

Relevant Code Sections

Vienna ACE Sign

CHAPTERS 4 AND 18 – ARCHITECTURAL REVIEW AND SIGNS

CHAPTER 4 ARCHITECTURAL DESIGN CONTROL

Selected Sections

Sec. 4-1. Purposes of chapter.

- (a) The Town Council hereby finds that bizarre, garish or otherwise inappropriate exterior design and appearance of buildings, structures and improvements erected in commercial and industrial areas adversely affects the desirability of immediately adjacent and neighboring properties; impairs the benefits of occupancy as to existing properties in such areas; jeopardizes the economic stability and taxable value of businesses, land and buildings in such areas, and in the Town as a whole; prevents the optimum use of real estate in the Town; induces physical degeneration of property with attendant deterioration of conditions bearing directly on the public health, safety, morals and general welfare of the citizens; deprives the Town of tax revenue and destroys a proper balance between the taxable value of real property and the cost of municipal services.
- (b) In order to encourage the construction of attractive buildings, to protect and promote the general welfare and to prevent deterioration of the appearance of the Town which would tend to create hazards to public health, safety and morals, destroy opportunity for the development of business and industry, and thereby deteriorate taxable land values and commerce below levels necessary to finance acceptable levels of municipal services, it is the purpose of this chapter to provide for the designation of architectural control districts within land areas zoned for commercial, industrial and public building use, to establish a Board of Architectural Review to regulate the exterior appearance of buildings, structures and improvements proposed for alteration or erection in such districts and to set standards and procedures to be followed by such board and, on appeal from its decision, by the Town Council.

(Code 1962, § 17-1; Code 1969, § 4-1)

Sec. 4-2. Designations of architectural control districts.

All land areas in the Town which are zoned other than single-family detached residential are hereby designated as an architectural control district, and any lot, parcel or area of land within any area zoned for single-family detached residences, which is used for other than single-family detached residences, or which is the subject of an application for a use permit or building permit involving any such other use, is designated an architectural control district.

(Code 1969, § 4-2; Ord. of 9-20-1971)

Sec. 4-3. Board of architectural review—Established; composition; qualifications, appointment and terms of office of members; jurisdiction generally.

There is hereby established a Board of Architectural Review to consist of five citizens of the Town appointed by majority vote of the Town Council for terms not to exceed three years. At least one member of the board shall be an architect registered in the state, and one a member of the state Bar. The architect member may, or may not, be a resident of the Town. In the event that the one architect member shall not be a resident of the Town, his

appointment shall be for a period of one year. Members of the Town Council and the planning commission shall be eligible to serve on the board. The board shall elect a chair to preside at all meetings, a vice-chair to act in his absence and a secretary who shall be responsible for keeping a written record of all board proceedings and all notices, petitions, records, pleading and appeals pertinent thereto. The board shall have exclusive original jurisdiction to hear and decide all cases arising under this chapter, but shall have no power to modify or waive any requirement imposed by another provision of this Code.

(Code 1962, § 17-3; Code 1969, § 4-3; Ord. of 7-1968)

Sec. 4-4. Same—Meeting schedule; special meetings.

- (a) The Board of Architectural Review shall hold a regular meeting at least once each month at a time which it shall fix by resolution. Special meetings may be held at other times; provided that all members of the board are notified at least 24 hours in advance of the time and place of same.
- (b) No application pending before the board shall be voted upon at any special meeting unless notice of intention to do so shall appear in a newspaper of general circulation, published in the county, at least seven days prior to such a special meeting.

(Code 1962, § 17-2; Code 1969, § 4-4)

Sec. 4-5. Same—Meetings to be recorded; exception.

All meetings of the Board of Architectural Review, except informal work sessions, shall be recorded verbatim by shorthand or by mechanical or electrical recording equipment.

(Code 1962, § 17-5; Code 1969, § 4-5)

Sec. 4-6. Same—Quorum for meetings.

A quorum shall consist of three members of the Board of Architectural Review. In the event a quorum is not obtained at any regular meeting, a special meeting shall thereupon be scheduled within ten days thereafter.

(Code 1962, § 17-6; Ord. of 7-1968)

Sec. 4-7. Same—Conduct of meetings.

- (a) All meetings of the Board of Architectural Review shall be conducted by the chair, or, in his absence, by the vice-chair.
- (b) All members of the board shall be entitled to vote, and the decisions of the board shall be by majority vote of those members present.
- (c) All meetings of the board shall be open to the public and all decisions shall be by record vote of the ayes and nays spread upon the proceedings.
- (d) In matters covering procedures for the board not specified in this chapter, Robert's Rules of Order shall govern.

(Code 1962, § 17-5; Code 1969, § 4-7)

Sec. 4-8. Same—Approval of erections, reconstructions and alterations in architectural control districts required; waiver of requirements.

- (a) No structure, building, sign or other improvements or other major landscape features surrounding such building, structure, sign or improvement located on any land within any architectural control district shall be erected, reconstructed, altered or restored until the plans for such shall have been approved by the Board of Architectural Review; provided that the provisions of this chapter shall not apply to the regular maintenance of the same as opposed to the reconstruction, alteration or restoration. For the purposes of this section, the repainting of a structure, building or sign which results in the complete change of color of the said structure, building or sign or a substantial portion thereof shall be deemed an alteration and not regular maintenance.
- (b) The board may, after hearing the evidence in any case properly before it involving reconstruction or alteration only, waive the requirements of this chapter upon a written finding that the application involves reconstruction or alteration only and will not materially affect the exterior appearance of the structure involved. Such decision of waiver shall constitute a final decision of the board within the meaning of sections 4-11 and 4-12 and shall be appealable.

(Code 1962, § 17-2; Code 1969, § 4-8; Ord. of 4-19-1971; Ord. of 9-20-1971; Ord. of 6-2003)

Sec. 4-9. Same—Application for approval.

- (a) Application for approval by the board for the construction, reconstruction, alteration or restoration of any building within an architectural control district shall be submitted to the zoning administrator of the Town accompanied by:
 - (1) An architectural rendering and plans of all buildings and structures showing style of architecture prepared by a registered architect. All colors, materials and finishes shall be shown by notation or by use of accepted architectural symbols;
 - (2) An approved site plan; and
 - (3) A vicinity map and renderings or photographs of all development on immediately adjacent properties.

The applicant may submit such additional material in writing, and graphically, as he desires. For purposes of this chapter, no site plan shall be required where there is proposed no change in any external dimension or the location of any existing structure. The board may from time to time waive such other of the requirements of this subsection (a) as it may deem proper in the determination of any particular application. In cases where the application involves reconstruction or alteration only, and will not materially affect the exterior design or appearance, or result in an increase in the size, area, height, or lot coverage of any structure, building, or sign, the zoning administrator may waive such of the requirements of subsection (a)(1), (2), and (3) of this section, as he deems appropriate, and permit the applicant to supply information necessary to the board's consideration of the application in the form of photographs, descriptive product information material, sketches, drawings, and other written materials. Each application shall be accompanied by a check or cash payment to the Town in the amount set forth in the schedule of fees adopted by the Town and shall be assigned a docket number by the zoning administrator.

- (b) Upon filing of an application, the zoning administrator, after determining that the requirements of subsection (a) of this section have been satisfied, shall within 20 days thereafter, forward the application, together with his recommendations on the same to the chair of the Board of Architectural Review.
- (c) Upon receipt of any such application, the chair of the board shall thereupon place the application on the agenda for consideration at the first regular meeting of the architectural review to be held not less than ten days after such receipt by the chair.

(Code 1962, § 17-5; Code 1969, § 4-9; Ord. of 4-1971; Ord. of 3-1988; Ord. of 6-2003)

Sec. 4-10. Same—Application hearing.

During the consideration of an application filed under this chapter, the Board of Architectural Review shall hear the testimony of any party desiring to be heard in support of or in opposition to the application. Such testimony shall be strictly confined to the question of whether the proposed construction, reconstruction, alteration or restoration satisfies or does not satisfy the criteria for the same set out in this chapter. The board shall hear any oral testimony that the zoning administrator desires to present.

(Code 1962, § 17-5; Code 1969, § 4-10)

Sec. 4-11. Same—Application decisions; certificate of approval.

- (a) The Board of Architectural Review shall vote and publish its decision in writing on any matter properly before it not later than the next regular meeting after the conclusion of hearing evidence on the matter, unless time is extended by mutual agreement between the board and the applicant.
- (b) In all final decisions rendered pursuant to this chapter, the board shall briefly state its findings in writing, and, in the case of disapproval, it may make recommendations to the applicant with respect to the design, texture, material, color, line, mass, dimension or lighting of the building involved. In case of disapproval, accompanied by such recommendations thereon, the applicant may again be heard before the board if, within 90 days, he can comply with all such recommendations of the board.
- (c) Approval by the board of any application filed hereunder shall be evidenced by issuance of a certificate, signed by the chair and attested by the secretary, designating the docket number, name of applicant, date of approval, identification of property involved and a brief description of the construction approved.

(Code 1962, § 17-5; Code 1969, § 4-11)

Sec. 4-12. Same—Appeals of decisions.

Whenever the Board of Architectural Review shall, in a final decision, approve or disapprove, or waive jurisdiction over any application filed pursuant to this chapter, the applicant, or any other person with justifiable cause, shall be entitled to appeal such decision and be heard thereon before the Town Council; provided that there is filed with the Town clerk, on or before 14 days after the decision of the board, by the appellant, a notice in writing of such appeal and a fee of \$125.00, or as otherwise set forth in the schedule of fees adopted by the Town, to cover the cost of advertising for the council hearing; provided, further, that whenever such notice of appeal is filed by a party other than the applicant, such notice shall be accompanied by a petition for such appeal in writing, signed by 20 electors of the Town. Upon the filing of notice of appeal as provided herein, the Town clerk shall thereupon schedule a public hearing before the Town Council, not more than 30 days after the filing of such notice; provided that no such hearing shall be had unless and until the Town clerk has caused to be published at least once in a newspaper of general circulation within the county, at least seven days before such proposed hearing, an advertisement stating the time, date and place of the hearing before the council, the location of the property involved, the name of the applicant and the nature of the building for which approval is sought.

(Code 1962, § 17-8; Code 1969, § 4-12; Ord. of 6-2003)

Sec. 4-13. Hearing before Town Council.

On any appeal to the Town Council, the final decision of the Board of Architectural Review shall be stayed pending the decision of the Town Council. The council shall conduct a full and impartial public hearing on the matter before rendering any decision. The same procedure and standards shall be applied by the council as are

established for the Board of Architectural Review. The council may affirm, reverse or modify the decision of the board, in whole or in part. The decision of the council shall be final, subject to the provision of section 4-14.

(Code 1962, § 17-9; Code 1969, § 4-13)

Sec. 4-14. Appeals to county circuit court.

Parties aggrieved by the decision of the Town Council, rendered pursuant to section 4-13, shall have the right to appeal to the circuit court of the county for review by filing a petition, at law, setting forth the alleged illegality of the Town Council's action, provided that such petition is filed within 30 days after the final decision is rendered by the Town Council. The filing of the petition shall stay the council's decision pending the outcome of the appeal to the court. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law, or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the council.

(Code 1962, § 17-10; Code 1969, § 4-14)

Sec. 4-15. Design criteria.

The Board of Architectural Review, and, on appeal, the Town Council, shall use the following standards and criteria in considering applications filed under this chapter:

- (a) Whether or not the proposed architectural design is suitable for a good suburban community in terms of external architectural features, including signs subject to public view, general design and arrangement, texture, color, line, mass, dimension, material and lighting.
- (b) Whether or not the proposed structure, building or improvement is compatible with existing well-designed structures, acceptable to the board, in the vicinity and in the Town as whole.
- (c) Whether or not, and to what extent, the proposed structure, building or improvement would promote the general welfare and protect the public health, safety and morals by tending to maintain or augment the Town's tax base as a whole, generating business activity, maintaining and creating employment opportunity, preserving historical sites and structures and making the Town a more attractive and desirable place in which to live.
- (d) Whether or not proposed freestanding buildings use the same or architecturally harmonious materials, color, texture and treatment for all exterior walls; and in the case of partially freestanding buildings, whether or not the same or architecturally harmonious materials, color, texture and treatment are used on all portions of all exterior walls exposed to public view.
- (e) Whether or not the combination of architectural elements proposed for a structure, building or improvement, in terms of design, line, mass, dimension, color, material, texture, lighting, landscaping and roofline and height conform to accepted architectural principles for permanent buildings as contrasted with engineering standards designed to satisfy safety requirements only; and exhibit external characteristics of demonstrated architecture and aesthetic durability.
- (f) Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line, mass, or roofline and height, the proposed structure, building or improvement is designed to serve primarily as an advertisement or commercial display, exhibits exterior characteristics likely to deteriorate rapidly, would be of temporary or short-term architectural or aesthetic acceptability, would be plainly offensive to human sensibilities or would otherwise constitute a reasonable foreseeable detriment to the community.

(Code 1962, § 17-7; Code 1969, § 4-15)

Sec. 4-16. No specific architectural style to be required.

The Board of Architectural Review, and the Town Council on appeal, shall not adopt or impose any specific architectural style in the administration of this chapter.

(Code 1962, § 17-7; Code 1969, § 4-16)

Sec. 4-17. Deviations from approved plans prohibited.

Any person who, once having obtained the approval required by section 4-8, deviates substantially from the approved plan shall be guilty of a misdemeanor.

(Code 1962, § 17-12; Code 1969, § 4-17; Ord. of 7-1968)

CHAPTER 18 ZONING AND SUBDIVISION

Selected Sections

Sec. 18-538. Purpose and Intent.

1. The intent of this division is to control all signs within the Town, to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment, and to protect the public health, safety, morals and general welfare. In addition, the intent of this article is to:
 - A. Encourage good design in the context of the overall image and visual environment of the Town;
 - B. Protect property values; enhance the appearance of the business and industrial community;
 - C. Stimulate the economic vitality of the Town, encourage a business atmosphere that continues to attract new enterprises to the Town, encourage trade within the Town, and to appropriately inform consumers;
 - D. Ensure that signs are adequate, but not excessive;
 - E. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create danger to the public by obscuring road signs or by unsafely diverting the attention of motorists;
 - F. Prohibit signs which are likely to create unsafe conditions because of unsound structures or unsuitable locations;
 - G. Avoid excessive competition for placement of signs, so that permitted signs provide identification, direction, information and advertising while minimizing clutter and unsightliness.
2. The general premise for the control of signs includes legibility, the effective display of information, the safety of passing traffic, and the coordination of signs with buildings, landscaping and other elements of the visual environment. In particular, signs should be designed and constructed as follows:
 - A. For maximum legibility, considering viewing, location and traffic conditions.
 - B. For size and dimensions, signs should be related to the frontage and setback of the building.
 - C. The setback and size of signs should give a fair exposure to all commercial buildings in a given area.

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- D. Signs should be integrated with the architecture of the buildings to which they relate, and with the nearby landscaping.

Sec. 18-539. Applicability.

1. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. This article shall allow a noncommercial message to be automatically displayed, whenever a commercial message is allowed to be displayed. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article, which can be given effect without the invalid provision.
2. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests.
3. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
4. This Article does not apply to any sign placed in a public right-of-way and does not authorize or prohibit placement of any sign there.
5. **Exclusions.** The following are not considered signs per this ordinance. Features not considered signs are excluded from the calculation of sign area.
 - A. Federal, state, and local flags.
 - B. Street address signs.
 - C. All displays less than 1.5 square feet in area.

Sec. 18-543. Certificate of Approval Required.

1. All permanent sign types are required to be reviewed by the Board of Architectural Review and shall not be permitted or constructed until the Board of Architectural Review issues a Certificate of Approval. See § 18-821 for review procedure.
2. Signs exempted from review by the Board of Architectural Review:
 - A. Signs that meet the requirements of a Master Sign Plan that has previously been approved by the Board of Architectural Review, and
 - B. Temporary signs, as described in § 18-547.