



To: Members of Planning and Zoning Commission and Architectural Review Board

From: Jennifer D. Readler, Law Director
Jennifer M. Rauch, AICP, Planning Director
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Date: June 4, 2020

Re: Temporary Sign Zoning Code Amendments

Summary

In June 2015, the United States Supreme Court issued a decision in the case of the *Reed v. Town of Gilbert, AZ* regarding the legality of temporary signs regulations. Planning staff in conjunction with the Law Director's office and Clarion Associates have reviewed our current ordinance regarding temporary signs and provided an initial draft that was reviewed by the Community Development Committee's (CDC) on November 6, 2019. Amendments were made to the draft to reflect the Committee's discussion, which are presented for Commission and Board review and feedback.

Background

The Law Director's office has provided a detailed brief outlining the *Reed v. Gilbert* decision and how this impacts local zoning ordinances (See attached). Based on the fact the decision only addressed temporary signs, the City has determined that only regulations related to temporary signs (not permanent), as well as general sign regulations that might be enforced against temporary signs should be revised at this time. Similarly, because the Reed decision did not address distinctions between on-premises and off-premise commercial signs, the City has determined the distinction between those two types of signs does not need to be removed from the sign regulations at this time. If the *Reed v. Gilbert* decision is later determined by the City or by case law decisions to apply to permanent signs, or to prevent distinctions between on-premises and off-premise commercial signs, additional changes to these sign regulations may be needed.

Proposed Amendments

In order to align with the *Reed v. Gilbert* decision, the proposed revisions to the temporary sign regulations focus only on provisions that address time, place and manner, such as number of signs, sign height, sign location, lighting, and time restriction for a particular sign. Content-based regulations are prohibited under the *Reed v. Gilbert* decision, meaning the Code cannot limit the particular message on a sign, or differentiate between temporary noncommercial signs based on their content, which are shown as removed from in the proposed draft.

The proposed draft amendment was updated to reflect CDC's review and comments. Several articles have been included for reference, as there are a number of approaches that local communities have taken to comply with the *Reed v. Gilbert* decision. The draft has been revised to consolidate the temporary sign requirements into a single section of the sign provisions for ease of use and enforcement. No substantive changes are proposed to the permanent sign regulations.

Recommendation

Staff recommends the Commission and Board review the materials and provide feedback to staff moving forward. Following this feedback, staff will review the draft and make modifications, prior to proceeding the formal adoption process.