



Legislation Text

File #: ORD 2016-39, Version: 1

AGENDA ITEM REPORT

TITLE:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 4, "ACCESSORY USES AND STRUCTURES," SUBDIVISION V, "REGULATIONS FOR THE USE AND CONTROL OF SIGNS," IN ORDER TO UPDATE THE CITY'S LEGISLATIVE FINDINGS, DEFINITIONS, AND REGULATIONS APPLICABLE TO SIGNS TO MAKE THEM CONSISTENT WITH RECENT CHANGES TO FEDERAL LAW. (SECOND PUBLIC HEARING)

BACKGROUND:

This item was approved on First Reading at the September 8, 2016, Commission Meeting.

In the recent U.S. Supreme Court ruling in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), the Supreme Court held that the Town of Gilbert's sign code was content-based on its face and, therefore, unconstitutional because it singled out specific subjects for differential treatment by calling out the type of sign by specific speech contained therein. Specifically, the Court found the categories of "Ideological Signs," "Political Signs," and the like to be problematic. As a result, many cities around the country are reviewing their sign codes in order to ensure that the language in their codes does not violate the First Amendment of the U.S. Constitution.

DISCUSSION:

The City is committed to updating its existing sign code to comport with recent case law. Staff has determined that some amendments are necessary in order to comply with the highest Court's recent ruling. The attached Ordinance provides for the following amendments pertaining to: 1) Updated Intent, Interpretation, and Definitions; 2) Updated list of Permitted and Prohibited Permanent and Temporary Signs; 3) Updated General Provisions for all Signs; 4) Updated Special Signage Provisions; 5) Updated Identification Sign Regulations; 6) Updated Directional, Directory and Wayfinding Signs; 7) Updated Standards for Incidental Signs; 8) Updated Temporary Sign Standards; and 9) Updated Procedures and Administration, in order to change the terminology reflected therein to remove any unconstitutional language. A more detailed summary of changes is attached for ease of reference.

RECOMMENDATION:

Staff recommends approval of this Ordinance.

FISCAL IMPACT: N/A