



MOTION:

SECOND:

Date
Regular Meeting
Ordinance No. 17-__

RE: **REPEALING AND REPLACING THE SIGN PROVISIONS OF THE
UNIFIED DEVELOPMENT ORDINANCE**

ACTION: **APPROVED; Ayes: 0; Nays: 0**

IT IS HEREBY ORDAINED by the Fredericksburg City Council that Chapter 72 of the City Code is amended as follows:

SEC. I. City Code Amendment.

Article 72-59: Signage of City Code is hereby repealed and replaced with the following:

Article 72-5: Development Standards:

Section 72-59: Signage:

72-59.1 Purpose and applicability.

72-59.2 General regulations.

72-59.3 Exempted signs.

72-59.4 Prohibited signs.

72-59.6 Design standards.

72-59.7 Sign regulations by type – building-mounted and freestanding.

72-59.8 Planned development districts.

72-59.9 Overlay districts.

72-59.10 Temporary signs.

72-59.11 Visibility from interstate and federal aid highways.

72-59.1 Purpose and applicability.

The purpose and intent of this section is to establish reasonable regulations on the size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, and removal of signs and the structures to which they are affixed. The section applies to signs that are visible from the public rights-of-way and those visible across property boundaries. These regulations are intended to protect public health and safety, safeguard the public nature and uses of the rights-of-way, preserve the scenic and natural beauty of the City, and foster a community image that promotes economic growth, all within the bounds of the United States Constitution.

72-59.2 General regulations.

A. All signs shall comply with all provisions of this chapter, all applicable provisions of the Building Code, and all state and federal laws and regulations pertaining to the display of signage.

- B. No sign, unless exempted by section 72-59.3, shall be erected, constructed, posted, painted, altered, or relocated, 1) except as provided in this section and 2) until a sign permit has been issued.
- C. Before a sign permit is issued, an application for a certificate of zoning use and a certificate of appropriateness, as well as any building or electrical permits required by the City, if applicable, must be approved.
- D. A sign permit is void if any sign for which the permit was issued is not installed in accordance with the permit, and all fees paid, within 6 months of the date the permit was issued, unless the Zoning Administrator, within her sole discretion, grants a permit extension. The City may revoke a sign permit if:
 - (1) The City determines that the 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 the zoning ordinance, building code, or other law or regulation.
- E. The owner of any sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until a use or business has resumed operating on the property.

72-59.3 Exempted signs.

The signs listed in this section are allowed without a sign permit. However, any general requirements for a certificate of zoning use, certificate of appropriateness, building permit, or electrical permit still applies. All prohibitions in section 72-59.4 still apply. All regulations applicable to particular zoning districts still apply.

- A. Signs of a duly-constituted governmental body.
- B. Up to 4 square feet of building-mounted signage within 6 feet of any building entrance. This signage shall not be illuminated in R and PD-R districts.
- C. Flags that do not advertise a commercial or industrial product, service, or business.
- D. Address numbers signs that are not larger than 1 square foot in R and PD-R districts; and not larger than 2 square feet in all other districts.
- E. Seasonal displays and decorations that do not advertise a commercial or industrial product, service, or business.
- F. Temporary signs:
 - (1) On property with an active building permit: One sign, up to 6 square feet in area, and up to 6 feet in height if freestanding, in any R and PD-R districts; or 32 square feet, and 8 feet in height if freestanding, in any other district.
 - (2) On a property for sale or rent: One sign, up to 6 square feet in area, and 6 feet in height if freestanding, in any R and PD-R districts; or 32 square feet in area, and 8 feet in height if freestanding, in any other district.
 - (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 8 feet in height.
- G. Within parking lots, permanent ground or building-mounted signs of up to 2 square feet that do not advertise a commercial or industrial product, service, or business.
- H. Normal maintenance and repair of a conforming sign.

- I. Change of advertised copy on a variable message board sign or marquee designed and approved for replaceable copy.
- J. Public art.
- K. Signs that are illegible because their physical attributes do not allow for the differentiation of words, letters, figures, designs, symbols, or logos by an observer with 20/20 vision located in the public right of way, on public property, or across a property boundary.
- L. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.
- M. Any sign within a building, if the sign does not display flashing or intermittent lights or lights changing degrees of intensity, have message changes that are on less than an eight-second cycle, and if the sign is not in motion by any means.

72-59.4 Prohibited signs.

All signs and sign structures that are not specifically exempted or permitted by section 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, pennants, streamers, floating and stationary balloons, strings of flags, sail/feather signs, inflated devices, and signs held by a person that are in motion by any means, including fluttering or rotating.
- D. Signs displaying flashing or intermittent lights or lights changing degrees of intensity, including electronic variable message signs except as otherwise permitted in 72-59.6 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 section 72-59.8.
- H. Signs that are structurally unsafe.
- I. Portable signs.
- J. Signs that emit smoke, flame, scent, mist aerosol, liquid, gas, or sound (other than a customer/business employee intercom).
- K. 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 parked adjacent to a public road or is loading or unloading.
- L. 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. Off-premises advertising signs, except as permitted by § 59.7(B)(2)(a).
- N. Roof signs.
- O. 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. 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. Any sign, except official notices, 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. 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.

72-59.6 Design standards. The following regulations apply to all signs permitted or exempted under section 72-59:

A. Electronic Variable Message Signs.

- (1) Shall only be permitted only in conjunction with Institutional Uses and Gasoline Sales Uses as defined by Article 4 in all districts excluding Residential Districts, PD-R, C-T, C-D, the Historic District, the Lafayette Boulevard Corridor Overlay District along Lafayette Boulevard from the Blue Gray Parkway to Kenmore Avenue, and the Princess Anne Street Corridor Overlay District along Princess Anne Street.
- (2) Shall be limited to freestanding signs.
- (3) No more than 40 percent of permitted sign area may be an electronic variable message display.
- (4) Message changes shall alternate on not less than eight-second cycle. All electronic variable message signs, regardless of current cycle time, shall conform to this subsection by [1 year from date of ordinance adoption].
- (5) Signs are limited to a black, non-illuminated background with a single color for the illuminated display.

B. Freestanding signs:

- (1) Freestanding signs shall be set back a distance no less than half their height from any property or right-of-way line.
- (2) Freestanding signs shall be set back a distance no less than their height from any existing freestanding sign.

C. Illumination. The following applies to all illuminated signs:

- (1) External lights of any technology may be installed, directed solely at the sign in a manner that does not illuminate surrounding areas, or signs may be illuminated by any technology with a brightness not exceeding the maximum illumination levels shown in Section 72-58.2D.
- (2) The illumination of signs within 300 feet of and visible from Residential Districts or PD-R shall be turned off at 10:00 pm or within 1 hour after the closing of the business, whichever is later, and shall be turned on no sooner than 1 hour before the business opens.

72-59.7 Sign regulations by type of sign – building-mounted and freestanding.

A. Residential, Planned Development-Residential, Commercial, and Industrial Districts.

Building-mounted signs are permitted as follows:

Zoning District:	Residential and Planned Development-Residential	Commercial	Industrial
Max area:	0.5 sf per linear foot of building front (up to 50 sf)	1.5 sf per linear foot of building front (up to 200 sf per building side)	1.5 sf per linear foot of building front (up to 200 sf per building side)
Illumination:	No	Yes	Yes
Max. projection:	42 inches from wall	42 inches from wall	42 inches from wall
Min. clearance if projecting more than 6 inches	8 feet above pedestrian travel way, 15 feet above vehicle travel path		
Other:	Only permitted for non-residential uses permitted as a principal use.	Each building containing a commercial use in C-D may have additional building-mounted signage advertising off-premise non-residential uses, of up to 4 square feet per off-premise use and up to 16 square feet total.	Three or more businesses, that are not adjacent to an arterial or collector road, may jointly erect 1 freestanding sign off-site, which shall not exceed 10 feet in height and 100 square feet in area. The sign shall be located within 1,000 feet of the businesses being advertised and be on property zoned I-1 or I-2.
	N/A	Two signs are permitted for each stacking lane of an accessory drive-through use. The signs shall not be included in calculating the number of freestanding signs or in calculating the total aggregate sign area. One sign is limited to 6 feet in height and 30 square feet in area. One sign is limited to 6 feet in height and 15 square feet in area. Signs shall be installed within 10 feet of the drive-through lane.	

Freestanding signs are permitted as follows:

Table 72-XXXX: Freestanding Signs

	Zoning Districts						
	R	C-T	C-D	C-SC	C-H	I-1	I-2
Maximum Number							
Per parcel per street frontage	1, for non-residential uses permitted as a principal use	1	1	N/A	1	1	1
Per gasoline sales use	N/A	N/A	1	1	1	1	1
Per major entrance to an office park or retail center	N/A	1	N/A	1	1	N/A	N/A
Per major entrance to a shopping center	N/A	N/A	N/A	1	N/A	N/A	N/A
Per major entrance to an industrial park	N/A	N/A	N/A	N/A	N/A	N/A	1
Per major entrance to a neighborhood	2	N/A	N/A	N/A	N/A	N/A	N/A
Maximum Sign Area (square feet)							
For each sign adjacent to a public street right-of-way > 70 feet	20	40	40	100	100	100	100
For each sign adjacent to a public street right-of-way ≤ 70 feet	10	30	30	75	75	75	75
For gasoline sales uses	N/A	N/A	25	25	25	25	25
For major entrances listed above, adjacent to a public street right-of-way > 70 feet	20 each	60	N/A	100	100	N/A	100
For major entrances listed above, adjacent to a public street right-of-way ≤ 70 feet	20 each	40	N/A	75	75	N/A	N/A
Maximum Height (feet)							
General	5	5	5	20	20	20	20
For major entrances listed above, adjacent to a public street right-of-way > 70 feet	5	10	N/A	20	20	N/A	20
For major entrances listed above, adjacent to a public street right-of-way ≤ 70 feet	5	8	N/A	20	20	N/A	N/A
Illumination							
For each sign adjacent to a public street right-of-way > 70 feet	Yes, only by direct white lighting illuminating	Yes	Yes	Yes	Yes	Yes	Yes

Table 72-XXXX: Freestanding Signs

	Zoning Districts						
	R	C-T	C-D	C-SC	C-H	I-1	I-2
the face of the sign							
For each sign adjacent to a public street right-of-way ≤ 70 feet	N/A	Yes	Yes	Yes	Yes	Yes	Yes

B. Planned Development Districts. A signage design package is required for all signs in a PD-C, PD-MU, PD-MC or PD-R Districts that will have multiple land uses or multiple development phases.

- (1) The Zoning Administrator may approve minor amendments to a signage design package. The Zoning Administrator has the sole discretion to determine whether an amendment to a package is minor.
- (2) Signage design package review process:
 - (a) Applicant shall submit a signage design package for approval by the Zoning Administrator with either the final site design for the first phase of development or before construction of the first phase of lot or site development.
 - (b) The Zoning Administrator shall review the proposed signage design package within 60 days. The package may be returned to the applicant for changes or modifications. A changed or modified package that addresses departmental comments and is resubmitted shall be approved or denied within 45 days. The applicant may file an appeal of the Zoning Administrator’s decision to the BZA.
- (3) A signage design package:
 - (a) Shall contain only signs with consistent colors and fonts (excepting business logos), lighting, and construction materials.
 - (b) May contain any types of signs that the Zoning Administrator deems to be consistent with the overall planned development district.
 - (c) Specify the types of materials proposed for construction or use on the project's various signs. Sign poles, supports, panels, attachments, lettering and visible base materials must be identified. Individual purchasers or lessees of project property may select sign materials for their individual signs where the package so allows.
- (4) Upon approval of the signage design package by the Zoning Administrator, all new signs within the boundaries of the PD-C, PD-MU, PD-MC, or PD-R project shall adhere to the standards of the approved signage design package.
- (5) All signage design packages shall be in conformance with all sign permit requirements of section 72-59.
- (6) In addition to the general signage design package regulations, the regulations in this section 72-59.7(E)(7) apply to signs in all PD-C districts.
 - (a) Individual users within a PD-C may be permitted:
 - (1) Building signs of up to one square foot for each linear foot of building perimeter, up to 200 square feet of signage per building side.
 - (2) A monument sign up to 10 feet high and 100 square feet in area. A monument sign identifying more than one user may be up to 150 square feet in area.

- (3) An off-premises monument sign up to 10 feet high and 100 square feet in area if the subject of the sign is on a site or lot of at least 100,000 square feet that does not abut a 4-lane major thoroughfare, and the sign is located within 300 feet of the subject.
- (7) In addition to the general signage design package regulations, the regulations in this section apply to signs in all PD-MU and PD-MC districts.
 - (a) Commercial, industrial, or retail properties housing one or more tenants may not exceed 1.5 square feet of sign area for each linear foot of building frontage. No total sign area, including the area of any freestanding sign, may exceed 200 square feet in area.
 - (b) Freestanding signs for commercial, industrial, or retail properties may not exceed 15 feet in height.

C. Historic Districts. In addition to the general regulations of section 72-59, the regulations in this section apply to signs in all the Old and Historic Fredericksburg District:

- (1) All signs to be located in the Old and Historic Fredericksburg District shall be approved by the Architectural Review Board in accordance with the provisions of the HFD Overlay District. The ARB may regulate the area, height, placement, materials, color, lighting, graphics, lettering, and architectural styling of signs, consistent with applicable guidelines.
- (2) Electronic variable message signs are prohibited in all historic districts.

D. Gateway Overlay Districts. In addition to the general regulations of section 72-59, all signs to be located in Gateway Overlay Districts shall be approved by the Zoning Administrator in accordance with the provisions of this overlay district. The Zoning Administrator may regulate the area, height, placement, materials, color, lighting, graphics, lettering, and architectural styling of signs, consistent with applicable guidelines.

- (1) Cowan Boulevard Corridor and Fall Hill Avenue Corridor Subdistricts.
 - (a) Each site or development shall have an overall signage plan reviewed as part of a sign permit, including a consistent style, size, and color scheme for all signs on the property.
 - (b) Materials used in both sign and support structures shall complement the building being served by the sign.
 - (c) The only signage allowed within the streetscape buffer in C-SC, C-H, and C-T districts is one sign, which shall be ground mounted, monument-style, and not more than 10 feet in height or more than 60 square feet in surface area.
 - (d) Sign illumination shall be by direct white lighting or backlighting with a diffuse light source. Direct white lighting shall be shielded so that it does not spill over into adjacent properties or into motorists' eyes. Backlighting is permitted for signs with dark opaque backgrounds, if light shines through only the letters, characters, or graphics of the sign.
 - (e) All sign colors shall be compatible and shall be consistent with the color, scale, and style of the building or site.
 - (f) Ground-mounted monument-style signs shall include landscaping around the base of the sign. The sign base shall be counted in the 10 foot height limit set forth in this section and shall not exceed 30 percent of the overall sign height.
- (2) Electronic variable message signs are prohibited in the Lafayette Boulevard Corridor Overlay District along Lafayette Boulevard from the Blue Gray Parkway to Kenmore Avenue and the Princess Anne Street Corridor Overlay District along Princess Anne Street.

72-59.8 Banners. Banners are permitted subject to the following:

- A. Banners shall be building-mounted. The aggregate area of banners on display at any one time is limited to 50 percent of the aggregate area of permitted permanent building signage or 40 square feet, whichever is less.
- B. Each permitted banner shall be displayed for no more than 30 consecutive days and each display shall be separated by a period of not less than 30 days. No property shall display a banner more than 4 times in any calendar year.
- C. Temporary signs shall be located on the same property as the sponsoring business or organization.

City Code Section 72-33: Planned Development Districts, subsection 72-33.2: Planned Development-Commercial District is hereby amended as follows:

[subsections A-B are unchanged]

C. Lot size requirements. Lot size requirements in PD-C Districts are as follows:

- (1) Minimum lot size. There shall be no minimum lot size. However, all lots of less than 20,000 square feet shall comply with the following requirements:
 - (a) No such lot shall have a separate entrance on a public street, but shall share an approved entrance on a public street with one or more other lots consisting of at least 30,000 square feet;
 - ~~(b) No such lot shall utilize a monument sign, except that it may share such a sign with one or more businesses on other lots, provided that such shared sign is located within 300 feet of the subject lot;~~
 - ~~(c) (b) No such lot shall be used for any building containing or designed to contain fewer than five connected businesses or offices, unless the total acreage of lots used for such purpose is less than 5% percent of the overall (total) acreage in the PD-C District; and~~
 - ~~(d) (c) No such lot abutting a 4-lane major thoroughfare shall contain less than 10,000 square feet.~~

[subsections D-F are unchanged]

~~G. Special sign standards. PD-C Districts adjacent to an interstate highway with 200 or more acres and 420,000 square feet or more buildable floor area may utilize special sign standards in § 72-59.6, Planned development districts.~~

City Code Section 72-34: Overlay Zoning Districts, subsection 72-34.6: Gateway Corridor Overlay District is hereby amended as follows:

[subsections A-D are unchanged]

E. Prohibited uses. Notwithstanding the provisions of § 72-62, Nonconforming uses, or Article 72-4, §§ 72-41 and 72-42, Principal and accessory uses, the following uses are expressly prohibited within the gateway corridors overlay district:

- (1) Outside storage or display of products, goods, or materials;
- ~~(2) Temporary signs, portable signs, flags, pennants, banners, or any other devices designed and used to attract the attention of the public, except as otherwise permitted under this article;~~

- ~~(3)~~ (2) Outside speakers that are audible beyond the boundaries of the property on which they are located; and
- ~~(4)~~ (3) Transmission towers.

F. Additional standards for the Cowan Boulevard and Fall Hill Avenue Corridor Subdistricts. Development on parcels within the Cowan Boulevard and Fall Hill Avenue Corridor Subdistricts shall comply with the following:

[subsections (1)-(6) are unchanged]

(7) Signage *shall comply with* § 72-59., ~~signs within this district shall comply with the following:~~

- ~~(a) Each site or development shall have an overall signage plan reviewed as part of a sign permit, including a consistent style, size, and color scheme for all signs on the property.~~
- ~~(b) Materials used in both sign and support structures shall complement the building being served by the sign.~~
- ~~(c) The only signage allowed within the streetscape buffer of a site or development in the Commercial Shopping Center, C-SC, or Highway Commercial District, C-II, shall be a single project identification sign, which shall be ground mounted, monument-style, and not more than eight feet in height or more than 60 square feet in surface area.~~
- ~~(d) Lighted signs shall be spotlighted or back-lighted with a diffuse light source. Spot lighting shall be shielded so that it does not spill over into adjacent properties or into motorists' eyes. Backlighting shall be permitted for signs with dark opaque backgrounds, provided that light shines through only the letters, characters, or graphics of the sign.~~
- ~~(e) All sign colors shall be compatible and shall be consistent with the color, scale, and style of the building or site.~~
- ~~(f) Ground-mounted monument-style signs shall include landscaping around the base of the sign. The sign base shall be counted in the eight-foot height limit set forth in this section and shall not exceed 30% of the overall sign height.~~

[subsections G and H are unchanged].

City Code Section 72-41: Principal Use Standards, subsection 72-41.3 Commercial uses, subsection F is hereby amended as follows:

F. Bed-and-breakfast inn. Bed-and-breakfast inns shall comply with the following standards:

- (1) Operated in a principal building and not in any accessory building or structure.
- (2) The front yard of an inn shall not be used for parking. If parking cannot be provided on the site, it must be provided within 500 feet of the site.
- (3) A maximum of five guest rooms shall be allowed, with not more than 10 occupants.
- (4) The facility shall be managed by an individual who resides on the premises.
- ~~(5) For identification of the bed-and-breakfast inn, one wall sign of four square feet is permitted. Such sign shall not be directly illuminated, nor shall it contain the word "hotel" or "motel." Such sign shall meet all zoning requirements.~~
- (6) There shall be no more than one kitchen.
- (7) Receptions and other such functions, for compensation, shall require approval of a special use permit.

City Code Section 72-43.3: Standards, subsection G: Yard sale is hereby amended as follows:

G. Yard sale. Yard sales and associated temporary signs shall be permitted in all residential districts subject to the following conditions:

- (1) No more than two yard sales are held within a calendar year at the same location and lasting no more than 3 consecutive days.
- (2) ~~All signs shall be located upon stakes, not on a City structure or tree, and shall not exceed 2 square feet in size. maximum aggregate area and shall be located only on the shoulder of the road adjacent to a sidewalk and not within the median strips.~~
- (3) Signs shall not be installed until 6:00 p.m. of the day before the event.
- (4) Signs shall be removed by 6:00 p.m. of the last day of the event and not allowed to remain beyond the date of the event.
- (5) No more than four off-premise signs are used to direct traffic to the site.
- (6) *Nothing in section 72-43.3(G) authorizes placement of signs in the public rights-of-way or on other public property, including City poles, trees, or other structures.*

The following changes are hereby made to City Code Section 72-64: Nonconforming signs:

72-64.1 Generally. Signs lawfully existing as of October 8, 2013, which do not conform to the provisions of this section, and signs which are accessory to a nonconforming use, shall be deemed to be nonconforming signs.

72-64.2 Ability to continue. Nonconforming signs may be changed, altered, repaired, restored, replaced, relocated or expanded only as provided in this article. Nonconforming signs shall be subject to the regulations and restrictions as set forth in § 72-59, except that:

- A. ~~If the sign is repaired or refurbished at a cost in excess of 35% of the replacement cost of the total sign structure the sign must be brought into compliance with this section's requirements. Costs associated with normal maintenance and re-facing of outdoor advertising signs shall not be deemed to be repair or refurbishing costs.~~
- B. ~~Nonconforming signs and their structures that are damaged to an extent where the estimated reconstruction cost is 50% or more of their appraised value shall not be rebuilt or repaired, unless brought into compliance with this section.~~
- C. ~~Refacing of any sign that exceeds the size or height requirements specified within this chapter, by 100% or more, is prohibited, and any such refaced sign shall be unlawful. Otherwise, signs may be refaced if the refacing does not increase the extent of the nonconformity.~~
- D. *Nonconforming signs may be changed, altered, repaired, restored, replaced, relocated or expanded only so long as the signs are not structurally altered and the surface area of the sign is not increased.*
- E. Nothing in this section shall be construed to prevent the City, after making a reasonable attempt to notify the owner, from ordering the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the use or business for which the sign was erected has not been in operation for a period of at least 2 years. Following the expiration of the 2-year period, an abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the locality to do so. If, following such 2-year period, the locality has made a reasonable attempt to notify the property owner, the locality

through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property, and the owner shall reimburse the City for such cost. Nothing herein shall prevent the City from applying to a court for an order requiring the removal of an abandoned nonconforming sign by the owner, by means of injunction or other appropriate remedy.

72-64.3 Moving nonconforming signs. No nonconforming sign shall be moved on the same lot, and no nonconforming sign shall be moved to any other lot which is not properly zoned to permit such sign or on which such sign would be or remain noncompliant with the zoning regulations prescribed for the district in which such lot is located.

The following additions are hereby made to City Code Section 72-82.8: Sign Measurements:

H. A building mounted sign shall not exceed:

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

I. Signs on awnings, canopies, marquees, or umbrellas shall be included in building-mounted sign area computation.

J. Window signs shall be included in the calculation of size for building mounted signs.

The following changes are hereby made to City Code Section 72-84: Definitions:

The following definitions are added, amended, or removed, as described below:

~~Mural: See "sign. mural"~~

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 and which do not advertise a commercial or industrial product, service, or business.

Office Park / Retail Center: Any group of three or more office/commercial uses which:

- A. Are designed as a single commercial group, whether or not located on the same lot;*
- B. Are under common ownership, management, or property owners association;*
- C. Are connected by party walls, partitions, canopies or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways and access ways designed to facilitate customer interchange between the uses;*
- D. Share a common parking area or driveways; and*
- E. Otherwise present the appearance of one continuous commercial area.*

Sign, roof: any sign that extends above:

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

Sign: Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner, sail, ~~costumed person~~, or pennant or any other device, figure or character which is:

- A. Employed to announce, direct attention to, identify or make known; and
- B. Visible from the public right-of-way or adjacent property.

~~Sign, announcement: A sign of temporary character indicating the names of persons associated with or events conducted upon the premises on which the sign is located.~~

Sign, building-mounted: A sign attached to or deriving its major support from a wall, including the following: arcade sign, awning sign, canopy sign, marquee sign, projecting sign, roof sign, wall sign, and window sign.

~~Sign, business: Any sign, except an advertising sign, that directs attention to a business, commodity, service or entertainment conducted, sold or offered on the same premises upon which the sign is maintained.~~

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

~~Sign, identification: A sign that gives the name and address of a building, business, development, or establishment. Such sign may be wholly or partly devoted to a readily recognized symbol or trademark uniquely attributable to the property's ownership or management.~~

~~Sign, informational: A sign conveying instructions with respect to the premises on which it is located which gives directions or provides information to the public by official notices, place names and tourist information.~~

~~Sign, mural: Works of graphic art painted or applied to the exterior surface of a structure, which contains no advertising, commercial messages, or logos.~~

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.

Sign, sail/swooper: Sail sign, also called a "swooper sign," 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, and used as a means to convey a commercial message.

~~Sign, shopping center: A freestanding sign which identifies the name of the shopping center and does not identify individual enterprises, products, services, or amusements.~~

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.

~~Sign, wall: A sign attached to or deriving its major support from a wall, including the following: arcade sign, awning sign, canopy sign, marquee sign, projecting sign, roof sign, wall sign, and window sign.~~

Structure: An assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, stagingses, *flagpoles*, observation towers, radio towers, water tanks, storage tanks (underground and above ground), trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells.

SEC. II. 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. 17- duly adopted at a meeting of the City Council meeting held Date, 2017 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council