

ORDINANCE NO. 4988

AN ORDINANCE to amend and reordain Article IX (SIGNS, MARQUEES AND AWNINGS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council on January 30, 2016 as Text Amendment No. 2015-0005 regarding signs in the public right of way.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2015-0005, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on January 5, 2016 of a text amendment to the Zoning Ordinance to amend Article IX regarding signs in the public right of way, which recommendation was approved by the City Council at public hearing on January 30, 2016;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

ARTICLE IX. - SIGNS, MARQUEES AND AWNINGS

Sec. 9-100 - General provisions.

9-102 - Definitions.

For purposes of this Article IX, the following words and phrases shall have the meanings ascribed to them below, unless the context otherwise indicates:

~~(E) Banner. Any sign appended on or from a staff, pole, wire, frame or similar support, extending across the entire width of any street, road, highway or alley.~~

~~(U) Motor vehicle sign. Any sign on or attached to a motor vehicle which is being used primarily for the purpose of displaying advertising and is not being utilized in the normal business or work of the vehicle owner.~~

9-103 - Scope of article.

- (A) 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.
- (B) It shall be unlawful to erect or display, on any building, structure or real property, any sign, marquee or awning unless it is expressly authorized by, is in accordance with and, where applicable, a permit authorizing it has been obtained pursuant to the provisions of this Article IX.
- (C) 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.
- (D) 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.
- (E) 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.
- (F) **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.**

9-104 - Prohibited signs, marquees and awnings and exceptions.

The following signs, marquees and awnings are prohibited or are permitted only as specified below, regardless of their location in the City:

- (E) Signs, marquees and awnings encroaching upon a public right-of-way. No sign, marquee or awning, or any part thereof, or any part of the foundation or support thereof, may be erected or displayed on, over or across any street, road, highway, alley, sidewalk or other public right-of-way, unless an ordinance authorizing such encroachment has been enacted by City Council; ~~provided, however, that any banners authorized pursuant to section~~

~~9-104(F), political signs authorized by section 9-201(A)(10), signs, marquees and awnings specifically authorized by city council in a commercial zone authorized by section 9-202(B)(4), 9-202(B)(8), and 9-202(F) and curb signs shall not be subject to this section 9-104(E).~~

~~(G) Banners. No banner may be erected or displayed, except (1) across a street, road or highway in a commercial zone for up to ten days pursuant to special authorization provided by city council, and (2) across an alley pursuant to a permit issued by the city manager upon a finding that the banner poses no danger to the safety of the public.~~

~~(I) Motor vehicle signs. No such signs may be erected or displayed.~~

~~(J) 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, public bridge, drinking fountain, natural features such as trees, shrubs, rocks or tree stakes or guards; provided, however, that curb signs and signs posted for the purpose of identification of a structure or for safety may be erected and displayed; and provided further, that political signs authorized by section 9-201(A)(10) may, with the owner's permission, be affixed to street lamp posts, electric light or power poles and telephone poles.~~

~~9-108. Political signs.~~

~~Political signs are permitted in the following locations, and for the following periods of time, subject to the following limitations:~~

~~(A) Private property. Political signs may be posted on private property with the permission of the property owner or lawful occupant of the property. Such signs shall not exceed the size of the largest sign permitted on such property pursuant to section 9-200.~~

~~(B) Public right-of-way. Political signs may be posted within the public right-of-way subject to the following rules:~~

~~1. Such signs may be posted in the grass portion of the public right-of-way, adjacent to a street, road, highway, alley or sidewalk.~~

~~2. No such sign may be posted in any public garden or landscaped area.~~

- ~~3. No such sign may be placed within the public right-of-way of Washington Street, or the George Washington Memorial Parkway.~~
- ~~4. No such sign shall be placed within 15 feet of any point at which the curb or curb line of any two intersecting streets meet, within 15 feet of the end of any street median, or within any traffic channelization island.~~
- ~~5. Any political sign erected or displayed within the public right-of-way shall be free standing, shall have no part of the sign or support thereof extending more than 42 inches above ground level, and shall be supported by no more than two supports, each support having dimensions of no more than one inch by two inches.~~
- ~~6. Prior to the display of any political sign within the public right-of-way, a cash bond in the amount of \$100.00 shall be deposited with the city manager. The bond will be refunded unless there has been a violation of the provisions of this article, in which case the city shall retain the entire amount of the bond to defray the cost of enforcing the provisions of this article.~~
- ~~7. No political sign shall be erected or displayed within the public right-of-way more than 90 days prior to the nomination or election to which it pertains. Signs, including sign posts or stakes, shall be removed within 15 days after the announced results of the nomination, or primary, special or general election to which the sign pertains. Successful candidates in nominations or primary elections may continue to display their signs during the interval between the nomination or primary, and the ensuing special or general election, and without posting any additional bond, except where the interval exceeds 90 days.~~

Sec. 9-200 - Signs, marquees and awnings permitted in various zones.

9-202 - Commercial zones.

~~(F) A-frame signs. Notwithstanding any provision to the contrary in this ordinance, A-frame signs may be permitted on King Street for businesses within the Central Business District, as defined by Section 8-300, provided they comply with the following provisions:~~

- ~~(a) Application and approval process. An application for an A-frame sign permit shall be submitted and shall include a plan reasonably depicting the location, size, text, appearance and method of installation of the proposed sign to be located in the public right-of-way, and such additional~~

~~information as the director may reasonably require. The director may approve the application after determining that the proposed sign plan will be reasonable, attractive and promote pedestrian and retail vitality in the Central Business District, and that there is adequate space remaining within the public right of way to facilitate safe circulation of pedestrian traffic. No material change to the approved plan shall be made without prior written approval by the director.~~

- ~~(b) King Street locations. A maximum of four signs may be located on any one intersection of King Street and each intersecting street, one on each corner.~~
- ~~(c) Eligible businesses. For each sign, eligible businesses include restaurants, retail uses, and retail oriented businesses, which include restaurants and retail and personal services uses, as those terms are defined by this ordinance, located on adjacent blockface on a street within the Central Business District, which street intersects with or is parallel to King Street. Eligible businesses shall not include banks, savings and loans, credit unions and contractor or other offices.~~
- ~~(d) Number of signs. A maximum of one A-frame sign is permitted for all eligible businesses on any eligible blockface.~~
- ~~(e) Size of sign. Signs may not exceed 42 inches in height and 24 inches in width.~~
- ~~(f) Illumination. Illuminated signs are prohibited.~~
- ~~(g) Pedestrian safety. Pedestrian safety shall be preserved through the placement and securing of signs so as to permit safe and adequate pedestrian thoroughway along the sidewalk, crossing of streets, entry and alighting from cars and buses, and access to curb ramps.~~
- ~~(h) Temporary signs. All signs, including installation materials, placed in the right of way shall be temporary and shall be readily removable without any damage to the surface of the right of way.~~
- ~~(i) Compliance with law. All signs shall comply with all applicable city, state and federal laws and regulations.~~
- ~~(j) Director requirements. Signs shall comply with such additional reasonable terms and conditions as the director may require and include in the permit.~~

9-204 – Signs Permitted in All Zones

- (A) Additional temporary signs no larger than the largest 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 prior to and fifteen (15) days after a National, State or Local election.

Sec. 9-400 - Administration and enforcement.

9-402 – Liability insurance coverage.

- ~~(A) Coverage required. No person may erect, display, construct, reconstruct or alter any sign, marquee or awning for which a permit is required under section 9-401 and which lies on, over or across any street, road, highway, alley, sidewalk or other public right-of-way unless and until a liability insurance policy meeting the requirements of this section 9-402 has been obtained and approved by the city attorney. Said policy shall name the city as an "additional insured" and shall protect and hold harmless the city and its agents and employees from and against any suit, action, claim, cause of action, damages, losses, liability and expenses (including court costs and attorneys' fees) resulting from, arising out of or incident to the construction, reconstruction, alteration, maintenance, repair, removal, presence, falling or collapse of the sign, marquee or awning. In addition, the minimum bodily injury protection of said policy shall be \$100,000.00 per person and \$300,000.00 per occurrence, and the minimum property damage protection of the policy shall be \$50,000.00 per occurrence. The city may require additional insurance or other security if the sign, marquee or awning relates to a public right-of-way which supports a high level of vehicle or pedestrian traffic.~~
- ~~(B) Notice of cancellation. The insurance policy required by section 9-402(A) shall remain in force and effect during the life of the sign, marquee or awning. The owner of the sign, marquee or awning shall notify the building official of any change in the insurance policy, including any change in amount, carrier or of coverage conditions. Failure to maintain the policy in full force and effect shall be due cause for the city manager to order the removal of the sign, marquee or awning.~~

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Article IX as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on March 1, 2016, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

ALLISON SILBERBERG
Mayor

Final Passage: February 20, 2016