



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: February 4, 2021

Re: Temporary Sign Zoning Code Amendments (Case No. 20-098ADMC)

Update

The Planning and Zoning Commission reviewed and provided feedback on the draft regulations at their October 1, 2020 meeting. The Commission supported the draft language and requested minor amendments and additional information regarding the recommended approach to address other temporary signs. The revised draft includes these revisions.

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 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 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.

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. The Architectural Review Board reviewed an updated draft amendment on August 12, 2020 and made a recommendation of approval to the Planning and Zoning Commission. The Planning and Zoning Commission reviewed and provided feedback on the draft regulations at their August 20, 2020 meeting. The Commission supported the draft language, and requested additional information and clarification regarding development period signs, non-residential for sale/lease signs, construction fence details, and temporary sign material standards. The revised draft includes these revisions.

Recommendation

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