

SUMMARY OF PROPOSED SIGN REGULATION CHANGES

This memo outlines the proposed changes to the City's existing regulations regarding signs. Generally, the Ordinance revisions are driven by the recent United States Supreme Court case of *Clyde Reed, et al. v. Town of Gilbert, Arizona, et al.*, 135 S.Ct. 2218 (2015). The Supreme Court in that case held that the Town of Gilbert's sign code was unconstitutional because it singled out specific subjects for differential treatment by calling out the type of sign by specific speech contained therein, ie: content-based regulation lacking sufficient legal justification in violation of the First Amendment to the U.S. Constitution.

Over the past several months the City Attorney's Office and the Department of Sustainable Development engaged in a thorough review of the City's existing Sign Code regulations. Throughout the examination, Staff sought to update the City's Sign Code regulations (Subdivision V, "Regulations for use and control of signs", Subdivision 5.1 through 5.9, Sections 13-456 through 13-474) to make them consistent with recent law.

Summary of the Changes are as follows:

1. Section 13-456, "Scope, purpose, substitution, and severability" – Provides for revision of the City's goals and intent to regulate and manage the display of signage within the City consistent with the new case law.

2. Section 13-457, "Definitions" – Specific definitions or defining language that singled out particular subjects for differential treatment, not supported by a compelling government interest, were removed, while other definitions were modified or added for purposes of clarity. See the following definitions or portions of the definitions where language was added and/or removed: *A-Frame sign, Abandoned sign, Banner, Commercial message, Construction sign, Contractor-In-Progress, Designer sign, Entertainment venue, Flag, General information sign, Ground sign, Identification sign, Incidental sign, Marquee, Mobile cart, Model row sign, Model sign, Noncommercial message, Noncommercial sign, Off-premise sign, On-premise sign, Opinion sign, Parking Structure Status Signs, Place of Assembly, Political sign, Project announcement sign, Restaurant Menu sign, Sandwich or sidewalk sign, Seasonal/Holiday sign, Temporary ground sign, Temporary real estate sign, Tenant announcement window sign, Umbrella sign, U-pick sign, Vending cart, Wayfinding sign, Work-in-Progress sign, and Yard sale sign.*

3. Section 13-458, "Prohibited signs" – Revisions clarify the previously existing list of prohibited signs, which include animated signs, signs in right-of-way not permitted by a federal, state or local standard, permanent inflatable devices, signs that emit sound, odor, or steam, glaring signs, snipe signs, billboards, roof signs, vehicle signs, abandoned signs, signs that will confuse the public due to similarity with traffic signs, and off-premise commercial signs, and trailer signs.

4. Section 13-459, "Schedule of Permitted Signs" – Revisions remove the obsolete sign categories and the "Restricted; limited use only" identification from the table of

permitted signs, as well as provide for the appropriate placement of the added sign categories/updated terminology for various sign categories within the table.

5. Section 13-460, “General provisions” (for all signs) – Minor changes were made to this section to reference the new outdoor lighting regulations and apply them to sign standards as well as to make clear that no sign shall be displayed on any property without the permission of the property owner.

6. Section 13-462, “Permitted signage for certain specified uses” – Provides for updated terminology and removal of unsupported content-based regulations related to special regulations pertaining to changeable copy signs, digital signs, fuel price signs, and signs within pedestrian-oriented commercial centers to make them consistent with federal law.

7. Section 13-463, “MainStreet development sign regulations” – Provides for updated terminology with sign standards for all signs located within the MainStreet Regional Activity Center including, but not limited to identification signs, mobile carts and kiosks, directional and wayfinding signs, portable signs, digital signs in pedestrian plazas, and digital signs for places of assembly.

8. Section 13-464, “Wayfinding signs in public right-of-way” – Updates the terminology to clarify the standards for wayfinding signs in public right-of-way.

9. Section 13-466, “Identification Sign Regulations” – Revisions were made to this section in order to ensure consistency regarding size of different kinds of identification signs relative to the location and size of the structure the sign is affixed to as well as to reference the new outdoor lighting regulations.

10. Section 13-467, “Directory signs, generally.” – Provides updated terminology and clarification for Freestanding pedestrian directories, Wayfinding signs on private property and Parking structure status signs.

11. Section 13-468, “Standards for Incidental Signs” – Revisions were made to reference the new outdoor lighting regulations and apply them to sign standards, update terminology and remove unsupported content-based regulations and comply with federal law. (“Opinion signs” removed, “Restaurant menu signs” renamed as “Drive-Through signs”, and “Service entrance signs” removed).

12. Section 13-469, “General provisions” (under Temporary Signs) – Provides for updated terminology and removal of unsupported content-based regulations related to temporary sign standards by clarifying language relating to “Temporary commercial signs” (“Work-In-Progress signs” on minor and major streets, “Project announcement signs”, “Temporary real estate signs”, and “Temporary seasonal and promotional signs”), eliminated “Temporary Political Signs” and establishes a new category, “Temporary noncommercial signs”.

13. Section 13-470, “Nonconforming and abandoned signs; signs in disrepair” – Provides for clarification on when a permit is required in order for a nonconforming sign

to maintain its status and not require removal.

14. Section 13-471, "Sign review procedures" – Minor changes to clarify the formatting of this section by removing bullet points and inserting letters to identify sequential subparagraphs.

15. Section 13-473, "Deviations" – Provides an updated cross-reference to the applicable appeal procedure that was recently adopted by the Commission and codified in a different part of the City's code.

16. Section 13-474, "Designer signs" – Minor changes to clarify references to other code sections.