

# Article \_\_\_\_\_. Signs

## Sec. XX-XXX. Purpose.

These regulations balance the need to protect the public safety and welfare by regulating the size, color, illumination, movement, materials, location, height, and condition of all signs. 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 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;
- c) To create a regular and impartial process for businesses and/or persons seeking to erect signs;
- d) To reduce sign or advertising distractions and obstructions that may contribute to traffic accidents and reduce hazards;
- e) To protect and enhance economic viability of Town of Bowling Green.

## Sec. XX-XXX. Definitions.

The following words and terms when used in this article shall have the following meanings unless the context clearly indicates otherwise:

*A-Frame sign* means a two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high. No A-frame sign shall be permitted to exceed two feet in width and three feet in height. Each side must be at least one inch in thickness. Also referred to as “sandwich board” signs; a-Frame signs are considered portable signs.

*Advertising* means any words, symbols, colors or designs used to call attention to a commercial product, service, or activity.

*Animated sign* means a sign or part of a sign that is designed to rotate, move or appear to rotate or move and is sometimes referred to as a “moving sign.”

*Attention getting device* means 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 and includes any animated display.

*Awning sign* means a sign placed directly on the surface of an awning.

*Billboard* means 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.

*Banner* means a temporary sign of flexible material designed to be installed with attachments at each of four corners or a temporary sign of flexible material affixed to a framework or flat surface. *[If you don't want a banner to be temporary, just delete the word temporary.]*

*Building frontage* means the length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Building frontage shall be measured at a height of ten feet above grade.

*Canopy sign* means a sign attached to a canopy. (A canopy is a detachable, roof-like cover, supported from the ground, or deck, floor or walls of a building, for protection from sun and weather.)

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

*Comprehensive sign plan* means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

*Flag* means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration and includes pennants.

*Flashing sign* means a sign that includes lights that flash, blink, or turn on and off intermittently.

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

*Ground mounted sign* means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

*Height* means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade prior to construction; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

*Holiday Displays* mean displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.

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

*Illuminated sign* means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

*Marquee* means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

*Marquee sign* 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.

*Minor sign* means a wall or freestanding sign not exceeding one square foot in area, not exceeding four feet in height, and not illuminated.

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

*Mural* means a picture on an exterior surface of a structure.

*Neon sign* means a sign containing exposed tubes filled with light-emitting gas.

*Nonconforming sign* means any sign which was lawfully erected in compliance with applicable regulations of Town of Bowling Green and maintained prior to the adoption of this article and which fails to conform to current standards and restrictions of this article.

*Off-premises sign* means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

*Pole sign* means a sign that is mounted on one or more freestanding poles.

*Portable sign* means any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

*Projecting sign* means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

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

*Sign* means any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or character) visible to and designed to communicate information to persons in a public area.

*Sign face* means the portion of a sign structure bearing the message.

*Sign structure* means any structure bearing a sign face.

*Sign alteration* means 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 a sign alteration.

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

*Temporary sign* means any sign intended to be displayed for a limited period and a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

*Vehicle or trailer sign* means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

*Wall Sign* means any sign attached to a wall or painted on or against a flat vertical surface of a structure.

*Window sign* means a 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.

**Sec. XX-XXX. Permit required.**

(a) In general. A sign permit is required prior to the display and erection of any sign, except as provided in section \_\_\_ of this article.

(b) Application for permit.

(1) An application for a sign permit shall be filed with the Zoning Administrator or designee on forms furnished by the town. The applicant shall provide sufficient information for the town to determine if the proposed sign is permitted by this article and any other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.

(2) The Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within twenty business days after receipt. Any application that complies with all provisions of this article, the building code, and other applicable laws, regulations, and ordinances shall be approved.

(3) If the application is rejected, the town shall identify the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of this article, building code, or other applicable law, regulation, or ordinance.

(c) Permit fee. A nonrefundable fee of \$\_\_\_\_\_ shall accompany all sign permit applications.

(d) Duration and revocation of permit. If a sign is not installed within six months following the issuance of a sign permit (or within thirty days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed thirty days, unless another time is provided in the zoning ordinance. The town may revoke a sign permit under any of the following circumstances:

(1) The town determines that information in the application was materially false or misleading;

(2) The sign as installed does not conform to the sign permit application; or

(3) The sign violates this article, building code, or other applicable law, regulation, or ordinance.

(e) Special exceptions:

(1) Comprehensive sign plans may be approved by special use permit in \_\_\_ districts. Comprehensive sign plans may be approved by special use permit in the \_\_\_ districts for uses allowed by special use permit. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a

site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

(2) Billboards ????

(3) Murals (over a certain size?)

**Sec. XX-XXX. Permit not required.**

A sign permit is not required for:

(1) Signs erected by a governmental body or required by law.

(2) Flags up to 16 square feet in size not containing any commercial advertising; 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.

(3) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with section \_\_\_\_\_.

(4) Temporary signs as follows:

a. One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active.

b. On any property for sale or rent, not more than one sign with a total area of up to twelve square feet and a maximum height of six feet when the sign abuts a road with a speed limit of twenty-five miles per hour or less, and when the sign abuts a road with a speed limit greater than twenty-five miles per hour not more than one sign with a total area of up to thirty two square feet and a maximum height of eight feet.

[OR]

b. On any property for sale or rent in \_\_\_\_ zoning districts, not more than one sign with a total area of up to twelve square feet and a maximum height of six feet, and on any property for sale or rent in \_\_\_ zoning districts, not more than one sign with a total area of up to thirty two square feet and a maximum height of eight feet.

c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided that all such signs shall be removed within ten (10) days after their purpose has been accomplished.

d. On residential property, one or more temporary signs with a total area of no more than twelve square feet, and which are removed within ninety days after being erected.

e. On residential property, window signs, provided that the total extent of window signs do not obstruct more than twenty-five percent of the total area of all windows on each building façade.

(5) Not more than two minor signs per parcel. Additional minor signs are permitted in certain zoning districts with a permit.

(6) A-frame signs more than fifty feet from the nearest public right of way.

(7) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.

(8) A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent of the total area of the window or door.

**Sec. XX-XXX. Prohibited signs.**

The following signs are prohibited:

(a) General prohibitions.

(1) Signs that violate any law of the Commonwealth relating to outdoor advertising.

(2) Signs attached to natural vegetation.

(3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized city official as a nuisance.

(4) Vehicle or trailer signs.

(5) Freestanding signs more than twenty-five feet in height.

(6) Signs hanging from supports, except against the face of a building.

(7) Any sign displayed without complying with all applicable regulations of this article.

(8) Any sign that is not expressly permitted by this article.

(b) Prohibitions based on materials.

(1) Signs painted directly on a building, except where expressly permitted by this article.

(2) Animated signs where the message content does not change more often than once every seven seconds.

(3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.

(4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any

building, except for temporary decorations not to exceed a total of three months per calendar year.

(5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

(6) Signs that emit sound.

(7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.

(8) Strings of flags visible from, and within fifty feet of, any public right-of-way.

(9) Pole signs less than six feet in height.

(c) Prohibitions based on location.

(1) Off-premises signs, unless specifically permitted by this article.

(2) Signs erected on public land other than those approved by an authorized town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310(E). Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

(3) Signs on the roof surface or extending above the roofline of a building or its parapet wall.

(4) Neon signs, except in windows.

(5) Any sign located in the vision triangle formed by any two intersecting streets, as regulated by the provisions of section \_\_\_\_\_.

(6) Window signs whose aggregate area on a window or door exceeds twenty-five percent of the total area of the window or door.

**Sec. XX-XXX. Measurements of sign area and height.**

(a) Supports, uprights or structure 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.

(b) 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.

(c) Sign area.

- (1) Sign area is calculated under the following principles:
  - a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.
  - b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.
  - c. For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.
- (2) The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area are designed in such a manner as to form an integral background of the display.
- (d) Maximum height. The maximum height for any sign shall be twenty-five feet unless otherwise specified within this article.

**Sec. XX-XXX. Maintenance and removal.**

- (a) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
- (b) All signs and components 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 his 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.
- (d) The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within sixty days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.
- (e) Sign condition, safety hazard, nuisance abatement, and abandonment.
  - (1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within thirty days of a written notice to the owner and permit holder.



(2) Any sign which constitutes a nuisance may be abated by the town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

**Sec. XX-XXX. General requirements.**

(a) Placement. Except as otherwise permitted, all freestanding signs shall be set back from any street right-of-way at least half the height of the sign.

(b) Illumination. All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.

(1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, shingle signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this article. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

(2) Internal illumination shall be limited to the illumination standards for parking lot lighting in \_\_\_\_\_. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into oncoming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.

(c) Changeable copy or electronic signs and 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 one-hundred feet from any 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 one-hundred and fifty feet of a residentially-used lot in a residential district, 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 four seconds and must be a static display;

b. Any portion of the electronic graphic display sign image must have a minimum duration of twenty 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.

(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 eighty-five percent by day and fifty percent at night;

(8) All electronic message signs must be turned off at the close of business;

(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 a changeable copy or electronic sign.

(d) Landscaping. All non-temporary ground-mounted or monument signs shall be installed with a minimum surround of three feet of regularly maintained floral and shrubbery landscaping in every direction.

**Sec. XX-XXX. Nonconforming signs.**

(a) Signs lawfully existing on the effective date of this article or prior ordinances, which do not conform to the provisions of this article, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. 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 compliance with the current ordinance.

(b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.

(c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be 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.

(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 in all respects to the provisions of this article.

(e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty percent of its area may be restored within two 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 percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

(f) A nonconforming sign which is changed to becoming conforming or is 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.

(g) A nonconforming sign structure shall be subject to the removal provisions of section \_\_\_\_\_. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

**Sec. XX-XXX. Non-commercial signs.**

(a) Substitution. Wherever this article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

(b) Off-site Signs for Noncommercial Use of Limited Duration. With a permit, a noncommercial use may erect up to three off-site signs on properties in zoning districts \_\_\_\_ with the consent of the persons in charge of such properties. Each sign shall be no more than sixteen square feet in area and eight feet in height. The area of the sign counts against the maximum sign area permitted on that lot. No more than one permitted temporary sign may be displayed per lot. Display of signs shall be limited to thirty days at a time. Each organization shall be limited to the display of such signs no more than four times within any calendar year.

**Sec. XX-XXX. Sign regulations by use and district.**

(a) Residential district signs: A-1, PUD, R-1, R-2, R-3

Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags	Temporary	Permanent
Size (each/total)	16 s.f./no limit	16 s.f./16 s.f.	3 s.f./3 s.f.
Illumination	As required by law	None	Indirect
Setback	Height of flagpole	None	None
Maximum Height	25 ft.	4 ft.	4 ft.
Location	Flag pole ≤ 8" diameter	Freestanding, portable, wall, or window	Wall or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited

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Comment [MC1]: Signs on property for sale, or where a building permit is active, are in addition to these temporary signs. See §§ 4(4)a. and b.

(b) Except as provided otherwise in this article, the following signs are permitted as accessory to non-residential uses in residential districts. Moving signs are prohibited as accessory uses for non-residential uses in all residential districts.

TYPE	Flags	Temporary signs	Changeable Message signs	Other permanent signs
Size (each/total)				
Illumination				
Setback				
Maximum Height				
Materials				
Duration				

(c) Business/commercial district signs: B-1, B-2, M-1

Except as provided otherwise in this article, the following signs are permitted as accessory uses in business/commercial districts. In addition, up to one minor sign per business is permitted as a wall sign.

TYPE	Freestanding	Wall	Flags	Temporary signs
Size (each/total)				
Maximum Number				
Illumination				
Setback				
Maximum Height				
Materials				
Duration				

(1) Window signs. Window signs are permitted up to twenty-five percent of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building, unless the business advertised is only on the floor where the window sign is displayed.

(2) Off-Site Signs for Commercial Use of Limited Duration. Up to three off-site signs, each not to exceed six square feet and seven feet in height, shall be permitted for a commercial use lasting for three or fewer days on property zoned \_\_\_\_\_. No more than one permitted temporary sign shall be displayed per lot. Display of signs shall be limited to forty-eight hours prior to commencement, and forty-eight hours after cessation, of the use or activity advertised.

(d) **Industrial district signs:** Except as provided otherwise in this article, the following signs are permitted as accessory uses in industrial districts. In addition, up to one minor sign per business is permitted as a wall sign.

TYPE	Freestanding	Wall	Flags	Temporary signs
Size (each/total)				
Maximum Number				
Illumination				
Setback				
Maximum Height				
Materials				
Duration				

Window signs are permitted up to twenty-five percent of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.