

**FAIRFAX COUNTY PLANNING COMMISSION  
LAND USE PROCESS REVIEW COMMITTEE  
WEDNESDAY, SEPTEMBER 12, 2018**

PRESENT: James T. Migliaccio, Lee District, Chairman  
Ellen J. Hurley, Braddock District, Vice Chairman  
John C. Ulfelder, Dranesville District  
John A. Carter, Hunter Mill District  
Peter F. Murphy, Springfield District  
James R. Hart, Commissioner At-Large  
Timothy J. Sargeant, Commissioner At-Large

ABSENT: None

OTHERS: Mary D. Cortina, Commissioner At-Large  
Walter Clarke, Mount Vernon District  
Donte` Tanner, Sully District  
Julie M. Strandlie, Mason District  
Phillip Niedzielski-Eichner, Providence District  
Kimberly Bassarab, Assistant Director  
Jacob Caporaletti, Clerk, Planning Commission  
Fred Selden, Department of Planning and Zoning (DPZ)  
Barbara Byron, Office of Community Revitalization (OCR)  
David Stoner, Office of the County Attorney  
Leslie Johnson, ZAD, DPZ  
Carmen Bishop, Zoning ZAD, DPZ  
Casey Judge, ZAD, DPZ  
Andrew Hushour, ZAD, DPZ  
Leslie Johnson, ZAD, DPZ  
Connie Dickson, OCR  
Ellie Codding, Division Director, Land Development Services (LDS)  
Bill Hicks, Director, LDS  
Michael Peter, Finance Manager, LDS  
Helman Castro, Director of Operations, LDS  
Keith Cline, Director, Urban Forestry, Department of Public Works and  
Environmental Services  
Behzad Amir Faryar, Geotech, LDS  
Danielle Badra, LDS  
Don Lacquement, LDS  
Jeffrey Herman, Fairfax County Department of Transportation

ATTACHMENTS:

- A. E-Plans PowerPoint Presentation
- B. PFM Flexibility Project PowerPoint Presentation
- C. PFM Flexibility Project Staff Report
- D. Draft Sign Ordinance
- E. Memorandum to the Board of Supervisors on Sign Ordinance Amendment
- F. Memorandum to the Park Authority on Sign Ordinance Amendment

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Chairman James T. Migliaccio called the meeting to order at 6:31 p.m. in the Board Auditorium, 12000 Government Center Parkway, Fairfax, Virginia, 22035.

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Commissioner Hart MOVED THAT THE FOLLOWING LAND USE PROCESS REVIEW COMMITTEE MINUTES BE APPROVED:

- MAY 16, 2018 (TWO SETS); AND
- JULY 18, 2018.

Commissioner Murphy seconded the motion, which carried by a vote of 7-0.

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Barbara Byron, Office of Community Revitalization; Carmen Bishop, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ); Casey Judge, ZAD, DPZ; David Stoner, Office of the County Attorney; and Fred Selden, DPZ, gave a presentation on updates to the County's ongoing zMOD Project Update and engaged in discussions with the Committee members on the following topics:

- The scope of the zMOD project and the challenges associated with finalizing the procedures;
- The timeline for implementing zMOD;
- The process for evaluating and receiving public input on developments of various zoning types;
- The outreach efforts conducted by staff to inform the public of zMOD and compile feedback on community concerns;
- The meeting schedule for staff and various stakeholders, as depicted in Attachment B;
- The by-right use standards for industrial, agricultural, residential, and commercial districts under zMOD;
- The impact that zMOD would incur on the evaluation and processing of P-Districts;
- The procedures for citizens and developers to obtain approval of minor modifications, occupancy permits, special exceptions, and special permits;

- The potential legal issues that would be incurred by modifying the application procedures under zMOD;
- The extent to which the definition of certain uses and terminology had evolved;
- The terminology utilized by the Comprehensive Plan compared to that utilized by the Zoning Ordinance;
- The standards for evaluating and approving various uses within residential and commercial districts;
- The impact of zMOD on the need for waivers and modifications for various developments;
- The economic impact of zMOD on the County; and
- The timeline for presenting other proposed modifications to the Zoning Ordinance to the Planning Commission and the Board of Supervisors.

Ms. Judge announced that there would be a presentation by Clarion Associates, LLC, in the Board Auditorium at the Committee's meeting on Tuesday, October 9, 2018. She added the meeting would be televised.

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The Committee went into recess at 7:53 p.m. and reconvened at 8:03 p.m.

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Bill Hicks, Director, Land Development Services (LDS); Michael Peter, Finance Manager, LDS; Helman Castro, Director of Business Operations, LDS; and Ellie Coddling, Division Director, LDS gave a presentation on proposed modifications to the LDS fee structure and the process for implementing electronic plans, a copy of which is included in Attachment A, and engaged in discussions with Committee members on the following topics:

- The existing and proposed fee schedule for various developments;
- The effort to implement procedures that utilized electronic processing instead of paper;
- The outreach efforts conducted by staff to inform and compile feedback from appropriate stakeholders;
- The process for submitting electronic plans under the proposed modifications;
- The types of applications that would utilize the process for electronic plans;

- The efficiencies and cost savings that would be incurred by utilizing electronic submission for plans;
- The processing of applications for sites that utilized large volumes of plans and documentation;
- The provisions for securing plans utilizing electronic submission;
- The accessibility of the system for processing electronic plans;
- The extent to which utilizing electronic plans would impact the evaluation and decision-making process by staff;
- The hardware and software requirements for operating an electronic plans system;
- The timeframe and funding source for implementing a functional electronic plans submission system;
- The extent to which the proposed fee structure was consistent with other jurisdictions in the State of Virginia; and
- The estimated funds that the fee structure would generate and how those funds would be allocated.

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Don Lacquement, Land Development Services (LDS), gave a presentation on the current status and previous updates to the Public Facilities Manual (PFM) Flexibility Project, a copy of which is included in Attachment B. He announced that the Planning Commission's public hearing for this item was scheduled for October 18, 2018.

Danielle Badra, LDS, gave a presentation on the existing PFM Flexibility Project staff report, a copy of which is included in Attachment C, and conducted a demonstration on navigating the publicly-accessible website that had been created for the project. A discussion ensued with Committee members; with additional input from Jeffrey Herman, Fairfax County Department of Transportation; Jan Leavitt, LDS; John Walser, Chief, Department of Fire and Rescue; and Ellie Codding, LDS, on the following topics:

- The amount of time the staff report and PFM Flexibility Project website had been available to the public;
- The feedback that staff had received on the project, the possible public concerns for permitting greater flexibility in the PFM, and the ability of staff to address those concerns;

- The process for determining appropriate, accurate, and understandable language for the revised PFM;
- The timeline for the Planning Commission's public hearing for the project and the scope of the proposal; and
- The outreach efforts conducted by staff to inform the public of the project and the opportunities for the public submit input.

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Andrew Hushour, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), provided an overview of the draft language for the proposed Sign Ordinance Amendment, a copy of which is included in Attachment B. A discussion ensued, with input from Leslie Johnson, ZAD, DPZ, with Committee members on the following topics:

- The public outreach efforts conducted by staff to inform and receive input on the proposed amendment;
- The signage permitted under the existing Zoning Ordinance provisions;
- The demand for certain types of signage, the impact of signage, and the provisions to mitigate the impact of such signage;
- The existing standards for signage in the County and the revised standards that would be implemented under the proposed amendment;
- The features and characteristics of signage that would be prohibited under the amendment;
- The instances in which signage had been permitted through a special exception application;
- The standards for permitting signage at public facilities, such as schools and churches;
- The circumstances in which a site was required to obtain a permit to install signage; and
- The process for implementing the revised signage policies under the amendment and informing the public of those policies.

Andrew Hushour announced that the Planning Commission's public hearing for the Sign Ordinance Amendment was tentatively scheduled for December 5, 2018. He added that the public hearing for the Board of Supervisors was tentatively scheduled February 5, 2019.

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The meeting was adjourned at 10:01 p.m.  
James T. Migliaccio, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti  
Approved on: March 7, 2019

*Jacob Caporaletti*

Jacob Caporaletti, Clerk to the  
Fairfax County Planning Commission



*Teresa Marie Wang*

ATTACHMENT C



# Land Development Services Fee Amendments

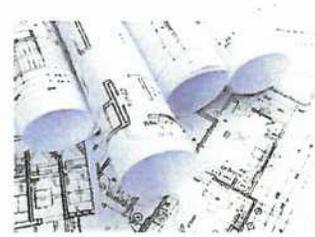
Proposed Appendix Q Updates

Outreach and Feedback Sessions

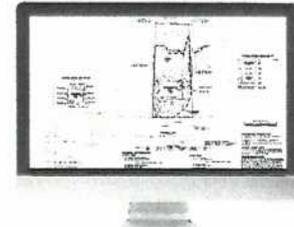
Summer/Fall 2018

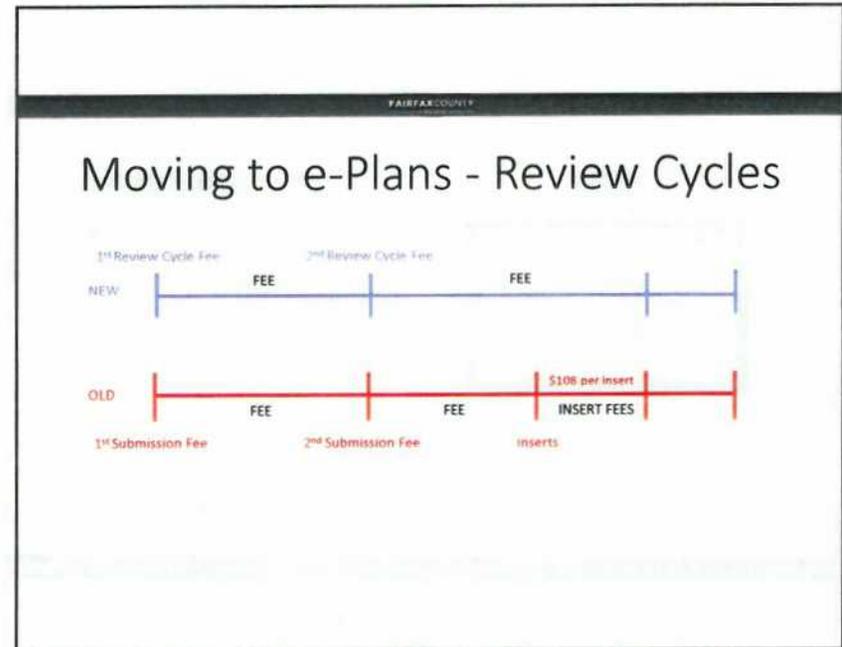
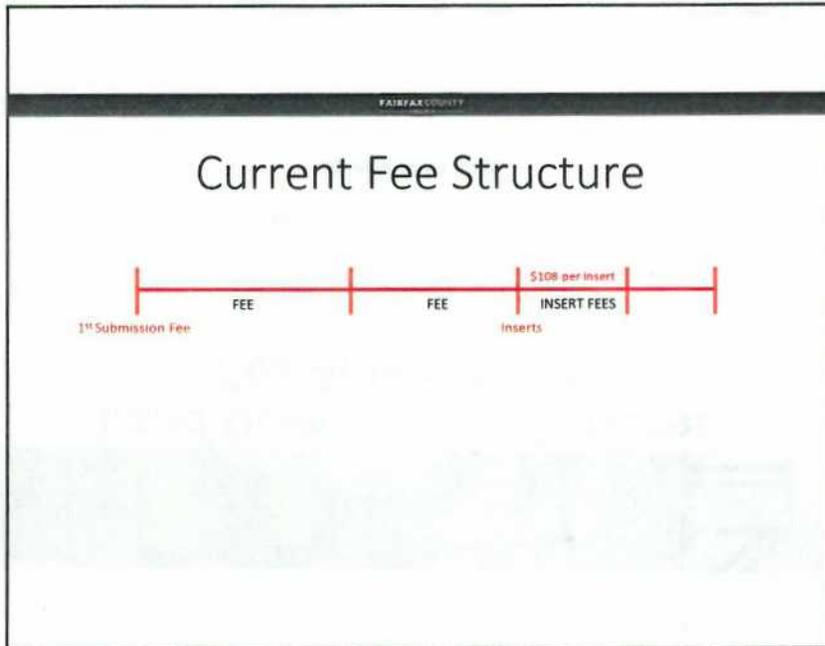
## Preparing for Transition

Paper Plans



Electronic Plans





### What is Changing – Site Plans?

- Review Cycles Replacing Submissions
- No More Insert Fees for ePlans
- Digitization Fee Added for Paper Plans



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### Proposed Changes to Fee Schedule



	Item/Process	Current Fee	Proposed Fee	\$ Change	% Change
<b>Site Plans</b>					
	<del>1<sup>st</sup> Submission-Base Fee</del>	\$8,755	\$9,806	\$1,051	12%
	Review Cycle Fee				
	Inserts	\$108 <small>(Average \$1,944 Per Plan)</small>		\$0	
	<del>2<sup>nd</sup> Submission-Review Cycle</del>	50% of Initial Fee	55% of Initial Fee		10%
	Fee	<small>(1<sup>st</sup> Cycle + Additional Fees)</small>	<small>(1<sup>st</sup> Cycle + Additional Fees)</small>		
	<del>3<sup>rd</sup> Submission</del>	\$5,604		\$0	
	Signature Set				
	<del>4<sup>th</sup> Submission</del>	\$5,604	\$6,000	\$396	7%
	Additional Review Cycles				
	Revisions	\$1,270	\$1,346	\$76	6%

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FAIRFAX COUNTY

### Proposed Changes to Fee Schedule

Item/Process	Current Fee	Proposed Fee	\$ Change	% Change
<b>Minor Site Plans</b>				
1 <sup>st</sup> Submission-Base-Fee Review Cycle Fee	\$3,422	\$3,901	\$475	14%
Inserts	\$108 <small>(Average \$1,188 Per Plan)</small>	\$0		
2 <sup>nd</sup> Submission-Review Cycle Fee	\$3,422	55% of Initial Fee (1 <sup>st</sup> Cycle)	Average \$435	Average 25%
3 <sup>rd</sup> Submission Signature Set	\$3,422	\$0		
4 <sup>th</sup> Submission Additional Review Cycles	\$3,422	\$3,750	\$328	10%
Revisions	\$678	\$719	\$41	6%

FAIRFAX COUNTY

### Proposed Changes to Fee Schedule

Item/Process	Current Fee	Proposed Fee	\$ Change	% Change
<b>Subdivision Plans</b>				
1 <sup>st</sup> Submission-Base-Fee Review Cycle Fee	\$5,796	\$6,955	\$1,159	20%
Inserts	\$108 <small>(Average of \$1,512 per Plan)</small>	\$0		
2 <sup>nd</sup> Submission-Review Cycle Fee	\$5,604	50% of Initial Fee (1 <sup>st</sup> Cycle + Additional Fees)	55% of Initial Fee (1 <sup>st</sup> Cycle + Additional Fees)	10%
3 <sup>rd</sup> Submission Signature Set	\$5,604	\$0		
4 <sup>th</sup> Submission Additional Review Cycles	\$5,604	\$6,000	\$396	7%
Revisions	\$1,270	\$1,346	\$76	6%

### Proposed Changes to Fee Schedule



Item/Process	Current Fee	Proposed Fee	\$ Change	% Change
<b>Grading Plans (Non-Bonded) – 1<sup>st</sup> Lot INF</b>				
1 <sup>st</sup> Submission-Base Fee Review Cycle Fee	\$1,685	\$1,921	\$236	14%
Inserts	\$108 (Average of \$648 per Plan)	\$0		
2 <sup>nd</sup> Submission-Review Cycle Fee	\$678	55% of Initial Fee (1 <sup>st</sup> Cycle)	Average \$379	Average 56%
3 <sup>rd</sup> Submission Signature Set	\$678	\$0		
4 <sup>th</sup> Submission Additional Review Cycles	\$678	\$700	\$22	3%
Revisions	\$678	\$712	\$34	5%

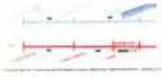
### Proposed Changes to Fee Schedule



Item/Process	Current Fee	Proposed Fee	\$ Change	% Change
<b>Rough Grading Plans – Per Division or Disturbed Acre</b>				
1 <sup>st</sup> Submission-Base Fee Review Cycle Fee	\$792	\$903	\$111	14%
Inserts	\$108 (Average of \$864 per Plan)	\$0		
2 <sup>nd</sup> Submission-Review Cycle Fee	25% of Initial Fee (1 <sup>st</sup> Cycle)	55% of Initial Fee (1 <sup>st</sup> Cycle)	Average \$89	Average 11%
3 <sup>rd</sup> Submission Signature Set	25% of Initial Fee (1 <sup>st</sup> Cycle)	\$0		
4 <sup>th</sup> Submission Additional Review Cycles	25% of Initial Fee (1 <sup>st</sup> Cycle)	\$900	Average \$33	Average 4%
Revisions	25% of Initial Fee (1 <sup>st</sup> Cycle)	\$500	Average \$343 Savings	Average 41% Savings

FAIRFAX COUNTY

### Proposed Changes to Fee Schedule



Item/Process	Current Fee	Proposed Fee	\$ Change	% Change
<b>Public Improvement Plans ONLY</b>				
1 <sup>st</sup> Submission-Base-Fee Review Cycle Fee	\$4,223	\$3,843	-\$380	-9%
Inserts (Average of \$540 per Plan)	\$108	\$0		
2 <sup>nd</sup> Submission- Review Cycle Fee	\$0	55% of Initial Fee (1 <sup>st</sup> Cycle + Additional Fees)	Average \$1,142	
3 <sup>rd</sup> Submission Signature Set	50% of Initial Fee (1 <sup>st</sup> Cycle + Additional Fees)	\$0		
4 <sup>th</sup> Submission Additional Review Cycles	50% of Initial Fee (1 <sup>st</sup> Cycle + Additional Fees)	\$2,500	Average \$89	Average 11%
Revisions	\$1,270	\$1,346	\$76	6%

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FAIRFAX COUNTY

### Proposed Changes to Fee Schedule



Item/Process	Current Fee	Proposed Fee	\$ Change	% Change
<b>Other Administrative Fees</b>				
Digitization Fee	\$0	\$0.75 per Square Foot of Paper Plan		

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### Additional Fee Schedule Changes



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### Additional Fee Schedule Changes

Item/Process	Current Fee	Proposed Fee	\$ Change	% Change
<b>Other Site Inspection Fees</b>				
Dedicated Streets	\$2,601.60	\$2,601.60		
• For the first 556 350 Square Yards				
• Plus Fee for Each Additional Square Yard or Fraction Thereof	\$1.94	\$3.04	\$1.10	57%
Private Streets	\$2,110.80	\$2,110.80		
• For the first 556 350 Square Yards				
• Plus Fee for Each Additional Square Yard or Fraction Thereof	\$1.57	\$2.46	\$0.89	57%
<b>Other Administrative Fees</b>				
Seasonal Landscape Deferral Application	\$0	\$108		

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## Technology Fee

- Proposed 4% Surcharge on All Land Development Transactions
- Set Aside Funding for Future Improvements to Customer-Facing Technology
- Below Average of Surrounding Jurisdictions



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## Next Steps and Questions?

- Summer and Fall 2018 – Outreach to Stakeholders/Industry Partners
- Fall 2018 – Presentation to Development Process Committee and Other Committees
- Late Winter 2019 – Presentation to Planning Commission
- Late Winter 2019 – Consideration by Board of Supervisors and Hearings
  
- Spring 2019 – Target for New Fee Implementation

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FAIRFAX COUNTY  
VIRGINIA

ATTACHMENT D

# Public Facilities Manual Flexibility Project

Land Use Process Review Committee

Don Lacquement, Engineer IV  
Land Development Services

September 12, 2018

FAIRFAX COUNTY  
VIRGINIA

## Today's Presentation

- Actions to Date
- Project Highlights
- Phased Implementation
- Projected Schedule



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ARTICLE 12

SIGNS

PART I 12-100 GENERAL PROVISIONS

12-101 Purpose and Intent

The purpose of this Article is to regulate all signs placed for viewing by the public, in order to improve, promote and protect the public health, safety, convenience and general welfare; promote traffic safety; ensure that the First Amendment right to free speech is protected; protect property values; protect and enhance the aesthetic character of the various communities in the County; facilitate travel by identifying locations; protect against danger in travel and transportation by reducing distractions and hazards to pedestrian and automobile traffic; and, further the stated purpose and intent of this Ordinance. (12-101)

12-102 Definitions

For purposes of this Article, signs and their characteristics are defined as follows:

A-FRAME SIGN: A minor freestanding sign constructed to form a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape.



BUILDING MOUNTED SIGN: Any sign attached to and supported by a building, awning, canopy, marquee or similar architectural feature, or permanently attached, etched or painted onto a window or door. For purposes of this Article, temporary window signs as defined herein are not building mounted signs. (elements of definition in Article 20)

CHANGEABLE COPY SIGN: A sign or portion thereof designed to accommodate manual changes in messages.



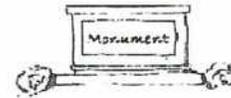
ELECTRONIC DISPLAY SIGN: Any sign or portion thereof that contains light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination methods, which are electronically controlled and that contain a fixed or changeable copy and/or a change to the intensity of light or colors displayed.

FLAG SIGN: Any sign made of fabric, cloth, or other pliant material that is designed to be attached to a flagpole or other structure. A single piece of cloth or similar material, shaped like pennant, rectangle or square, attachable by one straight edge to a pole or attached at the top of a pole and draped. For purposes of this Ordinance, minor signs are not flag signs. (elements of 12-103.2, E)

FREESTANDING SIGN: Any sign other than a building mounted sign, that is permanently supported by a fence, retaining wall, entrance feature or by upright structural members or braces on or in the ground, such as a pole, pylon, or monument style structure.



MINOR SIGN: Any sign that is (1) designed to be easily moved, (2) typically not permanently attached to a structure or the ground, and (3) is not illuminated. Such signs include, but are not limited to, A-frame signs, banners, posters, window signs, yard signs or other moveable signs. For purposes of this Article, flag signs and vehicle signs are not minor signs.



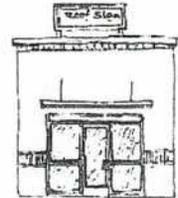
MONUMENT SIGN: A freestanding sign, typically no more than 8 feet in height, that is supported primarily by an internal structural framework or that is integrated into landscaping or solid structural features other than support poles.

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. For purposes of this Ordinance, flag signs are not moving or windblown signs.

OFF-PREMISE SIGN: A sign that directs attention to a product, service, attraction, event, or the like that is being offered at a location that is not the premises on which the sign is located.

RACEWAY: A structure or architectural component of a building specifically designed to support and contain a series of signs necessary to the tenants occupying space in the building. Raceways may traverse the entire length of a building and may be illuminated or constructed of materials different from that of the facade of the building.

ROOF SIGN: Any sign or portion thereof affixed to a building that extends above the lowest 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 structure and/or mechanical appurtenance. For purposes of this Article, a roof sign does not include a sign attached to the penthouse of a building. (elements of 09-12-203.1 and 12-207.1)



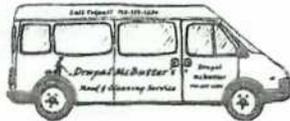
SIGN: Any writing, including letters or numerals, pictorial presentation, illustration or decoration, emblem, symbol, flag, banner or pennant or any other device, figure or similar character, to include the structure on which it is located, which is (1) used to announce, direct attention to, or identify, or otherwise make anything known a permitted land use, and (2) that is visible from any street as defined in Article 20. (most of definition in Article 20)

SIGN FACE: The part of a sign which is or can be used for visual representation or communication, including any background or surrounding material, panel, trim or ornamentation, color, and illumination that differentiates the sign from the building, structure, backdrop surface, or object upon or against which the sign is placed. The term does

not include any portion of the support structure for the sign if no representation or message is placed or displayed on, or designed as part of, the support structure.

TENANT: An individual, entity, partnership, or corporation renting, leasing or owning non-residential space.

VEHICLE SIGN: Any sign that is painted, mounted, adhered, magnetically attached or otherwise permanently affixed to or incorporated into a vehicle ~~and~~ or trailer, except for any signs not exceeding a total of 8 square feet for the entire vehicle or trailer and bumper stickers.



WINDOW SIGN: A minor sign that is (1) attached to the glass area of a window or placed behind the glass of a window, and (2) easily read from outside the building.

YARD SIGN: A minor sign associated with a residential use, which is attached to a structure or placed upon or supported by the ground independently of any other structure.

**12-103 Applicability**

1. The regulations of this Article apply to all signs 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 Virginia Code. Unless otherwise stated in this Article, however, these regulations do not apply to property owned by, or those signs required or sponsored by Fairfax County; the Commonwealth of Virginia, or any political subdivision of the Commonwealth; or, the United States. (12-103.2. B & 12-103.2.C)
2. These regulations do not regulate or restrict signs by content. However, some signs, such as off-site 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. (pt. 12-102.1)
3. All signs are deemed to be accessory uses as defined in Article 20 and must be associated with a principal use and located on the same lot as its principal use. (12-102.1)
4. Nothing in this Article excuses any person from compliance with all other applicable regulations, statutes or ordinances.
5. This Article does not apply to any sign placed in a public right-of-way and does not authorize or prohibit placement of any sign there.

**12-104 Administrative Provisions**

1. Except where otherwise noted in this Article, no sign may be constructed, erected, altered, refaced, relocated, or expanded without a sign permit. (Incorporates elements from 12-301.1)

2. The application for a sign permit must be filed with the Zoning Administrator on a County form, ~~and~~ 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 18-106. (12-302)
3. All signs must comply with this Article, the structural requirements specified in the Virginia Uniform Statewide Building Code, Chapter 61 of the County Code, and, the performance standards specified in Article 14 of this Ordinance. (12-102.4, 12-107)
4. A sign permit expires if the sign is not erected and all necessary final inspection(s) are not approved within 12 months from the date of issuance. (12-303.1)
5. The following are not a sign or are actions that do not require a sign permit: (12-103.1)
  - 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 Sections 12-203 and 12-205 below. (12-103.1. A)
  - B. Painting, ~~repainting~~, cleaning and other routine maintenance and repair of a sign or sign structure. (elements of 12-103.1. B)
  - C. ~~Flag signs, no more than 3 per lot, of the United States, the Commonwealth of Virginia, Fairfax County, or other countries and states, and any flag displayed by a governmental body with a constitution.~~ (elements of 12-103.2. E)
  - D. The display of address numbers as required by the County Code, and entrance numbers not exceeding a total of 2 square feet in area. When displayed on a residential building, any numbering must be mounted flush against the building. (elements of 12-103.2. F, 12-201.2, 12-202.2)
  - E. ~~Temporary seasonal decorations.~~
6. The following do not require a sign permit and are not counted toward maximum allowed sign area:
  - A. Signs not exceeding a total of 4 square feet in area warning the public against hunting, fishing, swimming, trespassing, dangerous animals, the location of utilities or other similar risks. (12-103.2.H & J)
  - B. Signs located on the outer surfaces of a temporary portable storage container. (12-103.2. S)
  - C. Vehicle signs, when the vehicle is (1) operable and (2) is parked at its associated place of business within a duly designated parking space.
  - D. ~~Lettering and/or numbers permanently attached to or painted on the facade of a building of any school, college, or university; such displays are limited to no more than 10% of the area of the facade on which they are placed and cannot be illuminated. (To be advertised up to 25% of the area of the facade on which they are placed).~~

7. All signs and their components must be maintained in good repair and in safe condition. (12-108)
8. The Building Official or his 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. (12-108)
9. Except as provided in Sections 12-105 and 12-107 below, if a property becomes vacant and is unoccupied for a continuous period of 2 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. (12-108)

#### 12-105 Minor Signs

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

1. 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, ~~if the signs are~~ These signs must be removed no later than 10 days after the last day of the period for which they ~~are required to be~~ are displayed. (12-103.3. A)
2. Signs ~~for real property~~ that are displayed on a lot ~~or property~~ that is actively marketed for sale, rent or lease, as follows: (12-103.3. D)
  - A. A single building mounted or freestanding sign is allowed, except that 2 signs are permitted on a corner lot when each sign faces a different street frontage. Such sign(s) must be removed within 7 days of the settlement, rental or lease of the property.
  - B. Sign(s) located on a property developed with, or planned for development of, a single family detached or attached dwelling unit, cannot exceed 6 square feet in area and a height of ~~4.6~~ 4 feet.
  - C. Sign(s) located on a property developed with, or planned for development of, a multiple family dwelling unit cannot exceed 12 square feet in area and a height of 8 feet.
  - D. Sign(s) located on a property developed with, or planned for development of, any non-residential use, or on a residential property containing a minimum of 20 acres, cannot exceed 32 square feet in area and a height of 8 feet
3. Signs during active construction of or alterations to residential, commercial, and industrial buildings are permitted, as follows: (12-103.3. F)
  - A. For a new residential, commercial or industrial development, one sign per lot, not to exceed 60 square feet in area and a height of 10 feet. For lots containing multiple road frontages, one additional sign per street frontage is allowed, limited to 32

square feet in area and a height of 8 feet. No sign may be located closer than 5 feet to any lot line.

All signs must be removed within 14 days following completion of construction and no sign may be displayed for more than 2 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, ~~but only if there is an active building permit for the development.~~

- B. For an individual single family dwelling unit undergoing construction, improvement or renovation, one sign, not to exceed 4 square feet in area or a height of 4 feet is allowed.

No sign can be displayed before commencement of the improvement or renovation work, and the sign must be removed within 7 days after the improvement or renovation is completed with all necessary inspections approved, or within 6 months, whichever is less.

4. Yard signs on any lot developed with a residential use cannot exceed 12 square feet in total area, with no single sign exceeding 4 square feet in area and a height of 4 feet. *(To be advertised up to 16 square feet in total area).*
5. For non-residential uses, including public uses as defined in Article 20, minor building mounted signs are permitted as follows:
  - A. For non-residential uses located on a lot with frontage on a major thoroughfare, minor signs are allowed, not to exceed 40 square feet in total sign area per lot, with no single sign exceeding 24 square feet in size, to include a single freestanding sign, with a maximum height of 4 feet. (To be advertised up to 50 square feet in total sign area and a maximum height of 6 feet in height).
  - B. For all other non-residential uses, building mounted minor signs, to include signs attached to a fence, wall, existing freestanding sign or other similar accessory structures, are allowed, not to exceed 24 square feet in total area per lot. For purposes of this provision, building mounted signs may include signs attached to a fence, wall, existing freestanding sign or other similar accessory structure. (To be advertised up to 32 square feet in total sign area, to include the option of a single freestanding sign with maximum height of 4 feet, and to limit the maximum size of a single sign to 24 square feet for non-residential land uses).
6. Window signs for any non-residential use are allowed if the total of all signs at a given establishment does not cover more than 30 percent of the total area of the window in which the signs are located. (12-103.3. K)
7. For non-residential uses, including public uses as defined in Article 20, located in a commercial or industrial district, a single A-frame sign not to exceed 6 ~~16~~ 4 square feet in area and a height of ~~3~~ 4 feet, is allowed. The sign may only be displayed during business hours and must be located within 25 feet of ~~the a building or vehicular~~ the building entrance of the building that provides access to the use, and cannot impede pedestrian or vehicular traffic.

**12-106 Prohibited Signs**

~~In addition to signs prohibited elsewhere in the Zoning Ordinance, the~~ The following signs are prohibited in all zoning districts and areas of the County.

1. General Prohibitions:
  - A. Any sign not expressly permitted in this Article.
  - B. Any sign that violates any provision of any county, state or federal law or regulation. (12-104.2, 8 & 9)
  - C. Any sign that violates any provision of Chapter 61 of the County Code and the Virginia Uniform Statewide Building Code. (12-104.3)
2. Prohibitions Based on Materials or Design:
  - A. Any sign that does not meet the performance standards for outdoor lighting set forth in Part 9 of Article 14. (12-104.4)
  - B. ~~A moving or windblown sign. Any sign of which all or any part is in motion by any means, including fluttering, rotating, undulating, swinging, oscillating, or any other natural or artificial means or by movement of the atmosphere, to include flag signs as defined in Sect. 12-102 above~~ but not changeable copy and electronic display signs, the hands of a clock or a weather vane. (elements of 12-104.5)
  - C. Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, and/or that is not in accordance with Sections 12-203 and 12-205 below. (12-104.6)
3. Prohibitions Based on Location:
  - A. Any off-premise sign, to include a sign located on a lot where no principal use exists ~~and~~ or any sign that projects beyond a property line, except for a sign located on a lot being offered for sale, rent or lease, or on which buildings are being constructed, as provided for in Sect. 12-105 above.
  - B. Roof signs, except for ~~these~~ signs located on a penthouse or screening wall, as provided for in Sect 12-205 below.
  - C. 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. (12-104.7)
  - D. Any sign which, due to its location, size, shape and/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. These signs are subject to immediate removal and disposal by an authorized County official as a nuisance. (12-104.10)
  - E. Any sign located on a corner lot that is in violation of Sect. 2-505. (12-104.11)

- F. Any sign that is found to be in violation of the Virginia Uniform Statewide Building Code with respect to minimum clearance. (12-104.13)

**12-107 Nonconforming Signs (12-110, minor edits)**

1. Signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to this Ordinance, and signs which are accessory to a nonconforming use, are deemed to be nonconforming signs and may remain except as qualified below. Except as provided for in a Commercial Revitalization District, such signs cannot be enlarged, extended or structurally reconstructed or modified in any manner; except a sign face may be changed if the new face is equal to or reduced in height and/or sign area from the existing sign.
2. The property owner bears the burden of establishing the nonconforming status of a sign and of the existing physical characteristics and location of a sign. Upon notice from the Zoning Administrator, a property owner must submit verification that a sign was lawfully existing at the time of erection. Failure to provide verification is cause to remove the sign or bring it into compliance with this Article.
3. Nothing in this Section prevents keeping a nonconforming sign that is in good repair; however, no nonconforming sign may be repaired, rebuilt, or restored if the Building Official has declared it unsafe, as provided for in Sect. 12-104 above unless the activity results in a sign that conforms to this Article.
4. Nonconforming signs may not be moved on the same lot, or to any other lot, unless the change in location will make the sign conform to this Article.
5. When a nonconforming sign is removed, any sign erected later must conform to this Article, except as provided for in a Commercial Revitalization District.
6. A nonconforming sign that is destroyed or damaged by any casualty not more than 50 percent of its appraised value, may be restored within 2 years after the destruction or damage, but may not be enlarged in any manner. If a sign is destroyed or damaged more than 50 percent of its appraised value, it cannot be reconstructed unless it conforms to this Article.
7. A nonconforming sign that is changed to or replaced by a conforming sign will no longer be deemed nonconforming, and any new sign must conform to this Article.
8. A nonconforming sign must be removed if the structure to which it is accessory is demolished or destroyed by more than 50 percent of its appraised value. A nonconforming sign subject to removal under this paragraph must be removed within 30 days following written notice by the Zoning Administrator to the owner of the property. If the owner fails to comply with this notice the Zoning Administrator may initiate action to gain compliance with this Article.
9. If a nonconforming sign is located on property that becomes vacant and is unoccupied for a period of at least 2 years, the sign is deemed abandoned and the owner of the property must remove it. If the owner fails to do so, the Zoning Administrator may give the owner 30 days' written notice to remove it, except as otherwise provided in Sect. 12-104 above. If the owner fails to comply with the notice, the Zoning Administrator may

enter onto the property and remove the sign. Such removal may be accomplished with the assistance of any agent designated by the Zoning Administrator or hired by the County for such purpose, and, the Zoning Administrator may charge the cost of removal to the property owner. In addition, the Zoning Administrator may initiate legal action in court for an injunction or other appropriate remedy requiring the owner to remove an abandoned nonconforming sign.

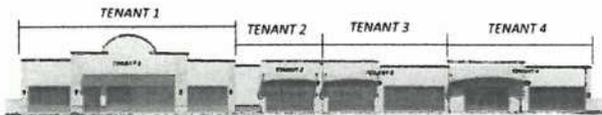
10. The ownership of the sign or the property on which the sign is located does not affect the nonconforming status of the sign.

**PART 2 12-200 SIGN REGULATIONS BY USE & DISTRICT**

**12-201 Calculation of Sign Area (12-105 & 12-106, with edits)**

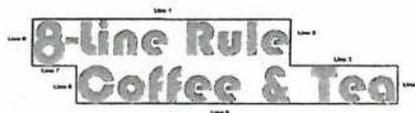
1. When building frontage is used to calculate allowable sign area, the following applies:

- A. Building frontage is the linear width of the wall taken at a height ~~that is not no~~ greater than 10 feet above grade. (12-106)
- B. On buildings with a single tenant or with multiple tenants that access the building via a common outside entrance(s), 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. (12-106)
- C. On buildings with more than a single tenant where each tenant has its own outside entrance(s), building frontage for each tenant is the wall that contains that tenant's main public entrance, as determined by the Zoning Administrator. (12-106)



2. When calculating ~~any~~ allowable building mounted sign area, the following applies:

- A. Building mounted sign area is ~~the entire that~~ area within a single continuous rectilinear perimeter of not more than 8 straight lines intersecting at right angles, which encloses the outer limits of all words, representations, symbols and/or pictorial elements, together with all material, color and/or lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed. (12-105, with minor edits)



- B. The area of building mounted signs composed of individual letters and/or symbols, ~~to include signs located on a recessed~~, is calculated ~~in accordance with~~ by one of the following methods: (12-105)

- (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 Par. 2A above.
- (2) If the space between the proposed individual letters and/or symbols is greater than the width of the largest letter and/or symbol, sign area is calculated as the total, combined area of rectangular enclosures surrounding each individual letter and/or symbol.

3. The following provisions apply to any freestanding signs:

- A. The supports, uprights or structure on which any freestanding sign is supported are not included in calculating sign area unless such supports, uprights or structure 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 Par. 2A above. (12-105)

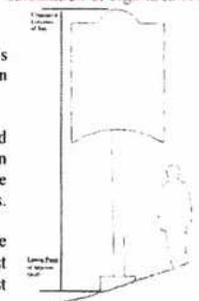
- B. The area of a freestanding sign designed with more than one sign face is calculated ~~in accordance the following as follows~~: (12-105)

- (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.



- (3) If the sign faces are parallel to one another, the ~~calculation of sign area is as follows~~ following applies:

- (a) The area of the largest single face is used when the interior distance between the faces is 18 inches or less.
- (b) The area of the largest single face and the area of the side or interval between faces is used when the interior distance between the faces is greater than 18 inches.



- C. The height of a freestanding sign is calculated as the maximum vertical distance from the uppermost extremity of a sign and/or its support, to the lowest point of the adjacent grade. (12-105)

**12-202 Signs in Residential Districts (elements of 12-200, 12-201 and 12-202)**

The following signs are allowed with approval of a sign permit, as accessory to residential or non-residential land uses in a residential district, ~~including to include~~ public uses as defined in Article 20:

1. In a single family residential subdivision or a multiple family development, a freestanding sign is allowed at each major entrance, not to exceed 30 square feet in area and 8 feet in height. More than one sign may be placed at each major entrance but the total of all signs at a single entrance cannot exceed 30 square feet in area. (12-201.4 and 12-202.4)
2. A rental office for a multiple family development is allowed one building mounted or freestanding sign not to exceed 4 square feet in area and a height of 4 feet. (12-202.5)
3. Agricultural uses on a lot at least 20 acres in size are allowed a total of 60 square feet of sign area. No single sign can exceed 30 square feet in area and a height of 8 feet. (12-103.2. K)
4. 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 entrance, not to exceed 80 square feet in area and 12 feet in height. (12-208.2.G)
5. All other non-residential uses, including public uses as defined in Article 20, are allowed building mounted and freestanding signs in accordance with the following. ~~although~~ **However**, the BZA, in approving a special permit, or the Board, in approving a rezoning or special exception, may further limit any sign for any land use in furtherance of those provisions set forth in Sections 8-007 and 9-007 of the Ordinance:
  - A. Building mounted signs cannot exceed 50 square feet in total area.

**OPTION 1: Staff Recommendation**

- B. A single freestanding sign not to exceed 40 square feet in area and 8 feet in height. (To be advertised up to 20 feet in height).

**-OR-**

**OPTION 2**

- B. Freestanding signs as follows:
  - (1) For properties on a lot containing less than 5 acres, a single freestanding sign, not to exceed 16 square feet in area and 4 feet in height. (To be advertised up to 20 feet in height).

- (2) For properties on a lot containing a minimum of 5 acres but less than 20 acres, a single freestanding sign, not to exceed 32 square feet in area and 6 feet in height. (To be advertised up to 20 feet in height).

- (3) For properties on a lot containing more than 20 acres, a single freestanding sign, not to exceed 40 square feet in area and 8 feet in height. (To be advertised up to 20 feet in height).

**12-203 Performance Standards for Signs in Residential Districts**

1. Building mounted signs must be installed flush against the wall and cannot extend above or beyond the perimeter of the wall or roof of the building to which they are attached. (12-208.2)
2. Freestanding signs cannot be located closer than 5 feet to any property line.

**OPTION 1: Staff Recommendation**

3. Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:
  - A. Only one changeable copy or electronic display sign is allowed per lot. The area of the changeable copy or electronic display cannot exceed more than 50 percent of the maximum allowable area of that freestanding sign.
  - B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.
  - C. The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color. (Similar to provisions found in Sect. 14-902.2.D. for internally illuminated signs)

**OPTION 2**

3. Changeable copy and electronic display signs are allowed in accordance with the following:
  - A. As part of a monument sign, with a maximum height of 6 feet. (To be advertised up to 8 feet in height).
  - B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.

- C. ~~The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color. (Similar to provisions found in Sect. 14-902.2 D) for internally illuminated signs)~~
- D. ~~Electronic display signs must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.~~
4. Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Part 9 of Article 14. (12-201.3, 12-202.3, and 12-208.2)

12-204

**Signs in Commercial and Industrial Districts**

The following signs are allowed with approval of a sign permit, as accessory to land uses, ~~including public uses as defined in Article 20, that are~~ located in a commercial district, including the commercial area of a P district and/or commercial uses located in a mixed-use building or development; or in an industrial district. ~~including public uses as defined in Article 20:~~

1. Building mounted signs are allowed as follows:
  - 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 1½ square feet of sign area for the first 100 linear feet of building frontage, plus one square foot of sign area for each additional linear foot of building frontage. However, no single sign may exceed 200 square feet in area. (12-203.8 and modified 12-207.3)
  - B. For buildings with more than a single tenant where each tenant has its own outside entrance(s), signs cannot exceed 1½ square feet of sign area for each linear foot of building frontage occupied by each tenant, except as provided for in Sect. 12-301 below. The maximum sign area for any single tenant cannot exceed 200 square feet.
 

However, a single tenant, (1) having building frontage that results in an allowable sign area greater than 200 square feet and (2) occupying 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, although the combined sign area on any such wall cannot exceed 1½ times the length of the wall. (12-203.9 and modified 12-207.4)
  - C. In addition to sign area allowed in accordance with Par. A or B above, hospitals are allowed a single building mounted sign for each building entrance. No such sign can exceed 50 square feet in area. (12-203.14 & 12-207.13)
2. Freestanding signs are allowed as follows, unless further limited by Par. 3 below:
  - A. In a commercial ~~zoning~~ district, a single tenant may have one freestanding sign up to 80 square feet in area and 20 feet in height, ~~if [however, the tenant is not located within or on the same lot as a shopping center (12-205.2) but (1) must be located on a lot that has frontage on a primary highway or on a major thoroughfare and, (2) cannot be located on the same lot as a shopping center. (12-205.2 & 12-203.4)~~

- B. In an industrial ~~zoning~~ district, a single freestanding sign not to exceed 80 square feet in area and 20 feet in height may be erected for each building that has frontage on a major thoroughfare. However, if one tenant occupies a group of separate buildings with frontage on a major thoroughfare, that tenant is allowed only one freestanding sign. (12-207.5 and 12-207.7)
- C. A hospital is allowed a one freestanding sign at each entrance, and no such sign may exceed 80 square feet in area and 12 feet in height. (12-203.14 & 12-207.13)
- D. Shopping centers are allowed one freestanding sign, not to exceed 80 square feet in area and 20 feet in height. If a shopping center has frontage on 2 or more major thoroughfares, however, it may have a second freestanding sign (for a total of 2 freestanding signs). (12-203.10, 12-205.3 & 12-206.3)
- E. For office and industrial parks:
  - (1) One freestanding sign is allowed at each major entrance to the office or industrial park, not to exceed 40 square feet in area and a height of 20 feet. (12-203.13.A and 12-207.12.A)
  - (2) One freestanding sign is allowed for each detached building that houses a principal use within an office or industrial park, not to exceed 20 square feet in area for an office park, 30 square feet in area for an industrial park, and 8 feet in height. (12-203.13. B and 12-207.12. B)
3. The following regulations apply only to uses located on commercially and industrially zoned land located within a Sign Control Overlay District; where applicable, they are in addition to and supersede, Par. 2 above: (12-204)
  - A. A single tenant or building on a lot may have one freestanding sign if, (1) the lot has frontage on a primary highway or major thoroughfare and, (2) the single tenant or building is not located within or on the same lot as a shopping center. The sign cannot exceed 40 square feet in area and 20 feet in height.
  - B. A shopping center is allowed one freestanding sign not to exceed 40 square feet in area and 20 feet in height.

12-205

**Performance Standards Required for All Signs in Commercial and Industrial Districts**

1. 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, except when the sign is (1) erected at a right angle to the wall, (2) does not extend into the minimum required yard, and (3) is not located closer than 2 feet to any street line. (pt. 12-203.1 and 12.207.1, and 12-203.2 and 12.207.2)
2. A building mounted sign may be located on the wall of a penthouse or rooftop screening wall, as follows: (pt. 12-203.1 and 12.207.1)
  - A. 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.

- B. The sign cannot be located more than 12 feet above the building roof supporting the penthouse or screening wall.
3. Freestanding signs may not project beyond any property line or be located within 5 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 Sect. 2-505 of this Ordinance. (12-203.5 & 12-207.6)

### OPTION 1: Staff Recommendation

4. Changeable copy and electronic display signs are only allowed as part of any freestanding sign, in accordance with the following:
- A. Only one changeable copy or electronic display sign is permitted per lot. The area of the changeable copy or electronic display cannot exceed more than 50 percent of the maximum allowable area of that freestanding sign.
- B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.
- C. ~~The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color. (Similar to provisions found in Sect. 14-907.2 D. for internally illuminated signs)~~

### OPTION 2

4. Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:
- A. As part of a monument sign, with a maximum height of 6 feet. ~~(To be advertised up to 8 feet in height).~~
- B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.
- C. ~~The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color. (Similar to provisions found in Sect. 14-907.2 D. for internally illuminated signs)~~
- D. Electronic display signs must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.
5. Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Part 9 of Article 14. (12-203.6 & 12-207.8)

### 12-206 Other Permitted Signs

1. The following signs are only allowed in a commercial or industrial district, or the commercial area of a P district, in addition to those sign types and amounts allowed in Sect. 12-204 above:
- A. Service stations or service station/mini-marts are permitted one additional square foot of sign area ~~for to be displayed on~~ each gasoline pump. (12.203.11 & 12-207.10)
- B. Motor vehicle fuel price signs required by Article 4 of Chapter 10 of The Code. (12-203.12 & 12-207.11).
2. Accessory service uses ~~permitted~~ pursuant to Sect. 10-200 ~~of this Ordinance~~ are allowed a single building mounted sign not to exceed 15 square feet in area. These signs will be calculated as part of the total allowable building mounted sign area for the building. (12-209, modified)

### Part 3 12-300 SPECIAL APPROVALS

#### 12-301 Administrative Comprehensive Sign Plan (12-106.3)

As an alternative to calculating building frontage in accordance with Par. 1B of Sect. 12-201 above, 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:

1. 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 set forth in Section 18-106.
2. The total area for all signs ~~may not~~ cannot exceed the maximum allowable sign area for the building as determined in accordance with Par. 1B of Sect. 12-201 above. The maximum sign area for any single tenant cannot exceed 200 square feet.

However, a single tenant, (1) having building frontage that results in an allowable sign area greater than 200 square feet and (2) the 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, although the combined sign area on any such wall cannot exceed 1 ½ times the length of the wall.

#### 12-302 Special Permits (12-304, minor edits)

1. The BZA may grant a special permit to increase the height of a freestanding sign in a neighborhood or community shopping center ~~where, in its opinion, when it determines that the application of this Article would cause a hardship due to issues of topography.~~ However, such freestanding sign cannot extend to a height greater than 26 feet above the elevation of the center line of the nearest street. (12-304)
2. The BZA may grant a special permit to allow additional sign area and/or height, or a different arrangement of sign area distribution for a regional shopping center ~~where, in~~

~~its opinion, 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 cannot exceed 125 percent of the sign area otherwise allowed by the provisions of this Article. (12-304)

3. 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 cannot exceed 125 percent of the sign area otherwise permitted by this Article. (12-304)

**12-303 Special Exceptions (12-305)**

1. In conjunction with the approval of a special exception for a hospital, the Board may approve additional signs for the use in accordance with Sect. 9-308. (12-208.2G)
2. In commercial and industrial districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with Sect. 9-620. (12-305)

**12-304 Uses in P Districts (elements of 12-210)**

The provisions set forth in the preceding Sections apply to signs accessory to uses in P districts. However, in keeping with the intent to allow flexibility in the design of planned developments, the following is applicable to signs in P districts:

1. 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 Sect. 18-109. The comprehensive sign plan will show the location, size, height and extent of all proposed signs within the specified area of the P district.
2. 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 setting forth the names of the record owners of the properties upon which such signs are proposed to be located, and a fee as set forth in Sect. 18-106.
3. Any comprehensive sign plan must be in accordance with the standards for all planned developments as set forth in Part 1 of Article 16. All proposed signs must be in scale and harmonious with the development and so located and sized as to ensure convenience to the vision user or occupant users of the development, while not adding to street clutter or otherwise detracting from the planned-unit-nature-of-the-development-and-the-purposes-of-architectural and urban design elements of the development.

LAND DEVELOPMENT SERVICES  
September 25, 2018

# STAFF REPORT

PREPARED BY CODE DEVELOPMENT AND COMPLIANCE

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- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- PROPOSED ZONING AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Proposed Amendments to *The Code of the County of Fairfax* (Code) and the Public Facilities Manual (PFM) Regarding the "PFM Flex Project," a Fairfax First Initiative to Improve the Speed, Consistency and Predictability of the County's Land Development Review Process.

## PUBLIC HEARING DATES

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Authorization to Advertise:  
Planning Commission Hearing:  
Board of Supervisors Hearing:

September 25, 2018  
October 18, 2018 at 7:30 p.m.  
December 4, 2018 at 4:00 p.m.

Prepared By:

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(703) 324-1670  
Site Code Research & Development Branch,  
Land Development Services (LDS)

# **STAFF REPORT**

## **STAFF RECOMMENDATION**

Staff recommends that the Board of Supervisors adopt the proposed PFM and Code amendments. Edits within each amendment are shown by underlining (added text), strikethrough (deleted text), double underlining (relocated text), and double-strikethrough (text being relocated).

## **DISCUSSION**

### **Technical PFM Chapter-Specific Amendments**

#### **1. Chapter 2: General Subdivision and Site Plan Information**

The proposed amendments to Chapter 2 (General Subdivision and Site Plan Information) simplify the data collection process for as-built drawings; remove the outdated cut sheets section; revise the rating tools used to determine the viability of financial institutions; and remove the code reference table to be relocated on the PFM website for ease of access and updating purposes.

#### **2. Chapter 4: Geotechnical Guidelines**

The proposed amendments to Chapter 4 (Geotechnical Guidelines) provide a streamlined certification process for in-ground pools, in lieu of a soils report; update the exploration requirements for buildings less than 5,000 square feet; and clarify the factor of safety for slope stability in problem soil areas.

#### **3. Chapter 6: Storm Drainage**

The proposed amendments to Chapter 6 (Storm Drainage) eliminate curvilinear pipe design, both text and tables, due to maintenance concerns; clarify outfall requirements in floodplains to limit disturbance; and update requirements for stabilizing ground cover.

#### **4. Chapter 7: Streets, Street Lights, Parking and Driveways**

The proposed amendments to Chapter 7 (Streets, Street Lights, Parking and Driveways) remove the "Street Functional Classification" section, to be consistent with the VDOT Road Design Manual, and clarify clear zone requirements throughout the street lights section.

#### **5. Chapter 8: Sidewalks, Trails and Recreation**

The proposed amendments to Chapter 8 (Sidewalks, Trails and Recreation) update the relocated tot lot requirements (relocated from Chapter 2).

## **6. Chapter 9: Fire and Water**

The proposed amendments to Chapter 9 (Fire and Water) define aerial access requirements for high-rise buildings; clarify hydrant requirements for fee simple townhouses; and accommodate emergency access for rooftop, indoor, and courtyard pools.

## **7. Chapter 12: Tree Conservation**

The proposed amendments to Chapter 12 (Tree Conservation) introduce soil volume guidelines; add guidance on tree condition assessments; and increase flexibility for counting tree canopy.

## **Non-technical PFM and County Code Amendments**

### **8. “Shall” Revisions**

The proposed amendments eliminate the term “shall” throughout the PFM in favor of clearer, more current language, except in a handful of instances where “shall” was more readable or directly quoted from an external document. After careful review of each PFM chapter, the appropriate revisions to “shall” have been made based on the terms in the updated Interpretation section of Chapter 1.

### **9. Interactivity**

The proposed amendments to the PFM formatting will help to improve the interactivity of the PFM overall. The format of the PFM has been updated with an indented alphanumeric outline, leveling, and hyperlinks to internal and external references. All hyperlinks will be maintained regularly by LDS staff.

### **10. Adaptability**

With the inclusion of the term “should” in the Interpretation section of Chapter 1 and the recommendation to allow the LDS Director to maintain the PFM and make administrative changes to avoid inconsistencies and conflicts with county policies, the proposed amendments will help to make the PFM more adaptable and less restrictive. An example would be the recent policy change to no longer require developers to submit both a paper and a Mylar copy of the record plat. County policy no longer requires a Mylar record plat; however, the Director has no authority to update the provision on Mylar record plats absent Board approval. It is recommended that the Director be able to maintain the PFM so that users are well informed and up-to-date with the evolving changes and process improvements taking place countywide and in LDS related to the land development process.

### **11. Clarity**

The proposed amendments to the PFM remove outdated and extraneous text, update administrative items in the plates and tables (numbering, section references), and update acronyms to improve the clarity of the PFM.

## **12. Chapter 13 incorporated into Chapter 1**

The proposed amendment to Chapter 13 relocates the entire chapter into Chapter 1. Chapter 13 includes the following sections: PFM Structure; Interpretations; Definitions and Abbreviations; Metric Conversion Table; and English Conversion Table. After comparing the PFM formatting to the PFM equivalent in 15 comparable municipalities, it was determined that the contents of Chapter 13 would be more accessible if they were relocated into Chapter 1. Although the PFM is not intended to be read from front to back, it is better to explain the PFM structure and interpretations pertinent to the comprehension of the PFM content at the beginning of the PFM rather than at the end.

## **13. Chapters 101 and 122 of the Code**

The proposed amendments to the Code will align with the PFM amendments above. Code Chapters 101 and 122 reference specific sections in the PFM which have been renumbered through the PFM Flexibility Project. These proposed amendments update the Code to reflect this renumbering of PFM sections.

## **ATTACHED DOCUMENTS**

Attachment A – Amendments to the PFM Chapters available via the [PFM Flexibility Website](#)

Attachment B – Amendments to the PFM Plates available via the [PFM Flexibility Website](#)

Attachment C – Amendments to the County Code Chapters 101 and 122

September 2018

ARTICLE 12

SIGNS

PART 1 12-100 GENERAL PROVISIONS

12-101 Purpose and Intent

The purpose of this Article is to regulate all signs placed for viewing by the public, in order to improve, promote and protect the public health, safety, convenience and general welfare; promote traffic safety; ensure that the First Amendment right to free speech is protected; protect property values; protect and enhance the aesthetic character of the various communities in the County; facilitate travel by identifying locations; protect against danger in travel and transportation by reducing distractions and hazards to pedestrian and automobile traffic; and, further the stated purpose and intent of this Ordinance. (12-101)

12-102 Definitions

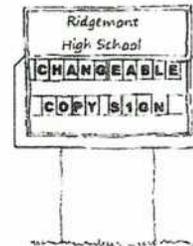
For purposes of this Article, signs and their characteristics are defined as follows:

A-FRAME SIGN: A minor freestanding sign constructed to form a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape.



BUILDING MOUNTED SIGN: Any sign attached to and supported by a building, awning, canopy, marquee or similar architectural feature, or permanently attached, etched or painted onto a window or door. For purposes of this Article, temporary window signs as defined herein are not building mounted signs. (elements of definition in Article 20)

CHANGEABLE COPY SIGN: A sign ~~or portion thereof~~ designed to accommodate manual changes in messages.



ELECTRONIC DISPLAY SIGN: Any sign ~~or portion thereof~~ that contains light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination methods, which are electronically controlled and that contain a fixed or changeable copy and/or a change to the intensity of light or colors displayed.

FLAG SIGN: ~~Any sign made of fabric, cloth, or other pliant material that is designed to be attached to a flagpole or other structure. A single piece of cloth or similar material, shaped like pennant, rectangle or square, attachable by one straight edge to a pole or attached at the top of a pole and draped.~~ For purposes of this Ordinance, minor signs are not flag signs. (elements of 12-103.2. E)

**FREESTANDING SIGN:** Any sign other than a building mounted sign, that is permanently supported by a fence, retaining wall, entrance feature or by upright structural members or braces on or in the ground, such as a pole, pylon, or monument style structure.



**MINOR SIGN:** Any sign that is (1) designed to be easily moved, (2) typically not permanently attached to a structure or the ground, and (3) is not illuminated. Such signs include, but are not limited to, A-frame signs, banners, posters, window signs, yard signs or other moveable signs. For purposes of this Article, flag signs and vehicle signs are not minor signs.



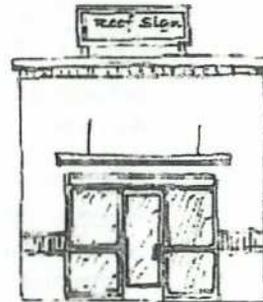
**MONUMENT SIGN:** A freestanding sign, typically no more than 8 feet in height, that is supported primarily by an internal structural framework or that is integrated into landscaping or solid structural features other than support poles.

**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. For purposes of this Ordinance, flag signs are not moving or windblown signs.

**OFF-PREMISE SIGN:** A sign that directs attention to a product, service, attraction, event, or the like that is being offered at a location that is not the premises on which the sign is located.

**RACEWAY:** A structure or architectural component of a building specifically designed to support and contain a series of signs accessory to the tenants occupying space in the building. Raceways may traverse the entire length of a building and may be illuminated or constructed of materials different from that of the facade of the building.

**ROOF SIGN:** Any sign or portion thereof affixed to a building that extends above the lowest 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 structure and/or mechanical appurtenance. For purposes of this Article, a roof sign does not include a sign attached to the penthouse of a building. (elements of 12-203.1 and 12-207.1)



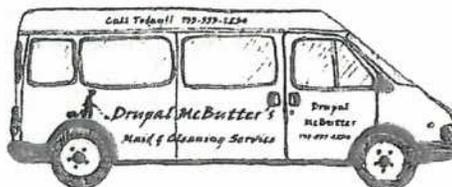
**SIGN:** Any writing, including letters or numerals, pictorial presentation, illustration or decoration, emblem, symbol, flag, banner or pennant or any other device, figure or similar character, to include the structure on which it is located, which is (1) used to announce, direct attention to, or identify, or otherwise make anything known a permitted land use, and (2) that is visible from any street as defined in Article 20. (most of definition in Article 20)

**SIGN FACE:** The part of a sign which is or can be used for visual representation or communication, including any background or surrounding material, panel, trim or ornamentation, color, and illumination that differentiates the sign from the building, structure, backdrop surface, or object upon or against which the sign is placed. The term does

not include any portion of the support structure for the sign if no representation or message is placed or displayed on, or designed as part of, the support structure.

TENANT: An individual, entity, partnership, or corporation renting, leasing or owning non-residential space.

VEHICLE SIGN: Any sign that is painted, mounted, adhered, magnetically attached or otherwise permanently affixed to or incorporated into a vehicle and/or trailer, except for any signs not exceeding a total of 8 square feet for the entire vehicle or trailer and bumper stickers.



WINDOW SIGN: A minor sign that is (1) attached to the glass area of a window or placed behind the glass of a window, and (2) easily read from outside the building.

YARD SIGN: A minor sign associated with a residential use, which is attached to a structure or placed upon or supported by the ground independently of any other structure.

## 12-103

### Applicability

1. The regulations of this Article apply to all signs 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 Virginia Code. Unless otherwise stated in this Article, however, these regulations do not apply to property owned by, or those signs required or sponsored by Fairfax County; the Commonwealth of Virginia, or any political subdivision of the Commonwealth; or, the United States. (12-103.2. B & 12-103.2.C)
2. These regulations do not regulate or restrict signs by content. However, some signs, such as off-site 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. (pt. 12-102.1)
3. All signs are deemed to be accessory uses as defined in Article 20 and must be associated with a principal use and located on the same lot as its principal use. (12-102.1)
4. Nothing in this Article excuses any person from compliance with all other applicable regulations, statutes or ordinances.
5. This Article does not apply to any sign placed in a public right-of-way and does not authorize or prohibit placement of any sign there.

## 12-104

### Administrative Provisions

1. Except where otherwise noted in this Article, no sign may be constructed, erected, altered, refaced, relocated, or expanded without a sign permit. (Incorporates elements from 12-301.1)

2. The application for a sign permit must be filed with the Zoning Administrator on a County form, **and** 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 18-106. (12-302)
3. All signs must comply with this Article, the structural requirements specified in the Virginia Uniform Statewide Building Code, Chapter 61 of the County Code, and, the performance standards specified in Article 14 of this Ordinance. (12-102.4, 12-107)
4. A sign permit expires if the sign is not erected and all necessary final inspection(s) are not approved within 12 months from the date of issuance. (12-303.1)
5. The following are not a sign or are actions that do not require a sign permit: (12-103.1)
  - 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 Sections 12-203 and 12-205 below. (12-103.1. A)
  - B. Painting, ~~repainting~~, cleaning and other routine maintenance and repair of a sign or sign structure. (elements of 12-103.1. B)
  - C. ~~Flags signs, no more than 3 per lot, of the United States, the Commonwealth of Virginia, Fairfax County, or other countries and states, and any flag displayed by a governmental body with a constitution.~~ (elements of 12-103.2. E)
  - D. The display of address numbers as required by the County Code, and entrance numbers not exceeding a total of 2 square feet in area. When displayed on a residential building, any numbering must be mounted flush against the building. (elements of 12-103.2. F, 12-201.2, 12-202.2)
  - E. Temporary, seasonal decorations.
6. The following do not require a sign permit and are not counted toward maximum allowed sign area:
  - A. Signs not exceeding a total of 4 square feet in area warning the public against hunting, fishing, swimming, trespassing, dangerous animals, the location of utilities or other similar risks. (12-103.2.H & J)
  - B. Signs located on the outer surfaces of a temporary portable storage container. (12-103.2. S)
  - C. Vehicle signs, when the vehicle is (1) operable and (2) is parked at its associated place of business within a duly designated parking space.
  - D. Lettering and/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 10% of the area of the façade on which they are placed and cannot be illuminated. (To be advertised up to 25% of the area of the façade on which they are placed).

7. All signs and their components must be maintained in good repair and in safe condition. (12-108)
8. The Building Official or his 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. (12-108)
9. Except as provided in Sections 12-105 and 12-107 below, if a property becomes vacant and is unoccupied for a continuous period of 2 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. (12-108)

#### 12-105 Minor Signs

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

1. 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, ~~if the signs are~~ These signs must be removed no later than 10 days after the last day of the period for which they ~~are required to be~~ are displayed. (12-103.3. A)
2. Signs ~~for real property~~ that are displayed on a lot ~~or property~~ that is actively marketed for sale, rent or lease, as follows: (12-103.3. D)
  - A. A single building mounted or freestanding sign is allowed, except that 2 signs are permitted on a corner lot when each sign faces a different street frontage. Such sign(s) must be removed within 7 days of the settlement, rental or lease of the property.
  - B. Sign(s) located on a property developed with, or planned for development of, a single family detached or attached dwelling unit, cannot exceed 6 square feet in area and a height of 4.6 feet.
  - C. Sign(s) located on a property developed with, or planned for development of, a multiple family dwelling unit cannot exceed 12 square feet in area and a height of 8 feet.
  - D. Sign(s) located on a property developed with, or planned for development of, any non-residential use, or on a residential property containing a minimum of 20 acres, cannot exceed 32 square feet in area and a height of 8 feet
3. Signs during active construction of or alterations to residential, commercial, and industrial buildings are permitted, as follows: (12-103.3. F)
  - A. For a new residential, commercial or industrial development, one sign per lot, not to exceed 60 square feet in area and a height of 10 feet. For lots containing multiple road frontages, one additional sign per street frontage is allowed, limited to 32

square feet in area and a height of 8 feet. No sign may be located closer than 5 feet to any lot line.

All signs must be removed within 14 days following completion of construction and no sign may be displayed for more than 2 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: ~~but only if there is an active building permit for the development.~~

- B. For an individual single family dwelling unit undergoing construction, improvement or renovation, one sign, not to exceed 4 square feet in area or a height of 4 feet is allowed.

No sign can be displayed before commencement of the improvement or renovation work, and the sign must be removed within 7 days after the improvement or renovation is completed with all necessary inspections approved, or within 6 months, whichever is less.

4. Yard signs on any lot developed with a residential use cannot exceed 12 square feet in total area, with no single sign exceeding 4 square feet in area and a height of 4 feet. *(To be advertised up to 16 square feet in total area).*
5. For non-residential uses, including public uses as defined in Article 20, minor ~~building mounted~~ signs are permitted as follows:
- A. For non-residential uses located on a lot with frontage on a major thoroughfare, minor signs are allowed, not to exceed 40 square feet in total sign area per lot, with no single sign exceeding 24 square feet in size, to include a single freestanding sign, with a maximum height of 4 feet. (To be advertised up to 50 square feet in total sign area and a maximum height of 6 feet in height).
- B. For all other non-residential uses, building mounted minor signs, to include signs attached to a fence, wall, existing freestanding sign or other similar accessory structures, are allowed, not to exceed 24 square feet in total area per lot. For purposes of this provision, building mounted signs may include signs attached to a fence, wall, existing freestanding sign or other similar accessory structure. (To be advertised up to 32 square feet in total sign area, to include the option of a single freestanding sign with maximum height of 4 feet, and to limit the maximum size of a single sign to 24 square feet for non-residential land uses).
6. Window signs for any non-residential use are allowed if the total of all signs at a given establishment does not cover more than 30 percent of the total area of the window in which the signs are located. (12-103.3. K)
7. For non-residential uses, including public uses as defined in Article 20, ~~located in a commercial or industrial district~~, a single A-frame sign not to exceed ~~6~~ 16 square feet in area and a height of ~~3~~ 4 feet, is allowed. The sign may only be displayed during business hours and must be located within 25 feet of ~~the a building or vehicular~~ entrance ~~of the building~~ that provides access to the use, and cannot impede pedestrian or vehicular traffic.

12-106 Prohibited Signs

~~In addition to signs prohibited elsewhere in the Zoning Ordinance, the~~ The following signs are prohibited in all zoning districts and areas of the County.

1. General Prohibitions:

- A. Any sign not expressly permitted in this Article.
- B. Any sign that violates any provision of any county, state or federal law or regulation. (12-104.2, 8 & 9)
- C. Any sign that violates any provision of Chapter 61 of the County Code and the Virginia Uniform Statewide Building Code. (12-104.3)

2. Prohibitions Based on Materials or Design:

- A. Any sign that does not meet the performance standards for outdoor lighting set forth in Part 9 of Article 14. (12-104.4)
- B. ~~A moving or windblown sign. Any sign of which all or any part is in motion by any means, including fluttering, rotating, undulating, swinging, oscillating, or any other natural or artificial means or by movement of the atmosphere, to include flag signs as defined in Sect. 12-102 above~~ but not changeable copy and electronic display signs, the hands of a clock or a weather vane. (elements of 12-104.5)
- C. Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, and/or that is not in accordance with Sections 12-203 and 12-205 below. (12-104.6)

3. Prohibitions Based on Location:

- A. Any off-premise sign, to include a sign located on a lot where no principal use exists, ~~and~~ or any sign that projects beyond a property line, except for a sign located on a lot being offered for sale, rent or lease, or on which buildings are being constructed, as provided for in Sect. 12-105 above.
- B. Roof signs, except for ~~these~~ signs located on a penthouse or screening wall, as provided for in Sect 12-205 below.
- C. 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. (12-104.7)
- D. Any sign which, due to its location, size, shape and/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. These signs are subject to immediate removal and disposal by an authorized County official as a nuisance. (12-104.10)
- E. Any sign located on a corner lot that is in violation of Sect. 2-505. (12-104.11)

- F. Any sign that is found to be in violation of the Virginia Uniform Statewide Building Code with respect to minimum clearance. (12-104.13)

**12-107 Nonconforming Signs (12-110, minor edits)**

1. Signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to this Ordinance, and signs which are accessory to a nonconforming use, are deemed to be nonconforming signs and may remain except as qualified below. Except as provided for in a Commercial Revitalization District, such signs cannot be enlarged, extended or structurally reconstructed or modified in any manner; except a sign face may be changed if the new face is equal to or reduced in height and/or sign area from the existing sign.
2. The property owner bears the burden of establishing the nonconforming status of a sign and of the existing physical characteristics and location of a sign. Upon notice from the Zoning Administrator, a property owner must submit verification that a sign was lawfully existing at the time of erection. Failure to provide verification is cause to remove the sign or bring it into compliance with this Article.
3. Nothing in this Section prevents keeping a nonconforming sign that is in good repair; however, no nonconforming sign may be repaired, rebuilt, or restored if the Building Official has declared it unsafe, as provided for in Sect. 12-104 above unless the activity results in a sign that conforms to this Article.
4. Nonconforming signs may not be moved on the same lot, or to any other lot, unless the change in location will make the sign conform to this Article.
5. When a nonconforming sign is removed, any sign erected later must conform to this Article, except as provided for in a Commercial Revitalization District.
6. A nonconforming sign that is destroyed or damaged by any casualty not more than 50 percent of its appraised value, may be restored within 2 years after the destruction or damage, but may not be enlarged in any manner. If a sign is destroyed or damaged more than 50 percent of its appraised value, it cannot be reconstructed unless it conforms to this Article.
7. A nonconforming sign that is changed to or replaced by a conforming sign will no longer be deemed nonconforming, and any new sign must conform to this Article.
8. A nonconforming sign must be removed if the structure to which it is accessory is demolished or destroyed by more than 50 percent of its appraised value. A nonconforming sign subject to removal under this paragraph must be removed within 30 days following written notice by the Zoning Administrator to the owner of the property. If the owner fails to comply with this notice the Zoning Administrator may initiate action to gain compliance with this Article.
9. If a nonconforming sign is located on property that becomes vacant and is unoccupied for a period of at least 2 years, the sign is deemed abandoned and the owner of the property must remove it. If the owner fails to do so, the Zoning Administrator may give the owner 30 days' written notice to remove it, except as otherwise provided in Sect. 12-104 above. If the owner fails to comply with the notice, the Zoning Administrator may

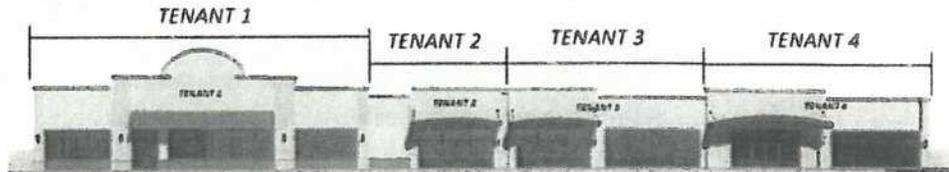
enter onto the property and remove the sign. Such removal may be accomplished with the assistance of any agent designated by the Zoning Administrator or hired by the County for such purpose, and, the Zoning Administrator may charge the cost of removal to the property owner. In addition, the Zoning Administrator may initiate legal action in court for an injunction or other appropriate remedy requiring the owner to remove an abandoned nonconforming sign.

10. The ownership of the sign or the property on which the sign is located does not affect the nonconforming status of the sign.

**PART 2 12-200 SIGN REGULATIONS BY USE & AND DISTRICT**

**12-201 Calculation of Sign Area (12-105 & 12-106, with edits)**

1. When building frontage is used to calculate allowable sign area, the following applies:
  - A. Building frontage is the linear width of the wall taken at a height ~~that is not~~ no greater than 10 feet above grade. (12-106)
  - B. On buildings with a single tenant or with multiple tenants that access the building via a common outside entrance(s), 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. (12-106)
  - C. On buildings with more than a single tenant where each tenant has its own outside entrance(s), building frontage for each tenant is the wall that contains that tenant's main public entrance, as determined by the Zoning Administrator. (12-106)



2. When calculating any allowable building mounted sign area, the following applies:

- A. Building mounted sign area is ~~the entire~~ that area within a single continuous rectilinear perimeter of not more than 8 straight lines intersecting at right angles, which encloses the outer limits of all words, representations, symbols and/or pictorial elements, together with all material, color and/or lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed. (12-105, with minor edits)



B. The area of building mounted signs composed of individual letters and/or symbols; ~~to include signs(s) located on a raceway;~~ is calculated ~~in accordance with~~ by one of the following methods: (12-105)

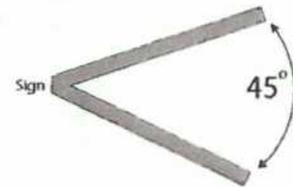
- (1) If the space between the proposed individual letters or symbols is less in dimension than the width of the largest letter or symbol, sign area is calculated in accordance with Par. 2A above.
- (2) If the space between the proposed individual letters and/or symbols is greater than the width of the largest letter and/or symbol, sign area is calculated as the total, combined area of rectangular enclosures surrounding each individual letter and/or symbol.

3. The following provisions apply to any freestanding signs:

A. The supports, uprights or structure on which any freestanding sign is supported are not included in calculating sign area unless such supports, uprights or structure 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 Par. 2A above. (12-105)

B. The area of a freestanding sign designed with more than one sign face is calculated ~~in accordance the following as follows:~~ (12-105)

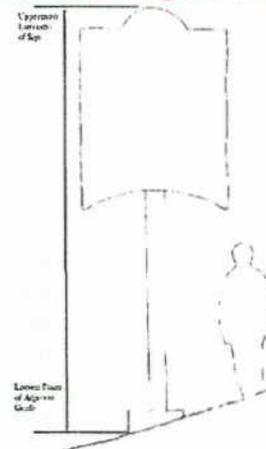
- (1) If the sign faces are separated by an interior angle of 45 degrees or more, all sign faces are calculated in the sign area.
- (2) If the sign faces are separated by an interior angle that is less than 45 degrees, sign area is calculated based on the area of the largest single face.



(3) If the sign faces are parallel to one another, the ~~calculation of sign area is as follows following applies:~~



- (a) The area of the largest single face is used when the interior distance between the faces is 18 inches or less.
- (b) The area of the largest single face and the area of the side or interval between faces is used when the interior distance between the faces is greater than 18 inches.



C. The height of a freestanding sign is calculated as the maximum vertical distance from the uppermost extremity of a sign and/or its support, to the lowest point of the adjacent grade. (12-105)

**12-202 Signs in Residential Districts (elements of 12-200, 12-201 and 12-202)**

The following signs are allowed with approval of a sign permit, as accessory to residential or non-residential land uses in a residential district, ~~including to include~~ public uses as defined in Article 20:

1. In a single family residential subdivision or a multiple family development, a freestanding sign is allowed at each major entrance, not to exceed 30 square feet in area and 8 feet in height. More than one sign may be placed at each major entrance but the total of all signs at a single entrance cannot exceed 30 square feet in area. (12-201.4 and 12-202.4)
2. A rental office for a multiple family development is allowed one building mounted or freestanding sign not to exceed 4 square feet in area and a height of 4 feet. (12-202.5)
3. Agricultural uses on a lot at least 20 acres in size are allowed a total of 60 square feet of sign area. No single sign can exceed 30 square feet in area and a height of 8 feet. (12-103.2. K)
4. 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 entrance, not to exceed 80 square feet in area and 12 feet in height. (12-208.2.G)
5. All other non-residential uses, including public uses as defined in Article 20, are allowed building mounted and freestanding signs in accordance with the following, ~~although~~ However, the BZA, in approving a special permit, or the Board, in approving a rezoning or special exception, may further limit any sign for any land use in furtherance of those provisions set forth in Sections 8-007 and 9-007 of the Ordinance:
  - A. Building mounted signs cannot exceed 50 square feet in total area.

**OPTION 1: Staff Recommendation**

- B. A single freestanding sign not to exceed 40 square feet in area and 8 feet in height. (To be advertised up to 20 feet in height).

~~—OR—~~

**OPTION 2**

- B. Freestanding signs as follows:
  - (1) For properties on a lot containing less than 5 acres, a single freestanding sign, not to exceed 16 square feet in area and 4 feet in height. (To be advertised up to 20 feet in height).

- (2) For properties on a lot containing a minimum of 5 acres but less than 20 acres, a single freestanding sign, not to exceed 32 square feet in area and 6 feet in height. (To be advertised up to 20 feet in height).
- (3) For properties on a lot containing more than 20 acres, a single freestanding sign, not to exceed 40 square feet in area and 8 feet in height. (To be advertised up to 20 feet in height).

**12-203 Performance Standards for Signs in Residential Districts**

1. Building mounted signs must be installed flush against the wall and cannot extend above or beyond the perimeter of the wall or roof of the building to which they are attached. (12-208.2)
2. Freestanding signs cannot be located closer than 5 feet to any property line.

**OPTION 1: Staff Recommendation**

3. Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:
  - A. Only one changeable copy or electronic display sign is allowed per lot. The area of the changeable copy or electronic display cannot exceed more than 50 percent of the maximum allowable area of that freestanding sign.
  - B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.
  - C. The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color. (Similar to provisions found in Sect. 14-902.2.D. for internally illuminated signs)

**OPTION 2**

3. *Changeable copy and electronic display signs are allowed in accordance with the following:*
  - A. *As part of a monument sign, with a maximum height of 6 feet. (To be advertised up to 8 feet in height).*
  - B. *The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.*

- C. The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color. (Similar to provisions found in Sect. 14-902.2.D. for internally illuminated signs)
  - D. *Electronic display signs must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.*
4. Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Part 9 of Article 14. (12-201.3, 12-202.3, and 12-208.2)

#### 12-204 Signs in Commercial and Industrial Districts

The following signs are allowed with approval of a sign permit, as accessory to land uses, including public uses as defined in Article 20, that are located in a commercial district, including the commercial area of a P district and/or commercial uses located in a mixed-use building or development; or in an industrial district, ~~including public uses as defined in Article 20:~~

1. Building mounted signs are allowed as follows:
  - 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 1½ square feet of sign area for the first 100 linear feet of building frontage, plus one square foot of sign area for each additional linear foot of building frontage. However, no single sign may exceed 200 square feet in area. (12-203.8 and modified 12-207.3)
  - B. For buildings with more than a single tenant where each tenant has its own outside entrance(s), signs cannot exceed 1½ square feet of sign area for each linear foot of building frontage occupied by each tenant, except as provided for in Sect. 12-301 below. The maximum sign area for any single tenant cannot exceed 200 square feet.

However, a single tenant, (1) having building frontage that results in an allowable sign area greater than 200 square feet and (2) occupying 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, although the combined sign area on any such wall cannot exceed 1 ½ times the length of the wall. (12-203.9 and modified 12-207.4)
  - C. In addition to sign area allowed in accordance with Par. A or B above, hospitals are allowed a single building mounted sign for each building entrance. No such sign can exceed 50 square feet in area. (12-203.14 & 12-207.13)
2. Freestanding signs are allowed as follows, unless further limited by Par. 3 below:
  - A. In a commercial zoning district, a single tenant may have one freestanding sign up to 80 square feet in area and 20 feet in height, ~~if However, the tenant is not located within or on the same lot as a shopping center (12-205.2), but (1) must be located on a lot that has frontage on a primary highway or on a major thoroughfare and, (2) cannot be located on the same lot as a shopping center. (12-205.2 & 12-203.4)~~

- B. In an industrial zoning district, a single freestanding sign not to exceed 80 square feet in area and 20 feet in height may be erected for each building that has frontage on a major thoroughfare. However, if one tenant occupies a group of separate buildings with frontage on a major thoroughfare, that tenant is allowed only one freestanding sign. (12-207.5 and 12-207.7)
- C. A hospital is allowed a one freestanding sign at each entrance, and no such sign may exceed 80 square feet in area and 12 feet in height. (12-203.14 & 12-207.13)
- D. Shopping centers are allowed one freestanding sign, not to exceed 80 square feet in area and 20 feet in height. If a shopping center has frontage on 2 or more major thoroughfares, however, it may have a second freestanding sign (for a total of 2 freestanding signs). (12-203.10, 12-205.3 & 12-12-206.3)
- E. For office and industrial parks:
  - (1) One freestanding sign is allowed at each major entrance to the office or industrial park, not to exceed 40 square feet in area and a height of 20 feet. (12-203.13.A and 12-207.12.A)
  - (2) One freestanding sign is allowed for each detached building that houses a principal use within an office or industrial park, not to exceed 20 square feet in area for an office park, 30 square feet in area for an industrial park, and 8 feet in height. (12-203.13. B and 12-207.12. B)
- 3. The following regulations apply only to uses located on commercially and industrially zoned land located within a Sign Control Overlay District; where applicable, they are in addition to and supersede, Par. 2 above: (12-204)
  - A. A single tenant or building on a lot may have one freestanding sign if, (1) the lot has frontage on a primary highway or major thoroughfare and, (2) the single tenant or building is not located within or on the same lot as a shopping center. The sign cannot exceed 40 square feet in area and 20 feet in height.
  - B. A shopping center is allowed one freestanding sign not to exceed 40 square feet in area and 20 feet in height.

**12-205 Performance Standards Required for All Signs in Commercial and Industrial Districts**

- 1. 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, except when the sign is (1) erected at a right angle to the wall, (2) does not extend into the minimum required yard, and (3) is not located closer than 2 feet to any street line. (pt. 12-203.1 and 12.207.1, and 12-203.2 and 12.207.2)
- 2. A building mounted sign may be located on the wall of a penthouse or rooftop screening wall, as follows: (pt. 12-203.1 and 12.207.1)
  - A. 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.

- B. The sign cannot be located more than 12 feet above the building roof supporting the penthouse or screening wall.
- 3. Freestanding signs may not project beyond any property line or be located within 5 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 Sect. 2-505 of this Ordinance. (12-203.5 & 12-207.6)

**OPTION 1: Staff Recommendation**

- 4. Changeable copy and electronic display signs are only allowed as part of any freestanding sign, in accordance with the following:
  - A. Only one changeable copy or electronic display sign is permitted per lot. The area of the changeable copy or electronic display cannot exceed more than 50 percent of the maximum allowable area of that freestanding sign.
  - B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.
  - C. The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color. (Similar to provisions found in Sect. 14-902.2.D. for internally illuminated signs)

**OPTION 2**

- 4. *Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:*
  - A. *As part of a monument sign, with a maximum height of 6 feet. (To be advertised up to 8 feet in height).*
  - B. *The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.*
  - C. *The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color. (Similar to provisions found in Sect. 14-902.2.D. for internally illuminated signs)*
  - D. *Electronic display signs must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.*
- 5. Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Part 9 of Article 14. (12-203.6 & 12-207.8)

**12-206 Other Permitted Signs**

1. The following signs are only allowed in a commercial or industrial district, or the commercial area of a P district, in addition to those sign types and amounts allowed in Sect. 12-204 above:
  - A. Service stations or service station/mini-marts are permitted one additional square foot of sign area ~~for to be displayed on~~ each gasoline pump. (12-203.11 & 12-207.10)
  - B. Motor vehicle fuel price signs required by Article 4 of Chapter 10 of The Code. (12-203.12 & 12-207.11).
2. Accessory service uses **permitted** pursuant to Sect. 10-200 **of this Ordinance** are allowed a single building mounted sign not to exceed 15 square feet in area. These signs will be calculated as part of the total allowable building mounted sign area for the building. (12-209, modified)

**Part 3 12-300 SPECIAL APPROVALS**

**12-301 Administrative Comprehensive Sign Plan (12-106.3)**

As an alternative to calculating building frontage in accordance with Par. 1B of Sect. 12-201 above, 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:

1. 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 set forth in Section 18-106.
2. The total area for all signs ~~may not~~ **cannot** exceed the maximum allowable sign area for the building as determined in accordance with Par. 1B of Sect. 12-201 above. The maximum sign area for any single tenant cannot exceed 200 square feet.

However, a single tenant, (1) having building frontage that results in an allowable sign area greater than 200 square feet and (2) the 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, although the combined sign area on any such wall cannot exceed 1 ½ times the length of the wall.

**12-302 Special Permits (12-304, minor edits)**

1. The BZA may grant a special permit to increase the height of a freestanding sign in a neighborhood or community shopping center ~~where, in its opinion, when it determines that the application of~~ this Article would cause a hardship due to issues of topography. However, such freestanding sign cannot extend to a height greater than 26 feet above the elevation of the center line of the nearest street. (12-304)
2. The BZA may grant a special permit to allow additional sign area and/or height, or a different arrangement of sign area distribution for a regional shopping center ~~where, in~~

~~its opinion, 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 cannot exceed 125 percent of the sign area otherwise allowed by the provisions of this Article. (12-304)

3. 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 cannot exceed 125 percent of the sign area otherwise permitted by this Article. (12-304)

**12-303 Special Exceptions (12-305)**

1. In conjunction with the approval of a special exception for a hospital, the Board may approve additional signs for the use in accordance with Sect. 9-308. (12-208.2G)
2. In commercial and industrial districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with Sect. 9-620. (12-305)

**12-304 Uses in P Districts (elements of 12-210)**

The provisions set forth in the preceding Sections apply to signs accessory to uses in P districts. However, in keeping with the intent to allow flexibility in the design of planned developments, the following is applicable to signs in P districts:

1. 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 Sect. 18-109. The comprehensive sign plan will show the location, size, height and extent of all proposed signs within the specified area of the P district.
2. 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 setting forth the names of the record owners of the properties upon which such signs are proposed to be located, and a fee as set forth in Sect. 18-106.
3. Any comprehensive sign plan must be in accordance with the standards for all planned developments as set forth in Part 1 of Article 16. All proposed signs must be in scale and harmonious with the development and so located and sized as to ensure convenience to ~~the visitor, user or occupant~~ users of the development, while not adding to street clutter or otherwise detracting from ~~the planned-unit nature of the development and the purposes of architectural and urban design elements~~ of the development.



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** September 10, 2018

**TO:** Board of Supervisors

**FROM:** <sup>(AH)</sup> Andrew Hushour, Deputy Zoning Administrator, Department of Planning & Zoning (DPZ)

**SUBJECT:** Sign Ordinance Amendment

### Background

Attached is a copy of the current draft of the proposed Sign Ordinance amendment. This version, dated September 2018 replaces the draft copy dated February 2018. This amendment is the first of two phases of the Sign Ordinance amendment, which seeks to rewrite existing provisions in content neutral terms. While there are some substantive changes proposed as part of this amendment, a second phase to include broader policy changes will be undertaken in 2019 as part of the zMod project. The February 2018 draft was presented to the Board of Supervisors Development Process Committee (DPC) meeting on March 13, 2018. Based on the discussion at the DPC meeting, which is presented in summary below, staff continued work on the draft and to outreach with appropriate stakeholder groups – particularly the Fairfax County Park Authority and Fairfax County Public Schools. In addition, staff also proposed transmitting the next draft to the Board for consideration prior to authorization to advertise public hearings, thus the purpose of this Memorandum. Should the Board determine that more discussion is needed, staff can present this latest draft at a future DPC meeting in the fall. However, if the Board is satisfied that many of the issues discussed at the March DPC meeting have been sufficiently addressed, then staff is prepared to bring this draft forward for authorization on October 30, 2018. In addition to the meeting summaries below, a discussion of the substantive changes contained in the draft also follows.

### Input from the March 13, 2018 Development Process Committee Meeting

The discussion at the March 13<sup>th</sup> DPC meeting focused on minor signs, i.e. temporary signs, and their related policies, and the regulation of public uses, particularly public schools and parks. Regarding minor signs, staff explained that a “one size fits all” approach is still the most logical and judicious approach, resulting in all non-residential land uses – including public uses – to be regulated in the same manner. As proposed in the February draft, all non-residential land uses are entitled to a total of 24 square feet of minor signage, with no limit on display duration, and all signs must be building mounted or mounted to a structure such as a fence or existing freestanding sign. Under this proposal in a multiple tenant development, it would be up to the owner of the property to determine which tenants get what amounts of signage as the 24 square feet is assessed on a per lot basis. Several Board members expressed concern as to whether this amount was adequate for larger land uses, such as a shopping center. Beyond the size limitations, the Board offered no objection to other elements of the minor sign approach such as the building or structure mounted requirement or that the sign allotment be on a per lot basis.

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Regarding public uses, the comments offered by the Board related to both permanent and minor sign requirements found in the February draft. Like the minor sign discussion, staff explained that it would present some legal challenges to treat land uses differently; therefore, the February draft continues to regulate public uses the same as any other non-residential land use. At least two Board members opined that in lieu of regulating signs for public uses via the Zoning Ordinance, perhaps it would be better to develop a separate sign policy for all County uses, which would provide a standardized approach to include maximum sizes, design, approval process, etc. This is similar to an approach that staff initially discussed with Board members during one on one meetings on the sign ordinance amendment that were held in the summer of 2017. This approach could provide for a uniform set of sign regulations for public uses but would take regulatory control out of the Zoning Ordinance and from the Zoning Administrator.

#### **Input from the Fairfax County Park Authority & Public Schools**

Staff met with the Park Authority Board on April 5, 2018, and with representatives of the Fairfax County Public Schools on April 9, 2018. Staff also met separately with Park Authority staff throughout the past year, and the agency provided formal comment on the February 2018 draft by way of a Memorandum to Fred Seldon, Director, DPZ, on February 20, 2018 (Attachment 2).

#### **Park Authority**

The Park Authority is predominantly concerned about the proposed regulations for minor signs, which it uses to promote programs and services throughout the calendar year (although summer season events such as camps and concert series make up a significant amount of the minor signs the Park Authority chooses to display). The February draft allowed non-residential uses a maximum of 24 square feet per lot, with no single sign being larger than 12 square feet. A further limitation placed on these minor signs was that they could only be building mounted or attached to an exist accessory structure such as a fence, entrance feature or existing permanent freestanding sign. The Park Authority provided staff with data on some of the different types of minor signs that are currently used. While many of those signs could be accommodated under the February draft provisions, some cannot and in our discussions with the Park Authority representatives, we were asked to consider more sign area for their programs. More critical for the Park Authority is the idea that any minor signage, except for a single A-frame sign, would be required to be building mounted. Much of the minor signage found on park property is largely at the entrances to the facilities where it will attract the most attention. By their nature and design, many of the parks do not contain structures such as buildings in close proximity to the right-of-way, therefore making it impossible to advertise events and offerings without freestanding signs at park entrances.

#### **School Board**

The input received from the school representatives centered on two primary areas of concern: the height of permanent freestanding signs and the placement of additional building mounted signs on school buildings for the purpose of honoring academic or athletic achievements (i.e., "spirit signage," such as a sign honoring a state championship title). Regarding the height of permanent freestanding signs, which is a maximum of 8 feet in the February draft, school representatives prefer that the sign height be allowed up to 20 feet - the same maximum height for non-residential uses when located in a commercial or industrial district. The preference is for both wayfinding

purposes. a taller sign is easier to see, as well as for maintenance concerns, in that a taller height would reduce the potential for incidents of vandalism of the sign face. It is noted that under the current regulations, public uses including schools are exempt from any size limitation but the maximum height of freestanding signs is capped at 6 feet. Staff conducted a review of the existing freestanding signs at all County high schools that we reported on during the March DPC meeting and, again, many of the existing high school signs already exceed the current maximum height of 6 feet and several exceed the 8-foot height limit proposed in the February draft.

Regarding wall mounted signs, this discussion focused on the “spirit signage,” which is predominantly utilized by area high schools, although some middle schools display these messages as well. The February draft allows building mounted signs for all non-residential uses in residential districts, where many of the schools are located and where they are more likely to have adverse land use impacts on residential uses. However, while the proposed amount of 50 square feet seems to be adequate for most uses (to date, staff has not received any negative comment regarding this amount), it would not be enough to cover the additional display area of spirit signage at most schools. While school representatives acknowledged that there was some potential to relocate the spirit signage to building facades that are not visible from a public street, thereby not triggering what constitutes a sign per the proposed draft definition, it would not be possible in some cases. Therefore, the preference would be to have a uniform standard that could be applied equally to all facilities. In addition, it was the strong recommendation of the school representatives that this concern be addressed in order to allow the current practice of displaying spirit signage to continue. The schools view is that the possibility of simply not having the displays, or at least that amount that would be permitted as part of the allotted 50 square feet of building mounted signage, would hinder their programs and mission.

#### **Proposed Changes and Staff Recommendations**

A copy of the revised Sign Ordinance, now dated August 2018, has been included for your review. All changes are shown in **red**, with deleted language shown as ~~striketrough~~ and new language added since the February draft appearing as underscored text. In some cases, staff has provided two different options for the Board to consider and staff’s recommendation is clearly noted. In other instances, advertising instructions can be found at the end of a provision that will allow the Board to consider a range of sizes and or heights for some signs. The summary that follows does not consider every change in the draft and instead focuses on the substantive changes that resulted from meetings and input with Board members and other stakeholders since the March DPC meeting, and offers explanation for those changes.

First, on **Page 4, Par. 6 of Section 12-104**, this section sets forth those displays or actions that are not deemed to be signs and, therefore, do not require any regulation. The revised draft includes two new entries to this list – commemorative citations and seasonal decorations. As proposed, commemorative citations that are non-illuminated and permanently affixed to the façade of any school, college or university would not be regulated, assuming that the display is limited to no more than 10% of the area of the façade on which they are placed. The purpose of this change is to accommodate the “spirit signage” discussed above, which is typically associated with many public schools. However, it is noted that the exemption as proposed could be applied to any school,

college, or university, since the land use impacts between a public vs. private school would not differ for purposes of sign regulation. Limiting this exemption to these particular land uses is justified since these displays are often associated with and largely unique to schools, and not typically found in conjunction with other land uses. Similar provisions exist in the current Ordinance regarding hospitals, in that this particular land use is given additional signage on the basis that it is a unique land use. Staff also included an advertising option to increase the exempted display area up to 25% of the façade, which will give the Board the ability to consider any amount between 10 and 25%. However, staff strongly recommends that the lower threshold be adopted since most school facilities are quite large and staff believes that 10% would be more than adequate.

In addition, staff added a provision exempting temporary seasonal decorations. While this matter was not discussed at the March DPC meeting, it has come up in past discussions with some Board members and other stakeholders. The current Ordinance already exempts seasonal decorations and similar exemptions are found in other recently adopted Zoning Ordinances that staff has reviewed.

**On Page 6, Par. 5 of Section 12-105** sets forth the regulations for minor signs for non-residential land uses. This provision has been the most challenging for staff to date, and the proposed changes reflect the input received by various groups over the past 4 months. When considering any regulation of minor signs, it is good practice to keep in mind that certain principles are interrelated. For example, the maximum size of minor signs will likely inform whether display times are needed, the types of minor signs allowed (building mounted or freestanding), and the total number of minor signs that can be displayed at one time on a lot. In addition, it is noted that any minor signs, which are typically temporary in nature, will be in addition to the permanent signs that a land use is allowed to display on a lot – to include a digital message board as a permanent freestanding sign, which allows a land use to regularly change messages in lieu of using minor/temporary signs. The February draft provisions were straightforward – all non-residential land uses were allowed up to 24 square feet of *building mounted* minor signage. However, based on input from the Board and from the Park Authority, staff is proposing an alternative provision to allow more minor signage for non-residential land uses based on road classification. For a land use located on a lot with frontage on a major thoroughfare, a total of 40 square feet of minor signage is allowed, with a maximum size of 24 square feet for any one sign, to include a single freestanding sign with a maximum height of 4 feet. The larger amount of signage based on road classification allows more signs for land uses in those geographic areas of the County that present less adverse impact on adjacent residential land uses. It would also provide the opportunity for additional signage for most shopping centers as well as certain parks, two land uses identified as needing possibly additional sign area. However, staff strongly notes that the expanded regulation would also apply to a stand-alone land use, such as a restaurant, and that the increased sign area and freestanding provision could have negative visual impacts, especially in special districts such as the revitalization areas. To this end, staff has proposed that only a single freestanding sign could be erected and the maximum height of 4 feet is in keeping with the height proposed for residential yard signs. In addition, for flexibility, staff proposes to advertise a range to allow up to 50 square feet in total area and a maximum freestanding sign height up to 6 feet.

For all other non-residential land uses, i.e. those not located on a major thoroughfare, the previous draft provisions are carried forward – minor signs up to 24 square feet in area are allowed and all signs must be building mounted or mounted to a structure such as a fence or existing freestanding sign. However, staff has added an advertising option to allow a freestanding minor sign for the Board's to consideration.

**On Pages 11 & 12, Par. 5 of Section 12-202 and Par. 3 of Section 12-203**, these provisions contain the two proposed options for regulating permanent freestanding signs for non-residential land uses in a residential zoning district. The specific change is contained in the advertising option for the maximum height of freestanding signs, which would give the Board the authority to consider any height up to 20 feet for most non-residential land uses. While the potential increase in height would address issues raised by some Board members and public school representatives, staff continues to recommend Option 1, with a maximum freestanding sign height of 8 feet. This provision would apply to all non-residential land uses, including public schools - which are currently limited to a maximum freestanding sign height of only 6 feet. Staff's justification for an 8-foot maximum height is based on the potential incompatibility and negative impacts of taller, illuminated signs, including digital message boards, on neighboring residential land uses. In addition, staff also included a new provision to address the potential glare of digital signs that are programmed with a contrasting background color. This change has also been carried over to apply to digital signs in commercial and industrial districts in Sections 12-205, on Page 15. This is similar to existing provisions for internally illuminated signs found in Section 14-902 of the Zoning Ordinance.

Regarding the discussion at the March 13<sup>th</sup> DPC meeting concerning a separate sign policy for all public uses, staff continues to recommend that all non-residential land uses be subject to the minor sign and permanent sign provisions proposed in the draft Sign Ordinance amendment. While there are pros and cons to either option, staff believes that there is no distinct difference in the impact of a sign for a public versus that for the same, private use. Staff acknowledges that this will result in some additional process for public uses but this could be mitigated by way of a formal Memorandum of Understanding between DPZ and other affected agencies. Such an agreement would clearly set up the review process by which DPZ and other County agencies could operate, to include existing non-conforming signs, and thereby help expedite the review of any new signs for public uses under adopted regulations. Furthermore, public uses currently do not pay fees for County permits and no fees would be charged for any required sign permits.

#### **Next Steps**

As stated above, the current draft of the proposed Sign Ordinance dated September 2018 is attached for the Board's review. Should the Board determine that more discussion is needed, staff can present this latest draft at a future DPC meeting. However, if the Board is satisfied that the issues discussed at the March DPC meeting have been sufficiently addressed, then staff is prepared to bring this current draft to the Board of Supervisors on October 30, 2018 for authorization of public hearings before the Planning Commission on December 5, 2018, and the Board on February 5, 2019. In addition, staff will continue to conduct outreach with and consider input from interested stakeholder groups both in advance of the authorization and throughout the public hearing process.

Board of Supervisors  
September 10, 2018  
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Staff will also be meeting with the Planning Commission's Land Use Process Review Committee on September 12, 2018 to discuss the current draft, and will be soon scheduling meetings with the Land Use Aides Committee, Faith Communities in Action and the Park Authority.

If you have specific questions regarding the draft, please feel free to contact me at your convenience.

**Attached Documents**

Attachment 1: September 2018 Draft Sign Ordinance

Attachment 2: Park Authority Memorandum, February 20, 2018

cc: Bryan Hill, County Executive  
Robert Stalzer, Deputy County Executive  
Fred Seldon, Director, Department of Planning & Zoning  
Leslie John, Zoning Administrator  
Elizabeth Teare, County Attorney  
David Stoner, Deputy County Attorney  
Cherie Halyard, Assistant County Attorney



# FAIRFAX COUNTY PARK AUTHORITY

## M E M O R A N D U M

**TO:** Fred Selden, Director, Department of Planning and Zoning

**FROM:** Kirk Kincannon, Executive Director Park Authority

**DATE:** February 20, 2018

**SUBJECT:** Proposed Sign Ordinance Amendment

I am writing to share the Park Authority’s concerns regarding DPZ’s proposed amendment to Article 12 of the Zoning Ordinance, which pertains to signs. The need for an amendment, as I understand it, is to remove content-based regulations from the Zoning Ordinance in response to the decision made by the United States Supreme Court in Reed v. Town of Gilbert. DPZ staff has expanded the scope of the amendment to place additional regulations upon temporary, off-site, and digital signs. The Park Authority’s use of temporary signs may be significantly affected, resulting in negative impacts upon the Park Authority’s operations.

Proposed Article 12-105 sets forth the number and size of temporary signs that may be allowed without a permit. Signs associated with a public facility, such as parks are not included. Proposed Article 12-106 prohibits any signs not expressly permitted. It is unclear whether temporary park signs are prohibited or whether they require a permit. It is also unclear whether, if allowed by permit, there are limitations on their number and size.

The Park Authority employs numerous temporary signs year-round to advertise summer concert series, farmer’s markets, RECenter pass sales, Board of Supervisor events and special events. The types of signs used vary from A-frame signs, stand-alone signs and large banners. The following are some examples of the types and sizes of temporary signs in use by the Park Authority:

SIGN	SIZE	TYPE	DURATION
Summer Concert Series	10’ x 6’	Banner	Entire concert season
RECenter Pass Sales	4’ x 4’	A-frame	6 weeks, 3 times per year
“30 for \$30” promotions	4’ x 4’	A-frame	30 days, 3 times per year
Park Operations Job Openings	4’ x 4’	A-frame	As needed
Special Events	10’ x 6’ 4’ x 4’	Banner A-frame	2-4 weeks, 1-2 times per year per site

All temporary signs are used to promote substantial community events and programs. Limitations or prohibitions on use of these signs would have significant negative impact on the Park Authority revenue generation that is required to offset approximately 60% of our \$80

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August 2, 2018

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million operating budget, which supports the Park Authority's operations. I welcome the opportunity to speak with you and your staff regarding our concerns.

Copy: Aimee Vosper, Chief Business Development  
Sara Baldwin Chief Operations Officer  
David Bowden, Director, Park Planning & Development Division  
Andrea Dorlester, Manager, Park Planning Branch  
Leslie Johnson, Zoning Administrator, DPZ  
Andrew Hushour, Deputy Zoning Administrator, DPZ