



# FAIRFAX COUNTY

## PROPOSED ZONING ORDINANCE AMENDMENT

### STAFF REPORT Signs Part II

October 3, 2023

#### Hearing Dates

Planning Commission: October 25, 2023, at 7:30 p.m.  
Board of Supervisors: November 21, 2023, at 3:30 p.m.

#### Staff Contact

Casey Judge, Deputy Zoning Administrator



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).



PLANNING & DEVELOPMENT

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## Background

In 2019, the Board of Supervisors (Board) adopted a Signs Part I Zoning Ordinance Amendment, which focused on rewriting the sign regulations in a content-neutral manner. A Part II effort to include a broader review of sign policies was identified and included on the FY 2022/2023 Zoning Ordinance Work Program. The changes to the sign regulations that are proposed with this amendment are driven partly by staff based on experience in implementing the existing sign regulations, as well as by industry representatives who have identified changes to reflect best practices.

## Proposed Changes

Proposed text is provided in Attachment 1 and is summarized below.

**Electronic Display Signs:** 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.

### 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.

During outreach, industry representatives indicated that the brightness levels of modern screens have increased based on high-definition technology, and a higher nit level is more appropriate to accommodate emerging technology. Staff conducted field visits throughout the County and confirmed that a significant number of existing electronic display signs exceed the 100-nit limitation with no apparent negative impacts. Many existing signs are programmed with white backgrounds, which increase the overall brightness and nit levels; however, the Ordinance currently prohibits white, off-white, gray, or yellow backgrounds, which is not

proposed to change with this amendment. Staff is evaluating options for additional education and outreach on electronic display and other sign requirements.

For electronic display signs in Planned (P), Commercial (C), and Industrial (I) zoning districts, staff recommends increasing the maximum nit level to 500 nits. An advertised range of 100 to 1,000 nits has been included for Board consideration. In addition, this level may be increased in P, C, and I districts with special exception (SE) approval. Staff recommends maintaining the current 100-nit limitation in conventional residential zoning districts (which excludes residential areas of P districts). Based on concerns raised about potential brightness impacts at night, such as distractions to automobile traffic and the effect of glare on nearby residential areas, and specifically in response to questions raised at the Board's authorization on September 26, 2023, the amendment has been advertised to allow consideration of a broad range of options based on factors such as zoning district classification, time of day/night, and location or distance from land in a residential district or residential areas of P districts. Options under consideration may include one or more of the following:

- Instead of beginning the nit limitation at sunset, replace "sunset" with a set time (such as 9:00 p.m. through 6:00 a.m.);
- Instead of the set times discussed in the bullet above, in addition to the current sunset dimming requirement, require that all signs are further dimmed to a specific nit level between the hours of 9:00 p.m. to 6:00 a.m.;
- Align residential areas of P districts with other residential districts by limiting sign brightness to 100 nits; and
- Include a requirement that any development within a certain proximity to a residential district be limited to a maximum of 100 nits (unless modified by the Board as part of a special exception request for sign modifications).

Staff is continuing to evaluate these options to ensure that 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 will provide draft text of these options for consideration in advance of the Planning Commission public hearing and will post the options to the [amendment website](#).

**Special Exception for Sign Modifications:** Under the current Zoning Ordinance, as shown in Table 2 below, the Zoning Ordinance includes three ways for an applicant to request additional signage beyond that allowed by right on their property:

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)

Table 1: Current Signage Application Types

**Consolidation of Applications:** Staff recommends consolidating the current application types into one SE request for sign modifications that would include revised review criteria and standards and would go to the Planning Commission for recommendation and to the Board for approval. Because each 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 a modification in 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. 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 C and I districts.

**Permitted and Unpermitted Modifications:** 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 1: 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 that certain standards cannot be modified also assists in preventing sign clutter.

Zoning Districts and Criteria for Eligibility: 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 additional signage that would not otherwise be permitted.

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. This is because 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, an SE for sign modifications is not recommended for properties in conventional residential districts.

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;
- 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 Signs: 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 height and size of freestanding electronic display signs in P districts (with advertised option to also consider this allowance in C and I districts); and
- An increase in brightness after sunset from the by-right limitation (which is advertised from 100 to 1,000 nits).

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.

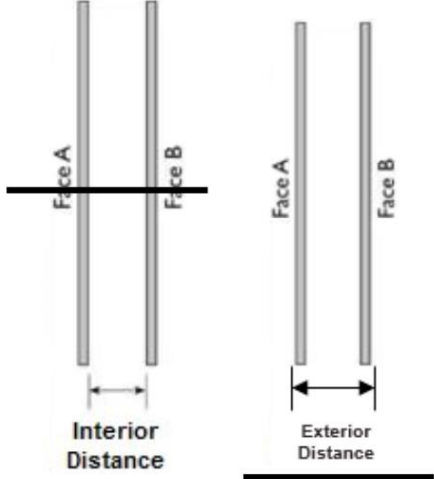
In addition, the current SE process does not have sign-specific submission requirements. Staff proposes to add submission requirements specific to sign requests to ensure consistency in the type of information necessary for review of the application. As with other zoning applications, the Zoning Ordinance 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 C and I districts. Currently, the SE standards for the C and I districts 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 in maintaining or enhancing the economic viability of these conventionally zoned areas. Allowing for increased flexibility in C and I districts would expand placemaking opportunities 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](#).

**Other proposed changes:** Other revisions, including reorganization and edits for plain language, have been made throughout Article 7. Table 2 below summarizes these other proposed changes and the associated page number in Attachment 1:

Table 2: Additional Proposed Changes to Article 7		
Topic	New Section/Subsection	Summary
Scoreboards	7100.3.A(6)(c) Page 1	Exempt scoreboards associated with any school, college, university, or Park Authority property from sign regulations.
Address numbers and building identification	7100.3.B(1) Page 2	Increase the size of address and building entrance identification exempt from sign permit and size requirements from current two-square-foot limitation to four square feet.
Signs in or adjacent to a reserved parking space	7100.3.B(7) Page 2	Exempt all signs located in or immediately adjacent to reserved parking spaces (such as electrical vehicle charged spaces or mobile pickup parking spaces) from sign permit requirements with no size limitation. Staff currently applies an interpretation limiting associated signage to a maximum of one square foot.

**Table 2: Additional Proposed Changes to Article 7**

Topic	New Section/Subsection	Summary
Minor signs associated with new residential development	7100.4.C Page 3	For new residential development containing at least three dwelling units to qualify for 60 square feet of minor signage, add a requirement that the lots under construction must be contiguous.
Minor signs associated with a single-family dwelling unit undergoing construction	7100.4.D Page 3	Clarify that the six-month display timeframe begins from the start of sign display and codify current interpretation language of what is included in commencement of the improvement or renovation work.
Window signs	7100.4.G Page 4	Allow 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, contain no moving images or content, and may only be illuminated during the hours of operation.
Multi-faced signs	7100.7.A(2)(b)3 Pages 7 - 8	<p>When determining how to calculate sign area of a multi-faced sign has sign faces that are parallel to one another, instead of measuring the sign area from the interior distance of the faces, the area would be measured from the outside(see image below)and increased from 18 inches or less to 24 inches or less.</p> <p style="text-align: center;"><b>Figure 7100.4: Measuring Parallel Sign Face Area</b></p> 
Signs associated with a residential subdivision or stacked townhouse development	7101.2.A(1) Page 10	Include a standard that the freestanding sign associated with a residential subdivision or stacked townhouse development must be located within an agreement or 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.



**Table 2: Additional Proposed Changes to Article 7**

Topic	New Section/Subsection	Summary
Signs associated with a multifamily development	7101.2.A(2) Page 10	Allow a multifamily building to have one freestanding sign per building or 50 square feet of building-mounted signage (with an advertised range from 25 – 50 square feet for consideration) as an alternative to the freestanding sign at each major vehicular entrance. These options allow for more flexibility for urban settings where a freestanding sign may not be desirable or appropriate to be located in the pedestrian realm.
Signs for mixed-use buildings	7101.2.A(4) Page 10	Clarify that mixed use buildings in residential districts with ground-floor nonresidential uses may have the building-mounted signage permitted for a nonresidential use, but the building is limited to a maximum of one freestanding sign not to exceed 30 square feet in area or eight feet in height.
Signs for agricultural operations	7101.2.A(5) Page 10	Remove 20-acre minimum lot size requirement for an agricultural operation to have a sign.
Signs for hospitals	7101.2.A(6) Page 10	Specify that freestanding signs at hospitals may only be located at a vehicular entrance.
Building-mounted signs in C and I districts	7101.3.A(1) Pages 11 - 12	<p><b>Option 1:</b> Maintain current regulations where buildings with a single tenant or multiple tenants with common entrance(s) are allotted 1.5 square feet of sign area for each of the first 100 linear feet of building frontage, then 1 square foot for each additional linear foot of building frontage. Buildings with more than one tenant where each tenant has its own outside entrance are allotted 1.5 square feet for each linear foot of building frontage (not only for the first 100 feet). This option deletes a provision that pertains to single tenants that have frontage occupying more than one perimeter wall with a main entrance, as it is not widely used.</p> <p><b>Option 2 (staff’s recommendation):</b> Combine provisions where regardless of the number of tenants or entrances, 1.5 square feet of sign area is allotted for each linear foot of building frontage. This will result in an overall increase in signage for buildings with a single tenant or multiple tenants with a common entrance with building frontages greater than 100 linear feet, as they are currently limited to 1 square foot of sign area per linear foot above 100 feet. Combining the provisions will simplify sign permit review and administration of the provisions by staff; it will also result in the removal of the administrative comprehensive sign permit (ACSP), which allows a different allotment of sign area among various tenants of a building.</p>

Table 2: Additional Proposed Changes to Article 7		
Topic	New Section/Subsection	Summary
Freestanding signs associated with a shopping center	7101.3.A(2)(b) Page 13	Add limitation that when a shopping center is located on two or more major thoroughfares, the two freestanding signs allowed may not be located on the same major throughfare.
Vehicle fueling station pump signs	7101.3.A(4)(b) Page 14	Codifies longstanding interpretation that each fuel pump may have up to one square foot of digital display.
Drive-through signs	7101.3.A(5) Page 14	Allows any number of signs associated with the ordering station of a restaurant with drive-through, drive-through financial institution, other drive-through, or drive-through pharmacy (unless limited by the Board as part of the special exception approval for the use). Each sign would be limited to a maximum size of 20 square feet (with an advertised range of 10 – 30 square feet).
Appeal timeframe for minor signs	8100.10.A(2)(b)6 Pages 18 - 19	Reduce the appeal timeframe from 30 days to ten days from issuance of a violation for a minor sign. 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.
Moving or windblown sign	9102 Page 21	Add feather flags and inflatable objects to examples of moving or windblown sign definition.
Roof sign	9102 Page 21	Change definition so a roof sign includes those signs that extend above the highest point of the roof rather than the lowest.

**Appendix 1 – Provisions Related to Previous Approvals**

While not part of the Zoning Ordinance, staff recommends language to be added to Appendix 1 – Provisions Relating to Previous Approvals to address CSP applications currently in-process. The proposed language would allow any comprehensive sign plan accepted for review by September 26, 2023, and approved by the Planning Commission before March 1, 2024, to continue under the comprehensive sign plan process. Any applications either accepted after September 26, 2023, or scheduled for a public hearing with the Planning Commission after March 1, 2024, would be required to convert to a special exception. There is no fee associated with this conversion. This language ensures that those in-process CSPs, which have undergone significant staff review, are entitled to continue under their current process while applications going forward fall under the new SE process.

## Community Outreach

Staff began outreach on this amendment in late 2021, starting with a joint outreach and educational effort on the current sign regulations and enforcement process with the Department of Code Compliance. Staff has presented this topic at 27 different outreach meetings, including standing land use committee meetings, industry groups (including NVBIA/NAIOP, NVAR, land use attorneys, and shopping center owners/sign providers), the Board's Land Use Policy Committee, and the Planning Commission's Land Use Process Review Committee. Staff also hosted community meetings that were recorded and posted on the [Signs Part II website](#). Information on the amendment, including draft text, white papers, flyers, and presentation materials were shared on the website throughout the amendment process.

Feedback on the amendment has been mixed with general support from the community on the change in sign modification process, while industry representatives have expressed concern about the additional hearing requirement as part of the change to a special exception process. Comments have also been received about the increase in brightness for electronic display signs and ensuring this increase does not present impacts on adjacent residential areas or light/glare concerns for drivers.

## Summary

Overall, the proposed amendment would revise brightness limitations associated with electronic display signs; consolidate the current CSP, SE, and SP applications related to sign modifications into one SE application for all sign modifications; and modify a variety of other sign regulations. It is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

**#1 INSTRUCTION:** Revise Article 7 with the following text shown below in ~~strike through~~ and underline. Advertised options are included **(in parentheses, italics, and bold)**. When an option is presented as a range, the Board may approve any number within the advertised range. The proposed changes are based on the provisions of the adopted Zoning Ordinance in effect as of May 10, 2023.

# ARTICLE 7 - SIGNS

## 7100. General Provisions

### 2. Applicability

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- 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

- (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 12 months after 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 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.
  - (c) Scoreboards located at any school, college, or university, or a property owned by the Fairfax County Park Authority.

#### 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 toward 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;
- ~~(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 address and building identification may not exceeding a total of two four 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 areas as shown on identified in 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 or immediately adjacent to a reserved parking space.

**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.
- (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.

**4. Minor Signs**

Unless otherwise stated, The the following minor signs are allowed without a sign permit and 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:
    - ~~(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 a height of six feet.
    - ~~(3) (b)~~ (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 a height of eight feet.
    - ~~(4) (c)~~ (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 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, 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)~~ (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 start of display, whichever is less.
    - (1) For the purpose of this subsection, commencement of the improvement or renovation work includes the following:
      - (a) Clearing, grading, or excavation work to prepare the site for construction;
      - (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.
  - (2) Illuminated or electronic window signs are allowed as follows:
    - (a) One illuminated or electronic window sign is allowed per establishment, up to four square feet in area **[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 be illuminated only 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~~ 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~~ weathervane.
- (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.

### 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).
- (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.

## 7. Sign Measurement

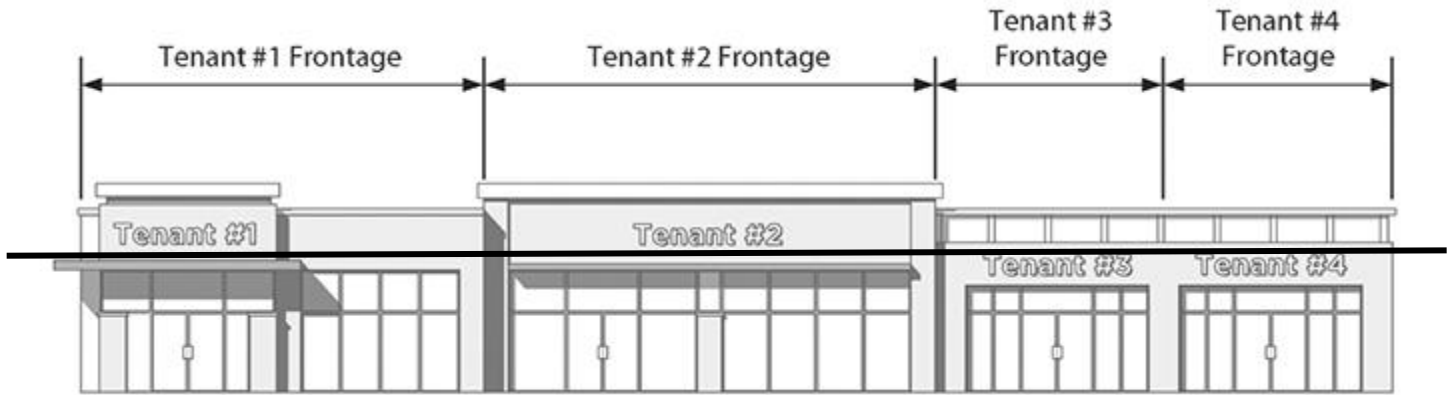
### A. Calculation of Sign Area

#### ~~(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.~~
- ~~(d) On buildings that include both a common outside entrance and tenants with individual outside entrances, the 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.~~
- ~~(e) 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.~~



Figure 7100.1: Multi-Tenant Sign Frontages



**(2) (1) 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.
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) (2) Freestanding Sign Area****(a) Generally**

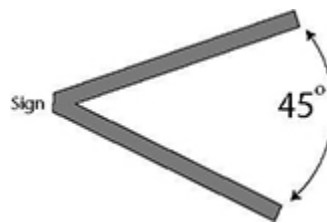
The supports, uprights, or structure on which any freestanding sign is supported are not included in calculating sign area unless they form an integral background of the display, as determined by the Zoning Administrator; however, when a sign is placed on a fence, wall, or other similar structure that 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.

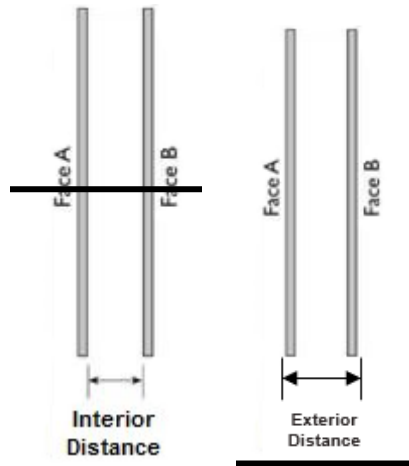
Figure 7100.3: Measuring Multi-faced Sign Angle



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~~ exterior distance between the faces is ~~18~~ 24 inches or less.
  - b. The area of the largest single face ~~and plus~~ the area of ~~the~~ a single side or interval between ~~the sign~~ faces ~~is used~~ when the ~~interior~~ exterior distance between the faces is greater than ~~18~~ 24 inches.

**#2 INSTRUCTION:** Replace Figure 7100.4 with new image showing exterior distance.

Figure 7100.4: Measuring Parallel Sign Face Area

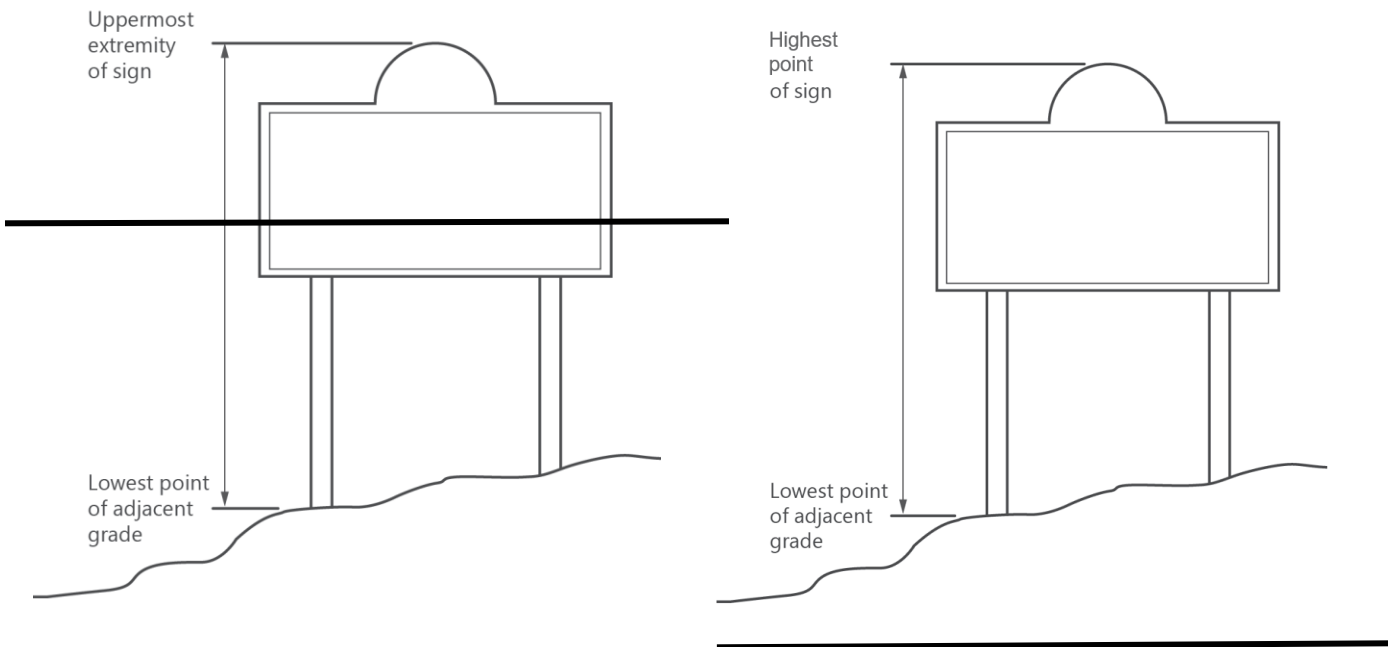


**B. Calculation of Sign Height for Freestanding Signs**

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

**#3 INSTRUCTION:** Replace Figure 7100.5 with new image revising text to “highest point of sign.”

Figure 7100.5: Measuring Height of Freestanding Signs



## 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:*

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 ≤ 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 ≤ 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) Residential Districts (excluding residential areas of Planned Districts): 100 nits; and
- (b) Planned, Commercial, and Industrial Districts: 500 nits ***[advertised range from 100 to 1,000 nits]***. The Board may approve an increase in nits in accordance with subsection 7102.1.E.
- Advertised options include specifying any maximum nit limitation from 100 – 1,000 nits to control brightness at night based on factors which may include zoning district classification, time of day/night, and location or distance from land in a residential district or residential areas of P districts.***
- (5) The sign specifications, including programmed nit levels, must be submitted with electronic display sign permit applications.

#### 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

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

The following signs are allowed with approval of a sign permit in an R residential district (which includes residential areas of P districts per Section 9100):

- (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 subject to an agreement, located within an easement recorded for signage purposes, or on common area located at the vehicular entrance.
- (2) A multifamily development is limited to one of the following:
  - (a) One freestanding sign per building, not to exceed 30 square feet in area or eight feet in height;
  - (b) A freestanding sign 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; or
  - (c) 50 square feet of building-mounted signage [advertised range: 25 – 50 square feet].
- (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) A mixed-used building that includes ground-floor nonresidential uses may have building-mounted signage that is permitted for the nonresidential use as provided in subsection 7101.3; however, only one freestanding sign not to exceed 30 square feet in area or eight feet in height is allowed for the building.
- ~~(3)~~ (5) 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.
- (4) (6) 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).
- (5) (7) 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:
  - (d) Building-mounted signs may not exceed 50 square feet in total area per lot.
  - (e) A single freestanding sign may not exceed 40 square feet in area or eight feet in height.
- (6) (8) The Board, in approving a rezoning, PRC plan, 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.~~

## 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).

## 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:

#### OPTION 1 (includes (1)(a) through (c)):

#### (1) Building-Mounted Signs

- (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.
- ~~(d)~~ (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.

#### OPTION 2 (includes (1)(a) and (b)):

#### (1) Building-Mounted Signs

- (a) Signs are limited to one and one-half square feet of sign area for each linear foot of building frontage. No single sign may exceed 200 square feet in area.
- ~~(a)~~ For buildings with a single tenant or with multiple tenants that access the building by one or more common outside entrances 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. 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 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. The maximum sign area for any single tenant may not exceed 200 square feet.

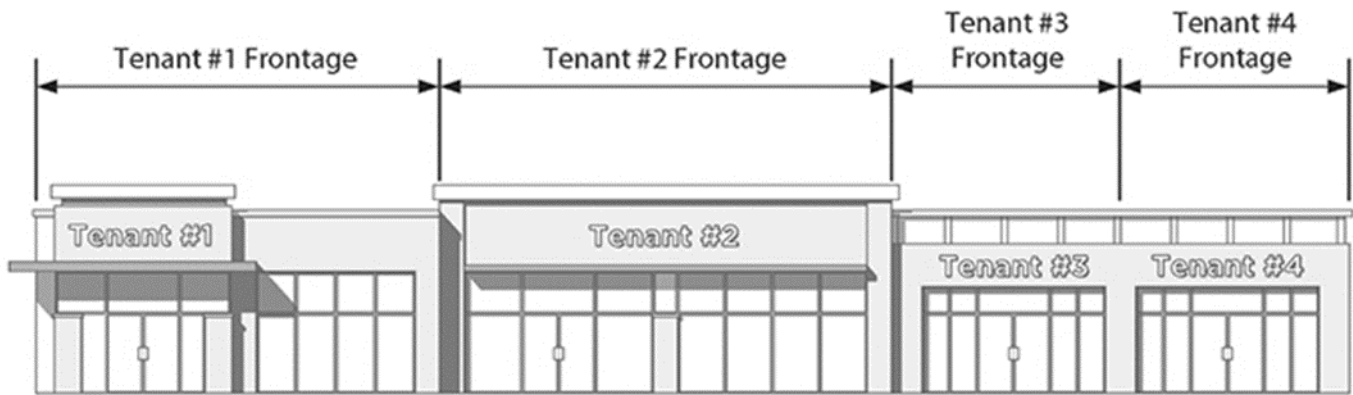
~~(c)~~ A single tenant with building frontage that results in an allowable sign area greater than 200 square feet and that occupies an area with more than one perimeter wall containing a main public entrance may place up to a maximum of 200 square feet of total sign area on each such perimeter wall.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

~~(d)~~ (b) 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.

**(c) Building Frontage**

1. Building frontage is the linear width of the wall taken at a height no greater than ten feet above grade.
2. 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.
3. 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.
4. On buildings that include both a common outside entrance and tenants with individual outside entrances, the 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.
5. For the purpose of these provisions, buildings that are located on the same property are considered separate buildings if they have separate posted addresses and do not include any internal connections. Each building is allotted its own sign area based on the linear feet of building frontage associated with its main public entrance.

Figure 7100.1: Multi-Tenant Sign Frontages



**(2) Freestanding Signs**

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

- ~~(c)~~ 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 or industrial district, a single freestanding sign not to exceed 80 square feet in area ~~and~~ or 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.
- ~~(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.
- ~~(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.
- ~~(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 in height.~~
  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 in height.~~
- ~~(d)~~ A hospital is allowed one freestanding sign at each entrance, but no such sign may exceed 80 square feet in area or 12 feet in height.

**(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~~ 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 in height.

- (b) A shopping center is allowed one freestanding sign not to exceed 40 square feet in area or a height of 20 feet in height.

**(4) Signs Related to Vehicle Fueling Stations**

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

- (a) Vehicle fueling stations are permitted one additional square foot of sign area to be displayed on each fuel pump.
- (b) Each fuel pump is permitted to have a digital display area of up to one square foot.
- ~~(b)~~(c) Motor vehicle fuel price signs required by Article 4 of Chapter 10 of the Code of Virginia County Code.

**(5) Signs Related to a Restaurant with Drive-Through**

- (a) There is no limit on the number of freestanding signs associated with the ordering station of a restaurant with drive-through, drive-through financial institution, other drive-through, or drive-through pharmacy unless specifically limited by the Board as part of a special exception approval.
- (b) Each sign is limited to a maximum size of 20 square feet [advertised range: 10 – 30 square feet].

**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.

## 7102. ~~Administration of Sign Approvals~~ Special Exception for Sign Modifications

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

### ~~1. Administrative Comprehensive Sign Plan~~

~~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. Special Exceptions~~

- ~~1. 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 **[advised 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.~~
  - ~~(2) Any limitation set forth in subsection 7101.3.~~
  - ~~(3) For electronic display sign(s), modifications as 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.
  - (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.
  - (4) Signs cannot add to street clutter, interfere with pedestrian, bicycle, or vehicular traffic, or detract from the urban design elements of the development.
  - (5) 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 on 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) 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]***.
  - (4) The maximum nit levels of 7101.1.A(4) may not be exceeded unless specifically approved by the Board.
- 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 further limit the maximum size of these signs. A request for additional time beyond 24 months requires an amendment to the special exception.
- G. The Board may impose a condition stating that the approval supersedes any by-right signage that would otherwise be allowed by Section 7101. In this case, any additional signage that is not part of the approval will require an amendment to the application.

- ~~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

- ~~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.
- ~~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.

**#4 INSTRUCTION:** Delete “comprehensive sign plan” from subsections 8100.1.A(4) and (5) as shown below.

**(4) Withdrawing an Unaccepted Application**

Withdrawal of an unaccepted application for a rezoning, special exception, special permit, or variance, ~~or comprehensive sign plan~~ will be in accordance with the following:

**(5) Withdrawing an Accepted Application**

Withdrawal of an accepted application for a rezoning, special exception, special permit, or variance, ~~or comprehensive sign plan~~ will be in accordance with the following:

**#5 INSTRUCTION:** Revise Table 8100.1 to update the special exception name and subsection reference.

**Table 8100.1: Summary of Special Exceptions**

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

**#6 INSTRUCTION:** Revise Table 8100.2 to delete the increase in sign area or height special permit.

**Table 8100.2: Summary of Special Permits**

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

**#7 INSTRUCTION:** In subsection 8100.10, add a minor sign violation to the list of appeals which must be filed within ten days from the notice of violation and reorder/renumber.

**(2) Time Limit on Filing**

- (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).
  6. Installation of any minor sign in violation of subsection 7100.4.
  - ~~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.

**#8 INSTRUCTION:** Add new subsection 8101.3.D(6) for submission requirements and renumber subsequent subsections.

**(6) Sign Modification**

Instead of the plat requirements of subsection 8101.3.B and the supporting reports and studies of subsection 8101.3.C, a special exception for a sign modification must include the following:

- (a) Site photographs or visual simulations showing the location and scale of proposed signs, which should account for factors such as topography that impact visibility.
- (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.
  5. Lighting specifications of any illuminated signs.

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- (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.
- (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.

**#9 INSTRUCTION:** In Table 8102.1, relocate sign permit fee to “general” fees, rename and relocate special exception and amendment fees, and delete all other sign-related fees.

TABLE 8102.1: FEE SCHEDULE		
APPLICATION TYPE		FEE [1]
<b>MISCELLANEOUS PERMITS AND APPROVALS</b>		
<b>General</b>		
Interpretation of Approved Zoning Application or Minor Variation to Proffered Conditions		\$520
Modification to the Affordable Dwelling Unit Program		\$2,755
Nonresidential Use Permit (NonRUP)		\$70
Zoning Compliance Letter	Dwelling, Single-Family, Per Lot	\$115
	All Other Uses, Per Lot	\$320
General Public Facilities	2232 Review with Public Hearing	\$1,500
	2232 Review without Public Hearing	\$750
<u>Sign Permits</u>		<u>\$95</u>
<b>Signs</b>		
<u>Sign Permits and Administrative Comprehensive Sign Plans</u>		<u>\$95</u>
<u>Comprehensive Sign Plans in Planned Districts</u>		<u>\$8,260</u>
<u>Amendments to Comprehensive Sign Plan in Planned Districts</u>		<u>\$4,130</u>
<u>Waiver of Certain Sign Regulations Special Exception</u>		<u>\$8,260</u>
<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
Modification of Minimum Setback Requirements	Certain Existing Structures and Uses	\$910
	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty	\$0
<u>Sign Modifications</u>		<u>\$8,260</u>
<u>Amendment to Approved Sign Modifications</u>		<u>\$4,130</u>
Waiver of Minimum Lot Size Requirements		\$8,180

TABLE 8102.1: FEE SCHEDULE	
APPLICATION TYPE	FEE [1]
Addition to or Replacement of a Single-Family Detached Dwelling Existing as of May 10, 2023, in a Floodplain	\$8,180

**#10 INSTRUCTION:** In Section 9102, revise definitions of “moving or windblown sign” and “roof sign” as follows.

**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.

**Roof Sign**

Any sign or portion of a sign affixed to a building that extends above the ~~lowest~~ highest point of the roof level of the building, including signs painted onto a roof structure, or that is located on a chimney or other similar rooftop. For purposes of Article 7, a roof sign does not include a sign attached to the penthouse of a building.

**#11 INSTRUCTION:** Delete “comprehensive sign plan” from Appendix 1 as shown below.

# APPENDIX 1 - PROVISIONS RELATING TO PREVIOUS APPROVALS

## 1. General Provisions Regarding Previous Approvals

Except as specified in the Ordinance, the specific uses, features, and structures on each of the following are entitled to continue under the previous approval(s) if the applicable due diligence standard is met. For the purpose of this statement, to “aggravate conflicts” means to create any new or additional noncompliance with the amended Ordinance such as expanding a use, feature, or structure that is not allowed by the new Ordinance, as determined by the Zoning Administrator.

- A. Proffered rezonings and related development plans, special exceptions, special permits, variances, ~~comprehensive sign plans~~, PRC plans, and parking reductions approved before May 10, 2023, and any plans and permits, including but not limited to site plans, subdivision plats, construction plans, building permits, and Residential and Nonresidential Use Permits submitted in accordance with such approvals. The provisions of this Ordinance govern to the extent they are not in conflict with or superseded by the approval. Amendments to such approvals may be approved if they do not aggravate conflicts with this Ordinance.
- B. Site plans, minor site plans, subdivision plans and plats, public improvement plans, grading plans, construction plans, building permits and other related subsequent plans, approvals and written determinations, approved before May 10, 2023. The provisions of this



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Ordinance govern to the extent they do not preclude the approved uses, features, and structures. Revisions to such approvals may be approved if they do not aggravate conflicts with the new Ordinance.

- C. Applications for rezonings and related development plans, special exceptions, special permits, variances, ~~comprehensive sign plans~~, PRC plans, parking reductions, subdivision plats, site plans, parking tabulations and redesignations, building permits, public improvement plans, and grading plans submitted and accepted for review before May 10, 2023, provided: (a) approval is granted within 12 months of May 10, 2023, or, if corrections to a properly submitted and accepted plan are deemed necessary by the reviewing authority, revised plans are resubmitted within six months of its disapproval; (b) the approval remains valid; and (c) the uses, features, and structures are constructed in accordance with approved plans and permits. Required subsequent plan and permit submissions may be accepted and approvals may be granted, consistent with those approvals. Revisions to such approvals may be approved if they do not aggravate conflicts with the new Ordinance.

**#12 INSTRUCTION:** Add 2.B(1) to Appendix 1 as shown below.

- B. Amendments Adopted After May 10, 2023

**(1) Sign Regulations (ZO 112.2-2023-x)**

A comprehensive sign plan accepted for review by September 26, 2023, and approved before March 1, 2024, and any subsequent sign permit application based on the approval are entitled to continue under that approval. A comprehensive sign plan (including amendments to a previously approved comprehensive sign plan) that is accepted for review after September 26, 2023, or is not approved by March 1, 2024, is subject to the special exception provisions of Section 7102.