

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

From: Jennifer M. Rauch, AICP, Planning Director
Thaddeus M. Boggs, Asst. Law Director

Date: August 20, 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 sign regulations. Planning staff in conjunction with the Law Director's office and Clarion Associates have developed draft regulations 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, 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.

Background

The Law Director's office has provided a detailed brief outlining the *Reed v. Gilbert* decision and how this impacts local zoning ordinances. Based on the fact the decision only addressed temporary signs, the revisions do not address permanent signs or general sign regulations for temporary signs. Similarly, because the *Reed v. Gilbert* 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 to apply to permanent signs, or distinguish between on-premises and off-premise commercial signs, additional changes may be required.

Proposed Amendments

The Community Development Committee's (CDC) reviewed an initial draft amendment on November 6, 2019 and based on their comments, Planning presented the draft to the Planning and Zoning Commission and Architectural Review Board at a joint meeting on June 4, 2020 for review and feedback.

An updated draft amendment was provided to the Architectural Review Board on August 12, 2020, which included modifying the non-residential sale or leasing period signs, clarifying the regulations regarding colors, adding duration requirements to various sign types, providing regulations to permit sandwich board signs city-wide, and making general clerical modifications. The Board was supportive of the proposed amendments with minor modifications and clarifications and made a recommendation of approval to the Planning and Zoning Commission, which have been incorporated in the proposed draft.

Recommendation

Staff recommends the Planning and Zoning Commission forward a recommendation of approval to City Council.