

AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA BY AMENDING SECTION 10-45 SIGN REGULATIONS BY ADDING A DEFINITION FOR HIGH RISE SIGN TO BE A FREE STANDING SIGN UP TO FORTY FEET (40') THAT MAY BE LOCATED IN COMMUNITY BUSINESS (CB), GENERAL BUSINESS (GB), PLANNED UNIT DEVELOPMENT COMMERCIAL (PUD-COM), MANUFACTURING (M1), MANUFACTURING LIGHT (ML) AND PLANNED INDUSTRIAL DISTRICTS UNDER CERTAIN REQUIREMENTS ON CERTAIN QUALIFYING LAND IN ORDER TO OBTAIN SIGN VISIBILITY FROM AN INTERSTATE HIGHWAY AND BY ALLOWING THE HIGH RISE SIGN TO EXCEED FORTY FEET (40') UNDER CERTAIN CIRCUMSTANCES BY GRANT OF A SPECIAL USE PERMIT

BE IT ORDAINED, by the Board of Supervisors of the County of Montgomery, Virginia that Chapter 10, entitled Zoning, Section 10-45 (a) (2), 10-45 (a) (3), 10-45 (b)(3) and 10-45 (b)(4) respectively of the Code of the County of Montgomery, Virginia shall be amended as follows:

Sec 10-45 Sign Regulations

(a) *General Provisions.*

(2) *Definitions.*

Add the following new definition:

High-rise sign means an on-premise freestanding sign up to forty (40) feet in height or greater with an approved special use permit, located in a non-residential zoning district and on a qualified parcel of land for the purpose of obtaining visibility from the interstate highway.

(3) *Permit required.*

a. *In general.* A sign permit is required prior to the display of any new sign or reface except as provided in subsection (4) of this section.

b. *Application for permit.*

1. An application for sign permit shall be filed with the Planning and GIS Services on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations and ordinances. All applications shall include scaled drawings of any proposed signage, a site plan and/or comprehensive sign plan as determined by the county zoning administrator. Any application for a temporary sign shall state the dates intended for the erection and removal of the sign.
2. The county zoning administrator or designee should promptly process the sign permit application and approve the application, reject the application or notify the applicant of deficiencies in the application within thirty (30) business days after receipt. Any application that complies with all provisions of the zoning ordinance, the building code and other applicable laws, regulations and ordinances shall be approved.

3. If the application is rejected, the county zoning administrator shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code or other applicable law, regulations or ordinance.
- c. *Permit fee.* A non-refundable fee as set forth in the uncodified fee schedule adopted by the county board of supervisors shall accompany all sign permit applications.
 - d. *Duration and revocation of permit.* If a sign is not installed within six (6) months following the issuance of a sign permit the permit shall be void. The zoning administrator, in addition, may revoke a sign permit under any of the following circumstances:
 1. The zoning administrator determines 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 applicable law, regulation or ordinance.
 - e. *Special use.*
 1. Comprehensive sign plans for non-residential uses may be approved by special use permit, by the BZA or Board of Supervisors, to allow an increase in sign area where, in its opinion, the provisions of this article would restrict the visibility of the signage by virtue of the size of the development, topography of the parcel, or other physical limitations unique characteristics. The comprehensive sign plan shall establish the time, manner and placement of signs, frequency of message changes, materials, hours of lighting, height of sign(s), total number of square feet of sign surface, and the number of signs to be placed on a site.
 2. The BZA or Board of Supervisors may grant a special use permit to allow an increase in the height of a sign in the following circumstances:
 - a) Where, in its opinion, the provisions of this article would cause a hardship by virtue of topography. The purpose of such a permit shall be to allow as much, but not more, visibility as the sign would have if located on level ground.
 - b) Where any portion of the site is located within one-half (1/2) mile of the intersection of an interstate ramp with a state or county road and the applicant has demonstrated that the purpose of the requested height is to obtain visibility from the interstate or freeway.
 3. The BZA or the Board of Supervisors, as part of an approving action for a special use permit, may impose stricter sign requirements as condition of approval.

(b) *Sign regulations by use and district.* For purposes of subsection (b) the following classifications of signs shall apply:

Type	Signs included as defined per this section
Permanent	Freestanding, Monument, Wall, Projecting, Awning, Electronic Message Sign, Marquee, Minor, Pole Sign, Roof Sign, Window Sign, Neon Sign

Temporary	A-frame, Banner, Blade Sign, Feather Sign, Portable, Vehicle or Trailer Sign, Window Sign
Flag	Flag*

* Flagpole ≤ 8" diameter

(1) *Agricultural District Signs.* Zoning Districts Agricultural (A1), Conservation (C1)

- a. Except as otherwise prohibited in this Section, the following signs are permitted as accessory to residential uses in agricultural 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./32 s.f.	4 s.f./4 s.f.
Max Number	Unlimited	Unlimited	1
Illumination	As required by law	None	Indirect
Setback	Equal to Height	10 ft.	None
Max. Height	25 ft.	4 ft.	4 ft.

- b. Residential Community Entrance: A maximum of two (2) monument signs shall be permitted for each principal road entrance into a major residential subdivision. The total square footage of signage at each principal entrance shall not exceed 32 sq. feet.
- c. Except as provided otherwise in this Section, the following signs are permitted as accessory to non-residential uses in agricultural districts. Moving signs are prohibited as accessory uses for non-residential uses in all residential districts.

TYPE	FLAGS	TEMPORARY	PERMANENT
Size (each/total)	24 s.f./no limit	16 s.f./32 s.f.	50 s.f./50 s.f.
Max Number	Unlimited	Unlimited	Unlimited exception 1 free-standing or monument sign
Illumination	As required by law	None	Internal/Indirect
Setback	Equal to Height	10 ft.	10 ft.
Max. Height	25 ft.	4 ft.	12 ft.

(2) *Residential district signs-* Zoning Districts Rural Residential (RR), Residential (R1), (R2), (R3), Residential Multi-Family (RM1), Planned Unit Development-Residential (PUD-Res), Planned Mobile Home Residential Park (PMR), Traditional Neighborhood Development & Infill (TND-I), Planned Unit Development- Traditional Neighborhood Development (PUD-TND)

- a. Except as otherwise prohibited in this Section, 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./32 s.f.	4 s.f./4 s.f.
Max Number	Unlimited	Unlimited	1
Illumination	As required by law	None	Indirect
Setback	Equal to Height	10 ft.	None
Max. Height	25 ft.	4 ft.	4 ft.

- b. Residential Community Entrance: A maximum of two (2) monument signs shall be permitted for each principal road entrance into a major residential subdivision. The total square footage of signage at each principal entrance shall not exceed 32 sq. feet.
- c. Except as provided otherwise in this Section, 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	PERMANENT
Size (each/total)	24 s.f./no limit	16 s.f./32 s.f.	50 s.f./50 s.f.
Max Number	Unlimited	Unlimited	Unlimited exception 1 free-standing or monument sign
Illumination	As required by law	None	Internal/Indirect
Setback	Equal to Height	10 ft.	10 ft.
Max. Height	25 ft.	4 ft.	12 ft.

(3) *Commercial district signs.* Zoning Districts Community Business (CB), General Business (GB), Planned Unit Development Commercial (PUD-Com)

- a. *Generally.* Except as provided otherwise in this Section, the following signs are permitted as accessory uses in commercial districts.

TYPE	FLAGS	TEMPORARY	PERMANENT
Size (each/total)	32 s.f./no limit.	32 s.f./32 s.f.	150 s.f./150 s.f.

Max Number	Unlimited	Unlimited	Unlimited exception 1 free-standing or monument sign
Illumination	As required by law	None	Internal/Indirect
Setback	Equal to Height	10 ft.	10 ft.
Max. Height	25 ft.	6 ft.	12 ft.

b. *Off-site Signs for Commercial Use of Limited Duration.* Up to three off-site signs, each not to exceed six (6) square feet and six (6) feet in height, shall be permitted for a commercial use lasting for three (3) or fewer days. No more than one permitted temporary sign shall be displayed per lot. Display of signs shall not be located in the public right of way and shall be limited to forty-eight (48) hours prior to commencement and forty-eight (48) hours after cessation of the use or activity advertised.

c. *District sign area bonus.* A twenty (20) percent sign area bonus may be permitted in CB or GB districts in specific instances where two (2) or more businesses on separate lots existing at time of adoption of this chapter: (1) decrease the number of signs otherwise allowed through sharing, and (2) assure that a decrease occurs in the number of entrances to the primary highway already existing or permitted. Approval of a comprehensive sign plan for all businesses receiving the sign area bonus is required.

d. *Mixed-use developments & business parks.* Properties or establishments located within mixed use development or business park shall be permitted the following additional square footage allowance:

1. One (1) monument sign not exceeding 32 sq. ft. per each principal entrance identifying the occupants.

e. High-rise signs. For properties located within one-half (½) mile of the intersection of an interstate ramp with a state or county road an additional free-standing high-rise sign up to forty (40) feet in height shall be allowed when the following requirements are met:

- i. There shall be no more than one (1) high rise sign per parcel.
- ii. The parcel shall be three (3) acres or larger in size.
- iii. The high rise sign shall have no more than four (4) individual signs and shall not exceed five hundred (500) square feet in area.
- iv. The high-rise sign shall be located no closer than 40 feet to the property line.

(4) *Industrial district signs.* Zoning Districts Manufacturing (M1), Manufacturing Light (ML), Planned Industrial (PIN)

a. Except as provided otherwise in this Section, 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	FLAGS	TEMPORARY	PERMANENT
Size (each/total)	32 s.f./no limit	32 s.f./32 s.f.	150 s.f./150 s.f.
Max Number	Unlimited	Unlimited	Unlimited exception 1 free-standing or monument sign
Illumination	As required by law	None	Backlit/Internal/Indirect
Setback	Equal to Height	10 ft.	10 ft.
Max. Height	25 ft.	6 ft.	12 ft.

- b. Mixed-use developments & Industrial parks: Properties or establishments located within mixed use development or business park shall be permitted the following additional square footage allowance:
1. One (1) monument sign not exceeding 32 sq. ft. per each principal entrance identifying the occupants.
- c. High-rise signs. For properties located within one-half (½) mile of the intersection of an interstate ramp with a state or county road an additional free-standing high-rise sign up to forty (40) feet in height shall be allowed when the following requirements are met:
- i. There shall be no more than one (1) high rise sign per parcel.
 - ii. The parcel shall be three (3) acres or larger in size.
 - iii. The high rise sign shall have no more than four (4) individual signs and shall not exceed five hundred (500) square feet in area.
 - iv. The high-rise sign shall be located no closer than 40 feet to the property line.