Sign Ordinance Issues

(Annotated to reflect Council decisions through April 21, 2004)

A check mark (√) indicates that the matter has been decided by Council for purposes of inclusion in the draft ordinance to be advertised for public hearing.

√ Definitions; completeness and clarity
Definitions will be clarified to the greatest extent reasonable. Council asked that the word "remove" or "removal" be defined.

√ Restrictions (display period/quantity) on political campaign signs
Upon the advice of the City Attorney, Council agreed to the need to revise the current ordinance to relax restrictions on the erection of campaign signs

√ Restrictions (commercial/display period/quantity) on opinion signs
City Attorney also advised Council of the need to bring this section of the current ordinance into compliance with Federal law.

√ References to the U.S. or VA flag.
Revised draft of the ordinance (4/21/04) does not attempt to regulate the display of these flags.

Provisions for off-site directional church signs

Signs in City rights-of way

√ Provisions for an administrative or legislative waiver when challenging site conditions would limit the effectiveness of signs
Council agreed to include provisions for a waiver under certain defined circumstances. It was explained and Council understands that appeals to staff interpretation and enforcement of the sign ordinance will go through the normal BZA process that applies to all zoning issues.

Off-premises directional signs

√ Real estate signs
Temporary sign provisions in the 4/21/04 draft cover this and were acceptable to Council

√ Temporary signs; material, time limits, location
Council indicated agreement with temporary sign section of the 4/21/04 draft. Clarified that temporary off-site directional signs would only be allowed for "non-commercial" activities.

√ Portable signs
There was consensus on Council to eliminate provisions allowing portable signs

Window signs
Staff was asked for information on how this is handled by other First Cities

Neon signs

"Historic" signs

√ Home occupation signs
Regulations regarding these signs along with all proposed provisions for signs in residential zoned districts were accepted by Council. Language prohibiting the exterior lighting of residences was eliminated.

Murals
Definition clarified to exclude murals from regulation.

√ Billboards
Council agreed that changes regarding the regulation of billboards were beyond the intent of the present effort unless the City Attorney indicated that certain conflicting or non-compliant provisions needed to be fixed.

Moving signs; digital, flashing, changing face

Reader boards

Signs in shopping centers; individual identification, coordination, logos

Balloons, pennants, streamers, inflatables
There was some support for allowing balloons. Suggestion made to treat all as temporary signs. The 4/21/04 draft allows inflatables less than twenty-four inches in dimension.

Height, size, number of faces and setback of commercial signs; naked vs. skirted poles
While there was consensus that Council supports the recommendation in the Comprehensive Plan to "Limit the size and height of new on-site commercial signs," there was no agreement on the actual height or size to be included in the new ordinance with the following exceptions: in the B-1 and B-2 zones a maximum area of twenty-four (24) square feet was agreed to instead of the proposed eighteen (18) square feet; all other

proposed provisions in B-1 and B-2 were accepted; all provisions regarding height and area in residential zones were accepted as proposed; Council agreed that poles in all business zoning districts must be skirted with a skirt width of a minimum of eighteen (18) inches.

√ Subdivision signs; height, size, number
Council agreed to a more relaxed standard of 40 square feet total area and eight (8) feet in height—no consensus on the number of signs

√ Amortization of signs; 30% reduction, acts of God
Agreed to the proposed 30% reduction of non-conforming signs for owner initiated replacement; replacement of signs after destruction due to acts of God or other reasons not at the choice of the owner would require full compliance with the ordinance current at the time of replacement.

Permit process; time allowance and fees

√ Maintenance requirement
City Attorney has advised that Council has the authority to require the maintenance of sign structures through the building code. Council was supportive of this measure.

√ Light pole banners (John Lynch Bridge, Wyndhurst, Downtown, parking lots)
Council agreed that banners on light poles located within the City rights of way will not be treated as signs

√ Decorative elements (banners, lights, neon) that might not be defined as "signs"
Council agreed that banners (with colors and or logos, but not with advertising copy) mounted to light poles on private property (in a parking lot, etc.) will not be treated as signs; exterior lighting of buildings will not be regulated in the sign ordinance.

The issue of neon accents on buildings is still not resolved.

Different sign regulations in different zoning districts (not sure what this means)

√ Applicability of the ordinance to City signs on City property
Council agreed that the regulations of any new sign ordinance would be applicable to City owned signs when used in a manner similar to private signs; the 4/21/04 draft exempts certain City owned signs such as those used to regulate traffic or warm and inform.

Possible Constitutional questions
The City Attorney has sought assistance from a legal research firm and will have information to share with Council in the near future.

√ Sign ordinance enforcement
Staff approach to enforcement was explained and generally accepted by Council

√ Removing signs from defunct businesses (added 3/31/04)
Council agreed to provisions in the 4/21/04 draft requiring the removal of sign structures from defunct businesses after two years. Sign faces would have to be removed after the business closes.

Other issues:

Signs on top of fuel pumps
Promotional displays at convenience stores (corex spring signs, covers over soft drinks, tires, motor oil, etc.)

√ Summer promotions that last more than 30 days (e.g. 3 months)
Council stipulated that temporary commercial banners shall only be allowed to remain up for 30 days as proposed.