



MOTION:

DRAFT

SECOND:

Regular Meeting

Ordinance No. 20-__

RE: Amending the Unified Development Ordinance Chapter 72-59, “Signage” and Section 72-84, “Definitions,” to define “temporary signs,” and related terms, and to specify the size, number, place, and manner of display of temporary signs.

ACTION: APPROVED; Ayes:0; Nays: 0

First read: _____ **Second read:** _____

I. Introduction.

Temporary signs on private property constitute a venerable means of communication that is both unique and important. Displaying a sign from one’s own property often carries a message quite distinct from placing the same sign someplace else, or conveying the same text or picture by other means. In the residential context, temporary yard signs are a particularly cheap and convenient form of communication. A special respect for individual liberty in the home has long been part of our culture and our law; that principle has special resonance when the government seeks to constrain a person’s ability to speak there.

While signs are an important form of expression protected by the First Amendment Free Speech Clause, their physical characteristics, including size, height, number, condition, and location can have an effect on the public health, safety, and welfare, which legitimately calls for reasonable regulation. Unlike oral speech, signs take up space and may obstruct views, distract motorists and pedestrians, displace alternative uses for land, and detract from the appearance of the City.

It is widely accepted that governments may regulate the physical characteristics of signs within reasonable bounds and absent censorial purpose. Content-neutral, reasonable time, place, and manner regulations are permitted, so long as they further a substantial governmental interest, are narrowly tailored, and leave open alternative forms of communication.

Therefore, with constitutional principles in the forefront, the City Council proposes to strike an appropriate regulatory balance that preserves ample channels of communication by means of visual display, while still reducing and mitigating public health, safety, and welfare concerns commonly associated with temporary signs.

II. City Code Amendment.

City Code Chapter 72-59, "Signage," is amended as follows:

1. Section 72-59.3, "Exempted signs," Subsection F, "Temporary signs," is amended as follows:

F. Temporary signs:

- 1) *In any Residential (R) and PD-R districts, one or more non-illuminated signs, totaling 16 square feet is permitted. If freestanding, up to 6 square feet of signage may be up to 6 feet in height. The remaining 10 square feet is limited to 4 feet in height. The location of freestanding signs shall comply with §72-59.5(B). The height of building mounted signs shall comply with §72-82.8(H).*
- 2) *In any other district, one non-illuminated sign, up to 20 square feet in area on lots with 100 feet of frontage or less, and up to 32 square feet in area on lots with more than 100 feet of frontage. The height of building mounted signs shall comply with §72-82.8(H). Freestanding signs shall be no more than 8 feet in height or the maximum height permitted for freestanding signs in §72-59.6, whichever is less. The location of freestanding signs shall comply with §72-59.5(B).*
- ~~1) On property with an active building permit: one sign, up to six square feet in area, and up to six feet in height if freestanding, in any R and PD-R districts; or 32 square feet, and eight feet in height if freestanding, in any other district;~~
- ~~2) On property for sale or rent: one sign, up to six square feet in area, and six feet in height if freestanding, in any R and PD-R districts; or 32 square feet in area, and eight feet in height if freestanding, in any other district. ; and~~

- 3) ~~Beginning 60 days before a federal, state, or local primary, general, or special election, and ending 10 days after that election: in addition to any other signs permitted by this article, up to 32 square feet of signage in area, up to eight feet in height.~~

2. City Code section 72-59.4, "Prohibited signs," is amended as follows:

All signs and sign structures that are not specifically exempted or permitted by § 72-59 are prohibited, specifically including:

- A. Signs that violate any provision of United States or Virginia law.
- B. Signs that obstruct a door, fire escape, or building opening intended for light, air or access to a building.
- C. All signs, *including* pennants *strands*, streamers, floating and stationary balloons, strings of flags, sail/feather signs, inflated devices, and signs held by ~~a~~ persons, that are in motion by any means, including fluttering or rotating.
- D. Signs displaying animation, flashing or intermittent lights, or lights changing degrees of intensity, including electronic variable message signs except as otherwise permitted in § 72-59.5, Design standards.
- E. Signs that obscure a governmental sign, and signs likely to be mistaken for governmental signs.
- F. Signs that are likely to cause a pedestrian or vehicular traffic hazard.
- ~~G. Temporary signs, except as specifically permitted by § 72-59.8, Banners.~~
- ~~H.G.~~ Signs that are structurally unsafe *or in poor, physically deteriorated condition.*
- ~~I. H.~~ Portable signs.

- J. I. Signs that emit smoke, flame, scent, mist aerosol, liquid, gas, or sound (other than a customer/business employee intercom).
- ~~K. J.~~ Any sign displayed on a ~~stationary or moving~~ motor vehicle or trailer when the vehicle or trailer is used primarily for the purpose of and serving the function of a portable sign, except when the vehicle or trailer is ~~not loading or unloading or parked in an area that is not~~ adjacent to a public road ~~or is loading or unloading~~.
- ~~L. K.~~ Signs representing or depicting specified sexual activities, specified anatomical areas, or sexually oriented goods, and signs containing obscene text or pictures as defined by the Code of Virginia.
- ~~M. L.~~ Off-premises advertising signs, except as specifically permitted by § 72-59 or another section of the City Code.
- ~~N. M.~~ Roof signs.
- ~~O. N.~~ Signs erected on public property, including rights-of-way, other than those approved by an authorized City official in writing, required by law, or permitted under Code of Virginia, § 24.2-310. These signs may be immediately removed and disposed of by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
- ~~P. O.~~ Any sign or illumination that causes any direct glare into or onto any building other than the building to which the sign is located.
- ~~Q. P.~~ Any sign, except official notices *required by federal, state, or local law*, which is nailed, tacked, posted or in any other manner attached to any pipe or utility pole, whether on public or private property of any description, or to any natural vegetation.
- ~~R.~~ ~~Any sign which extends above the zoning district height limits.~~
- ~~S. Q.~~ Any exterior permanent lighting either by exposed tubing or strings of lights, either outlining any part of a building or affixed to any architectural feature thereof.

3. City Code section 72-84, "Definitions," is amended as follows:

SIGN, FREESTANDING

A sign supported by upright structural members, braces, or ground anchorage and not attached to a building.

SIGN, PENNANT STRAND

A grouping or arrangement of triangular or irregular pieces of fabric or other material, whether or not containing a message of any kind, attached in strings or strands, and displayed in a manner that allows the pieces to flap in the wind.

SIGN, PORTABLE

~~A sign not permanently attached to the ground or a building, including any sign attached to a vehicle for advertising purposes when the vehicle is so parked as to attract the attention of the public.~~
designed to be transported, including, but not limited to signs designed to be transported by means of wheels and signs made as A-frames or T-frames.

SIGN, PUBLIC ART

Items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm.

SIGN, ROOF

Any sign that extends above:

- A. The mean height level between the eaves and ridge of a building with a gable, hip, cone, gambrel, or shed roof; or
- B. The highest point of the roof surface or parapet of a building with a flat roof; or
- C. The highest point of the deck line of a building with a mansard roof.

SIGN, SAIL/FEATHER FLAGS

Sail sign, also called a "feather flag," is a type of banner typically constructed out of cloth, varying in size, shape, and color, that is attached to a staff or cord for the length of its vertical edge.

SIGN, TEMPORARY

A poster or sheet constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials, designed to be displayed for a limited period of time, rather than permanently attached to the ground or a structure. Signs attached by rope, tape, paste, and similar mechanisms that are not rigidly attached to a supporting structure, or attached to stakes, metal frames, or similar supports that are pushed hammered, or similarly placed into the ground are presumed to be temporary signs.

SIGN, VARIABLE MESSAGE

Any sign when the character or appearance of any element of the sign's face changes by any mechanical, electrical, electronic, or other device.

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20- duly adopted at a meeting of the City Council meeting held Date, 2020 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council