



Legislation Text

File #: 18-0697, **Version:** 1

AM 2018-06, Discussion and possible action on updating the **sign code**. (Joseph / Cole)

The Planning & Economic Development Department has worked with the City's Attorney Office to complete a review of the City's Sign Code in response to the Supreme Court ruling for Reed v. Town of Gilbert. In addition, staff has reviewed other sign regulations that potentially could be amended. The following amendments are proposed for discussion and potential action.

1. Removal of Political, Noncommercial Direction, Information, and Community Service Signs from the Code of Ordinances in favor of a content neutral approach.
2. Removal of content based regulations for Leasing and New Business Banners.
3. Addition of General Standards covering Obscene, Misleading, and Non-Commercial Copy signage.
4. Addition of standards regulating certain signs. Regulations for these signs may include but are not limited to the following:
 - a. Real Estate Sale and Real Estate Leasing Signs
 - i. If a permit is required
 - ii. Sign area
 - iii. Height
 - iv. Duration
 - v. Location
 - b. Non-Commercial Signs
 - i. If a permit is required
 - ii. Sign area
 - iii. Square footage allowed per parcel
 - iv. Height
 - v. Duration
 - c. Construction Signs
 - i. Location
 - ii. Maintenance
 - d. Short Term Parking Signs
 - i. Location
 - ii. Sign area
 - e. Signs on Right-Of-Way and Public Property.
 - i. Location
 - ii. Non-compliance
5. Revisions to the current monument sign standards. Currently the standards are very specific in regards to the placement of architectural features, which leads to a less aesthetically pleasing appearance and uniform look throughout the City. The new standards will allow for a signs to have a unique architectural appearance, while maintaining the same standards.
6. Removal of Revitalization signage. Recent upgrades to monument sign standards have

removed the need for Revitalization signs.

Reed v. Town of Gilbert Synopsis

In the case of Reed v. Town of Gilbert, Arizona, Good News Community Church filed suit against the town alleging its freedom of speech was violated when the Town cited the church for violation of the sign code. The church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include event dates on the signs. The Supreme Court ruled that the Town of Gilbert's sign code was not content-neutral as it failed to make distinctions between Political Signs, Temporary Directional Signs, and Ideological signs beyond the communicative content of the sign.

In the towns attempt to meet the strict scrutiny standard, which is used to determine the constitutionality of certain laws, the Town offered aesthetic appeal and safety as support for their distinctions. It was determined by the Supreme Court that the Town did not meet the strict scrutiny standard, thus determining that the Town of Gilbert's sign code was in constitutional violation of freedom of speech. The court noted the following as content neutral options for sign regulation:

1. Size
2. Building Materials
3. Lighting
4. Moving Parts
5. Portability

Staff Recommendation: City staff to request City Attorney draft and Ordinance revising the City Code of Ordinances reflective of staff recommendations to be considered by the City Commission.