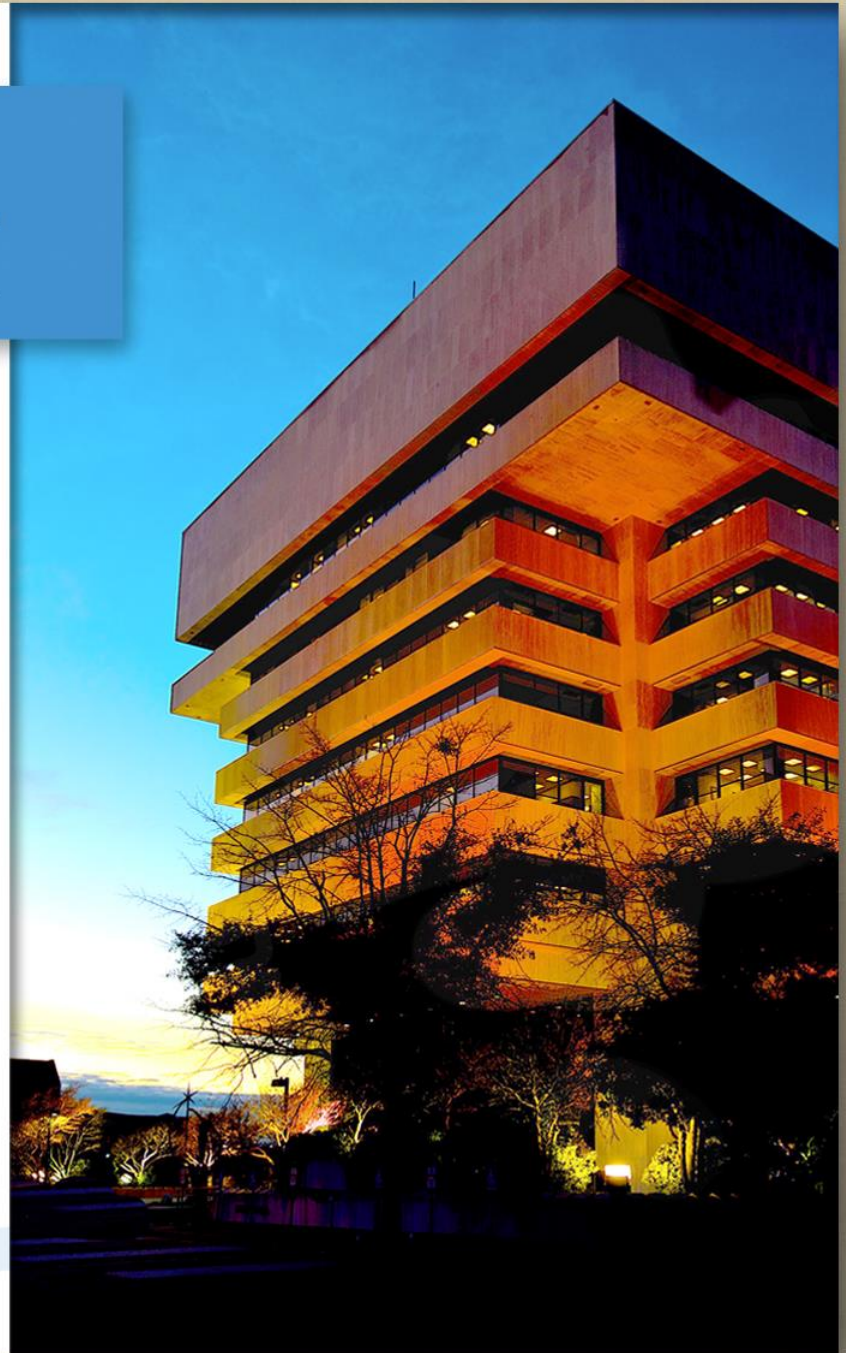


HAMPTON VA

**Zoning Ordinance
Amendments
No.21-0216 & No.21-0217
Temporary Signs and Flags**

**City Council
August 11, 2021**



Purpose

Amend Chapter 10 “Signs” &
Chapter 2 “Definitions”

Signs – Legal Considerations

- Hampton’s sign chapter was comprehensively updated in 2016 after the U.S. Supreme Court case Reed v. Town of Gilbert, AZ (2015)
 - Ordinance used to have subject matter categories (e.g., “real estate signs”)
 - Reed made clear that content-based restrictions were presumptively unconstitutional

Signs – Legal Considerations

- 2016 updates allowed for additional temporary signs in proximity to Election Day
 - 1 sign per issue and per candidate on the ballot allowed
 - Up to 100 days prior to the election
 - Up to 32 SF in commercial and 8 SF in residential districts
 - Limited to banner signs and lawn signs
 - Does not allow flags as a sign type
- In practice, flags are being used to display messages related to Election Day

Signs – Legal Considerations

- Current sign definition regulates and exempts certain flags
 - Exempts: “Flags of any nation, state, or other geopolitical entity not related to a commercial business, product, or service”
 - Treats flags differently based upon the message displayed
 - Recommend eliminating this distinction

Current Regulations

- Flags of any nation, state, or other geopolitical entity not related to a commercial business, product, or service are currently not regulated as signs
- Flags are not a regulated sign type, ex.
 - Political flags
 - Garden flags

Proposal – Definitions

- Add definitions:
 - Flag
- Modified definitions:
 - Sign
 - Sign area
 - Off premises advertising sign

Definitions

Sign. Any structure, wall fixture, object, display, or device that directs attention to or is intended to direct attention to the sign or to an object, product, place, activity, person, institution, organization, or business by means of temporary or permanent written copy, graphics, symbols, figures, fixtures, or projected images. The term shall not include public art; ~~flags of any nation, state, or other geopolitical entity not related to a commercial business, product, or service~~; seasonal displays and decorations not advertising a product, service, or entertainment; or architectural features, except those that identify products or services or advertise a business use.

***Flag* – A type of sign made of fabric or other flexible material attached on one side to a flagpole or similar device.**

Proposal - Flags

- Regulate number and size of flags based on primary use of the parcel
- Allow additional 2 sq. ft. flags in proximity to a federal holiday

Permanent Flags Residential

1-family, 2-family, duplex

- Mounted on a flagpole or similar device, either ground mounted or wall mounted
- Flagpoles must be setback from the nearest property line no less than the height of the flagpole
- Maximum flagpole height is 30'
- No more than **2 flags up to 24 sq. ft.**
- No more than **3 flags up to 2 sq. ft.**

Permanent Flags Commercial

Other uses

- Mounted on a flagpole or similar device, either ground mounted or wall mounted
- Flagpoles must be setback from the nearest property line no less than the height of the flagpole
- **Total flag area shall not exceed amount of monument sign area permitted on the parcel**

Permitting

- Ground mounted flagpoles above 5' in height require a zoning permit
- No sign permit required for flags

Temporary Signage Election Day

Proximity to election day

- **Flag**, banner, lawn signs
- No change to number of signs
 - 1 per issue and candidate
- No change to area and height limitations
 - Residential districts are limited to 8 sq. ft. per sign
- No change to duration
 - 100 days prior to election – 10 days after the election

Temporary Signage Federal Holiday

Proximity to a federal holiday

- No limit to number of 2 sq. ft. flags
- Duration: 7 days prior to the Federal Holiday – 7 days after the Federal Holiday

Recommendations

Planning Commission and Staff
recommends **approval** of
Zoning Ordinance Amendments
21-0216 (Definitions)
#21-0217 (Ch. 10, “Signs”)