Introduction to Sign Regulations

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Department of Code Compliance Staff
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Zoning Ordinance Regulations
Article 7: Signs

https://online.encodeplus.com/regs/fairfaxcounty-va/

Zoning Ordinance

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7100. General Provisions

Purpose

The purpose of this Article is to regulate all signs placed for viewing by the public to:

A. Improve, promote, and protect the public health, safety, convenience, and general welfare;
B. Protect against danger in travel and transportation by reducing distractions and hazards to pedestrian and automobile traffic;
C. Ensure that the First Amendment right to free speech is protected;
D. Protect property values;
E. Facilitate travel by identifying locations;
F. Protect and enhance the aesthetic character of the various communities in the County; and
G. Further the stated purpose and intent of this Ordinance.

Applicability

This Article applies to all signs located in Fairfax County and are in addition to any applicable provisions of Chapter 61 of the County Code (Buildings), and Title 33.2, Chapter 7, of the Code of Virginia. These regulations do not apply to property owned by, or those signs required or sponsored by the United States or the State. Furthermore, subsection 7100.4, Minor Signs, does not apply to property owned by Fairfax County, the Fairfax County Park Authority, or Fairfax County Public Schools.
Permit requirements

Unless exempted, all signs must obtain a permit. Sign permits are not required for certain signs, including:

**Minor signs** - Any sign that is designed to be easily moved, typically not permanently attached to a structure or the ground and is not illuminated. Includes:

- A-frame signs
- Banners
- Posters
- Window signs
- Yard Signs
- Other moveable signs
Minor signs - sale, rent, or lease

Properties actively marketed for sale, rent, or lease are limited to:

One building-mounted or freestanding sign; two signs for corner lots

Size and height is limited based on development type

- Single-family detached or attached: 6 SF and 6 feet high
- Multifamily: 12 SF and 8 feet height
- Nonresidential: 32 SF and 8 feet high
- Residential 20+ acres: 32 SF and 8 feet high
Minor signs - active construction or alteration

New *nonresidential* development or residential development with a *minimum of three dwelling units*:

- One sign up to 60 SF and 10 feet tall
- If located on multiple road frontages, allowed one additional sign per frontage up to 32 SF and 8 feet tall
- Five-foot setback requirement
- Must be removed within 14 days of completion; cannot be displayed for more than two years from date of first building permit issued*

*If construction is ongoing beyond this timeframe, a sign permit is required for additional display time*
Minor signs - active construction or alteration

Individual single-family dwelling units undergoing construction, improvement, or renovation:

• One sign up to 4 SF and 4 feet tall

• No sign is permitted before commencement of the improvement or renovation work. Commencement includes:
  – Clearing, grading, or excavation
  – Active demolition of structures or internal features
  – Delivery or staging of materials or equipment (including internal)
  – Any other similar activity

• Sign must be removed within seven days of completed work or within six months (whichever is less)
Minor signs - yard signs

Permitted on any lot developed with a residential use

• Max of 12 SF in total **cumulative** area
• Each sign limited to 4 SF and 4 feet tall
• No time limit/overall number

*Per Reed, cannot restrict based on content - allows for any message*
Minor signs - nonresidential property

Building-mounted and freestanding minor signs permitted if:

• Located on a major thoroughfare* - 32 SF
• All other lots* - 24 SF
• Max of two freestanding signs at 4 feet tall

Visit the following link to view the Roadways by Functional Classification listing to determine whether the road is a major thoroughfare: https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/compplan/policy/transportation.pdf
Minor signs - nonresidential property

Window signs - 30% maximum coverage of window in which the signs are located
Minor signs - nonresidential property

A-frame signs:

• One sign 16 SF and 4 feet tall
• Must be located within 25 feet of building or site entrance
• Cannot impede pedestrian or vehicular traffic
Electronic display signs

Allowed as part of a freestanding sign:

• **One** per lot; display limited to **50%** of the maximum allowable freestanding sign area

• Cannot move/change more than once every **eight seconds**. Must be instantaneous (no rolling, fading, flashing, etc.)

• Background cannot be white, off-white, gray, or yellow

• Photocell required to control brightness and automatically dim at sunset to **40 - 100 nits**
Special approvals

• Administrative Comprehensive Sign Plan: reallocate sign area for specific tenants within a shopping center or mixed use development

• Special Permit: public hearing with BZA for shopping centers, including malls

• Special Exception: public hearing with BOS for additional sign area and height

• Comprehensive Sign Plan: public hearing with PC for Planned Districts
Prohibited signs - moving or windblown signs

*Additional prohibited signs listed in subsection 7100.5
Other notable sign regulations

Subsection 7100.6 - Nonconforming Signs

Subsection 7100.7 - Sign Measurement

Section 7101 discusses sign regulations by district:

• Subsection 7101.2 - Signs in Residential Districts

• Subsection 7101.3 - Signs in Commercial and Industrial Districts
Helpful links

Sign Ordinance:
https://www.fairfaxcounty.gov/planning-development/zoning/sign-ordinance

Sign Permits:
https://www.fairfaxcounty.gov/planning-development/zoning/sign-permits

Sign FAQs:
https://www.fairfaxcounty.gov/planning-development/zoning/sign-permits/faqs
Zoning Ordinance
Enforcement
Department of Code Compliance (DCC)

- Complaint-driven* multi-code enforcement agency formed in 2010
- Approximately 35 investigators and supervisors who respond to and investigate complaints
- Codes enforced include:
  - Zoning Ordinance
  - Uniform Statewide Building Code: construction (Part I), maintenance (Part 2)
  - Fire Code
  - Noise
  - Grass

*For signs in the VDOT Right of Way (ROW), enforcement is not complaint-driven
Complaints

DCC responded to approximately 7,500 complaints in 2020

703-324-1300  www.fairfaxcounty.gov/code/
Enforcement of signs on private property

How does DCC enforce?

- DCC Investigator conducts site visit, tries to contact responsible party
- Identifies type of sign, dimensions, location, and height
- Determines if sign permit is required and, if required, confirms it was issued and conforms
- Verifies prohibited sign types, sizes, and locations
- If violation found, issues Notice of Violation (NOV) with timeframe to comply
- If no progress towards abating violation, case may be referred for legal action to achieve compliance
Signs in the Right-of-Way

Enforcement through Illegal Sign Removal Program
Illegal sign removal program - history

In 2013, County authorized by Commissioner of Highways to enforce in accordance with **VA Code Ann. § 33.2-1224** (Signs or advertising on rocks, poles, etc., within limits of highway; civil penalty) on specific roads.

2016: Program expanded to 99 major roads
(www.fairfaxcounty.gov/topics/illegal-sign-removal-program)

*Not a complaint-based program*
Illegal sign removal program

How does DCC enforce?

• Signs documented by DCC staff

• **Tuesday - Thursday** DCC staff drives the roadways in the program, photographing and documenting illegal signage

• Sheriff’s Community Labor Force (CLF) collects signs weekly on **Tuesdays - Thursdays**

• Informational letter issued by DCC to responsible party

• After one informational letter, fines of **$110 per sign** are assessed if violation is repeated
Signs Part II

Zoning Ordinance Amendment
ZOA Part II - potential considerations

- Comprehensive Sign Plans
  - Expand ability to request a CSP to commercial areas
  - Include review standards and submission requirements

- Clarify sign calculations for mixed-use developments and multifamily buildings

- Other revisions to regulations from Part I Amendment
What other topics should be considered?

- Are the current regulations working?

- Is there a topic that should be re-visited?
Questions?

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