



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

**MAY 10, 2023**

## **ZONING ORDINANCE AMENDMENT - SIGNS PART II PRELIMINARY DRAFT TEXT FOR DISCUSSION**

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### **BACKGROUND**

On March 19, 2019, the Board of Supervisors (Board) adopted the Signs Part I Zoning Ordinance Amendment, which focused on rewriting the sign regulations in a content-neutral manner. Staff is now working on a Part II effort, which proposes to update the electronic display sign regulations, revise the comprehensive sign plan (CSP) and special exception (SE) waiver of certain sign regulations processes, and revise other sign-related provisions. The Signs Part II amendment is included on the [FY 2022/2023 Zoning Ordinance Work Program \(ZOWP\)](#).

This document provides updated recommendations since those last provided to the Board at the May 17, 2022, Land Use Policy Committee meeting. Staff has continued researching surrounding jurisdictions, analyzing existing regulations, incorporating suggested comments received during outreach, and reviewing in-process CSP and SE applications to further inform its recommended changes to the current sign regulations.

This document is organized as follows:

#### **A. Potential Zoning Ordinance Revisions**

1. By-right Standards for Electronic Display Signs
2. Comprehensive Sign Plan, Special Exception, and Special Permit Processes
3. Other Proposed Changes for Consideration

#### **B. Community Outreach and Next Steps**

#### **C. Draft Text**

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### **A. POTENTIAL ZONING ORDINANCE REVISIONS**

Sign-related zoning regulations are included in [Article 7](#) of the Zoning Ordinance. A summary of the proposed revisions is provided by topic area below:

#### **1. By-right Standards for Electronic Display Signs (see page 9 of the Draft Text, Part C)**

##### **Background**

Currently, one electronic display sign is allowed per lot and the sign must be freestanding. The area of changeable copy is limited to 50 percent of the allowable freestanding sign area for the property (for example, if a sign is allowed to be 80 square feet and is only 40 square feet, all 40 square feet can be electronic). In addition, all electronic display signs must include a photocell to dim the brightness of the sign to 40–100 nits at sunset. During



*Figure 1: Example of Electronic Display Sign*



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outreach, staff received feedback from industry representatives that modern screens are getting brighter, and high-definition technology has progressed to the point where a higher nit level may be appropriate and that the current nit level is extremely low, making the sign almost unreadable after sunset. Certain industry groups (including shopping center owners) expressed that the 50 percent size limitation is too restrictive, while on the other hand, comments were received from the community that the size of electronic signs should be further limited.



#### WHAT IS A NIT?

A nit is a measurement of luminance, capturing surface brightness and the amount of light an object gives off. Based on jurisdictional research, nits are a common unit of measurement for electronic display signs. The higher the nits, the brighter and more visible the display will be. For reference, commonly sold computer monitors, TVs, and cellphones typically range from 250 – 600 nits with high-end models measuring up to 1,000 nits or more.

Staff conducted a review of other jurisdictions with electronic display sign brightness limitations; jurisdictional research is summarized below in Table 1:

Jurisdiction	Nighttime Nit Limitation
Arlington, VA	50 - 500 nits*
Prince George's County, MD	150 nits
Charlotte, NC	500 nits
Philadelphia, PA	150 - 250 nits*
Ann Arbor, MI	100 nits
Glenville, NY	500 nits

*\*Nit level varies based on zoning district*

*Table 1: Maximum Nighttime Nit Limitations by Jurisdiction*

### **Staff Proposal**

Staff recommends the following for electronic display signs:

- No changes to the:
  - By-right limitations for size and number per lot;
  - Eight-second maximum frequency in change of message;
  - Requirement that the message change must be instantaneous; and
  - Background color limitations excluding white, off-white, gray, or yellow.
- Brightness of electronic display signs remain limited to a maximum of 100 nits at sunset for R districts (which includes residential areas of P districts).
- Brightness of electronic display signs in P, C, and I districts be increased to a maximum of 300 nits at sunset (with an advertised range from 100 to 500 nits).
- As part of submission for a sign permit, the applicant must include a copy of the sign specifications, which include actual programmed nits, to confirm that the sign would meet the display requirements.

The proposed changes recognize concerns about brightness of electronic display signs in residential districts while allowing for a limited increase in brightness for these types of signs in nonresidential zoning districts. Staff is continuing to research the appropriate nit levels through an informal field survey of existing electronic display signs, as industry recommendations and jurisdictional research showed a wide range of nit levels applied to electronic display signs. As further discussed below, staff is recommending that certain modifications to the standards for electronic display signs may be requested in P, C, and I districts as part of the proposed SE process.

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## **2. Comprehensive Sign Plan, Special Exception, and Special Permit Processes (see pages 14 – 16 of the Draft Text, Part C)**

### **Background**

Staff reviewed other jurisdictions and their processes for modifying sign regulations. The City of Alexandria has a Comprehensive Sign Plan process to modify by-right signage, but it is limited to Coordinated Development Districts or for other developments larger than three acres. Sign height may not be modified as part of this approval. Arlington County has a Comprehensive Sign Plan process available in most zoning districts (either approved by special use permit or site plan) in which the flexibility to add additional signs is limited, as the modifications may not include (1) any sign type or characteristic prohibited by the standard sign regulations, (2) more sign area, (3) additional sign height, (4) changes in placement of signs over 40 feet in height, or (5) additional levels or hours of illumination. In areas of Arlington subject to a form-based code, sign area may be reallocated (but not increased), and the Board may modify sign placement, height, illumination, and allow innovative sign elements. Montgomery County allows a Sign Concept Plan limited to Urban Renewal and red policy areas (which is a designated high-density and transit-oriented development area), to allow an increase in total sign area. Loudoun County has a Sign Development Plan, which requires special exception approval and allows for alternative

regulations for permitted signs. All of these identified processes require public hearing and legislative approval by their Board or City/County Council. Fairfax County’s current CSP process allows the Planning Commission to modify any sign requirement in P districts, which appears to be more flexible than the processes in the City of Alexandria, Arlington County, and Loudoun County, and the breadth of what can be modified is similar to the allowed modifications in Montgomery County; however, there is significant variation in the by-right sign allowances and which regulations can be modified with legislative approval among jurisdictions.

In Fairfax County, as shown in Table 2 below, the Zoning Ordinance currently includes three ways for an applicant to request additional signage beyond that allowed by right on their property, as well as one process to reallocate sign area among various tenants:

Application Type	Zoning Districts	Public Hearing Approval Process	Allowed Requests	Standards
Comprehensive Sign Plan (CSP)	P Districts	Planning Commission	Modification of any Zoning Ordinance sign standard	<ul style="list-style-type: none"> <li>Consistent with scale/design of development</li> <li>Located/sized for convenience of users of development</li> <li>Cannot add to street clutter/detract from design elements</li> </ul>
Special Exception (SE)	C & I Districts	Planning Commission recommendation; Board approval	<ul style="list-style-type: none"> <li>Increase in sign area</li> <li>Increase in sign height</li> <li>Modification of sign location</li> </ul>	Unusual circumstances or conditions (location, topography, size, lot configuration, access, orientation of structure, etc.)
Special Permit (SP)	C Districts	Board of Zoning Appeals	<ul style="list-style-type: none"> <li>Increase in sign height</li> <li>Increase in sign area or modification of sign distribution (only for regional shopping centers)</li> <li>Certain modifications to building-mounted signs</li> </ul>	General SP standards (such as compatibility with existing and planned development, no adverse affect on neighboring properties, and option to impose stricter sign requirements)
Administrative Comprehensive Sign Plan (ACSP)	P, C, and I Districts	None - staff review and approval	Allows redistribution of the total permitted sign area among various tenants of a building. <b>No increase in sign area</b> is permitted.	<ul style="list-style-type: none"> <li>Total area for all signs may not exceed the maximum allowable sign area for the building</li> <li>No single sign may exceed 200 SF</li> </ul>

Table 2: Current Signage Application Types

**Staff Proposal**

Staff recommends consolidating the current CSP application type for Planned (P) districts and the SE application for Commercial and Industrial (C and I) districts into one SE request for sign modifications. This new SE application would also include revised review criteria and standards, which are detailed below. As a result of this change, all applications for modified signage would go to the Board for approval rather than the current process where CSP applications are decided by the Planning Commission, certain sign modifications are decided by the BZA via SP, and other sign waivers and modifications are decided by the Board via SE. As a P district and its associated design standards are approved by the Board, in staff’s opinion it is appropriate for the Board to also review and approve the associated

signage for the development. This rationale is also applied to other uses in P districts, such as home day care facilities, where review and approval by the Board is required. The Planning Commission would continue to review and make recommendations to the Board on these applications, as is currently the case with all special exception applications. Staff also recommends that the Board consider adoption of a policy allowing expedited scheduling of Planning Commission and Board hearing dates, similar to zoning applications in the Commercial Revitalization Districts. Staff also recommends deleting the SP application type, as only one application has been processed for this application type in the last ten years, and sites currently eligible for the SP would become eligible for the SE.

**Zoning districts:** All areas of P districts would continue to be able to apply for additional signage through the new SE application requiring Board approval.

Currently, while any property in a C or I district may apply for an SE for a waiver of certain sign regulations, the applicant must demonstrate that the site has an “unusual circumstance or condition.” The proposed SE standards would continue to allow for modification of sign regulations for these properties; however, to allow for additional placemaking and economic development opportunities, the ability to request an SE would be expanded to allow additional development types to request approval of additional signage. Any site in a C or I district that is developed with a building, group of buildings, office or industrial complex, or a shopping center with a minimum gross floor area of 30,000 square feet (with an advertised range from 25,000 to 50,000 square feet) would be eligible for this SE application. In addition, the current SE limits requests to an increase in sign area, increase in sign height, or a different location of a sign, but it does not allow for consideration of signs not otherwise permitted for that specific property (such as an additional freestanding sign). Proposed changes to the new SE process would allow for consideration of these sign types as part of the application request.

Overall, these changes would result in an expansion of eligibility to properties that are not currently able to request an increase in signage. However, to minimize sign clutter and overuse of these provisions, unless there is an “unusual circumstance or condition,” individual smaller buildings and developments in the C and I districts would not be eligible for an increase in signage beyond that allowed by right. Smaller developments with fewer tenants and a reduced building frontage have limited opportunities to create a coordinated approach to signage. To protect stable residential areas, this SE process is not recommended for conventional residential districts.

**Allowed requests:** Currently, a CSP application can request a modification of any sign regulation in Article 7, and an SE application may request an increase in sign area or height, and a modification of sign location. Staff proposes to consolidate the applications and limit which standards may be modified with SE approval to those listed below:

- Residential sign standards for residential areas of P districts ([subsection 7101.2](#));

- Commercial and industrial sign standards ([subsection 7101.3](#));
- Electronic display signs, as discussed below ([subsection 7101.1](#));
- Certain minor sign limitations, including signs on a property for sale, rent or lease; minor signs associated with nonresidential uses; window signs; and A-frame signs ([subsection 7100.4](#)); and
- Roof signs that are otherwise prohibited ([subsection 7100.5](#)).



*Figure 2: Example of Roof Sign  
Source: Pride Neon Sign Solutions*

The proposed SE application could not modify:

- The purpose, applicability, and administrative provisions;
- Certain minor signs, including signs posted by a public or court officer in the performance of official duties, signs during active construction or renovation, and yard signs;
- Prohibited signs (other than roof signs);
- Nonconforming signs;
- Sign measurement (how sign area and height are calculated); and
- Certain standards applicable to all signs, including frequency of message change for electronic display signs, electronic display sign background color, standards for the illumination of signs in Section 5109 (Outdoor Lighting), and signs for associated service uses.

Many of these provisions, such as the administrative standards and sign measurement, should not be modified to ensure consistent application of provisions throughout the County. Other provisions that cannot be modified, such as prohibited sign types and the identified electronic display sign provisions, prevent potential safety issues that could result if modified. For example, allowing modification of the background color or changes in movement (such as allowing a flashing sign) could have a significant visual impact, resulting in glare or other dangerous distractions to drivers. Ensuring certain standards cannot be modified also assists in preventing sign clutter.

**Review standards:** The purpose of the proposed SE for Sign Modifications is to allow for creative design, placemaking, or modified signage for unusual circumstances. New standards are proposed and include the following:

- The size of signs must be compatible with the massing, height, and scale of the development;
- Signs do not result in an adverse impact on adjacent developments;
- Sign materials must be aesthetically compatible with the development, and signs cannot add to street clutter, interfere with pedestrian, bicycle, or vehicular traffic, or detract from the urban design elements of the development; and
- All signs should be consistent with any applicable Urban Design Guidelines.

**Electronic display sign modifications:** As noted above, the proposed SE for Sign Modifications could allow for modification of certain electronic display sign regulations, with additional standards to ensure consistent review and avoid light and glare impacts on adjacent developments. The proposed draft standards would allow the following:

- More than one freestanding electronic display sign in P districts;
- Building-mounted electronic display signs (with an advertised option to only allow building-mounted electronic display signs in P districts);
- An increase in brightness after sunset from the by-right limitation of 300 nits to 600 nits (with an advertised range from 500 – 1,000 nits). Currently, there is no maximum illumination level for electronic display signs approved with a CSP in P districts; and
- An increase in height and size of freestanding signs in P districts (with advertised option to also consider this allowance in C and I districts).

**Submission requirements:** The current CSP application does not have formal submission requirements codified in the Zoning Ordinance. Staff provides the applicant with a list of suggested submission requirements and instructions, such as site photographs, sign renderings, and a sign matrix showing the size, height, and extent of all signs proposed. In addition, the current SE process does not have sign-specific submission requirements. Staff proposes to codify submission requirements specific to sign requests to ensure that all necessary materials are received and reviewed before an application is distributed and scheduled for public hearing, avoiding scheduling delays when an item is missing that is needed for review. As with other zoning applications, the Zoning Ordinance allows for a case-by-case waiver or modification by the Zoning Administrator when it is determined that the submission requirement is not necessary for review of the application. In addition, staff can request additional information to facilitate review of the application.

**Summary of proposed SE changes:** The revised SE application process would continue to allow all properties in P districts to request sign modifications while also providing additional flexibility for signs in Commercial and Industrial districts. Currently, the SE standards are extremely limiting, effectively requiring an applicant to prove a hardship of unusual circumstances to justify modification of the sign regulations. During outreach, industry groups and land use attorneys requested the ability to modify the sign regulations to allow for placemaking opportunities in conventionally zoned retail, office, and industrial areas. Expanding placemaking may also assist the economic development of these conventionally zoned areas. Allowing for increased flexibility in C and I districts would expand placemaking opportunities to these areas while also allowing for the imposition of development conditions to prevent adverse impacts on surrounding developments. In addition to the review criteria, the applications would be subject to the general SE standards in [subsection 4102.1.F](#).

Staff acknowledges that the proposed changes may increase the number of applications. Table 3 summarizes the sign applications received by the County in the last ten years. Only 27 SE applications have been brought forward to the Board and 98 CSP applications to the Planning Commission during this time, averaging approximately 13 sign-related applications per year. With increased flexibility for C and I districts, additional locations will have the opportunity to request a modification of the sign regulations. This may result in a modest increase in applications coming forward for review; however, staff believes that the review criteria will allow staff to make appropriate recommendations to the Board, and the public hearings will provide an opportunity for community input to ensure the proposals are compatible with surrounding development.

Sign Applications From 4/1/2013 - 4/1/2023			
Application Type	Approved	Denied	Under Review
CSP	98	0	6
SE	27	0	1
SP	1	0	0
ACSP	84	4	2

Table 3: Sign Application Data

### 3. Other Topics for Consideration

- **Signs in reserved parking spaces (page 2 of the Draft Text, Part C):** Currently, through interpretation, signs associated with parking spaces reserved for mobile pickup are allotted one square foot of signage per space; however, as reserved parking spaces serve a variety of purposes (such as spaces for electric vehicle charging or expectant mothers) and signs range in size, staff recommends exempting all signs for reserved parking spaces from permit requirements<sup>1</sup> with no size limitation. Staff will continue to consider including a maximum size limitation and solicit feedback on this topic during outreach.

<sup>1</sup> Currently, pick-up or reserved parking space signs that are greater than four square feet in size may require a sign permit.



- **Window signs (page 4 of the Draft Text, Part C):** Nonresidential uses throughout the County commonly use illuminated window signs for advertising purposes or to show that a business is open. In recognition of this practice, the proposed draft includes language allowing one illuminated or electronic window sign per establishment up to four square feet in size (with an advertised range of two to four square feet for consideration). These signs must be static, containing no moving images or content, and they may only be illuminated during the hours of operation. Any sign not meeting these requirements would be subject to enforcement.



*Figure 3: Example of an Illuminated Window Sign*  
*Source: Custom Neon*

- **Signs associated with a subdivision or other residential development (page 10 of the Draft Text, Part C):** The Zoning Ordinance allows single-family residential subdivisions, stacked townhouses, and multifamily developments to have a freestanding sign 30 square feet in area and eight feet tall located at each entrance. Staff proposes to include a requirement that this sign must be located within an easement recorded for signage purposes or a common area located at the vehicular entrance. This clarifies that the sign is intended to serve the overall development and is not additional signage for an individual dwelling. Staff has also included language that would allow a multifamily development to have building-mounted signage rather than a freestanding sign, as a building-mounted sign may be preferable for more urban and pedestrian-oriented developments.
- **Ordering signs for a restaurant with a drive-through (page 13 of the Draft Text, Part C):** Under the Zoning Ordinance, all restaurants with a drive-through require approval of a special exception or they must be shown on a final development plan/PRC plan; however, ordering station signs that are visible from a street are currently subject to freestanding sign limitations and require issuance of a sign permit. Since ordering boards are reviewed as part of the special exception approval, a standard has been added exempting signs associated with the ordering station of a restaurant with drive-through from sign permit requirements and maximum allowed sign area limitations. A 20-square-foot size limitation per sign has been included with an advertised range from ten to 30 feet for consideration. Staff is further reviewing whether additional similar uses that are subject to Board approval (such as other drive-through uses or car washes) may also be appropriate to include in this exemption.
- **Appeal timeframe for minor signs (page 18 of the Draft Text, Part C):** Currently, a notice of violation issued for a minor sign (such as a yard sign or a sign associated with construction) may be appealed within 30 days of issuance of the violation. Certain types of zoning violations are subject to a ten-day appeal period, including installation of prohibited signs on private property and installation of signs without a sign permit when required. In addition, other short-term violations of a recurring nature may be subject to a 10-day appeal period. Minor signs by design are easily moveable and can quickly be

brought into compliance and then within a few weeks be re-established on the property. Specifically subjecting violations of the minor sign provisions to a ten-day appeal period would allow for the Department of Code Compliance to proceed with enforcement in a timelier manner to address community concerns.

- Other edits, including reorganization of text and edits for plain English, are included throughout Article 7.

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## **B. COMMUNITY OUTREACH AND NEXT STEPS**

Since December 1, 2021, staff from the Department of Planning and Development and the Department of Code Compliance have participated in over 20 education and outreach meetings targeting a variety of stakeholders, including the development community, land use attorneys, shopping center owners, faith and non-profit leaders, realtors, and community and citizen organizations. The focus of these meetings was to provide an overview of the existing sign regulations and enforcement process, as well as to introduce the general concepts proposed as part of this amendment. A [Signs Part II website](#) has been created where staff provides notice of upcoming meetings, copies of PowerPoint presentations, links to recorded meetings, and handouts on the current regulations (including copies of the handouts in Spanish and Korean). An overview of the topics under consideration and outreach was provided to the Planning Commission's Land Use Process Review Committee on May 12, 2022, and the Board's Land Use Policy Committee on [May 17, 2022](#).

Staff will continue community outreach efforts on the attached draft text. Public hearings are anticipated to be scheduled for the fall of 2023.

Questions and comments can be directed to Casey Judge, Principal Planner, at [casey.judge@fairfaxcounty.gov](mailto:casey.judge@fairfaxcounty.gov) or 703-324-1314.

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## **C. DRAFT TEXT**

Signs Part II - Draft Text for Discussion

**PART C - DRAFT TEXT**  
**SIGNS PART II ZONING ORDINANCE AMENDMENT**  
**FOR DISCUSSION PURPOSES ONLY**

Proposed revisions to the current Zoning Ordinance are shown below in ~~strike-through~~ and underline.

## ARTICLE 7 - SIGNS

### 7100. General Provisions

#### 2. Applicability

...

- B.** These regulations do not regulate or restrict signs by content. However, some signs, such as off-premise signs and warning signs, have a targeted function that makes their regulation impossible without referring to the function. In these limited instances, the governmental interest is compelling enough to warrant their description and regulation, and whenever a sign is described in a manner that refers to function, this Article is intended to be neutral with respect to the content of the speech ~~appearing on it~~.

...

#### 3. Administrative Provisions

##### ~~A. Sign Permit Required~~ General Standards<sup>1</sup>

- (1) Except where otherwise noted in this Article, no sign may be constructed, erected, altered, refaced, relocated, or expanded without a sign permit.
- (2) The application for a sign permit ~~must be filed with the Zoning Administrator on a County form~~, must include all pertinent information required by the Zoning Administrator to ensure compliance with this Ordinance, and must be accompanied by the filing fee set forth in Section 8102.
- (3) All signs must comply with this Article, the structural requirements ~~specified~~ in the USBC, Chapter 61 of the County Code, and all other applicable standards in this Ordinance.
- (4) A sign permit expires within 12 months from the date of issuance ~~if the sign is not erected and all necessary final inspection(s) are not approved within 12 months from the date of issuance~~.
- (5) A sign permit is not required to change the message on an allowed sign that is specifically designed for replaceable copy, including changeable copy signs and electronic display signs in accordance with subsection 7101.1.A.
- (6) The following are not considered signs:
  - (a) Flags, subject to subsection 4102.7.A(16).
  - (b) Temporary, seasonal decorations.

##### **B. Sign Permit Not Required**

~~(1)~~ The following are not deemed to be a sign do not require a sign permit and are not counted towards maximum allowed sign area:

- ~~(a)~~ The changing of the message on an allowed sign that is specifically designed for the use of replaceable copy, to include changeable copy signs and electronic display signs in accordance with subsection 7101.1.A below;
- ~~(b)~~ Painting, cleaning, and other routine maintenance and repair of a sign or sign structure;

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<sup>1</sup> This subsection includes reorganization and edits for plain English but, unless otherwise noted, no edits have been made to the regulations.

**PART C - DRAFT TEXT**  
**SIGNS PART II ZONING ORDINANCE AMENDMENT**  
**FOR DISCUSSION PURPOSES ONLY**

~~(c) — Flags, subject to subsection 4102.7.A(16);~~

**(1)** ~~(d)~~ The display of address numbers as required by the County Code, and building entrance numbers or letters. The addresses and building identification may not exceeding a total of ~~two~~ <sup>four</sup> square feet in area. When displayed on a residential building, any numbering must be mounted flush against the building; and

~~(e) — Temporary, seasonal decorations.~~

~~(1) — The following are deemed to be a sign but are not counted toward maximum allowed sign area:~~

**(2)** ~~(a)~~ Signs not exceeding a total of four square feet in area warning the public against hunting, fishing, swimming, trespassing, dangerous animals, the location of utilities, or other similar risks, or a warning of prohibited activity such as no parking or loading in a specified area.

**(3)** ~~(b)~~ Signs located on the outer surfaces of a temporary portable storage container.

**(4)** ~~(c)~~ Vehicle signs, when the vehicle is operable and is parked at its associated place of business within a designated parking space.

**(5)** ~~(d)~~ Lettering or numbers permanently attached to or painted on the façade of a building of any school, college, or university; such displays are limited to no more than ten percent of the area of the façade on which they are placed and cannot be illuminated.

**(6)** ~~(e)~~ Signs, erected by a public agency or appropriate organization in partnership with the Board, located within or in proximity to the Commercial Revitalization District boundaries or ~~activity centers~~ mixed use centers as shown on the Comprehensive Plan. Such signs are subject to approval by the Board and all applicable outdoor advertising provisions of the Code of Virginia.

**(7)** Signs located in a reserved parking space.<sup>3</sup>

**C. Sign Condition, Safety, and Abandonment**

**(1)** All signs and their components must be maintained in good repair and in safe condition. Painting, cleaning, and other routine maintenance and repair of a sign or sign structure does not require a sign permit.<sup>4</sup>

**(2)** The Building Official or designated agent may require or cause the immediate removal or repair, without written notice, of any sign determined to be unsafe or that otherwise poses an immediate threat to the safety of the public. If action by the County is necessary to render a sign safe, the cost of removal or repair will be at the expense of the property owner or lessee as provided in Chapter 61 of the County Code.

**(3)** Except as provided in subsections 7100.4 and 7100.6 below, if a property becomes vacant and is unoccupied for a continuous period of two years, any sign on that property is deemed abandoned and must be removed. If the owner fails to remove the sign, the Zoning Administrator may give the owner 15 days written notice to remove it, after which the Zoning Administrator may initiate action to gain compliance.

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<sup>2</sup> The increase from two square feet to four square feet aligns the size with other similar signs (such as trespassing and other warning signs) and allows increased visibility for emergency personnel to see the address numbers.

<sup>3</sup> This is a new standard that allows signs in a reserved parking space, such as those reserved for electric vehicle charging or expectant mother parking. Current interpretation limits these signs to one square foot. Staff is considering including a maximum size limitation.

<sup>4</sup> Relocated from current 7100.3.B(1)(b).

**PART C - DRAFT TEXT**  
**SIGNS PART II ZONING ORDINANCE AMENDMENT**  
**FOR DISCUSSION PURPOSES ONLY**

**3. Minor Signs**

Unless otherwise stated, ~~The~~ the following minor signs are allowed but may not be illuminated, and, ~~unless otherwise stated,~~ do not require a sign permit:

- A. Signs posted by or under the direction of any public or court officer in the performance of official duties, or by trustees under deeds of trust, deeds of assignment, or other similar instruments. These signs must be removed no later than ten days after the last day of the period for which they are displayed.
- B. Signs that are displayed on a lot or property that is actively marketed for sale, rent, or lease, as follows:
  - (1) A single building-mounted or freestanding sign is allowed, except that two signs are permitted on a corner lot when each sign faces a different street frontage. Such sign(s) must be removed within seven days of the settlement, rental, or lease of the property.
  - (2) The maximum size and height of the sign is limited based on the existing or planned development type as follows:<sup>5</sup>
    - ~~(a)~~ (a) Single-family dwelling: Sign(s) located on a property developed with, or planned for development of, a single-family detached or attached dwelling unit. Such signs may not exceed six square feet in area ~~or~~ and a height of six feet.
    - ~~(3)~~ (b) Multifamily dwelling: Sign(s) located on a property developed with, or planned for development of, a multiple family dwelling unit. Such signs may not exceed 12 square feet in area ~~or~~ and a height of eight feet.
    - ~~(4)~~ (c) Nonresidential use or a residential property with 20 or more acres: Sign(s) located on a property developed with, or planned for development of, any nonresidential use, or on a residential property containing a minimum of 20 acres. Such signs may not exceed 32 square feet in area ~~or~~ and a height of eight feet.
- ~~C.~~ Signs during active construction or alterations to residential, commercial, and industrial buildings are permitted, as follows:
  - ~~C. (1)~~ (1) For a new nonresidential development, or for a new residential development containing a minimum of three dwelling units on contiguous lots,<sup>6</sup> during active construction, one sign is allowed, not to exceed 60 square feet in area and a height of ten feet. For such new developments located on multiple road frontages, one additional sign per street frontage is allowed, limited to 32 square feet in area and a height of eight feet. No sign may be located closer than five feet to any lot line. All signs must be removed within 14 days following completion of the construction of the development, as determined by the Zoning Administrator, and no sign may be displayed for more than two years from the date of the issuance of the first building permit for the development. If construction has not been completed within this timeframe and building permits are active for the development, a sign permit is required to allow the continued display of any sign.
  - D. (1) For an individual single-family dwelling unit undergoing construction, improvement, or renovation, one sign, not to exceed four square feet in area or a height of four feet is allowed. No sign can be displayed before commencement of the improvement or renovation work, and the sign must be removed within seven days after the improvement or renovation is completed ~~with all necessary inspections approved,~~ or within six months from the start of display,<sup>7</sup> whichever is less.
    - (1) For the purpose of this subsection, commencement of construction includes the following:<sup>8</sup>
      - (a) Clearing, grading, or excavation work to prepare the site for construction;

<sup>5</sup> This subsection includes reorganization and edits for plain English, but no edits have been made to the regulations.

<sup>6</sup> New requirement that the lots be contiguous to qualify for this sign allowance.

<sup>7</sup> Clarifies that the six months begins at the start of sign display rather than the start of the improvement work.

<sup>8</sup> This codifies current interpretation.

**PART C - DRAFT TEXT**  
**SIGNS PART II ZONING ORDINANCE AMENDMENT**  
**FOR DISCUSSION PURPOSES ONLY**

- (b) Active demolition of structures or features internal to the dwelling as part of a renovation project;
- (c) Delivery and staging of materials or equipment on-site, including both interior and exterior staging; or
- (d) Any other similar activity involving active engagement in improvements on the property.

**E. D.** Yard signs on any lot developed with a residential use cannot exceed 12 square feet in total area, with no single sign exceeding four square feet in area or a height of four feet.

**F. D.** For nonresidential uses, minor signs are permitted as follows:

- (1)** For nonresidential uses located on a lot with frontage on a major thoroughfare, building-mounted and freestanding minor signs are allowed, not to exceed 32 square feet in total sign area per lot. If freestanding, no more than two such signs are allowed per lot with a maximum height of four feet.
- (2)** For all other nonresidential uses, building-mounted and freestanding minor signs are allowed, not to exceed 24 square feet in total area per lot. If freestanding, no more than two such signs are allowed per lot with a maximum height of four feet.

**G. D.** Window signs for any nonresidential use are allowed, subject to the following standards:

- (1) ~~if~~ The total area of all signs ~~does~~ may not cover more than 30 percent of the total area of the window in which the signs are located. To calculate the 30 percent area, a window with multiple panes or panels is considered to be one window, and the overall area includes the multiple panes.<sup>9</sup>
- (2) Illuminated or electronic window signs are allowed as follows:<sup>10</sup>
  - (a) One illuminated or electronic window sign is allowed per establishment, up to four square feet in size **advertised range – two to four square feet**. This sign is included in the 30 percent area limitation calculated in (1) above;
  - (b) Signs must be static and may not include any moving images or content; and
  - (c) Signs may only be illuminated during hours of operation of the establishment.

**H. E.** For nonresidential uses, a single A-frame sign not to exceed 16 square feet in area per side and four feet in height is allowed. Such sign must be located within 25 feet of a building or designated site entrance that provides access to the use and may not impede pedestrian or vehicular traffic.

## **5. Prohibited Signs**

The following signs are prohibited in all zoning districts and areas of the County.

### **A. General Prohibitions**

- (1)** Any sign not expressly permitted in this Article.
- (2)** Any sign that violates any provision of any county, state, or federal law or regulation.
- (3)** Any sign that violates any provision of Chapter 61 of the County Code and the USBC.

### **B. Prohibitions Based on Materials or Design**

- (1)** Any sign that does not meet the performance standards for outdoor lighting set forth in Section 5109.
- (2)** A moving or windblown sign, not including changeable copy or electronic display sign, the hands of a clock, or a weather vane.
- (3)** Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, or that is not in accordance with subsection 7101.1.

<sup>9</sup> This codifies current interpretation. A graphic may be added to help further explain this regulation.

<sup>10</sup> This is a new regulation that includes a range of sizes for consideration.

**PART C - DRAFT TEXT**  
**SIGNS PART II ZONING ORDINANCE AMENDMENT**  
**FOR DISCUSSION PURPOSES ONLY**

**C. Prohibitions Based on Location**

- (1) Any off-premise commercial sign when displayed 12:01 PM Monday through 11:59 AM Friday. At all other times, an off-premise commercial sign is only allowed for display when it conforms to the provisions of subsection 7100.4.E.
- (2) Roof signs, except for signs located on a penthouse or screening wall, as provided for in subsection 7101.3.B below.
- (3) Any sign that obstructs a window, door, fire escape, stairway, ladder, opening, or access intended for light, air, ingress to, or egress from, a building.
- (4) Any sign located on a corner lot that is in violation of the sight distance requirements of subsection 5100.2.D(4)(c).<sup>11</sup>
- (5) Any sign that is found to be in violation of the USBC with respect to minimum clearance.
- (6) Any sign that, due to its location, size, shape, or color, may obstruct, impair, interfere with the view of, or be confused with, any traffic control sign, signal, or device erected by a public authority or where it may interfere with, mislead, or confuse traffic. Such signs are subject to immediate removal and disposal by an authorized County official as a nuisance.

**6. Nonconforming Signs**

No changes proposed to this text.

**7. Sign Measurement**

**A. Calculation of Sign Area**

**(1) When Based on Building Frontage**

- (a) Building frontage is the linear width of the wall taken at a height no greater than ten feet above grade.
- (b) On buildings with a single tenant or with multiple tenants that access the building through a common outside entrance, building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.
- (c) On buildings with more than a single tenant where each tenant has its own outside entrance, building frontage for each tenant is the wall that contains that tenant's main public entrance, as determined by the Zoning Administrator.
  - 1.** As an alternative, the Zoning Administrator may authorize a different allotment of sign area to the various tenants of a building or buildings by approval of an administrative reallocation of sign area as follows:<sup>12</sup>
    - a.** A request for an administrative reallocation of sign area must include written authorization from the owner of the building(s), or an authorized agent, accompanying graphics showing the proposed size, height, and location of all signs, and the required filing fee as established in Section 8102.

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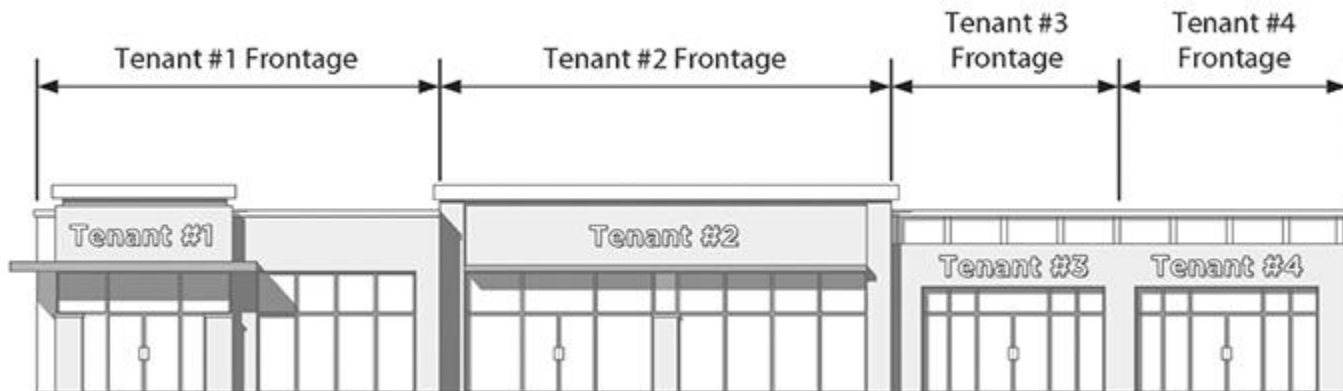
<sup>11</sup> Added for clarification.

<sup>12</sup> This relocates the current Administrative Comprehensive Sign Plan (ACSP) process and renames it to an “administrative reallocation of sign area.” It also deletes the provision for a single tenant with building frontage resulting in sign area greater than 200 square feet to place a sign on each perimeter wall, as this provision is not used and is unnecessary.

**PART C - DRAFT TEXT**  
**SIGNS PART II ZONING ORDINANCE AMENDMENT**  
**FOR DISCUSSION PURPOSES ONLY**

- b.** The total area for all signs may not exceed the maximum allowable sign area for the building. The maximum sign area for an individual sign may not exceed 200 square feet.
- (d)** For the purpose of these provisions, buildings that are located on the same property, have separate posted addresses, and do not include any internal connections are considered separate buildings. Each building is allotted its own sign area based on the linear feet of building frontage associated with its main public entrance.<sup>13</sup>

Figure 7100.1: Multi-Tenant Sign Frontages



**(2) Building-Mounted Sign Area**

- (a) (e)** Building-mounted sign area is that area within a single continuous rectilinear perimeter of not more than eight straight lines intersecting at right angles, that encloses the outer limits of all words, representations, symbols, and pictorial elements, together with all material, color, and lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed.

Figure 7100.2: Measuring Building-Mounted Sign Area



- (b) (f)** The area of building-mounted signs composed of individual letters or symbols is calculated by using one of the following methods:
1. If the space between the proposed individual letters or symbols is less in dimension than the width of the largest letter or symbol, sign area is calculated in accordance with subsection 7100.7.A(2)(a) above.

<sup>13</sup> This codifies current interpretation.



**PART C - DRAFT TEXT**  
**SIGNS PART II ZONING ORDINANCE AMENDMENT**  
**FOR DISCUSSION PURPOSES ONLY**

2. If the space between the proposed individual letters or symbols is greater than the width of the largest letter or symbol, sign area is calculated as the total combined area of rectangular enclosures surrounding each individual letter or symbol.

**(3) Freestanding Sign Area**

**(a) Generally**

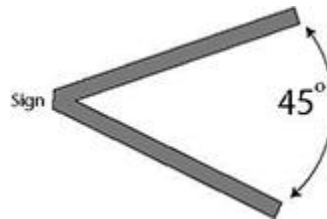
The supports, uprights, or structure ~~on which any for a~~ freestanding sign is supported are not included in calculating sign area unless they form an integral background of the display, as determined by the Zoning Administrator; however, when a sign is placed on a fence, wall, or other similar structure that is designed to serve a separate purpose other than to support the sign, the area of such structure is not included in the sign area. In such cases, the sign area is calculated in accordance with subsection 7100.7.A(2)(a) above.

**(b) Multi-Faced Signs**

The area of a freestanding sign designed with more than one sign face is calculated as follows:

1. If the sign faces are separated by an interior angle of 45 degrees or more, all sign faces are calculated in the sign area.
2. If the sign faces are separated by an interior angle that is less than 45 degrees, sign area is calculated based on the area of the largest single face.

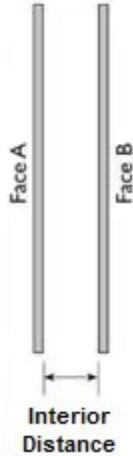
**Figure 7100.3: Measuring Multi-faced Sign Angle**



3. If the sign faces are parallel to one another, the following applies:
  - a. The area of the largest single face is used when the interior distance between the faces is 18 inches or less.
  - b. The area of the largest single face and the area of ~~the~~ a single side or interval between faces is used when the interior distance between the faces is greater than 18 inches.

**PART C - DRAFT TEXT**  
**SIGNS PART II ZONING ORDINANCE AMENDMENT**  
**FOR DISCUSSION PURPOSES ONLY**

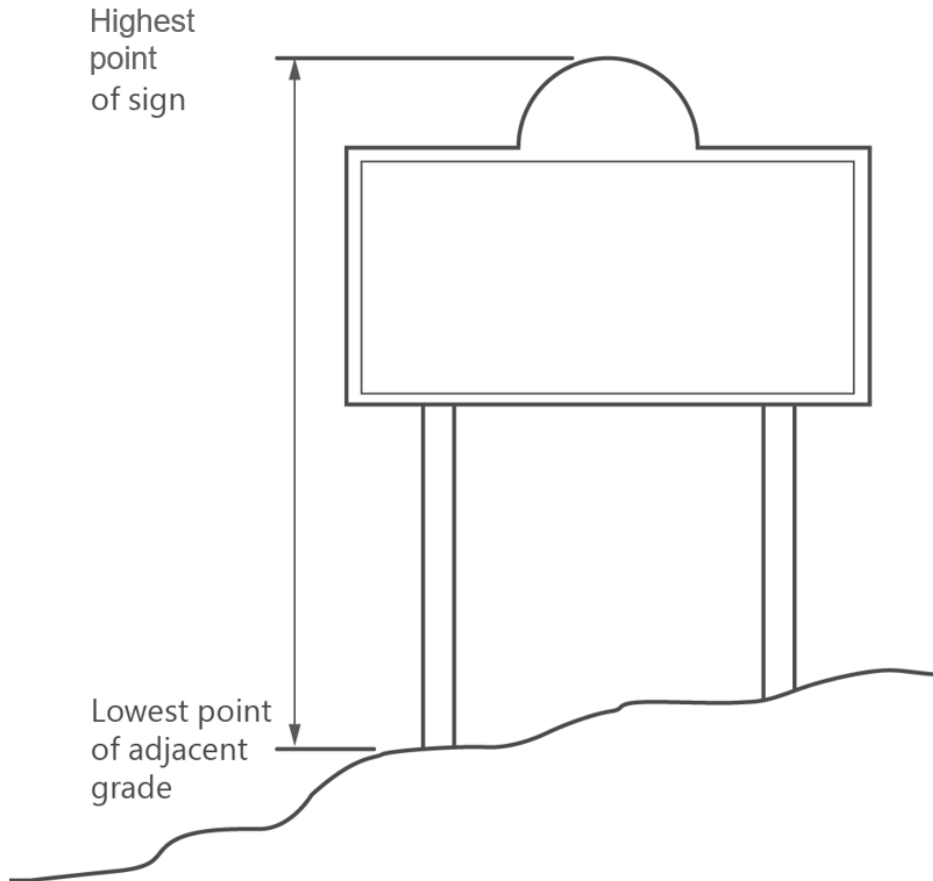
Figure 7100.4: Measuring Parallel Sign Face Area



**B. Calculation of Sign Height for Freestanding Signs**

The height of a freestanding sign is calculated as the maximum vertical distance from the ~~uppermost extremity~~ highest point of a sign and its support, to the lowest point of the adjacent grade.

Figure 7100.5: Measuring Height of Freestanding Signs<sup>14</sup>



<sup>14</sup> Revised graphic from “uppermost extremity” to “highest point.”

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
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FOR DISCUSSION PURPOSES ONLY**

## 7101. Sign Regulations by Use and District

### 1. Standards Applicable to Signs in All Districts

#### A. Changeable Copy and Electronic Display Signs

Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:

- (1) Only one changeable copy or electronic display sign is allowed per lot. The area of the changeable copy or electronic display may not exceed more than 50 percent of the maximum allowable area of that freestanding sign.

Examples:<sup>15</sup>

1. If the maximum allowed sign area = 80 square feet, then the maximum allowed electronic display area = 40 square feet. If the actual sign on the property is  $\leq$  40 square feet, the entire sign area could be electronic display.
2. If the maximum allowed sign area = 40 square feet, then the maximum allowed electronic display area = 20 square feet. If the actual sign on the property is  $\leq$  20 square feet, the entire sign area could be electronic display.

- (2) The message or copy of an electronic display sign may not move or change more frequently than once every eight seconds. The change of message or copy must be instantaneous without rolling, fading, or otherwise giving the illusion of movement, nor flash or vary in brightness.
- (3) The background of the sign face of an electronic display sign may not be white, off-white, gray or yellow in color.
- (4) Electronic display signs must include a photocell to control brightness and automatically dim at sunset to the following nighttime levels: of 40-100 nits.
  - (a) R districts: 100 nits;<sup>16</sup> and
  - (b) P, C, and I districts: 300 nits [**advertised range from 100 to 500 nits**]. The Board may approve an increase in nits in accordance with subsection 7102.1.E.<sup>17</sup>
- (5) The sign specifications, including programmed nit levels, must be submitted with electronic display sign permit applications.<sup>18</sup>

#### B. Sign Illumination

Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Section 5109.

#### C. Associated Service Uses

<sup>15</sup> Examples have been added to assist application of this provision.

<sup>16</sup> This applies the current maximum nit levels of 100 nits to all properties in residential zoning districts. Per subsection 9100.11, the term R district also includes residential areas of a P district.

<sup>17</sup> This allows for consideration of an increase in brightness levels of electronic display signs.

<sup>18</sup> This provision would require sign providers to submit the programmed nit levels as part of the sign permit application.

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
DRAFT TEXT  
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Each associated service use permitted in accordance with Article 4 of this Ordinance is allowed a single building-mounted sign not to exceed 15 square feet in area, which is calculated as part of the total allowable building-mounted sign area for the building.

## 2. Signs in Residential Districts

### A. Signs Allowed in Residential Districts<sup>19</sup>

The following signs are allowed with approval of a sign permit in an R residential district:

- (1) In a single-family residential subdivision or for a stacked townhouse ~~or multifamily development~~, a freestanding sign is allowed at each major vehicular entrance, not to exceed 30 square feet in area or eight feet in height. More than one sign may be placed at each major vehicular entrance but the total of all signs at a single vehicular entrance cannot exceed 30 square feet in area. These signs must be located within an easement recorded for signage purposes or on common area located at the vehicular entrance.<sup>20</sup>
- (2) A multifamily development may have either one freestanding sign not to exceed 30 square feet in area or eight feet in height, or one building-mounted sign up to 50 square feet [advertised range: 25 – 50 square feet].<sup>21</sup>
- (3) A rental office for a stacked townhouse or multifamily development is allowed one building-mounted or freestanding sign not to exceed four square feet in area; a freestanding sign is limited to ~~and~~ a height of four feet.
- (4) ~~Agricultural uses on a lot at least 20 acres in size~~ Agricultural operations are allowed a total of 60 square feet of sign area. No single sign can exceed 30 square feet in area, and freestanding signs are limited to ~~or~~ a height of eight feet.<sup>22</sup>
- (5) Hospitals, as follows:
  - (a) A single building-mounted sign for each building entrance, not to exceed 50 square feet in area.
  - (b) A single freestanding sign at each vehicular entrance, not to exceed 80 square feet in area or 12 feet in height.
  - (c) In conjunction with approval of a special exception, the Board may approve additional signs for the use in accordance with subsection 4102.4.R(8).<sup>23</sup>
- (6) All other nonresidential uses, including public uses, congregate living facilities, religious group living, and residence halls, are allowed building-mounted and freestanding signs in accordance with the following:
  - (a) Building-mounted signs may not exceed 50 square feet in total area.
  - (b) A single freestanding sign may not exceed 40 square feet in area or eight feet in height.

<sup>19</sup> Revised to use R district terminology to clarify that per subsection 9100.11, the term R district also includes residential areas of a P district.

<sup>20</sup> This is a new requirement that would apply to new signs associated with subdivisions. The change to major “vehicular” entrance would not allow any other entrances (such as pedestrian) to have this additional signage unless requested through SE approval.

<sup>21</sup> This new allowance would provide multifamily developments the option to install a building-mounted sign instead of a freestanding sign without the need for a special exception for a modification of signage.

<sup>22</sup> This change extends signage allowances to all agricultural uses, including agritourism. An agricultural operation must have at least seven acres.

<sup>23</sup> Relocated from subsection 7102.2.A.

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
DRAFT TEXT  
FOR DISCUSSION PURPOSES ONLY**

- (7) The Board, in approving a rezoning or special exception, or the BZA, in approving a special permit, may further limit the size, location, height, type, and duration of any sign for the land uses in subsections (3), (4), and (5) ~~in furtherance of subsection 8100.3.D(2) or subsection 8100.4.D(2), as applicable.~~<sup>24</sup>

**B. Performance Standards for Signs in Residential Districts**

**(1) Building-Mounted Signs**

Building-mounted signs must be installed flush against the wall and may not extend above or beyond the perimeter of the wall or roof of the building to which they are attached.

**(2) Freestanding Signs**

Freestanding signs may not be located closer than five feet to any property line. When located on a corner lot, a freestanding sign is subject to the sight distance requirements of subsection 5100.2.D(4)(c).<sup>25</sup>

**3. Signs in Commercial and Industrial Districts**

**A. Signs Allowed in Commercial and Industrial Districts**

The following signs are allowed with approval of a sign permit within a commercial district, including the commercial area of a P district or nonresidential uses located in a mixed-use building or development; or within an industrial district:

**(1) Building-Mounted Signs<sup>26</sup>**

- (a)** For buildings with a single tenant or with multiple tenants that access the building by one or more common outside entrances;

**1.** ~~Signs signs~~ are limited to one and one-half square feet of sign area per linear foot of building frontage for each of the first 100 linear feet of building frontage, plus one square foot of sign area for each additional linear foot of building frontage.

**2.** No single sign may exceed 200 square feet in area.

- (b)** For buildings with more than a single tenant where each tenant has its own outside entrance;

**1.** ~~Signs signs~~ are limited to one and one-half square feet of sign area for each linear foot of building frontage occupied by each tenant, except as provided for in subsection 7102.1 below.

**2.** The maximum sign area for any single tenant may not exceed 200 square feet.

- ~~**(c)** A single tenant with building frontage that results in an allowable sign area greater than 200 square feet and that occupies an area with more than one perimeter wall containing a main public entrance may place up to a maximum of 200 square feet of total sign area on each such perimeter wall. The combined sign area on any such wall must not exceed one and one-half times the length of the wall.<sup>27</sup>~~

- (c)** In addition to sign area allowed in accordance with subsections (a); and (b); and (c) above, hospitals are allowed a single building-mounted sign for each building entrance. No such sign may exceed 50 square feet in area.

<sup>24</sup> Deleted as unnecessary to include.

<sup>25</sup> Added for clarification.

<sup>26</sup> Staff is continuing to review these provisions and may make changes that would result in an increase in allowed signage per linear foot of building frontage and an increase in the 200-square-foot single sign limitation for signs located above a certain height on a building.

<sup>27</sup> Deleted, as this provision is not used and unnecessary.

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
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FOR DISCUSSION PURPOSES ONLY**

**(2) Freestanding Signs**

Freestanding signs are allowed as follows, unless limited by subsection 7101.3.A(3) below:

- ~~(a)~~ In a commercial district, a use may have one freestanding sign up to 80 square feet in area and 20 feet in height. The use must be located on a lot that has frontage on a primary highway or on a major thoroughfare and not located on the same lot as a shopping center.
- ~~(a)~~ ~~(b)~~ In an commercial<sup>28</sup> or industrial district, a single freestanding sign not to exceed 80 square feet in area and 20 feet in height may be erected for each building that has frontage on a major thoroughfare. If one tenant occupies a group of separate buildings with frontage on a major thoroughfare, then that tenant is allowed only one freestanding sign.
- ~~(b)~~ A hospital is allowed one freestanding sign at each entrance, provided no such sign exceeds 80 square feet in area or 12 feet in height.
- ~~(b)~~ ~~(c)~~ Shopping centers are allowed one freestanding sign, not to exceed 80 square feet in area or 20 feet in height. If a shopping center has frontage on two or more major thoroughfares, then ~~such~~ the shopping center may have a maximum of two freestanding signs; however, these two signs may not be located on the same major thoroughfare.<sup>29</sup>
- ~~(c)~~ ~~(d)~~ For office and industrial complexes:
1. One freestanding sign is allowed at each major entrance to an office or industrial complex that is planned, designed, constructed, and managed on an integrated and coordinated basis, not to exceed 40 square feet in area or a height of 20 feet.
  2. One freestanding sign is allowed for each detached building that houses a principal use within an office or industrial complex, not to exceed 30 square feet or a height of eight feet.
- ~~(d)~~ A hospital is allowed one freestanding sign at each entrance, provided no such sign exceeds 80 square feet in area or 12 feet in height.<sup>30</sup>

**(3) Within a Sign Control Overlay District**

The following regulations apply to uses located on commercially and industrially zoned land located within a Sign Control Overlay District; where applicable, these regulations supersede subsection 7101.3.A(2) above:

- ~~(a)~~ A single tenant or building on a lot may have one freestanding sign if the lot has frontage on a ~~primary highway or~~<sup>31</sup> major thoroughfare and the single tenant or building is not located on the same lot as a shopping center. ~~Such~~ The sign may not exceed 40 square feet in area or a height of 20 feet.
- ~~(b)~~ A shopping center is allowed one freestanding sign not to exceed 40 square feet in area or a height of 20 feet.

**(4) Signs Related to Vehicle Fueling Stations<sup>32</sup>**

The following are permitted in addition to the signs allowed in this subsection 7101.3.A:

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<sup>28</sup> This combines current (a) and (b) and clarifies that a freestanding sign is allowed per building rather than use.

<sup>29</sup> This clarifies that only one freestanding sign is allowed for each major thoroughfare, up to a total of two signs, consistent with the pre-2019 Ordinance.

<sup>30</sup> Relocated provision.

<sup>31</sup> Deleted, as it is part of the major thoroughfare definition.

<sup>32</sup> New language in (c) and (d) added to codify existing interpretation. An example image may be added to further clarify the provisions.

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
DRAFT TEXT  
FOR DISCUSSION PURPOSES ONLY**

- (a) Vehicle fueling stations are permitted one additional square foot of sign area to be displayed on each fuel pump.
- (b) Motor vehicle fuel price signs required by Article 4 of Chapter 10 of the Code of Virginia County Code.
- (c) For the purposes of the sign provisions, each canopy is treated separately and is allotted its own maximum allowed sign area based on its individual frontage per subsection 7101.3.A(1)(a). The frontage is calculated along the longest side of the canopy closest to a street. Sign area is allotted to each individual canopy and cannot be reallocated to another structure.
- (d) All signs attached to or located under a fuel station canopy or supports, including signs attached to a fuel pump, are considered building-mounted signs and are included in the overall maximum allowed sign area for the canopy.

**(5) Signs Related to a Restaurant with Drive-Through<sup>33</sup>**

Freestanding signs associated with the ordering station of a restaurant with drive-through are not counted towards maximum allowed freestanding sign area. However, each sign is limited to a maximum size of 20 square feet [advertised range: 10 – 30 square feet] per sign.

**B. Performance Standards for Signs in Commercial and Industrial Districts**

**(1) Building-Mounted Signs**

- (a) Building-mounted signs may be located anywhere on the surface of a wall but no part of the sign may extend above or beyond the perimeter of a wall. When the sign is erected at a right angle to the wall, it must not extend into the minimum ~~required yard setback~~, and must not be located closer than two feet to any street line.
- (b) A building-mounted sign may be located on the wall of a penthouse or rooftop screening wall, as follows:
  - 1. The sign must be mounted flat against the wall, and no part of the sign can extend above or beyond the perimeter of the wall.
  - 2. The sign cannot be located more than 12 feet above the building roof supporting the penthouse or screening wall.

**(2) Freestanding Signs**

Freestanding signs may not project beyond any property line or be located within five feet of the curb of a service drive, travel lane, or adjoining street. When located on a corner lot, a freestanding sign is subject to the sight distance requirements of subsection 5100.2.D(4)(c) of this Ordinance.<sup>34</sup>

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<sup>33</sup> Staff is reviewing whether this should include other SE uses with similar signs, such as car washes or other drive-throughs. In addition, staff may also adjust the advertised size range based on feedback received during outreach.

<sup>34</sup> Added for clarification.

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
DRAFT TEXT  
FOR DISCUSSION PURPOSES ONLY**

## **7102. Administration of Sign Approvals**

These sign approval standards are in addition to the General Provisions in Section 7100.

### **~~1. Administrative Comprehensive Sign Plan~~<sup>35</sup>**

~~As an alternative to calculating building frontage in accordance with subsection 7100.7.A(1)(b), the Zoning Administrator may authorize a different allotment of sign area to the various tenants of a building or buildings by approval of an administrative comprehensive sign plan, as follows:~~

- ~~A. A request for an administrative comprehensive sign plan must include written authorization from the owner of the building(s), or an authorized agent, accompanying graphics showing the proposed size, height, and location of all signs, and the required filing fee as established in Section 8102.~~
- ~~B. Unless allowed under C below, the total area for all signs may not exceed the maximum allowable sign area for the building as determined in accordance with subsection 7100.7.A(1)(b). The maximum sign area for any single tenant may not exceed 200 square feet.~~
- ~~C. A single tenant with building frontage that results in an allowable sign area greater than 200 square feet where such tenant occupies an area with more than one perimeter wall containing a main public entrance may place up to a maximum of 200 square feet of total sign area on each such perimeter wall. The combined sign area on any such wall must not exceed one and one-half times the length of the wall.~~

### **2. 1. Special Exceptions for Sign Modifications**

The Board may approve a special exception for a modification of sign regulations for:

- A. Any property in a P District; or
- B. A property in a C or I district that is developed or approved for development with the following:
  - (1) An individual building, group of buildings, office or industrial complex, or a shopping center with a minimum gross floor area of 30,000 square feet ***[advertised range: 25,000 – 50,000 square feet]***; or
  - (2) Any development where the applicant demonstrates that there are unusual circumstances or conditions in terms of location, topography, size, or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.

Modifications that may be approved with a special exception:

- C. Modifications are limited to the following:
  - (1) Any limitation set forth in subsection 7101.2 for residential areas of P districts;

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<sup>35</sup> Relocated to 7100.7.A.1(d).



**SIGNS PART II ZONING ORDINANCE AMENDMENT  
DRAFT TEXT  
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- (2) Any limitation set forth in subsection 7101.3;
- (3) Electronic display sign(s), subject to the limitations set forth in subsection 7102.1.E below;
- (4) An increase in minor sign limitations set forth in subsection 7100.4, limited to the following minor sign types:
  - (a) Signs displayed on a property that is actively marketed for sale, rent, or lease;
  - (b) Minor building-mounted and freestanding signs associated with a nonresidential use;
  - (c) Window signs exceeding 30 percent of the total area of the window; and
  - (d) A-frame signs.
- (5) A roof sign that would otherwise be prohibited by subsection 7100.5.C(2).

**Standards for approval of a special exception:**

- D. All proposed signage must meet the following standards:
  - (1) The size of the signs, including sign area and height, must be compatible with the massing and height of the development. If building-mounted, the signs must be compatible with the scale of the buildings the signs are mounted upon;
  - (2) The proposed signage may not have an adverse impact on the adjacent existing or planned development;
  - (3) Sign materials must be aesthetically compatible with the architecture of the development. Signs cannot add to street clutter, interfere with pedestrian, bicycle, or vehicular traffic, or detract from the urban design elements of the development; and
  - (4) All signs should be consistent with any applicable Urban Design Guidelines endorsed by the Board.
- E. Electronic display signs are subject to the following additional standards:
  - (1) Electronic display signs must be sized and located to avoid adverse impacts to traffic safety and enhance overall placemaking of the development.
  - (2) Electronic display signs may be building-mounted or freestanding ***[advertised option for C and I districts to limit to freestanding signs]***.
  - (3) Electronic display signs must include a photocell to control brightness and automatically dim at sunset to a maximum of 600 nits ***[advertised range: 500 – 1,000 nits]***.
  - (4) In addition, in C and I districts:
    - (a) Only one electronic display sign is allowed per lot.
    - (b) Freestanding electronic display signs are limited to the height and size limitations of subsection 7101.3.A(2) ***[advertised option – allow increase in height and size limitations as part of the SE]***.
- F. Temporary building-mounted signs, including those that are not permanently attached such as a banner, may be allowed for up to 24 months from the start of display. The Board may

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
DRAFT TEXT  
FOR DISCUSSION PURPOSES ONLY**

further limit the maximum size of these signs. A request for additional time beyond 24 months requires an amendment to the special exception.

~~G.~~ A special exception for sign modification supersedes any by-right signage that would otherwise be allowed by subsection 7101.3. Any additional signage that is not part of the approval will require an amendment to the application. A special exception approval does not preclude installation of minor signs otherwise allowed by subsection 7100.4.

~~D.~~ In conjunction with the approval of a special exception for a hospital, the Board may approve additional signs for the use in accordance with subsection 4102.4.R(8).

~~E.~~ In commercial and industrial districts, the Board may approve, either in conjunction with the approval of a rezoning or as a special exception, a modification or waiver of the sign regulations in accordance with the following:

- ~~(1)~~ Such waiver may be for an increase in sign area, increase in sign height, or different location of a sign, not otherwise provided by subsection 7102.3. Such waiver may not allow the erection of a freestanding sign or off-site sign not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by Article 7.
- ~~(2)~~ The Board may approve such waiver only when the applicant demonstrates that there are unusual circumstances or conditions in terms of location, topography, size, or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.
- ~~(3)~~ The Board determines that such waiver will be in harmony with the policies of the Comprehensive Plan.
- ~~(4)~~ The Board may approve a waiver of the sign provisions only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it determines that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 7.

## **2. Special Permits<sup>36</sup>**

~~A.~~ The BZA may grant a special permit to increase the height of a freestanding sign in a neighborhood or community shopping center when it determines that the application of this Article would cause a hardship due to issues of topography. However, such freestanding sign may not extend to a height greater than 26 feet above the elevation of the center line of the nearest street.

~~B.~~ The BZA may grant a special permit to allow additional sign area or height, or a different arrangement of sign area distribution for a regional shopping center, when it determines that the application of this Article would cause a hardship due to issues of topography or location of the regional shopping center. However, the total combined sign area for the regional shopping center may not exceed 125 percent of the sign area otherwise allowed by this Article.

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<sup>36</sup> The special permit process is proposed to be deleted.

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
DRAFT TEXT  
FOR DISCUSSION PURPOSES ONLY**

- ~~C.~~ In cases where an individual or grouping of enterprises within a shopping center are located so that the building frontage is not visible from a street, the BZA may grant a special permit to allow building-mounted sign(s) for such enterprises to be erected at the entrances, arcades, or interior malls. However, the total combined sign area for the shopping center may not exceed 125 percent of the sign area otherwise allowed by this Article.

### **3. Uses in Planned Districts**

The provisions of this Article apply to signs within Planned (P) districts. However, in keeping with the intent to allow flexibility in the design of planned developments, the following apply to signs in P-districts:

- ~~A.~~ Signs may be permitted in a P district in accordance with a comprehensive sign plan subject to approval by the Planning Commission following a public hearing conducted in accordance with subsection 8100.1.C. The comprehensive sign plan will show the location, size, height, and extent of all proposed signs within the specified area of the P district.
- ~~B.~~ An application for a comprehensive sign plan may be submitted by any property owner, owner of an easement, lessee, contract purchaser, or their agent. The application must be accompanied by a statement establishing the names of the record owners of the properties upon which such signs are proposed to be located, and a fee as established in Section 8102.
- ~~C.~~ Any comprehensive sign plan must be in accordance with the standards for all planned developments as established in Section 2105. All proposed signs must be consistent with the scale and design of the development and so located and sized to ensure convenience to users of the development, while not adding to street clutter or otherwise detracting from architectural and urban design elements of the development.

## **8100. Review Procedures**

### **3. Special Exceptions**

**Table 8100.1: Summary of Special Exceptions**

Special Exception Type	Section/ Subsection
<del>Waiver of Certain Sign Regulations</del> Sign Modification	7102.2-7102.1

### **4. Special Permits**

**Table 8100.2: Summary of Special Permits**

Special Permit Type	Section/ Subsection
Increase in Sign Area or Height	7102.3

## **10. Appeals**

- A. Appeal Processing**
  - (2) Time Limit on Filing**

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
DRAFT TEXT  
FOR DISCUSSION PURPOSES ONLY**

- (a) Except as set forth below, all appeals must be filed within 30 days from the date of the decision appealed by filing an appeal application with the Zoning Administrator and the BZA.
- (b) Appeals from notices of violation involving the following violations must be filed within ten days from the date of the notice by filing an appeal application with the Zoning Administrator and the BZA:
  - 1. Occupancy of a dwelling unit in violation of subsection 4102.3.A.
  - 2. Parking a commercial vehicle in an R district or a residential area of a P district in violation of subsections 4102.1.B(2) and 4102.1.E(4).
  - 3. Parking of vehicles on an unsurfaced area in the front yard of a single-family detached dwelling in the R-1, R-2, R-3, or R-4 Districts in violation of subsection 6100.2.A(3).
  - 4. Parking of inoperative vehicles, as provided in Chapter 110 of the County Code, in violation of subsection 4102.7.A(13).
  - 5. Installation, alteration, refacing, or relocation of a sign on private property in violation of subsection 7100.3.A(1).<sup>37</sup>
  - 6. Installation of any minor sign in violation of subsection 7100.4.<sup>38</sup>
  - ~~7. 5.~~ Installation of prohibited signs on private property in violation of subsection 7100.5.B and subsections 7100.5.C(1) and 7100.5.C(5).
  - ~~6.~~ Installation, alteration, refacing, or relocation of a sign on private property in violation of subsection 7100.3.A(1).
  - ~~8. 7.~~ Other short-term, recurring violations similar to those listed above.

## 8101. Submission Requirements

### 3. Special Exceptions, Special Permits, and Variances

#### D. Additional or Modified Submission Requirements for Specific Special Exception Applications

Add new (6) and renumber subsequent subsections.

**(6) Sign Modification**<sup>39</sup>

- (a) Site photographs or visual simulations showing the location and scale of proposed signs, which should consider factors such as topography that impact visibility;

<sup>37</sup> Reordered (was previously 6).

<sup>38</sup> This is a change from the current 30-day timeframe to ten days.

<sup>39</sup> Submission requirements are new.

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
DRAFT TEXT  
FOR DISCUSSION PURPOSES ONLY**

- (b) Building elevations and renderings of the proposed signs, including a graphic scale, demonstrating placement and overall design compatibility;
- (c) Site plan/development plan showing sign locations;
- (d) Sign matrix showing the following:
  1. The size, height (measured from the lowest grade to the highest point), and extent of all proposed signs;
  2. Designs and materials of any signs over which the applicant has design control, including project identity and wayfinding signs;
  3. Comparison of the amount of signage allowable by-right compared to the proposed signage requested;
  4. Identification of any existing signs that will remain; and
  5. Lighting specifications of any illuminated signs.
- (e) If electronic display signs are included, viewshed analyses must be provided from all abutting properties. Information on the size of the display area and the daytime and nighttime nit levels must also be provided; and
- (f) A written statement describing the overall approach for the sign modification and how the proposed plan complies with the general standards and any applicable design guidelines.

## 8102. Fee Schedule

### 1. Fee Schedule

TABLE 8102.1: FEE SCHEDULE	
APPLICATION TYPE	FEE [1]
<b>MISCELLANEOUS PERMITS AND APPROVALS</b>	
<b>Signs</b>	
Sign Permits and Administrative Comprehensive Sign Plans	\$95
Administrative Reallocation of Sign Area	\$95
Comprehensive Sign Plans in Planned Districts	\$8,260
Amendments to Comprehensive Sign Plan in Planned Districts	\$4,130
Waiver of Certain Sign Regulations Special Exception	\$8,260
<b>SPECIAL EXCEPTIONS [2]</b>	
Standard fees for special exception approvals are listed below.	
General Fee Unless Otherwise Listed	\$16,375
<b>Accessory Uses and Other Special Exceptions</b>	
Home Day Care Facility	\$435
Modification of Shape Factor	\$8,180
Modification of Grade for Single-Family Detached Dwellings	\$910
Certain Existing Structures and Uses	\$910

**SIGNS PART II ZONING ORDINANCE AMENDMENT  
DRAFT TEXT  
FOR DISCUSSION PURPOSES ONLY**

<b>TABLE 8102.1: FEE SCHEDULE</b>		
<b>APPLICATION TYPE</b>		<b>FEE [1]</b>
Modification of Minimum Setback Requirements	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty	\$0
<u>Sign Modifications</u>		<u>\$8,260</u>
<u>Amendment to Sign Modifications</u>		<u>\$4,130</u>
Waiver of Minimum Lot Size Requirements		\$8,180
Addition to or Replacement of a Single-Family Detached Dwelling Existing as of July 1, 2021, in a Floodplain		\$8,180

## 9102. General Terms<sup>40</sup>

### **Moving or Windblown Sign**

Any sign of which all or any part is in motion by natural or artificial means (including fluttering, rotating, undulating, swinging, oscillating) or by movement of the atmosphere. This includes signs such as feather flags and inflatable objects. For purposes of Article 7, a flag is not a moving or windblown sign.

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<sup>40</sup> No other definitions are proposed to be revised.