

Docket Item #18
TEXT AMENDMENT #2004-0004

Planning Commission Meeting
May 4, 2004

CASE: TEXT AMENDMENT #2004-0004
POLITICAL SIGNS

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

PLANNING COMMISSION ACTION, MARCH 2, 2004: On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to defer consideration of the text amendment and refer the issue back to staff to delete items 1, 2, and 3. The motion carried on a vote of 6 to 1, with Mr. Jennings voting against.

Reason: A majority of the Commission was not in favor of (1) limiting the time for political signs from 90 to 60 days; (2) restricting signs to medians only; or (3) restricting the number of signs to two per candidate per median. Some of the members questioned the need for any change to the current rules and advocated additional advertising of the issue when the issue returns to the Commission. The dissenting member objected to any restriction to exposure for candidates.

Speakers:

Lillian White, League of Women Voters, spoke in favor of increasing the bond and expanding its scope, but against the 60 day limit or the two sign per candidate limit. She also noted the importance of educating candidates about the rules for signs generally.

Michael Hobbs spoke in strong opposition to any change to the political sign rules.

Pat Butler, Alexandria Democratic Committee, supported the changes generally. He spoke in favor of a less restrictive change with regard to traffic safety and the distance from the end of medians in which signs could be placed, although he favored prohibiting signs at specific problem locations such as Route 1/Monroe Street, Quaker/Duke Street, and at Minnie Howard.

Julie Crenshaw spoke in favor of making the regulations easy to understand, but expressed concern for vandalism and tampering of signs, and suggested a potential fine for tampering.

Tom Parry objected to the process involved in changing the political sign regulations as not providing sufficient time for consideration by the public. He also expressed the view that the proposed changes protect incumbents.

Joan Lamb spoke in strong support of the First Amendment and political signs as an example of democracy. She objected to the proposed changes, except for the requirement to remove sign posts.

Sharon Annear opposed any changes to the regulations, finding the existing rules adequate and stating that free speech is more important than aesthetics.

Katy Cannady spoke against any limit to the number of signs or their location and in favor of political signs as an expression of free speech.

Poul Hertel spoke against any changes to the sign regulations, but acknowledged that he is not an American citizen.

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. Signs may be placed in the grass portion of the public right-of-way adjacent to a street, road, highway, alley or sidewalk.
2. No sign may be placed in any public garden or landscaped area.
3. No political sign may be placed within the public right-of-way of Washington Street or the George Washington Memorial Parkway.
4. 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.
5. 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. A map showing the specific median areas where signs are permitted is available in the Department of Planning and Zoning.
5. The number of signs permitted is two signs per candidate per median island or linear median dimension of 200 feet, whichever is less.
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 these provisions, 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 90 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 90 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.~~

Note: The highlighted sections show changes from the March 2, 2004 version of this staff report.

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 specific changes to the longstanding rules on political signs. The original text amendment was initiated by the Planning Commission on October 7, 2003, consistent with City Council's direction, and made changes regarding the location, the duration and the bond requirement for posting political signs.

At its public hearing on March 2, 2004, the Commission considered the proposed changes and asked staff to revise the text amendment, deleting the provisions (1) limiting the time for political signs from 90 to 60 days; (2) restricting signs to medians only; and (3) restricting the number of signs to two per candidate per median. This text amendment proposal responds to that direction.

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

Staff sets out below each of the changes that Council asked staff to consider, the reasoning for the changes and the Planning Commission's reaction to the proposal on March 2, 2004.

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. Council suggested that the City should consider limiting the time period to 60 days. The Commission asked staff to delete the change and to keep the time period for political signs at 90 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, and limiting permitted signs to median areas. Council also asked staff to determine how best to advise candidates where signs were permitted. Staff's prior language changes and mapping effort were reviewed by the Planning Commission, but the Commission objected to limiting the place for signs to such a great extent. Instead, the Commission asked staff to draft the text amendment allowing signs in the same locations as are now permitted, such as on the sides of roadways, as well as in median areas. With that change, now incorporated into the proposed text, staff has omitted the idea of having a map available for candidates, the land areas where signs can be erected being too numerous and too small to meaningfully display on a map.

3. Restrict the number of signs per candidate to two signs per median. The most significant change to the political sign rules in the original text amendment, as suggested by Council, restricted allowable signs to two signs per candidate per median island or linear median dimension of 200 feet, whichever is less. The Commission considered this innovative approach to the political signs rules, but asked staff to eliminate it as being too restrictive for candidates.

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.

The Commission agreed with this approach.

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.

The Commission endorsed this rule change.

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.

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: 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)