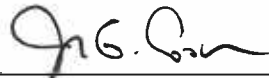


**ADOPTION OF AN AMENDMENT TO CHAPTER 112.2 (ZONING) OF THE 1976
CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, November 21, 2023, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112.2 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following:

GIVEN under my hand this 21st day of November, 2023.



Jill G. Cooper
Clerk for the Board of Supervisors

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA:**

Amend Chapter 112.2 (Zoning Ordinance), as follows:

INSTRUCTION: The following subsections were revised to read as follows:

ARTICLE 7 – SIGNS

7100. General Provisions

2. Applicability

...

- B.** These regulations do not regulate or restrict signs by content. However, some signs, such as off-premise signs and warning signs, have a targeted function that makes their regulation impossible without referring to the function. In these limited instances, the governmental interest is compelling enough to warrant their description and regulation, and whenever a sign is described in a manner that refers to function, this Article is intended to be neutral with respect to the content of the speech.

...

3. Administrative Provisions

A. General Standards

- (1) Except where otherwise noted in this Article, no sign may be constructed, erected, altered, refaced, relocated, or expanded without a sign permit.
- (2) The application for a sign permit must include all pertinent information required by the Zoning Administrator to ensure compliance with this Ordinance, and must be accompanied by the filing fee set forth in Section 8102.
- (3) All signs must comply with this Article, the structural requirements in the USBC, Chapter 61 of the County Code, and all other applicable standards in this Ordinance.
- (4) A sign permit expires 12 months after the date of issuance if all necessary final inspection(s) are not approved.
- (5) A sign permit is not required to change the message on an allowed sign specifically designed for replaceable copy, including changeable copy signs and electronic display signs in accordance with subsection 7101.1.A.
- (6) The following are not considered signs:
 - (a) Flags, subject to subsection 4102.7.A(16).
 - (b) Temporary, seasonal decorations.
 - (c) Scoreboards located at any school, college, or university, or a property owned by the Fairfax County Park Authority.

B. Sign Permit Not Required

The following do not require a sign permit and are not counted toward maximum allowed sign area:

- (1) The display of address numbers as required by the County Code, and building entrance numbers or letters. The address and building identification may not exceed a total of four square feet in area. When displayed on a residential building, any numbering must be mounted flush against the building.

- (2) Signs not exceeding a total of four square feet in area warning the public against hunting, fishing, swimming, trespassing, dangerous animals, the location of utilities, or other similar risks, or a warning of prohibited activity such as no parking or loading in a specified area.
- (3) Signs located on the outer surfaces of a temporary portable storage container.
- (4) Vehicle signs, when the vehicle is operable and is parked at its associated place of business within a designated parking space.
- (5) Lettering or numbers permanently attached to or painted on the façade of a building of any school, college, or university; such displays are limited to no more than ten percent of the area of the façade on which they are placed and cannot be illuminated.
- (6) Signs, erected by a public agency or appropriate organization in partnership with the Board, located within or in proximity to the Commercial Revitalization District boundaries or mixed use areas as identified in the Comprehensive Plan. Such signs are subject to approval by the Board and all applicable outdoor advertising provisions of the Code of Virginia.
- (7) Signs located in or immediately adjacent to a reserved parking space.

C. Sign Condition, Safety, and Abandonment

- (1) All signs and their components must be maintained in good repair and in safe condition. Painting, cleaning, and other routine maintenance and repair of a sign or sign structure does not require a sign permit.
- (2) The Building Official or designated agent may require or cause the immediate removal or repair, without written notice, of any sign determined to be unsafe or that otherwise poses an immediate threat to the safety of the public. If action by the County is necessary to render a sign safe, the cost of removal or repair will be at the expense of the property owner or lessee as provided in Chapter 61 of the County Code.
- (3) Except as provided in subsections 7100.4 and 7100.6 below, if a property becomes vacant and is unoccupied for a continuous period of two years, any sign on that property is deemed abandoned and must be removed. If the owner fails to remove the sign, the Zoning Administrator may give the owner 15 days written notice to remove it, after which the Zoning Administrator may initiate action to gain compliance.

4. Minor Signs

Unless otherwise stated, the following minor signs are allowed without a sign permit and may not be illuminated:

- A. Signs posted by or under the direction of any public or court officer in the performance of official duties, or by trustees under deeds of trust, deeds of assignment, or other similar instruments. These signs must be removed no later than ten days after the last day of the period for which they are displayed.
- B. Signs that are displayed on a lot or property that is actively marketed for sale, rent, or lease, as follows:
 - (1) A single building-mounted or freestanding sign is allowed, except that two signs are permitted on a corner lot when each sign faces a different street frontage. Such sign(s) must be removed within seven days of the settlement, rental, or lease of the property.
 - (2) The maximum size and height of the sign is limited based on the existing or planned development type as follows:
 - (a) Single-family dwelling: six square feet in area or a height of six feet.
 - (b) Multifamily dwelling: 12 square feet in area or a height of eight feet.

- (c) Nonresidential use or a residential property with 20 or more acres: 32 square feet in area or a height of eight feet.
- C. For a new nonresidential development, or for a new residential development containing a minimum of three dwelling units on contiguous lots, during active construction, one sign is allowed, not to exceed 60 square feet in area and a height of ten feet. For such new developments located on multiple road frontages, one additional sign per street frontage is allowed, limited to 32 square feet in area and a height of eight feet. No sign may be located closer than five feet to any lot line. All signs must be removed within 14 days following completion of the construction of the development, as determined by the Zoning Administrator, and no sign may be displayed for more than two years from the date of the issuance of the first building permit for the development. If construction has not been completed within this timeframe and building permits are active for the development, a sign permit is required to allow the continued display of any sign.
- D. For an individual single-family dwelling unit undergoing construction, improvement, or renovation, one sign, not to exceed four square feet in area or a height of four feet is allowed. No sign can be displayed before commencement of the improvement or renovation work, and the sign must be removed within seven days after the improvement or renovation is completed, or within six months from start of display, whichever is less.
 - (1) For the purpose of this subsection, commencement of the improvement or renovation work includes the following:
 - (a) Clearing, grading, or excavation work to prepare the site for construction;
 - (b) Active demolition of structures or features internal to the dwelling as part of a renovation project;
 - (c) Delivery and staging of materials or equipment on-site, including both interior and exterior staging; or
 - (d) Any other similar activity involving active engagement in improvements on the property.
- E. Yard signs on any lot developed with a residential use cannot exceed 12 square feet in total area, with no single sign exceeding four square feet in area or a height of four feet.
- F. For nonresidential uses, minor signs are permitted as follows:
 - (1) For nonresidential uses located on a lot with frontage on a major thoroughfare, building-mounted and freestanding minor signs are allowed, not to exceed 32 square feet in total sign area per lot. If freestanding, no more than two such signs are allowed per lot with a maximum height of four feet.
 - (2) For all other nonresidential uses, building-mounted and freestanding minor signs are allowed, not to exceed 24 square feet in total area per lot. If freestanding, no more than two such signs are allowed per lot with a maximum height of four feet.
- G. Window signs for any nonresidential use are allowed, subject to the following standards:
 - (1) The total area of all signs may not cover more than 30 percent of the total area of the window in which the signs are located. To calculate the 30 percent area, a window with multiple panes or panels is considered to be one window, and the overall area includes the multiple panes.
 - (2) Illuminated or electronic window signs are allowed as follows:
 - (a) One illuminated or electronic window sign is allowed per establishment, up to four square feet in area. This sign is included in the 30 percent area limitation calculated in (1) above;
 - (b) Signs must be static and may not include any moving images or content; and
 - (c) Signs may be illuminated only during hours of operation of the establishment.

- H. For nonresidential uses, a single A-frame sign not to exceed 16 square feet in area per side and four feet in height is allowed. Such sign must be located within 25 feet of a building or designated site entrance that provides access to the use and may not impede pedestrian or vehicular traffic.

5. Prohibited Signs

The following signs are prohibited in all zoning districts and areas of the County.

A. General Prohibitions

- (1) Any sign not expressly permitted in this Article.
- (2) Any sign that violates any provision of any County, state, or federal law or regulation.
- (3) Any sign that violates any provision of Chapter 61 of the County Code and the USBC.

B. Prohibitions Based on Materials or Design

- (1) Any sign that does not meet the performance standards for outdoor lighting set forth in Section 5109.
- (2) A moving or windblown sign, not including changeable copy or electronic display sign, the hands of a clock, or a weathervane.
- (3) Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, or that is not in accordance with subsection 7101.1.

C. Prohibitions Based on Location

- (1) Any off-premise commercial sign when displayed 12:01 PM Monday through 11:59 AM Friday. At all other times, an off-premise commercial sign is only allowed for display when it conforms to the provisions of subsection 7100.4.E.
- (2) Roof signs, except for signs located on a penthouse or screening wall, as provided for in subsection 7101.3.B below.
- (3) Any sign that obstructs a window, door, fire escape, stairway, ladder, opening, or access intended for light, air, ingress to, or egress from, a building.
- (4) Any sign located on a corner lot that is in violation of the sight distance requirements of subsection 5100.2.D(4)(c).
- (5) Any sign that is found to be in violation of the USBC with respect to minimum clearance.
- (6) Any sign that, due to its location, size, shape, or color, may obstruct, impair, interfere with the view of, or be confused with, any traffic control sign, signal, or device erected by a public authority or where it may interfere with, mislead, or confuse traffic. Such signs are subject to immediate removal and disposal by an authorized County official as a nuisance.

7. Sign Measurement

A. Calculation of Sign Area

(1) Building-Mounted Sign Area

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

Figure 7100.2: Measuring Building-Mounted Sign Area



- (b) The area of building-mounted signs composed of individual letters or symbols is calculated by using one of the following methods:
1. If the space between the proposed individual letters or symbols is less in dimension than the width of the largest letter or symbol, sign area is calculated in accordance with subsection 7100.7.A(2)(a) above.
 2. If the space between the proposed individual letters or symbols is greater than the width of the largest letter or symbol, sign area is calculated as the total combined area of rectangular enclosures surrounding each individual letter or symbol.

(2) Freestanding Sign Area

(a) Generally

The supports, uprights, or structure on which any freestanding sign is supported are not included in calculating sign area unless they form an integral background of the display, as determined by the Zoning Administrator; however, when a sign is placed on a fence, wall, or other similar structure that is designed to serve a separate purpose other than to support the sign, the area of such structure is not included in the sign area. In such cases, the sign area is calculated in accordance with subsection 7100.7.A(2)(a) above.

(b) Multi-Faced Signs

The area of a freestanding sign designed with more than one sign face is calculated as follows:

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

Figure 7100.3: Measuring Multi-faced Sign Angle

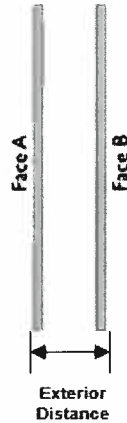


3. If the sign faces are parallel to one another, the following applies:

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

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

Figure 7100.4: Measuring Parallel Sign Face Area

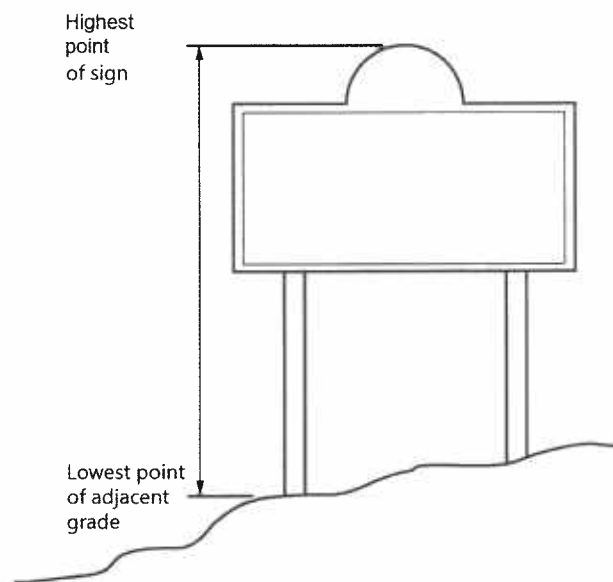


B. Calculation of Sign Height for Freestanding Signs

The height of a freestanding sign is calculated as the maximum vertical distance from the highest point of the freestanding sign, to the lowest point of the adjacent grade.

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

Figure 7100.5: Measuring Height of Freestanding Signs



7101. Sign Regulations by Use and District

1. Standards Applicable to Signs in All Districts

A. Changeable Copy and Electronic Display Signs

Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:

- (1) Only one changeable copy or electronic display sign is allowed per lot. The area of the changeable copy or electronic display may not exceed more than 50 percent of the maximum allowable area of that freestanding sign.

Examples:

1. *If the maximum allowed sign area = 80 square feet, then the maximum allowed electronic display area = 40 square feet. If the actual sign on the property is \leq 40 square feet, the entire sign area could be electronic display.*
2. *If the maximum allowed sign area = 40 square feet, then the maximum allowed electronic display area = 20 square feet. If the actual sign on the property is \leq 20 square feet, the entire sign area could be electronic display.*

- (2) The message or copy of an electronic display sign may not move or change more frequently than once every eight seconds. The change of message or copy must be instantaneous without rolling, fading, or otherwise giving the illusion of movement, nor flash or vary in brightness.
- (3) The background of the sign face of an electronic display sign may not be white, off-white, gray or yellow in color.
- (4) Electronic display signs must include a photocell to control brightness and automatically dim at sunset to the following nighttime levels:
 - (a) Residential Districts (excluding residential areas of Planned Districts): 100 nits; and
 - (b) Planned, Commercial, and Industrial Districts: 300 nits. However, if the sign is located within 150 feet of any property developed with a single-family dwelling, it may not exceed 100 nits unless the applicant can demonstrate to the satisfaction of the Zoning Administrator that the electronic display is not visible from any such dwelling. The Board may approve an increase in nits in accordance with subsection 7102.1.E.
- (5) The sign specifications, including programmed nit levels, must be submitted with electronic display sign permit applications.

B. Sign Illumination

Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Section 5109.

C. Associated Service Uses

Each associated service use permitted in accordance with Article 4 of this Ordinance is allowed a single building-mounted sign not to exceed 15 square feet in area, which is calculated as part of the total allowable building-mounted sign area for the building.

2. Signs in Residential Districts

A. Signs Allowed in R Districts

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

- (1) In a single-family residential subdivision or for a stacked townhouse development, a freestanding sign is allowed at each major vehicular entrance, not to exceed 30 square feet in area or eight feet in height. More than one sign may be placed at each major vehicular entrance, but the total of all signs at a single vehicular entrance cannot exceed 30 square feet in area. These signs must be subject to an agreement, located within an easement recorded for signage purposes, or on common area located at the vehicular entrance.
- (2) A multifamily development is limited to one of the following:
 - (a) One freestanding sign per building, not to exceed 30 square feet in area or eight feet in height;
 - (b) A freestanding sign at each major vehicular entrance, not to exceed 30 square feet in area or eight feet in height. More than one sign may be placed at each major vehicular entrance, but the total of all signs at a single vehicular entrance cannot exceed 30 square feet in area; or
 - (c) 50 square feet of building-mounted signage.
- (3) A rental office for a stacked townhouse or multifamily development is allowed one building-mounted or freestanding sign not to exceed four square feet in area; a freestanding sign is limited to a height of four feet.
- (4) A mixed-used building that includes ground-floor nonresidential uses may have building-mounted signage that is permitted for the nonresidential use as provided in subsection 7101.3; however, only one freestanding sign not to exceed 30 square feet in area or eight feet in height is allowed for the building.
- (5) Agricultural operations are allowed a total of 60 square feet of sign area. No single sign can exceed 30 square feet in area, and freestanding signs are limited to a height of eight feet.
- (6) Hospitals, as follows:
 - (a) A single building-mounted sign for each building entrance, not to exceed 50 square feet in area.
 - (b) A single freestanding sign at each vehicular entrance, not to exceed 80 square feet in area or 12 feet in height.
 - (c) In conjunction with approval of a special exception, the Board may approve additional signs for the use in accordance with subsection 4102.4.R(8).
- (7) All other nonresidential uses, including public uses, congregate living facilities, religious group living, and residence halls, are allowed building-mounted and freestanding signs in accordance with the following:
 - (a) Building-mounted signs may not exceed 50 square feet in total area per lot.
 - (b) A single freestanding sign may not exceed 40 square feet in area or eight feet in height.
- (8) The Board, in approving a rezoning, PRC plan, or special exception, or the BZA, in approving a special permit, may further limit the size, location, height, type, and duration of any sign for the land uses in subsections (3), (4), and (5).

B. Performance Standards for Signs in Residential Districts

(1) Building-Mounted Signs

Building-mounted signs must be installed flush against the wall and may not extend above or beyond the perimeter of the wall or roof of the building to which they are attached.

(2) Freestanding Signs

Freestanding signs may not be located closer than five feet to any property line. When located on a corner lot, a freestanding sign is subject to the sight distance requirements of subsection 5100.2.D(4)(c).

2. Signs in Commercial and Industrial Districts

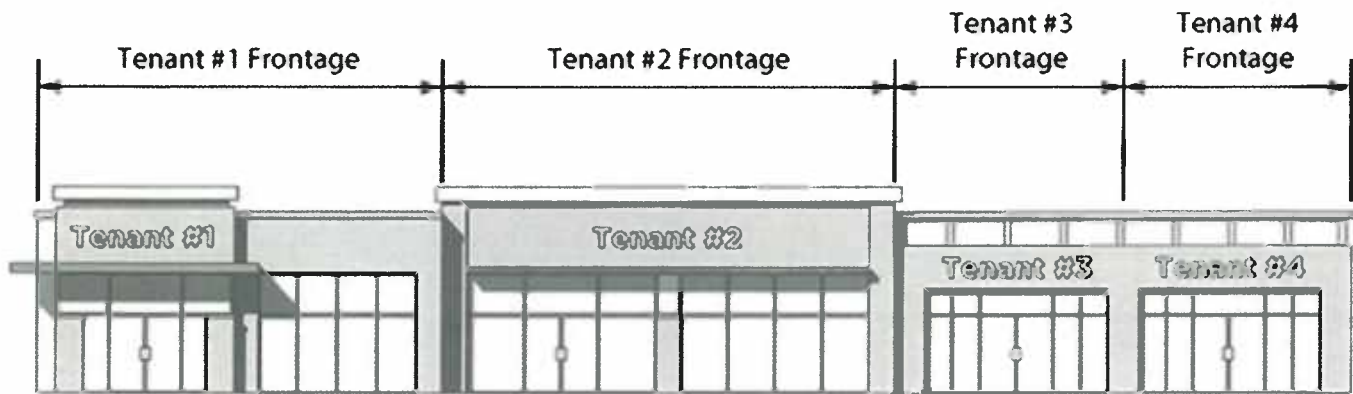
A. Signs Allowed in Commercial and Industrial Districts

The following signs are allowed with approval of a sign permit within a commercial district, including the commercial area of a P district or nonresidential uses located in a mixed-use building or development; or within an industrial district:

(1) Building-Mounted Signs

- (a)** Signs are limited to one and one-half square feet of sign area for each linear foot of building frontage. No single sign may exceed 200 square feet in area.
- (b)** In addition to sign area allowed in accordance with subsections (a); and (b) above, hospitals are allowed a single building-mounted sign for each building entrance. No such sign may exceed 50 square feet in area.
- (c) Building Frontage**
 - 1.** Building frontage is the linear width of the wall taken at a height no greater than ten feet above grade.
 - 2.** On buildings with a single tenant or with multiple tenants that access the building through a common outside entrance, building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.
 - 3.** On buildings with more than a single tenant where each tenant has its own outside entrance, building frontage for each tenant is the wall that contains that tenant's main public entrance, as determined by the Zoning Administrator.
 - 4.** On buildings that include both a common outside entrance and tenants with individual outside entrances, the building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.
 - 5.** For the purpose of these provisions, buildings that are located on the same property are considered separate buildings if they have separate posted addresses and do not include any internal connections. Each building is allotted its own sign area based on the linear feet of building frontage associated with its main public entrance.

Figure 7100.1: Multi-Tenant Sign Frontages



(2) Freestanding Signs

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

- (a) In a commercial or industrial district, a single freestanding sign not to exceed 80 square feet in area or 20 feet in height may be erected for each building that has frontage on a major thoroughfare.
- (b) Shopping centers are allowed one freestanding sign, not to exceed 80 square feet in area or 20 feet in height. If a shopping center has frontage on two or more major thoroughfares, then the shopping center may have a maximum of two freestanding signs; however, these two signs may not be located on the same major thoroughfare.
- (c) For office and industrial complexes:
 1. One freestanding sign is allowed at each major entrance to an office or industrial complex that is planned, designed, constructed, and managed on an integrated and coordinated basis, not to exceed 40 square feet in area or 20 feet in height.
 2. One freestanding sign is allowed for each detached building that houses a principal use within an office or industrial complex, not to exceed 30 square feet or eight feet in height.
- (d) A hospital is allowed one freestanding sign at each entrance, but no such sign may exceed 80 square feet in area or 12 feet in height.

(3) Within a Sign Control Overlay District

The following regulations apply to uses located on commercially and industrially zoned land located within a Sign Control Overlay District; where applicable, these regulations supersede subsection 7101.3.A(2) above:

- (a) A single tenant or building on a lot may have one freestanding sign if the lot has frontage on a major thoroughfare and the single tenant or building is not located on the same lot as a shopping center. The sign may not exceed 40 square feet in area or 20 feet in height.
- (b) A shopping center is allowed one freestanding sign not to exceed 40 square feet in area or 20 feet in height.

(4) Signs Related to Vehicle Fueling Stations

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

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

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

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

B. Performance Standards for Signs in Commercial and Industrial Districts

(1) Building-Mounted Signs

- (a) Building-mounted signs may be located anywhere on the surface of a wall, but no part of the sign may extend above or beyond the perimeter of a wall. When the sign is erected at a right angle to the wall, it must not extend into the minimum setback, and must not be located closer than two feet to any street line.
- (b) A building-mounted sign may be located on the wall of a penthouse or rooftop screening wall, as follows:
 1. The sign must be mounted flat against the wall, and no part of the sign can extend above or beyond the perimeter of the wall.
 2. The sign cannot be located more than 12 feet above the building roof supporting the penthouse or screening wall.

(2) Freestanding Signs

Freestanding signs may not project beyond any property line or be located within five feet of the curb of a service drive, travel lane, or adjoining street. When located on a corner lot, a freestanding sign is subject to the sight distance requirements of subsection 5100.2.D(4)(c).

7102. Special Exception for Sign Modifications

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

1. The Board may approve a special exception for a modification of sign regulations for:
 - A. Any property in a P District; or
 - B. A property in a C or I district that is developed or approved for development with the following:
 - (1) An individual building, group of buildings, office or industrial complex, or a shopping center with a minimum gross floor area of 30,000 square feet; or
 - (2) Any development where the applicant demonstrates that there are unusual circumstances or conditions in terms of location, topography, size, or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.

Modifications that may be approved with a special exception:

- C. Modifications are limited to the following:
 - (1) Any limitation set forth in subsection 7101.2 for residential areas of P districts.
 - (2) Any limitation set forth in subsection 7101.3.
 - (3) For electronic display sign(s), modifications as set forth in subsection 7102.1.E below.
 - (4) An increase in minor sign limitations set forth in subsection 7100.4, limited to the following minor sign types:
 - (a) Signs displayed on a property that is actively marketed for sale, rent, or lease.
 - (b) Minor building-mounted and freestanding signs associated with a nonresidential use.
 - (c) Window signs exceeding 30 percent of the total area of the window.
 - (d) A-frame signs.
 - (5) A roof sign that would otherwise be prohibited by subsection 7100.5.C(2).

Standards for approval of a special exception:

- D. All proposed signage must meet the following standards:
 - (1) The size of the signs, including sign area and height, must be compatible with the massing and height of the development. If building-mounted, the signs must be compatible with the scale of the buildings the signs are mounted upon.
 - (2) The proposed signage may not have an adverse impact on the adjacent existing or planned development.
 - (3) Sign materials must be aesthetically compatible with the architecture of the development.
 - (4) Signs cannot add to street clutter, interfere with pedestrian, bicycle, or vehicular traffic, or detract from the urban design elements of the development.

- (5)** All signs should be consistent with any applicable Urban Design Guidelines endorsed by the Board.
- E.** Electronic display signs are subject to the following additional standards:

 - (1)** Electronic display signs must be sized and located to avoid adverse impacts on traffic safety and enhance overall placemaking of the development.
 - (2)** Electronic display signs may be building-mounted or freestanding.
 - (3)** In addition, in C and I districts:

 - (a)** Only one electronic display sign is allowed per lot.
 - (b)** Freestanding electronic display signs are limited to the height and size limitations of subsection 7101.3.A(2).
 - (4)** The maximum nit levels of 7101.1.A(4) may not be exceeded unless specifically approved by the Board.
- F.** Temporary building-mounted signs, including those that are not permanently attached such as a banner, may be allowed for up to 24 months from the start of display. The Board may further limit the maximum size of these signs. A request for additional time beyond 24 months requires an amendment to the special exception.
- G.** The Board may impose a condition stating that the approval supersedes any by-right signage that would otherwise be allowed by Section 7101. In this case, any additional signage that is not part of the approval will require an amendment to the application.

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

(4) Withdrawing an Unaccepted Application

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

(5) Withdrawing an Accepted Application

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

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

Table 8100.1: Summary of Special Exceptions

Special Exception Type	Section/ Subsection
Sign Modification	7102.1

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

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

(2) Time Limit on Filing

- (a)** Except as set forth below, all appeals must be filed within 30 days from the date of the decision appealed by filing an appeal application with the Zoning Administrator and the BZA.
- (b)** Appeals from notices of violation involving the following violations must be filed within ten days from the date of the notice by filing an appeal application with the Zoning Administrator and the BZA:
 1. Occupancy of a dwelling unit in violation of subsection 4102.3.A.
 2. Parking a commercial vehicle in an R district or a residential area of a P district in violation of subsections 4102.1.B(2) and 4102.1.E(4).
 3. Parking of vehicles on an unsurfaced area in the front yard of a single-family detached dwelling in the R-1, R-2, R-3, or R-4 Districts in violation of subsection 6100.2.A(3).
 4. Parking of inoperative vehicles, as provided in Chapter 110 of the County Code, in violation of subsection 4102.7.A(13).
 5. Installation, alteration, refacing, or relocation of a sign on private property in violation of subsection 7100.3.A(1).
 6. Installation of any minor sign in violation of subsection 7100.4.
 7. Installation of prohibited signs on private property in violation of subsection 7100.5.B and subsections 7100.5.C(1) and 7100.5.C(5).
 8. Other short-term, recurring violations similar to those listed above.

INSTRUCTION: Add new subsection 8101.3.D(16) for submission requirements and renumber subsequent subsections.

(16) Sign Modification

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

- (a) Site photographs or visual simulations showing the location and scale of proposed signs, which should account for factors such as topography that impact visibility.
- (b) Building elevations and renderings of the proposed signs, including a graphic scale, demonstrating placement and overall design compatibility.
- (c) Site plan/development plan showing sign locations.
- (d) Sign matrix showing the following:
 - 1. The size, height (measured from the lowest grade to the highest point), and extent of all proposed signs.
 - 2. Designs and materials of any signs over which the applicant has design control, including project identity and wayfinding signs.
 - 3. Comparison of the amount of signage allowable by-right compared to the proposed signage requested.
 - 4. Identification of any existing signs that will remain.
 - 5. Lighting specifications of any illuminated signs.
- (e) If electronic display signs are included, viewshed analyses must be provided from all abutting properties. Information on the size of the display area and the daytime and nighttime nit levels must also be provided.
- (f) A written statement describing the overall approach for the sign modification and how the proposed plan complies with the general standards and any applicable design guidelines.

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

TABLE 8102.1: FEE SCHEDULE	
APPLICATION TYPE	FEE [1]
Sign Modifications	\$8,260
Amendment to Approved Sign Modifications	\$4,130

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

Moving or Windblown Sign

Any sign of which all or any part is in motion by natural or artificial means (including fluttering, rotating, undulating, swinging, oscillating) or by movement of the atmosphere. This includes signs such as feather flags and inflatable objects. For purposes of Article 7, a flag is not a moving or windblown sign.

Roof Sign

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

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

APPENDIX 1 - PROVISIONS RELATING TO PREVIOUS APPROVALS

1. General Provisions Regarding Previous Approvals

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

- A.** Proffered rezonings and related development plans, special exceptions, special permits, variances, PRC plans, and parking reductions approved before May 10, 2023, and any plans and permits, including but not limited to site plans, subdivision plats, construction plans, building permits, and Residential and Nonresidential Use Permits submitted in accordance with such approvals. The provisions of this Ordinance govern to the extent they are not in conflict with or superseded by the approval. Amendments to such approvals may be approved if they do not aggravate conflicts with this Ordinance.
- B.** Site plans, minor site plans, subdivision plans and plats, public improvement plans, grading plans, construction plans, building permits and other related subsequent plans, approvals and written determinations, approved before May 10, 2023. The provisions of this Ordinance govern to the extent they do not preclude the approved uses, features, and structures. Revisions to such approvals may be approved if they do not aggravate conflicts with the new Ordinance.
- C.** Applications for rezonings and related development plans, special exceptions, special permits, variances, PRC plans, parking reductions, subdivision plats, site plans, parking tabulations and redesignations, building permits, public improvement plans, and grading plans submitted and accepted for review before May 10, 2023, provided: (a) approval is granted within 12 months of May 10, 2023, or, if corrections to a properly submitted and accepted plan are deemed necessary by the reviewing authority, revised plans are resubmitted within six months of its disapproval; (b) the approval remains valid; and (c) the uses, features, and structures are constructed in accordance with approved plans and permits. Required subsequent plan and permit submissions may be accepted and approvals may be granted, consistent with those approvals. Revisions to such approvals may be approved if they do not aggravate conflicts with the new Ordinance.

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

B. Amendments Adopted After May 10, 2023

(1) Sign Regulations (ZO 112.2-2023-3)

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