

Planning and Zoning Sign Committee Report

October 25, 2010

Summary: The Planning and Zoning committee has voted to recommend **against** support for any resolution on removal of illegal signs at this time. The committee continues to work with Arlington County Staff to resolve ambiguities and is supportive of Staff proposals to comprehensively update Section 34 (Sign Ordinance). Given other proposed efforts (which came to the committee's attention subsequent to submittal of resolution language in early October) the committee believes resolving concerns through that process is more encompassing and inclusive than focus on a single issue of illegal sign removal. Furthermore, while we support removal of commercial business signs from public property, it was determined that there are a number of complexities in current definitions which, make almost all Civic Association event, School event or, personal signs (lost cat, dog, etc.) subject to removal as illegal signs. We are hopeful that these situations could be discussed and remedied during a projected comprehensive update of the total sign ordinance.

Background: The Planning and Zoning Committee had two meetings on this resolution. In September of 2009, a Delegate proposed a resolution which was sent to the Public Services committee. That committee met and referred it back to the President for suggested action by the Planning and Zoning committee. The Planning and Zoning committee tabled action unless and until a projected County Manager report was released which occurred in July of 2010. There were two Planning and Zoning committee meetings regarding to discuss and determine action on this resolution.

1. **September 19, 2010 meeting:** Seven members were present and there was unanimous consent on three "Therefore Clauses" and two Committee members prepared and altered various versions of the "Whereas Clauses" until a September 21, 2010 version was approved (**Version #1** below). The submitting Delegate elected to support this version in lieu of his original proposed language. However, the Committee members were informed that this might not be the final language since Committee members were told in an email:

We also are going to run our three recommendations by County staff sometime this or next week. If they find no legal obstacles, we'll submit the resolution for consideration at the November ACCF meeting. If there are legal obstacles — or major objections then we will reconvene and rework as needed.

Attendees at the September 19th meeting were:

- Robert Atkins (ACTA)
 - Jerry Auten (Leeway)
 - Bernie Berne (Buckingham)
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- Larry Mayer (Lyon Park)
- Martha Moore (Lyon Village)
- Peter Owen (Clarendon Courthouse)
- Charles Walter (Arlington Ridge)

During subsequent conversations with the Director of CPHD and other parties, it was determined that reconvening the Committee was necessary to address problems with facts assumed in the proposed version. While another resolution version was prepared, it was never approved by the full committee. In the interim, the Resolution was entered into the ACCF process through new business at the October 5th meeting.

2. **October 24, 2010 meeting:** Nine members were present and the ultimate result was a call for reconsideration and **rejection of the Version #1 resolution with NO replacement resolution to be presented to the ACCF membership.**

Committee members were presented additional facts and information including, but not limited to:

- Definitional problems of commercial and non-commercial signs including event signs for Civic Associations, Arlington Public Schools (on public lands); yard and estate sales and, personal signs (e.g. lost cats, dogs, children);
- Overall detailed problems with Section 34 specified in a detailed five page draft point paper prepared by one of the Committee Co-chairs – sent separately to Committee members;
- Language of current Sign Ordinance provisions neither allowing or rejecting removal of illegal signs on public lands as well as potential ambiguity thereof (and differences in opinion of County Staff, possible Police action and in relevant Court cases);
- Problem of City versus County authority (not clear that Arlington County could legally even follow Richmond’s authority);
- Proposed comprehensive update to total zoning ordinance including major rewrites of sections 32A (landscaping), 34 (signs) and, 36 (administration and procedures) proposed during a October 19, 2010 Zoning Ordinance Review (ZOCO) subcommittee of the Planning Commission;
- Timing of comprehensive rewrites of the Zoning Ordinance projected for potential County Board charter approval in early 2011 with completion projected 18 months thereafter;
- Advertisement of revisions to sign penalties approved at the October 23, 2010 County board meeting;
- Clear differences in membership attitude toward seriousness of illegal signs;
- Relative priority and/or importance of sign ordinance selective change requests (Citizen removal of illegal signs) versus other concerns or issues deserving attention;
- Numerous other factors.

Attendees at the October 24 meeting were:

- Robert Atkins (ACTA)
- Jerry Auten (Leeway)
- Bernie Berne (Buckingham)
- Bill Gearhart (Lyon Village)
- Larry Mayer (Lyon Park)
- Martha Moore (Lyon Village)
- James Schroll (Ballston-Virginia Square)
- Time Wise (Clarendon-Courthouse)
- Charles Walter (Arlington Ridge)

Specific meeting actions in order of occurrence were:

- Motion to **reconsider** Committee approved September 21st Resolution (Version #1) moved by Martha Moore and seconded by Bob Atkins – accepted unanimously (9 for to 0 against),
- Discussion and proposal to Table indefinitely (action only by Committee vote) and motion made by Bernie Berne to **table with time certain** until March of 2011 defeated by a vote of 8 against with 1 affirmative,
- Reconsideration of September 21st **Resolution for approval by ACCF membership defeated** (8 against support of resolution with 1 in support).

Further Actions: Further discussion ensued relative to desired ACCF (Committee) involvement in the Zoning Ordinance comprehensive rewrite. Meetings with both the Director of CPHD and the Zoning Administrator are planned in the near future to:

- Get further clarification on various items in the current sign ordinance;
- Determine actions for relevant roles of the ACCF in a comprehensive rewrite of the Zoning Ordinances;
- Discuss other ordinance progress and possible actions (e.g. Noise Ordinance)
- Determine possible other selective ACCF “point papers” for staff perusal (which have been and continue to be prepared from time to time on various Planning and Zoning matters).

S/ Martha Moore and Larry Mayer Co-Chairs

Attachment: Versions #1 Rejected Committee Resolution language

***Version #1 - Planning and Zoning approved resolution version 9-21-2010
Rejected by Planning and Zoning Committee on October 24, 2010***

Whereas improper commercial signage in Arlington often creates visual disturbance, obstructs beautification, creates safety hazards, and lessens the usefulness and enjoyment of public property, especially travel-ways;

Whereas commercial signs are often unlawfully placed on public lands and public right-of-ways on weekends, when the County's code enforcement personnel and inspectors are not at work, but are often removed by Monday mornings;

Whereas, Arlington citizens have asked Arlington County to consider amending the County's sign ordinance to permit its citizens to legally remove illegal commercial signs;

Whereas, the Arlington County Manager prepared in July 2010 a memorandum to the County Board that discusses issues relating to illegal signage;

Whereas the Manager's memorandum states that the City of Richmond has adopted an ordinance to reduce criminal and civil liability for individual citizens who "abate" violations of the sign ordinance (by, for example, removing illegal commercial signs in the public right-of-way), which approach was not recommended by the County Manager due to the relative complexity of the signage rules in Arlington;

Whereas, citizens who remove signs have a responsibility to be knowledgeable about the "complexities of the Arlington sign code";

Whereas, there are ambiguities in the existing sign code and in the Manager's July 19, 2010 proposed ordinance revisions, which could lead to differing interpretations even by courts of law; and

Whereas, various civic organizations, including the Civic Federation, have asked the County to provide evening, night and weekend Code enforcement coverage for signage and other code violations, which has not occurred.

Therefore, be it resolved that, the Arlington County Civic Federation asks the County government to:

1. Amend the County's sign ordinance to minimize its ambiguity;
2. Amend the County code in a manner similar to the City of Richmond to reduce liability for citizens who remove illegal signs from public right-of-way; and
3. Conduct periodic education programs to teach interested citizens and businesses about the forms and placement of signage in Arlington that are legal or not legal.