

Article 10

SIGN REGULATIONS

ADOPTED

MARCH 13, 2007

(Revisions June 14, 2011)

A. The purpose of this article is to regulate the size, location, height, and construction of all signs for public observance; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive and harmonious community, to protect property values; and to further the urban design and economic development objectives. To these ends, these regulations are intended to promote signs that are:

1. Legible and appropriate to the activity to which they pertain;
2. Not distracting to motorists;
3. Constructed and maintained in a structurally sound and attractive condition; and
4. Pertaining to use or business that is in operation on the premises.

B. Sign Permit Requirement:

Except as provided hereinafter, no sign shall be erected, installed, used, altered, painted, relocated, replaced or reconstructed until a Sign Permit has been issued by the Town Clerk and approved by the Planning Commission and Town Council. For the purpose of this Ordinance, all signs are considered accessory uses and, unless specifically qualified, shall be located on the same lot with the principal use to which they pertain.

C. Sign Permit Procedures:

1. **Applicability:** A Sign Permit shall be required for all signs.
2. **Filing of Application and Fees:** Applications for Sign Permits shall be filed with the Town Clerk, shall contain information required herein, and shall be accompanied by a \$40.00 fee.
3. **Information Required:** All applications for Sign Permits shall be submitted on standard Town application forms and the applicant shall provide additional written or graphic exhibits to incorporate the following information:
 - a. Name, address, and telephone number of the sign erector, sign owner, and property owner.
 - b. Position of the sign with distances in relation to adjacent lot lines, buildings, sidewalks, setbacks, streets and intersections shown on a plat.
 - c. Type of sign and general description of structural design and construction materials to be used.
 - d. Purpose of the proposed sign.
 - e. Drawings of the proposed sign which shall contain specifications indicating the height, perimeter and area dimensions, means of support, method of illumination, colors, and any other significant aspect of the proposed sign.
 - f. Any other information requested by the Planning and Zoning Administrator in order to carry out the purpose and intent of these regulations.

a. Sign Definitions:

For the purpose of this article, certain terms and words pertaining to signs are hereby defined. The general rules of interpretation contained in this article are applicable to these definitions.

1. **Abandoned Sign.** An existing sign that advertises a business that is no longer in operation.
2. **Accessory Sign.** A sign relating only to the uses of the premises on which the sign is located or products sold on the premises on which the sign is located, or indicating the name or address of a building, the occupants or management of a building on the premises where the sign is located.
3. **Animated Sign.** A sign utilizing any form of movement, including, but not limited to, animation, revolution, vertical or horizontal motion, whether electrical, mechanical, windblown, or through change in lighting.
4. **Awning Sign.** A sign painted or printed on, attached flat or sewn onto valance or body of any awning.
5. **Banner.** A piece of cloth, plastic or other flexible material on which words, letter, figures, colors, designs or symbols are inscribed or affixed for the purposes of advertisement, identification, display, or direction and which is suspended for display, typically from buildings or poles.
6. **Billboard Sign.** A sign used as an outdoor display for the purpose of advertising or promoting a business, service activity or products which is not located on the premises on which a sign is situated.
7. **Canopy Sign.** A sign attached to or displayed on a canopy. For the purpose of this Article, a canopy is a permanent, roof-like structure of rigid materials either supported by or extending from a building or free-standing, including marquee or porte coheres.
8. **Changeable Copy Sign.** A sign or part of a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.
9. **Construction Sign.** A temporary sign which identifies the character of facilities being actively constructed or altered, the anticipated sale, lease or rental of those facilities, or the identity of the persons or firms alteration of such facilities.
10. **Detached Sign.** An on-site free standing sign not attached to a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall that is not a part of a building shall be considered a detached sign.
11. **Directional Sign.** An on-premise sign giving directions, instructions, and/or facility information, but containing no advertising copy (e.g., parking, exit, or entrance signs.)
12. **Directory Boards.** A subsidiary sign listing the names, uses, and/or location of various businesses conducted within a building or group of buildings.
13. **Double-Faced Sign.** A sign with two parallel, or nearly parallel, faces, back to back, and located no more than 24 inches from each other.
14. **Externally Illuminated Sign.** A sign which does not produce artificial light from within itself but which is opaque and illuminated by spotlights or floodlights not a part of or attached to the sign itself.
15. **Festoons.** A string of ribbons, tinsel, small flags, pennants, pinwheels, or similar devices.
16. **Flashing Sign.** No exterior flashing illuminated signs are allowed within the Town limits.
17. **Flat Sign.** A sign painted, on panels or individual letters mounted to a wall or cornice on exterior walls of a building and is supported throughout its length by such wall or building, not extending more than 18 inches from the building or wall.
18. **Gasoline Station Signs.** Signs for buildings and premises in which the primary source of revenue is the retail dispensing of motor fuels. This information must be verified by applicant prior to the issuance of sign permits.

19. **General Advertising Sign.** Any sign which is not an accessory sign or which is not specifically limited to a special purpose by these regulations.
20. **Internally Illuminated Sign.** Any sign designed to give forth artificial light from within itself.
21. **Marquee.** A permanent structure, awning or canopy projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
22. **Marquee Sign.** Any sign attached to or hung from a marquee.
23. **Monument Sign:** A free standing sign that is intended to be incorporated into some form of landscaping design scheme or planter box, is attached to the ground by means of a free-standing support structure, is solid from grade to the top of the structure, is placed directly on the ground or on an interior planter base which is incorporated into a design arrangement. A monument sign shall be considered as one (1) sign though it may have two (2) faces.
24. **Off Premises Directional Sign.** A sign which is not located on the same premises as the use to which it refers and which is intended to provide information as to the identity and location of use, but which does not otherwise qualify as an advertising sign.
25. **Off Premises Directional Open House Sign.** A temporary sign which is intended to provide information on the location of a real estate open house and which is not located on the same premises as the dwelling unit to which it refers.
26. **Political Sign.** A temporary sign which pertains to an issue or candidate in a pending election.
27. **Projecting Sign.** A sign which is attached to and projects more than 18 inches from the face of a wall of a building.
28. **Realty Sign.** A temporary sign which advertises the sale, lease, rental, or display of the lot or building upon which such sign is displayed.
29. **Roof Sign.** A sign which are an integral part of the building design and is attached to, painted on, or supported by the roof of a building.
30. **Sign.** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place activity, person institution, or business.
31. **Sign area.** That area which outlines the outer extremities of all letters, figures, characters, and delineations, or within an area including the outer extremities of the framework or background of the sign, whichever includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in a computation of sign area, if the faces are not more than 24 inches apart. For other signs with more than one face which are more than 24 inches apart, each side shall be included in a computation of sign area. The area of a cylindrical or spherical sign shall be computed by multiplying one – half of the circumferences by the height of the sign.
32. **Sign Height.** The vertical distance from the street grade or the average lot grade at the front setback line, whichever produces the greater vertical distance, to the highest point of the sign.
33. **Temporary Sign.** A sign, banner, A-Frame, pennant, poster, or advertising display constructed of cloth, plastic, sheet, cardboard, wallboard, or other materials, intended to be displayed for a limited period of time, and not permanently attached to a building or the ground (e.g. yard sale signs).
34. **Wall Area.** The area of a structure that measures from the roof soffit to the ground. The roof of a structure, if on a different plane than the wall, shall not be included in the calculations of the wall area.

35. **Window Sign.** A sign painted onto or physically affixed to a building window including upper floor windows and the glazing of doors or signs legible from any vehicular public right-of-way through a building window, limited to 20 percent of the total glass area of the window in which they are placed.

E. General Requirements for All Signs:

The following regulations shall apply generally to all signs and are in addition to the regulations that apply to signs in each district:

1. **Sign Information and Sign Erection:** All signs shall be erected within sixty (60) days from the date of issuance of the permit; otherwise, the permit shall become null and void and a new permit shall be required. Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises. Fees for sign permits shall be in accordance with this article or as may be otherwise amended from time to time by the Town Council.
2. **Number of Signs:** Except as otherwise provided, these regulations shall be interpreted to permit one sign of each permitted type, in accordance with applicable regulations, for each street frontage, for each permitted use on the premises. For the purpose of these regulations, sign types are flat, detached, projecting and marquee signs.
3. **Responsibility:** The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violation of these regulations. Where a sign has been erected in accordance with these regulations, the sign company shall be relieved of further responsibility under these regulations after final approval of the sign by the Administrator.
4. **Maintenance:** All signs shall be maintained in good condition and appearance. Lights for illuminated signs shall be maintained in good working order. After due notice has been given as provided below, the Town Council may cause to be removed any sign which shows gross neglect or become dilapidated, at the owner's expense.
5. **Removal:** The Town Council shall remove or cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within 30 days after receiving written notice of violation from the Town Council. Removal of a sign by the Town Council shall not affect any proceedings instituted prior to removal of such sign.
6. **Changeable Message Signs:** For signs with changeable message panels or zip tracks, the changeable message area of the sign shall not exceed 25 percent of the total sign area, except for gasoline price signs which shall not exceed 75 percent of the total sign area.
7. **Structural and Safety Characteristics:** 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 the structural plans have been reviewed, a permit has been issued, and the plans are in compliance with all the requirements of this Ordinance and applicable technical codes.

Exempt Signs:

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the building code.

1. **Traffic Signs and Signals.** Signs erected and maintained pursuant to and in discharge of any federal, state, or county government function, or as may be required by law, ordinance, or governmental regulation including official traffic signs and signals, warning devices, and other similar signs.
2. **Changing of Message Content.** Changing a copy on a bulletin board, poster board, display encasement, marquee or changeable copy sign.

3. **Temporary, Non-Illuminated Window Signs.** Temporary, non-illuminated window signs in display windows in a business district, limited to 20 percent of the total glass area of the window in which they are placed.
4. **Temporary, Non-Illuminated Real Estate Signs.** Temporary non-illuminated real estate signs advertising real estate for sale or lease shall be exempt from obtaining a sign permit with the following restrictions:
 - a. All real estate signs advertising commercial property or a residential subdivision of 10 lots or more shall be a maximum of 32 square feet and shall not exceed 24 months in use.
 - b. All real estate signs advertising single-family residential lots for sale or lease shall not exceed 4 square feet and be limited to one per lot.
 - c. There shall be no more than one real estate sign per road frontage and must be located on the property.
 - d. Off premises open house real estate signs advertising the sale, lease or rental of property shall be displayed only when the residential unit is open for public viewing, shall be limited to 4 square feet in size, and shall not be displayed for more than three (3) days in any seven (7) day period.
5. **Non-Illuminated Signs Identifying Official State Automobile Inspection Stations.** Non-illuminated signs identifying official state automobile inspection stations and the inspection number which is due, provided that such signs shall not exceed 10 square feet in area and shall be limited to one sign for each street frontage. Such signs shall not be included in any computation of sign area. "A-frame" designs shall be considered as a single sign for the purposes of computing sign area.
6. **Temporary, Non-Illuminated Construction Signs.** Temporary non-illuminated signs not more than 32 square feet in are, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each street frontage.
7. **Non-Illuminated Signs Warning Trespassers.** Non-illuminated signs warning trespassers or announcing property as posted, without limitations on number or placement, limited in area to two square feet.
8. **Mounted or Painted Signs On A Vehicle.** Mounted or painted signs on a truck, bus, or other vehicle shall be permitted while in use in the normal course of business and at the driver's residence.
9. **Directory Boards.** Directory boards which are detached or flat and designed as an outdoor means of providing information concerning the location of individual establishments or offices within an office, retail, or industrial complex, provided that such signs are not legible from any public right-of-way and do not exceed 16 square feet with a maximum width of 2 feet provided that only one such sign shall be permitted per building.

Temporary Signs:

1. The Zoning Administrator may issue temporary sign permits or banner permits for the following signs and banners, when in his opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property. The fee for a temporary sign or banner shall be \$10.00. This fee shall be waived for bonafide non-profit organizations. Temporary signs or banners listed in (a), (b) and (d), below may be erected for no more than seven (7) business days prior to the special event and must be removed no later than three (3) business days after the special event has concluded. For temporary signs listed in (c), below, the Town Council shall prescribe regulations and restrictions as deemed appropriate.
 - (a) Signs or banners not exceeding 32 square feet advertising a special civic or cultural event such as a fair, exposition, play, concert, or meeting, sponsored by a governmental, civic, nonprofit, or charitable organization.

- (b) Special decorative displays used for holidays, public demonstrations, or promotion for nonpartisan civic purposes.
- (c) Signs displayed at recreational ball fields not exceeding 32 square feet per sign. The back of the sign shall be the same color as recommended by the Planning Commission. The signs(s) shall be displayed only during the regular season of the individual sport.
- (d) Banners when used in conjunction with a special sales promotion in a district where such sales are permitted, the opening of a new business, a special one-time auction of real or personal property in estate or bankruptcy sales, or an establishment going out of business in any commercial or industrial district. Limit one banner.
- (e) Temporary portable signs, such as A-Frame signs, not exceeding 32 square feet in area, which are intended to identify or display information pertaining to an establishment for which permanent free standing signage is on order as evidenced by presentation of a copy of an executed order form for such permanent signage to the Town Clerk. Such permit shall expire and the portable sign shall be removed upon the arrival of the permanent sign or 30 days, whichever shall occur first.
- (f) Banners when used to announce the grand opening and initiation of sales or leasing of lots and/or dwelling units within a newly developing residential project have at least 10 lots or units. The cumulative area of all such banners erected for any single residential project shall not exceed forty (40) square feet. Banners shall not be illuminated. The duration of such permit shall not exceed thirty (30) days.
- (g) Political or campaign signs and posters shall not be placed on any public property, public right-of-way, or Virginia Department of Transportation right-of-way. Political signs can only be placed on private property and cannot create any sight distance problems for motorists.

H. Prohibited Signs:

1. Off-premises signs, including billboards, unless otherwise specified in this ordinance.
2. Permanent pennants, banners, festoons, streamers, balloons and all other flutter, spinning, inflatable or similar type signs and advertising devices are prohibited except for the following: national flags, flags of a political subdivision of the United States and 2 decorative house flags per household. Flags of a bona fide civic, charitable, fraternal, and welfare organizations, during nationality recognized holiday periods, or during a special civic event, may be displayed by temporary permit as provided above in this Article, and further provided that the Town Council approve special flags and flag poles when, in his opinion, they form an integral design feature of a building or group of buildings and not an ordinary advertising device.
3. Permanent advertising signs attached to fences in recreation areas are prohibited in all residential districts.
4. No sign which is not an integral part of the building design shall be fastened to and supported by or on the roof of a building and no projecting sign shall extend over or above the roof line or parapet wall of a building.
5. No sign shall be constructed erected, used, operated, or maintained which displays intermitted lights resembling, or seeming to resemble, the flashing lights customarily associated with danger or such as are customarily used by police, fire, or ambulance vehicles, or for navigation purposes.
6. No flashing signs shall be permitted within the Town limits.

7. No sign shall be constructed, erected, or operated, or maintained which is so located and so illuminated as to provide a background of colored lights blending with traffic signal lights which may confuse a motorist when viewed from normal approaching position of a vehicle at a distance of 25 to 300 feet.

8. No sign shall be attached to trees, utility poles, or any other unapproved supporting structure.

9. No signs shall project over public right-of-way without express permission of the Town Council except for permitted flat signs which may project not more than 18 inches.

I. Nonconforming Signs:

Any sign which was lawfully in existence at the time of the effective date of this Ordinance which does not conform to the provisions herein, and any sign which is accessory to a lawful nonconforming principal use, shall be deemed a lawful nonconforming sign, and may remain, subject to the following:

1. Permitted signs for a conforming business or industrial use in a residential district shall consist of those signs permitted in the C-1 Commercial District.
2. A nonconforming sign must be kept in good repair and condition. However, any sign which is declared to be unsafe or unlawful by any authorized Town official because of its physical condition may not be restored, repaired, or rebuilt, but must be removed.
3. Where any sign does not comply with the provisions of this ordinance, such sign and any supporting structures may be maintained in their existing condition. Nonconforming signs can be repainted or refaced so long as the height and landscaping requirements are met in the underlying zoning district. Nonconforming signs may not be enlarged, extended, moved, modified, reconstructed or structurally altered except in accordance with this section. No nonconforming sign shall be enlarged, extended, moved, modified or structurally altered without first obtaining the necessary permits from the Town of Surry.
4. A nonconforming sign must be removed if the structure, building, or use to which it is accessory is destroyed, or demolished to an extent exceeding 50% of the appraised value of the principal structure, building or use.
5. A nonconforming sign which is destroyed or damaged to an extent exceeding 50% of its appraised value may not be altered, replaced, or reinstalled unless it is in conformance with this Article unless such restoration, repair, or replacement and use is approved as a special exception by the Planning Commission. If the damage or destruction is 50% or less of the appraised value, the sign may be restored within 60 days of the damage, but shall not be enlarged in any manner.
6. Applications for unusual signs or displays which give rise to questions of interpretation of these regulations may be referred by the Administrator to the Board of Zoning Appeals for the purpose of interpretation by the Board and recommendation for action on the application by the Administrator. If, in the opinion of the Board, the application is not adequately covered by these regulations, the Board may make recommendations for amendment of this Ordinance.
7. Supporting structures for nonconforming signs may continue in use for a conforming sign if said supporting structures comply in all respects to the applicable requirements of this ordinance and other ordinances of the Town of Surry.

J. Abandoned Signs:

A sign, or message portion of the sign, including its supporting structure, anchors, brackets, or similar components, shall be removed or replaced with a blank “shell” of the same material as the rest of the sign by the property owner upon which the sign is located when the business it advertises is no longer on the premises. Such sign, if not removed or properly replaced with a blank “shell” within sixty (60) days from the termination of occupancy by such business shall be considered to be in violation of the section, and the Planning and Zoning Administrator may cause the abandoned sign to be removed at the property owner’s expense.

K. Special Sign Exceptions:

1. **Cause for exceptions:** In order to provide for adjustments in the relative locations of signs of the same or different classifications, to promote the usefulness of these regulations and instruments of fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to their efficient operation, special sign exceptions may be granted by the Planning Commission.

2. **Considerations for Exceptions:** In considering an application for a special sign exception, the Planning Commission shall give due regard to the specific guidelines and standards of this Section and those listed elsewhere in this Ordinance, and in general to the nature and condition of adjacent uses and structures, and probable effect upon them of the proposed exception. The Planning Commission shall also take into account the special characteristics, design, location, construction, method of operation, effect on nearby properties, or any other aspects of the particular sign that may be proposed by the applicant.

3. **Adverse Effect:** If it should find, after the hearing, that the proposed sign will not adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, nor be incompatible with the general plans and objectives of the official Comprehensive Plan of the Town of Surry, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such sign will be in substantial accordance with the general purpose and objectives of this Ordinance, then the Planning Commission may grant the exception and authorize the issuance of a special sign exception permit.

4. **Application Fee:** A fee of \$40.00 shall be required of the applicant for a special sign exception.

5. **Appeal:** Appeal of any decision of the Planning Commission to the Board of Zoning Appeals can be made by filing with the Town Council a written request within 10 days of the decision of the Planning Commission. Such appeal shall not suspend the decision of the Planning Commission. The appeal shall proceed under the procedure as the original application to the Planning Commission with respect to notice of public hearing.

6. **Penalty Clause: (6142011)**

Any person, firm, or corporation, whether as principal, agent, employed or otherwise violating, causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, may be fined up to fifty (\$50) dollars for the first violation or violations arising from the same set of operative facts. Each business day during which the same violation is found to have existed shall constitute a separate offense.

In the event three (3) civil penalties' have previously been imposed on the same defendant for the same or similar a violation, not arising from the same set of operative facts, within a twenty four (24) month period, such subsequent violations shall be a Class 3 misdemeanor.

The Town may petition the State of Virginia District Court to impose, assess and recover such sums. The civil penalty provided in this Ordinance shall be in addition to all other remedies available to the Town under state law and local ordinance.

The authorized punishments for conviction of a misdemeanor are:

(a) For Class 1 misdemeanor, confinement in jail for not more than twelve months and a fine of not more than \$2500, either or both.

(b) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1000, either or both.

© For Class 3 misdemeanors, a fine of not more than \$500.

(d) For Class 4 misdemeanors, a fine of not more than \$250.

ADOPTED MARCH 13, 2007

TOWN OF SURRY SIGN PERMIT APPLICATION
P. O. BOX 314, SURRY, VA. 23883 (757)294-3021

Date of Application _____

Circle one:

New sign Repair Repaint Replace Move

Projecting Banner Portable Marquee Wall

Single Face Double Face Monument

Sign Dimensions H _____ W _____ Total Sq. Ft. _____

Set Back _____

Purpose of Sign _____

Sign Address _____

Sign Erector _____ Phone Number _____

Sign Erector Address _____

Sign Owner _____

Sign Owner Address _____

Property Owner _____

Property Owner Address _____

Note: One set of structural plans are required for all signs and shall include the following: height, perimeter, area dimensions, location, and means of support, colors, and construction materials. A separate permit must be secured for wiring and connecting all electrical signs.

I hereby certify that I have the authority to make the foregoing application that the information is correct, and that the construction will conform to the regulations of the Sign and Zoning Ordinances of the Town of Surry.

Signature _____ Date _____

Print Name _____ Phone _____

Address _____

Zoning Compliance Use Only

Planning Commission Review Approved Denied Date _____

Town Council Approved Denied Date _____

