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## **B. - SIGN REGULATIONS**

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### **Sec. 210. - General regulations.**

- (a) The regulations set forth in this part shall apply to signs in all zoning districts, including form-based zoning districts.
- (b) Any sign authorized by this ordinance may display any lawful noncommercial message in lieu of any other message. In the case of on-site business signs, only the party actually occupying the on-site business may use the signs to express a noncommercial message.
- (c) For purposes of determining the number of signs on a parcel or other property, one (1) sign shall be considered to be a display or device containing elements organized, related, and composed to form a single unit. Double-faced signs shall be considered a single sign, provided that the faces are parallel or are not separated by an angle greater than fifteen (15) degrees and are part of the same structure.
- (d) The surface area of a sign shall be deemed to include the entire area within a parallelogram, triangle, circle, semicircle or other regular geometric figure, including all of the elements of the matter displayed, but not including blank masking, frames or structural elements outside the sign surface and bearing no advertising matter. The surface area of each face of a double-faced sign shall be included in determining the surface area of such sign.

*(Ord. No. 3246, 7-10-12)*

#### **Sec. 210.1. - Sign permits.**

No sign, other than a sign authorized by section 211, shall be erected, constructed, replaced, repaired, repainted or otherwise displayed, unless a permit authorizing the same has been issued by the zoning administrator. Fees for such permits shall be as set forth in section 8-31 of the City Code. Applications for sign permits shall be made to the zoning administrator, who may require such plans, diagrams and other information as may be necessary to determine whether a proposed

sign complies with the provisions of this ordinance, the Virginia Uniform Statewide Building Code and any other applicable ordinance or regulation.

The zoning administrator shall approve or deny an application within thirty (30) days of its submittal; provided, however, that if the application or accompanying information is insufficient to allow a determination of compliance, he shall notify the applicant and shall, in such case, approve or deny an application within thirty (30) days of the date of submittal of all required information.

(Ord. No. 2105, 9-24-91)

## **Sec. 210.2. - Definitions.**

The following definitions shall apply to all regulations pertaining to signs in this Ordinance, including regulations governing signs in form-based zoning districts:

*Awning sign.* A sign painted or printed on the surface of an awning or canopy made of canvas, fabric, metal, or other material and affixed to and projecting from a building or structure.

*Banner sign.* A sign consisting of cloth displaying a message.

*Billboard.* A sign, including the supporting sign structure, that advertises or directs the attention of the general public to an establishment, business, product or service that is located on a separate site from the billboard.

*Building frontage.* The exterior length of such portion of a building as is occupied exclusively by a single establishment.

*Building identification sign.* A type of wall sign that displays only the name or address, or both, of the building on which it is located.

*Changeable copy sign.* A sign having informational content, such as removable lettering, that can be readily changed or altered by manual means. Changeable copy signs do not include electronic display signs.

*Electronic display sign.* A sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals, that are used to change the messages, intensity of light or colors displayed by such sign. The term shall not include signs on which lights or other illumination devices display only the temperature or time of day in alternating cycles of not less than five (5) seconds.

*Hanging sign.* A sign that hangs from a soffit or other architectural feature of a building or permanent structure or from a bracket affixed to a building wall.

*Information board sign.* A sign mounted within a display cabinet and displaying information, such as a menu, an office or store directory or sales prices for goods, concerning items offered for sale by an establishment located within the building.

*Major tenant.* A single establishment that occupies the space in a building with a building wall height of at least thirty-five (35) feet and with at least one (1) continuous wall containing at least eighty (80) feet of building frontage.

**Marquee sign.** Any sign attached to or hung from a marquee. For the purpose of this article, a marquee is a covered structure projecting from and supported by the building with independent roof and drainage provisions and which is erected over a doorway or doorways.

**Monument sign.** A freestanding sign supported primarily by internal structural framework or integrated into landscaping or other solid structural features other than support poles, the base of which is at least seventy-five (75) percent of the total width of the sign. Monument signs have the following additional characteristics:

- (a) The width of the base does not exceed twice the height of the total sign structure and does not extend more than one (1) foot beyond either outside edge of the face of the sign;
- (b) The height of the base is between eighteen (18) inches and four (4) feet; and
- (c) The maximum height of the sign, as measured from ground level, does not exceed eight (8) feet.

**Neon sign.** An illuminated sign containing a glass tube or tubes filled with neon or phosphors, bent to form letters, symbols or other shapes.

**Occupancy frontage.** The exterior length of that portion of a building occupied by a retail, office or other nonresidential use having at least one (1) exterior public entrance.

**Projecting sign.** A sign that projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to the wall surface to which it is affixed.

**Roadside guide sign.** A sign, located within a public right-of-way, indicating the direction in which a use or establishment, other than a use or establishment owned or operated by a governmental entity, is located.

**Sandwich board sign.** A two-sided portable sign, hinged or attached at the top of the sign panels, designed to be set out in front of the building which the sign is located or carried by a person standing between the two sign panels.

**Sign.** Any structure, display, device or other object or thing, including, but not limited to, any word, letter, series of words or letters, painting, mural, logo, insignia, emblem, service mark or other graphic or pictorial representation, which identifies or advertises, or directs or attracts attention to, any product, merchandise, service, business or establishment, or which suggests the identity or nature of any business or establishment, or which invites or proposes a commercial transaction.

**Table umbrella sign.** A sign that is part of the fabric of, or affixed to the pole of, a table umbrella.

**Wall sign.** A sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

**Window sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and that is located within three (3) feet of the window shall be considered a window sign.

(Ord. No. 3246, 7-10-12)

## **Sec. 211. - Signs permitted in all districts.**

The following types of signs are exempted from all of the provisions of this ordinance, except for illumination, construction, and safety regulations and the following standards:

- (a) *Public signs.* Signs of a noncommercial nature and in the interest of, erected by or on the order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- (b) *Temporary signs.*
  - (1) Temporary signs announcing any public, charitable, educational, religious or other noncommercial event or function, located entirely upon the property on which such event or function is held and set back no less than seven (7) feet from the property line, and having a maximum sign area of thirty-two (32) square feet. Such signs shall be allowed no more than thirty (30) days prior to the event or function and must be removed within seven (7) days after the event or function. Such signs may be illuminated in accordance with the restrictions set forth in section 213 hereof. If building-mounted, such signs shall be flat wall signs and shall not project above the roofline. If freestanding, the height of any such sign shall be no more than twelve (12) feet above ground level.
  - (2) Temporary signs of a commercial nature announcing grand openings or other special events or promotions, subject to the limitations as to size, height and location set forth in subdivision (1) hereof. Such signs shall be displayed no more than three (3) times per year by any business or establishment, nor for any period in excess of seven (7) days.
  - (3) Temporary signs displayed upon balloons, subject to the requirements of subdivisions (1) and (2) hereof, provided, however, that balloons displaying such signs may, if affixed to the roof of a building or structure, project no more than thirty (30) feet above the roofline or, if affixed to the ground, have a height not exceeding thirty (30) feet from ground level. Such signs shall not exceed seventy-five (75) square feet in surface area.
  - (4) Temporary signs giving notice of civic leagues' or property owners associations' meetings or events, provided that such signs shall be located on property owned by the civic league or property owners association holding the meeting or event and shall be no greater than thirty-two (32) square feet in area. No more than one (1) such sign shall be permitted at each entrance to the neighborhood or subdivision represented by the civic league or property owners' association. Such signs shall be in place for no more than fourteen (14) days before the meeting or event of which the sign gives notice or three (3) days after the meeting or event has been held. Such signs may be illuminated in accordance with the restrictions set forth in section 213
- (c) *Integral signs.* Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
- (d) *Private traffic direction signs.* Signs directing traffic movement onto a premises or within a premises not exceeding four (4) square feet in area for each sign.
- (e) *Political campaign signs.* Signs announcing candidates seeking public political office and other data pertinent thereto shall be permitted up to a total area of eight (8) square feet for each premises in a residential zone and thirty-two (32) square feet in a

commercial or industrial zone. Such signs shall be confined within private property and shall not encroach into the visibility triangle at street intersections.

- (f) *Identification signs.* Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, professional or other identification of premises not having commercial connotations.
- (g) *Construction signs.* One sign on each roadway frontage not exceeding thirty-two (32) square feet in area and bearing only the names and addresses of the project, contractors, architects, developers, planners, financial institutions, or engineers engaged in the construction project and only during the time construction or development is actively underway. Such signs should set back no less than ten (10) feet from any property line.
- (h) *Commercial signs used for political campaign advertising.* Commercial signs may be used for political campaign advertising.  
The political campaign advertisement shall encompass the entire surface area upon which it is placed. The advertisement shall be secured to the commercial sign in a manner acceptable to the department of permits and inspections.
- (i) Reserved.
- (j) *Signs for public schools and private schools having curriculums similar to public schools.* One sign not to exceed twenty-four (24) square feet per face. No sign shall have more than two (2) faces. No sign shall be installed within fifty (50) feet of a residential use.
- (k) *Roadside guide signs.* Roadside guide signs, subject to the provisions of section 211.1

(Ord. No. 1890, 7-3-89; Ord. No. 2109, 12-10-91; Ord. No. 2268, 6-14-94; Ord. No. 3000, 9-25-07; Ord. No. 3058, 12-2-08; Ord. No. 3070, 3-10-09; Ord. No. 3107, 11-10-09; Ord. No. 3119, 3-9-10; Ord. No. 3246, 7-10-12)

### **Sec. 211.1. - Roadside guide signs.**

Roadside guide signs shall be permitted, subject to the following provisions:

- (a) Signs shall be allowed only by resolution of the city council upon the application of the owner or operator of a use or establishment operated exclusively for cultural, literary, scientific or artistic purposes and on a not-for-profit basis;
- (b) Applications for such signs, which shall include an application fee in the amount of two hundred fifty dollars (\$250.00), shall be made to the director of planning on forms prescribed by him;
- (c) No signs shall be larger than five (5) square feet in area or higher than nine and one-half (9½) feet above ground level, and all such signs shall have a minimum clearance from ground level to the bottom of the sign face of seven (7) feet;
- (d) No use or establishment shall be the subject of more than three (3) roadside guide signs; provided, however, that the city council may allow additional signs if it finds that three (3) signs are insufficient to provide motorists with adequate guidance to the use or establishment;
- (e) Only the name of the use or establishment, a logo or other graphic symbol indicating the type of use or establishment, a directional arrow and the mileage to the use or establishment may be displayed. The lettering, graphic elements and background shall be approved by the director of public works or his designee in accordance with the standards for such signage adopted by the department of public works;

- (f) Signs shall be erected only in the specific locations approved by the city council as necessary to provide route confirmation and continuity of guidance to the use or establishment. The department of public works may relocate a sign if necessary to accommodate public signage requirements; and
- (g) Signs shall be maintained in good condition at all times. Any sign not in good condition shall be subject to removal and disposal by the department of public works.

(Ord. No. 3119, 3-9-10)

## **Sec. 212. - Prohibited signs.**

The following signs shall be prohibited:

- (a) Signs which imitate an official traffic sign or signal or which contain the words "stop," "go slow," "caution," "danger," "warning," or similar words, except [as] provided in section 211(d).
- (b) Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
- (c) Signs in any public right-of-way, except as provided in section 211(a) or section 211(k), or as allowed in any form-based zoning district or Arts and Cultural District.
- (d) Signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than ninety (90) days from the date of vacancy.
- (e) Signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices. These devices, when not part of any sign, are similarly prohibited.
- (f) Signs which are pasted or attached to utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.
- (g) Signs advertising activities which are illegal under federal, state or city laws or regulations.
- (h) Reserved.
- (i) All portable or nonstructural signs, except for banner signs or sandwich board signs as allowed in any form-based zoning district or Arts and Cultural District, For purposes of this ordinance, a sign shall be considered as nonstructural if it has no permanently mounted, self-supporting structure or is not an integral part of a building to which it is accessory.
- (j) Signs oriented toward the Atlantic Ocean and Chesapeake Bay beaches except for one (1) sign per zoning lot to identify the principal use located on that zoning lot. Such sign, which may be illuminated, shall not have a total surface area in excess of ten (10) square feet.
- (k) Signs projecting above the roofline or to a height greater than three-fourths (¾) of the vertical distance between the eaveline and ridgeline of any other type of roof; provided, however, that signs mounted on parapet walls may extend to a height equal to, but no greater than, the height of the parapet wall.

(l)

Signs in violation of section 33-114.1 of this Code, except for signs that are allowed to encroach into the public right-of-way under the applicable regulations of any form-based zoning district or Arts and Cultural District.

- (m) Electronic display signs, except as expressly allowed by the city council in conjunction with major entertainment venues.
- (n) Any sign that emits sound, smoke, vapor, particles, or odors.

*(Ord. No. 3032, 6-24-08; Ord. No. 3119, 3-9-10; Ord. No. 3141, 6-22-10; Ord. No. 3246, 7-10-12)*

### **Sec. 212.1. - Removal of prohibited signs in public places.**

The zoning administrator shall have the authority to remove and discard any sign determined by him to be in violation of the preceding section and to be located upon public property. Such authority shall be in addition to the authority conferred upon the zoning administrator by section 103 of the zoning ordinance of the City of Virginia Beach or by general law.

### **Sec. 212.2. - Motor vehicle signs.**

- (a) Signs displayed on motor vehicles operated or parked on a public street or in such location as to be visible from the main traveled way of a public street shall be permitted, provided the following requirements are met:
  - (1) The motor vehicle is not partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle; or
  - (2) The motor vehicle displays valid license plates and a valid inspection decal;
  - (3) The motor vehicle is not used solely for purposes of the display of advertising; and
  - (4) No more than four (4) signs having a maximum combined area of two hundred fifty (250) square feet shall be simultaneously displayed on a motor vehicle, and no sign shall exceed ninety (90) square feet in area; provided, however, that the provisions of this subdivision shall not apply to buses, trolleys or other motor vehicles used primarily for purposes of providing public transportation or to motor vehicles on which signs exclusively advertise the business of the owner of the vehicle.
- (b) No motor vehicle shall be driven on any street within a residential subdivision for the purpose of displaying advertising, except as required by detour or upon order of a public safety employee of the city or state.
- (c) The following types of signs shall be prohibited while the motor vehicle on which they are displayed is operated or parked on a public street or in such location as to be visible from the main traveled way of a public street:
  - (1) Flashing, pulsating or blinking signs;
  - (2) Signs in which the message displayed changes more frequently than once every four (4) seconds;
  - (3) Electronic changeable copy signs, including signs containing light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices used to change the advertising displayed by such signs; and
  - (4) Signs that project more than one (1) foot above the portion of the motor vehicle to which they are affixed or that obscure the vision of the driver of the motor vehicle or of other motorists.
- (d) Any sign greater than fifteen (15) square feet in area that is displayed on a motor vehicle for purposes of advertising a business other than that of the owner of the vehicle shall require

an annual permit issued pursuant to the provisions of section 210.1. The fees for such permits shall be in accordance with the provisions of section 8-31(c)(13) of the City Code.

- (e) Violations of any of the provisions of this section shall be punishable in accordance with section 104.
- (f) For purposes of this section:
  - (1) "Motor vehicle" shall be defined in accordance with section 46.2-100 of the Code of Virginia or any successor statute, and shall also include any trailer or other vehicle drawn by or affixed to a motor vehicle;
  - (2) "Owner" shall be defined as set forth in section 46.2-100 of the Code of Virginia or any successor statute, and shall also include a lessee of a motor vehicle under a written lease.

(Ord. No. 3032, 6-24-08)

### **Sec. 213. - Illumination.**

- (a) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect in an offensive manner on or into residential structures, including motels.
- (b) No exposed reflective type bulbs or incandescent lamps shall be used on the exterior surface of any sign in such a manner that will cause offensive glare on adjacent property or create a traffic hazard.
- (c) No sign shall have blinking, flashing or fluttering lights or other illuminating devices which are so constructed and operated as to constitute a public safety or traffic hazard.

### **Sec. 214. - Sign height, setback and landscaping.**

- (a) No freestanding sign shall exceed twelve (12) feet in height from ground level.
- (b) No freestanding sign shall be set back less than seven (7) feet from any existing public right-of-way; provided, however, that a freestanding sign having a height of eight (8) feet or less may be set back five (5) feet from any such right-of-way. The minimum sign setback from interstate roadways and expressways designated by the city council shall be one hundred (100) feet.
- (c) There shall be a minimum of seventy-five (75) square feet of landscaped area around any freestanding sign, which area may include landscaping required by section 5A of the site plan ordinance. All such landscaping shall be maintained in good condition at all times by the owner, lessee or occupant of the premises upon which such sign is located.
- (d) Freestanding signs, including replacements of sign faces, shall display the street number of the property upon which the sign is located. Such display shall consist of numerals no larger than twelve (12) inches and no less than six (6) inches in height and shall be located within, but not extended above, the top portion of the face of the sign, unless impractical. The portion of the sign displaying the street number shall not be deemed a part of the sign for purposes of measuring the surface area of such sign.

(Ord. No. 1928, 10-23-89)

### **Sec. 215. - Nonconforming signs.**

- (a)

Notwithstanding the provisions of section 105(f) of this ordinance, no nonconforming sign shall be structurally altered, enlarged, moved or replaced, whether voluntarily or by reason of involuntary damage to or destruction of such sign, unless such sign is brought into compliance with the provisions of this ordinance. Except as provided in section 216, no nonconforming sign shall be repaired at a cost in excess of fifty (50) percent of its original cost unless such sign is caused to comply with the provisions of this ordinance. Any nonconforming sign which is not maintained continuously in good repair, and any nonconforming sign which is abandoned shall be removed. For purposes of this section, a sign shall be deemed to be abandoned if the business for which the sign was erected has not been in operation for a period of at least two (2) years. Following the expiration of at least two (2) years, any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, after notification by the zoning administrator. If, following such two-year period, the zoning administrator has made a reasonable attempt to notify the property owner, the city through its own agents or employees may enter the property upon which the sign is located and removed any such sign wherever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the city from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriated remedy.

- (b) Notwithstanding the provisions of subsection (a) hereof, the zoning administrator may, at his discretion and with the concurrence of the director of planning, vary the requirements of this ordinance pertaining to the allowed number of signs, total sign area, individual sign area, number of freestanding signs and height of freestanding signs in cases in which the owner of a sign or other proper party desires to repair, replace, relocate or structurally alter an existing nonconforming sign or combination of signs and such repair, replacement, relocation or structural alteration is not required, or has not been made necessary, by reason of damage, destruction, deterioration, disrepair or noncompliance with applicable building code standards or any of the provisions of this ordinance; provided, however, that the regulations set forth in subsections (c) and (d) of section 944.1 of this ordinance shall not be so varied.
- (c) Nothing in this section shall be construed to limit or otherwise impair the right of any proper party to apply to the board of zoning appeals for a variance from any of the sign regulations set forth in this ordinance.

*(Ord. No. 1775, 5-9-88; Ord. No. 2152, 6-23-92; Ord. No. 2776, 7-1-03; Ord. No. 2833, 7-6-04; Ord. No. 2839, 8-24-04)*

## **Sec. 216. - Outdoor advertising structures, billboards, signboards and poster panels.**

- (a) No new billboards shall be erected within the city limits, effective immediately. All existing billboards shall be governed by the provisions of section 215 of this ordinance. No billboard heretofore erected shall be located, in whole or in part, upon improved property.
- (b) No billboard shall be located within five hundred (500) feet of an interchange, or intersection at grade, on any highway, interstate or city council designated expressway (measured along the highway, interstate or expressway to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way). On all other streets, no billboard shall be located within two hundred (200) feet of any right-of-way of any underpass, overpass, bridge or tunnel or a plaza serving such facility.
- (c) No billboard shall be closer than fifty (50) feet to any property line nor located closer than six hundred sixty (660) feet to the right-of-way line of any interstate or expressway designated

by city council, nor closer than twenty-five (25) feet to the right-of-way of any other street. However, no billboard shall be located within two hundred (200) feet of any established residential or apartment zoning district. No billboard shall be located upon any lot having a frontage of less than two hundred (200) feet and an area of less than ten thousand (10,000) square feet.

- (d) The repair of lawfully nonconforming billboards visible from the main traveled way of any interstate highway, federal-aid primary highway as that system existed on June 1, 1991, or national highway system highway shall be governed by the provisions of Virginia Code section 33.1-370.2. No building permit authorizing the repair of any such billboard shall be issued unless owner of the billboard provides to the building codes administrator a letter from the commonwealth transportation commissioner approving the proposed repairs. In the event the building codes administrator determines that the cost of the proposed repairs exceeds fifty (50) percent of the replacement cost of the billboard, he shall, within thirty (30) days of the filing of the building permit application, submit an objection to the determination of the commissioner, together with documentation supporting such objection. A copy of such objection and documentation shall be provided to the billboard owner. The determination of the commissioner upon reconsideration shall be binding.

*(Ord. No. 1775, 5-9-88; Ord. No. 2839, 8-24-04)*

## **Sec. 217. - Reserved.**

### *Editor's note—*

Ord. No. 2956, adopted July 11, 2006, repealed § 217, which pertained to civil penalties and derived from Ord. No. 2518, 12-8-98; Ord. No. 2774, 7-1-03.