

SIGN REGULATION HISTORY

- Sign regulation was included in the first Zoning Ordinance adopted in Albemarle County in **1969**. (Commercial flags (moving signs) and bare or uncovered neon illumination was prohibited at this time. Window signs and advertising vehicles were not addressed.)
- In 1973, the Board appointed an “Albemarle County Sign Advisory Commission.” This group made several recommendations, particularly related to nonconforming signs. There is no record of how their recommendations were implemented.
- The Scenic Highway overlay district was adopted in the Zoning Ordinance in **1976**. This district imposed design review and increased setbacks, decreased size and decreased numbers of signs along a scenic highway.
- These sign regulations were incorporated into the current Zoning Ordinance, adopted on December 10, 1980.
- The Entrance Corridor Overlay district (with architectural review) was added on **October 3, 1990**. Architectural review of signs began at this time.
- The sign regulations were comprehensively revised and adopted on **July 8, 1992**. Among the revisions with this regulation were decreases to the size, height, number and setback of freestanding signs. In addition, a special permit was required for offsite signs and old, nonconforming signs were given an incentive to come into further compliance by allowing changes to the signs. (The neon prohibition and prohibition against moving signs continued. Advertising vehicles were addressed at this time, generally the way they are now addressed. Window advertisement was addressed with advisory language limiting excessive advertisement within the Entrance Corridor.) Before the new ordinance was adopted, several actions were taken to solicit community input. These actions included eight (8) public meetings as follows:
 - On August 7, 1991, we sent out 250 surveys to design professionals asking their opinions on 13 physical issues dealing with signs, such as height, size, setbacks, etc. The group which was surveyed included all locally listed advertising consultants, sign contractors, the Southern Environmental Law Center and design faculty at UVA.
 - On August 7, 1991, we held a public work session (roundtable) to consider issues from the public.
 - On September 17, 1991, we held a work session with the Planning Commission.
 - On October 14, 1991, we held a work session with the Architectural Review Board.
 - On October 22, 1991, we met again with the Commission regarding draft ordinance language.
 - On December 3, 1991, we held another Commission work session.
 - On December 18, 1991 and again on January 6, 1992, we held work sessions with several business leaders. Those in attendance represented Shoney’s Colonial Pontiac, Albemarle Square, Fashion Square, Ben Foster’s Sign Company, Blue Ridge Home Builders and Pantops Shopping Center. From this date through April 14, staff met on three occasions with the President of the Chamber of Commerce and Don Wagner to discuss sign issues.
 - On April 14, 1992, the Planning Commission held a public hearing and recommended approval of ZTA 91-09 Sign Ordinance.

- On May 13, 1992, we held a work session with the Board of Supervisors.
- On July 8, 1992, the Board adopted ZTA 91-09.
- Some provisions of the sign regulations were revised and adopted on **May 9, 2001**. Some of the revision was largely housekeeping items such as adding definitions and graphics and raising the height of wall signs to address the recurring variances. In addition, the regulation of political signs was brought more into accordance with case law and temporary sign regulation was standardized. (There was no change in regulation with respect to commercial flags or advertising vehicles. The neon regulation was changed to clarify that neon behind a covering, such as in a channel letter, is permitted. The prohibition of bare and uncovered neon was discussed and it was decided that it should remain. Window sign regulation was changed from advisory language limiting excessive advertisement in the Entrance Corridor to the requirement of a certificate of appropriateness.) Before the new ordinance was adopted, several actions were taken to solicit community input. These actions included eight (8) public meetings as follows:
 - On September 25, 1997, we held a work session with the Commission.
 - On October 7, 1997, we held a work session with the Commission.
 - On June 5, 2000, we held a work session with the Architectural Review Board.
 - On October 5, 2000, we held a roundtable with sign contractors and business owners.
 - On November 7, 2000, we held a work session with the Commission.
 - On February 5, 2001, we held a work session with the Architectural Review Board.
 - On April 10, 2001, the Planning Commission held a public hearing and recommended approval of ZTA 2001-01 Sign Ordinance.
 - On May 9, 2001, the Board held a public hearing and adopted ZTA 2001-01.

FOCUSED SIGN ORDINANCE TOPICS

Existing Albemarle County Regulations

1. COMMERCIAL FLAGS AS SIGNS

Current ordinance language prohibits commercial flags as signs.

4.15.7 PROHIBITED SIGNS AND SIGN CHARACTERISTICS

Notwithstanding any other provision of this section 4.15, the following signs and sign characteristics are prohibited in all zoning districts

- c. Certain sign types. Signs that are:*
 - 6. Moving signs*

Discussion Questions:

1. Should commercial flags be prohibited?
2. If commercial flags are permitted, should they be regulated (in number, size, location, etc.)?
3. If they should be permitted and regulated, how should they be regulated (count flag area towards allowable sign area or allow a certain exemption of sign area for a certain number and size of commercial flags)?

2. ADVERTISING VEHICLES

A sign on an inoperative vehicle or on a vehicle which is not used in the activities of the business are currently prohibited. Current ordinance language:

{Section 4.15.2 Definitions} (1) Advertising vehicle. The term “advertising vehicle” means a type of portable sign that is either: (i) a motor vehicle, trailer or semi-trailer that is inoperative within the meaning of Virginia Code § 46.2-100; or (ii) a motor vehicle, trailer or semi-trailer that is not used for transportation in the daily non-advertising activities of the business at which it is parked, and is parked in the public view for the purpose of attracting attention. Advertising vehicles include any temporary or permanent signs resting on or attached to vehicles.

4.15.8 PROHIBITED SIGNS AND SIGN CHARACTERISTICS

Notwithstanding any other provision of this section 4.15, the following signs and sign characteristics are prohibited in all zoning districts

- c. Certain sign types. Signs that are:*
 - 2. Advertising vehicles.*

Discussion Questions:

1. Should advertising vehicles be prohibited?
2. If they are permitted, should they be regulated at all?
3. If they are permitted and should be regulated, how should they be regulated (i.e., allowed if not permanently parked in one location or limited in number or location for advertising vehicles)?

3. NEON

Bare or uncovered neon is currently prohibited. Current ordinance language:

4.15.9 PROHIBITED SIGNS AND SIGN CHARACTERISTICS

Notwithstanding any other provision of this section 4.15, the following signs and sign characteristics are prohibited in all zoning districts

6. Sign with neon illumination. *A sign that uses exposed, bare, or uncovered neon illumination, or uses neon illumination covered by a transparent material, including such signs installed within a building or structure within the entrance corridor overlay district and visible from an entrance corridor*

Discussion Questions:

1. Should neon be prohibited?
2. If neon is permitted, should moving or flashing neon lights be restricted or prohibited?
3. Should neon on the interior of a window be regulated in the same manner as other window signs?

4. WINDOW ADVERTISEMENT

In the current regulations, permanent signs on the interior of the window do not require a sign permit but do require ARB approval in an entrance corridor. Temporary signs on the exterior of the window require a sign permit but do not require ARB approval.

	Window Signs	Temporary Signs	Permanent Signs
Zoning Regulation	Only directly regulate signs on the exterior of the window (<i>We do enforce in the case of an ARB certificate of appropriateness violation of interior window signs</i>)	Subject to sign permit for temporary sign (4 per year and 15 days per permit)	Only regulate signs on the exterior of the window by permit. They are regulated like all other signs – either as temporary or permanent
ARB	Require a certificate of appropriateness for permanent window signs	Are not regulated by the ARB (specifically decided with last ZTA approved in 5-01)	Require a certificate of appropriateness for permanent window signs. Sign guidelines will address design standards (% coverage, etc.)

Current ordinance language:

4.15.6 SIGNS EXEMPT FROM THE SIGN PERMIT REQUIREMENT

The following signs are exempt from the sign permit requirement set forth in section 4.15.4 provided that they comply with the regulations set forth below and all other applicable regulations of this section 4.15:

(17) Window sign. A window sign.

4.15.15 REGULATIONS APPLICABLE IN THE ENTRANCE CORRIDOR OVERLAY

DISTRICT

a. Certificate of appropriateness required. Prior to the erection of a sign that would be visible from an entrance corridor street, including a sign erected on or visible through a window on a structure, the owner or lessee of the lot on which the sign will be located shall obtain a certificate of appropriateness for that sign.

Discussion Questions:

1. Should window advertisement be prohibited?
2. Should window advertisement be regulated?
3. How should window advertisement be regulated:
 - Under the Zoning Ordinance (size, permit requirement) and in terms of Entrance Corridor Overlay (certificate of appropriateness)?
4. In terms of practical enforcement and administration, should only the area of window coverage be regulated and not the actual signs (permanent and temporary) themselves? For example, window advertisement up to 25% or 50% of the window area may be utilized.

SIGN ORDINANCE RESEARCH

ADVERTISING VEHICLES

VIRGINIA LOCALITIES

11 localities (Fredericksburg City and a few others did not have sufficient info)

Most exempt signs or business logos on a truck, bus or other vehicle while in use in the course of normal business or work. Most ordinances also exempt business information on a commercial vehicle which is not visible from a road. One also exempted overnight parking of vehicles with business information on them.

The majority prohibited signs on vehicles used primarily for advertising a business, product or service (not used in normal business).

Chesterfield Co prohibits signs greater than 48 square inches in area displaying a commercial message on a parked vehicle and that are unrelated to any activity or enterprise of the owner or operator. Also prohibits sign except when such vehicle is parked in the operator's driveway or when parked to the side or rear of a commercial bldg and is not visible from adjacent public rds or is loading or unloading.

Henrico Co defines prohibited sign on stationary vehicle, including parking the vehicle for a period of more than 24 hours in such a manner that it is visible from a rd.

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10 localities.

Most have similar exemptions. The majority also prohibited these signs that did not meet the exemptions.

Hilton Head also prohibits a sign towed behind a vehicle.

Coral Gables, FL has an extensive list of exemptions to the prohibited vehicle signs.

NEON

VIRGINIA LOCALITIES

3 localities.

Did not appear to be prohibited in signs. However, neon and other lighting which outlines any building or part thereof, is prohibited.

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4 localities.

Of these, neon or neon-lighted signs were prohibited.

Colts Neck, NJ allows neon indoor signs that are not plainly visible from outside the building.

COMMERCIAL FLAGS

VIRGINIA LOCALITIES

13 localities.

Most distinguished governmental or symbolic flags from flags with a commercial purpose which were considered signs.

Chesterfield Co states that a commercial flag is allowed but is limited to the same size requirements as freestanding signs. The size of any freestanding sign allowed on a site shall be reduced by the total square footage of all commercial flags displayed on the site. Commercial flags must not exceed a height of 40 feet. Each flag other than a building mounted flag must be individually attached to a pole which does not exceed 40 feet in height.

Fairfax Co allows any commercial or industrial use on a parcel of 2 acres or more to display its corporate emblem in the form of a flag, provided: 1) there is no more than one flag per parcel and b) the area of the corporate emblem shall be deducted from the permitted building-mounted sign.

Hanover Co allows corporate flags to only display the name and logotype, or an acronym and logotype of a company. Mottoes, slogans and other copy are not permitted. Corporate flags shall only be flown simultaneously with the flag of the U.S. There are restrictions relative to the U.S. flag as well as displays after dark. Decorative flags displayed on residences are exempt.

Henrico Co allows one corporate flag without a permit, when displayed in a grouping with any governmental flag.

City of Manassas addresses seasonal banners and hospitality flags.

City of Norfolk also allows an exemption for one corporate flag of 24 square feet maximum per business location and displayed on a flagpole.

Prince William Co allows corporate flags limited to one each per lot and not larger than 6 feet by 10 feet. The maximum flag dimension proportional to the pole height is specified.

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12 localities.

Blowing Rock, NC, Princeton Township, NJ and San Bernardino, CA prohibit flags with a commercial message. Saugatuck, Michigan allows commercial flags only for temporary signs.

Several localities, including Hilton Head, allow commercial flags under the sign regulations.

Sandy City, UT allows corporation flags flown in tandem with State or National flag, that do not exceed 12 square feet.

Oshtemo Charter Township, Michigan allows up to 3 commercial flags per lot, building site or parcel. For sites with public street frontage in excess of 200 ft, 3 additional flags are permitted for every additional 200 feet of continuous public street frontage. Flagpole height may not exceed 30 ft.

Guilford Co, NC allows corporate flags at a maximum of 1 per lot frontage, 60 sq. ft size and 40 ft height.

Cary, NC allows commercial flags but limits the number of flagpoles (3) and flags per pole (1) as well as the distance to the rod or main bldg entrance.

Coral Gables, FL allows commercial flags provided they do not exceed 15 sq. ft in size and a maximum of all signs not to exceed 45 sq. ft.

WINDOW SIGNS

VIRGINIA LOCALITIES

8 localities.

City of Alexandria excludes displays of objects sold from window sign regulation. They allow window signs “visible from the outdoors through any window in a building” that a) do not exceed 20 percent of the area of the window and b) the total area of window signs counts towards the total sign area allowed on the site.

Arlington Co regulates temporary or permanent signs “which can be read from the outside” by limiting them to 20% of the area of the window.

Chesterfield Co includes signs attached to doors as well as windows, “that are legible from outside of the building.” They shall not exceed an area greater than 15 sq. ft or 25% of the total window and door area located on any one face of the building, whichever is less. Further, signs shall be located in the top half of the window.

City of Falls Church excludes from regulation, pictures, posters, prices, promotional statements, etc. designed and intended to be viewed by pedestrians standing in front of the show window. A regulated window sign is a permanent or temporary sign which can be read from a public street or parking lot, placed on the outside of within 2 ft of the inside of a window. Exempt window signs are those that the area affixed to any one pane of glass shall not exceed 25% of the area of transparent glass on that pane. The

total area of such signs shall not exceed 50% of the maximum permitted wall sign area for that business. Permanent signs in commercial districts shall not exceed 25% of the total area of the windowpane or 10 sq. ft on any street frontage. A single sign shall be permitted to extend over more than 1 pane of glass.

City of Fredericksburg allows window signs for offsite businesses or services without counting them against the allowed signage.

Hanover Co counts illuminated signs inside and within 5 ft of show windows limited to 10% of the glass area of the window and these count in the computation of sign area. Leesburg allows temporary window signs covering no more than 25% of the window area, not displayed above the first floor, for a period of not more than 4 weeks, without a sign permit.

Norfolk allows temporary window signs in commercial districts, on the ground floor only. They are not charged against the business's total sign allocation but they cannot cover more than 30% of the window and glass door area.

OUTSIDE OF VIRGINIA

12 localities.

Blowing Rock, NC clarifies that a sign that rests against a window, the is separated from the window by a bumper pad or that is hung within 2 inches of the window, shall be considered a window sign. The sign must be in proportion to the window size. Window signs shall not exceed 12 square feet nor fill up more than 20% of the window area. Max letter height is 8 inches. The Architectural Review Commission must approve lettering colors. In addition, temporary interior window signs which do not cover more than 25% of the window and are removed within 15 days, are allowed.

Colts Neck, NJ allows neon, illuminated or flashing signs within a building, only if they are not plainly visible outside the structure to the general public when 100 ft or more away.

Princeton Township, NJ allows as exempt signs not requiring a permit, temporary window signs. They may not exceed 4 sq. ft or 15% of the window area of each façade, whichever is greater. For windows which are more than 25 ft from the public right-of-way, such signs shall not exceed 25% of such window area.

Oro Valley, AZ limits the number of window display areas. The window sign area is limited to a maximum of 3 sq. ft to display the name and hours of the business. It may not be placed more than half the distance of the overall height of the window area from grade. No window sign shall be illuminated except for an "open/closed" sign. The sign band may contain the business corporate colors and shall only consist of an identifying logo or the name of the business.

Edmond, OK allows temporary and permanent window signs. Permanent window signs are allowed with illumination, not to exceed 35% of the window surface, not to exceed 25% of the max sign area allowable, not to exceed 9 sq. ft in total surface area when placed above ground floor and no signs may be placed in windows above the second floor level. Temporary window signs are allowed with no illumination, up to 50% of the total window area at street floor level, not above the first floor and for no longer than 7 days.

San Bernardino, CA allows permanent window signs up to 1 per window, up to 25% of the glass area, counting towards the maximum allowable wall sign area.

Sedona, AZ allows temporary and permanent window signs. Temporary window signs for up to 20 days per quarter, not to exceed 3 sq. ft, not more than 1 per window or 2 per business are allowed. Signs solely displaying product names, logos, business names or the ongoing nature of the business and products are exempt. Permanent window signs shall be considered as a wall-mounted sign. The window sign area under 10% does not count against the max sign area, but over 10% does.

Sandy City, UT allows temporary or permanent window signs that do not cover more than 25% of any single window or 25% of the surface of a group of windows.

City of Montezuma, GA includes standards for how to count window area. An interior sign located within 3 ft of the window is considered a window sign. They shall not exceed 20% of the total area of the window, shall not be more than 2 ft in height. Multiple signs shall be grouped together and shall not exceed 20% of the window area. No window signs are permitted above the first floor of any building, unless the business only occupies space above the first floor. One credit card sign is permitted and shall not constitute part of the 20% permitted window coverage.

Cary, NC allows window signs provided they do not cover more than 25% of each window section and are not separately illuminated.

Coral Gables, FL allows temporary signs without a permit or ARB review, at nor more than 2 signs per business and not to exceed 250 sq. inches in size. Going out of business window signs are addressed separately. Permanent signs area subject to ARB. Bona fide price tags affixed to merchandise are excluded.

**FOCUSED SIGN COMMITTEE
SUMMARY OF COMMITTEE INPUT**

2-10-04

COMMERCIAL FLAGS

- A maximum of 3 flagpoles with a maximum of 3 flags (of any type, governmental, commercial or otherwise) per pole per lot.
- The maximum flag size is determined by the height of the flagpole.

Flag Pole Height in Feet	Maximum Flag Size in Square Feet
Up to 25	24
30	40
35	47.5
40	60

- Any flag containing commercial speech may not be larger than the largest governmental flag.
- Commercial flags will not be permitted on lightposts and buildings. Decorative banners or flags will be allowed on lightposts.
 - ◆ Minority opinion (2 members): Either keep the regulations as they are and prohibit commercial flags or limit to 1 commercial flag per lot.
 - ◆ Minority opinion (1 member): Commercial flags should count against the total sign area allowed per business.

ADVERTISING VEHICLE

- A sign on a vehicle is PERMITTED IF: a) the vehicle is parked in a parking space which serves the advertised business, OR b) the vehicle is used in the transportation of the business.
- A sign on a vehicle is NOT PERMITTED IF: a) the vehicle is parked so as to be visible from public roads in a space which does not serve the advertised business, OR b) the vehicle the sign is on, is inoperative, OR c) the vehicle or trailer is not capable of being moved on its own (for example: because it is not self-propelled), OR d) the sign on the vehicle is a modification of the manufacturer's profile.
- The size of a sign does not determine whether the advertising vehicle is permitted or prohibited. The regulation is determined by other things, such as whether the sign is visible from a road.

NEON

- Bare or uncovered neon is permitted, provided: a) it meets some (as of yet undetermined) standard for maximum brightness, b) it does not create the effect of animation or movement and c) it does not outline any structure, sign, window, or part thereof (as is restricted for other forms of light).
 - ◆ The brightness (lumens) testing would apply to bare neon and not to covered neon.

- Minority opinion (1 member): Firmly opposed to any bare neon, in any application, anywhere. It is not needed and there are many other methods of signage available. Allowing bare neon will be inconsistent with the ARB guidelines which will not allow it, and will therefore only allow bare neon in the rural or secondary commercial areas.

WINDOW SIGNAGE

- Temporary window signage will continue to be regulated as it currently is. No ARB approval is required, but Zoning approval is required and permits a limited number of signs per year, for a limited number of days. Signs which do not meet the temporary window signage limitations must be approved as permanent window signs.
- The display of goods in a window shall not be considered a window sign. A window sign is affixed to either the interior or exterior of the window or door.
- Permanent window signs do not require a permit from Zoning but do require ARB approval as applicable.
- Window signage cannot cumulatively exceed 25% of the total window and door area on the first floor. Window signage on any given window cannot exceed 25% of the area of that window. Window signs may be placed on any floor.
- Provision is made for a process to consider a waiver or modification of the 25% coverage for window signs.
 - ◆ Minority opinion (1 member): The discrepancy between a window sign and wall sign is problematic to controlling any sign. Any permanent sign should be sized such as the suggested 9 square feet as has been decided by the ARB. Temporary signs should be restricted to 25% of the glazed area. Windows as voids or transparence are integral aspects of the building's façade and its appearance and should be allowed to act as such.

COUNTY OF ALBEMARLE



MEMORANDUM

TO: Focused Sign Committee

FROM: Greg Kamptner, Assistant County Attorney

DATE: February 11, 2004

RE: *Revisions recommended by the Committee*

This memorandum contains the final revisions recommended by the majority of the Committee present at the Committee's final meeting on November 11, 2003.

Advertising vehicles

Sec. 4.15.2 Definitions

The following definitions shall apply in the interpretation and implementation of this section 4.15:

(1) *Advertising vehicle sign*. The term "advertising vehicle sign" means a ~~type of portable sign that is either: (i) a motor vehicle, trailer or semi-trailer that is inoperative within the meaning of Virginia Code § 46.2-100; or (ii) a motor vehicle, trailer or semi-trailer that is not used for transportation in the daily non-advertising activities of the business at which it is parked, and~~ permanent or temporary sign affixed, painted on or placed upon any motor vehicle, trailer or semi trailer (collectively, "vehicle"), including a sign that alters the vehicle's manufacturer's profile. ~~is parked in the public view for the purpose of attracting attention. Advertising vehicles include any temporary or permanent signs resting on or attached to vehicles.~~

(39) *Portable sign*. The term "portable sign" means a temporary sign that is not permanently affixed to the ground or to a permanent structure, or a sign that can be moved to another location including, but not limited to, a sign erected on a trailer, a sign with attached wheels, or a sign consisting of A-shaped or T-shaped frames, ~~or an advertising vehicle.~~ See Figure I following this section.

Sec. 4.15.6 Signs exempt from the sign permit requirement

The following signs are exempt from the sign permit requirement set forth in section 4.15.4 provided that they comply with the regulations set forth below and all other applicable regulations of this section 4.15:

(20) *Advertising vehicle sign.* An advertising vehicle sign in which none of the conditions delineated in section 4.15.7(c)(2) exist that located on a vehicle: (i) used as transportation for the business; or (ii) parked in an approved parking space or parking area that serves the advertised business.

Sec. 4.15.7 Prohibited signs and sign characteristics

Notwithstanding any other provision of this section 4.15, the following signs and sign

characteristics are prohibited in all zoning districts:

c. *Certain sign types.* Signs that are:

2. Advertising vehicles signs, where the: (i) the vehicle is parked so as to be visible from a public right-of-way in a parking space or parking area that does not serve the advertised business; (ii) the vehicle on which the sign is located is inoperable; (iii) the vehicle on which the sign is located is incapable of moving on its own or is not self-propelled; or (iv) the advertising vehicle sign modifies the manufacturer's profile of the vehicle.

Commercial flags

Sec. 4.15.2 Definitions

The following definitions shall apply in the interpretation and implementation of this section 4.15:

(22) *Flag.* The term "flag" means a ~~piece of fabric, banner or bunting that contains a distinctive color, design, size, pattern or symbol.~~ sign consisting of a piece of fabric or other flexible material attached to a flag pole and used as a symbol. The flag representing the official symbol of a national, state or local government is not a sign for the purposes of section 4.15.

(47) *Sign*. The term “sign” means any object, device or structure, or any part thereof including the sign face and the sign structure, visible from beyond the boundaries of the lot on which it is located, which exists primarily to advertise, identify, display, or direct or attract attention to a structure, object, person, institution, organization, business, product, service, event, issue or location by any means, including letters, figures, designs, devices, pictures, projected images, symbols, fixtures, colors, logos, emblems, or insignias or any part or combination thereof. ~~An object such as a banner, balloon, three-dimensional figure, pennant, streamer or flag is a sign for purposes of this section 4.15 if it exists for one or more of the purposes identified in this definition. A flag whose design denotes the official symbol of a national, state or local government is not a sign.~~

Sec. 4.15.6 Signs exempt from the sign permit requirement

The following signs are exempt from the sign permit requirement set forth in section 4.15.4 provided that they comply with the regulations set forth below and all other applicable regulations of this section 4.15:

(18) *Commercial flag*. A flag that contains commercial speech, subject to the following: (i) each lot may have up to three flag poles or a single mast array; (ii) not more than three flags may be flown on any single flag pole; (iii) no flag containing commercial speech shall be larger than the largest flag flown on the lot that represents the official symbol of a national, state or local government, and in no event shall any single flag containing commercial speech exceed the following sizes:

Flag Pole Height in Feet	Maximum Flag Square Footage
Up to 25	24
30	40
35	47.5
40	60

(19) *Noncommercial flag*. A flag that contains no commercial speech.

Sec. 4.15.7 Prohibited signs and sign characteristics

Notwithstanding any other provision of this section 4.15, the following signs and sign characteristics are prohibited in all zoning districts:

c. *Certain sign types.* Signs that are:

6. Moving signs, except for flags that meet the requirements of sections 4.15.6(18) or 4.15.6(19).

Neon

Sec. 4.15.2 Definitions

The following definitions shall apply in the interpretation and implementation of this section 4.15:

(42.1) Rare gas illumination: The term “rare gas illumination” means a sign using a rare gas such as neon, argon, helium, xenon or krypton in a glass tube for illumination.

Sec. 4.15.7 Prohibited signs and sign characteristics

Notwithstanding any other provision of this section 4.15, the following signs and sign characteristics are prohibited in all zoning districts:

b. *Signs with characteristics that create a safety hazard or are contrary to the general welfare.* Signs whose construction, design, location or other physical characteristic create a safety hazard or are contrary to the general welfare, as follows:

4. *Lighting that illuminates outline.* Lighting that outlines any structure, window, sign structure, sign or part thereof ~~with neon~~ using rare gas illumination or other light.

~~6. *Sign with neon illumination.* A sign that uses exposed, bare, or uncovered neon illumination, or uses neon illumination covered by a transparent material, including such signs installed within a building or structure within the entrance corridor overlay district and visible from an entrance corridor.~~

c. *Certain sign types.* Signs that are:

1. Animated signs, including signs using rare gas illumination that gives the appearance of animation.

6. Moving signs, including signs using rare gas illumination that gives the appearance of movement.

Sec. 4.15.16 Regulations applicable to certain sign types

In addition to all other regulations set forth in this section 4.15, the following regulations apply to the sign types identified herein:

(i) *Signs using rare gas illumination.* Signs using exposed rare gas illumination shall not emit more than _____ lumens, as determined by the zoning administrator. To determine the lumens emitted, the zoning administrator shall consider information provided by the sign manufacturer and the results from photometric testing.

Sec. 4.15.22 Sign maintenance

Each sign, including the sign structure, shall be maintained at all times in a safe structural condition; and in a neat and clean condition, and shall be kept free from defective or missing parts. If the sign is illuminated, all lighting fixtures and sources of illumination shall be maintained in proper working order.

Window signs

Sec. 4.15.2 Definitions

The following definitions shall apply in the interpretation and implementation of this section 4.15:

(51) *Temporary sign.* The term “temporary sign” means a sign, other than a window sign, that is displayed for only a limited period of time authorized in section 4.15.4(D), that describes or identifies participants in a seasonal, brief or particular event or activity to be or being conducted upon a lot.

(55) *Window sign.* The term “window sign” means a sign affixed to, or visible from the outdoors through, a window in a structure within the entrance corridor overlay district, or visible from an entrance corridor street, but does not include goods which are sold or are available for purchase on the premises a permanent or temporary sign affixed to the interior or exterior of a window or door; provided that the display of goods available for purchase on the premises shall not be considered a window sign.

Sec. 4.15.6 Signs exempt from the sign permit requirement

The following signs are exempt from the sign permit requirement set forth in section 4.15.4 provided that they comply with the regulations set forth below and all other applicable regulations of this section 4.15:

(17) *Window sign.* A permanent window sign, provided that it is affixed to a first floor window or door, does not exceed twenty-five percent (25%) of the total window and door area on the first floor, and the aggregate area of all window signs on the face of the structure on which the window sign will be affixed does not exceed twenty five percent (25%) of the total window and door area on the first floor of that face of the structure; and further provided that if a permanent window sign will be on a structure within the entrance corridor overlay district and the window sign is visible from an

entrance corridor overlay street, that a certificate of appropriateness for the window sign is obtained as provided in section 4.15.15.

Sec. 4.15.7 Prohibited signs and sign characteristics

Notwithstanding any other provision of this section 4.15, the following signs and sign

characteristics are prohibited in all zoning districts:

b. *Signs with characteristics that create a safety hazard or are contrary to the general welfare.* Signs whose construction, design, location or other physical characteristic create a safety hazard or are contrary to the general welfare, as follows:

7. *Sign that obstructs vision.* A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location, shape, illumination or color; and window signs whose aggregate area on the first floor of a single face of a structure exceeds twenty five percent (25%) of the total window and door area on that face of the structure, unless a waiver of the twenty five percent (25%) maximum is approved pursuant to section 4.15.25.

16. *Window sign above the first floor.* A window sign affixed to a window or door above the first floor of the structure.