

Docket Item #17
TEXT AMENDMENT #2003-0004

Planning Commission Meeting
March 2, 2004

CASE: TEXT AMENDMENT #2003-0004
POLITICAL SIGNS

ISSUE: Consideration of an amendment to Article IX of the Zoning Ordinance to amend the regulations for political signs.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission consider whether to recommend approval or denial of the following text amendment:

ARTICLE IX: SIGNS, MARQUEES AND AWNINGS

Sec. 9-108 Political signs. Political signs are permitted in the following locations, and for the following periods of time, subject to the following limitations.

(A) Private Property. Political signs may be posted on private property, with the permission of the property owner or lawful occupant of the premises.

(B) Public Medians. Political signs may be posted within that portion of the public right-of-way that constitutes the grass portion of a street median subject to the following rules for median signs:

1. A map showing the specific median areas where signs are permitted is available in the Department of Planning and Zoning.
2. The number of signs permitted is two signs per candidate per median island or linear median dimension of 200 feet, whichever is less.
3. Any political sign erected or displayed on a public right-of-way shall be free standing, shall have no part extending more than 42 inches above ground level, and shall be supported by no more than two supports, each support having dimensions of no more than one inch by two inches.
4. No political sign may be placed within the public right-of-way of Washington Street or the George Washington Memorial Parkway.
5. No sign may be placed within 15 feet of any point at which the curb or curb line of any two intersecting streets meet, within 50 feet of the end of any street median on a four lane street or within 15 feet of the end of any other street median, or within any traffic channelization island.
6. Prior to the display of any political signs in median areas, a cash bond in the amount of \$100.00 shall be deposited with the city manager. The bond will be refunded unless there has been a violation of this provision, in which case the city is authorized to retain the bond funds to defray the cost of enforcing these provisions.

(C) Time for Signs. No political sign may be erected or displayed more than 60 days prior to the nomination or election to which it pertains. Signs, including sign posts or stakes, must be removed within 15 days after the announced

results of the nomination or primary or general election to which the sign pertains. Successful candidates in nominations or primary elections may continue to display their signs during the interval between the nomination or primary and the general election without posting any additional bond, except where the interval exceeds 60 days.

~~Sec. 9-201(A)(10) — Political signs, only on private property, or within that portion of the public right-of-way adjacent to a street, road, highway, alley or sidewalk the surface of which is grass; provided, however, that no political sign may be placed (i) within the public right-of-way of Washington Street or the George Washington Memorial Parkway, (ii) within 15 feet of any point at which the curb or curb line of any two intersecting streets meet, (iii) within 15 feet of the end of any street median, or (iv) within any traffic channelization island. Any political sign erected or displayed on a public right-of-way shall be free standing, shall have no part extending more than 42 inches above ground level, and shall be supported by no more than two supports, each support having dimensions of no more than one inch by two inches. No political sign may be erected or displayed on private property without the permission of the property owner or the lawful occupant of the property. Prior to the erection or display of any political signs, except those on private lots, a cash bond in the amount of \$100.00 shall be deposited with the city manager, which bond shall be conditioned upon removal of all signs within 15 days after the announced results of the nomination or primary or general election to which the signs pertain. If the signs are not removed within this time, the bond shall be forfeited to the city, and the proceeds may be used by the city to defray the cost of removing the signs. No political sign may be erected or displayed more than 90 days prior to the nomination or election to which it pertains. Successful candidates in nominations or primary elections may continue to display their signs during the interval between the nomination or primary and the general election without posting any additional bond, except where the interval exceeds 90 days.~~

DISCUSSION

City Council discussed the issue of political signs at a series of meetings last year following the May elections and asked staff to bring forward a series of specific changes to the longstanding rules on political signs for consideration by the Commission. The text amendment was initiated by the Planning Commission on October 7, 2003, consistent with City Council's direction, and makes changes regarding the location, the duration and the bond requirement for posting political signs.

Current Political Sign Rules for Elections

Under the current ordinance, political signs may be displayed on private property in any zone, without limitation as to time, if authorized by the owner of the property. In addition, political signs are permitted on public rights-of-way, subject to the following limitations:

- signs are only permitted in the grass surfaced portions of the public rights-of-way (this excludes signs forced into concrete breaks or in flower beds);
- each sign must be freestanding and may be no taller than 42 inches;
- each sign may be supported by no more than two small posts;
- no signs are permitted on the George Washington Memorial Parkway (which includes all of Washington Street);
- no signs are permitted within 15 feet of an intersection;
- no signs are permitted within 15 feet of the end of a median strip;
- no signs are permitted on a traffic channelization island;
- signs may only be displayed beginning 90 days prior to an election;
- all signs must be removed by the 15th day following an election, unless there is a runoff; and
- a bond of \$100 dollars must be deposited to secure compliance with the fifteen day removal rule.

Proposed Changes to Rules for Political Signs

Council asked staff to consider several potential specific changes, including:

1. Limit the time during which signs are allowed prior to an election to 60 days. The current rule allows signs to stay in the right-of-way for 90 days prior to an election. The proposed text amendment changes the rule, limiting the period to 60 days.

2. Restrict candidates signs to medians only and designate specific medians where signage is permitted. Council discussed prohibiting signs on the sides of roads and at intersections as one means of limiting signs. Council proposed to continue to allow signs in median areas but asked staff to determine how to best advise candidates where signs were permitted. Staff has identified grass medians in the City where political signage is feasible and has been able to display those areas on the attached map, which will be made available. Some median areas are omitted from the map because they are not sufficiently large to allow signs under the proposed rules.

3. Restrict the number of signs per candidate to two signs per median. The most significant change to the political sign rules in the text amendment, as suggested by Council, restricts allowable signs to two signs per candidate per median island or linear median dimension of 200 feet, whichever is less. The length of many familiar median islands, such as on Commonwealth Avenue, is 200 feet, the length of the end of a standard block end on the east part of the City.

4. Do not increase the amount of the bond, but expand its effect to include all of the political sign rules. The current bond requirement is \$100, and is paid at the time a candidate seeks a permit for signs. Under the current ordinance, the bond is forfeited only if signs are not removed within 15 days after an election. Staff has included language tying the forfeiture of the bond to compliance with all of the rules for political signs, not just the removal rules. Council heard testimony on the question of whether the amount of the bond should be increased, but stated a preference for the existing bond amount, especially given the budgets of new candidates and School Board candidates.

5. Change the removal rule to require the removal of the sign posts as well as the signs themselves. Most political signs are now small and erected on two thin metal posts that are inserted into the ground. When the signs are removed as required, the posts are often not removed, and remain in the ground. Council asked staff to include a requirement that candidates remove the sign posts as well as the sign, because the remaining posts, which are almost invisible, are dangerous to city workers attempting to remove them and to city mowing machinery.

6. Make the political sign rules easy to understand and state them positively. Staff has rewritten the rules for signs to make them easier to understand. In addition to the ordinance language proposed, staff will also draft a friendlier, less legalistic, version of the rules to disseminate to candidates, making them as simple and straightforward as possible. It will also make maps of the permitted medians available for candidates.

7. *Ensure traffic safety.* Transportation staff has suggested that the existing sign rules limiting signs for traffic safety be expanded to cover at least one specific traffic safety problem. The ordinance currently prohibits signs within 15 feet of an intersection, and within 15 feet of the end of a median. Signs within traffic channelization islands are also prohibited. Given the difficulty drivers experienced this past election season attempting to turn left from the Minnie Howard parking lot onto Braddock Road, staff proposes that on a four lane road no signs be permitted within 50 feet of the end of a median.

Staff has reviewed the proposed changes above and believes they will result in fewer signs in more discrete locations, thus enhancing the current system. Staff does, however, have some concerns about the expectations for enforcement of the political sign rules. As discussed at length in the attached prior docket items, staff does not propose to increase its enforcement resources in order to proactively find political sign violations. As enforcement relates to the new rules proposed here, staff notes that the two sign per median/200 feet rule adds more limitations to the existing rules, and there may be more violations in the future.

STAFF: Eileen P. Fogarty, Director, Planning and Zoning;
Barbara Ross, Deputy Director.

Attachments:

1. May 8, 2003 memo to Council (5/17/03 #6), with TA 98-0006 attached.
2. June 17, 2003 memo to Council (6/24/03 #21)
3. Political Signs Placement Map