

Civic Federation Input to Sign Ordinance Revisions

The planned agenda for this program is below. The goal is to provide input to this phase of the Sign Ordinance revision — not to seek technical clarifications from staff. The Civic Federation will have another opportunity to review staff’s planned changes.

5 Minutes: Staff Presentation

Deborah Albert will describe the process for revising the Sign Ordinance.

30 Minutes: Planning & Zoning Committee Presentation

Members of the Planning & Zoning Committee have identified 10 revision items based on their extensive review of the current Sign Ordinance and meetings with staff. These 10 items reflect areas where (1) the ordinance language provides inadequate or confusing guidance, leading to conflicting interpretations; or (2) the community has asked for additional flexibility or limitations.

The 10 areas will each be reviewed in a presentation, as follows:

- Background information about the item
- Associated recommendation(s)
 - Please note that the recommendations presented were chosen to elicit input and do not necessarily reflect consensus of the Planning & Zoning Committee.
- Straw vote of membership on each recommendation: Agree, Disagree, or Can’t Decide at This Time.

15 Minutes: Individual Delegate Input

Delegates will be invited to give their suggestions for revisions to the Sign Ordinance.

Members of the Planning & Zoning Committee and County Staff will capture input from the straw votes and the individual delegate comments.

1. Sign Ordinance Preamble

The current Preamble (“Editors Note”) describes why Arlington controls signs, which focuses on how signs can inform the public but also can be a nuisance.

This rationale lacks two key points that would help users understand the legal basis for the signage rights and limitations provided in the ordinance:

- That courts have ruled that commercial signs are a type of commercial speech — and commercial speech may be more regulated by the government than other types of speech; and
- That courts also have ruled that, under the free-speech provisions of the US Constitution, people generally have a greater right to erect non-commercial signs on their private property than they have to erect commercial signs on private property, or any signs on public property.

Recommendation

- Expand the Preamble to explain the rationale behind the treatment of commercial and non-commercial signs.

2. List of Legally-Placed Signs

The Editors Note at the beginning of the Sign Ordinance includes this statement:

“Signs shall be permitted only on private property and not on public property or public easement area, unless specifically provided for by this section.”

No examples are provided in the current ordinance.

Recommendation

- Include examples of the types of commercial and non-commercial signs allowed on private property and on public property.

3. Provide Definitions

The terms **public land**, **public lands**, and **public property** are not defined in the Zoning Ordinance.

- These seem to be used interchangeably.
- It is unclear whether these terms refer only to land or also to publicly-owned buildings and County-leased space in privately owned buildings.

The terms **public-right-of-way** and **public easement area** also are used but are not defined in the Zoning Ordinance.

Similar terms regarding private property may be ambiguous such as, when a private utility pole is placed in the public right-of-way.

A substantial amount of land in Arlington is controlled by the State and Federal government. The ordinance should make clear it’s applicability to such property.

Recommendations

- Define the above terms.
- Clarify treatment of government property that is not Arlington County property.

4. Public Easement Areas

Currently, signs may not be placed on private property with a public easement.

- Example: Utility strip between sidewalk and curb
- Ownership is not obvious without map

The above prohibition could be a disincentive to agreeing to a sidewalk easement.

- Rather than creating rules for planting strips that depend on the underlying ownership rights, it would be preferable to write rules that relate to the likelihood that a sign will affect public welfare, based on physical conditions (e.g., the width of the strip, volume of parking on the adjacent street, volume of sidewalk traffic).

Recommendations

- The revision should seek to reduce restrictions on reasonable signage in the utility strip in between the sidewalk and curb in low-density (especially residential) areas. Rules for the placement of signs in the area should be drawn, to the extent feasible, with respect to the physical conditions rather than harder-to-discern underlying property rights.

- The Sign Ordinance should include information about how easements affect the property owner’s right to display both commercial and non-commercial signs.
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5. Signage in the Public Right-of-Way

Real Estate signs are allowed on weekends at intersections.

Neighborhood signs such as lost pet, yard sale, or community event are not allowed, except where and when Real Estate signs are allowed.

Recommendations

- Expand exceptions to include temporary signs for the above-mentioned types of events during a reasonable period related to the event.
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6. Political Signs

“Political sign. A temporary sign relating to the election of one or more persons to public office, or a political party, or a matter to be voted upon at an election called by a duly constituted public body, or an issue of public interest.”

Recommendations

- Enable signs on public or private property related to a political event occurring at that property.
 - Clarify when and where issue-oriented signs are permitted on public and private property.
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7. Lighted Signs

Lighted signs may be a visual disturbance to those who live nearby.

The sign ordinance does not have standards for luminescence.

Recommendation

- The Sign Ordinance should include luminescence standards for lighted signs.
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8. Site Plan Exceptions

“The following types of signs are prohibited and shall not be permitted by variance:

1. Any moving sign or device to attract attention, whether or not any such device has written message content, of which all or any part moves by any means, including fluttering, rotating or otherwise moving devices, or set in motion by movement of the atmosphere including, but not limited to, pennants, propellers, discs, banners, balloons, etc.
2. Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees of intensity, including electronic message signs, except a sign indicating time and/or temperature.
3. Any lighted tubing or strings of lights outlining property lines or open sales areas, doors, windows, or wall edges of any building, provided that perimeter shielded down lighting may be used to light open sales areas. This does not preclude the use of neon tubing as a part of the area allowed for signs under this Zoning Ordinance.”

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Signs violating the above prohibitions have been allowed through the Site Plan process, which may or may not have given the public adequate notice that the exception was being considered.

Recommendation

- The Sign Ordinance — or another section of the Zoning Ordinance — should require that exceptions have public notice before being approved via Site Plan.
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9. Sandwich Board Signs

Restaurants and other retailers use sandwich board signs to attract potential customers and to guide patrons to their facilities.

Sandwich board signs are not allowed in Arlington at this time.

Sidewalks in some commercial neighborhoods are already suffering from encroachments from numerous obstacles such as utility poles, street furniture, transit and bicycle facilities, and cafe seating. In many locations this results in pedestrians being diverted into planting strips, shy zones, or even into the street.

- Therefore, sandwich board signs should be allowed only when there is ample sidewalk clear-width, and the location of such signs should be limited to places already unavailable for pedestrian travel, such as within an outdoor café enclosure, within a tree pit, or within a two-foot "shy zone" adjacent to a building.

Recommendation

- Allow retail and restaurant establishments to use one sandwich board sign, which would not be part of their total signage calculation, provided that the sign:
 - is no larger than six square feet;
 - is located on a frontage that has adequate sidewalk clear-width; and
 - is placed so that it does not diminish or encroach into the pedestrian clear zone.
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10. Organization

Users consulting the sign ordinance would benefit from a new organization that separates regulations for commercial signs from non-commercial signs — and within each, provides rules about:

- Placement on public and private property; and
- Removal from public and private property

Recommendation

- Reorganize the Sign Ordinance to make it easier for different kinds of users to access the information they need.