



# Sign Amendment



## Presentation and Discussion

- Overview of basis for the amendment
- Focus of current amendment:
  - Rewrite existing regulations in a “content neutral” manner
  - Reorganize regulations into a more user-friendly format
  - Make certain policy changes to the regulations
- Larger policy decisions regarding signs will be considered in a second amendment as a later zMod project

## Why Are We Proposing This Amendment?

- United States Supreme Court decided *Reed v. Town of Gilbert* on June 18, 2015
- Case Facts:
  - Gilbert, AZ sign code required a permit for all signs
  - 23 exceptions to permit requirement, including “political signs,” “ideological signs,” and “temporary directional signs relating to qualifying events”
  - Different treatment of non-commercial signs. Stricter limitations on some signs based on message and/or communicator



3

## Why Are We Proposing This Amendment?

- Supreme Court decided that the Gilbert ordinance was “content-based” and could not survive the strict scrutiny required by the First Amendment *to protect freedom of speech*
- Regulations applied to particular speech because of the topics discussed and/or expressed on the sign itself – thereby regulating some kinds of speech and not others

## Examples of Content-based Regulation – “Need to Read”



“Freestanding signs are permitted for an industrial use, up to 32 square feet in size with a maximum height of 6 feet in height, and can only include the name and/or logo of the place of business.”



“Permanent off-site directional signs are permitted, up to 12 square feet in size with a maximum height of 4 feet but only for a place of worship. Such sign can include the name of the place of worship and an arrow directing the public in the general direction of the use.”

## What Can We Regulate?

- The majority and concurring opinions included discussion of those sign characteristics that could be regulated by government
  - Majority opinion: size, materials, moving parts, portability and lighting, but unclear about commercial vs. non-commercial speech and on-site vs. off-site signs
  - Concurring opinion: location, freestanding vs. attached, fixed vs. changing electronic display, commercial vs. residential, total number of signs allowed, time restrictions on advertising events, governmental signs, lighting and on-site vs. off-site signs

## How Does Fairfax County's Ordinance Fare?

- Fairfax County's sign ordinance needs to be amended to respond to the Gilbert decision
- Existing ordinance regulates and/or classifies certain sign types based, in whole or in part, on the message
- Primary areas of concern include prohibited signs, exempt signs, and broad sign categories

## Example from Current/Proposed Text (Par. 13.B. of Section 12-203)

Current text:

*"One (1) freestanding building identification sign may be permitted for each detached building which houses a principal use within an office park. **Such sign(s) shall be limited to identifying the name of the building and/or the individual enterprises located therein, the address, trademark or identifying symbol or any combination thereof.** No such sign shall exceed twenty (20) square feet in area or eight (8) feet in height or be located closer than ten (10) feet to any lot line."*

Proposed text:

*"One (1) freestanding sign, up to twenty (20) square feet in area and eight (8) feet in height, may be permitted for each detached building which houses a principal use within an office park. Such sign cannot be located closer than ten (10) feet to any lot line."*

## Proposed Amendment

- Size and type of permanent signs generally remains the same for uses in most zoning districts – “keeping everyone whole”
- Format is more user friendly – easier to understand and includes definition, graphics
- Some areas that we could not ignore making substantive changes:
  - temporary signs
  - digital sign provisions
  - off-site and directional signs
  - residential signs

## Issues Related to Temporary Signs

- Current regulations do not generally allow any temporary signage for **non-residential uses** in any zoning district
- Ordinance can no longer expressly regulate campaign or other *non-commercial signs*, in any zoning district



Are there some temporary signs we should allow in residential areas on an *unlimited* basis?



Concept of smaller yard signs, from 2 to 6 square feet, on a permanent basis

## Consideration of Electronic Display Signs

- Currently no explicit regulations
- To allow digital display boards, must consider size, height, location and illumination standards of permitted sign types



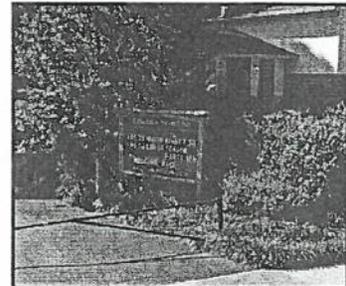
## Consideration of Off-site Signs

- Difficult area to offer potential alternatives – fully embrace concept for any land use or prohibit.
- Can no longer limit content to allow for particular land uses and/or activities.



## Issue Related to Signs in Residential Districts

- We can no longer require different standards for different land uses.
- What is the "right" amount of signage that provides flexibility for the use while not negatively impact surrounding areas



## Next Steps

- Finalize the draft Ordinance
- Board of Supervisors Authorization in May 2018
- Planning Commission Public Hearing(s) in May/June 2018
- Board of Supervisors Public Hearing in July 2018
- Continuation of outreach effort throughout the public process

