

TOWN OF IRVINGTON
ORDINANCE AMENDMENT #2024-09.uc

An Ordinance Amendment to the Town’s Sign Ordinance

WHEREAS, Town Council regulates signs in its zoning ordinance regulations; and

WHEREAS, Town Council wishes to amend certain definitions and regulations regarding the use and display of signs in the Town; and

WHEREAS, the legal authority for the proposed amendment is the Town Charter and §§ 15.2-2201, 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia (1950), as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Town Council of the Town of Irvington, Virginia does hereby amend Sections 154.190 through 154.202 as part of the Town Code Chapter 154 Subchapter “Signs” as follows:

TITLE XV: LAND USAGE

Chapter 154. ZONING

....

SIGNS

§ 154.190 Purpose and intent.

The purpose of this subchapter is to regulate the size, design and use of signs in keeping with the culture, history, architecture, character and environment of the town, with the intention of promoting the safety, aesthetics, proper decorum, general welfare and adequate the values expressed by the vision statement of the Comprehensive Plan as amended on April 4, 2019~~within the town.~~

§ 154.191 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Area of sign. The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, or forms an integral part of the display, including the supporting or accompanying sign structure; if the sign consists of more than one section or module, all areas will be totaled; for a sign in a window, the AREA shall be the perimeter which forms the outside shape of the sign in the window.

Sign. A name, identification, description, emblem, display or device which is affixed to, printed on or represented directly or indirectly upon a building, structure, residence or parcel of land; which is illuminated or non-illuminated; visible or intended to be visible from a public place; and, which directs or calls attention to a person, place, residence, product, institution, business, organization, activity or service. Certain categories of signs are defined as follows.

- (1) *"A" frame or sandwich.* Signs (one- or two-sided) which are designed to be placed on sidewalks, parking lots or worn by a person to call attention to an event, product or service.
- (2) *Abandoned.* A sign associated with a building, structure, or business, where the building or occupation permit or business license has expired and where the sign may be considered abandoned in accordance with the laws of the Commonwealth of Virginia. ~~which for a period of 90 consecutive days has not correctly directed or exhorted any person, advertised a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.~~
- (3) *Architecturally-incorporated.* Lettering or symbols which are parts of the architecture of the building; and in a scale with the building and its neighbors.
- (4) *Awning Sign.* Any sign attached to and made a part of an awning or any similar projections from a building with fixed, changeable, or both types of lettering in use.
- (45) *Banner.* A canvas or vinyl cloth or otherwise flexible sign.
- (56) *Billboard.* Any outdoor advertising board, junior board advertising medium, structure or device ~~which advertises, directs or calls attention to an business, article, substance, service or anything which is painted,~~

printed, pasted or affixed to any building, structure, wall, fence, pole, railing, natural object or structure of any kind on real property or upon the ground itself and which advertises services, products or commodities not available on the premises on which the billboard is located.

(67) *Business*. A lighted, downlighted, or unlighted sign which directs attention to a product, commodity, or service available on the premises.

~~(7) *Directional and identifying*. A sign is giving the name only of the business responsible for the erection of same, but may also indicate the direction toward said business.~~

(8) *Feather sign*. A lightweight portable sign mounted along one edge or a single vertical flexible pole, the physical structure of which may resemble a sail, bow, or teardrop.

(9) *Flag*. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or a rope.

(810) *Flashing lights, letters or symbols*. A sign that calls attention to an event, product or service by radiant energy acting on the retina of the eye.

(911) *Historic*. A sign located in the town's historic district that is not required by law identifying an historic landmark, building, structure or area.

~~(10) *Home occupation*. A sign directing attention to a product or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling. The sign shall be unlighted and not to exceed four feet above grade.~~

(12) *Monument Sign*. Any free-standing sign consisting of a structure build on grade in which the sign and structure are an integral part of one another.

~~(113) *Motion or rotation*. A sign which involves motion or rotation of any part of the structure or display (such as a flag) or a sign containing intermittent lights or animation, except a time and temperature unit which is part of a sign permitted in the business and commercial district.~~

~~(1214) *Portable signs which are trailer-mounted*. Signs which are designed to be relocated or are constructed on a chassis or a carriage with permanent or removable wheels.~~

~~(13) *Real estate*. Temporary for sale, rent or lease sign by realtor or owner.~~

~~(14) *Real estate subdivision*. A sign advertising a parcel of land divided into individual home sites.~~

- (15)*Roof*. A sign attached to the outside top covering of a house or building.
- (16)*Residential*. A sign located in R-1 or R-2 District, which is lawfully positioned on or within private property.
- (17)*Snipe*. A small sign made of a scrap of wood, metal or plastic.
- (18)*Structure*. Includes the supports, uprights, bracing and framework of any structure, be it single-faced, double-face, V-type or otherwise, exhibiting a sign.
- (19)*Temporary*. A sign constructed of cloth, canvas, vinyl, paper, fabric or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is not permanently installed in the ground. ~~applying to a seasonal or other brief activity such as, but not limited to, summer camps, auctions or bazaars, vacation bible schools, election poll locations, farmers' markets, car washes, yard sales or anything not classified as permanent.~~
- (20)*Vehicles*. Signs with lettering, symbols or graphics affixed to, or painted on a vehicle.
- (21) Zoning Administrator and Administrator. These two terms as defined in Section 154.004, above, are used interchangeably in this section.

§ 154.192 Prohibited signs and sign structures.

- (A) It shall be unlawful for any person to erect, place or use any of the following within the town:
- (1) ~~Billboards~~ Off-premise billboards or off-premise temporary signs, unless specifically permitted by law;
 - (2) Feather signs;
 - (23) A sign which involves motion or rotation of any part of the structure or display or a sign containing intermittent lights or animation, such as prism, bow flag or feather flags or the like, ~~except in B-1 or B-2 District;~~
 - (34) Roof signs;
 - (45) Flashing lights or flashing signs of any type;
 - (56) Portable signs which are trailer-mounted or otherwise designated to be relocated or are constructed on a chassis or carriage with permanent or removable wheels;

- (67) Long-term parked vehicles with signs erected upon or applied are not allowed if parked for greater than two weeks duration per occurrence;
- (78) Signs placed or erected on property not owned by the sign owner, without written consent of the property owner;
- (89) Signs painted directly on a building without written approval from the building owner and the town council; and
- (910) Any other type or kind of sign except those permitted ~~by special written exemption by the town council.~~

(B) Signs that come into existence after the enactment of this subchapter that are not in conformity with this subchapter must be removed ~~unless their existence and use is approved by the town council.~~

§ 154.193 Fee Exempt signs.

The following temporary signs shall require permits, but shall not require permit fees, and must conform to the requirements set forth in this subchapter for permanent signs:

- (A) Signs erected by a noncommercial entity or organization on the entity or organization's church on the church's property; and
- (B) Signs erected by a governmental agency ~~regarding information concerning its services at the location;~~
- ~~(C) Signs erected by a school on the school's property; and~~
- ~~(D) Signs erected by a nonprofit organization on the nonprofit organization's property.~~

§ 154.194 Illegal signs.

- (A) The following signs are deemed illegal signs and in violation of this subchapter:
 - (1) Abandoned signs;
 - (2) Any sign erected for which no sign permit was issued by the town or which has had its permit revoked; and
 - (3) Any sign not properly maintained, such as, but not limited to, signs that are structurally unsound or are hazardous or unsafe.
- (B) Remedies by the Zoning Administrator.

- (1) The zoning administrator shall cause a notice of such violation to be served on the owner of the building, structure or lot where said sign is located or the lessee or tenant of the part of or the entire building, structure or lot where said sign is located, requiring the owner or lessee or tenant to remove the illegal sign within ten business days.
 - (2) The notice may be served personally or by certified mail, return receipt requested.
 - (3) Upon failure of said owner or lessee or tenant to remove the sign within ten business days after notice is provided, the zoning administrator shall be authorized to enter upon said property and remove from there any said illegal sign at costs to the owner, lessee or tenant.
 - (4) No liability shall attach to the town or any officers, employees or agents of the town, except for acts of willful negligence in connection with the removal of any such illegal sign.
- (C) In cases of emergency, the zoning administrator may cause the immediate removal of a dangerous or defective sign without notice, at the direction of the town council.

§ 154.195 Permits.

(A) Permits shall be issued by the Zoning Administrator

- (1) It shall be unlawful for any person to post, display, change or erect a ~~permanent~~ sign or structure in the town without having first obtained a permit and paying said permit fee, except that temporary signs with 30-day limit shall pay no fee.
- (2) All applications for sign permits shall be filed and the fee paid by the owner, or his or her agent, with the zoning administrator, upon forms furnished by the zoning administrator.

(B) Said permit applications shall describe and set forth the following:

- (1) Type of sign detailing design and architecture in keeping with the intent of this subchapter;
- (2) ~~(a)~~ Street address of the property upon which said sign is to be located and the proposed location of said sign on said property; and in the absence of a street address, a method of location approved by the zoning administrator shall be used;
 - ~~(b) In the absence of a street address, a method of location acceptable to the administrator shall be used.~~

- (3) Square foot area per sign face and the aggregate square foot area of the sign in conformity with this subchapter;
 - (4) Name, address and signature of the owner or lessee in control or possession of the real property upon which said sign is to be located; and
 - (5) Sketch, blueprint, blueline print or similar presentation drawn to scale, showing all pertinent structural details and display materials in accordance with the requirements of the County Building Code. The design is to be approved by the town council.
- (C) Provided that provisions of this subchapter have first been complied with, and the signs do not violate any of the terms, conditions or provisions of this subchapter, or of any other law or ordinance, within ten business days after receipt by the zoning administrator, a permit for such sign and structure shall be issued and the zoning administrator shall retain a copy thereof for his or her records.
- (D) If a sign authorized by a permit is not completed and in place within six months after the date the permit was issued, said permit shall become null and void, except that the zoning administrator may grant one extension for a period not to exceed six months.
- (E) Design, size, construction and placement of a sign shall not deviate from the plans approved for issuance of the permit.
- (F) After the issuance of any permit for a sign under this subchapter and within ten days after the installation of such sign, the applicant shall submit a photograph of the sign as completely installed, which shall be filed with the original application, along with written certification from the owner, applicant or designer whose name appears on the approved plans, that the sign has been constructed according to the approved plans.

§ 154.196 Administration and enforcement.

- (A) The provisions of this subchapter shall be administered and enforced by the zoning administrator, who shall have the power to make necessary inspections.
- (B) No sign permit shall be approved by the zoning administrator except in compliance with the provisions of this subchapter.

§ 154.197 Size, time and duration.

Type	Dimensions	Duration of Display
"A" frame or sandwich signs in areas zoned B-1 and B-2	8 sq. ft.	During business hours
Architecturally incorporated signs	By special permit only	No limit
<u>Signs on property during construction</u> Contractor signs during new construction or renovation projects	6 sq. ft.	Until completion of work
Directional	2 sq. ft.	As authorized by town council
Event, special	16 sq. ft.	30 days per event
Exempt signs (see § 154.193)	16 sq. ft.	120 days
Fixed business signs, professional, business, store <u>Permanent signs in areas zoned B-1 and B-2</u>	8 sq. ft.	No limit
Flags in areas zoned B-1 and B-2 that announce the business is open	8 sq. ft.	During business hours
For sale or for lease signs by owner or agent Temporary signs on any property for sale or lease	6 sq. ft.	Until sold or leased
Historical, residential	14 in. by 10 in. or 2 sq. ft.	No limit
Home occupations or residence, owners' or property name	6 sq. ft.	No limit
Legal notices	1 sq. ft.	As needed
No trespassing	1 sq. ft.	No limit
Private property	1 sq. ft.	No limit
Temporary	1 sq. ft.	1430 days
<u>Window, business in areas zoned B-1 and B-2</u>	30 percent of window area	No limit

§ 154.198 Other limitations.

(A) Overall heights of signs shall not exceed 96 inches for business signs and 48 inches for residential signs.

- ~~(B) Temporary real estate signs are limited to two per lot.~~
- ~~(C) Real estate signs must be removed no later than two weeks after property sale or lease.~~
- (DB) No sign shall have PVC pipe framing.
- (EC) No sign shall have day-glo or fluorescent colors.
- (FD) Any sign not specifically authorized in this subchapter must be approved by the town council zoning administrator whose decision may be appealed to the Board of Zoning Appeals.

§ 154.199 Nonconforming signs.

- (A) Legal signs in existence prior to enactment of this subchapter that are not in compliance with this subchapter are considered to be a nonconforming sign and may be continued and maintained.
- (B) Any change in design, size or color of an existing nonconforming sign or structure requires a special exception by the town council for continued use.

~~§ 154.200 Exceptions.~~

~~Exceptions to the criteria stated herein must be by approved by the town council.~~

~~§ 154.201~~ § 154.200 Reinspection of all signs.

- (A) The zoning administrator shall inspect, or cause to be inspected, all permanent signs located within the town at least once a year and, upon such inspection, shall require the owner of any sign found to be in defective condition, or which does not comply with the terms, conditions and provisions of this subchapter, to be repaired or removed within 30 days from the date of notice of such defect; provided, however, that if the zoning administrator shall ascertain and determine that the maintenance or use of such sign shall adversely affect the public safety, he or she may require immediate removal at the owner's expense or prohibit the use of said sign until such defects have been remedied.
- (B) The right to inspect on the part of the town shall in no way relieve or release the owner or person responsible for such sign to inspect and properly maintain it and the duties, obligations and liability of such other person or persons responsible for such sign shall in no way be reduced or diminished by the actions or failure to act on the part of the town.

~~§ 154.202~~ § 154.201 Violation procedures.

- (A) (1) If the zoning administrator shall find that any of the provisions of this subchapter are being violated, he or she shall give written notice to the person responsible for such violation, and/or the owner of said premises on which the sign is displayed, indicating the nature of the violation, ordering the action necessary to correct it and the time limit for correction of the violation.
- (2) The zoning administrator shall order discontinuance or alteration, including removal at the owners' expense, or take any other action necessary to correct violation to ~~insure~~ensure compliance with all provisions of this subchapter.
- (3) Any noncompliance by a property or sign owner may be referred by the zoning administrator to the town council for disciplinary action and/or fines not to exceed \$100.00.
- (B) The issuance of a permit upon plans and specifications shall not prevent the zoning administrator from thereafter requiring the correction of errors in said plans and specifications or preventing the erection of any sign thereunder when in violation of this subchapter.

BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall take effect immediately.

DATE ADOPTED:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Mayor, Town Council of Irvington, Virginia