



Legislation Text

File #: 21-2034, **Version:** 1

Subject:

Public hearing on proposed text amendments to Temporary Sign Regulations in Article 19 of Chapter 18 of the Town Code, Sections 18-175, 18-177, 18-178, and 18-185

EXPLANATION AND SUMMARY :

In 2015, the U.S. Supreme Court decided *Reed v. Town of Gilbert*, ruling that the regulation of temporary non-commercial signs must be content neutral and that content-based regulation is unconstitutional. Currently, the Town of Vienna zoning code regulations of temporary signs are content based, providing different requirements for temporary real estate signs, temporary public and semi-public signs, temporary election signs, and temporary construction signs. In February 2019, the zoning administrator made a determination that the Town would enforce the least restrictive standards for all temporary signs, allowing not more than 50 square feet total for temporary signs.

At its July 6, 2020 meeting, Town Council set a public hearing for September 14, 2020, on amendments to temporary sign regulations in Chapter 18 - Zoning, Article 19, and referred the matter to the Planning Commission for consideration, utilizing a model sign ordinance developed by the Local Government Attorney's Association of Virginia.

The Planning Commission discussed and revised draft amendments prepared by staff, which were based on the model sign ordinance, at two work sessions on August 12 and August 26, 2020. The Planning Commission then held a public hearing on those proposed amendments on September 9, 2020. After closing the hearing, the Planning Commission voted unanimously to recommend the proposed amendments to Town Council.

Town Council held a public hearing on the proposed amendments on September 14, 2020. After closing the hearing, Council deferred the matter to the October 5, 2020 meeting. At that meeting, Council discussed its desire to look at temporary sign regulations adopted by neighboring jurisdictions in response to the Reed case as a basis for the Town's temporary sign regulations, especially as they relate to total sign area allowed for yard signs and the duration permitted.

Town Council set a work session on October 28, 2020 to further discuss the matter and referred results to the Planning Commission. A redline of Council's recommendations from the October 28 work session were discussed by the Planning Commission at its December 9, 2020 work session. As part of that discussion, the Planning Commission proposed revising the maximum duration of yard signs, short duration, from 30 days to 60 days. No other changes were proposed.

The Planning Commission held a public hearing on the proposed amendments on January 13, 2021. No members of the public spoke nor were written comments received on the matter. After closing the hearing, the Planning Commission discussed the matter and then voted 7-2 (Couchman, Patariu) to recommend that Town Council approve the proposed amendments, which are attached to this item. It

should be noted that Article 19, in its entirety, will be reviewed for possible updates as part of the comprehensive zoning update process, i.e., **CODE CREATE VIENNA**.

Strategic Plan Initiative: *Vienna is an influential and well-governed community.*

Departmental Recommendation : The Planning and Zoning Department recommends approval of text amendments to Temporary Sign Regulations in Article 19 of Chapter 18 of the Town Code, Sections 18-175, 18-177, 18-178, and 18-185 as recommended by the Planning Commission.

Finance Recommendation : N/A

Purchasing Recommendation : N/A

Town Attorney Recommendation : Town Council may consider, in its discretion, recommendations of the Planning Commission and hold a public hearing to consider proposed amendments to Chapter 18 of the Town Code.

Town Manager's Recommendation : I recommend the Town Council approve text amendments to Article 19, Sections 18-175, 18-177, 18-178 and 18-185 of the Vienna Town Code, as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: N/A

PROPOSED/SUGGESTED MOTION

"I move to close the public hearing."

And

"I move to approve proposed text amendments to Article 19, Sections 18-175, 18-177, 18-178, and 18-185 of the Vienna Town Code as presented. I further move to direct the Town Clerk to advertise a Notice of Intent to Adopt the ordinance changes."

Or

Other action deemed necessary by Council.