

17-0-082

PHASE 1 ALTERNATIVE VERSION NOVEMBER 28, 2017

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE, ENTITLED "ZONING," ARTICLE 3, SECTION 3-403; ARTICLE 6, SECTION 6-2206; ARTICLE 7, SECTIONS 7-512 AND 7-513; ARTICLE 10, SECTION 10-402 AND 10-452; ARTICLE 11, SECTIONS 11-803 AND 11-1114; ARTICLE 12, SECTIONS 12-605, 12-606, AND 12-708; ARTICLE 13, SECTIONS 13-605 AND 13-1402; ARTICLE 14, SECTIONS 14-104, 14-206 AND 14-700 THROUGH 14-710; ARTICLE 16, SECTION 16-105; ARTICLE 19, SECTION 19-403; ARTICLE 20, SECTION 20-202 AND ENACTING ARTICLE 14, SECTION 14-703.1, TO AMEND THE PROVISIONS REFERENCING SIGNS TO BE IN COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS AND TO AMEND OTHER SECTIONS TO UPDATE REFERENCES TO MAINTAIN CONSISTENCY.

PHASE 1: AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE, ENTITLED "ZONING," ARTICLE 13, SECTION 13-1402; ARTICLE 14, SECTIONS 14-700, 14-701, 14-702, 14-703, 14-704 AND 14-705; TO AMEND THE PURPOSE, FINDING AND INTERPRETATION PROVISIONS OF THE SIGN ORDINANCE TO BE IN COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS, TO AMEND THE DEFINITION OF PUBLIC SERVICE SIGNS AND TO PROHIBIT TEMPORARY SIGNS IN THE PUBLIC RIGHT-OF-WAY.

WHEREAS, the Council of the City of Chesapeake finds the public necessity, convenience, general welfare and good zoning practice so requires;

BE IT ORDAINED by the Council of the City of Chesapeake, Virginia that Appendix A of the City Code, entitled "Zoning," Article 13, entitled, "Supplemental Regulations," Section 13-1402; and Article 14, entitled "Accessory Uses and Structures," Sections 14-700, 14-701, 14-702, 14-703, 14-704 and 14-705; be amended and reordained, as follows:

ARTICLE 13. – SUPPLEMENTAL REGULATIONS

§ 13-1402. **Outdoor sales as part of an agricultural, horticultural, or aquacultural operation.**

F. *Special Permitted signs permitted.* Agricultural outdoor sales facilities may place signage in compliance with the requirements of the Sign Ordinance (Section 14-700 et

seq. of this ordinance). Notwithstanding anything to the contrary in the Sign Ordinance,
Section 14-700 of this Ordinance, an agricultural outdoor sales facility may also place
the following signs may be erected in support of an agricultural outdoor facility and
shall be in addition to any freestanding signs, crop identification signs, special event
signs or miscellaneous signs permitted under the Sign Ordinance:

1. One or more "festive" signs not exceeding one hundred and twenty five (125)
square feet in total combined area provided that (i) the signs are placed on the
same site as the agricultural outdoor sales facility, (ii) no one sign shall exceed
twelve (12) square feet in area, (iii) the signs are not lighted, and (iv) the signs
are erected at least fifty (50) five (5) feet from the public right-of-way. Any
such signage may be placed without permits, fees or notice to the Zoning
Administrator.

2. Off-site signs for the agricultural outdoor sales facility may be placed on private
property with the permission of the owner provided that the requirements of this
Sign Ordinance are met. Four off-site signs providing direction to the
agricultural outdoor sales facility, placed on private property with the permission
of the owner. Two additional off-site signs, for a total of six off-site signs, may
be erected to provide direction if the location of the agricultural outdoor sales
facility is more than two miles from an arterial public highway. Each off-site
sign permitted under this subsection shall be a maximum of four square feet in
area and four feet in height. A holder of a country grower's license may apply
for a permit from the Zoning Administrator to place the signs permitted under
this subsection in the unimproved portion of public right-of-way during the

~~seasonal sale periods identified by the applicant for one (1) calendar year from the date of issuance of the permit. Signs shall be placed only during the seasonal sale periods, shall display the address of the facility and shall be setback ten (10) feet from the edge of pavement of any public street, or ten (10) feet from the back of curbing where curbing has been installed. Signs placed in violation of the permit and this Ordinance may be removed in accordance with section 66-121.1 of the City Code.~~

~~These festive and directional signs may be erected on agricultural outdoor facilities without permits, fees, or notice to the Zoning Administrator.~~

ARTICLE 14. – ACCESSORY USES AND STRUCTURES

§ 14-700. Signs.

§ 14-701. Statement of purpose.

The purpose of the following provisions of this Ordinance regarding signs is to create the legal framework for a comprehensive but balanced system of signs and sign graphics and thereby to facilitate harmonious and effective communication between people and their environment and to alleviate the proliferation of signs that are detrimental to the visual environment and economic vitality of Chesapeake. With this purpose in mind, it is the intention of this Ordinance to authorize the use of signs which are: compatible with their surroundings; appropriate to the type of activity to which they pertain; ~~expressive of the identity of individual proprietors or of the community as a whole;~~ legible in the circumstances in which they are seen; and protective of the public's health, safety and welfare. Any provision of this Ordinance or any other provision in the City Code or Zoning Ordinance which contains content-based

regulations must further a compelling governmental interest and be narrowly tailored toward achieving that interest or it shall not be enforced by the City.

§ 14-702. Findings and interpretation.

A. The City Council finds that a more comprehensive set of standards regulating the erection of signs within the City is necessary in order to promote public safety and convenience; to ensure clear and effective communication to the traveling public through appropriate and properly placed signage; to prevent traffic hazards and promote visibility along streets and highways; to ensure the protection of property values, the character of various neighborhoods, the creation of a convenient, attractive and harmonious community, and protection against the destruction of or encroachment upon historic areas; to provide for greater compatibility among signs and prevent visual interference and erosion of the City's landscape from competing signs and to protect the visual integrity and use patterns of residential communities within the City. This article allows adequate communication through signage while encouraging aesthetic and structural 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. 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 that can be given effect without the invalid provision.

B. Signs not expressly permitted as being allowed by right or by conditional use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the City 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.

D. These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the City. 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.

Accordingly, the following standards regulating the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation are hereby adopted. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

§ 14-703. Definitions.

Public service sign. A sign erected and maintained by public officials or public agencies, or approved and authorized for use by federal, state or local authorities that is either related to public safety or provides notification of open meetings in which public business will be conducted.

§ 14-704. General requirements.

H. *Temporary signs.*

1. Excepting public service signs, no temporary signs shall be placed in the public right-of-way. The following tTemporary signs and displays may be allowed in a certain configuration, size, quantity, and for a particular duration of time on private property subject to the rules set forth by this ordinance. If the terms of this ordinance require ~~provided~~ a permit for the erection of such temporary signs and displays, said permit shall be is obtained from the Zoning Administrator not less than ten (10) days prior to the planned erection of the temporary signs or displays. Unless

~~specifically exempted. All such temporary signs and displays shall comply with the table for temporary signs and shall further comply with the setback and other related requirements of this Ordinance which apply to permitted permanent signs erected on the site.~~

§ 14-705. Special situations.

E. Reserved.

~~*Political signs.* Political signs shall be allowed in addition to other permitted signs, provided that the following provisions are met:~~

~~1. Political signs shall comply with the following setback and dimensional criteria:~~

~~a. *Minimum setbacks.*~~

~~i. Political signs shall be setback ten (10) feet from the edge of pavement of any public street, or ten (10) feet from the back of curbing where curbing has been installed.~~

~~ii. Where a public sidewalk, however, has been installed along a public street, the following setbacks for political signs shall apply: Ten (10) feet from the edge of pavement, or ten (10) feet from the curb; if present.~~

~~iii. Political signs are prohibited from being placed on any improved portion of public right-of-way, including but not limited to median areas and sidewalks.~~

~~iv. Political signs may be located in the unimproved portion of public right-of-way in accordance with this section.~~

~~b. *Maximum dimensions.*~~

- ~~i. Political signs located on property zoned or used for residential purposes shall not have a sign area that exceeds sixteen (16) square feet. Freestanding political signs shall not exceed four (4) feet in height.~~
 - ~~ii. Reserved.~~
 - ~~iii. All other political signs not located on property zoned or used for residential property shall not exceed thirty two (32) square feet in sign area and eight (8) feet in height.~~
- ~~2. Removal of political signs in the public right of way.~~
 - ~~a. Political signs placed in the public right of way that violate the requirements of this section or obstruct traffic or pedestrian safety may be removed in accordance with section 66-121.1 of the City Code.~~
- ~~3. Time limits for display.~~
 - ~~a. A political sign shall not be displayed on private property earlier than ninety (90) days before and no later than ten (10) days after an election, referendum or other public vote for which the political sign is intended.~~
 - ~~b. A political sign lawfully placed in the public right of way shall not be displayed earlier than thirty (30) days before and no later than ten (10) days after an election, referendum or other public vote for which the political sign is intended.~~
- ~~4. Nothing in this regulation shall be construed or grant permission to display such a political sign without the express permission of the property owner.~~

5. ~~Nothing in this regulation shall be construed to control the number of political graphics posted on the premises of a polling place on the day of a primary, general or special election or other public vote.~~

K. Signage located within public rights-of-way. No signs including but not limited to ~~Overhanging signs; extending out from the building and overhanging a sidewalk, street, alley or other passageway;~~ shall ~~not~~ be permitted within the public rights-of-way ; unless such sign is a public service sign approved by the City Manager or designee or a special permit is approved by the Director of Development and Permits or designee Public Works in accordance with Section 66-121.1 of the City Code. ~~in the MXD-U mixed use urban zoning district~~

L. Reserved.

~~Public signs located on public property or in the public right-of-way within the Greenbrier TIF district. Public signs depicted and described in the Greenbrier TIF district master plan may be placed on public property or within the public right-of-way where the public property or public right-of-way lies within the Greenbrier TIF district, subject to the approval of the Planning Director or designee and the Public Works Director or designee. Permitted signs include:~~

- ~~1. Major monument sign.~~
- ~~2. Electronic message board approved in accordance with the "Greenbrier TIF District Electronic Board Sign Policy and Procedures Manual, as amended."~~
- ~~3. Minor monument sign.~~
- ~~4. Illuminated street sign.~~
- ~~5. Wayfinding sign.~~

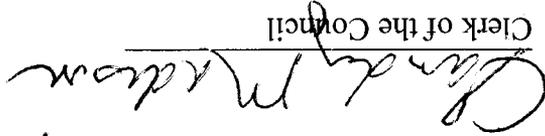
M. Reserved.

~~*Banners and flags in the Greenbrier and South Norfolk tax increment financing districts.*~~

- ~~1. Banners and flags may be placed on public and private utility poles in the Greenbrier and South Norfolk tax increment financing districts in accordance with the following:
 - ~~(a) Sign area shall not exceed twenty (20) square feet or a smaller area as required by the owner of the utility pole.~~
 - ~~(b) Maximum height measured at the top of the banner or flag shall not exceed the highest point of the utility pole.~~
 - ~~(c) Words, trademarks and servicemarks shall not be displayed, except that wording may be approved by the City Manager or designee to promote public awareness of and activity in the tax increment financing districts.~~
 - ~~(d) Placement of banners and flags shall not impair vehicular sight visibility.~~
 - ~~(e) Permits for banners and flags on utility poles must be approved by the Director of Development and Permits, or designee in accordance with section 14-710. The location and graphics shall be subject to approval by the City Manager or designee to provide for the appropriate placement and design within the tax increment financing districts.~~~~

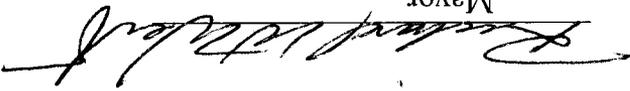
- ~~2. Banners and flags may be placed by the City Manager, or designee, on cluster poles on public or private property to promote commercial activity in the Greenbrier and South Norfolk tax increment financing districts and shall comply with the following minimum requirements:
 - ~~(a) A cluster shall consist of a minimum of three (3) poles.~~
 - ~~(b) Poles shall be no higher than thirty five (35) feet.~~~~

Clerk of the Council



ATTEST:

Mayor



APPROVED:

November, 2017.

ADOPTED by the Council of the City of Chesapeake, Virginia, this 28th day of

public awareness of and activity in the tax increment financing districts.

wording may be approved by the City Manager or designee to promote

(d) Words, trademarks and servicemarks shall not be displayed, except that

sign area per pole and shall be at least fifteen (15) feet above grade.

(e) Banners and flags shall not exceed seventy (70) square feet in cumulative