

Rachel M. Drescher

From: Andrea L. Dono
Sent: Thursday, January 31, 2019 4:52 PM
To: Rachel M. Drescher
Subject: Re: Sign Ordinance

Hi Rachel,

Thank you again for including me in conversation about the sign ordinance update. I appreciate your sharing more information with me and spending time answering my previous questions.

I am well-versed in this topic, and researching what other downtown's didn't help. But if you don't mind, I just wanted to share my remaining concerns.

While we don't want too many signs cluttering downtown's landscape, we do want to make sure that businesses have sufficient signage to attract customers - especially those in tough locations. I think the Friendly Fermenter as a basement tenant in a tough location could experience a hardship attracting customers with a sign other than what they currently have on the fence. I am also a bit concerned that retailers and restaurants in buildings with 3+ tenants won't get sufficient signage to attract customers, either. Professional offices may not need as prominent signs, but businesses like Jenzabar, Rosetta Stone, and Lenhart Pettit value having their downtown presence known. Luckily those two tech companies are single occupants, but if Lenhart didn't have the side of the building available to them where their sign is now, I imagine they would have a smaller sign facing Main Street...and Walkabout's signage would be impacted, too. I wonder if this would suffice?

When I think of the Ice House - Hugo Kohl has a rather large sign facing Liberty Street and Pale Fire has a large sign that looks like a modern-day ghost sign painted on its storefront. Although large, both are quite tasteful and necessary given their set back from Liberty and location off Main Street. If Boboko and Rocktown Kitchen...and even Black Sheep Coffee wanted to put equally large signs up on the building it probably wouldn't look good...but what is there now adds to the urbanity and visual interest of downtown. Maybe this is a problem for the building owner to solve with its tenants and the market will present solutions. But I am still not sure if those aforementioned signs would be allowed under the new ordinance.

Lastly, Blue Ridge Dog has two portable sandwich board-style signs that they use that are not located directly in front of their storefront. They are in a spot where customers aren't expecting retail so they put one across the street from their entrance and another one on the corner of Water and Liberty. It sounds like this would not be allowed in the future. I wonder if sandwich board signs could be included for consideration in the comprehensive sign plan?

I realize I am not offering solutions and wish I could but I appreciate your willingness to hear my feedback.

Have a good evening,
Andrea

Rachel M. Drescher

From: Andrea L. Dono
Sent: Wednesday, January 23, 2019 5:46 PM
To: Rachel M. Drescher
Subject: Re: Sign Ordinance

Thank you, Rachel. This is really helpful and I appreciate your patience and the time you took to respond. Ordinances are not my strength and even though I read this a few times, clearly I missed a few things like the historic signs.

I can help educate property owners about removing or blanking out their signs after a business vacates a space.

Please let me know what your colleagues say about the banners and day-of event signage. Events are so much work to plan and run...any leeway here will be greatly appreciated!

Since you mentioned rewording 10-3-211(2)a, I re-read "b" about "flags not containing any commercial advertising". We are kicking around the idea of potentially buying flags that businesses who stay open until 8 pm could use since we want to encourage being open past 5 pm. If a flag was put outside of a storefront that said something generic like "Open late!" would that be considered commercial advertising?

From: Rachel M. Drescher
Sent: Wednesday, January 23, 2019 3:17:53 PM
To: Andrea L. Dono
Subject: RE: Sign Ordinance

Hi Andrea,

I really appreciate you coming out last Thursday. I have included answers to your questions below (which were all excellent questions), but I would be happy to meet or speak over the phone as well. Keep the questions and suggestions coming!

Rachel

From: Andrea L. Dono
Sent: Friday, January 18, 2019 11:24 AM
To: Rachel M. Drescher <Rachel.Drescher@harrisonburgva.gov>
Subject: Sign Ordinance

Hi Rachel,

Thank you so much for holding the meeting yesterday about the proposed changes. I had a few questions that I was hoping to talk with you about next week. I thought I would include them here but we can chat about them over the phone. I am at a conference in St Paul for most of next week but if we set up a time to talk, I can step out.

1. How will "ghost signs" be treated? The often faded historic signs painted on buildings are part of our heritage and character. They are left over from defunct businesses so it makes me think that they are going to be in violation of S 10-3-220. Section 10-3-211(2)(g) states *Signs recognized as a significant facet of a historical structure included in or eligible for inclusion on a register of historic places*. This section is for sign permits not required and shall not count against the allotment for the use of the parcel. Essentially, these signs are not regulated by the sign ordinance.

2. Also related to this section – there are a number of closed businesses downtown that still have signs up. George’s, for example, on Market Street, has been closed and is now...I guess storage on the lower level. Would that be in violation and would the owner be forced to remove it? Court Square Coffee on Court Square – the building owners want the new tenant to run that businesses but they haven’t found a new owner for the business. Would they be fined?
Right. So this section is not new. The City’s current ordinance does not allow signage to be displayed for businesses that are no longer operating. Also, reminder that a warning notice is sent before any fines are issued. After receiving the notice, they have 30 days to remove the sign before being fined.
3. The Build our Park sign in the grassy area behind city hall next to the Turner Pavilion. Will that be allowed? I am not sure where it fits in with the ordinance.
That sign received a permit from our office in October 2016. This sign had to go to City Council for approval. In the new ordinance there is language to allow this sign without a permit. Section 10-3-211(2)(h) states *On any property occupied by a civic or nonprofit use, one nonilluminated sign with a maximum total area of thirty-two (32) square feet and maximum height of eight (8) feet.*
4. Banners downtown attached to street lights – it looks like S11-7-11 was removed. Now that the city finished the branding initiative, HDR wanted to redesign the banners this year and remove the tattered ones that were hung years ago. I think we worked with Community Development before on this and either the city or HEC helped hang them. Old files show that the city did not want to allocate resources to hang different banners throughout the year and preferred to work with HDR to be the partner that gets year-round banners posted. These are expensive and the material I am looking at is durable enough to look good for at least 5 years. I wanted to learn more about what I need to know related to the banners since this is on my 2019 work plan.
From talking with others who have been here longer than I, Section 11-7-11 has not been used since its adoption in 2004. The banners placed downtown were permitted under the current ordinance per Section 11-7-3(3)(f) which refers to 11-7-3(5)(c). As far as the new ordinance, I want to bring this up with the rest of planning staff. I am playing with the idea of rewording Section 10-3-211(2)(a) to state *signs erected by a government entity instead of signs required by law.*
5. Portable signs are allowed in the downtown – but I don’t know that there is guidance for where they can go. For example, the farmers market puts a portable sign at Liberty and Bruce when they are open and that is not near the Turner Pavilion. Will that still be allowed?
We need to put clarification on where they can go. In the current sign ordinance they are only permitted directly in front of the business advertised and only during the hours of operation (Section 11-7-6(8)). We will include similar language to the new ordinance. I am thinking this will go as a footnote to the chart. As far as the farmers market signs, I want to talk to staff about this as well. This seems to be on the same lines as the light pole banners. I also received a concern that the term ‘portable’ is confusing (it was believed this was in relation to signs people hold), so we may change the name to sidewalk signs or something similar.
6. If we have an event downtown – whether it is at Turner Pavilion like Valley Fourth or throughout downtown like Skeleton Fest – are there regulations that we need to follow for event signage (usually sandwich boards, but they could be some other kind of sign that will only be used during the event)?
This is a good question, and another one which I want to run by staff.
7. Are there any downtown locations that you know of right now that might be in violation of the new ordinance?
Not off the top of my head. The allowance for organizations and businesses downtown will not change, so if they received a sign permit, they are not in violation.

Thank you,
Andrea

Andrea L. Dono | Executive Director
Harrisonburg Downtown Renaissance
 540.432.8934 | andrea.dono@harrisonburgva.gov

Rachel M. Drescher

From: G. P. Lynne <lensky@fastmail.com>
Sent: Friday, January 18, 2019 1:42 PM
To: Rachel M. Drescher
Subject: Sign Ordinance revisions: Portable signs

Greetings,

I scanned the revised signage ordinance and noted the varying conditions relating to City zoning districts.

Is there an online zoning map I can consult to get a sense of how the City is districted?

My concern seems to be how the City addresses 'portable signs'.

It seems the City is attempting to de facto regulate areas of public displays of portable signs (ie. during protests?) *by limiting their use to only B-1, B-1A districts/* with severe restrictions in R-5 and MX-U districts?

Is it really the City's intent to create civil penalties for public expression using portable signs? If not, the wording/terms relating to 'portable signs' needs to be made more 'user-friendly' than currently written.

Thanks,

Gregory Lynne

--
G. P. Lynne
lensky@fastmail.com

Rachel M. Drescher

From: Marcie Smith <elkrunstablesva@gmail.com>
Sent: Saturday, January 19, 2019 3:07 PM
To: Rachel M. Drescher
Subject: Sign ordinance

I find it distressing that the sign ordinance is 11 pages long. Honestly I can't figure out what is allowed, which is why I don't even have a sign. I think it is sad that a college educated business owner can't understand your sign ordinance. The language is really difficult - can't you make it simple?

-Marcella Smith, 220 Waterman Drive

Sent from my iPhone



January 25, 2019

Rachel Drescher
Department of Planning and Community Development
City of Harrisonburg
409 S. Main Street
Harrisonburg, VA 22801

RE: Proposed Sign Ordinance

Dear Rachel,

As I mentioned last week, we had several local business owners and representatives express some concern with a new sign ordinance. Sitting through the panel discussion, I believe that most of those comments and specific concerns were expressed, and City staff answered questions and considered the individual points very well.

Signage is, of course, very important to most businesses, identifying their office or store front location and serving as a marketing tool as well. Having some control over signs is important to local governments and the community at large, providing safety (structurally, line-of-sight, etc.), creating clear guidelines for everyone to follow, establishing some boundaries (as permitted by law), and providing the community with some aesthetic control and value in conjunction with land use.

I wanted to offer some points that I heard both before the meeting and during the discussion.

- One of the biggest changes we understand was for regulations changing from a two tenant to three tenant buildings. Can the rationale for this be part of the discussion? It appears on the surface that this has the impact of reducing the signage allowed, or at least the flexibility, compared to the current ordinance. If I heard correctly, the two tenants will collectively follow a single tenant allotment with regards to square footage, etc., which actually penalizes the landlord and tenants.
- The above point notwithstanding, the delineation of two tenant buildings or three tenant buildings and available options for signs made sense as verbally described, but is there a way to add language to make it clearer without having staff interpret for each user who wants to erect a sign?
- I think it was Chris Runion who pointed out some public policy considerations may be looked at for having two single or one two-tenant building on a property, particularly commercial, if they are national chains with strict signage requirements. This could create an unintended issue of having two buildings on a site when one building would be more advantageous from construction, utility, sidewalk and parking (and impervious surface) and aesthetic points of view. This may only apply to so few cases that it is not a concern, but it is worth discussing with developers.

- Additional concerns were expressed with condo ownership buildings and with recipients of citations for Owner-tenant buildings and for multi-tenant buildings.
- The guidelines on temporary signs for new businesses, including grand opening flags, banners, etc., does not seem unreasonable.
- Definition of an “electronic message center” needs to be added. And neon signs as well.
- There was a concern raised to me earlier this month on the use and restriction of “wall signs” in multi-tenant, multi-story buildings, particularly in downtown. There should be some flexibility or maybe separate approval/exception for redevelopments or new in-fill buildings in the downtown core. (I realize that “special regulations for downtown are” was removed from the existing ordinance, but that appears to be a “content based” move.)
- And several questions were raised on the approval process going from Building to Planning and shifting Comprehensive Sign Plans to the staff level, but I think the explanation makes sense to me personally (but my degree is in urban and regional planning, so I may still have that bias). There may still be some specific questions from those more engaged with the sign process on a regular basis and I will defer to their experience and expertise.
- The “Signs allowed within zoning districts” section is a nice benefit for those businesses who need a quick reference without having someone interpret the full ordinance.
- And obviously the grandfather clause for existing signage is very important for our businesses. Does that carry over to the structure and its current sign allowance? Current two tenant structures with nonconforming signs should have grandfather protection despite a future change in use. Otherwise these properties will be deprived of a sign use that was acceptable at the time of development.

As you know, the Chamber strives to add meaningful comments, observations and points to be considered in the spirit of cooperation, while protecting our business members’ interests. I appreciate the opportunity to offer these comments and will continue to encourage our members to be more engaged in the process as well if they have any concerns or specific issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank M. Tamberrino", with a long horizontal flourish extending to the right.

Frank M. Tamberrino

CLARK & BRADSHAW, P.C.

ATTORNEYS AT LAW
92 NORTH LIBERTY STREET
P.O. BOX 71

HARRISONBURG, VIRGINIA 22803-0071

TELEPHONE (540) 433-2601

FACSIMILE (540) 437-0625

WRITER'S EMAIL: QCALLAHAN@CLARK-BRADSHAW.COM

M. STEVEN WEAVER
OF COUNSEL

ELLEN H. BRODERSEN, C.P.A.
AMY L. RUSH, C.P.A.
(NOT ATTORNEYS)

MARK B. CALLAHAN
TODD C. RHEA
MATTHEW C. SUNDERLIN
BRADLEY J. MOYERS
DAVID C. NAHM
QUINTON B. CALLAHAN
KAREN L. ROWELL

January 31, 2019

Attn: Department of Planning and Community Development
City of Harrisonburg
409 S. Main Street
Harrisonburg, VA 22801

Re: Proposed Changes to the Sign Ordinance

Dear Adam, Thanh, Alison, Rachel, and Frank:

We write regarding the proposed changes to the sign ordinance. As a firm that represents many local businesses, landowners and tenants, we feel it is important to share our comments and concerns concerning the proposed changes.

We appreciated the opportunity to participate in the panel discussion on January 17. It helped answer some questions we have concerning how the proposed changes will be interpreted and applied by staff, but it also brought up many more questions and areas of uncertainty that need to be clarified before these changes can move forward.

Defining multiple tenant buildings as having three or more tenant establishments as opposed to two or more tenant establishments as in the current ordinances will have a major impact on targeted local businesses and property owners and significantly restrict their signage allowance. This definitional change will negatively impact sign visibility for vehicular traffic, reducing the economic value of two tenant structures. We strongly encourage you to keep the current definition of multiple tenant buildings as those with "two or more tenant establishments."

Based on the answers given at the panel discussion, changing the definition of a multiple tenant building was not based on complaints, but perceived monopolization of one tenant over another. This change appears to be a solution looking for a problem, and the significant and material detrimental impact to two tenant structures would far outweigh any perceived value to moving the multiple tenant "line" from two to three. The proposed change is ill considered and unfair to existing two tenant structure owners. Multiple tenant buildings should be treated differently than single tenant buildings, but changing the definition from two tenants to three tenants is contrary to the plain definition of "multi" and is arbitrary and unnecessary. The multiple tenant building definitional change is our biggest concern with the proposed sign ordinance changes.

Moving the sign ordinance from the Building Code Regulations to the Zoning Ordinances makes sense, but only if there is no limitation to use of the variance and special use

ordinances. While we understand such applications would be difficult to approve, the ability to apply should not be preempted.

There should be no restriction on directional signs installed for the explicit purpose of public safety as opposed to advertising. This can be accomplished by including a provision similar to the current Ord. Section 11-7-6 (7). The City's concern is that this will be interpreted as a content-based law. Content-based laws target speech based on its communicative content; they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. In this case, the direction sign provisions can be narrowly tailored to serve the compelling state interest of directing traffic. If properly tailored, directional sign provisions should withstand strict scrutiny.

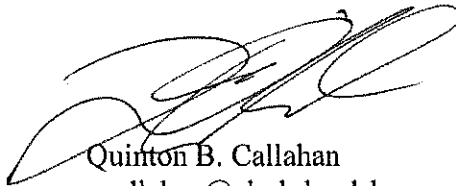
Finally, there is some potential for confusion in the use of the terms "multiple tenant building" as defined in 10-3-209 and utilized in the special regulations sections under 10-3-216 and the operation of parcels with "multiple uses" under 10-3-214. Is the term "use" in this section synonymous with "tenant" or something different? Are two different tenants renting space on a multiple tenant property, but who conduct the same "use" on the property, different uses for 214 treatment? Perhaps our confusion is unfounded, but the appearance of inconsistency between the terms "tenant" and "use" in multiple tenant properties raises questions and potential confusion when parsing the language of the ordinance.

Thank you for the opportunity to present these comments and for your analysis and consideration. We look forward to reviewing the revised proposed changes to the sign ordinances after you've had the time to review and analyze the public comments.

Sincerely,



Todd C. Rhea
trhea@clark-bradshaw.com



Quinton B. Callahan
qcallahan@clark-bradshaw.com

City of Harrisonburg Sign Ordinance Feedback

Reassignment of the Sign Ordinance to the Zoning Code

- We support this change to the zoning code with the understanding that all aspects of the sign code will be inclusive.

Comprehensive Sign Plans are now approved by staff and not city council. (250)

- The process seems to be functional and we are supportive as presented.
Q: If there is a disagreement of the interpretation of the ordinance, is there an appeal process?

Multi-Tenant is now defined as 3 or more tenants, opposed to 2. (67/223)

- Definition of multi is more than one. Multi use is more than one use.
- Changing the ordinance will create a hardship for tenants who currently fall into the current category multi-tenant / multi-use, as well as attract new businesses to existing location under this category.
- We recommend to leave multi-tenant and multi- use to be two or more uses or two or more tenants.
- We understand the city subscribes to the concept of improving density. This policy change would negatively impact the city's density goals. Please do not create disincentives for developers and our business community to create density for our community.

Neon Signs are not in the list of illuminated signs. They are a stand-alone category. (59/73)

- Recommendation: Include neon signs in your list of illuminated signs, not its standalone category. Or include neon signs in your narrative where illuminated signs are listed, careful not to exclude neon signs in your allowed signs.

Basement tenants: Signs for use on basement floors shall be combined on one flat wall or projecting sign that does not exceed six (6) square feet in face area at each primary entrance. (226)

- Recommendation: Leave the current allowance as is, and include the original intent of this ordinance to read "an additional directional sign".
- Edit line 227 to read: End units and basement shall be permitted one square foot of wall signage for every one linear foot of front and side exterior walls occupied by that use, regardless of grade.
- This modification would promote the public policy of improving density for our community.
- Providing developers' additional options for tenant spaces, realtors fair and reasonable signage allowances to attract businesses into the city, as well as the businesses themselves a fair advantage at advertising their spaces and directing deliveries to their businesses.

Electronic Message Center

- Recommendation: Follow industry recommended definition of an Electronic Message Center:
 - An electronic message center (EMC) is a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

Exit Sign/Entry Sign

- Recommendations:
 - Define as traffic control devices.
 - Follow state regulations which prohibits advertising on traffic control devices.
 - Allowed two per entrance / exit to manage traffic effectively.
 - Recommendation of 4 square feet
 - Recommendation of 8' overall height

Awning, canopy, and marquee limited to uses on 1st Floor

- Recommendation: Give more latitude to the placement of the awnings, canopys, or marquees based on the individual circumstances (building configuration, topography and existing built environment) of buildings.

Special Regulations

- Recommendation: An owner, an agent, and/or a tenant can apply for a permit.

Comprehensive Sign Plan

- How is a comprehensive sign plans administered?
- Recommendation: Provide more information on the form and function or a comprehensive sign plan.

Additional Item

- Current ordinance for Business zoned properties allows one free standing sign per street front; additional freestanding signs require a 30-foot set back. Recommendation: agree to reduce the additional freestanding sign area and height by 2/3 of the amount allowed by right, in lieu of waiver of setback requirement for additional signs. Each free-standing sign would be required to be placed adjacent to the street frontage used to allow the sign (i.e. only 1 free standing sign per frontage). Change allows for property owner to more effectively use their parcels and reduces the size of the additional signs.



Attention: Department of Planning and Community Development
City of Harrisonburg
409 S. Main Street
Harrisonburg, VA 22801

Re: Proposed Changes to the Sign Ordinance

To whom it may concern,

I write this letter to you to give some input on changes being considered as a local business owner, real estate agent, property manager, and representative of many investment property owners in the City of Harrisonburg. I believe that some of the proposed changes will have affect on myself, my business, and my clients, and I hope you will review these concerns as a part of your upcoming decision-making process.

First of all, the proposal to limit designation as a multiple tenant building to those buildings with 3 or more units seems like a very arbitrary change, contrary to common sense understanding of what the word MULTIPLE describes. A two-unit building obviously houses more than one tenant. We would ask for the committee to reconsider this proposed change.

PROPOSED CHANGE:

67 Multiple tenant building: A commercial development with three or more tenant establishments on a single 68 parcel of common ownership attached by common walls or, if located in separate buildings, are interconnected by 69 walkways and/or access ways on one or more commonly owned or managed properties, providing common parking 70 facilities for all establishments, having multiple tenancy of a single or several common structures, and otherwise 71 presenting the appearance of one continuous commercial area.

The second item is current signage usage at one location we manage that we feel is unduly burdensome. There are two buildings on Port Republic Road. The two buildings we refer to as Westport Village. They both face perpendicular to Port Republic Road, allowing a very small sign that is visible representing two multi-tenant buildings. Because of this, we routinely speak with prospective tenants who simply do not understand that the building is there, or is not a part of one of the neighboring communities.

We believe that some relief should be given in instances such as this, where the primary use of the building cannot be represented adequately, causing financial distress. Also, any temporary sign that is put on Port Republic Road is routinely taken or vandalized, and a larger sign on the side of the building facing Port Republic Road would protect the owner's investment in the most reasonable manner. As of right now, there is no temporary sign because, again, it was vandalized. I encourage you to drive by so that you may understand this concern fully. I include a picture as well for your review.



CURRENT ORDINANCE:

295 (d) R-1, R-2, R-3, R-4, U-R, MH-1, MH-2, R-6, and R-7 Districts.

296 1. Permitted applicant. Colleges, universities, hospitals, public schools, and private schools having a
297 function substantially the same as public schools.

298 2. Freestanding signage. The right of individual establishments and buildings to have individual
299 freestanding signs shall be waived. The total square footage of the combined signage shall be
300 limited to not more than one-half (0.5) square feet for every linear foot of site frontage parallel
301 to the principal street, provided no single freestanding sign exceeds an area of two hundred
302 (200) square feet, or a maximum height of eight (8) feet above grade.

303 3. Wall signage. For requests for wall signage located on walls not occupied by the use, signage may
304 not exceed the amount as otherwise permitted. Additionally, the property owner may allot
305 signage to each tenant, provided that the total allotted signage does not exceed the total signage
306 for the building as a whole.

Thank you in advance for your time and review. I would be happy to discuss further or clarify these two concerns
anytime that is suitable for you. I appreciate the undertaking that any ordinance change entails, and simply want to be a
part of the process as a business owner in a service-oriented profession.

Warmest Regards,

Paul Riner, Owner and Principal Broker
Riner Rentals