

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

AGENDA TITLE: ZTA201500010 - Zoning Text Amendment -- Signs SUBJECT/PROPOSAL/REQUEST: Public Hearing on proposed sign ordinance amendments to address recent US Supreme Court <i>Reed</i> decision on Content Neutrality STAFF CONTACT(S): Kamptner, Higgins, MacCall, Wright. PRESENTER (S): Kamptner, Higgins	AGENDA DATE: November 17, 2015 ACTION: X INFORMATION: CONSENT AGENDA: ACTION: INFORMATION: ATTACHMENTS: Yes
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BACKGROUND: The Planning Commission adopted a Resolution of Intent on July 14, 2015 to amend the County's sign ordinance in order to comply with the United States Supreme Court's June 18, 2015 decision in *Reed v. Town of Gilbert, Arizona (Reed case)*. The Planning Commission held an initial work session on September 15, 2015. The purpose of the initial work session was to outline the legal background for having sign regulations and how the *Reed* decision affects them. The Planning Commission held a second work session on October 20, 2015 to review and discuss proposed zoning ordinance changes with two objectives: 1) To remove content-based elements from the current sign ordinance to comply with *Reed*, and; 2) To reorganize and simplify the sign ordinance in order to make it easier to understand and use.

DISCUSSION: Attachment A is the latest draft of proposed sign ordinance changes which includes the current ordinance language with deletions and additions, along with **explanatory commentary** after each change. We have made further changes to address comments and questions raised in prior work sessions. The proposed changes:

- 1) Remove or revise "content-based" definitions or references.
- 2) Consolidate sign types and group them by size to avoid these being listed in various sections and to be "content-neutral". This also includes elimination of the "4 sq. ft. exempt commercial sign" class that was included in the work session draft.
- 3) Reduce the seven regulation tables in 4.15.8 – 4.15.14 to three tables with notes after each.
- 4) Delete Section 4.15.16 and place the standards in the definitions for various sign types.
- 5) Standardize temporary sign height maximums to 12 feet, since there is no practical reason for having different temporary sign heights of 10 feet and 12 feet and the difference is not significant in the actual application.
- 6) Standardize temporary wall sign heights to be "not to exceed cornice" to coincide with all other wall sign height maximums.
- 7) Make the wall sign maximum area 40 sq. ft. in all RA, MHD & Residential Districts, instead of 40 sq. ft., 20 sq. ft. or 32 sq. ft. These are typically used on non-residential buildings where allowed and this helps to standardize the wall sign allowance among these similar districts.
- 8) Include additional language in the Purposes and Intent section (4.15.1) to address and acknowledge "underinclusiveness" and the issue of any potential for additional signs.
- 9) Include further editorial changes to: clarify maximum numbers of signs; limit sign area maximum when there are two signs at an entrance; make consistent references to "lot" instead of "parcel" or "property", and; distinguish between "commercial flags", "non-commercial flags" and "government flags".

In addition:

Public Purpose to be Served: This ordinance aligns the County's sign regulations with the U. S. Supreme Court ruling in the *Reed* case.

Administration/Review Process: This ordinance clarifies the sign regulations and allows for a more efficient and effective administration of the ordinance.

Housing Affordability: These regulations do not impact housing affordability.

RECOMMENDATIONS: Staff recommends that the Planning Commission recommend adoption of the proposed ordinance (Attachment B) to the Board of Supervisors.

ATTACHMENTS:

Attachment A – November 5, 2015 Draft of Proposed Sign Ordinance with deletions, additions & commentary

Attachment B – November 5, 2015 Draft of Proposed Sign Ordinance – clean version without commentary