

Sign Ordinance amendments in response to the Supreme Court decision, *Reed v. Town of Gilbert, Arizona*

Summary: The amendments consist of changes to the City Code and Zoning Ordinance to remove content-based regulations to be consistent with the Supreme Court decision, Reed v. Town of Gilbert, Arizona. In the place of such regulations, content-neutral regulations based on the location on which the sign was placed, rather than the message of the sign, have been added. Wherever possible, existing regulations for special situations (e.g., “*model home sites*” now called “*signs on sales lots*”) were preserved and the only impactful change was the name attached to the sign.

Highlights:

- Overall changes:
 - Remove content-based regulations and replace with location-based regulations
 - Correct clerical errors and outdated citations
 - Simplify categories of signs and add tables to increase the ease of use
 - References: Local Government Attorney’s model sign ordinance and the sign ordinances approved by the City of Norfolk and the City of Virginia Beach
 - Existing signs that are no longer allowed under the amendments would be considered lawfully nonconforming
- Changes to the Sign ordinance:
 - Definitions: deleted content-based definitions and replaced with new location-based qualifiers (e.g., *menu boards changed to signs located at establishments with one or more drive through lanes*)
 - Permanent signs:
 - “Translated” to content-neutral descriptions
 - Generally, signs that are currently permitted will remain permitted and signs that are currently prohibited will remain prohibited (e.g., “*outdoor advertising signs*” changed to “*billboard*” signs”
 - Permit required
 - Temporary signs:
 - These include yard signs, banners, festoons, temporary window signs, and etcetera.
 - No temporary signs in the right-of-way.
 - No permit required for temporary signs located on residentially zoned or used properties or signage that is not subject to review and approval by the Zoning Administrator (e.g. *flags*).
 - Duration limits: 90 calendar days
 - Location-based qualifiers - Signs are defined and regulated based on:
 - A location-based classification that is specific to that sign (e.g., *signs located on sales sites*) and the requirements are largely unchanged, or

- When the sign could not be specifically regulated based on its location, the sign is regulated based on the zoning district in which the sign is placed as dictated by the tables for permanent and temporary signs (e.g., *freestanding signs in single-family and two-family zoning districts*).
- Commercial districts – generally took the category of signage within the group that previously had the most flexibility and applied that rule to the group. In most instances, the changes allow a greater amount of signage.
- Residential districts –The number of permitted signs is based on the amount of road frontage, with sign sizes limited to 4 square feet and 4 feet in height.
- Agricultural districts – treated residential and non-residential use differently. Residential use regulations are consistent with regulations for residential districts. Non-residential uses were designed to follow what the current regulations allow.