	4					10	10	
Farm identification	25	25	25						
Residential project***		24	24	24	24	24			
Temporary	6	6	6	6	6	6	32	32	6
Portable							32	32	

\*If there are no general advertising signs on the premises, then the maximum aggregate area of all business signs permitted is increased to one hundred fifty (150) square feet.

\*\*Size and type of signs will be as for most similar base district or variations as determined by the board of supervisors at time of rezoning and incorporated in approved development plans.

\*\*\*Residential project to include subdivision, multifamily housing and planned mobile home park signs.

(3) *Supplementary sign regulations.*

a. *Shopping centers:* In addition to all other permitted signs, shopping centers with more than one hundred thousand (100,000) square feet of retail space under one (1) roof may have wall signs to identify tenants occupying at least twenty-five thousand (25,000) square feet of floor space subject to the following:

1. Permitted wall signage size shall not include permitted business locations signs of ten (10) square feet or less;
2. For walls up to six thousand (6,000) square feet, the maximum size of the permitted wall signs shall be the cumulative of either five (5) percent of the area of the wall or two hundred (200) square feet, whichever is smaller; or
3. For walls over six thousand (6,000) square feet in size, the maximum size of the permitted wall signs shall be the cumulative of either two hundred (200) square feet plus two (2) percent of the area of the wall over six thousand (6,000) square feet or three hundred (300) square feet, whichever is smaller;
4. No more than one (1) freestanding sign shall be erected for each abutting street frontage in a shopping center;

b. *Medical facilities:* In addition to other permitted signs, medical facilities approved with a special use permit may be permitted a business sign with aggregate area of one hundred (100) square feet and both identification and location/directions signs with sign areas of twenty-four (24) square feet each.

c. *Subdivision, multifamily housing, planned mobile home park:* One (1) sign per principal street entrance to a development (not to exceed two (2) signs per development) shall be permitted with a aggregate sign area not to exceed twenty-four (24) square feet and a maximum height not to exceed eight (8) feet.

d. *[CB or GB district sign area bonus.]* A twenty (20) percent sign area bonus may be permitted in CB or GB districts in specific instances where two (2) or more businesses on separate lots existing at time of adoption of this chapter: (1) decrease the number of signs otherwise allowed through sharing, and (2) assure that a decrease occurs in the number of entrances to the primary highway already existing or permitted.

(c) *Administration.*

a. *Permit requirements:* Except as otherwise provided herein, no sign shall be erected, altered, refaced or relocated unless a sign permit has been approved by the zoning administrator.

b. *Application:* The application for a sign permit shall be filed with the zoning administrator on forms furnished by the county. The application shall contain the identification and address of the property on which the sign is to be erected; the name and address of the sign owner and of the sign erector; drawings showing the design, dimensions and location on the building/site of the sign; and such other pertinent information as the zoning administrator may require to ensure compliance with the provisions of this chapter and other applicable ordinances of the county.

c. *Permit expiration:* A sign permit shall expire and become null and void if the sign is not erected within a period of twelve (12) months from the date of the permit. In the event the sign is not erected within the twelve-month period, an application for extension of an additional six-month period may be made to the zoning administrator. Such an extension may be granted if the proposed sign is in accordance with current applicable regulations. If the proposed sign is not in accordance, the application for an extension shall be denied.

d. *Issuance:* Sign permits shall be issued by the zoning administrator.

e. *Fee:* A fee, as established according to section 10-52 shall be paid prior to the issuance of a sign permit. Under no circumstances are permit fees refundable.

f. *Permit number:* Any sign erected under permit shall indicate in the lower right hand corner of the sign the number of the permit. The permit number shall be so affixed that it is legible from the ground.

g. *Special permits:*

1. The BZA may grant a special permit to allow an increase in the height of a sign where, in its opinion, the provisions of this article would cause a hardship by virtue of topography. The purpose of such a permit shall be to allow as much, but not more, visibility as the sign would have if located on level ground.

2. The BZA or the board of supervisors, as part of an approving action for a special use permit, may impose stricter sign requirements as condition of approval.

(2) *Maintenance and removal.*

a. All signs shall be constructed in compliance with the Virginia Uniform Statewide Building Code.

b. All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.

c. The building official may cause to have removed or repaired immediately without written notice any sign which, in the building official's opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof.

d. Any sign which is obsolete, because of discontinuance of the subject's activity or any other reason which would cause the sign to be obsolete, shall be removed within thirty (30) days.

e. Any sign located on property which becomes vacant and is unoccupied for a period of two (2) years or more shall be deemed abandoned. An abandoned sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign, the zoning administrator shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator may initiate such action as may be necessary to gain compliance with this provision.

(Ord. No. 1999-12, §§ 4-500--4-515, 12-13-99; Ord. No. 2001-03, 2-12-01; Ord. No. 2001-08, 6-11-01; Ord. No. 2002-008, 6-10-02)