

**DOCKET ITEM # 8*****Text Amendment # 2016-0008******Sign Regulations in the Historic Districts***

Issue: A) Initiation of a Text Amendment; and B) Public hearing and consideration of a Text Amendment to Article IX Section 9-300 of the Zoning Ordinance regarding regulations for signs in the historic districts. Staff: City of Alexandria Department of Planning and Zoning	Planning Commission Hearing:	January 5, 2017
	City Council Hearing:	January 28, 2017
Staff: Al Cox, FAIA, Historic Preservation Manager al.cox@alexandriava.gov Stephanie Sample, Historic Preservation Planner stephanie.sample@alexandriava.gov Christina Brown, Assistant City Attorney Christina christina.brown@alexandriava.gov		

I. Issue

The following proposed amendments to Zoning Ordinance Article IX, Section 9-300, *Signs within the Old and Historic Alexandria, Parker-Gray and 100 Year Old Building Districts*, mark the conclusion of a comprehensive three-phased project to update the sign chapter of the zoning ordinance. The sign project was initiated specifically to address A-Frame signs for individual businesses and digital signage in the City, and was expanded to include a comprehensive revision to the City's sign regulations in order to comply with the US Supreme Court ruling in *Reed v. Town of Gilbert* of June 2015 (Reed), which required that all sign regulations be content neutral. The first two phases of the project have resulted in changes to the Ordinance for signs in the public right-of-way (Phase I) and signs on off-street property (Phase II). Although Section 9-300 was amended as part of Phase II, the changes simply removed all references to sign content; it was envisioned that additional changes would be forthcoming (Phase III) to comprehensively address signs in the historic districts.

II. Background

The Zoning Ordinance began regulating signage in 1951, and Article IX was adopted in 1988. As noted above, the following amendments to the sign chapter have already been approved:

Phase I (February 20, 2016)

Ordinances 4941 and 4942, prohibiting non-governmental signs in the public rights-of-way.

Phase II (June 18, 2016).

Ordinance 5029, regulating signage on property that is not part of the right-of-way.

This Phase III proposal includes changes to Section 9-301, *Review Required*, for signs on properties within the historic districts and on 100 Year Old Buildings. In developing the proposed text amendment, Historic Preservation staff attended the meetings of the Ad Hoc Group on A-Frame & Digital Signage, the group that worked with City staff in amending the sign chapter. Furthermore, staff worked with the Boards of Architectural Review (BAR) for both the Parker-Gray District and the Old and Historic Alexandria District, as well as the BAR Design Guidelines Committee to study the impact of the existing, recent sign changes on properties in the historic districts. Similarly, the Boards have recently amended the *Standards & Criteria for Administrative Approval of Signs in the Historic Districts* (Sign Policy; Attachment 2) to also make that document content neutral.

III. Discussion of Proposed Text Changes

While the June 18, 2016 amendments removed references to sign content in this section, the result was a significant reduction in the number and square footage of signs that were exempt from Certificate of Appropriateness review and approval. Listed below are the Certificate of Appropriate sign exemptions from before and after June 18, 2016 (Phase II):

Certificate of Appropriateness sign exemptions *before* Phase II:

- One sign, less than 1 square foot per building
- Any unlighted real estate sign less than 4 square feet
- Any unlighted contractor sign less than 32 square feet
- Any unlighted subcontractors sign less than 8 square feet
- Any window sign between 1 and 4 square feet, for a temporary period
- Signs for which Administrative Approval is available
- Way finding (off of King Street) A-Frame signs

Certificate of Appropriateness exemptions *after* Phase II:

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

- Any non-illuminated window sign per building that is less than four feet in area;
- Signs for which administrative approval is available pursuant to section 10-113 and 10-213;
- 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.

In evaluating the Supreme Court ruling and its impact on the Board's sign policies, as well as the enforcement of the prohibition of A-Frame signs in the right-of-way, the Boards have recommended that additional signs to be exempt from the BAR review and approval process. In the opinion of staff, the proposed new ordinance language not only makes the BAR review and approval process more transparent, but also more business-friendly, while still protecting the integrity of the historic districts and providing an efficient and context-appropriate way to review signage for businesses.

Recommended Certificate of Appropriateness exemptions (Phase III):

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

- Any legal window sign that is not internally illuminated.
- One sign of one square foot or less that is not internally illuminated.
- One temporary wall sign no greater than 20 square feet in area and located no more than 20 feet above the building's average finished grade.

Staff recommends that unlighted **window signs** no longer require a Certificate of Appropriateness, which is a significant departure from the Board's previous policies and practices. The primary reason for this recommendation is that many of these signs are often installed for a limited period of time. They could be window decals that a business changes with the seasons (Ann Taylor Loft at 423 King Street is a good example), flyers for community events or activities, or "sale" signs. The Zoning Ordinance is already quite restrictive with respect to window signs City-wide – no more than 20% of a window can be obscured by window signs – so this would merely limit BAR's role in reviewing, and attempting to regulate, signs which are often changed with each season or event. Additionally, staff notes that most stores in the historic districts utilize their storefronts to display merchandise. For these reasons, staff is not concerned that there will be a proliferation of window signs with this change.



Figure 1: Holiday decal



Figure 2: Holiday flyer

The addition of a **one square foot sign** exemption reinstates an exemption that existed prior to Phase II. This exemption allows signs such as historic plaques or modest tenant signs (such as signs for upper level tenants) to be installed without requiring a Certificate of Appropriateness.



Figure 3: One square foot sign.



Figure 4: One square foot sign.

With respect to **temporary signs**, BAR staff feels that a six square foot sign is too small for many buildings in the historic districts (six (6) square foot being the typical size of a residential real estate sign), particularly those on Washington Street or corner buildings. A single sign of twenty (20) square foot is the typical size of appropriate real estate lease signs on a commercial building, which is by far the most common type of temporary sign in the historic districts. Larger signs would remain subject to BAR review. Since by definition temporary signs are already time limited in the Zoning Ordinance, staff finds that increasing the allowable exempted size to 20 square feet benefits both the property owner and BAR by eliminating review of these temporary signs. Similar to the change proposed with window signs, this allows the Board and staff to focus on the appropriateness of permanent signs.



Figure 5: Real estate sign greater than 6 square feet



Figure 6: Real estate sign greater than 6 square feet

In addition to the specific Certificate of Appropriateness exemptions described above, the amendments to Article IX are also intended to make this section more straightforward, so confusing or contradictory sections were either deleted or combined for greater compatibility with existing Board policies and practices. An example of this is the merging of Sections (E) and (F) to better clarify that freestanding signs are prohibited on the George Washington Memorial Parkway, and the relocation of the administrative approval authority from the Exemptions Section (Section 301(B)) to the Certificate of

Appropriateness Approval Section required Section 301 (A). In 2009, the Board delegated Certificates of Appropriateness to the Director of Planning and Zoning for some projects, such as signs and certain minor architectural amendments.

As noted above, references to sign content were also removed from the Board's administrative sign policy, which was first adopted in 2009. This policy allowed for more efficient and less expensive approval of signs, and has been well received in the business community. The benefits include: fewer sign cases going to a full hearing, lessening both Board and staff time; shorter time frames for approval (2-3 days); and, reduced cost to the applicant for administrative approval of signs.

Although the amount of signage staff may approve administratively is slightly less than what is otherwise allowed by the Zoning Ordinance, applicants' have generally been willing to comply with the administrative policy for more efficient processing and approval. This results in smaller, simpler and more straightforward signs and, therefore, less visual clutter in the historic district. Staff estimates that approximately 75% of all signs in the historic districts are approved administratively.

The proposed amendments to the historic preservation section of sign chapter (Article IX) are the final chapter in the three-phase sign project. The changes will allow for more generous Certificate of Appropriateness sign exemptions in the historic districts, lessening the approval burden on both the business community and City staff. Although window signs will no longer require a Certificate of Appropriateness, and slightly larger temporary signs will be permitted without BAR approval (though less than what was permitted prior to Phase II), the lack of review for these two sign types does not compromise the intent of the historic districts to: promote the education, prosperity and general welfare of the public through the identification, preservation, and enhancement of buildings, structures, landscapes, settings, neighborhoods, places and features with special historical, cultural, artistic, and architectural significance is maintained.

IV. Recommendation

Staff recommends that the text amendment contained in Attachment 1, *Signs within the Old and Historic Alexandria, Parker-Gray and 100 year old building districts*, be approved.

Staff: Stephanie Sample, Historic Preservation Planner
Al Cox, FAIA, Historic Preservation Manager
Christina Brown, Assistant City Attorney

Attachments: 1. Amended Article IX, Section 9-300: Signs within the Old and Historic Alexandria, Parker-Gray and 100 year old building districts.

2. Criteria & Standards for Administrative Approval of Signs within the Historic Districts.

Attachment #1

PROPOSED ZONING TEXT CHANGES

Note: New text is underlined;
~~Deleted text is shown with a strikethrough~~

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 or the director pursuant to section 10-113 and 10-203 is required for the ~~following signs~~ any sign, marquee or awning permanently affixed or displayed 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 140-300:

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

(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 that is not internally illuminated;~~

~~(2) Signs for which administrative approval is available pursuant to sections 10-113 and 10-213~~ One sign of one square foot or less in area that is not internally illuminated;

(3) Temporary signs as follows: One sign, no more than six-twenty square feet in area and located no more than twenty feet above the building average finished grade. Such sign may be freestanding, wall mounted, projecting or inserted within a window, ~~provided that it does not cover more than 20 percent of the glazing area of the window where it is installed.~~ Freestanding temporary signs shall not exceed six 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. Prohibited signs. No freestanding signs which are located on a parcel fronting the George Washington Memorial Parkway or Washington Street, shall be permitted unless it is the minimum signage necessary to comply with section 9-7-7 of the city code.~~

~~(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.~~

Criteria & Standards for Administrative Approval of Signs within the Historic Districts

If permitted under the Zoning Ordinance or City Code, the following signs may be approved administratively pursuant to sections 10-113 and 10-203 of the Zoning Ordinance. Please note that terms not defined here are set out in the Zoning Ordinance or City Code.

SECTION I: CRITERIA FOR GENERAL SIGN TYPES

1. Sign Types

A total of any two signs from the following sign types may be approved for a non-corner building and up to three signs may be approved for a corner building (having frontage on two streets or a street and an alley). Existing wall and projecting signs will be included in the total *number* of signs. However, all signs on the building, except temporary signs, count toward the total sign *area* allowed for administrative approval. Only the following sign types qualify for administrative approval.

Wall sign

A wall sign is a sign attached to a wall or painted on or against a flat vertical surface of a structure. The following signs are considered wall signs:

- A **flat** sign on a backing affixed to a wall;
- An **individual letter, pin-mounted** sign installed on a wood frieze board or sign band but not directly installed into a masonry wall;
- A **painted** wall sign, provided that it is painted on a frieze board or on an already painted building wall; and,
- **Changeable copy** sign
 - Only one sign, not to exceed 4 square feet in area, may be installed for a building;
 - It should be located where it does not encroach into the public right-of-way, damage the building or hide building features;
 - It must be constructed of a durable materials (such as wood or metal), in a single color, and may be no more than 4 inches deep;
 - No part of the sign may be back-lit or internally illuminated. The sign case may have subtle external illumination, such as a concealed LED rope or targeted mini spotlight; and,
 - The sign copy must be changed manually.

Projecting sign

A projecting sign, also known as a blade sign or a hanging sign, has two sides and projects from a wall or from the corner of a corner building. The maximum area of a projecting sign is 7 square feet and only one side of the sign is counted toward total sign area. The bottom of the sign must be a minimum of 8 feet above a public sidewalk and 14.5 feet above an alley used by

vehicles. The sign and its bracket cannot extend more than 4 feet from the building wall, more than 4 feet into the public right-of-way, or within 1 foot of the curb line (City Code Sec. 5-2-29). Where feasible, new hanging signs should be hung from existing sign brackets previously approved by the BAR or administratively under this process.

2. Permitted Total Sign Area

For one sign, the square footage cannot exceed $\frac{1}{2}$ (.5) of the length of the building frontage (linear feet) where it is located. For two signs, the total combined square footage cannot exceed $\frac{3}{4}$ (.75) of the length of the building frontage where they are located. For buildings with multiple frontages, each elevation is calculated separately.

All signs on the building, except temporary signs, count toward the total sign area allowed for administrative approval for each frontage.

3. Sign Lighting

Targeted external illumination (e.g. mini spotlights) which is small in size, illuminates only the proposed sign, and does not damage the building in installation may be approved administratively. Gooseneck lighting or halo illumination must be reviewed and approved by the BAR.

SECTION II: GENERAL REQUIREMENTS AND INFORMATION

- If required, applicants must obtain a separate sign permit (and/or a building permit) through Code Administration.
- A sign which meets the requirements of a coordinated sign master plan which has already been approved by the BAR for a multi-tenant commercial building can be administratively approved by staff, regardless of whether the sign otherwise meets these requirement for administrative approval.
- Prior to receiving an administrative approval for signage, BAR staff will conduct research and/or visit the site to evaluate the subject property and its context to determine if the proposed signage is appropriate.
- Anchors for all signs and sign brackets must be installed into the mortar joints on masonry buildings to avoid damage to the brick or stone.
- Previously approved signs and awnings, or awnings with signage, may be replaced in the same size and material, and with new signs, provided that they have the same or less sign area. These awnings and signs may be administratively approved by staff.

All other sign types not specifically addressed in this policy must be reviewed and approved by the BAR. Regardless of whether the sign appears to meet the above criteria, staff may determine that the sign(s) must be approved by the BAR at a public hearing.

Amended by:
Old and Historic BAR: December 7, 2016
Parker-Gray BAR: December 14, 2016

Amended by:
Parker-Gray BAR October 24, 2012
Old and Historic BAR October 3, 2012

Amended by:
Old and Historic BAR June 16, 2010
Parker-Gray BAR June 23, 2010

Approved by:
Parker-Gray BAR September 23, 2009
Old and Historic BAR October 7, 2009