

**Sign Ordinance Amendments:
PLN-TXT-2016-007**

January 19, 2017
Stakeholder Education Open House

Why and How?

- ▶ 2015 United States Supreme Court decision *Reed vs. Town of Gilbert Arizona*
- ▶ Signs can only be regulated through its size and location and not what the sign says (must be content-neutral)
- ▶ Applies nationwide
- ▶ Norfolk and Virginia Beach have amended their Sign Ordinances to comply
- ▶ City Attorney lead agency along with Planning and Zoning
- ▶ Input from City departments to refine amendments

Guiding Principles

- ▶ Minimize changes as much as possible
- ▶ Change the name of the sign from content-based to location-based
- ▶ Create different size and location standards for residential versus non-residential zoning districts
- ▶ Use most restrictive standards in residential
- ▶ Use least restrictive for non-residential and apply to all
- ▶ Public safety comes first: No more private signs in public right-of-way

General Summary of Amendments

- ▶ **Ordinance was rewritten to comply with the Supreme Court decision and be more user-friendly**
 - **Definitions:** amended to create location-based descriptions and general categories (i.e., yard signs)
 - **Tables:**
 - **Classification of sign types** – new table enables the user to quickly identify their type of signs so they know which regulations will apply
 - **Tables of basic design elements for permanent and temporary signs** – amended with rules for each zoning district and specify residential or non-residential use

Summary of Amendments: Permanent Signs

- “Translated” to content-neutral descriptions. Permitted signs remain permitted and prohibited signs remain prohibited
 - EXAMPLES:
 - Commercial Park Signs → Signs located at a commercial park
 - Menu Boards → Signs located at an establishment with a drive thru lane
 - Outdoor Advertising → Billboard
- For the most part, permanent signs either get the same signage or more signage
- All permanent signs still require a permit

Summary of Amendments: Temporary Signs

- Temporary signs are no longer allowed in the right-of-way
 - Such signs lead to a proliferation of signs and enforcement is difficult
 - Signs in right-of-way negatively impact public safety
 - Follows precedent set by most other Virginia localities
- Generally, sign titles changed to location-based descriptions and regulations remain unchanged
- When a location-based rule did not apply, condensed and consolidated categories to create broader ones based on location.
- These general categories follow the dictates put forth in the amended Table of Basic Design Elements.
 - Imposed most lenient standard on commercial and stringent standard on residential to protect neighborhoods

Summary of Amendments: Temporary Signs (continued)

- Temporary signs require a permit unless:
 - On property zoned/used for residential purposes i.e., yard signs
 - Flags up to certain number
 - Official government postings
 - Property for sale/for rent
 - Property zoned/used for agricultural purposes at test plots under cultivation (i.e., Crop ID signs)

Enforcement

- The enforcement of the proposed sign ordinance will continue without major change
- Permanent permitted signs will be inspected for size, height and location
- Violations of the sign ordinance will be enforced primarily by complaint
- Most likely observable differences resulting from the change:
 - Temporary signs are not permitted within the right of way
 - The number of temporary signs permitted will be increased on private property
 - Commercial messages will now be permitted on the limited number and sized signs within the residential districts

Next Steps

- ▶ **January 19, 2017, 2–4pm, Central Library: Stakeholder Education Open House**
- ▶ **February 8, 2017 – Planning Commission public hearing**
- ▶ **March 14, 2017 – City Council Work Session**
- ▶ **March 21, 2017 – City Council Public Hearing**
- ▶ *Ordinance will go into effect immediately upon City Council adoption*

For more information:

www.cityofchesapeake.net/signord

The screenshot shows a web browser window with the address bar displaying www.cityofchesapeake.net/government/City-Departments/Departments/Planning-Department/Planning-Library/Sign-Regulation-Amendments.htm. The page features a header with the City of Chesapeake logo and navigation links: Contact Us, Subscribe, A-Z Index, My Chesapeake, Welcome from the Mayor, and Real Time Updates. A search bar is located below the navigation. The main navigation menu includes RESIDENTS, VISITORS, BUSINESS, GOVERNMENT, and ONLINE SERVICES. The page content is titled "Sign Regulation Amendments" and includes a breadcrumb trail: > City of Chesapeake, Virginia > Government > City Agencies, Departments, and Offices > Departments > Planning Department > Planning Library > Sign Regulation Amendments. The main heading is "Sign Regulation Amendments". Below the heading is a section titled "Background and Purpose" which states: "On July 20, 2015, the United States Supreme Court issued an opinion that requires the City and localities nationwide to overhaul their Sign Ordinances (see Reed v Town of Gilbert, AZ <http://www.scotusblog.com/case-files/cases/reed-v-town-of-gilbert-arizona>). This ruling allows localities to regulate signs only in terms of size, location and height in various zoning districts, but localities can no longer regulate signs based on their content, or what the sign says." A second paragraph explains: "Chesapeake's current ordinance is largely content-based meaning there are special regulations for special event signs, real estate signs, political signs and other temporary signs. This ruling has required the City Attorney's office, with input from the Planning Department and Zoning Administrator, to develop one set of criteria for all content-based signs. This ordinance is being processed under PLN-TEXT-2016-007." A third paragraph states: "For the most part, regulations for permanent signs are not changed. For temporary signs, changes were minimized as much as possible by renaming the sign from one that is content-based to one that is location-based. For those signs that could not be renamed, the least restrictive standards currently allowed in the underlying zoning district for temporary signs are now applied to all temporary signs." On the left side, there is a sidebar with "I Want To" links: Apply for a Rezoning, Apply for a Use Permit, and Find out if I am in CBPA. Below that is "This Section" with links: Planning Home, Planning Commission, Administrative Plan Review, Applications and Forms, Comprehensive Plan 2035, NALF Fentress Encroachment Protection Acquisition Program, and Planning Library. On the right side, there is a vertical "feedback" button. At the bottom of the browser window, a message says: "It looks like you haven't started Firefox in a while. Do you want to clean it up for a fresh, like-new experience? And by the way, welcome back!" and a "Refresh Firefox..." button is visible.

feedback

Refresh Firefox...

*Thank you for attending
today's Open House!*

