

PUBLIC HEARING AGENDA REQUEST

Sponsor:

Terrence L. Nyhous, Center District
Supervisor

Planning Commission Meeting Date:

March 31, 2011

Staff Lead:

Andrew B. Hushour,
Assistant Zoning Administrator

Department:

Community Development

Topic:

A Zoning Ordinance Text Amendment to Article 8, Signs, of the Fauquier County Zoning Ordinance

Topic Description:

The proposed text amendment seeks to amend and revise Article 8, Signs, of the Fauquier County Zoning Ordinance in its entirety.

Requested Action of the Planning Commission:

Conduct a public hearing and make a recommendation to the Board of Supervisors.

Financial Impact Analysis:

No financial impact analysis has been conducted.

Staff Report:

Background

Over the past several years, an increasing number of individuals and businesses have raised concerns about perceived limitations and inconsistencies in the existing sign regulations contained in Article 8 of the Zoning Ordinance. The issues raised to staff have been very broad in nature, ranging from topics such as the amount, type and location of signage allowed in a given zoning district, to clarification regarding the existing regulations for items such as temporary signs and political signs. In response to these issues during the last several years, the Fauquier County Board of Supervisors has approved several text amendments to modify the existing regulations under specific circumstances.

Staff is in agreement that the existing Ordinance regulations regarding signs would benefit from an update since the current regulations were generally adopted in 1981, with certain portions dating back to the 1970's. The organization of the provisions does not lend itself to

easy understanding or interpretation, in part because of the patchwork of changes that have occurred over the years. Also, as with any business industry, recent innovations and trends in sign design have seen the proliferation of digital media displays, such as the use of light emitting diodes (LED) signs, and more frequent use of outdoor advertising on large vehicles that are parked in commercial areas or in public rights-of-way. The business community as well as staff and the broader community would all benefit from clearer and more explicit provisions addressing these newer technologies. Finally, it is noted that signs consume significant staff resources from an enforcement perspective, in part because of confusion about requirements and limitations.

One of the stated goals of the Fauquier County Comprehensive Plan is to sustain and enhance the quality of life of its citizens. As a means to this end, County policies and regulations should encourage a high quality of life through design standards that are sensitive to existing development scale, culture and natural environments. Accordingly, one of the ten policy and action strategies identified in Chapter 11, Community Design Guidelines, is to promote various design elements, such as signage, that complement the scale and character of existing and planned development in the County. Another stated goal of the Plan is to encourage economic development which will result in a net tax benefit, create needed job opportunities, and support other adopted goals. In the context of a discussion on signage, it would appear that these goals are in disagreement. However, staff believes that an ordinance can be drafted in which these goals are mutually compatible.

Process

For all of these reasons, the Board of Supervisors passed a resolution on September 11, 2008, authorizing an amendment to Article 8 in its entirety. Staff was assigned the task of evaluating all aspects of signage and proposing new text language accordingly. This process required multiple steps including a comparative study of similar ordinances used in other jurisdictions, both in Virginia and nationwide, discussions with Board members regarding their respective thoughts and positions on the topic, soliciting input from interested groups and sign industry professionals in Fauquier County, and the forming of an advisory committee to review and refine the staff draft.

The first step in the process was for staff to examine what other local governments are doing in terms of regulating signage. Staff reviewed ordinances from multiple jurisdictions throughout Virginia, as well as others nationwide, and studied various studies and model ordinances provided by the American Planning Association (APA). In particular, staff did a comparative study of the current Fauquier County Sign Ordinance with that of seven neighboring jurisdictions including Culpeper, Fairfax, Loudoun and Prince William Counties and the Town of Warrenton. All of this information was taken, along with institutional knowledge provided by Community Development staff members, and staff developed four key topic areas for discussion:

1. The type and amounts of allowable signage, for both the rural/residential districts and the commercial districts.

2. The height of ground signage.
3. Design characteristics and illumination of signage.
4. Temporary signage, including the types allowed and the permitted length of display.

Among these four key topic areas, staff created sets of discussion points that put into place the framework of a new sign ordinance based on staff's review period to date. These discussion points included some specific options and recommendations as to what could be included in the new document. Staff presented this information to the individual members of the Board of Supervisors throughout 2009 to seek further guidance in shaping the policy issue of signage before commencing actual work on the draft document itself. In addition, during this period, staff met with the Fauquier County Chamber of Commerce and the Southern Fauquier Business Owners' Association to introduce the amendment process to the business community and to formally request its input as part of an advisory committee that would be formed to review the draft document prepared by staff.

Once staff completed its review period, the first draft of the new sign ordinance was completed in late 2009. The sign advisory committee was formed and included 12 representatives from the real estate, business, and sign industries, as well as participation from the Fauquier County Business Advisory Committee, the Vint Hill Economic Development Authority and the Fauquier County Economic Development Department. The committee started reviewing the draft document in January 2010 and met every two weeks through July 2010 until the draft review was completed. This first draft was presented to the Planning Commission during a special work session on September 1, 2010, and the Commission held its first public hearing on September 30, 2010. Since that time, the Planning Commission has reviewed the document during its regularly scheduled work sessions from October 2010 through January 2011. In addition, several special work sessions were also held during this period. A work session and second public hearing were held on February 24, 2011. The third draft presented herein in Attachments 1 & 2, dated March 24, 2011, includes those changes based on the Planning Commission's review of the document since February 24, 2011.

Proposal

The newly revised, third draft of the sign ordinance is included as Attachment 1 and Appendix D has been included as Attachment 2. As previously stated in the February 24, 2011 staff report, because the original staff draft from 2009 was completely reorganized and rewritten for clarity—in addition to substantive changes—the entire ordinance remains, effectively, new. These organizational changes and non-substantive changes were not highlighted in the original draft document because every word would be so marked. Instead, substantive changes between the existing regulations and proposed draft regulations were denoted by comments along the margin, which detailed the changes. In addition, any changes to the first draft that occurred during the advisory committee review were shown in blue underscore and ~~strike through~~. Likewise, those changes recommended by the Planning Commission in the second draft document were shown in green underscore and ~~strikethrough~~. However, in this third

draft, the color coding, underscoring, and ~~striketrough~~ features have been removed for easier reading. In addition, the text is presented in an expanded, 11 x 17 print format, with new, full size annotations detailing all substantive changes located to the right of the draft text.

While a detailed description of the draft sign ordinance is again provided in the annotated comments within the document itself, a brief overview of the substantial changes made by the Planning Commission for this third draft is discussed as follows, in order by Part and Section, as it is organized in the document itself. Please note that these only represent the major differences between the second and third drafts, and that there are other minor changes that can be found throughout the document.

Part 1, Section 8-100, Statement of Intent

The statement of intent was expanded to add more commentary on the purpose, application, and impact of signage in a particular community.

Part 3, Section 8-300, Definitions

There were two significant changes in the definition section. First, the term “back-lit illumination” was changed to “reverse-lit illumination.” This was done in order to avoid confusion between the terms “back-lit illumination” and “internal illumination.” Second, the definition for a vehicle sign was also clarified so that a vehicle, trailer or semitrailer could contain a small amount of signage without being considered a “vehicle sign.”

Part 5, Section 8-500, Prohibited Signs and Sign Elements

It is noted that the proposed provisions regarding vehicle signs remains one of the primary points of discussion in the amendment process. As proposed in the first draft, the provisions regarding vehicle signs sought to place limitations on the parking of vehicle signs within a front yard area in certain circumstances, thus prohibiting such vehicles from being parked for solely advertising purposes in highly visible locations. The Planning Commission expanded on the original premise but sought to focus more specifically on the issue at hand. Therefore, the second draft included three separate provisions for the types of vehicle signs that were actually allowed. First, vehicle signs can be parked at any location to actively receive or provide goods or services, such as to load or unload goods, provide on-site services, etc. Second, the Planning Commission added specific language stating that vehicle signs can be parked at their place of business but only within a side or rear yard. Lastly, a provision was added clarifying that an individual parking a company vehicle at their residence would be permitted, subject to those provisions for commercial vehicles as an accessory use that *already exist* in Article 6 of the Ordinance.

The language proposed by the Planning Commission in the third draft further relaxes the vehicle sign provisions by removing the side and rear yard parking limitation for vehicles parked at their place of business. Under the new draft language, vehicles containing signage can be parked anywhere at their place of business, as long as they are in a designated parking space. It should be noted however, that this only applies to actual vehicles and not to trailers or

semitrailers.

Part 6, Permitted Signs

The only change to the regulating provisions is with the freestanding sign provisions for all non-residential uses located within a service district. In the Planning Commission's second draft, the by-right height for freestanding signs within a service district was set at 20 feet, whereas the first draft proposed by staff and the advisory committee had reduced the height down to 15 feet for agriculture and institutional uses that may be located within commercial and industrial districts. However, in this third draft, the Planning Commission had reduced this by-right again to 16 feet. This applies to not only agricultural and institutional uses but to all non-residential, i.e. commercial and industrial, uses located within a service district as well. Furthermore, the height for the first bonus provision for freestanding signs has also been reduced accordingly, from 15 feet to 12 feet; the height for the second bonus provision for a monument style sign was retained at 8 feet.

In addition, the bonus square footage for both freestanding sign bonuses for uses within a service district has also been reduced by half. In the second draft, a reduction in freestanding sign height to 15 feet resulted in a gain of 10 square feet of sign area. Likewise, a reduction of freestanding sign height to an 8 foot monument sign, meeting the provisions of Appendix D, resulted in an additional gain of 20 square feet of sign area. These amounts have been reduced in the third draft to account for the scaling issues presented by the overall reduction in height. So the first bonus of reducing freestanding sign height from 16 to 12 feet will result in an additional 5 square feet of sign area, for a total of 45 square feet. If height is further reduced to 8 feet and the sign is designed as a monument style sign in accordance with the provisions found in Appendix D, then an additional 10 square feet of sign area is given for a total of 50 square feet.

Lastly, it is noted that the bonus provision that allowed the use of neon for commercial and industrial uses within a service district has been removed from the third draft. This was based on the Planning Commission's decision that this would not be an appropriate style of sign to introduce into Fauquier County on a more by-right basis.

Identify any other Departments, Organizations or Individuals that would be affected by this request:

Fauquier County Citizens
Fauquier County Business Owners
Department of Economic Development
Department of Community Development
Virginia Department of Transportation

Attachments:

1. Proposed Text Amendment – Article 8, Signs
2. Appendix D