



PLANNING COMMISSION MEETING AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170
Monday, February 27, 2023 | 7:00 p.m.

1. Call to Order

2. Approval of Minutes

- a. January 9, 2023, Planning Commission Work Session Minutes
- b. January 23, 2023, Planning Commission Public Hearing Minutes

3. Comments

- a. Comments from the Staff Members
- b. Comments from the Commissioners
- c. Comments from Citizens
Members of the public may, for one 3-minute period, provide public comments, requests, consent or general item comments, and comments on matters not included on the agenda.

4. Public Hearings

- a. **ZONING ORDINANCE TEXT AMENDMENT, ZOTA #23-01**, to revise regulations governing the location of wall signs in downtown mixed-use districts, when said sign is authorized through the issuance of a Certificate of Appropriateness. The proposed amendments under consideration include, without limitation: Chapter 78 (Zoning), Article XIV (Signs), and Section 78-141.6 (Sign Standards for Downtown Mixed-Use Districts), and other articles as deemed necessary to revise the regulations.

5. ADJOURNMENT

STAFF REPORT
Planning Commission
February 13, 2023

Title

ZONING ORDINANCE TEXT AMENDMENT, ZOTA #23-01, to revise regulations governing the location of wall signs in downtown mixed-use districts, when said sign is authorized through the issuance of a Certificate of Appropriateness. The proposed amendments under consideration include, without limitation: Chapter 78 (Zoning), Article XIV (Signs), and Section 78-141.6 (Sign Standards for Downtown Mixed-Use Districts), and other articles as deemed necessary to revise the regulations.

Staff Contacts

David Stromberg, AICP – Zoning Administrator; david.stromberg@herndon-va.gov

Summary

This zoning ordinance text amendment arose out of a recent case that went before the HDRB, Historic District Review Board. The building in that case was a contributing historic structure and historically the façade of the building had a wall sign located on the second floor. The HDRB made statements that the most appropriate location for a wall sign on that building, due to the design of the building, was on the second floor. The zoning ordinance limits wall signs in the downtown zoning districts to the ground floor. The proposed amendment would expand the locations available for a wall sign, provided the sign is approved through a Certificate of Appropriateness.

This item is on the town council consent agenda for initiation on February 14, 2023.

Background

Zoning History

The town was required to amend its signage regulations after the historic 2015 US Supreme Court decision on Reed. While the Reed decision was about content, it necessitated changes to sign ordinances in most jurisdictions due to the practice of referring to types of signs by their content.

Localities are allowed to regulate signage in a way that is content neutral. Best practice for content neutral sign regulation is to adopt provisions for time, place, and manner.

- Time – This applies to temporary signs. Any time restrictions for temporary signs should be applied evenly and not be dependent on the type of temporary sign or event
- Place – This applies to temporary and permanent signs. Zoning can regulate sign placement or location on a site or on a building or structure. Signs can also be regulated based on zoning districts.
- Manner – This applies to temporary and permanent signs. Zoning can regulate physical attributes of signs, such as height, size, type, illumination, and number of signs.

ZOTA #16-08

Based upon the Reed decision, the Town rewrote its sign regulations (ZOTA #16-08) to ensure compliance with the Reed decision. ZOTA #16-08 included changes to the regulation of wall signs in the downtown zoning districts. Previously, wall signs were limited to 15 feet above finished grade or the sill of the second story window, whichever was lower. This was changed to “ground floor” in ZOTA #16-08.

Staff Analysis

Consistency with the Comprehensive Plan

The comprehensive plan does not specifically address signage. The Comprehensive Plan does encourage a mix of commercial uses that bring economic vibrancy and tax revenues to the town.

Need for Current Amendment

The vast majority of buildings in the CC, Central Commercial, PD-D, Planned Development Downtown, and PD-TD, Planned Development – Traditional Downtown, are within the HDO, Historic District Overlay. Buildings in the HDO, especially contributing structures, may vary significantly in massing and architectural façades. Some buildings, such as the one in HDRB #22-010 have historic building elements that are intended to contain wall signage.

Impact if Approved

If this amendment is approved in its current form, it will give applicants and the HDRB more flexibility to align proposed wall signs with architectural features.

Planning Commission Alternatives

The following alternatives are available to the planning commission for its decision on Zoning Ordinance Text Amendment ZOTA #23-01:

1. Recommend the town council approve the draft ordinance.
2. Recommend the town council deny the draft ordinance.
3. Continue the public hearing on this draft ordinance to the March 27, 2023 public hearing.

Staff Recommendation

Staff recommends the Planning Commission approve a resolution recommending approval for ZOTA #23-01 in accordance with **Alternative 1**.

Attachments:

1. Resolution to Approve
2. Draft Ordinance

A handwritten signature in blue ink, appearing to read 'David Stromberg', is written over a horizontal line.

David Stromberg, AICP
Zoning Administrator

TOWN OF HERNDON, VIRGINIA

DRAFT RESOLUTION

FEBRUARY 27, 2023

Resolution - to recommend APPROVAL of Zoning Ordinance Text Amendment ZOTA #23-01 to amend Chapter 78 (ZONING), Article XIV (Signs), Section 78-141.6 (Sign Standards for Downtown Mixed-Use Districts), to revise the regulations governing the location of wall mounted signs.

BE IT RESOLVED by the Planning Commission for the Town of Herndon, Virginia that:

1. The Planning Commission recommends approval of an amendment to Chapter 78 (ZONING) of the Herndon Town Code to revise the regulations governing the location of wall mounted signs in the Downtown Mixed-Use zoning districts.
2. This amendment is necessary out of public necessity, convenience, general welfare, or good zoning practice.
3. The Planning Commission held a public hearing on February 27, 2023 to consider the item.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

_____, 2023

Ordinance - to amend Chapter 78 (ZONING), Article XIV (Signs), Section 78-141.6 (Sign Standards for Downtown Mixed-Use Districts), to revise the regulations governing the location of wall mounted signs.

Sec. 78-141.6. – Sign standards for downtown mixed-use districts.

(a) *Freestanding, wall, and temporary signs.* Except as otherwise prohibited in this article, the following signs are permitted as accessory to any properties within the central commercial (CC), planned development-downtown (PD-D), *and* planned development-traditional downtown (PD-TD) zoning districts, the following standards apply:

TABLE 78-141.6(a):

STANDARDS FOR FREESTANDING, WALL AND TEMPORARY SIGNS IN CC, PD-D, and PD-TD DOWNTOWN MIXED-USE DISTRICTS

Type	Freestanding	Wall	Temporary
Number	1 per street frontage when there's more than 150' of street frontage	Up to 2 per establishment	Up to 1 per property
Size	24 SF Max.	24 SF Max. per sign	12 SF max.
Height	8' Max.	N/A	If freestanding: 6' max.
Location	5' Min. from ROW	Limited to ground floor, <i>except when authorized to be in an alternate location through an approved Certificate of Appropriateness</i>	N/A
Illumination	Halo-lit or Indirect Lit	Halo-lit or Indirect Lit	None

Duration	Unlimited	Unlimited	60 Days per calendar year
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