

LOB #77:

## **ZONING INSPECTIONS AND SIGN PERMIT REVIEW**

### **Purpose**

Article 12 of the Zoning Ordinance sets forth specific regulations on size, location and illumination of signs in the County. The stated purpose of this Article is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values, to protect the character of the various communities in the County, to facilitate the creation of a convenient, attractive and harmonious community, to protect against danger in travel and transportation and to improve and protect the public health, safety, convenience and general welfare. In addition, legislative actions, such as Comprehensive Sign Plans, may modify the requirements of Article 12 with input from the community through public hearing processes. The purpose of the sign permit review process is to ensure that the provisions of Article 12 or legislative actions related to signs are administered and enforced in accordance with those regulations or approvals.

Zoning inspections are performed for a wide variety of reasons, but are typically tied to compliance with legislative actions such as special exceptions or special permits. The inspections occur when conditions are imposed that require specific actions or events to occur through development conditions or proffers and the zoning inspection ensures that the conditions or proffers have been fulfilled. Inspections are also often performed to verify the status of a property or use on the property, prior to issuance of a permit for occupancy.

The stated purpose of the Noise Ordinance is to promote an environment for the citizens of Fairfax County that is free from noise that jeopardizes a person's health or welfare or degrades the quality of life. The Zoning Inspections Branch assists in the implementation of the Noise Ordinance through the issuance of noise waivers. The purpose of the noise waiver review is to ensure that the noise from the requested waiver does not endanger the public health, safety or welfare; and compliance with the Noise Ordinance from which the waiver is being sought would produce serious hardship without producing equal or greater benefit to the public.

### **Description**

The Zoning Inspections Branch of the Zoning Administration Division is responsible for the review and issuance of sign permits. Sign permits require completion of an application form, accompanied by renderings of the proposed sign, and a copy of a site plan if the sign is freestanding. Additionally, documentation is required from the property owner to ensure that the applicant has permission to erect the sign. Further, either a copy of an occupancy permit or an issued building permit for a new tenant layout for the sign tenant is required before the sign can be issued, to ensure that signs are not erected for uses that are not lawfully permitted.

Once a sign permit is submitted, it is carefully reviewed by staff to determine if it meets the requirements of Article 12 or other pertinent regulations, such as Comprehensive Sign Plans. Some signs require inspections prior to issuance, and these inspections may require further action by the property owner or sign permit applicant to remedy zoning violations prior to issuance of the sign permit. Once all the submission requirements are received and the property is cleared of zoning violations, the sign permit may be issued.

The Branch also provides to the Zoning Evaluation Division an analysis of the Article 12 requirements for all proposed comprehensive sign plans and other modifications of the sign provisions that require special permit or special exception approval.

Zoning inspections may occur when a sign application is submitted to ensure that the property conforms to the Zoning Ordinance, or in the form of a request from another branch in the agency tasked with determining if the development conditions or proffers have been accomplished. Usually this takes the form of a written request. Once the inspection has been performed, staff provides a written response to the

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requestor stating the findings of the inspection. If violations are found, the property owner is advised at the inspection and provided information on how to remedy the issue.

The Branch assists in the administration of the Noise Ordinance by the review and approval of Noise Waiver requests which involve research of previous violations/complaints and history of the property, coordination with other staff and often the District Supervisor, site inspections, the taking of noise measurements and the development of approval conditions that mitigate the impacts of the waiver request on adjacent properties.

## Benefits

The benefits of the sign permit review are very tangible and evident. When a sign is erected without a sign permit review, it may be located in areas that prevent adequate traffic sight distance thereby causing a safety issue, the sign may be oversized, or it may otherwise become an eyesore in the community and cause visual blight. The sign permit review process ensures that signs are only issued permits when they are in compliance with Article 12 or sign related legislative actions. The review process also provides the additional benefit of ensuring that the property where the sign will be located is free of zoning violations.

The benefits of zoning inspections are the ability to demonstrate that conditions and proffers, vetted through public hearing processes, are implemented as required. Zoning inspections also provide an opportunity to educate property owners on potential safety concerns identified during the inspection.

The benefits of the noise waiver process is to allow certain short term activities to occur and property owners to enjoy the use of their property while ensuring that the noise impacts of such activities on the adjacent properties has been minimized to the greatest extent possible. For example, allowing nighttime road construction to occur allows the road improvement to be completed in a shorter timeframe and to minimize the impact of the construction on the commuting public.

## Mandates

The issuance of sign permits must be done in accordance with Article 12 of the Zoning Ordinance. Par. 2 of Sect. 18-102 of the Zoning Ordinance allows the Zoning Administrator to conduct inspections of buildings, structures and other uses to determine compliance with the Zoning Ordinance.

## Trends and Challenges

The following trends and challenges have been identified for sign permits:

- There are legal challenges to sign ordinances throughout the country, based on content neutrality issues. Given that the Fairfax County sign regulations are not fully content neutral, the Fairfax County sign regulations must be amended to be content neutral in order to be able to withstand a legal challenge.
- The submission of more comprehensive sign plans (CSPs) can benefit the community and the applicant, as such plans can provide for an overall uniform sign design for a site, flexibility, and the ability to receive approval for signs that are larger and/or would otherwise not permitted under Article 12. CSPs allow for more creativity and a greater variety of sign design in the County. However, CSPs and other modifications of the sign ordinance are more difficult to implement and enforce than signs allowed by right, as each approval is unique and requires more research and monitoring/tracking than a sign that is permitted under Article 12.
- Sign technology and design are changing through the use of more LED lighting, incorporation of changing or movable copy and videos, and the proliferation of temporary signs, such as feather or banner signs. The sign regulations have not been comprehensively updated since 1984 and, as such, the regulations do not reflect the latest trends in sign technologies and design.

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- As the County is becoming more urbanized, there are more mixed use developments of both residential and commercial uses. However, the current sign regulations do not accommodate such mixed use development and the issuance of sign permits in these areas, absent a comprehensive sign plan, is problematic.
- Ensuring submission of complete sign permit applications. Sign permit applications are frequently submitted by sign companies that conduct business in multiple states and jurisdictions and/or permit runners, and these individuals are unfamiliar with the Fairfax County sign regulations and submission requirements. In most cases, these individuals are unaware of the applicable CSP and/or special permit or special exception development conditions pertaining to signage for a particular site, and therefore, it is difficult to gain compliance. This situation results in multiple submissions and site inspections by staff.
- Fairfax Inspections Database Online (FIDO) is the current computer system used in the process of issuing sign permits. Many steps are required in the computer system before a sign permit can be issued; however, the process of replacing the FIDO system is underway.

The following trends and challenges have been identified for zoning inspections and sign permits:

- There has been a high staff turnover in the Zoning Inspections Branch, including the departure of individuals with many years of inspection and sign permit experience. As such, the challenge is to find qualified new staff and to provide the appropriate training.

## Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
<b>LOB #77: Zoning Inspections and Sign Permit Review</b>			
<b>FUNDING</b>			
<u>Expenditures:</u>			
Compensation	\$504,513	\$487,921	\$501,379
Operating Expenses	44,585	36,053	35,947
<b>Total Expenditures</b>	<b>\$549,098</b>	<b>\$523,974</b>	<b>\$537,326</b>
General Fund Revenue	\$139,270	\$129,865	\$136,724
Net Cost/(Savings) to General Fund	\$409,828	\$394,109	\$400,602
<b>POSITIONS</b>			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	7/7	7/7	7/7
<b>Total Positions</b>	<b>7/7</b>	<b>7/7</b>	<b>7/7</b>

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## Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Number of Sign Permits	2,277	2,475	2,119	2,300	2,300
Number of zoning/noise inspection requests	1,678	1,729	1,738	1,750	1,750
Percent of zoning inspections conducted within 15 calendar days of the inspection request	75%	84%	81%	80%	80%

The metrics for the Sign Permit Review and Zoning Inspections LOB include the number of sign permits, the number of zoning/noise inspection requests, and the percentage of inspections that occur within 15 calendar days of the inspection request.

The issuance of sign permits is associated with changes in tenants, upgrades to existing sites and new construction. Therefore, the number of sign permits issued is an indicator of economic activity in the County. The total number of sign permits includes those sign permits that have been issued/approved, failed or determined to be incomplete. Typically, one sign permit is required for each tenant or business in a development, such as a shopping center or business park. However, the applicant may choose to obtain separate permits for certain signs, such as one permit for a freestanding sign and a separate permit for building mounted signs. The number of sign permits has been relatively consistent between FY 2013 and FY 2015, and it is anticipated that the number of sign permits should remain fairly constant for the next two fiscal years assuming that the economic conditions remain the same.

The Zoning Inspections Branch performs a variety of inspections in order to determine whether the property complies with the Zoning Ordinance and/or the conditions of zoning approval. Requests for zoning inspections may come from other staff in DPZ. The past 12 to 18 months have seen an increase in staff-requested zoning inspections due to the large volume of home child care Special Permit applications. The influx of home child care special permit applications is the result of changes in the state licensing process that went into effect in 2012. In addition to staff-requested inspections, inspections are also conducted in conjunction with the review of Dance Permits, certain sign permits, fence height waivers, noise waivers and the review of sign modifications. Given that these inspections are typically associated with the review of a zoning application, and the applicants desire expeditious processing of their applications, it is incumbent on staff to perform the zoning inspections as quickly as possible. Although it would be desirable for all zoning inspections to occur within 15 days of the request, there are instances where highly complex reviews may take longer, or when workloads adversely affect the ability of staff to meet this timeframe. As such, the goal of the inspection metric is to conduct 80 percent of the inspection requests within 15 days of the inspection request. This goal has been met since FY 2014. It is anticipated that both staffing levels and the number of inspection requests should remain consistent; therefore, it is projected that an 80 percent inspection rate within 15 days of the request should be maintained going forward.