



TOWN OF HAYMARKET PLANNING COMMISSION

WORK SESSION ~ AGENDA ~

Matt Caudle, Councilman
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Tuesday, October 6, 2015

4:30 PM

Council Chambers

1. Call to Order

2. Discussion Items

- a. Sign Ordinance
- b. Review of PC Bylaws
- c. Comprehensive Plan
- d. Amendment to the Planned Land Use Map

3. Adjournment



TO: Town of Haymarket Planning Commission
SUBJECT: Sign Ordinance
DATE: 10/06/15

ATTACHMENTS:

- VFN EDITS TO CONSULTANT 10-3 VERSION - CLEAN for PC 10-6-15 (PDF)

REVISED DRAFT
Amendments to Town of Haymarket Sign Regulations
October 3, 2015

Prepared by the Team of EPR, PC; Herd Planning & Design, Ltd.; and Sympoetica

***NOTE:** Since the completion of the original 5-21-15 draft regulations, the U. S. Supreme Court issued a ruling in *Reed v. Gilbert* that further restricts the power to regulate sign content. This draft incorporates the guidance of that ruling as best it can be interpreted.*

Summary of Changes from Original Draft Regulations (5-21-15):

This draft:

1. Further “scrubs” the text to eliminate references to the content of signs, in response to the *Reed v. Gilbert* decision (except for specific signs indicated by the Court opinion). These limitations include the *function* of signs, which is de facto content. The biggest challenge this causes is for regulating Temporary Signs. The approach offered in this draft is to define temporary signs by the nature of their materials, and then restrict all temporary signs, regardless of purpose, to the same time limits, but also allow the zoning administrator to grant extensions if the purpose continues (i.e., a real estate sign for a property that hasn’t sold).
2. Makes temporary signs exempt from ARB review (as a practical matter, as well as to be cautious in light of Reed).
3. Further increases the permitted area of most signs, in response to comments that the incremental enlargements first proposed were not significant enough.
4. Includes illustrations for key definitions.
5. Includes a provision under nonconformities that allows an existing industrially zoned lot to reconfigure the number, types, and locations of signs on site as long as the total sign area for the lot is not increased and that existing maximum heights are maintained. This attempts to provide adequate flexibility for existing gas stations and fast food restaurants without encumbering other sites.
6. Includes an alternative map to show proposed Sign Areas. The original map used the Town’s future land use map as a base. This draft includes an alternative version that uses the zoning map as a base. Either is logical because the sign areas are based on both future land use and zoning districts. However, the zoning map may be clearer because the sign area map is part of the zoning regulations, and not a policy document. One of these must be chosen over the other.

Format of this Draft:

- Explanatory notes or commentary is show in *red Times New Roman italic font, or red arial font.*

Contents:

Article IX. Signs

- Sec. 58-336. Purpose.
- Sec. 58-337. Applicability
- Sec. 58-338. Permit Required
- Sec. 58-339. Exemptions.
- Sec. 58-340. Prohibited signs.
- Sec. 58-341. Temporary signs
- Sec. 58-342. Process for permitting
- Sec. 58-343. Enforcement
- Sec. 58-344. General requirements for all signs
 - (a) Sign area computations.
 - (b) Placement of signs
 - (c) Materials
 - (d) Colors and styles
- Sec. 58-345. Permanent sign standards - Type, Number, Area, and Height of signs
- Sec. 58-346. Structural and maintenance requirements.
- Sec. 58-347. Nonconforming signs.
- Sec. 58-348. Definitions.
- Sec. 58-349-380. Reserved.
- Sign Areas Map (to become part of the Town Zoning Map)

Sec. 58-336. Findings; purpose and intent; interpretation.

- (a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech and in a manner consistent with the Town's Comprehensive Plan. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- (b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Town Council are forbidden.
- (c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (e) These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.
- (f) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (g) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(Ord. of 12-7-2009)

Sec. 58-337. Applicability

The provisions of this article apply to all property within the corporate limits of the town.

Sec. 58-338. Permit Required. Except when otherwise exempted by this article, no sign shall be erected, constructed, posted, painted, altered, or relocated, unless and until a zoning permit has been issued by the zoning administrator and where provided for in this article, subsequent to an approval of a certificate of appropriateness by the architectural review board (ARB).

Sec. 58-339. Exemptions.

Sign permits shall not be required for the following; however, all applicable regulations of this chapter shall apply.

- (a) Signs erected by a governmental body or required by law, including official traffic signs or sign structures, provisional warning signs or sign structures, and temporary signs indicating danger.
- (b) Minor Signs , not exceeding three (3) total signs per separate road frontage per lot, and not less than 50 feet apart.
- (c) Change of message or content of an approved Sign.
- (d) Flags, provided, however, that no single flag shall exceed twenty-four (24) square feet in area and no single lot shall display more than three flags in commercial or industrial zoning districts..
[modified in light of Reed v. Gilbert]
- (e) **Certain Temporary Signs as set forth in 58-341(1).**

(Ord. of 12-7-2009)

Sec. 58-340. Prohibited signs.

The following are prohibited:

- (a) Neon Signs.
- (b) Flashing Signs or signs lighted in a varying degree including strobe lights. For the purposes of this article, a sign that has a change rate or dwell time of four (4) seconds or longer does not fit within the prohibition noted herein.
- (c) Moving or Rotating Signs. (d) Portable Signs with the exception of A-frame Signs.
- (e)
- (f) Off-premises signs, except as specifically authorized in Sec. 58-345 (a).
- (g) Inflatable signs.
- (h) Signs or parts of a sign located anywhere on the roof or wall of a building so that they shall extend above or beyond the perimeter of the building's roof, wall or parapet wall or into a front, side or rear yard setback.
- (i) Signs illuminated with sodium halide lights and any internally illuminated sign that emits lighting levels in excess of 100 lumens.
- (j) Electronic message boards.
- (k) Abandoned sign structures, as defined by this article.
- (l) Changeable copy signs, except as specifically permitted by this Zoning Ordinance.
- (m) Any signs, including posters and handbills, affixed to any structures, trees or other natural vegetation, rocks or poles.
- (n) Any sign that may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight-distance angle at any road intersection, extend into the public right-of-way, or otherwise create a distraction for drivers.
- (o) Portable signs, including those on wheels, are prohibited except A-Frame/sandwich boards complying with the provisions of 58-341(1)(a).
- (p) Signs that prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part, or otherwise adversely affect safety or are in violation of any building code or other applicable law.

- (q) Signs that emit smoke, visible vapors, particles, normally detectable sound or odor, including open flames used to attract public attention.
- (r) Mirrors or mirror devices on, in or as part of a sign.
- (s) Parasail signs.

(Ord. of 12-7-2009)

Sec. 58-341. Temporary signs

- (1) *Temporary signs for which a permit is not required.* The following temporary signs may be erected or constructed without a permit; however, all applicable code requirements in this chapter shall apply.
 - (a) *Temporary A-Frame.* Any such sign must not be more than an aggregate of twelve (12) square feet or less in a sandwich board design as defined herein. The sign may only be displayed during business hours. The placement of the sign shall not impede pedestrian, wheelchair or vehicular traffic flow. Only one such sign is permitted per business, or one sign per thirty (30) linear feet of sidewalk, whichever is more restrictive.
 - (b) *Temporary wall sign.* Such signs may be displayed for up to 45 consecutive days and shall not exceed three (3) square feet in area. *[this provision has been added to better accommodate Reed]*
 - (c) *Temporary Signs required to be posted by law.* Any such sign shall be removed the day after the last day for which it is required to be displayed. The administrator may require proof of legal requirement for the posting of the sign. These signs are permitted in all zoning districts.
- (2) *Temporary signs for which a permit is required.* Except for Temporary Signs for which a permit is not required pursuant to 58-341(1), Temporary Signs may be erected or constructed only after receiving a permit from the zoning administrator. Such Temporary Signs shall be either Freestanding Signs, Wall Signs or Banner Signs, may be displayed for up to 45 consecutive days, and shall not exceed eight (8) square feet in area and four (4) feet in height. These signs are permitted in all zoning districts. The zoning administrator may extend the time limit by up to 45 days upon application by the owner at the end of the initial 45 day period, if the applicant shows that the sign is maintained in sound condition and the purpose for it still pertains.

(Ord. of 12-7-2009)

Sec. 58-342. Process for permitting.

- (b) *Permit process.* Before any zoning permit is issued, the applicant shall submit to the administrator a sign permit application and an application for certificate of appropriateness when applicable provided by the administrator, together with drawings and/or specifications as may be necessary to fully advise and acquaint the administrator with the location, construction, materials, manner of illuminating and/or securing or fastening, and number of signs applied for, and the style of the wording of the sign or advertisement to be carried on the sign.
- (c) *Approval of permit.* For signs not requiring architectural review, the zoning administrator shall act on the permit application within 14 days of acceptance of the application. For signs requiring action by the architectural review board, the board shall act on ~~any sign~~ the application within sixty (60) days after acceptance of the application by the zoning administrator, in accordance with Secs. 58-554 – 58-562 of this chapter, and the Historic District Design Guidelines adopted by the Town Council as amended, unless such timeline is extended by the applicant in writing. The zoning administrator shall issue a zoning permit within three (3) business days following approval by the ARB.

[Note: If two weeks is provided to process the application for the ARB and the ARB meets monthly, then 45 days is the typical maximum time limit for consideration (and likely action) by the ARB.

[Note: The following amendment to Sec. 58-558 should be made to be consistent with the above language:

Procedure for meetings.

...~~(c) The board shall meet monthly within 30 days after notification by the town clerk of an~~ to review any application for a certificate of appropriateness requiring action by the board ~~that has been received and accepted within the preceding forty-five (45) days.~~ The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. The town clerk shall notify the applicant by certified mail as to the date and time of the scheduled hearing. If no applications have been received for review sooner than five (5) days prior to the next scheduled board meeting, and there is no other business for the board, the Chairman may cancel that meeting.

[Note: in the above passage, the term "hearing" refers to the act of considering the application rather than the form of the meeting.]

- (d) *Building codes; inspections.* Structural and safety features and electrical systems shall be in accordance with the requirements of the applicable codes and ordinances. No sign shall be approved for use unless it has been inspected by the department issuing the permit and is found to be in compliance with all the requirements of this chapter and applicable technical codes. All signs which are electrically illuminated shall require a separate electrical permit and inspection.
- (e) *General permit application requirements.* Submission requirements for architectural review board sign guidelines as set forth in the Historic District Design Guidelines adopted by the Town Council, as amended, shall be followed for selecting the type of sign, location, colors, lettering style, materials and type of illumination (if applicable). Sign permit application(s) also require:
- (i) An application for a certificate of appropriateness, as applicable.
 - (ii) A plat showing location of existing and proposed sign(s) on building façade(s) or grounds and exterior dimensions of buildings subject to the sign permit.
 - (iii) Scaled drawings showing dimensions, scale, and elevation of proposed sign(s) to include specific materials, hardware, and methods of mounting and illumination.
- (f) All signs shall be erected within one year from the date of approval of the sign permit; otherwise, the permit shall become null and void and a new permit shall be required. The zoning administrator may grant one extension of the permit for a period of six (6) months, but in no case shall a permit be valid for more than a total of eighteen (18) months. Extensions may be granted only when the proposed sign is in compliance with all current applicable regulations.

(Ord. of 12-7-2009)

Sec. 58-343. Enforcement

Violations of this Article constitute violations of the zoning code and the Town may obtain compliance through any of the methods available for other zoning violations. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Sec. 58-344. General requirements for all signs

(1) Sign area computations.

- (a) The surface area of any sign permitted under this article is determined by measuring the entire face of the sign including any wall work incidental to its decoration, but excluding support elements whose sole purpose and function is to support the sign, except as noted below:
- (b) The surface area of any ~~open~~ sign made up only of individual letters or figures shall include the space between such letters or figures.
- (c) Whenever one sign contains information on both sides, one side only shall be used in computing the surface area of the sign.

(2) Placement of signs

Signs shall be placed so they do not obstruct vehicles, pedestrians, or the signs of adjacent businesses and so that they follow architectural review board placement guidelines. Unless otherwise provided for in this chapter, permanent signs shall be located:

- (a) At least ten (10) feet from any lot line within the Gateway Sign Area, or no closer than the building façade is to the lot line, whichever is less.
- (b) At least five (5) feet to any lot line within the Core Sign Area, or no closer than the building façade is to the lot line, whichever is less.
- (c) At least ten (10) feet to any lot line within the Residential Sign Area, or no closer than the building façade is to the lot line, whichever is less.

(3) Materials, colors, and styles

All materials, colors, and styles of non-temporary signs are subject to approval by the architectural review board in accordance with the Historic District Design Guidelines adopted by the Town Council, as amended.

(4) Lighting.

No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit.

(5) Substitution.

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

[Note: Churches should not be singled out for unique treatment in order to avoid any potential issues with first amendment considerations or the federal RLUIPA statute (Religious Land Use and Institutionalized Persons Act). Signs for churches are placed under the broader category of institutional uses within residential districts and are not distinguished within commercial or industrial districts. Identification signs for places have been moved to the table of permanent sign standards (Sec. 58-345). Identification signs for occupants of a premises are shown under Exemptions (Sec. 58-339). "Miscellaneous" sign provisions have been deleted.]

Sec. 58-345. Permanent sign standards - type, number, area, and height of signs

(a) Signs in Commercial and Industrial Zoning Districts

Table (a)(i) Maximum Limits on Sign Dimensions for Lots in B-1 Zoning District						
	B-1 Zoning in Core and Residential Sign Map Areas as shown on Zoning Map			B-1 Zoning in Gateway Sign Map Area as shown on Zoning Map		
Sign Type	Number	Area (Sq. Ft.)	Height (Ft.)	Number	Area (Sq. Ft.)	Height (Ft.)
Window	Not limited	Lesser of 20% of window area or 6 Sq. Ft.	Not limited	Not limited	Lesser of 20% of window area or 6 Sq. Ft.	Not limited
Freestanding	1 per road front; 2 maximum	18 per sign; 24 Total	8	1 per road front; 2 maximum	24 per sign; 36 Total	6-10
Projecting ¹	1 per business	9	No less than 9	1 per business	9	No less than 9
Wall ²	1 per business per road frontage	12	15 ft. above floor level	1 per business per road front.	12	15 ft. above floor level
Individual Letter	1 per business per road frontage	1.5 Ft. letter height. 18 Sq Ft. total area.	15 ft. above floor level	1 per business per road frontage	1.5 ft. letter height; 18 S. F. total area. If setback 100 ft. or >, 2 Ft. Ht., 20 S. F. total area.	15 ft. above floor level
Directory	1 per multi-tenant building or site	32 if less than 100 Ft road frontage. 48 if 100 Ft. or more lot width on any side.	9	1 per multi-tenant building or site	32 if less than 100 Ft road frontage. 56 if 100 Ft or more lot width on any side.	10
Canopy ³	Permitted	Letters not more than 12 inches high.	Not limited	Permitted	Letters not more than 12 inches high.	Not limited
Secondary Entrance	1 per business	4	Not limited	1 per business	4	Not limited
Minor signs (see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))
Internally Illuminated	Not permitted except one neon sign not more than 15" high by 24" wide ⁴	n/a	n/a	Not permitted except one neon sign not more than 15" high by 24" wide ⁴	n/a	n/a
A-Frame (see in Sec. 58-341(1)(a))	1 per 30 feet of frontage	12	5 feet	1 per 30 feet of frontage	12	5
Off premises	Not permitted	n/a	n/a	Not permitted	n/a	n/a
Painted	Not permitted	n/a	n/a	1 on side or rear wall	Shall not exceed 15% of that wall area	As per other standards
Temporary (freestanding or wall only)	1 per lot	8	4	1 per lot	8	4
Address numbers	One set per building	n/a	Letters not >12"	One set per building	n/a	Letters not > 12"

¹Shall be mounted perpendicular to principal building façade; shall project no greater than four (4) feet from building and no closer than one foot to back of curb.

²Shall be mounted flat on building façade; letters shall not exceed 18 inches in height and shall not extend more than six inches from surface of building. Signs shall be no higher than 15 feet or second story window sill whichever is lower above the floor level on which the sign is placed.

³To be placed only in valance of the building with a margin of a minimum of one inch above and below the letters.

⁴Neon signs are only permitted for structures built prior to 1960. Such signs shall not flash and shall be "on" only during posted hours of business.

Table (a)(ii) Maximum Limits on Sign Dimensions for Lots in B-2 and I-1 Zoning Districts						
Sign Type	B-2 Zoning as shown on Zoning Map			I-1 Zoning as shown on Zoning Map		
	Number	Area in square feet (S. F.)	Height In feet (Ft.)	Number	Area in square feet (S. F.)	Height In feet (Ft.)
Window	Not limited	Lesser of 20% of window area or 6 S. F.	Not limited	Not limited	Lesser of 20% of window area or 10 S. F.	Not less than 5 Ft.
Freestanding	1 per road front; 2 max.	24 per sign; 36 total	n/a 10	Not limited	36 total	15
Projecting ¹	1 per business	12	No less than 9	1 per business	8 10 12	No less than 9
Wall ²	1 per business, plus 1 for end units	9	15 above floor level	1 per tenant	12; 1 SF per linear foot of property width ⁴	15 above floor level
Individual Letter	1 per business per road frontage	1.5 Ft. letter height. 18 Sq Ft. total area. If setback 100 ft or >, 2 ft. ht. 20 S. F. area.	15 above floor level	1 per business per road frontage	1.5 ft. letter height per 10 ft bldg. height. w/ maximum 2 ft. letter ht. and 20 S. F. area.	15 above floor level
Menu	1 per multi-tenant building or site	32 if less than 100 Ft road frontage. 48 if 100 Ft. or more lot width on any side.	10	1 per multi-tenant building	4.5 Sq. Ft. per tenant;	12
Canopy ³	Permitted	letters not > 12 inches high	Not limited	Permitted	letters not more than 12 inches high	Not limited
Secondary Entrance	1 per business	4	Not limited	1 per business	4	Not limited
Minor signs (see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))
Internally Illuminated	Not permitted except one neon sign not more than 15" high by 24" wide ⁷	n/a	n/a	Permitted for freestanding signs	As per other standards in this article	As per other standards
Identification signs for Institutions and places	1 per lot	12	6	1 per lot	12	6
A-Frame (see Sec. 58-341(1)(a))	1 per 30 feet of frontage	12	5	Not permitted	n/a	n/a
Off premises	Not permitted	n/a	n/a	1 freestanding sign on contiguous lot ⁶	As per other standards	As per other standards
Painted	1 on side or rear wall	Shall not exceed 15% of that wall area	As per other standards	Not permitted	n/a	n/a
Temporary (freestanding or wall only)	1 per lot	8	4	1 per lot	8	4
Address numbers	One set per building	n/a	Letters not > 12"	One set per building	n/a	Letters not > 12"

¹ Shall be mounted perpendicular to principal building façade; shall project no greater than four (4) feet from building and no closer than one foot to back of curb.

² Shall be mounted flat on building façade; letters shall not exceed 18 inches in height and shall not extend more than six inches from surface of building. Signs shall be no higher than 15 feet above the floor level on which the sign is placed, or to the top of the ceiling height of that floor. For industrial zoning, a maximum 3 SF sign is allowed for each tenant if a common entrance, or maximum 8 SF per tenant for each multiple entrance. For shopping centers in B-2, all property signage must be located in the sign band provided above the building canopy. The sign shall occupy a maximum sign area not taller than 18 inches and not longer than 65 percent of the tenant's unit width. Such signs will not exceed 48 square feet in area. Any store in excess of 10,000 sq ft shall have a maximum sign area not taller than 24 inches and not longer than 40% of tenant's unit width.

³ To be placed only in valance of the building with a margin of a minimum of one inch above and below the letters.

⁴ Applies to retail shopping space constructed in excess of 75 feet from edge of public right of way and not within 500 feet of residential property. If the tenant is located in an end unit, it is permitted to install an additional sign. Total area of second sign may not exceed the result of one and one half times the width of the store. All property signage must be located in the sign band provided above the building canopy. The sign shall occupy a maximum sign area not taller than two feet and not longer than 80 percent of the tenant's unit width. Such signs will not exceed 48 square feet in area. Any store in excess of 40,000 square feet shall occupy a maximum sign area not taller than 3.5 feet and not longer than 80 percent of the tenant's unit width.

⁵ Such signs shall be no closer than 10 feet to any street line, travel lane or access road.

⁶ Off premise sign is contingent on permission from owner of property on which the sign is located. No such sign may be located within 30 feet of any other sign.

⁷ Neon signs only permitted for structures built prior to 1960. Such signs shall not flash and shall be "on" only during posted hours of business.

(b) Signs in Residential Zoning Districts

Table (b) Maximum Limits on Sign Dimensions for Lots in Residential Zoning Districts (R-1 and R-2)									
	Residential Uses			Residential Projects¹			Non-Residential Uses		
Sign Type	Number	Area (Sq. Ft.)	Height (Ft.)	Number	Area (Sq. Ft.)	Height (Ft.)	Number	Area (Sq. Ft.)	Height (Ft.)
Address numbers	One set per building	n/a	Letters not more than 6 inches	One set per project ¹	3	Letters not more than 6 inches	One set per building	n/a	Letters not more than 6 inches
Hanging address numbers	1 per building	2 Sq. Ft.	Not more than 6 feet from existing grade	Not permitted	n/a	n/a	1 per building	2 Sq. Ft.	Not more than 6 feet from existing grade
Minor signs (see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))	(see Sec. 58-339(a))
Freestanding Signs <i>Modified in light of Reed v. Gilbert</i>	1 per lot	6 sq. ft.	Not more than 4 feet from existing grade	1 per site entrance	24 Sq. Ft.	5 feet	1 per separate road frontage	24 Sq. Ft.	5 feet
Wall Signs	1 per lot	6 sq. ft.	n/a	n/a	n/a	n/a	1 per separate road frontage	12 Sq. Ft.	12 ft.

¹Includes subdivisions and other types of residential projects built as a unified development.

Sec. 58-346. Structural and maintenance requirements.

All signs shall be maintained in good condition and remain structurally safe. Any sign that has deteriorated to a state of peeling, cracking, splitting, fading or rusting, is in violation of this ordinance and subject to enforcement.

Sec. 58-347. Nonconforming signs.

- (a) Any sign lawfully in existence on the date of enactment of this article may be maintained even though it does not conform with the provisions of this article.
- (b) No nonconforming sign may be enlarged or altered in such a manner as to expand the nonconformity, nor may illumination be added to any nonconforming sign, except as provided in Sec. 58-347 (h).
- (c) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
- (d) A nonconforming sign destroyed by any cause may not be repaired, reconstructed or replaced except in conformity with this article. For the purposes of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former condition or replacing it with an equivalent sign equals or exceeds fifty (50) percent of the appraised value of the sign so damaged.

- (e) The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
- (f) A pre-existing sign must be removed if the structure, building or use to which it is accessory is destroyed, or demolished to an extent exceeding 50 percent of the appraised value of the principal structure, building or use.
- (g) The sign copy of non-conforming signs may be changed to accommodate similar businesses occupying the same location. However, whenever the use changes to a conforming use, all nonconforming signs must be replaced or modified so that all signs on the location conform with the then-existing sign ordinance.
- (h) Existing signs on an industrially zoned lot may be reconfigured so as to increase the number of signs, the mix of sign types, and the location of signs, as long as the total area of all signs on the lot is not increased, that existing maximum sign heights are maintained, and as long as all other requirements of this article are met.

Sec. 58-348. Definitions.

[Note: Zoning definitions are typically consolidated into a single article for ease of use, preferably at the end of the ordinance for convenient reference. A major issue with the Town’s current ordinance is that there are two sets of definitions for signs and they are not consistent. There is Sec. 58-347 below, but also certain sign definitions in Sec. 58-1.]

Illustrations show only the form of defined signs. Dimensional standards are shown only in the text of this article.

- (1) *A-Frame sign.* A temporary, portable sign used at a place of business to provide information to pedestrians and slow moving vehicles. The sign may be one or two sided.



A-Frame Sign

- (2) *Animated sign.* A sign which changes physical position or involves the use of motion, rotation, or the appearance of motion.
- (3) *Awning sign.* See canopy sign.

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- (4) *Banner sign.* A temporary sign made of cloth, paper, vinyl or like material attached to a wall so as to remain in a generally stationary position.
- (5) *Bench sign.* A sign painted, located on, or attached to any part of the surface of a bench, seat or chair placed on or adjacent to a public place or roadway.
- (6) *Billboard sign.* (see off-premises sign)
- (7) *Canopy sign.* A sign placed directly on or attached to the surface of an awning or canopy.

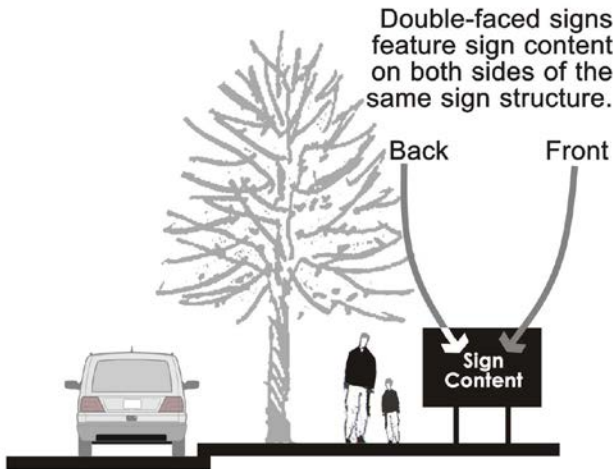


Canopy/Awning Sign



Canopy/Awning Sign

- (8) *Changeable copy sign.* A sign or part of a sign that is designed so that characters, letters or illustrations can be mechanically or physically changed or rearranged without altering the face or surface of the sign.
- (9) *Directory sign, Wall.* A wall sign listing the tenants or occupants of a building or group of buildings. (also see Directory Sign, Freestanding)
- (xx) *Directory sign, Freestanding.* A freestanding sign listing the tenants or occupants of a building or group of buildings. (also see directory sign)
- (10) *Double-faced sign.* A sign with two parallel or nearly parallel faces, back to back, upon which advertising is displayed.



Double-Faced Sign

- (11) *Electronic message board.* Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

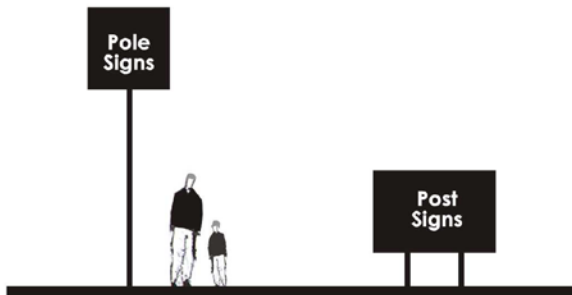
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- (12) *Flags.* Cloth or similar flexible fabric attached to a pole at one end such that the material can bend or flutter from the point (s) of attachment. *[Modified in light of Reed]*

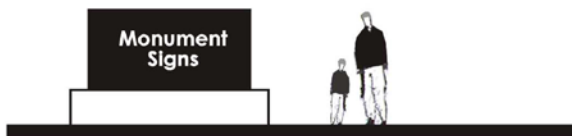


Flag Sign

- (13) *Flashing sign.* Any illuminated sign on which there is artificial light which is not stationary or constant in intensity or color at all times when such sign is in use.
- (14) *Freestanding sign.* Sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure, or a monument form without separate supporting elements.



Freestanding Signs



Freestanding Sign

- (15) *Government sign.* Government signs that are approved by the town council or installed for the public benefit by the Town of Haymarket.
- (16) *Hanging house or address numbers.* House numbers hanging from a lamppost or similar structure. *[subsumed under "minor signs"]*

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- (17) *Hanging sign.* (see Projecting sign)
- (18) *Identification sign for places and institutions.* A sign which displays the identification information for a public building, public park, playground, community building, hospital, cemetery, children's home, orphanage, place of religious worship, fraternal organization, apartment complex, assisted living facility or nursing home, or residential subdivision.
- (19) *Illuminated sign.* A sign illuminated in any manner by an artificial light source, whether internally or externally lit. Externally illuminated signs are those that have a light source projecting onto the face of the sign either by downlighting or indirectly with fluorescent, halogen or a source that gives off natural white light. Internally illuminated signs are those that have a light source inside or behind the sign structure or sign face which projects lights through or from the sign face.
- (20) *Individual letter sign.* A sign made up of letters only that are attached directly to the building.



Individual Letter Sign

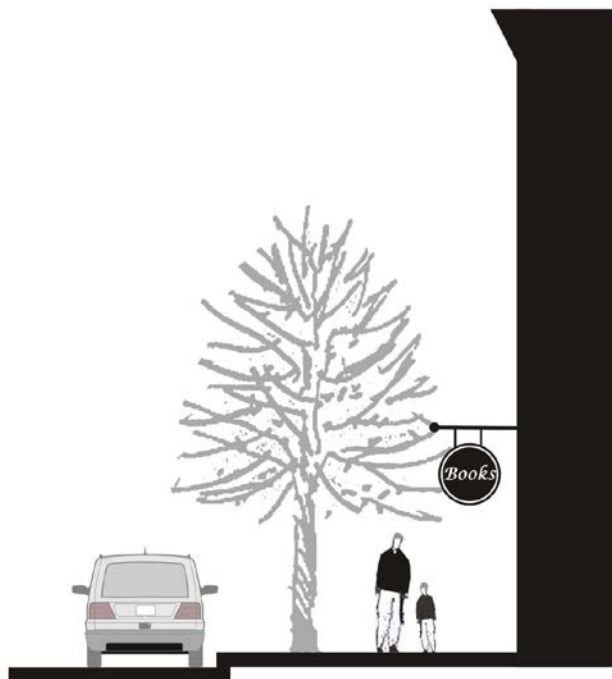
- (21) *Inflatable sign.* Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.
- (22) *Marquees sign.* See canopy sign



Menu Sign

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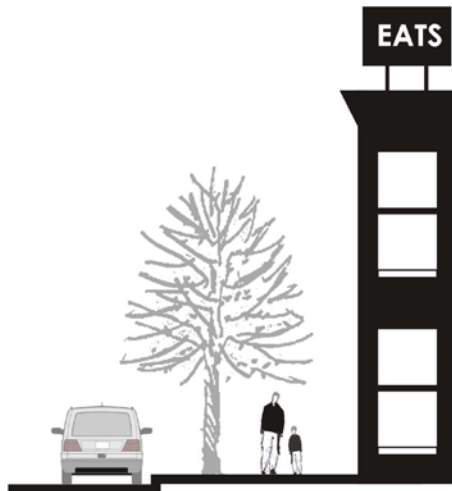
- (24) *Minor sign.* A small, adjunct sign for specific functional purposes. Examples include trespassing signs, security warning signs, on-site directional signs, and the like.
- (xx) *Moving or Rotating Sign.* An environmentally activated sign or other display with mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights. Hand held signs are not included; see Portable Sign.
- (25) *Neon sign.* A sign that uses light-emitting gas to convey a message in a form such as letters, numbers, and figures.
- (26) *Off-premise sign.* A sign which directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected.
- (27) *Painted sign.* Any sign painted on the exterior surface of a building; includes a mural sign.
- (28) *Parasail sign.* Any sign that is inflated, either by the wind or by mechanical means, and has motion in accord with air currents or air pumps.
- (29) *Political sign.* A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election. Political signs are regulated the same as other temporary signs.
- (30) *Portable sign.* Any sign not permanently affixed to a building, structure or the ground. This category includes, but is not limited to, signs attached to or placed on vehicles not used for the daily conduct of the business, banners, balloons, and similar devices used to attract attention, including hand held signs.
- (31) *Projecting sign.* (Also Hanging Sign) A sign attached to a building, approximately perpendicular to the building wall.



Projecting/Hanging Sign

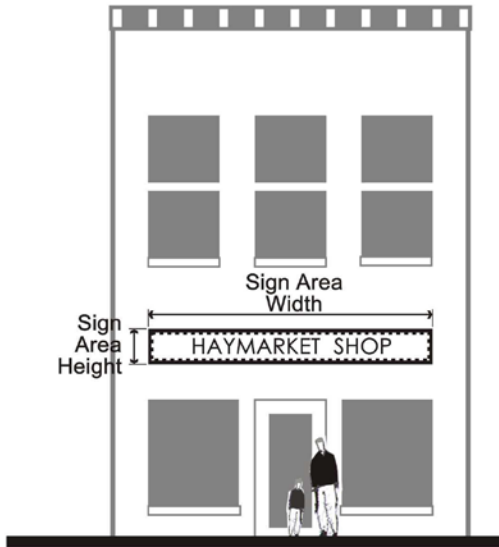
- (32) *Real estate sign.* A temporary sign that advertises the property on which it is located, for sale, rent, or lease, regulated the same as other temporary signs.

- (33) *Roof sign.* Any sign erected, constructed, and maintained wholly upon or over the roof of any building (not permitted by this ordinance).



Roof Sign (Not Permitted)

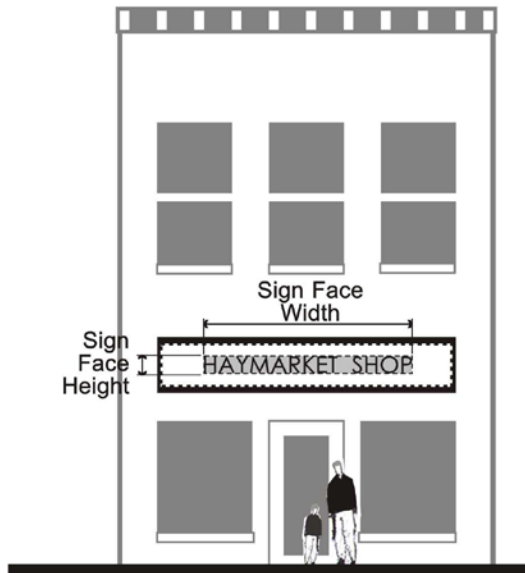
- (34) *Seasonal sign.* A temporary sign identifying an open-air market, farmers' market or the sale of seasonal products, regulated the same as other temporary message signs.
- (35) *Secondary entrance sign.* A wall sign identifying a business or tenant's alternative entrance.
[subsumed under "minor signs"]
- (36) *Security and warning sign.* Signs posted on private property warning the public against trespassing, or similar messages. [subsumed under "minor signs"]
- (37) *Sign.* Any display, temporary or permanent, of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations, by any means whereby they are made visible for the purpose of making anything known.
- (38) *Sign area.* The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure. Sign area is calculated by standard mathematical formulas such as height times width for rectilinear signs, πr^2 for circular signs, and the applicable standard mathematical formula for other geometrical shapes.



Sign Area

For area calculation, see definition in ordinance.

- (39) *Sign face*. The area or display surface used for the message, not including any framing, trim or molding, or the support structure. Face area is calculated using the same mathematical formulas as for sign areas.

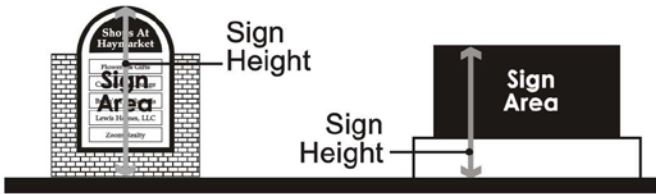
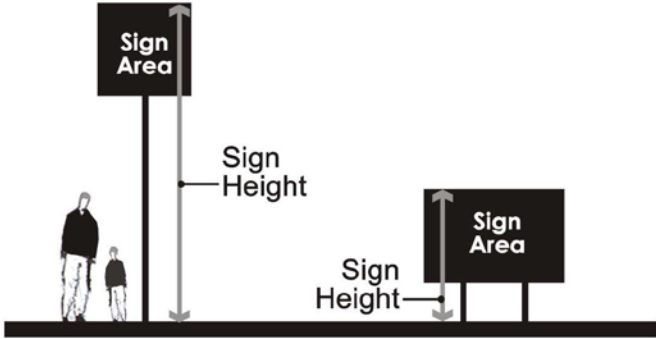


Sign Face

For area calculation, see definition in ordinance.

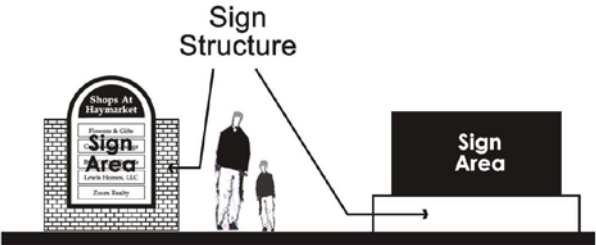
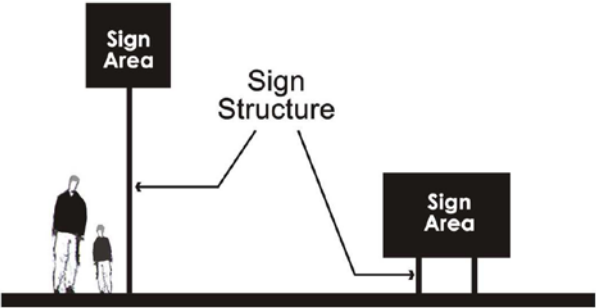
- (40) *Sign height*. Distance measured in feet and inches from the ground below the sign to highest point of sign to include sign structure, or in the case of wall signs on upper floors, from the floor level immediately below the sign to the highest point of the sign. Artificially increasing the height of the sign by berming or mounding dirt or other material at the sign base is prohibited.

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Sign Height

(41) *Sign structure*. Sign structure includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, V-type, or otherwise exhibiting sign.

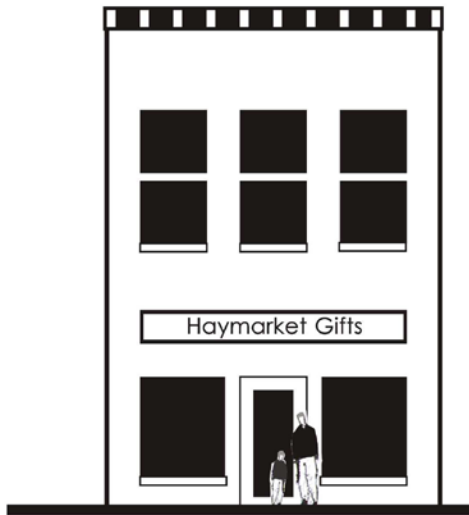


Sign Structure

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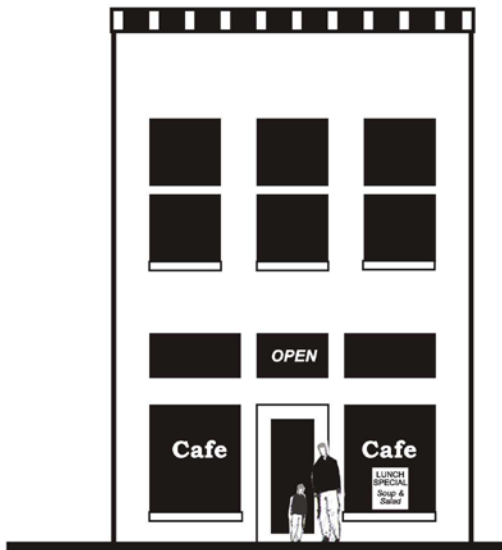
- (42) *Special event sign.* A temporary sign announcing an educational, historical, civic, philanthropic or religious drive or event.
- (43) *Temporary sign.* A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign. Examples include real estate signs, contractor's signs, and one-time event signs.
- (44) *Vehicle sign.* A sign on a truck, bus or other vehicle, while in use in the normal course of business. Refer to Sec. 58-340 for limitations on vehicle signs.
- (45) *Vehicle sign, parked.* A sign placed, affixed or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by this article. Refer to Sec. 58-340 for limitations on vehicle signs.

(46) *Wall sign.* Any signs or lettering, projecting not more than eight inches, which are placed against or attached to the front, rear, or side wall of a building, but shall not include identification signs for occupants of premises as defined herein, nor painted or mural signs as defined herein.



Wall Sign

(47) *Window sign.* A sign painted, stenciled, or affixed on a window.



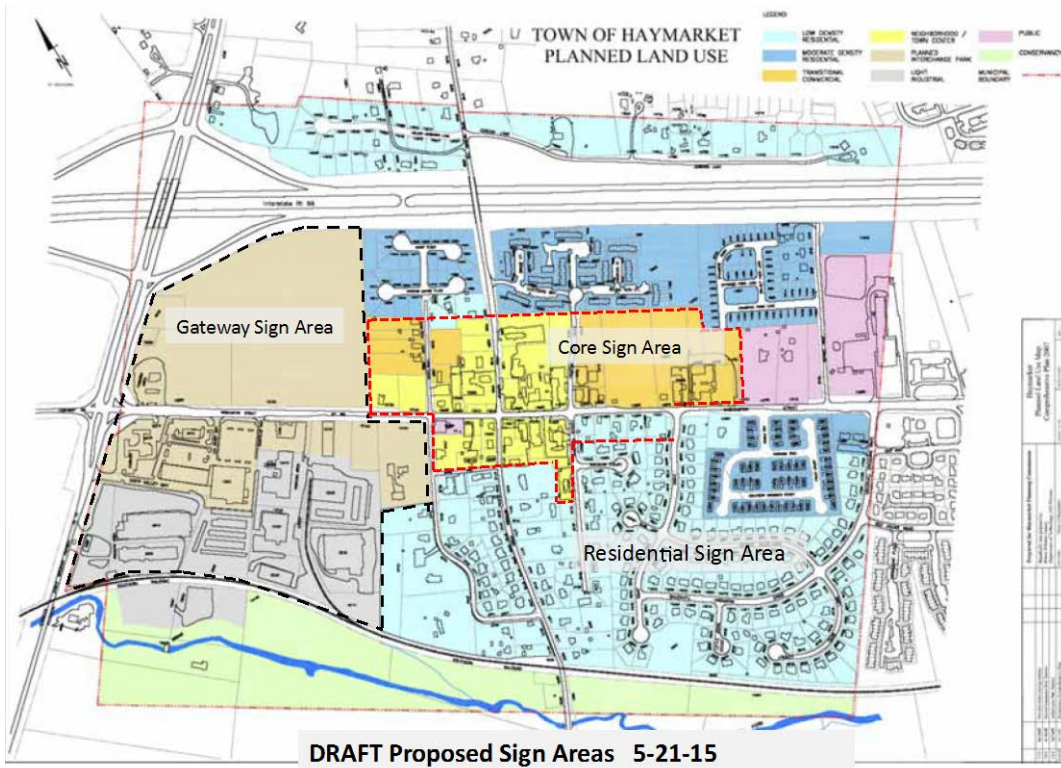
Window Sign

(48) *Yard sale sign.* A temporary sign advertising private sales of personal property (such as garage sales or rummage sales), regulated the same as other temporary signs.

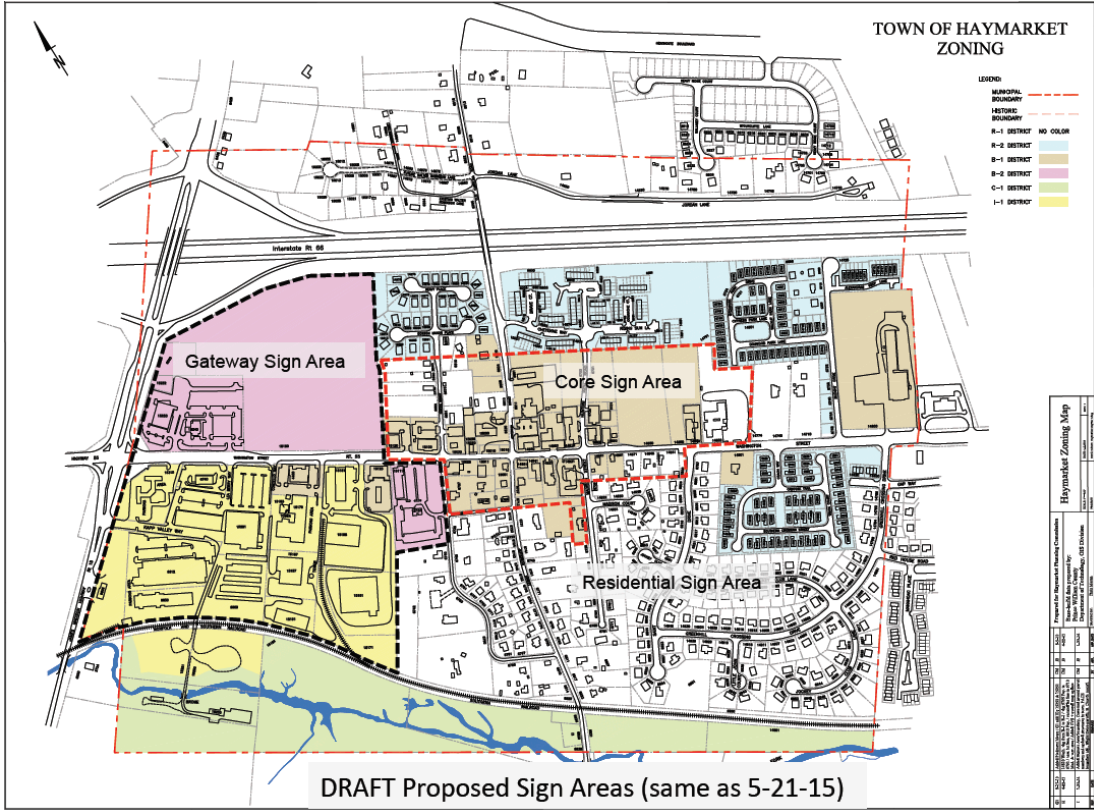
(Ord. of 12-7-2009)

Sec. 58-349-380. Reserved.

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[Note: The above base map is the future land use map from the Comprehensive Plan, which provides the geographic framework for the newly established sign areas as shown here. Signs are also regulated by existing zoning district within each of these newly established sign areas. The Sign Areas are shown on the Zoning Map below. The Town could use either of these maps to show the Sign Areas as regulatory tools.]



Attachment: VFN EDITS TO CONSULTANT 10-3 VERSION - CLEAN for PC 10-6-15 (2583 : Sign Ordinance)



TO: Town of Haymarket Planning Commission
SUBJECT: Review of PC Bylaws
DATE: 10/06/15



TO: Town of Haymarket Planning Commission
SUBJECT: Comprehensive Plan
DATE: 10/06/15



TO: Town of Haymarket Planning Commission
SUBJECT: Amendment to the Planned Land Use Map
DATE: 10/06/15
