

ORDINANCE NO. 3331

AN ORDINANCE to repeal Article I (SIGNS) and to adopt a new Article I (SIGNS, MARQUEES AND AWNINGS) of Chapter 6 (ZONING), Title 7 (PLANNING AND DEVELOPMENT), and to repeal Chapter 3 (SIGNS, MARQUEES AND AWNINGS) of Title 8 (BUILDING CODE REGULATIONS), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article I of Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is repealed.

Section 2. That Chapter 3 of Title 8 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is repealed.

Section 3. That Chapter 6 of Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Article I to read as follows:

ARTICLE I

SIGNS, MARQUEES AND AWNINGS

Division 1

General Provisions

Sec. 7-6-170 Purpose of article.

(a) Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and other public places and adjacent private places open to the public. The unregulated construction, placement and display of signs constitute a public nuisance detrimental to the health, safety, convenience and welfare of the residents of the city.

(b) The purpose of this article is to establish reasonable and impartial regulations for all exterior signs and those interior signs designed to attract the attention of persons located outdoors in order to: reduce the traffic hazards caused by such unregulated signs which may distract and confuse, and impair the visibility of, motorists and pedestrians; ensure the effectiveness of public traffic signs and signals; protect property values by insuring the compatibility of property with that surrounding it; provide an attractive visual environment throughout the city; protect the character and appearance of the various neighborhoods in the city; attract tourists to the city;

protect the public investment in streets, highways and other public improvements; and protect and improve the public health, safety, and general welfare.

(c) The regulations contained in this article advance these significant governmental interests and are the minimum amount of regulation necessary to achieve them.

Sec. 7-6-171 Definitions.

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

(a) **Animated sign.** Any sign, the character or appearance of any element or part of which changes by any device, mechanical, electrical or otherwise.

(b) **Apartment hotel sign.** Any sign advertising or identifying an apartment hotel.

(c) **Awning.** A covering attached to a building or structure, erected in or over a window or door, and usually supported by gravity and a metal frame.

(d) **Ballpark sign.** Any sign located on the inside of fencing in an enclosed ballfield in a public park.

(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.

(f) **Billboard.** Any sign, in excess of 150 square feet, advertising a person, place, event, product, business or other matter which is remote from the site or property upon which the sign is erected or displayed.

(g) **Business sign.** Any sign advertising a business conducted within the building or structure, or upon the real property, on which the sign is erected or displayed.

(h) **Church sign.** Any bulletin board type of sign erected or displayed on the real property of a church, chapel, temple, synagogue or other place of worship for the display of messages.

(i) **Contractor or subcontractor sign.** Any sign containing the name and type of work performed by a contractor or subcontractor and erected or displayed on the property upon which building operations are being conducted.

(j) **Convenience sign.** Any sign indicating the location of or direction to a place or object of public convenience, such as a restroom, telephone or public parking area.

(k) **Curb sign.** Any sign composed of one or more numerals painted on a curb located within a public right-of-way which designates the premises upon which it is located.

(l) **Directional sign.** Any sign indicating the location of or direction to a person, place, event, product, business or other matter which is remote from the site or property upon which the sign is erected or displayed.

(m) **Double-face sign.** Any sign having two parallel planes or surfaces upon which advertising is displayed.

(n) **Flag.** A piece of material, usually rectangular in shape, on which is imprinted, or into which is woven, a distinctive design which is or denotes the official symbol of a national, state or local government. Except for purposes of division 3, a flag shall not be considered a sign. However, a piece of material on which is imprinted, or into which is woven, a design, business trademark or other pattern or symbol that does not constitute or denote an official government symbol shall be considered a sign.

(o) **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 a sign showing the date, time and/or temperature.

(p) **Freestanding sign.** Any sign permanently affixed into the ground, erected on its own foundation or placed on a pole which is independent of but on the same lot or parcel as the building or structure in which the person, place, event, product, business or other matter noted on the sign is located.

(q) **Home occupation sign.** Any sign erected or displayed on the exterior wall of a private dwelling which states only the name of a person occupying the dwelling and the name of a product or service offered in or from the dwelling by that person.

(r) **Identification sign.** Any sign stating the use and name given to the use of a building, structure or area, when such use is permitted in the district in which the sign is located.

(s) **Marquee.** A fixed covering erected over a sidewalk as a protection to an entrance of a building or structure.

(t) **Mobile sign.** Any sign mounted on wheels or built with axles to which wheels may be attached. A sign attached to a motor vehicle shall not be considered a mobile sign. A parking permit sticker, inspection sticker, regulatory permit or bumper sticker attached to a motor vehicle shall not be considered a sign.

(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.

(v) **Moving or windblown sign.** Any sign, any element or part of which (such as a pennant, streamer, moored blimp or propeller) moves by means of a mechanized, electrical or other device or is set in motion by movement of the atmosphere.

(w) **Multi-family dwelling sign.** Any sign identifying or advertising a multi-family dwelling.

(x) **Off-street parking sign.** Any sign identifying an off-street parking area or lot.

(y) **Person.** Any natural person, firm, partnership, association, corporation, company, trust or other group or combination of persons operating as a unit.

(z) **Political sign.** Any sign addressing the candidacy of one or more persons for elective office.

(aa) **Portable sign.** Any sign which is not permanently affixed into the ground or to a building or structure and which can easily be picked up and moved to another location.

(bb) **Real estate sign.** Any sign advertising the sale, lease or further use of real estate which is placed upon the property so advertised.

(cc) **Remote sign.** Any sign advertising or indicating the location of or direction to a person, place, event, product, business or other matter which is remote from the site or property upon which the sign is erected or displayed, other than a billboard, directional sign, real estate sign, ballpark sign or contractor or subcontractor sign.

(dd) **Roof line.** The line composed of the highest points of the vertical exterior enclosing walls of a building or structure.

(ee) **Roof sign.** Any sign erected on or affixed to a building or structure which extends, in whole or in part, above the roof line.

(ff) **School sign.** Any bulletin board type of sign erected or displayed on the real property of a school for the display of messages.

(gg) **Sign.** Any letters, parts of letters, words, figures, numerals, emblems, devices, designs, trademarks, posters,

handbills or any other objects (i) which make known or designate, or attract attention to, any person or any thing (such as a place, event, product or business), (ii) which are visible to persons located outdoors, and (iii) which are capable of attracting the attention of such persons. Any supporting standard for a sign shall not itself be considered a sign if no letters, parts of letters, words, figures, numerals, emblems, devices, designs, trademarks, posters, handbills or other objects are affixed thereon.

(hh) **Special advertising.** Advertisement of a product or service which constitutes less than 50 percent of the gross business conducted by the person erecting or displaying the sign either in the building or structure or on the property to which the sign containing the advertisement is affixed.

(ii) **Subdivision sign.** Any sign erected or displayed for the purpose of identifying or advertising a residential development or subdivision.

(jj) **Warning sign.** Any sign stating that solicitation, trespassing or parking is prohibited on the premises upon which the sign is erected or displayed, and any sign stating that dogs are present, that the building or structure to which it is affixed is protected by a security or alarm system, or other similar statements of caution.

(kk) **Window sign.** Any sign affixed to, or visible from the outdoors through, any window in a building or structure; provided, however, that any object which is sold or available for purchase on the premises of the property upon which it is erected or displayed shall not be considered a window sign.

(ll) **Yard sale sign.** Any sign stating the date and time of a yard sale or garage sale to be conducted on the premises of the property upon which it is erected or displayed.

Sec. 7-6-172 Scope of article.

(a) This article 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 subject to this article 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.

(c) All rights and privileges acquired under the provisions of this article are mere licenses revocable at any time by the director of the department of planning and community development upon a violation of any applicable provision of this article.

(d) The provisions contained in this article shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this code or other city ordinances. Nothing contained in this chapter shall excuse any person from compliance with all other applicable provisions of the code.

(e) Wherever authority is to be exercised under this article by the city manager or the director of the department of planning and community development, the authority may also be exercised by his or her designee.

Sec. 7-6-173 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:

(a) Signs interfering with traffic.

(1) No sign may be erected or displayed which simulates any traffic control or warning sign, light or device and which is visible from any street, road, highway, alley, parking area or other area utilized by motor vehicles.

(2) No sign may be erected or displayed which obstructs, obscures or impairs the free and clear vision of motorists on a public right-of-way or which interferes with, misleads, confuses, or endangers motorists or pedestrians.

(3) No sign may be erected or displayed which utilizes a spotlight or other device which projects a beam of light in the direction of any street, road, highway, alley or parking area so that it may be seen by the operator of a motor vehicle.

(b) Animated signs. No such signs may be erected or displayed.

(c) Flashing signs. No such signs may be erected or displayed.

(d) Moving or windblown signs. No such signs may be erected or displayed.

(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 subsection (f) of this section, political signs authorized by section 7-6-180(a)(11), signs, marquees and awnings specifically authorized by city council in a commercial zone for up to 10 days under section 7-6-181(a)(5), signs in a commercial zone authorized by section 7-6-181(b)(4) and curb signs shall not be subject to this subsection.

(f) Banners. No banner may be erected or displayed, except that (i) a banner may be erected and displayed across a street, road or highway in a commercial zone for up to 10 days pursuant to special authorization provided by city council, and (ii) a banner may be erected and displayed 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.

(g) Billboards. No such signs may be erected or displayed.

(h) Mobile and portable signs. No such signs may be erected or displayed.

(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 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 7-6-180(a)(11) may, with the owner's permission, be affixed to street lamp posts, electric light or power poles and telephone poles.

(k) Signs violating city, state or federal law. No sign may be erected or displayed which violates any provision of any law or regulation of the city, the Commonwealth of Virginia or the United States.

(l) Hazardous signs. No sign may be erected or displayed which is hazardous to the public health or safety, as determined by the director of the department of planning and community development.

(m) Remote signs. No such sign may be erected or displayed.

Sec. 7-6-174 Standards for permitted signs, marquees and awnings.

Any sign, marquee or awning otherwise permitted under this article must comply with the following standards.

(a) Content.

(1) Any sign permitted under this ordinance may contain non-commercial copy in lieu of any other copy.

(2) No sign, except a real estate sign, contractor or subcontractor sign, directional sign and ballpark sign, may be erected or displayed on any building or structure, or placed on any real property, unless the sign identifies or advertises a bona fide business which is conducted, a bona fide product which is traded, a bona fide organization which is located or a bona fide activity which is undertaken in the building or structure or on the real property.

(3) No special advertising may be placed on a sign unless the sign is permitted by this article and the special advertising occupies less than one-third of the area of the sign.

(b) Maintenance. All signs, marquees and awnings shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts or peeling paint.

(c) Illumination. Lighted signs facing and in close proximity to land zoned for residential use shall not be illuminated between 10:30 p.m. and 6:30 a.m. Such signs shall be constructed so that the lighting elements are shielded from view of the residential zone by nontransparent or translucent material or other means designed to eliminate glare.

(d) Reflection. No sign shall contain any reflective device.

(e) Removal. Whenever the use of a building or structure or real property is discontinued, all signs pertaining to that use which were previously erected or displayed shall be removed within 30 days of the discontinuance of the use. It shall be the responsibility of the owner of the building, structure or real property to accomplish the removal. If, after written notice to the owner from the director of the department of planning and community development, such signs are not removed within 10 days of the notice, the city manager shall cause the removal and charge the cost to the owner.

Sec. 7-6-175 Computation of sign area.

The area of a sign is the sum of the areas within rectangular lines inscribed around each separate word, symbol or pictorial element on the face of a sign; provided that:

(a) The area of a sign, or any portion thereof, having a distinctive or ornamental border shall include both the area enclosed by the border, and the area enclosed within the border.

(b) The area of a sign, or any portion thereof, having a distinctive or ornamental background, which sets the background apart from a larger surface so that it forms an integral part or element of the sign, shall include the area of the background.

(c) The area of a freestanding sign, or any portion thereof, having a background which extends beyond the words, symbols or pictorial elements thereof shall include the area of the background.

(d) If any portion of the words, symbols or pictorial elements of a sign extends beyond a border or background, the area of that portion of the sign shall be the area of a rectangle inscribed around it.

(e) The area of a marquee or awning, or any panel thereof, which provides a background for a sign shall be included in the area of the sign.

(f) The area of any sign hung, placed, painted or displayed on a marquee or awning shall be included in determining the total area of signs erected or displayed.

(g) The area of a double-face sign shall be considered to be the area of the face having the larger area.

Sec. 7-6-176 Nonconforming signs, marquees and awnings.

(a) Any sign, marquee, or awning lawfully in existence prior to October 22, 1988, which does not comply with the provisions of this article shall be deemed a nonconforming use subject to the provisions of article F of this chapter.

(b) Notwithstanding subsection (a) or any provision in article F of this chapter to the contrary, any nonconforming billboard shall be removed by October 22, 1990; provided, however, (i) that, on or before April 22, 1989, the owner of any nonconforming billboard may seek from city council an extension of the date by which it must be removed by filing with the director of the department of planning and community development a petition which sets forth in detail the reasons why a fair and reasonable return on the investment in the billboard made by the

petitioner prior to October 22, 1988, cannot be obtained prior to October 22, 1990; (ii) that council shall conduct a public hearing on any such petition, prior to which the director of the department of planning and community development shall provide notice in accordance with the provisions of this chapter; and (iii) that, following the hearing, council may extend the date by which the billboard is to be removed only if it finds that the application of the removal date will deny the petitioner the opportunity to realize a fair and reasonable return on the investment made in the billboard prior to October 22, 1988, in which case council shall extend the date to a time which it determines will provide such opportunity to the petitioner.

(c) Nothing contained in this article shall be construed to ratify or approve the erection, display or maintenance of any sign erected or displayed in violation of any prior provision of city, state or federal law.

Division 2

Signs, Marquees and Awnings Permitted in Various Zones

Sec. 7-6-180 Residence zones.

(a) Residence zones in general. The following signs, marquees and awnings only may be erected and displayed in any residence zone so long as they comply with all other applicable requirements of this article.

(1) Home occupation signs, not exceeding one square foot in area; provided, that such signs may only be erected or displayed flat against the wall of a dwelling and that only one such sign may be erected or displayed on any dwelling.

(2) Church signs, not exceeding 40 square feet in area; provided, that only one such sign may be erected or displayed on any street frontage. Church signs shall be setback at least 10 feet from the front lot line; provided, however, that where the required building setback line is less than 10 feet from the front lot line, the sign may be erected or displayed in conformance with such required setback line.

(3) Identification signs, not exceeding 24 square feet in area, showing the name and use of a convent, monastery, seminary, country club, public building, public park or playground, community building, hospital, sanitary, cemetery, children's home, orphanage or fraternal organization, when such use is permitted in a residence zone as specified in sections 7-6-11 to 7-6-36 of this code and such sign is erected or displayed on the property so identified; provided, that only one such sign may be erected or displayed on any such property. Identification

signs shall be set back at least 10 feet from the front lot line; provided, however, that where the required building setback line is less than 10 feet from the front lot line, the sign may be erected or displayed in conformance with such required building setback line.

(4) Subdivision signs, not exceeding 24 square feet in area, when erected or displayed on the property being identified or advertised and set back 10 feet from the front lot line; provided, that only one such sign may be erected or displayed facing any one street on the perimeter of the subdivision.

(5) Contractor signs, not exceeding 24 square feet in area, and subcontractor signs, not exceeding eight square feet in area; provided, that only one such sign may be erected or displayed on any property for any contractor and any subcontractor, and that all such signs shall be removed upon completion of the work.

(6) Real estate signs, not exceeding four square feet in area; provided, that only one such sign may be erected or displayed on any property.

(7) Off-street parking signs, not exceeding four square feet in area, at any entrance or exit of an off-street parking area or lot permitted or required by sections 7-6-71 to 7-6-75 of this code, and not exceeding six square feet in area at any entrance or exit of an off-street parking area or lot permitted by sections 7-6-81 and 7-6-82; provided, that only one such sign may be erected or displayed at each entrance or exit.

(8) Directional signs, not exceeding six square feet in area and erected or displayed within five feet of the front property line, except where a highway setback established in section 7-6-44 of this code requires a greater setback; provided, however, that no directional sign, except a sign indicating the location of or direction to a church or a public building, shall be erected within 150 feet of any other directional sign. No directional sign shall be erected or displayed unless, in addition to any permit required by the building code, a permit has been obtained from the director of the department of planning and community development; provided, however, that no permit is required for directional signs erected and displayed for less than three days. The permit required by this subsection shall be issued if the requirements of this subsection have been met and the written permission of the owner of the property on which the sign is to be erected or displayed has been submitted with the sign application.

(9) School signs authorized by a special use permit obtained under sections 7-6-191 to 7-6-195 of this code; provided, that only one such sign may be erected or displayed on any street frontage.

(10) Ballpark signs authorized by a special use permit obtained under sections 7-6-191 to 7-6-195 of this code; provided, that no such sign shall exceed eight feet in height above grade.

(11) Political signs, only on private lots, or affixed to street lamp posts, electric light or power poles or telephone poles or adjacent to a street, road, highway, alley or sidewalk but within the public right-of-way associated therewith. No political sign may be erected or displayed on private property without the permission of the property owner or the lawful occupant of the property. Prior to the erection or display of any political signs, except those on private lots, a cash bond in the amount of \$100 shall be deposited with the city manager, which bond shall be conditioned upon removal of all signs within 15 days after the announced results of the nomination or primary or general election to which the signs pertain. If the signs are not removed within this time, the bond shall be forfeited to the city, and the proceeds may be used by the city to defray the cost of removing the signs. No political sign may be erected or displayed more than 90 days prior to the nomination or election to which it pertains. Successful candidates in nominations or primary elections may continue to display their signs during the interval between the nomination or primary and the general election without posting any additional bond, except where the interval exceeds 90 days.

(12) Convenience signs, not exceeding two square feet in area.

(13) Warning signs, not exceeding one square foot in area; provided, that only two such signs may be erected or displayed on any street frontage on any property.

(14) Yard sale signs, not exceeding two square feet in area, provided, that only one such sign may be erected or displayed on any street frontage on any property and that such signs shall not be displayed for more than 72 consecutive hours.

(15) Curb signs, not exceeding one-half square foot in area.

(16) Marquees and awnings, except any marquee or awning which serves as a sign background; provided, however, that no marquee or awning, unless otherwise provided in an encroachment ordinance enacted by city council, may be within one foot of or beyond the vertical plane of the curb line, and the bottom of any marquee or awning shall be at least seven feet above the sidewalk. When side arms are used on an awning, the bottom of any side arm at the building shall be at least six feet six inches above the sidewalk when the awning is in use. This subsection shall not be construed to supercede the requirement of section 7-6-173(e).

(b) RA and RB residence zones. In the RA and RB residence zones, the following signs, marquees and awnings only may be erected and displayed so long as they comply with all other applicable requirements of this article.

(1) Any sign, marquee and awning permitted in a residence zone under subsection (a) of this section.

(2) Identification signs, not exceeding two square feet in area, showing the name and use of a tourist home, nursery school, public garage for storage only or professional office, when such use is permitted in an RA or RB residence zone, as specified in sections 7-6-17 to 7-6-19 and 7-6-23 to 7-6-36 of this code, and is erected or displayed on the property so identified in compliance with the required building setback line; provided, that only one such sign may be erected or displayed on any such property.

(3) Multi-family dwelling signs, not exceeding 40 square feet in area, when erected or displayed on the property being identified or advertised and in compliance with the required building setback line; provided, that only one such sign may be erected or displayed on any such property.

(4) Real estate signs, not exceeding 12 square feet in area; provided, that only one such sign may be erected or displayed on any property.

(c) RC and RD residence zones. In the RC and RD residence zones, the following signs only may be erected and displayed so long as they comply with all other applicable requirements of this article.

(1) Any sign, marquee and awning permitted in the RA and RB residence zones under subsection (b) of this section.

(2) Apartment hotel signs, not exceeding 40 square feet in area, when erected or displayed on the property being identified or advertised and in compliance with its required building setback line; provided, that only one such sign shall be erected or displayed on any such property.

(3) Business signs, in connection with any commercial use permitted in the RC or RD residence zone under section 7-6-19 or 7-6-20; provided, that such signs shall be kept within a height of 20 feet above the sidewalk; provided further, that the total area of such signs displayed on any building wall which faces a street, alley or parking area shall not exceed two square feet for each foot of building width facing the street, alley or parking area; provided further, that each commercial use located above the first floor shall be limited to one sign not exceeding two square feet at any entrance to the building.

Sec. 7-6-181 Commercial zones.

(a) In any commercial zone, the following signs, marquees and awnings only may be erected and displayed so long as they comply with all other applicable requirements of this article.

(1) Signs which are permitted in the RC and RD residence zones and which meet the requirements of subsection (b);

(2) Business signs which meet the requirements of subsection (b);

(3) Real estate, contractors and subcontractors, and directional signs which meet the requirements of subsection (c);

(4) Marquees and awnings which are permitted in the RC and RD residence zones and marquees and awnings which meet the requirements of subsection (d);

(5) Signs, marquees and awnings encroaching upon a public right-of-way for which an encroachment ordinance has been enacted or which city council has expressly authorized for up to 10 days;

(6) Banners for which special permission has been obtained pursuant to section 7-6-173(f).

(b) Signs permitted within a commercial zone under subsection (a) may be displayed on any building wall which faces a street, alley or parking area or may be roof signs or freestanding signs, and shall comply with the following provisions as to size and location.

(1) One-story buildings. The total area of all signs displayed on a building wall which faces a street, alley or parking area shall not exceed two square feet for each foot of building width facing the street, alley or parking area.

(2) Multi-story buildings.

a. The total area of all signs displayed between the sidewalk and a height of 20 feet on any building wall which faces a street, alley or parking area shall not exceed two square feet for each foot of building width facing such street, alley or parking area.

b. The total area of all signs displayed above the 20-foot height specified in paragraph (a) above on any building wall which faces a street, alley or parking area shall not exceed 40 square feet or one-fortieth (1/40) of the area of the wall above the 20-foot height level, whichever is greater.

c. Where the entire building is occupied by one business, the total sign area of all signs displayed on a building wall which faces a street, alley or parking area shall be either (i) as provided in paragraphs (a) and (b) or (ii) the greater of 100 square feet or one-fortieth (1/40) of the wall area and, in the latter case, the signs may be located without regard to the 20-foot height provision in paragraph (b) above.

(3) Window signs. The total area of window signs, including those advertising sales, in any one window shall not exceed 20 percent of the area of the window. The total area of window signs shall be included in determining the total area of signs erected or displayed.

(4) Projection and height of signs. A sign may be erected or displayed flat against a wall or at an angle thereto, but no sign shall project more than four feet from the building wall or within one foot of or beyond an established curb line. The bottom of any sign, the area of which exceeds six square feet, erected flat against a wall, shall be at least six feet above the sidewalk, alley or parking area. The bottom of any sign projecting from a wall shall be at least 10 feet above the sidewalk or parking area and at least 14 feet above an alley.

(5) Roof signs. Roof signs may be erected or displayed on any building or structure if authorized by a special use permit obtained pursuant to sections 7-6-191 to 7-6-195; provided, that no more than one roof sign, not exceeding 100 square feet in area, shall be permitted; provided further, that, where a building is located on a parcel of land which is immediately adjacent to a freeway, as defined in section 7-5-28(a)(1), is over three stories in height, may reasonably be expected to derive at least 50 percent of its business from interstate traffic using the freeway, is not located within the Old and Historic Alexandria District, as described in section 7-6-221, or the Parker-Gray District, as described in section 7-6-239, is not a 100-year-old building protected under article N of this chapter and at least 50 percent of the perimeter of the parcel on which it is located is abutted by land zoned for industrial use, the building's roof sign area may be increased an additional 25 square feet for each story above three, up to a maximum of 250 square feet.

(6) Freestanding signs. Freestanding signs upon a lot may be erected or displayed only where drive-in service or parking is provided, leaving a distance between the building and a side lot line of 25 feet or more, or where a building is set back 25 feet or more from the front lot line; provided, that not more than two such freestanding signs shall be permitted for any building or building unit having a street frontage with such drive-in service area, parking area or building setback. No

signs other than those indicated on the sign application shall be attached to a free standing sign. Freestanding signs shall not be erected more than 30 feet above grade, nor project more than four feet beyond the property line, and shall not exceed 100 square feet in area. Freestanding signs may be increased in height one foot and increased in area 10 feet for each 10 feet of setback in excess of the required setback from any lot line with a special use permit as specified in sections 7-6-191 and 7-6-195 of this code. Where signs are erected as freestanding signs upon the lot, the total area of all signs permitted by this section shall be two square feet for each foot of lot frontage; provided, that signs erected or displayed on any building or buildings on such lot shall conform to the requirements and restrictions contained in the other paragraphs of this subsection (b) of this section; provided, that when the street frontage of a lot is in excess of 300 feet, such allowable sign area may be increased with a special use permit as specified in sections 7-6-191 and 7-6-195 of this code. However, one sign not exceeding nine square feet in area, showing the name and occupational use, may be permitted.

(7) Identification signs. Identification signs for shopping centers consisting of five or more separate businesses and having a continuous street frontage of at least 200 feet are permitted and the area of such signs shall not be included in the total area of signs otherwise permitted by this section for the separate businesses. The total area of shopping center identification signs shall not exceed one square foot for each foot of street frontage, and the total area of such signs facing any street, alley or parking area shall not exceed 150 square feet; provided, that when the street frontage of a shopping center exceeds 300 feet, such sign areas may be increased with a special use permit issued pursuant to sections 7-6-191 to 7-6-195.

(8) Signs, movies and theatre acts. Signs advertising movies, plays and other features to be given in a theatre and displayed on permanent frames erected on theatre buildings shall comply with the provisions of this section as to size and location; provided, that the bottom of the frame of any such sign erected flat against a wall shall be at least eight feet above the sidewalk, alley or parking area; provided further, that when the area of any such frame facing a street, alley or parking area is less than 24 square feet and the area of all such frames facing the same street, alley or parking area is less than 48 square feet, the area of the signs displayed within the frames shall not be included in determining the total area of signs erected or displayed.

(c) Real estate, contractors and subcontractors, and directional signs permitted in a commercial zone under subsection (a) shall comply with the following provisions as to size and location:

(1) Real estate signs. Any such sign shall comply with the provisions of subsection (b) as to size and location.

(2) Contractor and subcontractor signs. Any such sign shall comply with the provisions of subsection (b) as to size and location and shall be removed upon completion of work of the contractors or subcontractors.

(3) Directional signs. Any such sign may not exceed six square feet in area; provided, that the area of the sign may be increased with a special use permit issued pursuant to sections 7-6-191 to 7-6-195.

(d) Marquees and awnings. Marquees and awnings may be used as a sign background.

Sec. 7-6-182 Industrial zones.

(a) In any industrial zone, any sign, marquee and awning permitted in a commercial zone under section 7-6-181 may be erected or displayed so long as it complies with all other applicable requirements of this article; provided, that the total area of any signs in an industrial zone which face real property in a commercial or industrial zone may exceed the area allowed in section 7-6-181(b) by up to 50 percent.

Division 3

Signs, Marquees and Awnings within Old and
Historic Alexandria and Parker-Gray Districts
and on 100-Year Old Buildings

Sec. 7-6-185 Signs, marquees and awnings required to obtain
certificate of appropriateness; exemptions.

(a) No sign, marquee or awning which is subject to view from a public street or place may be permanently affixed to a building or structure located in, or permanently displayed within, the Old and Historic Alexandria District or the Parker-Gray District, or permanently affixed to a 100-year-old building designated by city council under article N of this chapter, until a certificate of appropriateness has been obtained from the Board of Architectural Review pursuant to article M or N.

(b) The following signs shall not be subject to the requirement of subsection (a):

(1) any sign less than one square foot in area;

(2) any unlighted real estate sign less than four square feet in area;

(3) any unlighted contractor sign less than 32 square feet in area;

(4) any unlighted subcontractor sign less than eight square feet in area;

(5) any window sign between one square foot and four square feet in area, specially permitted for a temporary period, pursuant to section 7-6-186, by the city manager.

(c) Any sign, marquee or awning required to obtain a certificate of appropriateness under subsection (a) and any sign identified in subsection (b) may be erected or displayed only if authorized by and in compliance with all other applicable requirements of this article.

(d) 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 article N of this chapter 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.

Sec. 7-6-186 Temporary window signs.

(a) No window sign one square foot or more in area may be displayed in the Old and Historic District or the Parker-Gray District or in a 100-year-old building designated by city council under article N without a certificate of appropriateness, except on a temporary basis, for up to 30 consecutive days, pursuant to special permission from the city manager or her designee under subsection (b); provided, that the manager may not, on any single occasion, permit any person to display on a temporary basis more than one window sign for any window located within the building or structure, or portion thereof, which the person occupies; and provided further, that the manager or her designee may not authorize any person to display any window signs on a temporary basis on more than three occasions in any 12-month period.

(b) In order to obtain permission for the display of one or more window signs on a temporary basis, the person seeking the permission must submit the following information to the city manager or her designee on a form prescribed by the city, together with a processing fee of \$5: (i) the name of the applicant; (ii) the period of time, not to exceed 30 consecutive days, during which the applicant seeks permission to display the sign or signs; (iii) the address of the building in which the

sign or signs will be displayed; (iv) the size of the sign or signs; and (v) the number of occasions within the 12 months preceding the application on which applicant has obtained special permission pursuant to this section to display one or more window signs on a temporary basis in the same building described in the application.

(c) Upon receipt of the applicant's processing fee and upon review of the applicant's information, the city manager shall permit the display of the applicant's window sign or signs, for up to 30 consecutive days, if he or she finds that: (i) each sign is less than four square feet in area; (ii) within the prior 12 months, the applicant has not displayed window signs on a temporary basis in the same building on more than two occasions; and (iii) the applicant is not, and has not over the prior 12 months been, in violation of any provision of this article.

Division 4

Administration and Enforcement

Sec. 7-6-190.1 Compliance with building code.

(a) No sign, marquee or awning may be erected, displayed, constructed, reconstructed or altered unless it complies with the Uniform Statewide Building Code. Compliance may require that, in addition to the permits required by any other section of this article, a permit be obtained from the building code official.

(b) Application for a permit under this section shall be made on forms furnished by the building code official.

(c) The permit number shall be indicated on each sign.

Sec. 7-6-190.2 Liability insurance coverage.

(a) No person may erect, display, construct, reconstruct or alter any sign, marquee or awning for which a permit is required under section 7-6-190.1 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 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 per person and \$300,000 per occurrence, and the minimum property

damage protection of the policy shall be \$50,000 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 subsection (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.

Sec. 7-6-190.3 Enforcement of article.

This article shall be enforced by the director of the department of planning and community development..

Sec. 7-6-190.4 Penalties.

(a) Notwithstanding any other provision of this chapter, any person who violates any provision of this article shall be punished, for the first offense, upon conviction thereof, by a fine not to exceed \$100, for the second offense, by a fine not to exceed \$250 and for any subsequent offenses, by a fine not to exceed \$1,000. Each and every day, or portion thereof, during which a violation of any provision of this article is permitted to continue shall constitute a separate offense and shall be punishable as such. Nothing in this section shall prevent the city or any affected property owner from taking such other lawful action as is necessary to prevent or remedy any violation of this article.

(b) Any person who erects or displays or who causes to be erected or displayed any sign in the Old and Historic Alexandria District or the Parker-Gray District, or in or on a 100-year-old building designated under article N by city council, which violates section 7-6-185 or 7-6-186 shall, in lieu of the penalties provided in subsection (a), be liable for a civil penalty of \$50 for the first violation, of \$100 for a second violation and of \$500 for any subsequent violation. Any such person shall be summoned by the director of the department of planning and community development to appear before the general district court which, upon finding a violation of section 7-6-185 or 7-6-186, shall impose a penalty in accordance with the schedule of civil penalties contained in this section. Each and every day, or portion thereof, during which a violation of 7-6-185 or 7-6-186 is permitted to continue shall constitute a separate violation. Any person receiving a summons issued under this section may, in lieu of appearing in general district court,

pay, in person or by mail, to the treasurer of the of city a civil penalty in accordance with the schedule contained in this section. Such payment shall constitute an admission of the violation charged.

Sec. 7-6-190.5 Removal of illegal signs.

The director of the department of planning and community development shall remove any sign, marquee or awning erected or displayed on, over or across any street, road, highway, alley or other public right-of-way in violation of this article, shall impound the sign and, within 24 hours of the removal, shall notify in writing, by first-class mail, the owner of the sign, if ownership is readily determinable, of the location at which the sign is being stored and of the owner's right to retrieve the sign upon payment of an impound fee of \$50, plus a storage fee of \$10 for each day of storage; provided, however, that no such notice is required when an illegal sign is of de minimus value and is less than 12 square feet in area. Signs not retrieved within a period of 30 days after the mailing of such notice may be destroyed by the city.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: October 15, 1988