DOCKET ITEM #4
Text Amendment #2016-0002
Signage

Issue: Consideration of (A) initiation of a Text Amendment, and (B) Text Amendment in regarding signs to the Zoning Ordinance Article IX in its entirety and Article IV Section 4-1410.	Planning Commission Hearing:	May 3, 2016
	City Council Hearing:	May 14, 2016
Staff: Alex Dambach, AICP, Division Chief – Land Use Nancy Williams, City Planner Joanna Anderson, Assistant City Attorney		

PLANNING COMMISSION ACTION, APRIL 5, 2016: On a motion made by Commissioner Lyman and seconded by Vice Chairman Macek, the Planning Commission voted to defer this text amendment to the meeting of May 3, 2016. The motion carried on a vote of 7 to 0.

Reason: Commissioners felt additional time would allow for additional fine tuning of the proposed Ordinance and provide for additional outreach and review. Additional time would also allow for responses to concerns raised by speakers.

Chairperson Lyman asked staff about Mr. Benavage's written comments and whether they would be incorporated into the final Ordinance. Staff responded that some elements had already been incorporated into the proposed ordinance, and others could be incorporated into guideline publications that will be made.

Commissioner Lyle asked about the size of signs specifically allowed at properties marketed for sale. She asked about the size limit of six square feet mentioning that many of these signs she measured are about 7 to 7.5 square feet because of their attachments. She recommended deferral. There was further discussion on the nature of the allowance for signs at houses that are for sale by many Commissioners.

Commissioner Dunn asked several questions about the nature of the Reed decision and the provision in proposed Section 9-204 to allow multiple temporary signs. There was discussion on this issue.

Vice Chairman Macek provided a description of the Ad Hoc Group on Signage and its efforts to address A-Frame signs in the right of way. He explained that while enhanced enforcement against the non-permitted A-Frame signs will soon take place, but there will also be an effort to assist businesses in effectively using complaint signage.

Commissioner Brown commented that there are few speakers on this issue, which is a favorable finding, because there are few objectors. He mentioned that other jurisdictions may want to use similar legislation, as they may not be as active in their addressing the Reed vs. Town of Gilbert Decision. He also spoke in support of additional outreach after deferral.

Commissioner Wasowski asked about the advertising on multi-family buildings and asked to address the needs of these buildings. Vice Chairman Macek proposed allowing additional square footage for permanent signage at buildings in apartment zones.

Speakers:
Peter Benavage, a member of the Ad Hoc Group on Signage, requested a delay of one month to allow specific items about the proposed Ordinance to be considered. He raised questions about regulations for flags and signs along major highways. He had provided written questions and suggestions for the ordinance, and requested additional time for these to be considered.

Bismah Ahmed, Government Affairs Manager with the Apartment and Office Building Association of Metropolitan Washington, expressed concern about the proposed time limits on temporary signage. She stated that apartment buildings often need to leave their banners and temporary signs advertising rentals for long periods. Commissioner Macek responded that the visual clutter often created by large apartment banners that currently violate signage regulations needs to be addressed. He proposed that apartments use permanent signage allowances to advertise vacancies. Commissioners and staff further discussed the existing and proposed regulations for signage at zones that permit apartment buildings.

I. Issue

Proposed are amendments to Zoning Ordinance Article IX in its entirety as well as Zoning Ordinance Section 4-1410 of Article IV in response to the recent US Supreme Court ruling in *Reed v. Town of Gilbert* of June 2015 (Reed). Also proposed is an amendment to Section 9-7-7 of the City Code, which regulates gas station signs.

The Reed decision created the need for the City of Alexandria to revise nearly all of its sign regulations such that the regulations would be purely content neutral. This is a comprehensive project being managed in phases. The first phase, which addressed regulations for signage in the public right of way, is complete. The second phase, which is the subject of this memorandum, addresses signage on private property (which is regulated by the Zoning Ordinance). The last phase will focus on policy and ordinance changes to address the specific issues of signs in historic districts.

This Phase II proposal includes text amendments to the Zoning Ordinance and the City Code to remove any regulations that could explicitly or implicitly regulate the content of signs on private property as required by the Reed decision. It also addresses some needed updates to Alexandria's signage policy such as those recommended by the City's Ad Hoc Group on A-Frame & Digital Signage.

Accomplishing these two goals involves extensive revision to the Zoning Ordinance, which led staff to decide to minimize any changes that are not needed to achieve compliance with Reed or implement the ad Hoc Group's recommendations. It was beyond the scope of this project to comprehensively review every element of the sign ordinance.

II. Background

The Zoning Ordinance began regulating signage in 1951, and the current Sign Ordinance was adopted in 1988. The most recent update was on February 20, 2016, when Ordinances 4941 and 4942 were adopted to prohibit non-governmental signs in public rights-of-way.

In June 2015 the US Supreme Court made a ruling in the case titled *Reed v. Town of Gilbert* which led to a significant change in approach to sign regulations than had previously been used in Alexandria and many other localities across the country. The case involved a sign ordinance in the Town of Gilbert Arizona that had specific regulations for signs based on their content. Different regulations, for example, existed for directional signs, church signs, and political signs. A church appealed the City's regulations because the church was limited to certain sized signs that it could use to direct parishioners to its services and yet signs with other messages were allowed to be much larger. The church argued that if visual clutter is the concern being addressed with sign regulations, then the message on the sign should not make a difference and all types of signs should be treated equally.

The Supreme Court held that any regulation that distinguishes signs based on what they say is considered to be a “content based regulation”. Content based regulations are legally subject to “strict scrutiny,” meaning that the regulation must further a "compelling governmental interest," and must be narrowly tailored to achieve that interest and ensure that there are other avenues of communication available for the user of the sign. Aesthetic and safety justifications are not enough of a reason for a content-based sign regulation to survive strict scrutiny. The ruling basically says “if you have to read the sign to know if it complies with zoning, the regulation is invalid.” Based on this ruling, regulations need to be content-neutral and should be based on location, size, number, and other non-content factors.

As a result, the City’s sign regulations are undergoing an extensive revision in accordance with the Reed ruling. Current terminology used in the Zoning Ordinance that differentiates sign regulations by their content type is proposed to be changed to avoid such differentiation. Staff proposes to base the proposed revised ordinance on a model ordinance prepared by the Local Government Attorneys of Virginia (LGA) which is also being used by other Virginia jurisdictions to ensure consistent compliance with the Court’s ruling.

Shortly before the Court had issued its ruling the City had already organized a 16-member Ad Hoc Group on A-Frame & Digital Signage to develop policies relating specifically to A-Frame signs for individual businesses and to electronically changeable digital signage, which are both generally not permitted under current regulations. During the time period when this group was meeting, the Reed Decision was issued. The Ad Hoc Group’s role expanded to assist and advise staff in further revising the Zoning Ordinance and City Code to ensure compliance with the US Supreme Court ruling and to address other clearly identifiable issues with the current regulations. The Ad Hoc group continued to serve as an advisory body while staff developed signage ordinance revisions proposed herein.

The group’s policy recommendations based on the original project mission regarding A-Frame Signs and Digital Signs are integrated in the ordinance proposed in this report. These recommendations are that, for the time being, City policies regarding digital signage remain unchanged with a future consideration of digital signage policies as technology continues to evolve. For A-Frame signage for individual businesses, however, some policy revision is recommended. These revisions are integrated into the proposed ordinance, as follows:

1. The group considered possible ways to permit A-Frame signs in front of individual businesses along King Street and other commercial streets in Old Town, but found that the visual clutter, pedestrian travel disruptions, and maintenance challenges make individual business A-Frames in Old Town impractical. Therefore, the Group recommended that private A-Frame signs should not be permitted on public sidewalks. *This change was recommended for approval by the Planning Commission (and adopted by the City Council) during Phase I of this process.*

2. The group concluded that A-Frame signs should not be permitted in historic districts and instead should become permitted outside of regulated historic districts (outside Old Town) and only on private property.
3. A-Frame signs should be allowed on private property but should be limited to within a specific distance (15 feet) from the building face of a commercial building.
4. A-Frame signs must be prohibited from blocking walkways and vehicle cartways on private property.
5. There needs to be a permitting process for businesses to put out A-frame signs on their property.
6. Safety standards are needed to avoid A-Frames falling over. This should include requirements of a minimum weight of 20 pounds, a requirement that the signs have bracing to prevent them from flattening and falling, and requirement for the use of durable materials, such as slate, marker board, stainless steel, aluminum, aluminum composite, laminate plastic, or medium density overlay plywood painted with enamel paint.
7. Existing maximum size limits of 42 inches in height and 24 inches in width should be maintained for A-Frame signs, and A-Frame signs should not have their size area counted as part of the area allowed for wall signage on businesses.
8. A-Frame signs would be prohibited in the Old and Historic Alexandria District and the Parker-Gray Historic District

In addition to the above policy recommendations for A-Frame and Digital Signage, the Ad Hoc Group provided recommendations for the overall City signage policies to address the Reed Decision and other issues. These recommendations are as follows:

1. Pole Signs should no longer be permitted and should become non-conforming.
2. Monument signs should be permitted where pole signs were formerly permitted.
3. Light box signs should no be longer permitted and become non-conforming.
4. Channel letter signs should remain permitted.
5. Temporary commercial signs should become allowable for 60 days instead of 30 days.
6. Several definition and terminology changes are needed in the Ordinance especially when they refer to signs by content type.
7. There may be times when high quality signage may not conform to adopted regulations, so a process for waivers from ordinance regulations by way of a special use permit process is needed.

Using the input from the Ad Hoc Group and from research, staff proposes revisions to the signage regulations that address several signage policy issues and provide for compliance with the Reed Decision.

III. Discussion of Proposed Text Changes

Proposed are text changes to the Zoning Ordinance and the City Code to integrate several suggestions of the City's Ad Hoc Group for Signage and to integrate staff-generated amendments based on the *Reed v. City of Gilbert* Supreme Court ruling. The proposed ordinance amendments are included as:

- Attachment 1 - Amended Article IX. - Signs, Marquees and Awnings,
- Attachment 2 - Amendments to the special sign regulations for the NR [Arlandria] zone to remove content-related restrictions, and
- Attachment 3 - Amendment to Sec. 9-7-7 - Display of prices on signs; enforcement; penalty.

In addition, because of the complexity of the amendments to Article IX, this report also includes Attachments 4 and 5.

- Attachment 4 is a summary chart that highlights major changes to Article IX. It summarizes both current policies and the proposed policies. It is organized by sign type and by zoning district type.
- Attachment 5 is a comprehensive chart that compares existing and proposed regulations. It consists of a complete side-by-side comparison of the existing zoning regulations and the proposed regulations. It also provides summary statements and notes in the three columns at the right side of each page.

The provided summary (Attachment 4) is a good place to start in studying this proposal, but please be aware that details are very important in regulating signage, so use of the side-by-side chart or the full text ordinance to study the details is highly recommended. The proposed ordinance amendment's main purpose is compliance with the Reed Decision. It also addresses issues such as tall pole-type signs that have been found objectionable in many parts of Alexandria, provides a mechanism for exceptions to the ordinance though the special use permit process, removes allowances for unattractive 'light box' type signs while still allowing more preferable 'channel letter' type signs, and clarifies long-standing ambiguities that have been in the current ordinance such as how flags should be regulated.

In a manner similar to the current regulations, the proposed ordinance groups zones by residential, commercial, and industrial categories. The proposed Article IX ordinance adds additional differentiation between low density and high density residential zones, and it differentiates, within each of these zones types, purely residential properties and non-residential properties such as churches, schools, and apartment building amenity businesses. It also regulates mixed use zones similarly to commercial zones because the signage needs for mixed use zones are similar to those of commercial zones. For each zone district category, regulations are organized by sections for flags, temporary signs, and permanent signs.

With regard to flags, the current and proposed regulations exempt flags of nations, states, and cities or geopolitical entities from signage regulation. Other types of flags, however,

such as those with a company logo, a college or sports team, or with a public statement would continue to be regulated as signs (see figures 1 and 2). The proposed ordinance clarifies how flags would be regulated by controlling the number of allowed flags based on a property's lot width and requiring flag surface area in commercial zones to count against allowable surface area available for signs mounted on building walls.

Figure 1

Many of the existing regulations for temporary signs are content based, because they contain specific regulations based on specific sign types. To make the regulations content neutral, specific standards for such signs as 'real estate signs', 'contractor signs', 'going out of business'/'grand opening' signs, 'yard sale signs', 'political signs', and other types of temporary signs are reconfigured as general regulations for all temporary sign types. The new standards allow property owners to have a specified total allowance of signage area for their temporary signs, but the standards also contain maximum size and locational limits for each individual sign that could be installed. Time limits are also included in the proposed ordinance to ensure that temporary signs are removed within a reasonable time. For most cases, temporary signs would only be permitted for a period of 120 days, and a 30 day gap would be required before new signs could be posted to keep "temporary" signs from becoming permanent. In low density residential (single-family home) zones, however, an allowance is also made for a 6 square foot sign (see figure 3) to be posted when a property being marketed for sale or rent.

Figure 2

Figure 3

The existing regulations for permanent signs also contain specific regulations according to content-based sign types such as 'school signs', 'apartment signs', 'church signs', 'directional signs', 'remote signs', 'convenience signs' in parking areas, and signs with 'special advertising'. The proposed standards provide for signs of similar size and configuration as those used by a church, school, apartment building, etc., but the standards are instead based on the type of land use and the location on the property where the sign would be placed. For example, signs currently regulated as 'warning signs' or 'convenience signs' would become regulated as 'minor signs' with a similar one square foot size requirement as now exists (see figure 4). Signs currently regulated as 'directional signs' along with those used for managing parking lots would become regulated by their location rather than their content such that specifically sized signs would be allowed at an entrance to a parking lot or on a curb, for example. Also, signs regulated as 'subdivision signs' for neighborhood identification would become regulated as signs 'at an

Figure 4

entrance to a neighborhood' with size and design requirements.

For commercial properties, many of the regulations remain effectively unchanged, but prohibitions on 'remote signs' and signs that contain special advertising are no longer possible. Current requirements for signs mounted on building walls or posted in windows would remain as they currently are. Rectangular light box signs (see figure 5), however, would no longer be permitted (they are already prohibited in many small area plan design guidelines and in standard conditions for DSUPs). This unattractive sign type is generally viewed as inappropriate for Alexandria. Channel lettered signs (see figure 6), however, would remain permitted, as this sign type is generally more attractive and suitable for Alexandria's design context.

Figure 5

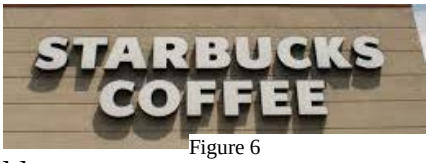

Figure 6

In response to many public comments, the proposed amendments would eliminate permission for tall pole signs and include a 7 year moratorium on existing pole signs (see figure 7). Instead shorter monument signs would be the only type of commercial-scale freestanding signage permitted. The current code permits freestanding signs up to 30 feet tall with up to 100 square feet of signage panel area. The proposed regulation would limit freestanding signs (other than temporary, minor, or parking lot signs) to a maximum height of 6 feet, which is a common height for monument signs, and a maximum signage area of 32 square feet for single tenant commercial properties or apartment buildings and 40 square feet for multiple tenant commercial properties (see figures 8 and 9). An adjustment to City Code Section 9-7-7 requiring gas stations to post prices is needed to ensure that gas prices are positioned below the 6 foot height limit of monument signs.

Figure 7

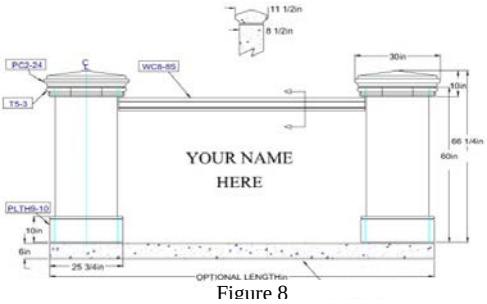

Figure 8

Adjustments are also made to Article IX's definitions section. As an example, the definition of a billboard, which is a sign type that is intended to remain prohibited in Alexandria, is to be changed from "Any sign, in excess of 150 square feet, advertising a person, place, event, product, business or other matter which is remote from the site or property upon which the sign is erected or displayed" to "Any sign that consists of a single panel surface larger than 100 square feet in size that is installed as an independent structure or is mounted on the side or top of a building, and this sign along with its location is sold, rented, or leased to a user that is not the property's business owner." This revised definition describes the physical configuration of a billboard and its business purpose as something sold, rented, or leased instead of the current definition that states what the billboard sign advertises. In another area of

Figure 9

adjustment, signage types that are exempt from Board of Architectural Review (BAR) regulation in the City's two regulated historic districts are also adjusted to remove content-based categories such as 'real estate signs' and 'contractor signs'. Instead, each property is now permitted to install one 4 square foot window sign and one 6 square foot temporary sign if permitted in the zone without requiring BAR approval.

The provided attachments contain the specific text proposals. Other than the exceptions mentioned above, the proposed text amendment generally maintains the current effective regulations for signs in the City by making adjustments to language and terminology. The proposed text and configuration adjustments are necessary to retain the as much of the regulation frameworks as possible while attaining compliance with the Reed Decision.

IV. Recommendation

Staff recommends that the text amendments contained in Attachments 1, 2, and 3 be approved in order to allow for City signage policies to correspond with the *Reed v. City of Gilbert* decision.

Staff: Alex Dambach, AICP, Division Chief – Land Use
Nancy Williams, City Planner
Joanna Anderson, Assistant City Attorney

Attachments: 1 - Amended Article IX. - Signs, Marquees and Awnings,

2 - Amendments to the special sign regulations for the NR [Arlandria] zone to remove content-related restrictions, and

3 - Amendment to Sec. 9-7-7 - Display of prices on signs; enforcement; penalty.

4 - Summary Chart of Major Changes to Article IX.

5 - Comprehensive Chart to Compare Existing and Proposed Regulations of Article IX.

Attachment #1

Proposed Zoning Ordinance Changes – The following text will replace all of the current text in Article IX

AMENDED ARTICLE IX. - SIGNS, MARQUEES AND AWNINGS

Article IX SIGNS

Sec. 9-100 General Provisions

Sec. 9-101. – Findings, purpose and intent; interpretation.

(A) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. 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.

(B) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the governing body are prohibited.

(C) 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 identified in subsection (a) of this section.

(D) 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 and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(E) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(F) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(G) This Article IX governs the erection and display of all signs, marquees and awnings in the city, except those erected and displayed by the city, the Commonwealth of Virginia and the United States in furtherance of their governmental responsibilities and those required by law to be erected and displayed.

(H) All rights and privileges acquired under the provisions of this Article IX are mere licenses revocable at any time by the director upon a violation of any applicable provision of this Article IX.

(I) The provisions contained in this Article IX shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this ordinance or other city ordinances. Nothing contained in this Article IX shall excuse any person from compliance with all other applicable provisions of this ordinance or the city code.

(J) Wherever authority is to be exercised under this Article IX by the city manager or the director, the authority may also be exercised by his or her designee.

(K) This Article shall apply to signs, marquees, and awnings on property not used for public right of way. Under no circumstances shall any provision herein authorize placement of a sign on any public right of way.

9-102 Definitions

(A) *A-Frame sign.* A two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.”

(B) *Animated sign*. Any sign, the character or appearance of any element or part of which changes by any device, mechanical, electrical or otherwise, except for digital text and graphic signs.

(C) *Awning*. Any permanent or retractable structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. This structure consists of a flexible material covering attached to and supported by a metal frame.

(D) *Awning sign.* Any sign attached to and made a part of an awning or any similar projections from a building, with changeable, fixed or both types of lettering in use.

(E) *Banner.* A temporary sign of flexible material affixed to a framework or flat surface.

(F) *Billboard*. Any sign that consists of a single panel surface larger than 100 square feet in size that is installed as an independent structure or is mounted on the side or top of a building, and this sign along with its location is sold, rented, or leased to a user that is not the property’s business owner.

(G) *Building frontage.* The length of the main wall of a building which physically encloses or covers usable space. Said frontage shall be measured at the width of the wall at the height where the sign is mounted.

(H) *Chalk-board sig*n. A single-faced, framed slate, chalk-board, whiteboard, or other material that can be written on with chalk, dry erase or similar markers.

(I) *Changeable copy sign.* A non-electronic sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

(J) *Comprehensive sign plan*. A plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

(K) *Curb sign*. Any sign painted on a curb.

(L) *Digital text and graphic sign*. Any sign that can change its content by way of electronic or mechanical means but maintains a consistent image and does not flash or display any animation or movement other than the occasional changing of text or graphics ***occurring no more than two times per day***. Digital text and graphic signs can be in the form of televisions, monitors, and other screens.

(M) *Double-face sign.* Any sign having two parallel planes or surfaces that both bear the message.

(N) *Feather sign.* A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop. See Windblown Sign.

(O) *Flag*. A piece of cloth or similar material, shaped like a pendant, rectangle, or square, attachable by one straight edge to a pole or rope or attached at the top and draped.

(P) *Flashing sign*. Any sign consisting of, or illuminated by, flashing or intermittent lights or other lights of changing degrees of intensity, brightness or color except for digital text and graphic signs.

(Q) *Freestanding sign*. A sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall. It also means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building. A freestanding sign can have one or two sides and can have messages on each side.

(R) *Height.* The maximum vertical distance from the ground at the base of the sign, or, for projecting signs, at the bottom of the plane created by the face of the sign extending to the ground, to the top of the highest attached component of the sign. Height also measures the ground clearance under projecting signs.

(S) *Holiday Displays.* Any displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.

(T) *Illegal sign*. Any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

(U) *Illuminated sign*. Any sign that is backlit, internally lighted or lighted by direct external lighting fixtures.

(V) *Marquee*. Any permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. A marquee may take the form of an awning.

(W) *Marquee sign*. Any sign attached to and made a part of a marquee or any similar projections from a building, with manually changeable, fixed or both types of lettering in use.

(X) *Minor sign*. Any wall or freestanding sign not exceeding one (1) square foot in area and not illuminated.

(Y) *Monument sign*. Any freestanding sign consisting of a structure built on grade in which the sign and the structure are an integral part of one another. A monument sign is not a pole sign, and it does not have any visible supporting posts or poles ***under the sign area***. This sign generally has a low profile in accordance with height restrictions for this sign type with little or no open space between the ground and the sign and has a structure constructed of masonry, wood, or materials similar in appearance.

(Z) *Moving or windblown sign*. Any sign, any element or part of which (such as a streamer, wheel, moored blimp or propeller) moves by means of a mechanized, electrical or other device or is set in motion by movement of the atmosphere, including feather signs. A flag is not a moving or windblown sign.

(AA) *Mobile Sign.* Any sign mounted on wheels, built with axles to which wheels may be attached, or attached to a motor vehicle which is used primarily for the displaying of the sign, not for operating of the vehicle. Any such vehicle shall, without limitation, be considered to be used for the primary purpose of displaying the sign if it remains parked in the same location for more seven (7) days without moving, fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer. A parking permit sticker, inspection sticker, regulatory permit or bumper sticker attached to a motor vehicle shall not be considered a sign.

(BB) *Neon sign*. Any sign containing exposed tubes filled with light-emitting gas or a sign giving the appearance of being a neon sign.

(CC) *Nonconforming sign.* Any sign which was lawfully erected in compliance with applicable regulations of the City and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

(DD) *Pole sign*. Any freestanding sign taller than ***6 feet*** that is mounted on one (1) or more visible, ground-mounted poles. A flag, as defined by 9-102(N), on an affixed to a pole is not a pole sign.

(EE) *Portable sign*. Any temporary sign not affixed to a building, structure, vehicle or the ground and which can easily be picked up and moved to another location without the use of machinery.

(FF) *Projecting sign*. Any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted. A projecting sign has a sign face that is not flat to the wall on which it is mounted and has two sides and can have messages on each side.

(GG) *Public area*. Any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

(HH) *Public Art*. Items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm.

(II) *Roof line.* A line composed of the highest points of the roof of a building or structure not to include mechanical penthouses or other structures attached to or erected on such roof.

(JJ) *Roof sign*. Any sign erected on or affixed to a building or structure which extends, in whole or in part, above the roof line or the eaves or bottom edge of the roof.

(KK) *Sign.* Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term also does not include public art, architectural elements incorporated into the style or function of a building, or The term "sign" also does not include the display of merchandise for sale on the site of the display.

(LL) *Sign face*. The portion of a sign structure bearing the message.

(MM) *Sign structure.* Any structure supporting or bearing a sign face.

(NN) *Temporary sign*. Any sign intended to be displayed for a short time period based on a property condition. All temporary signs are not illuminated. Unless a different time period is specified, a temporary sign may not be displayed for more than 120 continuous days, and there must be a 30-day interruption between postings of temporary signs.

(OO) *Wall Sign*. Any sign attached to a wall or painted on or against a flat vertical surface of a structure.

(PP) *Window sign*. Any sign visible from outside a building and visible through any window or door and attached to or within four (4) feet in front of or behind the surface of a window or door.

9-103 – Sign Approval.

(A) Approval Required.

(1) No sign, marquee or awning may be erected, displayed, constructed, reconstructed or altered unless it complies with the Uniform Statewide Building Code. Compliance may require that, in addition to the permits required by any other section of this ordinance, a permit or permits be obtained from the building code official.

(2) Application for a permit shall be made on forms furnished by the building code official.

(3) The Department of Planning and Zoning shall review each sign application except as noted in 9-103(B) below, for compliance with this Article IX.

(B) Zoning Approval not required. In all zones, except property within the Old and Historic Alexandria or the Parker-Gray Districts, the following signs are permitted without zoning approval if the sign is allowed in the zone pursuant to

Section 9-200 herein, however nothing in this section shall relieve the installer of the requirement to obtain applicable permissions pertaining to the building code in use by the City of Alexandria:

(1) Signs erected by a governmental body or required by law.
(2) Flags as allowed within each zone.
(3) The changing of messages on and/or maintenance of an existing sign, except that repair of a nonconforming sign must comply with 9-402.
(4) Temporary signs as allowed within each zone.
(5) Not more than two minor signs per property as allowed within each zone. Additional minor signs are permitted in certain districts with approval.
(6) Pavement markings on an area of property where traffic management is necessary.

(C) *Coordinated Sign Special Use Permit.* Comprehensive sign plans may be approved by special use permit in a CDD/Coordinated Development District or in a unified development more than three acres in size, which contains more than one building, more than one parcel or private streets. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance. The applicant for a Coordinated Sign Special Use Permit shall submit a statement of justification for such program in addition to information which describes the number, location, size, height, clearance**,** color, material, type of illumination, if applicable, of all proposed signs within the program. A proposed coordinated sign program may be approved if council finds that it provides the same or greater benefits to the public as the sign regulations otherwise applicable.

(D) *Waiver of requirement by special use permit.* A special use permit may be obtained pursuant to Section 11-500, which authorizes the provision of signage otherwise not permitted by this Article IX, subject to the following:

(1) The special use permit applicant shall demonstrate that the proposed signage would correspond with the intent of this Article IX; and
(2) City Council finds that:

a. the proposed signage has an exceptional design or approach that cannot be accomplished within the existing regulations;

b. the proposed signage will not have an adverse impact on the nearby neighborhood, and

c. the signs comply with the applicable standards for approval of a Special Use Permit set forth in section 11-504.

9-104 Prohibited signs

In addition to signs prohibited elsewhere in the zoning ordinance, City Code or by applicable state or federal law, the following signs are prohibited in all Zones:

(A) General prohibitions.

(1) Signs displayed without complying with all applicable regulations of this chapter or that violate any city, state or federal law.

(2) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized city official as a nuisance.

(B) Prohibitions based on materials.

(1) Animated signs. This subsection does not apply to flags expressly permitted under this article.

(2) Flashing signs.

(3) Moving or Windblown Signs.

(4) Mobile Signs.

(5) Signs that emit smoke, flame, scent, mist, aerosol, bubbles, liquid or gas.

(6) Signs that emit sound.

(7) Any electronic sign or Digital Text and Graphic Sign. This section does not apply to signs specifically required by Section 9-7-7 of the City Code.

(8) Pole signs.

(9) Signs which utilize a spotlight or other device which projects a beam of light in the direction of any street, road, highway, alley or parking area so that it may be seen by the operator of a motor vehicle when the vehicle is not parked.

(10) Illuminated signs located higher than 35 feet above grade unless the building is located within 2,000 feet of and the sign is facing Interstate 95 (the Capital Beltway) or unless a special use permit is approved after a finding that the sign meets the following criteria:

a) Only one sign per building is permitted;

b) The building may not be located within, or on the borders of, the Old and Historic Alexandria or Parker-Gray Districts;

c) The sign must meet any applicable design guidelines and follow any additional applicable process for approval;

d) The sign must be appropriate in scale, design and color and compatible with the building;

e) The sign may not be a neon sign;

f) The sign shall be subject to such conditions as the SUP may impose to ensure that the sign functions without glare or disturbance with nearby uses, including those rules which may alter, modify or supersede the rule stated in section 9-105(A)(2) with regard to the lighting not operating between 10:30 pm and 6:30 a.m.; and;

g) No sign may face the George Washington Memorial Parkway, and only minimum facade lighting facing the Parkway is allowed.

h) The sign shall be wall mounted.

(11) Portable Signs. This subsection does not apply to A-frame signs allowed herein.

(12) Billboards.

(13) Internally Illuminated Translucent Rectangular Panel Signs: Signs that use a lightbox configuration where a light fixture is inside a rectangular box with the front surface consisting of a translucent panel on which information is displayed. This prohibition does not apply to channel

lettering signs that use individual light boxes shaped like discrete letters or symbols.

(C) Prohibitions based on location.

(1) Signs erected on public land other than 1) those approved by the City Manager or his or her designee in writing, 2) those where an ordinance authorizing such encroachment has been enacted by city council, 3) those authorized by law without such approval, or 4) those permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

(2) Roof Signs.

(3) Any sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.

(4) Signs affixed to certain property. No temporary sign may be painted, marked, written, posted or displayed on, or otherwise affixed to, any private street sign, bus stop sign or traffic sign, sidewalk, crosswalk, curb, curbstone, street, lamp post, hydrant, railroad trestle, electric light or power pole or telephone pole or wire appurtenance thereof, fixture of the fire alarm system, drinking fountain, natural features such as trees, shrubs, rocks or tree stakes or guards.

9-105 – Standards and removal.

(A) Standards

(1) *Maintenance.*

(a) All signs, marquees and awnings shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts or peeling paint.

(b) The building official may find cause to have signs removed or repaired immediately without written notice any sign which, in his or her opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in the Uniform Statewide Building Code.

(2) *Illumination.*

(a) Lighted signs facing and in close proximity to a residential zone shall not be illuminated between 10:30 p.m. and 6:30 a.m.

(b) Such signs shall be constructed so that the lighting elements are shielded from view of the residential zone by nontransparent or translucent material or other means designed to eliminate glare.

(c) Illumination is prohibited for all temporary signs.

(d) Internal illumination is prohibited for rectangular panel signs, in accordance with Section 9-104 (B) (13)

(e) Illuminated Signs higher than 35 feet are subject to Section 9-104 (B) (10)

(3) *Reflection.* No sign shall contain any reflective device.

(4) *Non-commercial Sign Substitution.* Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

(5) All free standing signs must comply with all applicable vision clearance requirements in 7-801 of the Zoning Ordinance.

(B) Removal.

(1) Whenever the use of a building or structure or real property is discontinued, all signs pertaining to that use which were previously erected or displayed shall be removed within 30 days of the discontinuance of the use.

(2) Irrespective of any continued use or any discontinuance in use of a building or structure, a supporting standard or structure for a sign shall be removed if the standard or structure is not occupied by a sign permitted by this ordinance for a continuous period of one year.

(3) It shall be the responsibility of the owner of the building, structure, or real property to accomplish the removal. If, after written notice to the owner from the director, such signs or supporting standards or structures are not removed within ten days of the notice, the city manager shall cause the removal and charge the cost to the owner.

9-106 - Computation of sign area.

The area of a sign is the sum of the areas within rectangular lines inscribed around each separate word, symbol or pictorial element on the face of a sign, and the height of a sign shall be measured to include the sign and supporting apparatus for any freestanding sign; provided that:

(A) The area of a sign, or any portion thereof, having a distinctive or ornamental border shall include both the area enclosed by the border, and the area enclosed within the border.

(B) The area of a sign, or any portion thereof, having a distinctive or ornamental background, which sets the background apart from a larger surface so that it forms an integral part or element of the sign, shall include the area of the background.

(C) The area of a freestanding sign, or any portion thereof, having a background which extends beyond the words, symbols or pictorial elements thereof shall include the area of the background including the base for monument signs.

(D) If any portion of the words, symbols or pictorial elements of a sign extends beyond a border or background or has no border or background, the area of that portion of the sign shall be the area of a rectangle inscribed around it.

(E) The area of a marquee, or any panel thereof, which specifically provides a background for a sign shall be included in the area of the sign.

(F) The area of any sign hung, placed, painted or displayed on a marquee or awning shall be included in determining the total area of signs erected or displayed.

(G) The area of a double-face sign shall be considered to be the area of the one face having the larger area.

Sec. 9-200 Sign Regulations by Zoning District

9-201 – Residential district signs.

(A) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in the following residential districts.

(1) In the R-20, R-12, R-8, R-5, R-2-5, RB, RM, RS, RT, POS, and WPR Zones the following regulations shall apply:

a. On property used for residential purposes only the following signs are permitted:

i. Flags:

1. *Number and Size Limits:* One flag per twenty (20) feet (or portion thereof) of lot width to a maximum of three (3) flags per property with a maximum size of 16 square feet for each flag.
2. *Mounting and Installation Regulations:* Freestanding flags may only be less than 25 feet in height. Wall mounted flags may only be on a projecting pole no longer than six (6) feet or mounted flat against the wall or on a window provided that the flag does not cover more than 20 percent of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight (8) feet directly below the location where the flag is mounted.

ii. Temporary Signs:

1. Number, Size and Time Limits for each dwelling unit on a lot:
   a. Signage with a total area of no more than ten (10) square feet, however no single sign is permitted to be larger than four (4) square feet.
   b. One (1) sign ***or combination of signs*** with a total area of no more than ~~six (6)~~ ***seven (7)*** square feet in area on any property for sale or rent during the time the property is actively marketed and advertised for sale or actively marketed and advertised for rent.
2. *Mounting and Installation Regulations:* Signs may be ground mounted, wall mounted, or displayed within a window, provided that it does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. Freestanding signs may only be less than forty two (42) inches in height, but for properties that are actively marketed and advertised for sale, the sign permitted in subsection 1.b above can have a height ***that shall not exceed*** six (6) feet.

iii. Permanent Signs:

1. Minor Signs:

a. Number and Size Limits: Maximum of two (2) signs per property per street frontage with a maximum size of one (1) square foot for each sign.
b. Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (36) inches in height. Wall mounted signs may only be mounted flat against the wall.

2. Signs at the entrance to a neighborhood:
   a. Number and Size Limits: One permanent sign is permitted per entrance to a distinguishable neighborhood with a maximum size of 24 square feet for each sign.
   b. Mounting and Installation Regulations: Such signs may only be installed as a monument sign ***that shall not exceed*** (6) feet in height.
3. Signs painted on the curb:
   a. Number and Size Limits: One permanent sign is permitted per property with a maximum size of one-half (0.5) square foot.
   b. Mounting and Installation Regulations: Such signs may only be painted directly on the face of a curb on private property.
4. Additional signs at a multifamily property in the RB Zone:
   a. Number and Size Limits: One permanent sign is permitted per multi-family property to be located at each of the property's street frontages with a maximum size of 40 square feet for each sign if wall mounted or 32 square feet if free standing.
   b. Mounting and Installation Regulations: Such sign can be freestanding or wall mounted. Freestanding installation is only permitted on a lot with a width of at least one hundred (100) feet at the front lot line only where off-street parking is provided, leaving a distance between the building and a side lot line of twenty five (25) feet or more, or where a building is setback twenty five (25) feet or more from the front lot line. If freestanding, the sign shall be installed as a monument sign less than six feet in height, and shall be setback at least ten (10) feet from the front lot line. Wall mounted signs may only be mounted flat against the wall.

b. On property used for non-residential purposes:

i. Flags:
   1. Number and Size Limits: One flag per twenty (20) feet (or portion thereof) of lot width to a maximum of maximum of five (5) flags per property with a maximum size of twenty four (24) square feet for each flag. Freestanding flags may only be attached to a pole less than thirty five (35) feet in height.
   2. Mounting and Installation Regulations: Wall mounted flags may only be on a projecting pole no longer than six (6) feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight (8) feet directly below the location where the flag is mounted.

ii. Temporary Signs:
   1. Number, Size and Time Limits:
      a. Signage with a total area of no more than thirty (30) square feet, however no single sign is permitted to be larger than twenty-four (24) square feet.
      b. One sign ***or combination of signs with*** no more than ~~six (6)~~ ***seven (7)*** square feet in area on any property for sale or rent during the time the property is actively marketed and advertised for sale or actively marketed and advertised for rent. Such sign, if freestanding, ***shall not exceed*** six (6) feet in height.
   2. Mounting and Installation Regulations: Unless otherwise specified, freestanding temporary signs may only be less than five (5) feet in height. Wall mounted temporary signs may only be mounted flat against the wall or on or in a window provided that the temporary sign does not cover more than twenty percent (20%) of the glazing area of the window where it is installed.

iii. Permanent Signs:
   1. Minor Signs:
      a. Number and Size Limits: A maximum of five (5) signs per property ***for each street frontage per 100 feet of lot width*** with a maximum size of one (1) square foot for each sign.
      b. Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (36) inches in height. Wall mounted

minor signs may only be mounted flat against the wall.

2. Signs at locations within ten (10) feet of the curb edge of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:
    a. Number and Size Limits: A maximum of one sign is permitted facing each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six (6) square feet for each sign.
    b. Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (42) inches in height.
3. Signs along property's street frontage:
    a. Number and Size Limits: A maximum of one sign with a maximum size of 40 square feet for each sign is permitted if wall mounted or 32 square feet if free standing at each property street frontage.
    b. Mounting and Installation Regulations: Such sign can be freestanding or wall mounted. Freestanding installation is only permitted on a lot with a width of at least one hundred (100) feet at the front lot line only where off-street parking is provided, leaving a distance between the building and a side lot line of twenty five (25) feet or more, or where a building is setback twenty five (25) feet or more from the front lot line. If freestanding, the sign shall be installed as a monument sign less than six feet in height, and shall be setback at least ten (10) feet from the front lot line. Wall mounted signs may only be mounted flat against the wall.
4. Signs painted on the curb:
    a. Number and Size Limits: One permanent sign is permitted with a maximum size of one-half (0.5) square foot.
    b. Mounting and Installation Regulations: Such signs may only be painted directly on the face of a curb.
5. Signs at the entrance to a neighborhood:
    a. Number and Size Limits: One permanent sign is permitted per entrance to a distinguishable

neighborhood with a maximum size of twenty four (24) square feet for each sign.

b. Mounting and Installation Regulations: Such signs may only be installed as a monument sign with less than six feet in height.

(2) In the RA, RC, RCX, and RD Zones the following regulations shall apply:

a. On property used for residential purposes only the following signs are permitted:

i. Flags:

1. Number and Size Limits: One flag per twenty (20) feet (or portion thereof) of lot width with a maximum size of 18 square feet per flag.
2. Mounting and Installation Regulations: Freestanding flags may only be less than thirty five (35) feet in height. Wall mounted flags may only be on a projecting pole no longer than six feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight (8) feet directly below the location where the flag is mounted.

ii. Temporary Signs:

1. Number, Size and Time Limits: Signage with a total area of no more than forty (40) square feet, however no single sign is permitted to be larger than twenty-four (24) square feet.

2. Mounting and Installation Regulations: Unless otherwise specified, freestanding temporary signs ***shall not exceed*** six (6) feet in height. Wall mounted temporary signs may only be mounted flat against the wall or on or in a window provided that the temporary sign does not cover more than twenty percent (20%) of the glazing area of the window where it is installed.

iii. Permanent Signs:

1. Minor Signs:
   a. Number and Size Limits: Maximum of five signs per lot with a maximum size of one square foot per sign.
   b. Mounting and Installation Regulations: Freestanding minor signs may only be less than 36 inches in height. Wall mounted signs may only be mounted flat against the wall.
2. Signs at the entrance to a neighborhood:

a. Number and Size Limits: One permanent sign is permitted per entrance to a distinguishable neighborhood with a maximum size of twenty four (24) square feet for each sign.
b. Mounting and Installation Regulations: Such signs may only be installed as a monument sign with less than six feet in height.

3. Signs painted on the curb:
   a. Number and Size Limits: One permanent sign is permitted with a maximum size of one-half (0.5) square foot.
   b. Mounting and Installation Regulations: Such signs may only be painted directly on the face of a curb on private property.
4. Signs at locations within ten (10) feet of the curb edge of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:
   a. Number and Size Limits: A maximum of one sign is permitted in each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six (6) square feet for each sign.
   b. Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (42) inches in height.
5. Signs along a multi-family property's street frontage:
   a. Number and Size Limits: ***Signage with a total area of no more than sixty (60) square feet per property frontage, however no single wall mounted sign is permitted to be larger than forty (40) square feet, and no freestanding sign is permitted to be larger than thirty-two (32) square feet.***
      ~~A maximum of one sign with a maximum size of forty (40) square feet for each sign is permitted if wall mounted or 32 square feet if free standing at each property street frontage.~~
   b. Mounting and Installation Regulations: Such sign can be freestanding or wall mounted. Freestanding installation only permitted on a lot with a width of at least one hundred (100) feet at the front lot line only where drive-in service or off-street parking is provided, leaving a distance between the building and a side lot line of

twenty five (25) feet or more, or where a building is setback twenty (25) feet or more from the front lot line. If a freestanding, the sign shall be installed as a monument sign that ***shall not exceed*** six (6) feet in height, and shall be setback at least ten (10) feet from the front lot line.

b. On property used for mixed use or non-residential purposes:
   i. Flags:
      1. Number and Size Limits: One flag per twenty (20) feet (or portion thereof) of lot width with a maximum size of eighteen (18) square feet per flag. The area used for flags shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in Section 9-201.A(2)b.iii.6.
      2. Mounting and Installation Regulations: Freestanding flags may only be attached to a pole less than thirty five (35) feet in height. Wall mounted flags may only be on a projecting pole no longer than six (6) feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight (8) feet directly below the location where the flag is mounted.
   ii. Temporary Signs:
      1. Number, Size and Time Limits: Signage with a total area of no more than forty (40) square feet, however no single sign is permitted to be larger than twenty-four (24) square feet.
      2. Mounting and Installation Regulations: Unless otherwise specified, freestanding temporary signs may only be less than five (5) feet in height. Wall mounted temporary signs may only be mounted flat against the wall or on or in a window provided that the temporary sign does not cover more than twenty percent (20%) of the glazing area of the window where it is installed.
   iii. Permanent Signs:
      1. Minor Signs:
         a. Number and Size Limits: Maximum of five (5) signs per property ***for each street frontage per 100 feet of lot width*** with a maximum size of one (1) square foot for each sign.
         b. Mounting and Installation Regulations: Freestanding minor signs may only be less than

thirty six (36) inches in height. Wall mounted signs may only be mounted flat against the wall.

2. Signs at the entrance to a neighborhood:
    a. Number and Size Limits: One permanent sign is permitted per entrance to a distinguishable neighborhood with a maximum size of twenty four (24) square feet for each sign.
    b. Mounting and Installation Regulations: Such signs may only be installed as a monument sign ***that shall not exceed*** six (6) feet in height.
3. Signs painted on the curb:
    a. Number and Size Limits: One permanent sign is permitted with a maximum size of one-half (0.5) square foot.
    b. Mounting and Installation Regulations: Such signs may only be painted directly on the face of a curb on private property.
4. Signs at locations within ten (10) feet of the curb edge of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:
    a. Number and Size Limits: A maximum of one (1) sign is permitted in each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six (6) square feet for each sign.
    b. Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (42) inches in height.
5. Signs along a multi-family or non-residential property's street frontage:
    a. Number and Size Limits: ***Signage with a total area of no more than sixty (60) square feet per property frontage, however no single wall mounted sign is permitted to be larger than forty (40) square feet, and no freestanding sign is permitted to be larger than thirty-two (32) square feet.***
    ~~A maximum of one sign with a maximum size of forty (40) square feet for each sign is permitted if wall mounted or 32 square feet if free standing at each property street frontage.~~
    b. Mounting and Installation Regulations: Such sign can be freestanding or wall mounted. Freestanding installation only permitted on a lot

with a width of at least one hundred (100) feet at the front lot line only where drive-in service or off-street parking is provided, leaving a distance between the building and a side lot line of twenty five (25) feet or more, or where a building is setback twenty (25) feet or more from the front lot line. If a freestanding, the sign shall be installed as a monument sign ***that shall not exceed*** (6) feet in height, and shall be setback at least ten (10) feet from the front lot line.

6. Wall signs at the entrance to a non-residential building or part of a building:
    a. Number and Size Limits: A maximum of one (1) sign with a maximum size of one (1) square feet for each linear foot of building width for the wall on which the sign is mounted.
    b. Mounting and Installation Regulations: Such sign shall be wall mounted and may only be mounted flat against the wall. Such sign cannot be higher than twenty (20) feet above grade measured from the location immediately below the sign. Such signs may also be mounted on an awning or marquee. Marquees and awnings are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized.
7. Projecting signs at the entrance to a non-residential building or part of a building:
    a. Number and Size Limits: The total area of all signage on the building shall be sixteen (16) square feet. The area allowed for this signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in Section 9-201.A(2)b.iii.6.
    b. Mounting and Installation Regulations: Such signs shall be wall mounted. Such sign shall not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight (8) feet above a sidewalk or parking area and at least fourteen and a half (14.5) feet above an alley. Such sign cannot be higher than twenty (20) feet above grade measured from the

location immediately below the sign to the top of the sign. Such signs are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized.

Sec. 9-202 – Commercial, Special, Overlay, and Mixed Use district signs.

(A) *Generally*. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in the CC, CD, CDX, CG, CL, CR, CSL, KR, NR, CRMU-/L, CRMU/M, CRMU/H, CRMU/X, OC, OCH, OCM (50), OCM (100), CDD, and W-1 Zones.

i. Flags:

1. Number and Size Limits: One flag per twenty (20) feet (or portion thereof) of lot width with a maximum size of twenty four (24) square feet for each flag. The area used for flags shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in Section 9-202 (A) ii.1.a or b or in Sections 9-201 (A) iii.6 or iii.7.
2. Mounting and Installation Regulations: Freestanding flags may only be attached to a pole less than thirty five (35) feet in height. Wall mounted flags may only be on a projecting pole no longer than six (6) feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight (8) feet directly below the location where the flag is mounted.

ii. Temporary Signs:

1. Number, Size and Time Limits:
   a. A maximum of one (1) sign with a maximum size of one (1) square feet for each linear foot of building width for the wall on which the sign is mounted per frontage on a street, alley, or parking lot only when located on property where a building permit is active. Such sign shall be wall mounted and may only be mounted flat against the wall or installed as a window sign. The area allowed for this temporary signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in Section 9-202 (A) ii.1.b or in Sections 9-201 (A) iii.6 or iii.7.
   b. A maximum of one (1) sign with a maximum size of one (1) square feet for each linear foot of

building width for the wall on which the sign is mounted per frontage on a street, alley, or parking lot only when located on property is actively marketed and advertised for sale or actively marketed and advertised for rent. The area allowed for this temporary signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in Section 9-202 (A) ii.1.a or in Sections 9-201 (A) iii.6 or iii.7.

c. One (1) sign with a maximum size of the lesser of twenty (20) feet, one-half square feet for each linear foot of building width for the wall on which the sign is mounted, or one hundred (100) square feet. The maximum period for this sign is sixty (60) days per six month period of a year.

2. Mounting and Installation Regulations: Such sign shall be wall mounted and may only be mounted flat against the wall or installed as a window sign. Such sign cannot be higher than twenty (20) feet above grade measured from the location immediately below the sign to the top of the sign. On a vacant lot, such sign can be freestanding, but shall have a height no greater than six (6) feet and an area no greater than 40 square feet.

iii. Permanent Signs:

1. Minor Signs only permitted in the CC, CG, CR, CSL, CRMU-/L, CRMU/M, CRMU/H, CRMU/X, OC, OCH, OCM (50), and OCM (100) Zones, but not permitted in the CD, CDX, CL, KR, NR, or W-1 zones:

a. Number and Size Limits: Maximum of five (5) signs per property ***for each street frontage per 100 feet of lot width*** with a maximum size of one (1) square foot for each sign.

b. Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (36) inches in height. Wall mounted signs may only be mounted flat against the wall.

2. Signs at the entrance to a neighborhood:

a. Number and Size Limits: One permanent sign is permitted per entrance to a distinguishable neighborhood with a maximum size of twenty four (24) square feet for each sign.

b. Mounting and Installation Regulations: Such signs may only be installed as a monument sign ***that shall not exceed*** six (6) feet in height.

3. Signs painted on the curb:

a. Number and Size Limits: One permanent sign is permitted with a maximum size of one-half (0.5) square foot.
b. Mounting and Installation Regulations: Such signs may only be painted directly on the face of a curb on private property.

4. Signs at locations within ten (10) feet of the curb edge of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:
    a. Number and Size Limits: A maximum of one (1) sign is permitted in each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six (6) square feet for each sign.
    b. Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (42) inches in height.
5. Freestanding signs at a property's street frontage:
    a. Number and Size Limits:
        i. At a lot containing no more than two businesses, a maximum of one freestanding sign is permitted with a maximum area of thirty-two (32) square feet and a maximum height of six (6) feet above grade to the top of the sign.
        ii. At a lot containing three or more businesses, a maximum of one freestanding sign is permitted with a maximum area of forty (40) square feet and a maximum height of six (6) feet above grade to the top of the sign.
        iii. A lot with a width of more than two hundred (200) feet at the front lot line may contain two (2) freestanding signs in compliance with either (i) or (ii) above.
        iv. When the street frontage of a lot is in excess of three hundred (300) feet, the number of signs and allowable sign area may be increased with a special use permit.
    b. Mounting and Installation Regulations: Freestanding installation shall only be permitted on a lot with a width of at least one hundred (100) feet at the front lot line and only where drive-in service or off-street parking is provided, leaving a distance between the building and a side lot line of twenty five (25) feet or more, or where a building is setback twenty five (25) feet or more from the front

lot line. If a freestanding, the sign shall be installed as a monument sign, and it shall be setback at least ten (10) feet from the front lot line. A freestanding sign shall have no more than two faces and shall be double faced back to back only. No signs other than those indicated on the sign application shall be attached to a freestanding sign.

6. Wall signs:
    a. Number and Size Limits: The total area of all signs displayed on a building wall which faces a street, alley or parking area shall not exceed one square foot for each foot of building width facing the street, alley or parking area.
    b. Mounting and Installation Regulations: Such signs shall be wall mounted and may only be mounted flat against the wall. Such sign cannot be higher than twenty (20) feet above grade measured from the location immediately below the sign. Such signs may be mounted on an awning or marquee. Marquees and awnings are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized.
7. Wall signs higher than twenty (20) feet above grade on a multi-story building:
    a. Number and Size Limits: The total area of all signs displayed on a building wall higher than 20 feet above grade on a multi-story building which faces a street, alley or parking area shall not exceed one square foot for each foot of building width facing the street, alley or parking area.
    b. Mounting and Installation Regulations: Such sign shall be wall mounted and may only be mounted flat against the wall. No part of this sign is permitted to be lower than twenty (20) feet above grade measured from the location immediately below the sign.
8. Projecting signs at the entrance to a non-residential building or non-residential part of a building:
    a. Number and Size Limits: The total area of all signage on the building shall be sixteen (16) square feet. The area allowed for this signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in Section 9-202 (A) ii.1.b or in Sections 9-201 (A) iii.6 or iii.7.

b. Mounting and Installation Regulations: Such signs shall be wall mounted. Such sign shall not project more than four (4) feet from the building wall or within one (1) foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least Fourteen and a half (14.5) feet above an alley. Such sign cannot be higher than twenty (20) feet above grade measured from the location immediately below the sign. Such signs are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized.

9. Projecting signs higher than twenty (20) feet above grade on a multi-story building:
   a. Number and Size Limits: The total area of all signage on the building shall be twenty-four (24) square feet. The area allowed for this signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in Section 9-202 (A) ii.1.b or in Sections 9-201 (A) iii.6 or iii.7.
   b. Mounting and Installation Regulations: Such signs shall be wall mounted. Such sign shall not project more than four (4) feet from the building wall or within one (1) foot of an established curb line. Such signs are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized. No part of this sign is permitted to be lower than twenty (20) feet above grade measured from the location immediately below the sign.

iv. Any sign larger than one hundred (100) square feet in area shall have each letter or symbol installed as a separately mounted unit. No sign that measures one hundred (100) square feet or larger shall consist of an individual panel.

v. Size and location limitations. Signs permitted within a commercial zone under section 9-202(A) may be displayed on any building wall which faces a street, alley or parking area or may be freestanding signs, and shall comply with the provisions herein.

vi. Marquees and awnings. Marquees and awnings may be used as a sign background.

(B) *Window signs.* The total area of window signs, in any one window shall not exceed twenty (20) percent of the glazing area of the window where it is installed. The

total area of window signs shall be included in determining the total area of signs erected or displayed on the wall that contains the window.

(C) *A-frame signs on the property of individual businesses.* Notwithstanding any provision to the contrary in this ordinance, A-frame signs are permitted on private property in commercial districts that are not within the Parker-Gray District or the Old and Historic Alexandria District subject to compliance with the following standards:

(1) Location. An A-Frame Sign shall only be located:
   a. on the property of the owner of the sign;
   b. outside of a minimum lateral walkway clearance of five (5) feet for pedestrian travel;
   c. within fifteen (15) feet of the front facade of the building;
   d. not encroaching in the line of vision clearance for motor vehicles; and
   e. a minimum of fifteen feet from any driveway or roadway intersection.

(2) Number. A maximum of one (1) sign is permitted per business.

(3) Size. Signs may not exceed forty two (42) inches in height and twenty four (24) inches in width.

(4) Pedestrian safety. Pedestrian safety shall be preserved through the placement and securing of signs so as to permit safe and adequate pedestrian throughway along the walkways, crossing of streets or parking areas, entry and alighting from cars and buses, and access to curb ramps.

(5) Temporary. All signs, including installation materials, shall be temporary and shall be readily removable without any damage to the pavement or ground surface.

(6) Time Limits. A-Frame sign is permitted outdoors only during operating hours of the establishment where the sign is located.

(7) Materials and Design.
   a. Only high quality, durable materials shall be used, such as slate, marker board, stainless steel, aluminum, aluminum composite, laminate plastic or medium density overlay plywood painted with enamel paint.
   b. Illumination is prohibited.
   c. Braces are required to ensure that the sign legs remain adequately spread to prevent it from falling.
   d. The sign shall be a minimum weight of twenty (20) pounds properly balanced to ensure that it would not blow away in the wind.

(8) Compliance with law. All signs shall comply with all applicable city, state and federal laws and regulations.

9-203 – Industrial district signs.

(A) *Generally*. In the I and UT zones, any sign, marquee and awning permitted in a commercial zone under section 9-202 may be erected or displayed so long as it complies with all other applicable requirements of this Article IX; provided, that the total area of any signs in an industrial or utility zone which face real property in a commercial, industrial or utility zone may exceed the area allowed in section 9-202 by up to 50 percent.

(B) *Window signs*. Window signs are permitted up to twenty percent (20%) of the glazing area of a window and count toward the maximum square footage of wall signs permitted.

Window signs are permitted only on the first floor of a building unless the applicant only has business operations located on an upper floor where the window sign is to be displayed.

9-204 – Signs Permitted in All Zones.

(A) Additional temporary signs no larger than the largest temporary sign allowed on the property pursuant to Section 9-200 are permitted on any property with the permission of the property owner for no more than ninety (90) days, and there shall be a 30-day interruption between posting periods for temporary signs in this section.

Sec. 9-300 Signs within the Old and Historic Alexandria, Parker-Gray and 100 Year Old Building Districts

9-301 - Review required.

(A) Certificate of appropriateness. A certificate of appropriateness from the appropriate board of architectural review is required for the following signs when subject to view from a public street or place and affixed to a building or structure located in or otherwise displayed within the Old and Historic Alexandria District or the Parker-Gray District or when affixed to or displayed on a 100-year-old building designated by city council under section 11-300:

(1) Any sign, marquee or awning permanently affixed or displayed, subject to the exemptions in section 9-301(B); or

(B) Exemptions. The following signs shall not be subject to the requirement of section 9-301(A):

(1) Any non-illuminated window sign per building that is less than four feet in area;
(2) Signs for which administrative approval is available pursuant to sections 10-113 and 10-213;
(3) Temporary Signs as follows: One sign, no more than six (6) square feet. Such sign may be freestanding, wall mounted, or inserted within a window, provided that it does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. Freestanding temporary signs ***shall not exceed*** six (6) feet in height. If signs are being installed on a brick surface the installation should not damage the brick, and the sign should be anchored into the mortar joints.

(C) Compliance required. Any sign, marquee or awning required to obtain a certificate of appropriateness under section 9-301(A) and any sign identified in section 9-301(B) may be erected or displayed only if authorized by and in compliance with all other applicable requirements of this Article IX.

(D) Grandfathered signs. Any sign, marquee or awning legally erected or displayed within the Old and Historic Alexandria District on or before January 12, 1976, or

within the Parker-Gray District on or before November 16, 1985, or on a lot or building listed under section 10-300 on or before the date of such listing may continue to be displayed and may be repainted with the same text, colors and design or repaired without a certificate of appropriateness; provided, that a certificate of appropriateness shall be required before any such sign, marquee or awning is altered, rebuilt or moved to a new location.

(E) Freestanding signs. One freestanding sign may be permitted on any property zoned commercial if the area of the sign is no greater than six square feet and if the sign is approved by the board of architectural review.

(F) Prohibited signs. Notwithstanding the provisions of section 9-301(E), no sign advertising a business, which sign is within 200 feet of and visible from Washington Street, shall be permitted unless it is attached to a building in which the business being advertised is conducted, or unless it is the minimum signage necessary to comply with section 9-7-7 of the city code.

Sec. 9-400 Administration and Enforcement

9-401 - Reserved

9-402 - Nonconforming signs.

(A) Signs lawfully in existence on the effective date of this chapter or prior ordinances, which do not conform with the provisions of this article, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

(B) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.

(C) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign other than a pole sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area. Nonconforming pole signs shall be removed within seven (7) years of the **[date of adoption]**.

(D) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.

(E) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be

reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

(F) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

Attachment #2

Amendments to the sign regulations for the NR (Arlandria) zone to remove content-related restrictions

4-1410 - Signs.

Storefront signs should contribute to the overall look and theme of the neighborhood and be compatible with the architecture style and details of the building. Signs should be attractive, ~~clearly identifying the business,~~ uncluttered, and not overpowering to the building facade.

The sign provisions of article IX shall generally apply; however, notwithstanding any conflicting provisions in article IX, the following are applicable in the NR zone:

(A) The design of signs shall be incorporated into the overall design of the structure and the site, consistent with the following principles identified in the currently adopted Mount Vernon Avenue Design Guidelines as determined by the director of planning and zoning:

(1) Simple, readable signs that incorporate the name "Arlandria," or its Spanish equivalent, and theme of "family" are strongly encouraged. Signs consisting of individual letters mounted to the building facade are encouraged;

(2) Signs should be centered on the building facade, or over the entrance door to the business;

(3) Unique, creative signs are strongly encouraged;

(4) Sign materials shall include durable wood, painted plastics, metals, or pre-fabricated pin mounted letters;

(5) Signs projecting from the building wall at a 90 degree angle are encouraged to identify a business to pedestrians on the sidewalk, or to those traveling parallel to the storefront;

(6) Internally lit plastic box signs or flashing signs are prohibited;

(7) Where a building includes multiple commercial units, the sign for each unit should be of uniform character and location;

(8) Awnings are strongly encouraged and should be designed to coordinate with the design of the building and any other awnings along the same block face. Any sign located on an awning shall be fixed flat to the surface~~,~~ **and** shall be non-illuminated ~~**and shall indicate only the name and/or address of the establishment**~~**.**

(B) In order to retain the existing noncomplying roof signs that provide uniqueness and a sense of history in Arlandria, the following provision applies as specified:

(1) Roof-mounted signs, existing as of January 1, 2003, shall be permitted to remain; however, no enlargement or relocation of those signs shall be permitted. Routine maintenance of the signs and structural repairs as necessary to maintain the integrity of the signs shall be permitted. Limited alteration to allow a name change for the business shall be permitted so long as the new lettering is the same type style, size, scale and theme as the existing lettering. No alteration of the structure is permitted.

(C) Notwithstanding the provisions of section 9-104(F) of the zoning ordinance, vertical banners may be installed on the light poles located in the public right-of-way as a coordinated banner program subject to review and approval by the director of planning and zoning. Banners shall be coordinated to promote a unified identity for Arlandria, an upcoming event or season, but shall not identify or promote individual businesses or products. Such banners shall be securely affixed at the top and bottom so as to preclude any fluttering or rotation by the movement of the atmosphere;

(D) Umbrellas displayed in conjunction with outdoor dining areas **must be free of any advertising or wording** ~~**may display only the name of the restaurant on the fabric of the umbrella. No other businesses or product names shall be displayed on the umbrella**~~;

(E) Free standing signs are hereby prohibited; however, one ground mounted, monument style center identification sign may be permitted on sites developed with shopping centers that have more than 20,000 square feet of lot area. The total area of shopping center identification signs shall not exceed 50 square feet with a maximum height of 8 feet. The center identification sign shall display only the name and address of the center. No other ground-mounted signs shall be permitted.

Attachment #3

Amendment to Sec. 9-7-7 - Display of prices on signs; enforcement; penalty.

(a) Each gasoline supplier shall provide and each retail dealer shall maintain and display publicly ~~at least six feet above grade or eight feet above a sidewalk, on a post or pole~~ **on a permitted monument sign that is less than 6 feet in height**, located upon the premises under the control of the retail dealer, price signs that are seen easily from the street and that face both directions of traffic on the nearest public street or way. Such signs shall state the total price per gallon, including all taxes, of no less than two, but no more than three of the motor fuels available at the premises. All figures, including fractions, upon such signs shall be of the same size and shall be block type, and shall be a minimum of eight inches, and a maximum of 12 inches high, with a stroke width of two inches. The figures shall be in black print on a white or light colored background; provided, however, that the city manager, or the designee of the manager, may, on a case-by-case basis, grant a limited variation in such color requirements if he or she finds that the variation will meet the spirit and intent of this section and will provide the same degree of protection to consumers as is afforded by the color scheme specified above. The sign shall be no less than three feet in width and no less than four feet in height, shall be no greater than four feet in width and five feet in height, and shall be only square or rectangular in shape. Such sign shall be counted against the total free-standing sign allowance provided under current zoning ordinances.

(b) Where more than one type (e.g., leaded, unleaded, gasohol or diesel), or one grade (e.g., regular or premium), or a range of grades of motor fuel is offered for sale by the dealer, the type and grade of the motor fuel shall be displayed next to the price charged for that type and grade, with the price for regular gasoline being placed at the top of the sign, followed by the price for unleaded gasoline. Where more than one type of service is provided (e.g., full or self-service), only one set of prices for one of the services offered shall be required to be stated in the signs. Each sign shall state whether its prices are for self-serve or full-serve.

(c) Wherever the figures and fractions used in any price-computing mechanism constituting a part of a motor fuel pump or dispensing device are calibrated on the basis of the metric system (e.g., price per liter rather than price per gallon), there shall be posted on the premises in a place open and convenient to the public a metric-to-gallon price conversion table or equation adopted by the consumer affairs commission. Use of said table or equation to compute the figures and fractions for the price per gallon to be stated in the price signs shall be deemed acceptable for the purposes of this section.

(d) No signs relating to the price of motor fuel or other products sold by any retail dealer shall be posted or displayed on or about the premises which shall violate any provision of the city code, as amended, or law of the state or which shall constitute a traffic or driving hazard, or which shall mislead the public, or in any way tend to constitute a fraud upon the public.

(e) The figures and fractions used in any price-computing mechanism constituting a part of any pump or dispensing device may be set to measure and compute on the basis of price per gallon, half-gallon, metric liter or other measure, so long as it is done in accordance with state and federal law.

(f) No signs stating or relating to the prices of motor fuel, and no signs designed or calculated to cause the public to believe that they state or relate to the price of motor fuel, other than the signs required by this section or referred to in the following section shall be posted or displayed on or about the premises, where motor fuel is sold at retail and within view from any public highway or reservation.

(g)

(1) The provisions of this section may be enforced by the Office of Consumer Affairs of the City of Alexandria pursuant to section 12-7-2 of the city code and by written notice of violation served upon the owner, the owner's duly authorized agent or the manager of the premises where the violation has occurred. Said notice shall require compliance within a specified time period, depending upon the nature and circumstances of the violation, and in no event more than seven calendar days from the date of the notice.

(2) The notice of violation may be served by delivering it in person to one or more of the aforesaid persons, by mailing it by certified mail to one or more of their last known post office addresses, by delivering it to and leaving it in the possession of any person in charge of the premises, or, if such a person is not found upon the premises, by affixing a copy of it in a conspicuous place at the entrance door to the premises. Such procedure shall be deemed the equivalent of personal notice.

(h) Any person who violates a provision of this section and any person who, having been served with a notice of violation, fails to comply with such notice within the time limit therein specified, shall, upon conviction, be punished by a fine of not more than $100. Each day that any violation is allowed to continue shall constitute a separate and distinct offense. (Code 1963, Sec. 12-19, as amended by Ord. No. 2503, 6/25/80; Ord. No. 3264, 1/23/88, Sec. 1; Ord. No. 3930, 6/14/97, Secs. 2, 4)

From: Peter Benavage via Call.Click.Connect. <CallClickConnect@alexandriava.gov>
Sent: Tuesday, April 05, 2016 2:38 PM
To: CCC PZ PlanComm
Subject: Call.Click.Connect. #93617: Planning Commission Inquiries, Dockets I am attaching my annotated version of t

Dear ***Call.Click.Connect.*** User

A request was just created using ***Call.Click.Connect.*** The request ID is 93617.

Request Details:

- Name: Peter Benavage
- Approximate Address: No Address Specified
- Phone Number: 703-820-9312
- Email: ragalan1854@verizon.net
- Service Type: Planning Commission Inquiries, Dockets
- Request Description: I am attaching my annotated version of the proposed Text Amendment to the City's Zoning Ordinance (Article IX SIGNS). There have been a very few (about 6) changes to this document -- all minor -- that were instituted at my request after meeting with Staff and Assistant City Attorney. PLEASE NOTE: I am a member of the Ad Hoc Signage Committee, and respectfully invite your attention to the enclosed comments.

  I will be present at the meeting this evening to present my view on this complex issue, and to answer any questions you may have.
- Attachment: Ad Hoc%2c edited Draft Sign Ordinance.docx
- Expected Response Date: Tuesday, April 12

Please take the necessary actions in responding, handling and/or updating this request at the ***Call.Click.Connect.*** staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Article IX SIGNS

Sec. 9-100 General Provisions

Sec. 9-101. – Findings, purpose and intent; interpretation.

(A) [Advertising, and its goals – to inform, persuade, and remind – facilitates commerce. One key element of advertising is signage. When signs are clear, safe, and attractive, they are effective; otherwise, they can be counterproductive by being distractions, visual clutter, and even safety hazards. Therefore, this article seeks to legitimately] ~~Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to~~ regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed ~~on private property~~ for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. [Make the following paragraph (B).] 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.

(B) ~~Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the governing body are prohibited.~~

(C) 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 identified in subsection (a) of this section.

(D) 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 and appropriate to the activity to which they pertain, *[how is this not content oriented?]* are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(E) These regulations ~~do not regulate every form and instance of~~ [are not intended to regulate] visual speech ~~that may be displayed anywhere~~ within the jurisdictional limits of the City. ~~Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above~~.

(F) These regulations do not entirely eliminate all of the harms that may be created by [an abuse of] the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while ~~still reducing and~~ mitigating ~~the extent of the~~ [any environmental] harms caused by [an abuse of signage].~~signs.~~

(G) This Article IX governs the erection and display of all signs, marquees and awnings in the city, except those erected and displayed by the city, the Commonwealth of Virginia and the United States in furtherance of their governmental responsibilities and those required by law to be erected and displayed.

(H) All ~~rights and privileges~~ [permissions] *["rights" are recognized, in this country, **not** "granted."]* acquired under the provisions of this Article IX are mere licenses revocable at any time by the director upon a violation of any applicable provision of this Article IX.

(I) The provisions contained in this Article IX shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this ordinance or other city ordinances. Nothing contained in this Article IX shall excuse any person from compliance with all other applicable provisions of this ordinance or the city code. *[Which section governs in the event of conflict?]*

(J) Wherever authority is to be exercised under this Article IX by the city manager or the director, the authority may also be exercised by his or her designee.

(K) ~~This Article shall apply to signs, marquees, and awnings on property not used for public right of way.~~ Under no circumstances shall any provision herein authorize placement of a sign on any public right of way [, except as noted in paragraph (G), above].

9-102 Definitions

(A) *A-Frame sign.* A two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."

(B) *Animated sign*. Any sign, the character or appearance of any element or part of which changes by any device, mechanical, electrical or otherwise, except for digital text and graphic signs.

(C) *Awning sign.* A sign placed directly on the surface of a covering attached to and projecting from a building or structure, erected in or above a window or door, and usually supported by a metal frame.

(D) *Banner.* A temporary sign of flexible material affixed to a framework or flat surface.

(E) *Billboard*. Any sign that consists of a single panel surface larger than 100 square feet in size that is installed as an independent structure or is mounted on the side or top of a building, and this sign along with its location is sold, rented, or leased to a user that is not the property's business owner.

(F) *Building frontage.* The length of the main wall of a building which physically encloses or covers usable space. Said frontage shall be measured at the width of the wall at the height where the sign is mounted. *[This seems unnecessarily complex. Is not frontage defined elsewhere in the City Ordinances, or Codes? Why a special definition here?]*

(G) *Chalk-board sig*n. A single-faced, framed slate, chalk-board, whiteboard, or other material that can be written on with chalk, dry erase or similar markers.

(H) *Changeable copy sign.* A non-electronic sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

(I) *Comprehensive sign plan*. A plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

(J) Curb sign. [Italicize preceding title.] Any sign painted on a curb located at the front of a property.

(K) *Digital text and graphic sign*. Any sign that can change its content by way of electronic or mechanical means but maintains a consistent image and does not flash or display any animation or movement other than the occasional changing of text or graphics. Digital text and graphic signs can be in the form of televisions, monitors, and other screens. *[see paragraph (O).]*

(L) *Double-face sign.* Any sign ~~having two parallel planes or surfaces~~ that ~~both~~ bears [its] ~~the~~ message [on both front and back].

(M) *Feather sign.* A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop. See Windblown Sign.

(N) *Flag*. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope or attached at the top and draped *[What is "draped"? how about a flag displayed flat against a building, as was done at the Pentagon after 9/11?]*; this includes pennants.

(O) *Flashing sign*. Any sign consisting of, or illuminated by, flashing or intermittent lights or other lights of changing degrees of intensity, brightness or color except for digital text and graphic signs. *[This is where the proposals fall short. What constitutes a flash, in units of time? What is the source of illumination, internal or external? In paragraph (K), what constitutes "occaisional"? What parameters are used for determining intensity, brightness? These items have not been presented yet in detail, and therefore are ill-defined, rendering these sections highly subjective, and hence subject to arbitrary and capricious enforcement.]*

(P) *Freestanding sign*. A sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall. It also means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or

in the ground and not attached to a building. A freestanding sign can have one or two sides and can have messages on each side.

(Q) *Height.* The maximum vertical distance from the ground at the base of the sign, or, for projecting signs, at the bottom of the plane created by the face of the sign extending to the ground, to the top of the highest attached component of the sign~~. Height also measures the ground clearance under projecting signs~~. *[Add a definition for "Clearance," above.]*

(R) Holiday Displays. Any displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material. *[How is this content neutral? Would "Christmas Mass at Midnight" be an advertisement? If one has to read it, how can it be prohibited?]*

(S) *Illegal sign*. Any sign ~~erected without a required permit or which otherwise does~~ not ~~comply~~ [in compliance] with any provisions of this article.

(T) Illuminated sign. Any sign that is backlit, internally lighted or lighted by direct external lighting fixtures. *[What about highly reflective materials/lettering, such as used on highway signs?]*

(U) *Marquee*. Any permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. A marquee may take the form of an awning.

(V) *Marquee sign*. Any sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use. *[Digital?]*

(W) *Minor sign*. Any wall or freestanding sign not exceeding one (1) square foot in area and not illuminated.

(X) *Monument sign*. Any freestanding sign consisting of a structure built on grade in which the sign and the structure are an integral part of one another. A monument sign is not a pole sign, and it does not have any visible supporting posts or poles. This sign generally has a low profile *[What constitutes "low"? Is the Howard Street sign at Alexandria Hospital a monument sign?]* with little *[How is it supported if the space is "little," by metal cylinders? How is this not a "pole sign," if supported by two such cylinders? What is "little" anyway? Six inches, two feet?]* or no open space between the ground and the sign and has a structure constructed of masonry, wood, or materials similar in appearance[.] ["Similar in appearance" to what?]

(Y) Moving or windblown sign. Any sign, any element or part of which (such as a streamer, wheel, moored blimp or propeller) moves by means of a mechanized, electrical or other device or is set in motion by movement of the atmosphere, including feather signs. A flag is not a moving or windblown sign. *[How can it **not** be, unless displayed flat against a building?]*

(Z) Mobile Sign. Any sign mounted on wheels, built with axles to which wheels may be attached, or attached to a motor vehicle which is used primarily for the displaying of the sign, not for operating of the vehicle. Any such vehicle shall, without limitation, be

considered to be used for the primary purpose of displaying the sign if it remains parked in the same location for more seven (7) days without moving, fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer. A parking permit sticker, inspection sticker, regulatory permit or bumper sticker attached to a motor vehicle shall not be considered a sign. *[So if I have magnetics signs on my car, and park it in my driveway on **private** property for 8 days, the car is an illegal sign?]*

(AA) *Neon sign*. Any sign containing exposed tubes filled with light-emitting gas or a sign giving the appearance of being a neon sign.

(BB) *Nonconforming sign.* Any sign which was lawfully erected in compliance with applicable regulations of the City and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

(CC) *Pole sign*. Any freestanding sign taller than 42 inches that is mounted on one (1) or more visible, ground-mounted poles. A flag, as defined by 9-102(N), on an affixed to a pole is not a pole sign. *[What if the flag has battens to keep it straight?]*

(DD) *Portable sign*. Any temporary sign not affixed to a building, structure, vehicle or the ground and which can ~~easily~~ be picked up and moved to another location [without the use of machinery.]

(EE) *Projecting sign*. Any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted. A projecting sign has a sign face that is not flat to the wall on which it is mounted and has two sides and can have messages on each side.

(FF) *Public area*. Any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

(GG) *Public Art*. Items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm.

(HH) *Roof line.* A line composed of the highest points of the roof of a building or structure not to include mechanical penthouses or other structures attached to or erected on such roof. *[Is this defined in the building code? That definition should be used or referenced.]*

(II) *Roof sign*. Any sign erected on or affixed to a building or structure which extends, in whole or in part, above the roof line or the eaves or bottom edge of the roof

(JJ) *Sign.* Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity [or

governmental institution] not related to a commercial business, product or service. The term "sign" also does not include the display of merchandise for sale on the site of the display. *[What about a sign shop? Alexandria has several.]*

(KK) *Sign face*. The portion of a sign structure bearing the message.

(LL) *Sign structure.* Any structure supporting or bearing a sign face.

(MM) *Temporary sign*. Any sign intended to be displayed for [up to 120 days.] ~~a short time period based on a property condition. All temporary signs are not illuminated.~~ Unless [otherwise provided for herein] ~~a different time period is specified, a temporary sign may not be displayed for more than 120 continuous days and~~ there must be a 30-day interruption between postings of temporary signs.

(NN) *Wall Sign*. Any sign attached to a wall or painted on or against a flat vertical surface of a structure.

(OO) *Window sign*. Any sign visible from outside a building and visible through any window or door and attached to or within four (4) feet in front of or behind the surface of a window or door.

9-103 – Sign Approval.

(A) Approval Required.

(1) No sign, marquee or awning may be erected, displayed, constructed, reconstructed or altered unless it complies with the Uniform Statewide Building Code. Compliance may require that, in addition to the permits required by any other section of this ordinance, a permit or permits be obtained from the building code official.

(2) Application for a permit shall be made on forms furnished by the building code official.

(3) The Department of Planning and Zoning shall review each sign application except as noted in 9-103(B) below, for compliance with this Article IX.

(B) Zoning Approval not required. In all zones, except property within the Old and Historic Alexandria or the Parker-Gray Districts, the following signs are permitted without zoning approval if the sign is allowed in the zone pursuant to Section 9-200 herein:

(1) Signs erected by a governmental body or required by law.

(2) Flags as allowed within each zone.

(3) The changing of messages on and/or maintenance of an existing sign, except that repair of a nonconforming sign must comply with 9-402.

(4) Temporary signs as allowed within each zone.

(5) Not more than two minor signs per property as allowed within each zone. Additional minor signs are permitted in certain districts with approval.

(6) Pavement markings on an area of property where traffic management is necessary.

[However, nothing in this chapter shall relieve the installer of the requirement to meet/obtain applicable utility permissions prior to sign installation.]

(C) *Coordinated Sign Special Use Permit.* Comprehensive sign plans may be approved by special use permit in a ~~CDD/~~Coordinated Development District [(CDD)] or in a unified development more than three acres in size, which contains more than one building, more than one parcel or private streets. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height [and clearance] of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance. The applicant for a Coordinated Sign Special Use Permit shall submit a statement of justification for such program in addition to information which describes the number, location, size, height, [clearance,] color, material, type of illumination, if applicable, of all proposed signs within the program. [In addition to the foregoing, the specifications of all traffic signs to be placed on private streets, if any, shall be submitted in the statement of justification.] A proposed coordinated sign program may be approved if council finds that it provides the same or greater benefits to the public as the sign regulations otherwise applicable.

(D) *Waiver of requirement by special use permit.* [Notwithstanding the provisions of Article IX, a] ~~A~~ special use permit may be obtained pursuant to Section 11-500, which authorizes the provision of signage otherwise not permitted ~~by this Article IX,~~ subject to the following:

(1) The special use permit applicant shall demonstrate that the proposed signage would correspond with the intent of this Article IX; and

(2) City Council finds that:

a. the proposed signage has an exceptional design or approach that cannot be accomplished within the existing regulations;

b. the proposed signage will not have an adverse impact on the nearby neighborhood, and

c. the signs comply with the applicable standards for approval of a Special Use Permit set forth in section 11-504.

9-104 Prohibited signs

In addition to signs prohibited elsewhere in the zoning ordinance, City Code or by applicable state or federal law, the following signs are prohibited in all Zones:

(A) General prohibitions.

(1) Signs displayed without complying with all applicable regulations of this chapter or that violate any city, state or federal law.

(2) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized city official as a nuisance.

(B) Prohibitions based on materials.

(1) Animated signs. This subsection does not apply to flags expressly permitted under this article.

(2) Flashing signs.

(3) Moving or Windblown Signs. *[So a temporary sign like a lawn whirligig, advertising an event on private property is illegal?]*

(4) Mobile Signs. *[The FEDEX example needs to be incorporated either here or in the definitions.]*

(5) Signs that emit smoke, flame, scent, mist, aerosol, liquid or gas [including bubbles].

(6) Signs that emit sound.

(7) ~~Any electronic sign or Digital Text and Graphic Sign that is generated by a series of moving images, such as an LED, digital display or other video technology, whether displayed on a building, vehicle or mobile unit.~~ *[Digital signage needs to be omitted from this draft ordinance. It has not yet been properly vetted by the ad hoc committee,-and indeed action was* ***DEFFERED*** *until staff could present sufficient technical data and answer specific questions. If any mention of this subject is made, it should be that it will be considered as an amendment to this ordinance, but current regulations will remain in place temporarily until that consideration. This issue is far from settled, and was in fact one of the two primary reasons for the formulation of the ad hoc committee by City Council. That mission has not as of yet been fulfilled, and should not be presented as being met. Incorporation of this language clearly implies that this issue was vetted, and it has not been.]*

(8) Pole signs. *[But non-conforming pole signs remain?]*

(9) Signs which utilize a spotlight or other device which projects a beam of light in the direction of any street, road, highway, alley or parking area so that it may be seen by the operator of a motor vehicle when the vehicle is not parked.

(10) Illuminated signs located higher than 35 feet above *grade [Rather hard to do this without becoming a pole sign, by the way. Is not an exception required here?]* unless the building is located within 2,000 feet of and the sign is facing U.S. ~~Route~~ [Interstate] 95

(the Capital Beltway) [and U. S. Interstate 395] or unless a special use permit is approved after a finding that the sign meets the following criteria:

a) Only one sign per building is permitted; *[What about shopping centers, malls?]*

b) The building may not be located within, or on the borders of, the Old and Historic Alexandria or Parker-Gray Districts;

c) The sign must meet any applicable design guidelines and follow any additional applicable process for approval;

d) The sign must be appropriate in scale, design and color and compatible with the building;

e) The sign may not be a neon sign;

f) The sign shall be subject to such conditions as the SUP may impose to ensure that the sign functions without glare or disturbance with nearby uses, including those rules which may alter, modify or supersede the rule stated in section 9-105(A)(2) with regard to the lighting not operating between 10:30 pm and 6:30 a.m.; and;

g) No sign may face the George Washington Memorial Parkway, and only minimum facade lighting facing the Parkway is allowed. All National Park Service requirements must be met.

(11) Portable Signs. This subsection does not apply to A-frame signs allowed herein.

(12) Billboards. *[Are any billboards extant in the within the city limits currently? If so, those will remain as non-conforming signs?]*

(13) Internally Illuminated Translucent Rectangular Panel Signs: Signs that use a lightbox configuration where a light fixture is inside a rectangular box with the front surface consisting of a translucent panel on which information is displayed. This prohibition does not apply to channel lettering signs that use individual light boxes shaped like discrete letters or symbols. *[Why this prohibition? There are many churches — not to mention Alexandria Hospital and its Emergency Entrance -- that use this technology, and no clear technical data have been presented documenting this type of sign, also used in certain shopping centers, as hazardous or a nuisance.]*

(C) Prohibitions based on location.

(1) Signs erected on public land other than 1) those approved by the City Manager or his or her designee in writing, 2) those where an ordinance authorizing such encroachment has been enacted by city council, 3) those authorized by law without such approval, or 4) those permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

(2) Roof Signs.

(3) Any sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.

(4) Signs affixed to certain property. No sign may be painted, marked, written, posted or displayed on, or otherwise affixed to, any private street sign, bus stop sign or traffic sign, sidewalk, crosswalk, curb, curbstone, street, lamp post, hydrant, railroad trestle, electric light or power pole or telephone pole or wire appurtenance thereof, fixture of the fire alarm system, drinking fountain, natural features such as trees, shrubs, rocks or tree stakes or guards [either permanently, or temporarily; unless by a bona fide public authority, for a public good]. *[E.g., "Temporary Parking Restrictions," posted by the City or police.]*

9-105 – Standards and removal.

(A) Standards

(1) Maintenance.

(a) All signs, marquees and awnings shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts or peeling paint.

(b) The building official may find cause to have ~~signs~~ removed or repaired immediately [and] without written notice any sign which, in his or her opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If ~~such~~ action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in the Uniform Statewide Building Code.

(2) *Illumination.*

(a) Lighted signs facing and in close proximity to a residential zone shall not be illuminated between 10:30 p.m. and 6:30 a.m. *["Close proximity" is not defined, and highly subjective. Again, how would this apply to hospitals, nursing homes? Should the EMERGENCY entrance lights be shut off for eight hours as well?]*

(b) Such signs shall be constructed so that the lighting elements are shielded from view of the residential zone by nontransparent or translucent material or other means designed to eliminate glare. *[And in some cases restrict visibility of an essential sign.]*

~~(c) Illumination is prohibited for all temporary signs.~~*[If the lighting conforms to all other specified conditions, this is unreasonable. If a presidential candidate's sign, for example, is posted on* ***PRIVATE*** *property, why can it not be illuminated?]*

(d) Internal illumination is prohibited for rectangular panel signs, in accordance with Section 9-104 (B) (13) *[Referenced Section needs revision, and therefore this section.]*

(e) Illuminated Signs higher than 35 feet are subject to Section 9-104 (B) (10) *[Which is why Alexandria will never have a Potomac Mills.]*

(3) *Reflection.* ~~No sign shall contain any reflective device.~~ *[And this assists ambulance drives in locating house numbers in an emergency how? Does this also prohibit homeowners on unlit or under lit streets from using reflective devices to mark their driveway entrances? What about private street signs? "Stop" or "Crossing" signs might really need reflective materials on them, especially when proposed illumination restirctions are so onerous.]*

(4) *Non-commercial Sign Substitution.* Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

(5) All free standing signs must comply with all applicable vision clearance requirements in 7-801 of the Zoning Ordinance.

(B) Removal.

(1) Whenever the use of a building or structure or real property is discontinued, all signs pertaining to that use which were previously erected or displayed shall be removed within 30 days of the discontinuance of the use. *[So historical marker signs indicating the former sites of forts, plantations, houses, public buildings, etc. need to be removed?]*

(2) Irrespective of any continued use or any discontinuance in use of a building or structure, a supporting standard or structure for a sign shall be removed if the standard or structure is not occupied by a sign permitted by this ordinance for a continuous period of one year.

(3) It shall be the responsibility of the owner of the building, structure, or real property to accomplish the removal. If, after written notice to the owner from the director, such signs or supporting standards or structures are not removed within ten days of the notice, the city manager shall cause the removal and charge the cost to the owner. *[See comments for sub-paragraph (1), above.]*

9-106 - Computation of sign area.

The area of a sign is the sum of the areas within rectangular lines inscribed around each separate word, symbol or pictorial element on the face of a sign, and the height of a sign shall be measured to include the sign and supporting apparatus for any freestanding sign; provided that:

(A) The area of a sign, or any portion thereof, having a distinctive or ornamental border shall include both the area enclosed by the border, and the area enclosed within the border.

(B) The area of a sign, or any portion thereof, having a distinctive or ornamental background, which sets the background apart from a larger surface so that it forms an integral part or element of the sign, shall include the area of the background.

(C) The area of a freestanding sign, or any portion thereof, having a background which extends beyond the words, symbols or pictorial elements thereof shall include the area of the background.

(D) If any portion of the words, symbols or pictorial elements of a sign extends beyond a border or background or has no border or background, the area of that portion of the sign shall be the area of a rectangle inscribed around it.

(E) The area of a marquee, or any panel thereof, which specifically provides a background for a sign shall be included in the area of the sign.

(F) The area of any sign hung, placed, painted or displayed on a marquee or awning shall be included in determining the total area of signs erected or displayed.

(G) The area of a double-face sign shall be considered to be the area of the one face having the larger area.

Sec. 9-200 Sign Regulations by Zoning District *[For all categories/districts,what about "No Tresspassing," "Private Property," or "Posted" signs? Are not multiple signs required in Virginia, especially with respect to vacant land, or large tracts? Will dimensions be sufficient to be "prominently posted"? What about those nailed to trees? Are all of these to be grandfathered as "non-conforming"?]*

9-201 – Residential district signs.

(A) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in the following residential districts.

(1) In the R-20, R-12, R-8, R-5, R-2-5, RB, RM, RT, POS, and WPR Zones the following regulations shall apply: *[What about RS?]*

a. On property used for residential purposes only the following signs are permitted:

i. Flags:[Flags need to be treated as an entirely separate article. The equivocation of when flags are or are not signs, and the restrictions on their display complicate an already complex series of issues. For clarity, they should be broken out and dealt with by themselves.]

1. *Number and Size Limits:* One flag per twenty (20) feet (or portion thereof) of lot width to a maximum of three (3) flags per property with a maximum size of 16 square feet for each flag. *[This needs to be broken into several categories: visible from streets, "governmental/national" (including institutional, such as the military), historical, etc. Moreover, temporary, semi-permanent and permanent displays need to be addressed, and numbers adjusted accordingly. For example, if a resident wants to spell out "WELCOME HOME" in signal flags to a returning veteran family member or friend for a temporary reason, such as a party, how does that comport with the proposed limits on the number of flags? This really needs to be rethought completely, and re vetted before continuing to Planning Commission and City Council.]*
2. *Mounting and Installation Regulations: [This would make more sense if applied to temporary, semi-permanent, and permanent flag mounts. Moreover, if a private land owner want to raise a regulation flag pole, which would be an example of a permanent mounting) on an acre lot or larger (of which there are many in Alexandria, and not just in the West End), why could he not? Also, the display of the United States flag is governed by various sections of the United States Code, and should be referenced.]* Freestanding flags may only be less than 25 feet in height. Wall mounted flags may only be on a projecting pole no longer than six (6) feet *[What is the justification for this restriction? Construction codes should govern, not arbitrary restrictions on dimensions.]* or mounted flat against the wall or on a window provided that the flag does not cover more than 20 percent of the glazing area *[Why, if it is **inside** a **PRIVATE RESIDENCE**, what business is that of the City?]* of the window where it is installed. The bottom of a projecting wall mounted flag shall not encroach within eight (8) feet of the ground directly below the location where the flag is mounted. *[Why?]*

ii. Temporary Signs:

1. Number, Size and Time Limits for each dwelling unit on a lot:
    a. One (1) sign, no more than four (4) square feet in area located on property where a building permit is active.
    b. One (1) sign, no more than ~~four (4)~~ [six (6) square feet in area, and five (5) feet in height,] on any property for sale or rent during the ~~time~~ [period that] the property is [being] actively ~~listed on the MRIS System or actively~~ marketed for sale or rent. [This period may exceed the 120 day restriction herein required, and shall be considered an exception to that restriction. In addition, the 30 waiting period between postings is also waived for such signs.] In the RB Zone, this sign is permitted to be of a size not exceeding twelve (12) square feet.
    c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
    d. One (1) additional sign per dwelling unit, no more than two (2) square feet in area.
2. *Mounting and Installation Regulations:* Signs may be ground mounted, wall mounted, or displayed within a window, provided that it does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. *[See comments for i, 2., above. In addition, would not the material used for a window sign (translucent, for example) also affect the amount of glazing it should cover? Certain holiday displays also come to mind, and this paragraph needs to be reworked.]* Freestanding signs may only be less than sixty (60) inches in height.

iii. Permanent Signs:

1. Minor Signs:
    a. Number and Size Limits: Maximum of two (2) signs per property per street frontage with a maximum size of one (1) square foot for each sign.
    b. Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (36) inches

in height. Wall mounted signs may only be mounted flat against the wall.

2. Signs at the entrance to a neighborhood:
    a. Number and Size Limits: One permanent sign is permitted per distinguishable neighborhood with a maximum size of 24 square feet for each sign. *[Not one sign per entrance to the neighborhood? Some are quite large, and have multiple entrances.]*
    b. Mounting and Installation Regulations: Such signs may only be installed as a monument sign with less than six (6) feet in height. *[This is over-regulation. These signs need to be SITE DEPENDENT; a six foot monument sign might well be a traffic hazard at an entrance, obstructing vehicular visibility, and if turned 90 degrees to avoid obstructing vision, not be effectively readable. A different style of sign would solve such issues.]*
3. Signs painted on the curb in front of a property:
    a. Number and Size Limits: One permanent sign is permitted per property with a maximum size of ~~six~~ [twelve (12)] square inches. *[Dimensions are insufficient for proper house number identification in poorly lit areas at night, especially if non-reflective material only can be used, and if there are more than 2 or 3 house numbers in a single address.]*
    b. Mounting and Installation Regulations: Such signs may only be painted directly on the face of a curb on private property. *[But where there **are** curbs, on public roads, are they **not** in a public easement? In fact, where there are no curbs – like in much of the West End beyond 395, the City still has a five foot easement. Can house numbers be put on a small sign in that easement?]*
4. Additional signs at a multifamily property in the RB Zone:
    a. Number and Size Limits: One permanent sign is permitted per multi-family property to be located at each of the property's street frontages with a maximum size of 40 square feet for each sign.
    b. Mounting and Installation Regulations: Such sign can be freestanding or wall mounted. Freestanding installation is only permitted on a lot with a width of at

least one hundred (100) feet at the front lot line only where off-street parking is provided, leaving a distance between the building and a side lot line of twenty five (25) feet or more, or where a building is setback twenty five (25) feet or more from the front lot line. If freestanding, the sign shall be installed as a monument sign less than six feet in height, and shall be setback at least ten (10) feet from the front lot line. *[Again, this should be **site dependent**.]* Wall mounted signs may only be mounted flat against the wall.

b. On property used for non-residential purposes:

i. Flags: *[Comments for flags in Residential Zones also apply here. Main point is that flags should be treated as a separate section entirely.]*

1. Number and Size Limits: One flag per twenty (20) feet (or portion thereof) of lot width to a maximum of maximum of five (5) flags *[Again, this need to be site dependent, not a blanket rule.]* per property with a maximum size of twenty four (24) square feet for each flag. Freestanding flags may only be attached to a pole less than thirty five (35) feet in height. *[Why?]*

2. Mounting and Installation Regulations: Wall mounted flags may only be on a projecting pole no longer than six (6) feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. The bottom of a projecting wall mounted flag shall not encroach within eight (8) feet of the ground directly below the location where the flag is mounted. *[Previous comments on proposed residential flag restrictions are still germane here.]*

ii. Temporary Signs:

1. Number, Size and Time Limits:

a. One sign, no more than twenty four (24) square feet in area located on property where a building permit is active.

b. ~~One sign, no more than four (4)~~ [six (6)] square feet in area on any property for sale or rent during the time the property is ~~actively listed on the MRIS System or~~ actively marketed for [sale or] rent. Such sign, if

freestanding, shall have a maximum height of ~~forty two (42) inches .~~ *[This is **wholly inadequate**. Signage for the sale or lease of commercial properties is **HIGHLY site dependent.**]*

c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

d. One additional sign, no more than two (2) square feet in area, per street frontage. Such sign, if freestanding, shall have a maximum height of 42 inches.

2. Mounting and Installation Regulations: Unless otherwise specified, freestanding temporary signs may only be less than five (5) feet in height. Wall mounted temporary signs may only be mounted flat against the wall or on or in a window provided that the temporary sign does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. *[These proposals are inadequate. Time limits are not really delineated, varying purpose of signage is not adequately broken out, and the concomitant differences in sizes, mountings and other displays not adjusted accordingly.]*

iii. Permanent Signs:

1. Minor Signs:

a. Number and Size Limits: A maximum of five (5) permanent minor signs with a maximum size of one square foot per sign.

b. Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (36) inches in height. Wall mounted minor signs may only be mounted flat against the wall.

2. Signs at locations within ten (10) feet of the curb of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:

a. Number and Size Limits: A maximum of one sign is permitted facing each direction at an intersection or area where motor vehicles or pedestrians would need to

change their course of travel with a maximum size of six (6) square feet for each sign.

b. Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (42) inches in height.

3. Signs along property's street frontage:

a. Number and Size Limits: A maximum of one sign with a maximum size of 40 square feet for each sign is permitted at each property street frontage.

b. Mounting and Installation Regulations: Such sign can be freestanding or wall mounted. Freestanding installation is only permitted on a lot with a width of at least one hundred (100) feet at the front lot line only where off-street parking is provided, leaving a distance between the building and a side lot line of twenty five (25) feet or more, or where a building is setback twenty five (25) feet or more from the front lot line. If freestanding, the sign shall be installed as a monument sign less than six feet in height, and shall be setback at least ten (10) feet from the front lot line. Wall mounted signs may only be mounted flat against the wall.

4. Signs painted on the curb in front of a property:

a. Number and Size Limits: One permanent sign is permitted with a maximum size of six (6) square inches.

b. Mounting and Installation Regulations: Such signs may only be painted directly on the face of a curb.

5. Signs at the entrance to a neighborhood:

a. Number and Size Limits: One permanent sign is permitted per distinguishable neighborhood with a maximum size of twenty four (24) square feet for each sign.

b. Mounting and Installation Regulations: Such signs may only be installed as a monument sign with less than six feet in height.

(2) In the RA, RC, RCX, and RD Zones the following regulations shall apply:

a. On property used for residential purposes only the following signs are permitted:

i. Flags: *[Separate section.]*

1. Number and Size Limits: One flag per twenty (20) feet (or portion thereof) of lot width with a maximum size of 18 square

feet per flag. *[What is the rationale for the differing square footages of flags in each type of zone? They jump from 16 to 24 and back to 18 square feet.]*

2. Mounting and Installation Regulations: Freestanding flags may only be less than thirty five (35) feet in height. Wall mounted flags may only be on a projecting pole no longer than six feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. The bottom of a projecting wall mounted flag shall not encroach within eight (8) feet of the ground directly below the location where the flag is mounted.

ii. Temporary Signs:

1. Number, Size and Time Limits:
   a. One (1) sign, no more than twenty four (24) square feet in area located on property where a building permit is active.
   b. One (1) sign, no more than twelve (12) square feet in area on any property for sale or rent during the time the property is ~~actively listed on the MRIS System or~~ actively marketed [for sale or] rent. Such sign, if freestanding, shall have a maximum height of ~~forty two (42)~~ [sixty (60)] inches.
   c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
   d. One (1) additional window sign per dwelling unit, no more than two (2) square feet in area is permitted. *[On a 150 foot high structure (RC), that is a lot of signage.]*

2. Mounting and Installation Regulations: Unless otherwise specified, freestanding temporary signs may only be less than five (5) feet in height. Wall mounted temporary signs may only be mounted flat against the wall or on or in a window provided that the temporary sign does not cover more than twenty percent (20%) of the glazing area of the window where it is installed.

iii. Permanent Signs:

1. Minor Signs:
    a. Number and Size Limits: Maximum of five signs per lot with a maximum size of one square foot per sign.
    b. Mounting and Installation Regulations: Freestanding minor signs may only be less than 36 inches in height. Wall mounted signs may only be mounted flat against the wall.
2. Signs at the entrance to a neighborhood:
    a. Number and Size Limits: One permanent sign is permitted per distinguishable neighborhood with a maximum size of twenty four (24) square feet for each sign.
    b. Mounting and Installation Regulations: Such signs may only be installed as a monument sign with less than six feet in height.
3. Signs painted on the curb in front of a property:
    a. Number and Size Limits: One permanent sign is permitted with a maximum size of six (6) square inches.
    b. Mounting and Installation Regulations: Such signs may only be painted directly on the face of a curb on private property.
4. Signs at locations within ten (10) feet of the curb of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:
    a. Number and Size Limits: A maximum of one sign is permitted in each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six (6) square feet for each sign.
    b. Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (42) inches in height.
5. Signs along a multi-family street frontage:
    a. Number and Size Limits: A maximum of one sign with a maximum size of forty (40) square feet for each sign is permitted at each lot street frontage.

b. Mounting and Installation Regulations: Such sign can be freestanding or wall mounted. Freestanding installation only permitted on a lot with a width of at least one hundred (100) feet at the front lot line only where off-street parking is provided, leaving a distance between the building and a side lot line of twenty five (25) feet or more, or where a building is setback twenty five (25) feet or more from the front lot line. If a freestanding, the sign shall be installed as a monument sign less than six (6) feet in height, and shall be setback at least ten (10) feet from the front lot line. Wall mounted signs may only be mounted flat against the wall.

b. On property used for mixed use or non-residential purposes:

i. Flags:

1. Number and Size Limits: One flag per twenty (20) feet (or portion thereof) of lot width with a maximum size of eighteen (18) square feet per flag.
2. Mounting and Installation Regulations: Freestanding flags may only be attached to a pole less than thirty five (35) feet in height. Wall mounted flags may only be on a projecting pole no longer than six (6) feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. The bottom of a projecting wall mounted flag shall not encroach within eight feet of the ground directly below the location where the flag is mounted.

ii. Temporary Signs:

1. Number, Size and Time Limits:
   a. One (1) sign, no more than 24 square feet in area located on property where a building permit is active.
   b. One (1) sign, no more than twelve (12) square feet in area on any property for sale or rent during the time the property is ~~actively listed on the MRIS System or~~ actively marketed for [sale or] rent. Such sign, if freestanding, shall have a maximum height ~~of forty two (42)~~ [sixty (60)] inches.
   c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer

in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

d. One (1) additional window sign per dwelling unit, no more than two (2) square feet in area, is permitted.

2. Mounting and Installation Regulations: Unless otherwise specified, freestanding temporary signs may only be less than five (5) feet in height. Wall mounted temporary signs may only be mounted flat against the wall or on or in a window provided that the temporary sign does not cover more than twenty percent (20%) of the glazing area of the window where it is installed.

iii. Permanent Signs:

1. Minor Signs:

a. Number and Size Limits: Maximum of five (5) signs per property with a maximum size of one (1) square foot for each sign.

b. Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (36) inches in height. Wall mounted signs may only be mounted flat against the wall.

2. Signs at the entrance to a neighborhood:

a. Number and Size Limits: One permanent sign is permitted per distinguishable neighborhood with a maximum size of twenty four (24) square feet for each sign.

b. Mounting and Installation Regulations: Such signs may only be installed as a monument sign less than six (6) feet in height.

3. Signs painted on the curb in front of a property:

a. Number and Size Limits: One permanent sign is permitted with a maximum size of six (6) square inches.

b. Mounting and Installation Regulations: Such signs may only be painted directly on the face of a curb on private property.

4. Signs at locations within ten (10) feet of the curb of a parking lot or driveway only at intersections or areas where motor

vehicles or pedestrians would need to turn or change their course of travel:

a. Number and Size Limits: A maximum of one (1) sign is permitted in each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six (6) square feet for each sign.
b. Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (42) inches in height.

5. Signs along a multi-family or non-residential property's street frontage:

a. Number and Size Limits: A maximum of one (1) sign with a maximum size of forty (40) square feet for each sign is permitted at each lot street frontage.
b. Mounting and Installation Regulations: Such sign can be freestanding or wall mounted. Freestanding installation only permitted on a lot with a width of at least one hundred (100) feet at the front lot line only where drive-in service or off-street parking is provided, leaving a distance between the building and a side lot line of twenty five (25) feet or more, or where a building is setback twenty (25) feet or more from the front lot line. If a freestanding, the sign shall be installed as a monument sign less than six (6) feet in height, and shall be setback at least ten (10) feet from the front lot line. Wall mounted signs may only be mounted flat against the wall.

6. Wall signs at the entrance to a non-residential building or part of a building:

a. Number and Size Limits: A maximum of one (1) sign with a maximum size of one (1) square feet for each linear foot of building width for the wall on which the sign is mounted.
b. Mounting and Installation Regulations: Such sign shall be wall mounted and may only be mounted flat against the wall. Such sign cannot be higher than twenty (20) feet above grade measured from the location immediately below the sign. Such signs may also be mounted on an awning or marquee. Marquees and

awnings are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized.

7. Projecting signs at the entrance to a non-residential building or of a building:
    a. Number and Size Limits: A maximum of one (1) sign with a maximum size of sixteen (16) square feet.
    b. Mounting and Installation Regulations: Such sign shall be wall mounted. Such sign shall not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight (8) feet above a sidewalk or parking area and at least fourteen and a half (14.5) feet above an alley. Such sign cannot be higher than twenty (20) feet above grade measured from the location immediately below the sign to the top of the sign. Such signs are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized.

Sec. 9-202 – Commercial, Special, Overlay, and Mixed Use district signs.

(A) *Generally*. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in the CC, CD, CDX, CG, CL, CR, CSL, KR, NR, CRMU-/L, CRMU/M, CRMU/H, CRMU/X, OC, OCH, OCM (50), OCM (100), and W-1 Zones.

i. Flags: *[Again, separate section for flags.]*

1. Number and Size Limits: One flag per twenty (20) feet (or portion thereof) of lot width with a maximum size of twenty four (24) square feet for each flag. *[What about a large, regulation U.S. Holiday Flag (**much** larger than 4 x 6 feet), as commercial enterprises sometimes fly? Incidentally, by USC the national flag MUST be illuminated if flown at night.] [There are business entities along Route 236, for example, or Pickett Street, or Edsall Road, etc., that would to the maximum number. Suppose the new Town Center proposed on Beauregard Street want to have a series of flags down the private street leading to the central square?*

2. Mounting and Installation Regulations: Freestanding flags may only be attached to a pole less than thirty five (35) feet in height. *[See immediately preceding comments.]* Wall mounted flags may

only be on a projecting pole no longer than six (6) feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. The bottom of a projecting wall-mounted flag shall not encroach within eight (8) feet of the ground directly below the location where the flag is mounted.

ii. Temporary Signs:

1. Number, Size and Time Limits:

a. A maximum of one (1) sign with a maximum size of one (1) square feet for each linear foot of building width for the wall on which the sign is mounted per frontage on a street, alley, or parking lot only when located on property where a building permit is active. Such sign shall be wall mounted and may only be mounted flat against the wall or installed as a window sign. The area allowed for this temporary signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in section b or in Sections 9-201 (A) iii.6 or iii.7 below.

b. A maximum of one (1) sign with a maximum size of one (1) square feet for each linear foot of building width for the wall on which the sign is mounted per frontage on a street, alley, or parking lot only when located on property is ~~actively listed on the MRIS System or~~ actively marketed for [sale or] rent. Such sign shall be wall mounted and may only be mounted flat against the wall or installed as a window sign. The area allowed for this temporary signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in section b or in Sections 9-201 (A) iii.6 or iii.7 below. *[What about the sale of raw commercial land? What about areas rezoned from residential and for sale as new commercial developments?]*

c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than 10 days after their purpose has been accomplished.

d. One (1) sign with a maximum size of the lesser of twenty (20) feet, one-half square feet for each linear foot of building width for the wall on which the sign is mounted,

or one hundred (100) square feet. The maximum period for this sign is sixty (60) days per six month period of a year.

e. One (1) additional window sign per dwelling unit, no more than two (2) square feet in area.

2. Mounting and Installation Regulations: Such sign shall be wall mounted and may only be mounted flat against the wall or installed as a window sign. Such sign cannot be higher than twenty (20) feet above grade measured from the location immediately below the sign to the top of the sign.

iii. Permanent Signs:

1. Minor Signs only permitted in the CC, CG, CR, CSL, CRMU-/L, CRMU/M, CRMU/H, CRMU/X, OC, OCH, OCM (50), and OCM (100) Zones, but not permitted in the CD, CDX, CL, KR, NR, or W-1 zones *[No "Keep Off the Grass" or "No Soliciting"?]* :

a. Number and Size Limits: Maximum of five (5) signs per property per street frontage with a maximum size of one (1) square foot for each sign.

b. Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (36) inches in height. Wall mounted signs may only be mounted flat against the wall.

2. Signs at the entrance to a neighborhood:

a. Number and Size Limits: One permanent sign is permitted per distinguishable neighborhood with a maximum size of twenty four (24) square feet for each sign. *[At each entrance?]*

b. Mounting and Installation Regulations: Such signs may only be installed as a monument sign with less than six (6) feet in height. *[Previous comments (page 15) still apply.]*

3. Signs painted on the curb in front of a property:

a. Number and Size Limits: One permanent sign is permitted with a maximum size of six (6) square inches. *[Too small.]*

b. Mounting and Installation Regulations: Such signs may only be painted directly on the face of a curb on private property.

4. Signs at locations within ten (10) feet of the curb of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:

a. Number and Size Limits: A maximum of one (1) sign is permitted in each direction at an intersection or area where

motor vehicles or pedestrians would need to change their course of travel with a maximum size of six (6) square feet for each sign.

b. Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (42) inches in height.

5. Freestanding signs at a property's street frontage:

a. Number and Size Limits:

i. At a lot containing no more than two businesses, a maximum of one freestanding sign is permitted with a maximum area of fifty (50) square feet and a maximum height of six (6) feet above grade to the top of the sign.

ii. At a lot containing three or more businesses, a maximum of one freestanding sign is permitted with a maximum area of one hundred (100) square feet and a maximum height of eight (8) feet above grade to the top of the sign.

iii. At a lot containing five or more businesses and at least two hundred (200) feet of continuous street frontage, freestanding signs are permitted with a maximum area of the lesser of one (1) square foot per linear foot of street frontage or one hundred and fifty (150) square feet and a maximum height of eight (8) feet above grade to the top of the sign.

iv. A lot with a width of more than two hundred (200) feet at the front lot line may contain two (2) freestanding signs in compliance with either (i) or (ii) above.

v. When the street frontage of a lot is in excess of three hundred (300) feet, the number of signs and allowable sign area may be increased with a special use permit.

b. Mounting and Installation Regulations: Freestanding installation shall only be permitted on a lot with a width of at least one hundred (100) feet at the front lot line and only where drive-in service or off-street parking is provided, leaving a distance between the building and a side lot line of twenty five (25) feet or more, or where a building is setback twenty five (25) feet or more from the front lot line. If a freestanding, the sign shall be installed as a monument

sign, and it shall be setback at least ten (10) feet from the front lot line.

6. Wall signs:
    a. Number and Size Limits: The total area of all signs displayed on a building wall which faces a street, alley or parking area shall not exceed one square foot for each foot of building width facing the street, alley or parking area.
    b. Mounting and Installation Regulations: Such signs shall be wall mounted and may only be mounted flat against the wall. Such sign cannot be higher than twenty (20) feet above grade measured from the location immediately below the sign. Such signs may be mounted on an awning or marquee. Marquees and awnings are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized.
7. Wall signs higher than twenty (20) feet above grade on a multi-story building:
    a. Number and Size Limits: The total area of all signs displayed on a building wall higher than 20 feet above grade on a multi-story building which faces a street, alley or parking area shall not exceed one square foot for each foot of building width facing the street, alley or parking area. mounted per street frontage. *[Check punctuation.]*
    b. Mounting and Installation Regulations: Such sign shall be wall mounted and may only be mounted flat against the wall. No part of this sign is permitted to be lower than twenty (20) feet above grade measured from the location immediately below the sign.
8. Projecting signs at the entrance to a non-residential building or non-residential part of a building:
    a. Number and Size Limits: A maximum of one (1) sign with a maximum size of sixteen (16) square feet.
    b. Mounting and Installation Regulations: Such sign shall be wall mounted. Such sign shall not project more than four (4) feet from the building wall or within one (1) foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least Fourteen and a half (14.5) feet above an alley. *[Is this sufficient for fire trucks and all delivery trucks, including tractor trailers?]* Such sign cannot be higher than 20 feet

above grade measured from the location immediately below the sign to the top of the sign. Such signs are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized.

iv. Any sign larger than one hundred (100) square feet in area shall have each letter or symbol installed as a separately mounted unit. No sign that measures one hundred (100) square feet or larger shall consist of an individual panel. *[A 10 foot x 10 foot sign, in other words, cannot be painted, or etched? A Panel cannot be one piece of, say stainless steel, or iron? What is the rationale for this?]*

v. Size and location limitations. Signs permitted within a commercial zone under section 9-202(A) may be displayed on any building wall which faces a street, alley or parking area or may be freestanding signs, and shall comply with the provisions herein.

vi. Marquees and awnings. Marquees and awnings may be used as a sign background.

(B) *Window signs.* The total area of window signs, in any one window shall not exceed twenty (20) percent of the glazing area of the window where it is installed. The total area of window signs shall be included in determining the total area of signs erected or displayed on the wall that contains the window. *[Again, opaque or translucent materials may affect the necessity for this rule.]*

(C) *A-frame signs on the property of individual businesses.* Notwithstanding any provision to the contrary in this ordinance, A-frame signs are permitted on private property in commercial districts that are not within the Parker-Gray District or the Old and Historic Alexandria District subject to compliance with the following standards:

(1) Location. An A-Frame Sign shall only be located:

a. on the property of the owner of the sign;

b. outside of a minimum lateral walkway clearance of five (5) feet for pedestrian travel;

c. within fifteen (15) feet of the front facade of the building;

d. not encroaching in the line of vision clearance for motor vehicles; and

e. a minimum of fifteen feet from any driveway or roadway intersection.

(2) Number. A maximum of one (1) sign is permitted per business.

(3) Size. Signs may not exceed forty two (42) inches in height and twenty four (24) inches in width.

(4) Pedestrian safety. Pedestrian safety shall be preserved through the placement and securing of signs so as to permit safe and adequate pedestrian throughway along the

walkways, crossing of streets or parking areas, entry and alighting from cars and buses, and access to curb ramps.

(5) Temporary. All signs, including installation materials, shall be temporary and shall be readily removable without any damage to the pavement or ground surface.

(6) Time Limits. A-Frame sign is permitted outdoors only during operating hours of the establishment where the sign is located.

(7) Materials and Design.

a. Only high quality, durable materials shall be used, such as slate, marker board, stainless steel, aluminum, aluminum composite, laminate plastic or medium density overlay plywood painted with enamel paint.

b. Illumination is prohibited.

c. Braces are required to ensure that the sign legs remain adequately spread to prevent it from falling.

d. The sign shall be a minimum weight of twenty (20) pounds properly balanced to ensure that it would not blow away in the wind.

(8) Compliance with law. All signs shall comply with all applicable city, state and federal laws and regulations.

9-203 – Industrial district signs.

(A) *Generally*. In the I and UT zones, any sign, marquee and awning permitted in a commercial zone under section 9-202 may be erected or displayed so long as it complies with all other applicable requirements of this Article IX; provided, that the total area of any signs in an industrial or utility zone which face real property in a commercial, industrial or utility zone may exceed the area allowed in section 9-202 by up to 50 percent***. [These zones, in particular, are where pole signs, internally illuminated signs, and digital signs should be allowed.]***

(B) *Window signs*. Window signs are permitted up to twenty percent (20%) of the glazing area of a window and count toward the maximum square footage of wall signs permitted. Window signs are permitted only on the first floor of a building unless the applicant only has business operations located on an upper floor where the window sign is to be displayed*. [What about a sub-lease of a second floor area? No window sign?]*

9-204 – Signs Permitted in All Zones

(A) Additional temporary signs no larger than the largest temporary sign allowed on the property pursuant to Section 9-200 are permitted on any property with the permission of the property owner for no more than ninety (90) days*. [Per year, per decade? Should add a thirty (30) day lapse between reposting of signs.]*

Sec. 9-300 Signs within the Old and Historic Alexandria, Parker-Gray and 100 Year Old Building Districts

9-301 - Review required.

(A) Certificate of appropriateness. A certificate of appropriateness from the appropriate board of architectural review is required for the following signs when subject to view from a public street or place and affixed to a building or structure located in or otherwise displayed within the Old and Historic Alexandria District or the Parker-Gray District or when affixed to or displayed on a 100-year-old building designated by city council under section 11-300:

(1) Any sign, marquee or awning permanently affixed or displayed, subject to the exemptions in section 9-301(B); or

(2) Any sign, marquee or awning otherwise affixed or displayed which exceeds four square feet in area.

(B) Exemptions. The following signs shall not be subject to the requirement of section 9-301(A):

(1) One non-illuminated sign, including a window sign, that is less than one square foot in area per building;
(2) Any non-illuminated window sign per building between one square foot and four feet in area, specially permitted for a temporary period, pursuant to section 9-302, by the city manager;
(3) Signs for which administrative approval is available pursuant to sections 10-113 and 10-213;
(4) Temporary Signs as follows:
    a. One sign, no more than thirty two (32) square feet in area, plus one (1) additional sign, no more than eight (8) square feet in area, located on property where a building permit is active. Such sign may be freestanding, wall mounted, or inserted within a window, provided that it does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. Freestanding temporary signs may only be less than forty two (42) inches in height. If wall mounted, installation is prohibited from damaging the existing building wall material.
    b. One sign, no more than ~~four (4)~~ [six (6)] square feet in area on any property for sale or rent during the time the property is ~~actively listed on the MRIS System or~~ actively marketed for [sale or] rent. Such sign may be freestanding, wall mounted, or inserted within a window, provided that it does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. Freestanding temporary signs may only be less than forty two (42) inches in height. If wall mounted, installation is prohibited from damaging the existing building wall material.
    c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or

directed duties; provided that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished. Such sign may be freestanding, wall mounted, or inserted within a window, provided that it does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. Freestanding temporary signs may only be less than 42 inches in height. If wall mounted, installation is prohibited from damaging the existing building wall material.

(C) Compliance required. Any sign, marquee or awning required to obtain a certificate of appropriateness under section 9-301(A) and any sign identified in section 9-301(B) may be erected or displayed only if authorized by and in compliance with all other applicable requirements of this Article IX.

(D) Grandfathered signs. Any sign, marquee or awning legally erected or displayed within the Old and Historic Alexandria District on or before January 12, 1976, or within the Parker-Gray District on or before November 16, 1985, or on a lot or building listed under section 10-300 on or before the date of such listing may continue to be displayed and may be repainted with the same text, colors and design or repaired without a certificate of appropriateness; provided, that a certificate of appropriateness shall be required before any such sign, marquee or awning is altered, rebuilt or moved to a new location.

(E) Freestanding signs. One freestanding sign may be permitted on any property zoned commercial if the area of the sign is no greater than six square feet and if the sign is approved by the board of architectural review.

(F) Prohibited signs. Notwithstanding the provisions of section 9-301(E), no sign advertising a business, which sign is within 200 feet of and visible from Washington Street, shall be permitted unless it is attached to a building in which the business being advertised is conducted, or unless it is the minimum signage necessary to comply with section 9-7-7 of the city code.

9-302 - Temporary window signs.

(A) No window sign one square foot or more in area may be displayed in the Old and Historic District or the Parker-Gray District or in a 100-year old building designated by city council under Article X without a certificate of appropriateness, except on a temporary basis, for up to 30 consecutive days, pursuant to special permission from the city manager or her designee under section 9-302(B); provided, that the manager may not, on any single occasion, permit any person to display on a temporary basis more than one window sign for any window located within the building or structure, or portion thereof, which the person occupies; and provided further, that the manager or [his or] her designee may not authorize any person to display any window signs on a temporary basis on more than three occasions in any 12-month period. *[For a total*

of 90 days? If a sign is displayed for 3 consecutive Saturdays, can it never be displayed for the next 12 months?]

(B) In order to obtain permission for the display of one or more window signs on a temporary basis, the person seeking the permission must submit the following information to the city manager or her designee on a form prescribed by the city, together with a processing fee of $5.00: (i) the name of the applicant; (ii) the period of time, not to exceed 30 consecutive days, during which the applicant seeks permission to display the sign or signs; (iii) the address of the building in which the sign or signs will be displayed; (iv) the size of the sign or signs; and (v) the number of occasions within the 12 months preceding the application on which applicant has obtained special permission pursuant to this section 9-302 to display one or more window signs on a temporary basis in the same building described in the application.

(C) Upon receipt of the applicant's processing fee and upon review of the applicant's information, the city manager shall permit the display of the applicant's window sign or signs, for up to 30 consecutive days, if he or she finds that: (i) each sign is less than four square feet in area; (ii) within the prior 12 months, the applicant has not displayed window signs on a temporary basis in the same building on more than two occasions; and (iii) the applicant is not, and has not over the prior 12 months been, in violation of any provision of this Article IX. *[Clause iii seems to point to a gray area with an avenue for abuse. Discretion should be given to determine the nature and significance of the violation. Also, care must be given to ensure that this is not an administrative finding which impinges on judicial prerogative.]*

Sec. 9-400 Administration and Enforcement

9-401 - Removal of illegal signs.

The director shall remove any sign, marquee or awning erected or displayed on, over or across any street, road, highway, alley or other public right-of-way in violation of this Article IX, shall impound the sign and within 24 hours of the removal, shall notify in writing, by first-class mail, the owner of the sign, if ownership is readily determinable, of the location at which the sign is being stored and of the owner's right to retrieve the sign upon payment of an impound fee of $50.00, plus a storage fee of $10.00 for each day of storage; provided, however, that no such notice is required when an illegal sign is of *de minimis* value and is less than 12 square feet in area. Signs not retrieved within a period of 30 days after the mailing of such notice may be destroyed by the city.

9-402 - Nonconforming signs.

(A) Signs lawfully in existence on the effective date of this chapter or prior ordinances, which do not conform with the provisions of this article, and signs which are accessory to a

nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. *[Is this fair? If the City is changing the rules, should it not get an inventory of signage, as evidence of what exists when the new ordinance is passed? Does this not but the cost/burden on a potential victim of a changed set of rules?]* Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance. *[Would this apply to A-frames currently displayed on King Street? Moreover, if the current regulations have not been enforced, then that enforcement lapse may have* de facto *legalized such signs.]*

(B) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.

(C) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.

(D) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.

(E) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

(F) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.