

May 14, 2016

Sign Regulations Text Amendment #2016-0002 - City Council Docket #10

Mayor Silberberg and Members of City Council:

**Legalization of non-governmental flags –**

I am writing to ask that you reduce or eliminate one proposed change to City sign regulation Text Amendment #2016-0002 that would allow, at high density throughout the City, commercial and noncommercial flag-shaped signs that are currently prohibited. Staff has stated to those of us on the Ad Hoc Group on Signage that overall the proposed sign ordinance revision is the minimally necessary change to comply with legal requirements resulting from the Supreme Court's Reed vs. Town of Gilbert decision in June 2015 that ruled that sign regulations should be content neutral. In the case of flags, however, the proposed sign ordinance continues to differentiate and allow official governmental flags unregulated, as is the present case, but additionally proposes to allow non-governmental flags with commercial and non-commercial content up to a density or frequency of one commercial sign flag per 20 feet of property lot frontage. Such flag signs could be mounted on individual free-standing flag poles, stanchions projecting from a building, and/or draped on a building wall, in addition to other signage approved to be mounted to the building or on the lot. As an example, the typical City block such as the block that supports City Hall and Market Square, would be allowed to erect nearly 60 large commercial content flags, in addition to the U.S., Virginia, Alexandria and other governmental flags displayed. Without permits, the proposal would allow flag signs to be erected at 20 foot intervals along all lot frontages throughout the City.

Approval of this specific flag provision as proposed is unnecessary, is a major reversal of zoning practice in the City, and would invite a potential proliferation of new commercial flag signs that have been banned for many decades as prohibited windblown signs. This proposal is a solution looking from a problem that we don't need to create that could result in thousands of additional commercial windblown signs displayed in the City. Currently, a limited number of businesses in the entire City display a single commercial flag representing their corporation or business. If you find commercial flag signs appropriate, please restrict that allowance to a single commercial flag per property.

I suggest the below delineated ordinance revisions, with pages in context also attached to this letter for the following ordinance sections: 9-102(O) (p. 16); 9-201(A)(1)a.i.1 (p. 23); 9-201(A)(1)b.i.1 (p. 25), 9-201(A)(2)a.i.1 (p. 27), 9-201(A)(2)b.i.1 (p. 29), and 9-202(A)i.1 (p. 32) to limit flag signs to one per lot as in the following example from

1. Section 9-102(O) (Staff report p. 16) to eliminate addition of pendants [*sic*], or pennants, from the proposed revised definition of flags; and,
  - (A) *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.

Changes to the following regulations:

2. Section 9-201(A)(1)a.i.1 (p. 23 of the staff report)
3. Section 9-201(A)(1)b.i.1 (p. 25),

4. Section 9-201(A)(2)a.i.1 (p. 27),
5. Section 9-201(A)(2)b.i.1 (p. 29), and,
6. Section 9-202(A)i.1 (p. 32).

Changing the ordinance to allow one non-governmental flag sign per property would allow the handful of current corporate flag signs to remain and flag signs to be displayed on additional properties, but would not foster an inappropriate proliferation of flag signs by commercial entities looking to attract patrons at the expense of the beauty of our City. Alternatively, you could direct that the ordinance regulations remain as they are today, where official governmental flags are allowed and unregulated, and other flag-shaped signs are prohibited with other windblown signs.

I also recommend that you direct staff to begin enforcement of the sign regulations. In recent years there has been a great proliferation of violating signs due in large part to the City staff reluctance since the great recession to proactively enforce good regulations that we have had in place for many decades in order to avoid the perception that Staff and the City are anti-business. However, I'd like to point out that the several members of the Ad Hoc Sign group who are small retailers and business owners on King Street, in Old Town and in Del Ray supported enforcement against sign violation and voiced great frustration that they conduct themselves as responsible corporate citizen's and residents who follow all sign regulations but must compete against less responsible or less knowledgeable businesses that continually erect illegal signs through either disregard of the regulations or lack of knowledge of the regulation due in part to lack of City enforcement and education through enforcement.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Milone". The signature is fluid and cursive, with the first name "Steve" written in a more stylized, looped manner and the last name "Milone" written in a more straightforward cursive.

Stephen Milone

Ad Hoc Group on Signs member

Enclosures: Staff report pages 16, 23 25, 27, 29, and 32 as annotated.

- (H) *Chalk-board sign.* 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.

## 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 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:

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 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

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:

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



**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