



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 10, 2011

DATE: December 2, 2011

SUBJECT: ZOA-11-04 Proposed amendment to the ACZO, Sections 20 (Appendix A) and 34 to permit one temporary sidewalk sign per entrance for establishments within 'C', 'M', "RA4.8", "RA-H-3.2", "R-C", Public, and Special Districts that have a direct entrance to the sidewalk; to define "commercial message", "establishment", "landscape and utility zone" and "temporary sidewalk sign"; to permit up to four square feet of commercial messages on each umbrella within permitted outdoor cafes; and to permit one building or projecting sign per garage entrance to a garage available for parking by members of the general public during certain hours.

C. M. RECOMMENDATION:

Adopt the attached ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance, Sections 20 (Appendix A) and 34 to permit temporary sidewalk signs, to permit up to four square feet of commercial messages on umbrellas within permitted outdoor cafes, and to permit coordinated parking signs on facilities that provide public parking during defined hours.

ISSUES: This is a proposed amendment to the Zoning Ordinance to permit temporary sidewalk signs (sandwich board signs); to permit a limited amount of commercial messages on umbrellas within permitted outdoor cafes; and to permit coordinated way-finding signs on public parking garages. Some have expressed concerns that sidewalk signs could impede pedestrian traffic, while others have expressed concerns that the minimum 6-foot clear sidewalk proposed as a threshold to allow sidewalk signs is too limiting for businesses that front on narrower sidewalks. In addition, concerns have been expressed about the County's ability to enforce sidewalk sign regulations.

SUMMARY: Starting in February 2011, staff began work on a comprehensive update to the sign regulations in the Arlington County Zoning Ordinance, following a strategy articulated in a December 2010 work plan for Zoning Ordinance updates. Proposed revisions to the sign

County Manager: *BMD/GA*

County Attorney: *[Signature]*

Staff: Deborah Albert, DCPHD, Planning Division

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regulations were identified as phase I of a two-phased approach to update the entire Zoning Ordinance, the second phase of which would include technical updates, reformatting and minor policy updates to the remainder of the ordinance. While development and review of the broader revisions to the sign regulations are still underway, at this time staff proposes to amend the sign regulations to permit some new sign types not currently permitted by the Zoning Ordinance, including sidewalk signs (sandwich boards) and commercial messages on umbrellas.

Additionally, staff proposes to allow coordinated signs to identify parking garages that provide public parking during defined hours. The amendment would also update a reference in the Columbia Pike Special Revitalization District Form Based Code (FBC) in order to ensure that the proposed signs are permitted in CP-FBC Districts and on projects developed under the Form Based Code. A supplemental report will provide additional discussion of enforcement of sidewalk signs.

BACKGROUND: In December 2010, staff developed a work plan for a two-phased approach to comprehensively update the Arlington County Zoning Ordinance over two years, starting in January 2011. The proposal included revisions to sign regulations and codification of associated policies in phase I; phase II would start after adoption of comprehensive amendments to the sign regulations, and would include technical updates to the remainder of the Ordinance. In January 2011, the County Board Chairman announced an initiative to support small businesses in the County. One aspect of operating a business is development and display of signs to identify and promote the business, and many concerns were raised about sign types permitted and the process for approving signs in the County.

In October 2011, after an extensive public outreach process, followed by three meetings with the Zoning Committee of the Planning Commission to review a comprehensive revision of the sign regulations in Section 34 of the Zoning Ordinance, the Planning Commission requested additional time for review of the comprehensive revision. In order to accommodate additional review time as well as address some of the issues of concern raised by small businesses in the short term, review of the comprehensive revision has been extended until June 2012, while a limited set of amendments is proposed at this time in order to permit umbrellas signs, sandwich board signs and to facilitate additional way-finding signs for public parking garages.

DISCUSSION: Many concerns raised by participants in the Chairman's small business initiative listening session, held earlier in the year, were related to signs, including concerns about process and permit costs, which can be particularly onerous for small businesses who may have limited resources. Additional frustration was expressed with sign regulations that preclude specific sign types, such as sandwich boards and signs on umbrellas, that provide businesses with inexpensive and simple ways to market themselves and create a business identity. Currently, signs on umbrellas and sandwich board signs are not permitted by the Zoning Ordinance.

County Manager:

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Umbrellas. Within the current Zoning Ordinance, signs on umbrellas are considered freestanding signs. Typically, a freestanding sign is a sign on a masonry wall or a sign protruding from a masonry or other supportive base. Such signs are generally designed to be visible to people in automobiles, particularly in areas with faster vehicle speeds, and are not permitted for most uses within the County’s pedestrian-oriented corridors where outdoor cafes are commonly allowed. However, it is common for umbrellas within outdoor cafes to include graphics and text in order to identify the café as belonging to a particular restaurant. The proposed amendment would recognize that umbrellas provide a unique branding opportunity as well as provide opportunities to enliven pedestrian-oriented areas. The proposed amendment would allow up to four square feet of each umbrella within an approved outdoor café to be used for commercial messages related to the business and/or products sold there, and thus allow outdoor cafes to create their own identity and contribute to neighborhood character. All other aspects of outdoor cafes, such as the location and amount of seating would continue to be regulated through the use permit approval that allows the café.

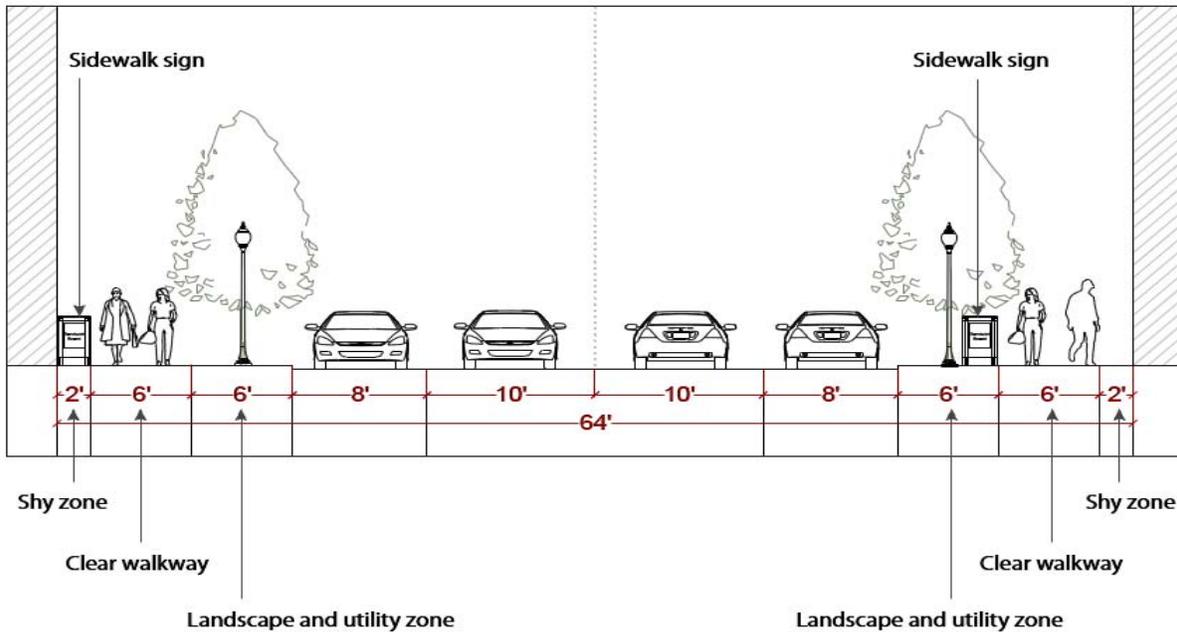
Figure 1. Illustration showing umbrellas with the proposed four square foot messages

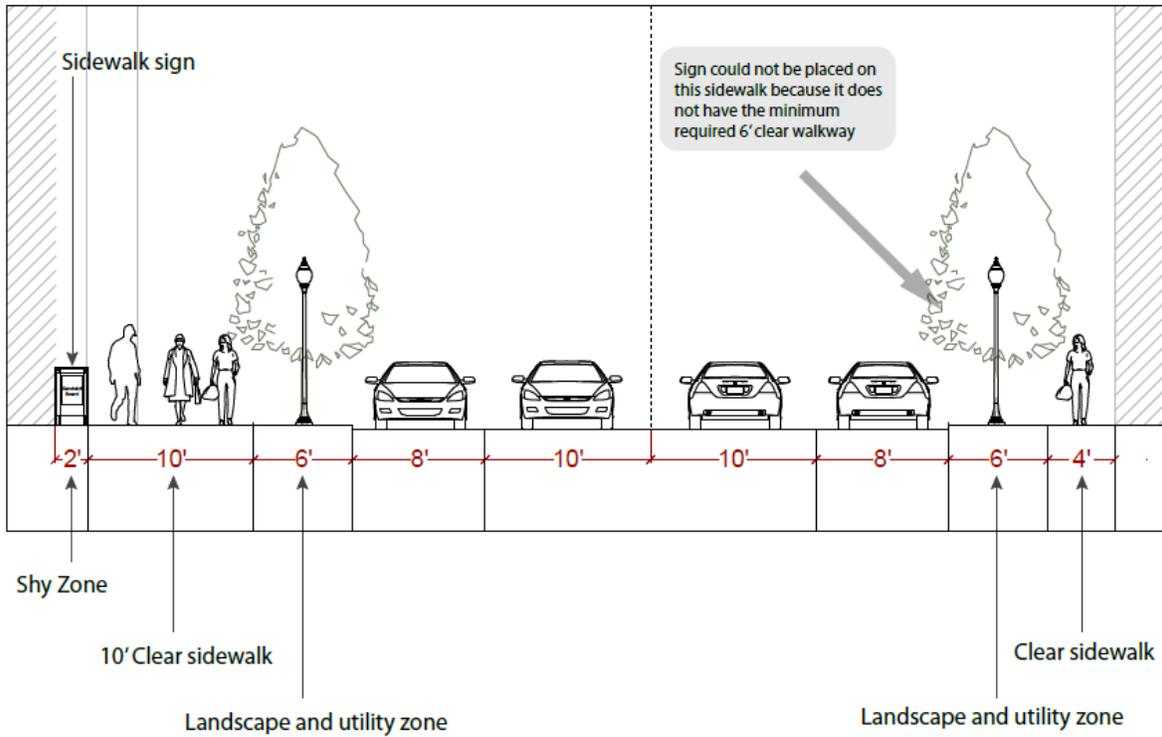
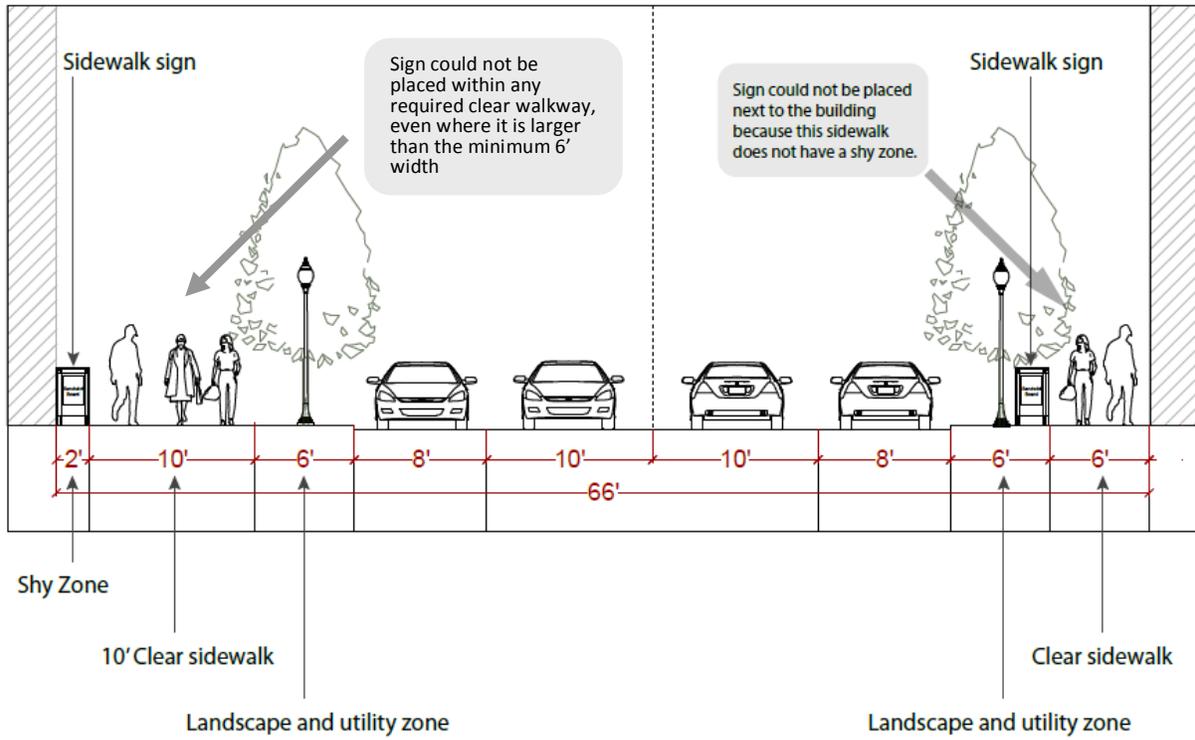


Sidewalk Signs. Temporary sidewalk signs (commonly called A-frame signs or sandwich boards) are also not currently permitted by the Zoning Ordinance. The proposed amendment would permit sidewalk signs up to a maximum height of 3½ feet and total area per side of seven square feet, within defined hours so long as, among other standards, a minimum 6-foot clear passageway exists and is maintained. Sidewalk signs would afford businesses within commercial, mixed-use, public and special zoning districts with an additional opportunity to promote daily specials and attract customers. Such signs would be allowed, without permits, for all businesses that provide goods and services to the public, including parking garages. Standards incorporated in the ordinance would limit placement of such signs either so that they are entirely within two feet of the building face or entirely within the area of the sidewalk used for landscaping, utilities and other street furniture, called the landscape and utility zone. The proposed placement standards would provide clear direction to businesses regarding the location in which sidewalk signs are permitted and would ensure that a minimum 6-foot, and any required clear walkway is maintained. Time limitations on use of these signs would require that the signs be taken inside when the business is closed, further reinforcing the temporary nature of these signs.

Through the public outreach process, which is described in detail below, staff received a number of comments that ranged from concerns about inhibiting pedestrian passage on sidewalks with sidewalk signs, to questioning why such temporary signs should be restricted at all (see Attachment A for a full list of comments received on the topics included in this report). Additionally, concern about the County’s ability to enforce sidewalk sign regulations was frequently raised by a range of stakeholders. The intent of the proposed sidewalk sign regulations is to strike a balance between recognizing that sidewalk signs can be an important marketing mechanism, particularly for small businesses with limited resources, and ensuring that a clear walkway is maintained to facilitate safe pedestrian travel. The proposed amendment seeks to achieve that balance through standards regulating placement and timing for display of sidewalk signs, and modifications were made to the proposal based on feedback received, in order to clarify locations where such signs would be permitted. Clear provisions in the Zoning Ordinance regarding the locations where sidewalk signs are allowed should help to reduce future violations. In the event that violations occur, County zoning enforcement staff would start with an informational visit to the sign owner in order to reinforce the requirements, with the goal of providing education on and achieving compliance with the Zoning Ordinance. A supplemental report will provide additional discussion of enforcement of sidewalk signs.

Figure 2. The following examples illustrate street cross sections, showing temporary sidewalk sign placement next to the building face or within the landscape and utility zone.

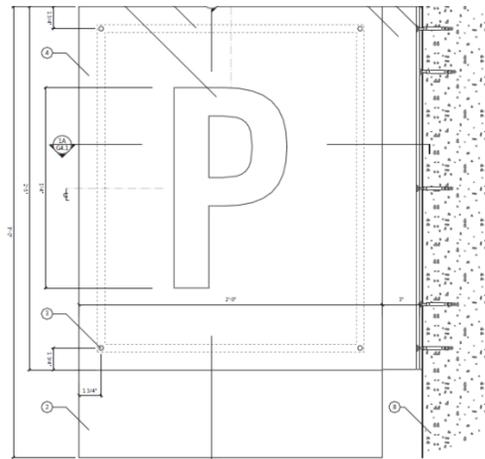




Parking Signs. In 2008, the County Board amended the Zoning Ordinance to facilitate a pilot program in Rosslyn that permitted placement of specific parking signs up to a maximum size of 6½ square feet on the wall of or as a projecting sign on public parking facilities through an administrative process rather than through individual site plan amendments for each parking garage. The purpose of the program was to implement a parking way-finding program in Rosslyn providing coordinated directional signs to identify garage entrances in order to help motorists unfamiliar with the area to find their way to public parking facilities. An effective parking way-finding program can reduce congestion by eliminating unnecessary travel by lost motorists. Additionally, it can serve as an economic boost to businesses by providing directions to public parking facilities that are within walking distance of their locations. The business impact of parking signs was reinforced through the public outreach process in comments from small business owners who expressed frustration passed on from their customers regarding the need for clear identification of nearby public parking facilities. Since the adoption of the amendment to allow coordinated parking signs in Rosslyn, the County has also installed similar signs within the public right-of-way in many areas of the County. Through the signs in the public right-of-way in combination with an allowance for placement of similar signs on private garages that provide public parking, a system of identifying shared parking resources can be realized. Therefore, through these ordinance amendments, staff proposes to expand the public parking sign program to all parking garages within the County that provide public parking within defined hours. A question was raised at the Request to Advertise hearing before the County Board, as to whether the hours during which public parking is available could be incorporated onto bottom portion of the parking sign. The proposed amendment would not preclude inclusion of public parking hours on the sign, however, the way finding sign was not specifically designed to include such additional information, and the space available on that portion of the sign may not effectively accommodate the information. While the ordinance would require that the sign meet the way finding standard, the standard itself is not codified in the Zoning Ordinance.

The amendment would additionally update a reference in the Columbia Pike Special Revitalization District Form Based Code in order to ensure that the way finding signs can be utilized on projects developed under the Form Based Code.

Figure 3. Photo showing parking sign deployed in Rosslyn and illustration of County Way Finding Parking signs (photo source: Google).



Community Process: Outreach for the sign regulations update was divided into two phases. The initial outreach phase was designed to create dialogue in the community about signs in Arlington prior to development of preliminary recommendations. The second phase of outreach was designed to gather feedback at both the policy level and, subsequently, on a draft of the proposed Zoning Ordinance amendment. Each phase incorporated focus group discussions, public workshops and Zoning Committee of the Planning Commission review, and covered all proposed updates in addition to the three sign types proposed in the attached amendment.

Focus group discussions, as listed below, were designed to bring together stakeholders who share common interests in an informal setting with staff where participants could comment, ask questions and raise concerns on proposed policies and regulations.

Focus Groups

- Arlington Chamber of Commerce
- Commercial and residential real estate brokers and property managers
- Economic Development Commission and Retail Task Force
- NVBIA/NAIOP (Northern Virginia Building Industry Association/National Association of Industrial and Office Properties)
- Sign Industry
- Small businesses/Restaurants
- Civic Federation
- Citizens

Public workshops were scheduled in order to bring different stakeholder interests together in a single setting and to allow for dialogue around significant policy issues related to the sign regulations update, with small group discussions to facilitate dialogue. Each discussion provided stakeholders with an opportunity to talk with staff, Planning Commissioners and other community members, allowing participants to hear directly from each other about the range of perspectives in the community.

Public Workshops/Meetings

- Purposes of signs and sign regulations in the County (April 12)
- Review of policy recommendations (September 13)
- Review of draft ordinance proposal (October 19)

The proposed ordinance was also discussed by a number of advisory groups, commissions and committees. Comments on the proposed items are summarized below.

Advisory Groups, Commissions and Committees

- Economic Development Commission/Retail Task Force (EDC/RTF) – June 8 and September 13, 2011. The EDC/RTF discussion included comments that sidewalk signs should not have limitations on hours of placement, should be permitted for a wide range of uses, and that alternative signs should be permitted for those uses that front on sidewalks that do not meet the minimum proposed six-foot clear walkway width. As sidewalk signs are a new sign type for the County, at this time, staff recommends limiting

their use to sidewalks that meet the minimum proposed standards. Once the County has additional experience with this new sign type, an expansion could be explored.

- Pedestrian Advisory Committee (temporary sidewalk signs only) – September 14, 2011. The committee discussed the proposal and indicated that allowing sidewalk signs with a requirement that the clear walkway is maintained was reasonable.
- Neighborhood Conservation Advisory Committee (NCAC) – October 13, 2011. NCAC members commented that some civic associations use sidewalk signs to announce meetings and special events. The proposed amendment would allow sidewalk signs only in areas where commercial uses are common. Sidewalks in many residential areas of the County are narrower and would be less compatible with placement of sidewalk signs.
- Disabilities Advisory Commission (temporary sidewalk signs only) – October 18, 2011. The commission discussed proposed regulations for temporary sidewalk signs and commented that predictable placement is important for signs on sidewalks in order to accommodate people with vision impairments. In addition, maintenance of a clear walkway is essential. Concerns were also expressed about enforcement of placement requirements.
- Zoning Committee of the Planning Commission (ZOCO) – September 21 and 27, October 11 and 26, 2011. ZOCO members suggested, as did many others throughout the outreach process, that sidewalk signs should be permitted during the hours the business is open. While staff concludes that requiring a sidewalk sign to be taken inside during a portion of the day is important to reinforce the temporary nature of such signs, the proposed amendment has been modified to allow signs to be out while the business is open, as most businesses are not open 24 hours/day. ZOCO members also suggested that sidewalk signs only be permitted for businesses on the ground floor. Staff has revised the language to clarify that sidewalk signs are only permitted for businesses that have a door that opens directly onto the sidewalk. This change would not preclude an upper-story business with a direct entrance to the sidewalk from having a sidewalk sign. There was a discussion as to whether sidewalk signs should be permitted in tree pits, recognizing that tree pits could provide locations that are out of the way of pedestrian travel, however, such placement could be damaging to the trees. Staff's intent was not to permit sidewalk signs to be placed in unprotected tree pits, and has added a regulation to preclude placement in tree pits that are not covered with a hard grate. Additionally, a definition of the landscape and utility zone was added to the proposed amendment in order to clarify the location in which sidewalk signs are proposed to be permitted. Other modifications were made to the proposed text for clarity, based on feedback received at the meeting.
- Transportation Commission – November 21, 2011. The Transportation Commission voted unanimously (9-0) to support the staff proposal with a minor modification to the zoning text to clarify placement of sidewalk signs on sidewalks where there is not landscaping. Staff has incorporated this change. Additionally, the Transportation Commission voted to recommend that future amendments to the sign regulations permit more than one way finding sign per garage entrance for public parking garages, in order to accommodate a garage that may have an entrance off of an alley. In their discussion, Commissioners acknowledged that staff had addressed their previous concerns regarding

a requirement for design of the signs consistent with US Access Board recommendations, and clarity of text addressing placement of signs.

- Planning Commission – November 28, 2011. The Planning Commission voted unanimously (9-0) to support the staff recommendation with the addition of a sunset date for the sidewalk sign provisions in three to five years and an allowance for unlimited text and graphics on umbrellas. Staff has proposed to allow a limited amount of commercial messages on umbrellas in order to allow cafes to establish identity and contribute to activation of the street, while minimizing distractions. During the discussion, some expressed concern about enforcement of sidewalk signs, primarily related to placement and maintenance of the clear walkway. Others, however, suggested that sidewalk signs contribute to a vibrant streetscape and that overregulation could work against vibrancy. Those who had expressed concerns indicated that they would be more supportive of this new sign type if it was adopted with a sunset date or for a limited geographic area as part of a pilot study, such that it would be reassessed at a future date. Staff does not recommend placing a sunset date on the proposed amendment, and continues to recommend adoption of the proposed amendment. Staff supports the introduction of sidewalk signs in order to provide businesses with additional opportunities to generate customers, and concludes that standards in the ordinance will provide clear instruction regarding placement of the signs that balance the business need with maintenance of a clear walkway for pedestrians. Should there be any reason to discontinue use of sidewalk signs in the future, the issue could be reassessed at any time and the ordinance could be subsequently amended. Some Planning Commissioners also expressed concern that sidewalk signs could be placed on top of tree grates, as it may lead to placement of other items on tree grates. Placement of sidewalk signs on tree pits covered with a grate was designed to allow for maximum flexibility of placement, recognizing that there are many elements placed in the landscape in utility zone. Planning Commissioners were otherwise generally supportive of the proposed umbrella and way finding parking sign provisions.

A matrix including comments received and staff responses on the three topics addressed in the proposed amendment is included in Attachment A.

CONCLUSION: Staff recommends that the County Board adopt the attached ordinance to amend the Arlington County Zoning Ordinance Sections 20 (Appendix A) and 34, in order to permit temporary sidewalk signs, commercial messages on umbrellas, and coordinated signs for public parking garages.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE, SECTIONS 20 (APPENDIX A) AND 34 IN ORDER TO PERMIT TEMPORARY SIDEWALK SIGNS, COMMERCIAL MESSAGES ON UMBRELLAS AND COORDINATED SIGNS FOR PUBLIC PARKING GARAGES; IN ORDER TO REDUCE OR PREVENT CONGESTION IN THE STREETS, TO ENCOURAGE ECONOMIC DEVELOPMENT; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE, AND GOOD ZONING PRACTICE.

Be it ordained that the Arlington County Zoning Ordinance provisions in Sections 20 (Appendix A) and 34 are hereby amended, reenacted and recodified as follows in order to permit temporary sidewalk signs, commercial messages on umbrellas and coordinated signs for public parking garages; in order to reduce or prevent congestion in the streets, to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare, and good zoning practice:

* * *

Proposed amendments are shown as follows:

- Text denoted with underline or ~~striketrough~~ is text proposed to be added or ~~deleted~~, respectively.
- Text denoted with ~~double-striketrough~~ or double-underline or is text from the existing ordinance that proposed to be ~~removed from one subsection~~ and relocated to another, respectively.
- **Highlighted** text denoted with underline is text proposed to be added, reflecting a change since the authorization for advertisement of the proposed amendment.

1 **SECTION 20 (APPENDIX A) THE COLUMBIA PIKE SPECIAL REVITALIZATION**
2 **DISTRICT FORM BASED CODE**

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6 **VI. ARCHITECTURAL STANDARDS**

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10 **F. Signage**

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14 **2. STANDARDS FOR SIGNAGE (WHERE CLEARLY VISIBLE FROM THE STREET)**

15 Signs that are permitted in Section 34.A.1, 34.A.4, 34.D.4, 34.E, 34.F.1, 34.F.5, 34.F.7
16 and 34.J of the Zoning Ordinance are permitted on property developed under the Form
17 Based Code.

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20 **SECTION 34. NAMEPLATES, SIGNS, AND OTHER DISPLAYS OR DEVICES TO**
21 **DIRECT, IDENTIFY, AND INFORM***

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24 **B. Definitions.**

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28 Commercial message. A sign, wording, logo, or other representation that, directly or
29 indirectly, names, advertises, or calls attention to a business, product service or other commercial
30 activity.

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32 Establishment. A business or organization offering goods or services to the public,
33 including non-profit organizations.

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36 Landscape and utility zone. The area of the sidewalk bounded by the edge of the curb
37 and a line parallel to the curb formed by connecting the edge of the street tree pits or landscape
38 strips farthest from the curb, where landscaping, street trees, utilities, and other elements, such as
39 but not limited to benches, parking meters, bicycle racks, streetlights, garbage cans, signs and
40 bus shelters, are located.

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43 Temporary sidewalk sign. A temporary, self-supporting sign made of durable material
44 and located on the sidewalk in front of a use for which such a sign is allowed.

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48 **E. Signs Permitted in All Districts Without Permits.**

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50 No permit shall be required for any of the following signs and the same may be displayed as
51 freestanding signs on private property, unless otherwise specifically noted, in any district, unless
52 otherwise specified below:

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58 16. Temporary Sidewalk Signs meeting all of the standards in 34.E.16.a and b below
59 shall be permitted only for Establishments (but not for home occupations pursuant
60 to 31.A.12) in C, M, RA-H-3.2, RA4.8, R-C, Public and Special Districts

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a. General Standards

<u>Maximum size</u>	<u>7 sq. ft. per side (may be two-sided)</u>
<u>Maximum height</u>	<u>3.5 ft.</u>
<u>Number allowed</u>	<u>One per public entrance directly from sidewalk into establishment</u>
<u>Separate lighting?</u>	<u>No</u>
<u>Commercial messages?</u>	<u>Yes, related to establishment for which sign is allowed</u>

b. Other Standards:

- 1) No more than one temporary sidewalk sign is permitted for each public entrance to an establishment. For purposes of this subsection 34.E.16.b.1 , a parking garage is an establishment and public entrance includes a vehicular entrance;
- 2) If an establishment has more than one public entrance and two or more of the public entrances face the same street and are located within 200 feet or less of each other, then a sign shall be allowed for only one of the public entrances;
- 3) Such signs may be placed on the sidewalk only during hours the establishment is open;
- 4) Temporary sidewalk signs shall be permitted only on sidewalks where there is an existing minimum six-foot clear walkway (an unobstructed area serving as circulation space for pedestrians). In order to provide adequate clearance for pedestrians and persons with visual and mobility disabilities, such signs shall not be placed within any required clear walkway for the site, and shall be located either entirely within two feet of the building face, or within the landscape and utility zone such that there is at least one foot between the sign and the edge of the curb (on sidewalks where there is no landscaping, sidewalk signs may be placed within four feet of the edge of the curb if such placement maintains the clear walkway required in this subparagraph and maintains at least one foot between the sign and the edge of the curb);
- 5) Temporary sidewalk signs shall not be placed in tree pits that are not covered with hard grates;
- 6) Such signs shall be self-supporting with legs or supports that are continuous with the plane of the sign face; and
- 7) Any sign found by the Zoning Administrator to be unsafe or to present a hazard or to impair a required clear walkway shall be removed immediately.

17. In permitted outdoor cafes, umbrellas may include commercial messages related to the dining facility or products served there or noncommercial messages, provided that the messages are no greater than a total of four square feet on any individual umbrella.

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99 **F. Signs Permitted in All Districts, Unless Otherwise Specified, With Permits**

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103 7. All public parking facilities in the Rosslyn Metro Station area, bounded by
104 North Rhodes Street, Lee Highway, Arlington Boulevard and Arlington Ridge
105 Road may obtain a sign permit from the Zoning Administrator for the signs
106 described below and subject to the following regulations:

- 107 a. One (1) building sign or projecting sign per garage entrance to a public
108 parking facility which identifies the location of publicly accessible
109 parking. For purposes of this Section 34.K, 34.F.7 a public parking
110 facility is defined as a garage that provides parking for members of the
111 general public, at a minimum, after business from 6 p.m. to 10 p.m.
112 Monday through Friday and either all weekend or for at least eight (8)
113 hours, in total, between 8 a.m. and 6 p.m. on Saturday and Sunday. The
114 sign shall meet all standards prescribed for Arlington County Way Finding
115 Signs. Compliance with these standards shall be determined by the
116 Zoning Administrator including, based on factors that include but are
117 limited to: location; color; size; shape and lettering. The sign shall not
118 exceed six and one-half (6.5) square feet in size nor shall any dimension of
119 the sign exceed four (4) feet.
- 120 b. When a sign for a public parking facility is approved and placed pursuant
121 to this Section 34.K, 34.F.7 no other parking garage identification signs
122 may be on the exterior of the building.
- 123 c. Amendments to approved comprehensive sign plans shall not be required
124 for signs permitted by this Section 34.K-34.F.7., but such signs shall be
125 permitted in addition to the signs allowed under a comprehensive sign
126 plan.

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130 ~~**K. Signs Permitted in Specified Areas with Permits.**~~

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132 ~~Public parking facilities in the Rosslyn Metro Station area, bounded by North Rhodes Street, Lee~~
133 ~~Highway, Arlington Boulevard and Arlington Ridge Road may obtain a sign permit from the~~
134 ~~Zoning Administrator for the signs described below and subject to the following regulations:~~

- 135 ~~1. One (1) building sign or projecting sign per garage entrance to a public parking~~
136 ~~facility which identifies the location of publicly accessible parking. For purposes~~
137 ~~of this Section 34.K, a public parking facility is defined as a garage that provides~~
138 ~~parking for members of the general public, at a minimum, after business from 6~~
139 ~~p.m. to 10 p.m. Monday through Friday and either all weekend or for at least eight~~
140 ~~(8) hours, in total, between 8 a.m. and 6 p.m. on Saturday and Sunday. The sign~~
141 ~~shall meet all standards prescribed by the Zoning Administrator including, but not~~
142 ~~limited to: location; color; size; shape and lettering. The sign shall not exceed six~~

143 ~~and one half (6.5 square feet in size nor shall any dimension of the sign exceed~~
144 ~~four (4) feet.~~
145 ~~2. When a sign for a public parking facility is approved and placed pursuant to this~~
146 ~~Section 34.K, no other parking garage identification signs may be on the exterior~~
147 ~~of the building.~~
148 ~~3. Amendments to approved comprehensive sign plans shall not be required for~~
149 ~~signs permitted by this Section 34.K.~~
150 ~~4. Any sign permitted in Section 34.K shall not be counted in calculating the~~
151 ~~permitted number of signs or the sign area for limitations set forth in Sections~~
152 ~~34.E., 34.G, or 34.H.~~

Comments and Staff Responses to Proposed Zoning Ordinance Amendment to permit sidewalk signs, umbrella signs and way finding parking signs (updated as of 12-01-2011):

Comment	Response	
Sidewalk Signs		
<p>There is a statement that signs will be allowed in the sidewalk so long as a six-foot clear width is maintained. In some places, more than 6 foot sidewalk clear width is otherwise required. Therefore it is unclear if the proposed ordinance will reference the underlying requirements or will reduce all existing clear widths to no more than 6 feet. Also, existing County policy allows “pinch points” of no more than 2 feet to further reduce the clearance below the minimum. Signs will rarely exceed the 2-foot length and so it is unclear how these two policies will relate. In many cases site plans or other regulations have provided sidewalks that exceed 14-foot clear width, and we have seen sandwich board signs placed directly in the middle of such sidewalks. It is unclear from the summary if that will be allowed. Finally, clear width is typically measured in a manner excluding a 2-foot “shy zone” adjacent to the building, and a sign could typically fit within this zone (unless it’s 4-feet wide). It is unclear whether signs are encouraged or required to be placed in this zone, or if the measurement of the 6’ clear width for purposes of this ordinance will include or exclude the shy zone</p>	<p>The proposed draft has been revised to regulate those areas where sidewalk signs may be placed (rather than where they cannot be placed), proposing that they are placed within the area between the building face and the clear walkway, or within the landscape and utility zone.</p> <p>The proposal requires that a 6-foot clear walkway exist in order to place a sidewalk sign.</p>	<p>Citizen</p>
<p>The proposal seems to establish 6 feet as the uniform clear width that must be maintained. Many areas in the Master Transportation Plan require greater widths. Is intention to supersede the MTP on this issue? Is there any consideration to requiring these be placed in particular kind of locations, e.g., the tree pit area?</p>		<p>Citizen</p>
<p>The regulations should ensure consistency in placement</p>		<p>Disabilities Advisory Commission Member</p>
<p>Concern about enforcement; 6 feet rule will seldom be observed</p>		<p>October Public Forum participants</p>
<p>Sidewalk Signs are currently illegal—concerned that what’s written in the ordinance would not be enforced; Could tolerate some signs (balance with the business needs) as long as there are rules that people can follow—6’ clear width requirement is not enforceable, need another way to enforce the rules. Signs should either be up against the building or in the tree pit area but not in the middle of the sidewalk.</p>		

ATTACHMENT A

<p>I strongly oppose the use of sandwich boards. I worry that they will impede pedestrian traffic, create a hazard to pedestrians who would be injured if one falls over. I also believe they would impede sight lines for drivers who are driving in congested areas and need to be able to see clearly without distractions and obstructions. The sandwich boards would especially be a hazard when driving uphill when the 3-1/2 foot height would be even higher to the driver. There is already a problem with election signs that obstruct and distract.</p>	<p>The proposal requires that a 6-foot clear walkway exist in order to place a sidewalk sign in order to ensure that a pedestrian walkway is available. Additionally, the proposal would not allow placement of a sidewalk sign in any required clear walkway, even if it is larger than the minimum required 6-feet.</p>	<p>Citizen</p>
<p>Don't know how standards for sidewalk signs will be enforced—only encouraging businesses to put more signs out; creating an eyesore and not pedestrian friendly—if needed for businesses on side streets, allow that but keep them off arterials</p>	<p>Sidewalk signs would be allowed only on sidewalks, and would not be permitted within one foot of the curb.</p> <p>Many arterials support the County's retail corridors, for which sidewalk signs are being proposed</p>	<p>Citizen focus group participant</p>
<p>We discussed the currently advertised ordinance regarding sidewalk signs but failed to reach a consensus recommendation to handle this tricky subject. While we support in concept the ability for a business to highlight its business to pedestrians, we are concerned that the current proposal does not give sufficient priority to clear pathways. Especially given how mobile these signs are, we can foresee in some areas our sidewalks becoming a slalom path through a congested forest of signage. We trust the Board and the broader community can find some tempering measures to guard against this eventuality.</p>		<p>Neighborhood Conservation Advisory Committee</p>
<p>Permitting sidewalk signs is a really bad idea. Few businesses would adhere to any limitations, such as requiring a six-foot clear width to remain on a sidewalk. The County's Code Enforcement Office would not even try to assure that the signs are in compliance. Too many businesses would adhere to the limitations to permit enforcement to be feasible. How many businesses do you think will actually measure a distance of six feet? Most businesses will simply place their sidewalk signs anywhere they please, confident that a County inspector is likely to do nothing more than to issue them a warning letter. If you don't believe that this will happen, look at all of the illegal commercial signs and misplaced "directional real estate" signs that appear on the County's streets each weekend, when the County's inspectors are not working and therefore cannot remove them.</p>	<p>Sidewalk signs may provide an inexpensive way for businesses to promote themselves, and ordinance requirements are intended to ensure maintenance of the pedestrian walkway through standards for placement and timing.</p>	<p>Citizen</p>
<ul style="list-style-type: none"> - Sidewalk signs are not a good idea; not seen in many cities—will block right of way; clutter (everyone will have them) - New small business owner—Arlington is one of the toughest places in terms of ordinances—sidewalk signs are a good way to bring people into retail spaces—want clear rules because they are very effective ways to advertise and provide way finding 		<p>October Public Forum participants</p>
<p>Regulate depth of signs in addition to height and width</p>	<p>Staff concludes that depth is naturally limited by regulating height and total area.</p>	<p>EDC/RTF member</p>
<p>Include a width for sidewalk signs; could sandwich boards lie flat on the sidewalk; is there a minimum height?</p>	<p>A minimum size is not currently proposed,</p>	<p>ZOCO member</p>

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Signs should be large enough so that a pedestrian with impaired vision, using a cane may find it; Signs on poles are not easily detectable with a cane	but could be explored.	Disabilities Advisory Commission Member
Would a smaller, lower sign than currently described in the ordinance be allowed?		Brokers/Property Managers participant
Why have time limitations? These signs should be able to be out 24 hrs/day	Staff concludes that time limitations will reinforce the temporary nature of these signs. However, given the frequent feedback that it is reasonable to allow the signs when the business is open, and given that most businesses are not open 24 hours/day and therefore most of the signs will need to be specifically placed consistent with the requirements each day, staff has modified the proposal to allow the signs during the hours the business is open.	EDC/RTF member
Include the amount of time that the sign can be in the sidewalk— permit only while businesses are open		October Public Forum participant
In a discussion about hours, some indicated signs should be permitted any time the business is open. Others indicated signs should not be permitted to be out 24 hours per day, however, indicated that 23 hours per day would be acceptable.		ZOCO Meeting participant
Will sidewalk signs be allowed on private sidewalks? Or in other areas outside of the public right-of-way?	The proposal makes no distinction between public and private sidewalks so long as other standards are met, but only permits such signs on sidewalks.	EDC/RTF member
For parking garages, signs are important at the corner to direct toward the parking garage – not just at entrances	Sidewalk signs would be allowed without permits, within commercial, mixed use, industrial and public districts where required standards are met. They would be permitted for all establishments (see definition in proposed amendment) meeting the identified standards, including parking garages. Additional “P” signs may be mounted on parking garages under other provisions of the draft amendment in order to assist with way finding for parking garages.	EDC/RDF member
Would like to see permitted for a broad range of uses (i.e. pharmacies, restaurants, parking, etc.)		NVBIA/NAIOP member
<ul style="list-style-type: none"> - Alternative where there is not a 6-ft clear space may include signs in line with planters - Signs for businesses down side streets would be desired - Projecting legs on sandwich boards are good – newer signs are spring loaded. A-frame can be a safety hazard - What about for areas where building face is not at sidewalk. Would they be allowed in parking lots? 		Sign Industry participant
As these sidewalk signs are not permitted currently, will they require approval with a site plan? Or is it proposed that these signs will just be permitted anywhere?	The intent of the placement and timing standards for sidewalk signs is to balance the needs of pedestrians with the needs of businesses. The placement and timing standards seek to ensure that a pedestrian walkway is maintained. Where the pedestrian walkway is already less than 6 feet, it can be more challenging to achieve that balance. As sidewalk signs would be a new sign type for the County, at this time, staff recommends limiting sidewalk signs to areas where the 6-ft clear width exists.	Brokers/Property Managers participant
How will we promote retail areas off of main streets if signs are only allowed in front of the business it is promoting?		ZOCO member
Some areas will never have a 6-ft clear width. If there is not a 6-ft clear width, there should be an option to have a different type of sign. A business on a narrow street should not be penalized. The option should be to have a blade sign or a sandwich board sign		EDC/RTF member
If the sidewalk is less than six feet wide, what happens? Can a sidewalk sign be placed where there are existing obstructions (tree, street furniture, etc)?		Brokers/Property Managers participant

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<p>I recommend that you ignore the NIMBYs and move forward with passing and implementing the new regulations. I have no business in Arlington nor elsewhere, but I do like to patronize Arlington businesses and don't mind a sandwich board touting what they've got and encouraging me to visit their business. As such, I support the regulations.</p>	<p>n/a</p>	<p>Citizen</p>
<p>The Pedestrian Advisory Committee indicated that they are comfortable with permitting sidewalk signs as long as there are regulations to ensure maintenance of the clear sidewalk</p>	<p>Staff concurs. Standards to regulate placement are included in the regulations.</p>	<p>Pedestrian Advisory Committee</p>
<p>Please confirm that sandwich boards cannot be lit</p>	<p>The draft amendment indicates that a temporary sidewalk sign may not have separate lighting, therefore the sign may not be lit</p>	<p>ZOCO member</p>
<p>Why include a vertical clearance requirement?</p>	<p>The draft has been revised and no longer references this requirement related to the clear walkway.</p>	<p>ZOCO member</p>
<p>Language referencing the clear walkway is confusing; clarify that the signs would not be permitted on sidewalks that do not have a six-foot clear walkway</p>	<p>Staff concurs. The proposed language has been revised to clearly state that sidewalk signs shall only be permitted on sidewalks where there is an existing minimum 6-ft clear walkway</p>	<p>ZOCO Meeting participant</p>
<p>Can sidewalk signs be placed in the landscaped area or tree pits or only on the sidewalk? Does the sign have to be placed in front of the entrance? Can it be in front of someone else's business?</p>	<p>The proposed amendment would allow the sign to be placed in front of the business it advertises, but does not require the sign to be placed in front of the entrance; it would not permit a sign to be placed in front of another business.</p>	<p>ZOCO member</p>
<p>Discussion of the length of time the same message may occur on a temporary sign. One suggestion to place time limits on the amount of time a message may occur; another suggested that the point of the sign is to generate business and a temporary message may not accomplish that for all businesses, particularly off of the main street</p>	<p>Temporary sidewalk signs are proposed to be limited temporally according to when the business is open. Staff does not propose to place further limits on the time a message is displayed.</p>	<p>ZOCO members</p>
<p>Do not use words in definitions that are defined elsewhere; Include "establishment" in the definition for sidewalk signs</p>	<p>The proposed text has been clarified to identify establishments as the use for which the signs are permitted.</p>	<p>ZOCO member</p>
<p>What is durable material?</p>	<p>For common words not defined in the Zoning Ordinance, dictionary definitions are used. Webster's defines durable as "able to exist for a long time without significant deterioration"</p>	<p>ZOCO member</p>
<p>The proposed text does not seem to indicate that signs are not permitted on sidewalks where the 6-ft clear zone does not exist</p>	<p>Staff concurs. This requirement has been clarified in the proposal.</p>	<p>Disabilities Advisory Commission member</p>
<p>Concerned that enforcement will be a problem, especially given the temporary nature of these signs such that they can easily be moved back into nonpermitted spaces after an enforcement action</p>	<p>Should the proposed amendment be adopted, users of such signs will have defined standards to look to in order to determine proper placement, which should</p>	

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<p>The proposal to allow sidewalk signs is not in the county’s best interest. Firstly, for safety reasons: while I applaud the county’s push for car free transportation I end up driving for the majority of my trips. My biggest concern in our densely populated county is pedestrians popping out from behind parked cars to cross the street in the middle of a block. Having sidewalk signs, which will inevitably have balloons attached for “special sales” will only make drivers more distracted and pedestrians more hidden.</p> <p>Secondly, it would appear the county already has trouble keeping up with sign enforcement. Sidewalk signs will only make this problem worse. One alternative would be to levy these signs with fees that would offset the cost of additional enforcement staff... but even more efficient would be to continue to disallow these signs.</p> <p>Thirdly, this county benefits a lot from tourists visiting the area’s sights and businesses. The lack of sidewalk signs only hurt businesses when all other businesses have them and a few don’t. With consistency in business signage, for instance a window sign, everyone knows where to look to find out if they want to visit that business... there are no need for sidewalk signs cluttering up the sidewalk, blocking out landscaping or views of benches. I urge you to reconsider allowing sidewalk signs for the overall benefit of the county.</p>	<p>help to reduce violations. Balloons are already identified as prohibited signs.</p> <p>In the event that a violation occurs, enforcement staff starts with an informational visit with the goal of achieving compliance.</p>	
<p>\$5000 in fines is cheap advertising for a business (referring to maximum fines for zoning violations)</p>	<p>If a violation remains uncorrected, criminal penalties may apply.</p>	<p>October Public Forum participant</p>
<p>The average person on the street does not know whom to call to report a violation</p>	<p>Staff responsible for answering phones or routing emails can help route inquiries to the right place</p>	<p>Disabilities Advisory Commission member</p>
<p>For some persons in wheelchairs it may be more comfortable to be closer to the wall</p>	<p>Staff recommends permitting sidewalk signs to be placed only in the area adjacent to the building wall that is not part of the required clear walkway, or within the landscape and utility zone</p>	
<p>For a lift, 4 feet is required for a passenger in a wheelchair to exit a van</p>	<p>The proposed amendment has been modified to require one foot between the sign and the curb in order to allow space for car doors to open</p>	
<p>Distance from an intersection should be required in order to ensure visibility</p>	<p>Vision clearance at corners is regulated in another section of the ordinance (see 32.D.4)</p>	
<p>Could it be required that such signs be placed in a lighted location, as some streets in commercial areas are poorly lit? There was also a discussion about whether the signs should be lighted for visibility, while noting that lighting on such signs would add too much additional light</p>	<p>Staff is not supportive of allowing lighting on sidewalk signs. A requirement that the sign be placed in a lighted location would be subjective and difficult to require.</p>	

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<ul style="list-style-type: none"> - Tripping hazards - Good for restaurants - Clear width standard needs to take into the account other factors - Err on the side of the pedestrians - Add detail about proximity of sign to actual business frontage - Support for sandwich boards where there is sufficient clear space – but some concerns about enforcement - Permit one sandwich board per business - Some do not support sandwich boards - 5’ is too tall for sandwich boards - Sandwich signs that direct people around a corner are good - Define size and style - Be more clear with language defining how many permitted 	<ul style="list-style-type: none"> - The proposed draft has been revised to regulate those areas where sidewalk signs may be placed (rather than where they cannot be placed) - The proposed amendment would permit one sign per public entrance per frontage, but would not allow more than one sign within two hundred feet of another sign for the same business - The proposed maximum height has been revised to 3½ feet - The proposed amendment requires that the sign be self-supporting with no protruding legs or supports in order to minimize hazards 	<p>September Public Forum participants</p>
<ul style="list-style-type: none"> - Sidewalk signs can help to get people into businesses— not all businesses will want to have the signs. These are especially useful for businesses that rely on foot traffic but are off of the main drag. Signs will only be out while businesses are open - Property manager in Crystal City—do not want a lot of signs out there, but would like to see a sign that would identify interior retail (current ordinance does not allow for people to have signs unless they have an external entrance) 	<p>Sidewalk signs would be a new sign type for the County, and at this time, staff recommends limiting sidewalk signs to those placed in front of the business they advertise, and only for businesses that have a public entrance directly from the sidewalk</p>	<p>October Public Forum participants</p>
<p>Define “temporary.” Need a limit or definition for temporary (may need to be different for different kinds of temporary signs)</p>	<p>Staff concurs. Temporary signs are defined in the ordinance and each type of temporary sign has time limitations</p>	<p>October Public Forum participant</p>
<p>Permit only for establishments on the ground floor.</p>	<p>Staff has modified the proposed amendment in order to clarify that an establishment must have an entrance directly onto the sidewalk in order to have a sidewalk sign, however, concludes that an establishment with a direct entrance to a business that is not on the ground floor would specifically benefit from the purposes for which such signs are proposed, as they would otherwise have a limited presence on the sidewalk.</p>	<p>ZOCO Meeting participant</p>
<p>Be consistent throughout with language referencing persons with disabilities</p>	<p>Staff concurs and has modified the proposed amendment to use language consistently</p>	<p>ZOCO Meeting participant</p>
<p>Define the landscape and furniture zone to be clear about where signs are permitted.</p>	<p>Staff concurs and has incorporated a definition of the landscape and utility zone</p>	<p>ZOCO Meeting participant</p>
<p>Signs should not be permitted to be placed in tree pits; it could damage the tree and would also not be beneficial for businesses if signs were required to be in tree pits, as only one side of the sign would be visible.</p>	<p>Staff concurs. In order to maximize flexibility for placement of signs within the landscape and utility zone, staff proposes to permit signs to be placed on tree pits only if they are covered with a hard grate.</p>	<p>ZOCO Meeting participant</p>

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<p>Limit to one per establishment</p>	<p>Staff concludes that it is reasonable to allow additional signs for additional entrances that are separated by street frontage or a defined distance</p>	<p>ZOCO Meeting participant</p>
<p>We support sidewalk signs, with conditions (see Attachment B for full text of the Civic Federation Resolution excerpted here)</p> <ol style="list-style-type: none"> 1. The Sign Ordinance should be revised to allow retail and restaurant establishments by-right to use one sidewalk sign, which would not be part of their total signage calculation, provided that the sign is no larger than 7 square feet per side; the sign is located on a frontage that has adequate sidewalk clear-width; and the sign is placed so that it does not diminish or encroach into the pre-existing pedestrian clear zone. For example, signs should be required to be placed in the tree pits, inside outdoor café enclosures, or within building shy zones rather than in the space provided for pedestrians. 2. The County Board should establish a policy whereby enforcement of sidewalk signs should not be based solely on complaints. 	<ol style="list-style-type: none"> 1. The proposed amendment allows up to 7 sf per side and requires a sidewalk with a minimum of 6-ft clear width and that the required clear walkway be maintained; the proposed amendment includes provisions to require that sign be placed either within the landscape and utility zone or within 2 feet of the building face 2. Zoning enforcement currently occurs on both a complaint-based and proactive basis. Zoning inspectors visit their assigned areas on a regular basis and address issues that arise. 	<p>Civic Federation</p>
<p>Umbrellas</p>		
<p>Allow logos/letters on awnings umbrellas in addition to permitted sign area – or do not count as sign area at all</p> <ul style="list-style-type: none"> • Important for branding • Important to identify outdoor seating as belonging to a particular business 	<p>Staff concurs, and has revised the proposal to permit up to a total of 4 sf of sign area on umbrellas within permitted outdoor cafes</p>	<p>April Public Forum participants</p>
<p>4" is too small for text on umbrellas. Some area limitation is reasonable, but should be by total areas, not letter height. One goal of the sign ordinance is to avoid clutter – if umbrellas signs are not regulated, they will become a free for all; branded umbrellas look better</p>		<p>EDC/RTF member</p>
<p>4" letters are too small</p>		<p>Multiple comments</p>
<ul style="list-style-type: none"> - No objections to umbrella sign changes; logos and lettering should be permitted - If there is a product name (ex: Guinness) vs. a business name on an umbrella does it count against sign area? What about for "off-site" goods? Or limiting to two messages only? - Would a name visible from only one side of an umbrella count? - Should be limited to restaurant uses - Include height clearance for umbrellas - Are rules consistent w/industry standard? 	<ul style="list-style-type: none"> - The proposal allows up to 4 sf of commercial messages (related to the dining facility or products served there) on each umbrella regardless of placement of such messages on the umbrella. - The proposal would allow such commercial messages only on umbrellas within permitted outdoor cafes. However, the sign regulations do not regulate other aspects of outdoor cafés. 	<p>September Public Forum participants</p>

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<p>Consider moving the proposed language to another section of the ordinance, such as the section with regulations for signs without permits</p>	<p>The proposed text has been moved as suggested, and would allow up to 4 sf of commercial or noncommercial messages per umbrella</p>	<p>ZOCO Meeting participant</p>
<p>I also think umbrella advertising ads to visual pollution however at least those don't block sidewalks and hide pedestrians.</p>	<p>Staff supports a limited amount of commercial messages on umbrellas in order to allow cafes to establish identity and contribute to activation of the street while minimizing distractions</p>	<p>Website comment</p>
<p>Multiple viewpoints expressed:</p> <ul style="list-style-type: none"> • 4 sq feet is too restrictive for umbrellas; should be up to 25% of the area of the umbrella as a sign; • If one business is allowed umbrellas and another is not and if the umbrella signs are too big it could put one business at a competitive advantage 		<p>Citizen Focus Group participants</p>
<p>Way Finding Parking Signs</p>		
<p>Participants commented that they did not like the standard design of the existing way finding sign, but did not object to the proposed amendment that would allow the sign to be placed.</p>	<p>The way finding standards are not codified in the Zoning Ordinance. Should the way finding standard change in the future, the proposed amendment would not preclude use of revised designs consistent with County way finding standards</p>	<p>ZOCO Meeting participant</p>

Sign Ordinance Resolution

(Passed by Arlington County Civic Federation on November 1, 2011)

WHEREAS the County sign ordinance is undergoing review and revision, in two phases, with the first phase involving limited amendments to liberalize parking signage, umbrella and awning markings, and signs placed in the sidewalk, and the second phase will involve a comprehensive re-write of the entire sign ordinance; and

WHEREAS on May 3, 2011 the Civic Federation considered and offered input about aspects of the sign ordinance, and plans to provide additional input at a later date; and

WHEREAS with respect to sidewalk signs —

- The Federation has previously supported sidewalk signs only with important restrictions;
- The current proposed ordinance change could allow sidewalk signs to dramatically interfere with pedestrian use, including the elderly, vision impaired, and disabled; and
- By their nature and times of highest use, impermanent moveable sidewalk signs are inappropriate for enforcement through a complaint-based system because violations, once cured, are easy to immediately repeat; and
- The proposed comprehensive revision could add an excessive amount of clutter to the County's streets and sidewalks and could unduly distract pedestrians and operators of motorized and non-motorized vehicles; and

WHEREAS with respect to the comprehensive re-write of the sign ordinance —

- The comprehensive revision currently proposed by County staff is based on a premise that Arlington should eliminate discretionary County Board review on any future individual sign installation or application, a core approach that has been opposed by many stakeholders;
- The justification for elimination of discretionary review has never been explained in writing, and has been accompanied by a legal theory, posited by outside consultants, that also would seem to apply to Arlington's other discretionary review processes such as the site plan process and special exception use permits; and
- There currently is no announced forum for the public to fully understand, debate, or explore alternatives to the legal theory posited by the consultant.

BE IT RESOLVED THAT:

We support sidewalk signs, with conditions.

1. The Sign Ordinance should be revised to allow retail and restaurant establishments by-right to use one sidewalk sign, which would not be part of their total signage calculation, provided that the sign is no larger than 7 square feet per side; the sign is located on a frontage that has adequate sidewalk clear-width; and the sign is placed so that it does not diminish or encroach into the pre-existing pedestrian clear zone. For example, signs should be required to be placed in the tree pits, inside outdoor café enclosures, or within building shy zones rather than in the space provided for pedestrians.
2. The County Board should establish a policy whereby enforcement of sidewalk signs should not be based solely on complaints.

We strongly oppose an entirely-by-right approach to sign regulation.

3. The Civic Federation questions any assertion that a discretionary sign approval process is not legal, or inevitably unconstitutional. The Civic Federation believes that any revision of the sign ordinance should retain the County Board's ability to approve some signage through a discretionary permitting process that enables citizen input.

We would like an improved public discussion process for development of the comprehensive revisions to the sign ordinance, consistent with the “Arlington Way” of citizen-driven deliberation.

4. In the coming months, individual citizens should be given sufficient opportunities and time to ask questions and receive answers in public; stakeholders and their representatives should be given forums to have informed discussions with each other so they can reach compromise recommendations for the County Board; and an informed public discussion about the legal risks and community benefits of various sign approval process formats should be convened early in the ordinance review process.