



Zoning Text Amendments (Signs)

The City of Fairfax has amended the section of the City's Zoning Ordinance pertaining to **Signs** (§4.6 of the Ordinance). The reasons for amending this section of the Ordinance included:

- **Creating Simpler Processes:** Making most temporary signs allowable without permits from City Hall.
- **Ensuring "Content Neutrality":** Drafting standards that are not specific to a sign's content, as proscribed by a recent US Supreme Court decision.
- **Learning from Our Pandemic Experience:** Learning from the past year when commercial signage standards have been slightly relaxed, particularly pertaining to temporary signage.
- **Clarifying Confusing Text:** Drafting updates that clarify sections of the Ordinance for greater ease of understanding.

Notable features of these amendments include the following:

- **Temporary Signs Allowable without Permits:** Temporary signs such as yard signs, business banners, construction signs, real estate signs, etc. had previously required permits from City Hall. The new amendments eliminate the requirement to obtain permits for such signs, so long as conditions on sign area, number of signs, and so on are met. This change makes it simpler for businesses and residents to utilize these types of signs.

Several of the more common temporary sign types are listed below, along with any changes to the Ordinance's standards:

- **Residential Message Signs (i.e., yard signs):** Highlights include the following:
 - **No Permits:** Now allowable without permits.
 - **Size:** Up to 12 sq. ft. of signage (*previous regulations allowed 10 sq. ft.*) per house and up to 6 sq. ft. per multifamily unit. A typical yard sign measures about 3 sq. ft., so this permits 4 standard-sized yard signs per house – or 2 per multifamily unit – without a permit.
 - **Number of Signs:** No limitation on number of signs per housing unit, as long as the cumulative area of all signs is no more than 12 sq. ft. per house, or 6 sq. ft. per multifamily unit (*previous regulations allowed 1 sign per street frontage.*)
 - **Duration:** No duration limit for residential message signs (*previous duration limit was 90 days per sign*), except for "Extra Signage" as noted below.

- **Location:** For houses, message signs can be located on the lot, on a structure, or in a window. For multifamily units, message signs can be located on a structure or in a window. ○ **HOAs, etc.:** Any Homeowners Association, Condo Association or Apartment Management company may impose more restrictive requirements on message signs than what is permitted by the City's Zoning Ordinance. ○ **Content:** There is no regulation of content, other than what is prohibited citywide by §4.6.4 (Prohibited signs).
- **Extra Signage:** Additional residential message signs are now allowed on a permit basis (permit can be issued individually, or to a group for multiple signs citywide). This permits houses to display an extra 24 sq. ft. of message signage for a limited period (30 consecutive days, and no more than 90 days per year).
- **Non-Residential Message Signs (i.e., banners, or promotional signs):** Highlights include the following:
 - **No Permits:** Now allowable without permits.
 - **Size:** Up to 32 sq. ft. of signage (*unchanged from previous standard*) per business or use.
 - **Number of Signs:** No limitation on number of signs per housing unit, as long as the cumulative area of all signs is no more than 32 sq. ft. per business or use. ○ **Duration:** Up to 90 days per year (*simplified from previous standard of 30 days per event and 90 days per year*).
 - **Location:** Non-residential message signs can be on a structure or in a window. Stick-in-the-ground message signs are not allowed in non-residential districts (*previous standards permitted signs on a building, in a window, or in the ground*).
 - **Management Companies, etc.:** Any management company (such as shopping center or office building management firms), may impose more restrictive requirements on message signs than what is permitted by the City's Zoning Ordinance. ○ **Content:** There is no regulation of content, other than what is prohibited citywide by §4.6.4 (Prohibited signs).
- **Construction Signs (for sites w/ active building permits):** Highlights include the following:
 - **No Permits:** Now allowable without permits.
 - **Size:** Up to 10 sq. ft. of signage for sites in residential districts, and up to 32 sq. ft. of signage for sites in non-residential districts (*unchanged from previous standards*).
 - **Number of Signs:** For sites in residential districts, maximum of 1 sign per lot, or 2 signs per development (*unchanged from previous standards*). For sites in non-residential districts, no restriction on the number of signs, as long as the cumulative area of all signs is no more than 32 sq. ft. (*previous maximum was 2 signs per development*). ○ **Duration:** During the period of an active building permit (*unchanged from previous standards*).
 - **Location:** At least 10 ft. from a property line (*unchanged from previous standards*).
 - **Height:** Up to 10 ft. (*previous maximum height was 5 ft. per sign*).

- **Fence-Mounted Construction Signs:** Fence-mounted construction signs are now allowed, even if the cumulative area exceeds 10 sq. ft. for sites in residential districts or 32 sq. ft. for sites in non-residential districts (*previous standard counted such signs with a site's cumulative total*).
- **Real Estate Signs (for sites being sold or leased):** Highlights include the following:
 - **No Permits:** Now allowable without permits.
 - **Size:** Up to 10 sq. ft. of signage for sites in residential districts, and up to 32 sq. ft. of signage for sites in non-residential districts (*unchanged from previous standards*).
 - **Number of Signs:** For sites in residential districts, maximum of 1 sign per street frontage (*unchanged from previous standards*). For sites in nonresidential districts, no restriction on the number of signs, as long as the cumulative area of all signs is no more than 32 sq. ft. (*previous maximum was 1 sign per street frontage*).
 - **Duration:** Must be removed upon settlement or closing of sale (*unchanged from previous standards*).
 - **Location:** Ground-mounted, or on a fence or wall (*unchanged from previous standards*). Real estate signs must be located at least 10 ft. from a property line.
 - **Height:** Up to 5 ft. (*unchanged from previous standards*).
- **Changes for “Content Neutrality”:** A 2015 US Supreme Court ruling, *Reed v. Town of Gilbert*, set a standard for jurisdictions that signage cannot be regulated solely based on a sign’s content. Most existing sign ordinances, including Fairfax’s, contained at least some language that potentially conflicted with the Court’s guidance on this matter. As such, these amendments eliminated or modified text that had been determined to be content specific. Some examples include:
 - **Logos:** Prohibitions against placing logos or other commercial identifiers on certain signs (such as Directional Signs) have been eliminated.
 - **Informational Signs:** Ordinance text expanded to specifically include examples of sign types.
 - **Text Deletions:** Phrases or sentences deemed to be content-specific have been eliminated or reworded.
- **Minor Changes:** Text changes to provide greater clarity, eliminate inconsistencies, reduce unnecessary duplication, etc. have been provided throughout the Ordinance’s Sign Section.

These amendments can be viewed in their entirety in §4.6 of the City's Zoning Ordinance, which can be found [here](#).

Questions? Email zoning@fairfaxva.gov