

SIGNS

Issue: On June 18, 2015, the United States Supreme Court decided the case of Reed v. Town of Gilbert, which drew a very distinct line concerning the use of content-based sign regulations. The facts concerned an ordinance in Gilbert, Arizona that had differing restrictions on political, ideological and directional signs. The Supreme Court decided that the Gilbert ordinance was “content-based” and could not survive the strict scrutiny required by the First Amendment to protect freedom of speech. As such, the Court found that the Gilbert regulations applied to particular speech because of the topics discussed and/or expressed on the sign itself – thereby regulating some kinds of speech differently from others. Fairfax County’s sign ordinance needs to be amended to respond to the Gilbert decision, as some existing ordinance provisions regulate certain sign types based, in whole or in part, on the message of the sign.

This amendment has been identified as one of the first amendments to go forward as part of the Zoning Ordinance Modernization (zMOD) project.

Proposed Amendment: The amendment is proposed to be accomplished in two phases. The first phase focuses on the re-write of existing regulations in a content-neutral manner. In addition, staff is taking the opportunity to reorganize the ordinance in a more user-friendly format. Also, given the challenges of rewriting existing provisions considering the Supreme Court’s decision, staff is proposing certain, specific policy changes, including: new regulations for digital signs, signs for non-residential uses in residential districts, and minor/temporary signs for all land uses. Following the adoption of this first phase of the amendment, staff is planning a second amendment that will separately review the in-depth policy questions concerning signs, such as permissible sign types, sizes, location and related aesthetic issues. This second amendment will also be drafted as part of zMOD with work commencing on the final phase in 2019.

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Timing: The concepts in the current draft have been presented to the Board of Supervisors’ Development Process Committee on July 18th and December 12, 2017, and on March 13, 2018. Public outreach is in progress, and it is anticipated that staff will bring this amendment forward for Board authorization in June 2018, with public hearings scheduled for July and September 2018.

Additional Information: Zoning Administration currently maintains a ListServ for interested parties to receive information about pending Zoning Ordinance Amendments. You may self-register for this ListServ at: <http://www.fairfaxcounty.gov/email/lists/> by selecting “Zoning Ordinance Amendments–Proposed” under the heading “Land Use & Development.”

Additionally, the Zoning Administration Division posts staff reports and other documentation, public hearing dates, and other information for pending Zoning Ordinance Amendments here: <http://www.fairfaxcounty.gov/dpz/zoningordinance/proposed/>