

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 20, 2016

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR,
DEPARTMENT OF PLANNING & ZONING

SUBJECT: TEXT AMENDMENT #2016-0002, TEXT AMENDMENT REGARDING
SIGNS, HEARING DEFERMENT

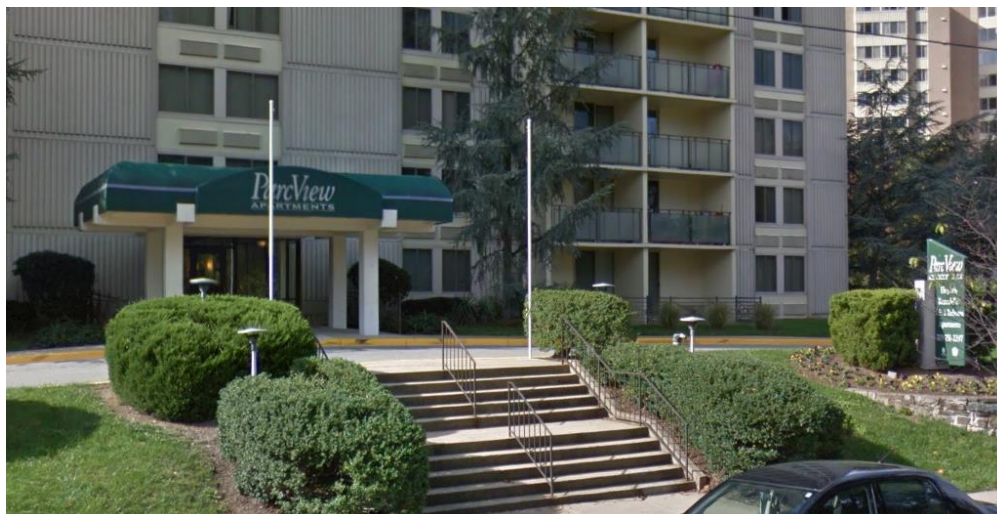
The Planning Commission deferred TA2016-00002, the text amendment regarding signs, during its April 2016 hearing. This deferral was requested to allow for possible additional refinements to the proposed Ordinance relating to such items as signs at dwellings that are for sale or for rent, changes suggested by docket item speakers, concerns raised by representatives of the apartment rental industry, and desired information about recent court cases regarding temporary and political signs. In response to the Commission's requests and recommendations, staff has revised the proposed Ordinance as shown in Attachment 1, Attachment 4, and Attachment 5 of the package with refinements based on suggestions from many sources. The changes are visible in bold and italic type in Attachment 1.

The proposed Ordinance was developed with extensive input from the Ad Hoc Group on Signage, which had held eight public meetings leading to the development of this Ordinance. One member of the Group, Peter Benavage, provided the Commissioners with a series of suggested edits to this Text Amendment prior to the April hearing. He had provided staff with useful suggestions when the Ordinance was being finalized for the April hearing, and staff further discussed the suggestions with him and answered many of his questions during the deferral period. Several of his suggestions are included in this revised Text Amendment. These include text clarifications relating to sign height to more clearly describe required clearance under some signs, the digital text and graphic sign definition to clarify that these would not change text more than 2 times per day, the definition of a flag to avoid confusion with windblown signs, the definition of marquee signs to ensure that they would not be construed as digitally changing signs, and to address the installation of signs in parking lots on poles and other infrastructure.

One substantive change was the allowance for 1 square foot ‘minor signs’ on larger properties such as major parks, shopping centers, and hospitals. The original proposed Text Amendment would allow up to 5 minor signs per property. On Mr. Benavage’s suggestion, staff proposes to allow up to 5 minor signs per 100 feet of lot width, so that larger lots can have additional signage if, for example, multiple ‘no trespassing,’ ‘reserved parking’ or other small signs of this type are needed.

One Commissioner raised a question about provisions for signs at properties that are for sale or for rent. She stated that the initially proposed size limit of 6 square feet and the limit of only one allowed sign at a property would be too restrictive. Staff discussed this matter with the Northern Virginia Association of Realtors and found that 6 square feet of area would generally be adequate, but also found that a 7 square foot limit would satisfactorily avoid overbearing signage at residences and would accommodate nearly every typical residential real estate marketing situation. Staff proposes that the limit for signage at residential properties for sale or rent be changed from one six square foot sign to “one (1) sign *or combination of signs* with a total area of no more than *seven (7)* square feet” to accommodate the multi-sign combinations that are used for real estate marketing to indicate changes in sale status (sold, under contract, etc.) and to provide real estate agent contact information.

Staff was also asked to consider the effect of the proposed regulations on apartment buildings. Staff met with the Apartment and Office Building Association of Metropolitan Washington and discussed its desire to accommodate banner type apartment marketing. The solution reached was to amend the size limits for permanent signage at the frontage of multi-family properties. Proposed is to increase the size allowance per property frontage from one sign with 40 square feet to a combination of signs with a maximum total limit of 60 square feet. No individual wall sign would be permitted to be larger than 40 square feet, and no free-standing sign would be permitted to be larger than 32 square feet. Staff found that multi-family properties, particularly in the West End, tend to have the combination of a free-standing monument sign in front yards and wall signs over the main entrance. This combination of signage allowance would be useable for many purposes including displaying the building name and displaying rental information, as is visible in the monument sign in the photo below.



Another Commissioner raised questions about the use of “less than” when describing height limits, and proposed to use the term “shall not exceed” to more accurately reflect the intended size limits. This change has been made throughout the revised proposed Ordinance.

There was also discussion about additional outreach to the business community. Staff has met with representatives from several business organizations including the Chamber of Commerce, the Boutique District, and the Old Town Business and Professional Association, and NAIOP - Northern Virginia Chapter. There was some concern expressed about the provision to remove freestanding pole signs, but there has generally been an overall acceptance of the proposal.

Staff also received suggestions from Donna Fossum. She proposes a restructuring of the sign ordinance with specific standards for the City’s three planning areas: the area east of the Metro tracks, the area between the Metro Tracks and Quaker Lane, and the area west of Quaker Lane. This idea has some potential merit in that each of the major sections of the City has some unique signage issues. Such an approach, however, would require a comprehensive rewrite of the sign ordinance. The current revision, while complicated, is focused primarily on making the sign ordinance compliant with the Supreme Court ruling. It also has site based and zone based standards that correspond with the context of the City’s major areas. A more comprehensive rewrite of the sign ordinance based on the City’s three main areas as well as the zoning districts would be a major work effort and would have to complete with our other priorities to get scheduled onto the Long Range Planning Work Program. At this time, the proposed Ordinance is intended to address more immediate issues.

There has also been continued discussion of the provision allowing for an applicant to apply for an SUP install signage that may not comply with the proposed regulations but has an exceptional design or approach that cannot be accomplished within the existing regulations and would not have an adverse impact on the nearby neighborhood, as proposed in Section 9-103(D). This provision was requested by some members of the Ad Hoc committee and had general support when it was determined that every signage situation could not be predicted in the writing of this Ordinance, and a provision for exceptions would be useful. However, this would mean that the Planning Commission and City Council would be reviewing, as a special use permit, sign design.

Finally, there was extensive discussion of major court decisions that affect municipal regulation of signage in Virginia. For this issue, the City Attorney’s Office will soon send additional information separately.

With the included modifications, staff recommends the revised Ordinance presented in Attachment 1 and summarized in Attachments 4 and 5 for approval. Staff is also aware that a text amendment as complex as this will require continuous monitoring and may require additional revisions, and staff proposes to review it six months after adoption to ensure that it is serving its intended purpose and to develop additional text amendments if needed at that time.