



ARLINGTON COUNTY, VIRGINIA

<p style="text-align: center;">County Board Agenda Item Meeting of July 9, 2005</p>
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DATE: June 30, 2005

SUBJECT: An Ordinance to amend Section 34., Subsections, A., B., E. and F. of the Arlington County Zoning Ordinance regarding political signs on private and public property in all zoning districts to amend regulations regarding commercial signs; non-commercial signs and political signs to lessen restrictions for signs on private property and for greater restriction for signs on public property relating to duration, location, and size in order to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

C. M. RECOMMENDATION:

Adopt the Zoning Ordinance amendment to Section 34., Subsections, A., B., E, and F. of the Arlington County Zoning Ordinance to amend regulations regarding commercial signs; non-commercial signs and political signs to lessen restrictions for signs on private property and for greater restriction for signs on public property relating to duration, location, and size in order to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

SUMMARY: The County has been contemplating Zoning Ordinance amendments regarding political signs since 2002 when a Political Sign Task Force (“Task Force”) began reviewing existing regulations. As the work of the Task Force proceeded, six primary objectives emerged, which guided the proposed changes to Zoning Ordinance language as it pertains to the placement of political signs on private and public property in Arlington County:

1. to provide clear guidance and clarification on how and when signs may be placed on public property;
2. to reduce regulation of signage on private property;
3. to improve enforceability of ordinance regulations;
4. to promote pedestrian safety and reduced visual obstructions;
5. to reduce the proliferation of signs in the public right-of-way;
6. to design a system that is simple and fair to administer and implement.

<p>County Manager: _____ County Attorney: _____</p>

Staff: Thomas H. Miller, CPHD, Planning Division

PLA-4079

The proposed Zoning Ordinance Amendment provides more opportunities for political expression on private property; significantly reduces the placement, the number, and the amount of time signs are located in the public right-of-way; provides easier to understand and enforceable regulations that reflect the community's interest and desire for traffic and pedestrian safety, and reduces the proliferation of illegal signs staked into the ground and affixed to traffic signs and utility poles that litter roadsides and intersections.

Therefore, it is recommended that the proposed Zoning Ordinance amendment be adopted.

DISCUSSION: The proposed Zoning Ordinance amendment would clarify and modify the treatment of temporary non-commercial political signs. It would also clarify the requirements in light of past Court rulings related to Arlington's sign ordinance.

Current Requirements: Political signs are regulated by Section 34. of the Arlington County Zoning Ordinance. Political signs are permitted on all private commercial and residential properties by several sections of the sign ordinance.

Political messages are noncommercial speech; therefore such messages are permitted wherever commercial message is permitted by Section 34.A.4. which states as follows: "*Wherever commercial speech is permitted on a sign under this section of the ordinance, noncommercial speech is also permitted.*" Therefore, political signs are permitted on private commercial property wherever commercial uses are permitted. Political messages are also permitted on all private property by Section 34.E.7. which allows real estate "for sale" signs.

Political signs are permitted on private residential property in all zoning districts by Section 34.F.5.a.-g. The number of signs per principal dwelling unit (Section 34.F.5.f.) is not enforced as a result of the Court's decision *Arlington County Republican Committee v. Arlington County, Virginia*, 983 F.2d 587 (4th Cir. 1993). The Fourth Circuit overturned the county ordinance that limited the number of temporary signs that could be posted by an owner on his property in residential districts. Although a permit is required by Section 34.F. for the placement of political signs on private property, this requirement has proven impractical to administer because of the number of such signs and the way in which they are posted.

On public property, political signs are allowed in the county-owned right-of-way at street intersections on weekends and holidays to the same extent that real estate directional signs are permitted. Real estate directional signs of up to 1½ square feet in the right-of-way at street intersections are permitted from sundown Friday to sundown Sunday and holidays year round. They are not permitted on utility poles, trees, traffic or other official signs, or on or adjacent to other public property (i.e., schools, recreation fields, parks, other public facilities, and median strips), at any time. Since a noncommercial message is permitted wherever a commercial message is permitted, political signs may be placed at intersections under these same restrictions. Based on this, the only place that real estate signs and political sign are allowed in the public right-of-way under existing Zoning Ordinance language is at intersections in the planting strip adjacent to streets.

Except as noted above, commercial and noncommercial signs, and therefore political signs, are not permitted on public property at any other times. Section 34.C.4. states: *Any sign on public land, other than those erected at the direction of a public authority, or by an official of the state or county pursuant to statute or ordinance, and otherwise authorized by the section...is prohibited.* Section 34.D.5. authorizes the removal of signs from public lands when signs are erected there contrary to these provisions. Staff generally removes signs that remain in the public right-of-way on Mondays, depending on staff availability and priorities.

Proposed Ordinance Amendment: The proposed Zoning Ordinance would permit unlighted temporary political signs, with no restriction on number, to be placed on private property. Temporary unlighted political signs would be permitted in windows and in multifamily buildings. The proposed amendment would eliminate the requirement for permits. The size of non-commercial and political signs is recommended to be slightly increased from a total sign area of four (4) square feet to a total area of four and one-half (4½) square feet. In addition, “issues of public interest” has been added to the definition of political sign. No changes are proposed for noncommercial or “for sale” signs on private property except that a permit will no longer be required. The size of noncommercial size would remain the same.

The proposed Zoning Ordinance Amendment would clarify where real estate directional signs can be placed within the public right-of-way, including allowing their placement on medians. No change is proposed to either the size or to the frequency real estate directional signs are allowed within the public right-of-way, where the need continues to be on weekends.

The proposed amendment would create a new provision for temporary political signs on public property, permitting them in medians. Currently such signs are allowed on public property but not in medians. In order that these signs not proliferate to the extent that they become a traffic hazard or create undue visual clutter, the provision would also require that signs be limited to a maximum of two (2) signs per candidate or issue per median strip segment. Signs would only be permitted in the medians at intersections, or curb cuts. Signs would not be permitted to be placed “Burma Shave” style the length of the median strip.

The provision would also place time constraints on the placement of signs in the public right-of-way, limiting political signs in the public right-of-way to 31 days before an election. The signs would be required to be removed within five (5) days after the election. The provision would increase the size of signs allowed on the public right of way and at designated polling places to four and one-half (4½) square feet. The height of signs would be restricted to three (3) feet to improve driver visibility and pedestrian safety. Political signs would also continued to be permitted in the public right-of-way similar to real estate directional signs from sundown Friday to sundown Sunday.

While the proposed Ordinance provides a more conducive consecutive time for signs to be placed in the public right-of-way before an election and increases citizen awareness of upcoming elections, it should be recognized that there are some concerns with any signs being placed in the public right-of-way.

Public Process: Copies of the proposed Zoning Ordinance Amendment were distributed to representatives of political parties and to the Northern Virginia Association of Realtors in May.

The Zoning Ordinance Committee of the Planning Commission reviewed this item at their June 16 meeting.

The Planning Commission heard this item at their recessed June 29 meeting. The Planning Commission voted 8-0-1 to recommend to the County Board that the proposed Zoning Ordinance be approved. The Planning Commission heard no public testimony. The Commission discussed the proposed changes noting that political signs would continue to be allowed to be placed in the public right-of-way similar to real estate directional signs in addition to the 31 consecutive days before an election. The notification of the proposed Zoning Ordinance Amendment to interested parties beyond the traditional political parties was also noted.

CONCLUSION: The Zoning Ordinance amendment in this report is proposed to amend, reenact and recodify Subsection 34. of the Arlington County Zoning Ordinance, to provide better direction for the placement of non-commercial signs, temporary political signs and commercial real estate signs on public and private property, to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice. It is, therefore, recommended that the proposed Zoning Ordinance amendment to Section 34. Nameplates, Signs, and Other Displays or Devices to Direct, Identify and Inform be approved.

AN ORDINANCE TO AMEND SECTION 34., SUBSECTIONS, A., B., E. AND F. OF ZONING ORDINANCE REGARDING POLITICAL SIGNS ON PRIVATE AND PUBLIC PROPERTY IN ALL ZONING DISTRICTS TO AMEND REGULATIONS REGARDING COMMERCIAL SIGNS; NON-COMMERCIAL SIGNS AND POLITICAL SIGNS: TO LESSEN RESTRICTIONS FOR SIGNS ON PRIVATE PROPERTY AND FOR GREATER RESTRICTION FOR SIGNS ON PUBLIC PROPERTY RELATING TO DURATION, LOCATION, AND SIZE IN ORDER TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; 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, to facilitate the creation of a convenient, attractive and harmonious community; to reduce and prevent congestion in the public streets; to protect against danger and congestion in travel and transportation; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice, Section 34. Nameplates, Signs, and Other Displays or Devices to Direct, Identify, and Inform, of the Zoning Ordinance, is amended, reenacted, and recodified as follows:

* * *

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

A. Administration

* * *

4. Wherever commercial speech is permitted on a sign under this section of the ordinance, noncommercial speech is also permitted.

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B. Definitions.

Political sign. A temporary sign relating to the election of one or more persons to public office, or a political party or a matter to be voted upon at an election called by a duly constituted public body, or an issue of public interest.

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E. Signs Permitted in All Districts Without Permits.

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

* * *

7. **The following signs may be displayed without a permit on private property in any district.**

a. One (1) **unlighted** noncommercial, or "for sale," "rent" or "lease", sign or a sign advertising construction companies, contractors, or others performing work or services on a site on a temporary basis, but not exceeding a total area of **four and one-half (4½) three (3)** square feet, ~~which may not be lighted.~~ **Two (2) riders, each with a total area not exceeding 75 square feet, may be attached to such signs.**

b. **Unlighted temporary political signs are permitted on private property in residential zoning districts. Unlighted temporary political signs may be placed in a window. In multiple-family buildings, unlighted temporary political signs may be placed in windows.**

* * *

9. Unlighted directional real estate "for rent" or "sale" signs, not exceeding one and one-half (1½) square feet in area, **are permitted on public property, as follows,** provided that such real estate directional signs are displayed only from sundown Friday to sundown on Sundays and on legal holidays. Not more than one (1) sign for each real estate agency shall be displayed in any one (1) street intersection **on that portion of the public right-of-way adjacent to a street, road, highway or sidewalk** but not on utility poles or trees, **landscaped beautification area, traffic circle, control device, sign, or any paved portion of a pedestrian refuge area,** nor on or adjacent to any other public lands such as school sites, recreation fields, parks, and parkways, ~~and median strips~~. Each such directional "for rent" or "sale" sign posted on public right-of-way shall contain the name of the real estate company or agency which caused the sign to be posted. Such signs shall not be placed in such a fashion as to constitute a "vision obstruction" at street intersections as specified in Section 32 of this ordinance.

* * *

14. **Unlighted temporary Ppolitical campaign** signs erected on the day before or on election day on the lot of the officially designated polling place for a period not to exceed twenty-four (24) hours. Each sign may be no larger than four **and one-half (4 ½)** square feet in area.

15. **Unlighted temporary political signs, not exceeding four and one-half (4½) square feet in area and not exceeding three (3) feet in height, as measured from the ground, may be displayed on public property as follows:**

- a. Up to 31 consecutive days before an election called by a duly constituted governmental body, including all primaries, which signs shall be removed within five (5) days after the election to which they pertain.
- b. A maximum of two (2) political signs per candidate or issue is allowed per median strip segment. Multiple candidates listed on one (1) sign would count as one (1) political sign for each candidate listed. As used herein the terms median strip segment shall refer to a portion of the median that is surrounded by a continuous curb or where no curb exists is bordered by a curb cut, street, street intersection, sidewalk, utility or planting strip. Under this provision, no sign shall be placed on the side of a street, or so as to obstruct the view of motorists at any intersection or on any utility pole, tree, landscaped beautification area, traffic circle or control device, pedestrian refuge area, visual obstruction area, or traffic sign. No sign shall be placed adjacent to or on any school site, municipal building, parkway or park property.

F. Signs Permitted in All Districts With Permits.

The following sign regulations shall apply in all districts unless otherwise expressly specified herein, and the area of any sign permitted in Section 34.F. shall not be counted in calculating permitted signs or sign area for signs described in Sections 34.E., 34.G., or 34.H. A sign permit shall be obtained from the zoning administrator for all signs allowed by these regulations.

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- 5. ~~Temporary noncommercial signs are permitted in residential districts subject to the following:~~
 - a. ~~No one (1) sign shall exceed four (4) square feet in area.~~
 - b. ~~One (1) sign permit shall be required for each individually distinctive sign and each group of identical signs.~~
 - c. ~~A ten dollar (\$10.00) nonrefundable sign permit fee shall be required for every group of twenty-five (25) or fewer signs.~~
 - d. ~~No signs shall be erected for more than seventy (70) days prior to the event which they purport to advertise.~~
 - e. ~~All signs shall be removed within ten (10) days after the event.~~
 - f. ~~No more than one (1) sign is permitted for each principal dwelling unit.~~
 - g. ~~The sign may be freestanding or placed in a window.~~

56. The following regulations shall apply to signs with commercial messages allowed on a temporary basis:

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Political Signs	What is Currently Allowed (size, number, time, placement, permits, Zoning Ordinance Section, other)	Proposed Zoning Ordinance Amendment (size, number, time, placement, permits, Zoning Ord. Section, other)
Private Property	<p>Size: Four (4) s.f. sign. Number: One (1) sign for each dwelling unit. Placement: May be placed seventy (70) days prior to event and removed ten (10) days after event. Signs may be freestanding or placed in window. Permit: Permit required \$10.00. Zoning: §34.F.5.a-g. Other: Not enforced.</p>	<p>Size: No restriction on size. However sign must maintain the health, safety, convenience and welfare of residents and businesses of the county as well as the overall visual appearance throughout the County. Number: No restriction to number Placement: Signs may be freestanding or placed in window. May be a non-election issue sign. Permit: Not required. Zoning: §34.E.7.a. (Proposed)</p>
Polling Places	<p>Size: No larger than four (4) s.f. Number: No limit. Placement: Erected on day before or on the election day of the lot of the officially designated polling place for a period not to exceed twenty-four (24) hours. Permit: No permit required Zoning: §34.E.14.</p>	<p>Size: No larger than four and one-half (4½) s.f. Number: No change-No limit Placement: No change-Unlighted temporary political signs may be erected on day before or on the election day of the lot of the officially designated polling place for a period not to exceed twenty-four (24) hours. Permit: No change-No permit required. Zoning: §34.E.14.</p>
Public Property	<p>Size: No larger than four (4) s.f. Number: No limit. Placement: Similar to Real Estate Directional Signs. Sign may only be displayed from sundown Friday to sundown Sunday and on legal holidays. Sign may not be placed on utility poles, trees, adjacent to public lands, recreation fields, parks, pathways, and median strips. Signs should not be placed to create a vision obstruction. Permit: No permits required. Zoning: §34.E.9. Other: Not enforced.</p>	<p>Size: No larger than four and one-half (4½) s.f. in area and three (3) feet in height as measured from the ground. Number: Two (2) signs per candidate or issue are allowed per median strip segment. Placement: May be displayed on median strip segments No sign shall be placed on the side of a street, or so as to obstruct the view of motorists at any intersection or on any utility pole, tree, landscaped beautification area, traffic circle or control device, pedestrian refuge area, visual obstruction area, or traffic sign. No sign shall be placed adjacent to or on any school site, municipal building, parkway, or park property. Signs may be placed thirty-one (31) consecutive days before an election. Signs are required to be removed within five (5) days after the election. Permit: No permits required Zoning: Proposed §34.E.15.a-b.</p>

Real Estate Signs	What is Currently Allowed (size, number, time, placement, Permits, Zoning Ordinance Section, other)	Proposed Zoning Ordinance Amendment (size, number, time, placement, permits, Zoning Ordinance Section, other)
Private Property	<p>Size: Three (3) s.f. sign. Two (2) riders, each with a total area not exceeding .75 s.f. may be attached to such signs.</p> <p>Number: One (1) noncommercial or "for sale," "rent" or "lease" sign or sign advertising construction companies, contractors, or others performing work or services on a site per dwelling unit.</p> <p>Placement: On a temporary basis 70 days before event.</p> <p>Permit: No permit required</p> <p>Zoning: §34.E.7.</p>	<p>Size: Four and one-half (4½) square feet. Riders deleted.</p> <p>Number: No change-One (1) noncommercial or "for sale," "rent" or "lease" sign or sign advertising construction companies, contractors, or others performing work or services on a site per dwelling unit.</p> <p>Placement: No change-On a temporary basis.</p> <p>Permit: No change-No permit required</p> <p>Zoning: §34.E.7.a.</p>
Public Property	<p>Size: Unlighted directional real estate "for rent", "sale" signs not to exceed one and one-half (1½) s.f. in area.</p> <p>Number: Not more than one (1) sign for each real estate agency shall be displayed in any one (1) street intersection.</p> <p>Placement: From sundown Friday to sundown Sunday and on legal holidays. Signs not to be placed on utility poles, trees, nor on or adjacent to any other public lands such as school sites, recreation fields, parks, parkways and median strips. Signs should not constitute a vision obstruction.</p> <p>Permit: No permit required.</p> <p>Zoning: §34.E.9.</p>	<p>Size: No change-Unlighted directional real estate "for rent", "sale" signs not to exceed one and one-half (1½) s.f. in area.</p> <p>Number: No change -Not more than one (1) sign for each real estate agency shall be displayed in any one (1) street intersection.</p> <p>Placement: No change except that signs would be permitted to be placed on public property and on medians. Signs not to be placed on utility poles or trees, landscaped beautification area, traffic circle, control device, sign, or any paved portion of a pedestrian refuge area.</p> <p>Permit: No permit required.</p> <p>Zoning: §34.E.9.</p>