

Sign Code Amendment

City Council - November 13, 2018

Consultants:

Gerald Dahl, *Murray Dahl Berry & Renaud LLP*

Martin Landers, AICP, *Plan Tools LLC*

City Staff Representative:

Mike Tylka, AICP, *Senior Planner*

Strategic Plan

- Recognizable and Well-Planned Community



Purpose and Background

- Overhaul Section 17-20-100 of the *Land Use and Development Code*, 'Signs'.
- Primary reason is due to the Reed v. Town of Gilbert US Supreme Court decision.
- Additional proposed changes to insert graphics and make the Code section easy to use.

Criteria to Consider

- ✓ Follows amendment process outlined in Section 17-8-90 of the *Land Use and Development Code*.
- ✓ Complies with the US Supreme Court's ruling in Reed v. Town of Gilbert regarding content based signs and free speech.

Sign Code Amendment Proposal

- There are twenty-two subsections in the proposed amendment.
 - Allowed size and heights mostly remain the same.
 - There are not any major changes to the general policies or requirements for most signs.
 - Categories are mostly different as none are now content based.
 - Further clarifications are made for each sign type.

Sign Code Amendment Proposal

- Examples of Current Content Based Signage

Construction sign . A temporary sign announcing construction, remodeling or other improvement of a property by a builder, contractor or other person furnishing services, materials or labor to said premises. A real estate sign shall not be considered as a construction sign.

Detached sign . A sign which is self-supporting and structurally independent from any building.

Comment [GD7]: Content-based sign; delete and incorporate into shorter list of content-neutral sign types

Temporary sign . A sign allowed only by permit, which meets all requirements of these regulations, which includes, but is not limited to, a banner, flying banner, pennant, A- or T-frame, handheld advertising, freestanding or inflatable device that is designed and intended to be displayed by a business or nonresidential use for a limited time.

Vehicle sign . A sign that is printed, painted upon or attached to motor vehicles, including semi-

Comment [GD21]: Delete content; rely on restrictions for temporary signs below.

2. *Off-premises directional* . An off-premises directional sign requires the approval of the Director and the issuance of a permit therefor. The permit shall state the approved duration thereof, which period shall not exceed one (1) year. The sign shall be limited to the promotion of development projects which have received a certificate of occupancy within twelve (12) months of the application therefor and shall not be deemed appropriate for individual businesses. The permit may be issued upon a finding that (1) the signage placed within the development project cannot be reasonably viewed from a major thoroughfare, and (2) the signage will not impede or

Comment [GD46]: Delete content-related

Sign Code Amendment Proposal

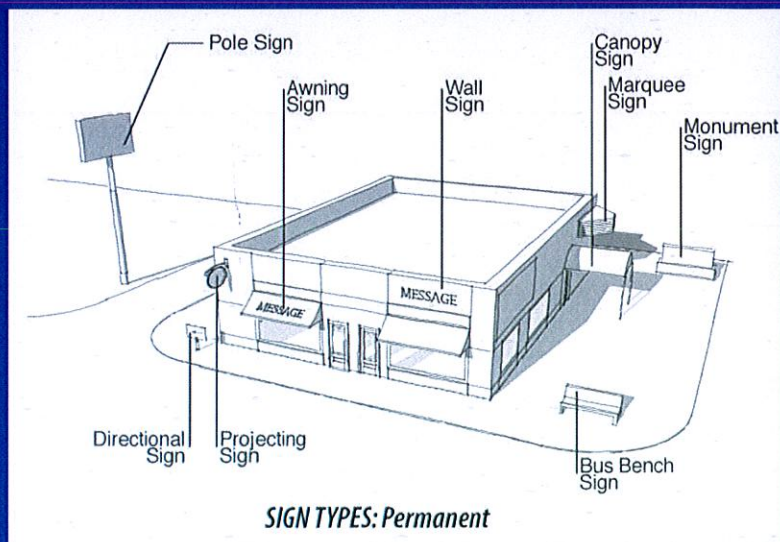
- Example of a Table Section

Table 2
Standards for Nonresidential Zoning Districts

<i>Sign Type</i>	<i>Maximum Number</i>	<i>Maximum Area</i>	<i>Maximum/Minimum Height</i>
Awning Sign	Multiple for non-residential uses only, within maximum area requirements	0.5 square feet of signage for each linear foot of awning, up to a maximum of 32 square feet	No higher than roof or parapet line; 8 feet minimum height pedestrian clearance
Banners	Multiple for non-residential uses only, within maximum area requirements	100 square feet cumulative for banners attached to a wall. 60 square feet for a feather banner.	No higher than roof or parapet line for a banner attached to a wall. No higher than 20 feet for a feather banner.

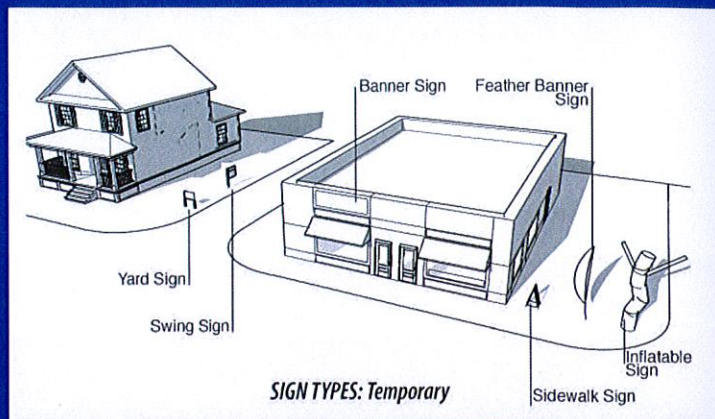
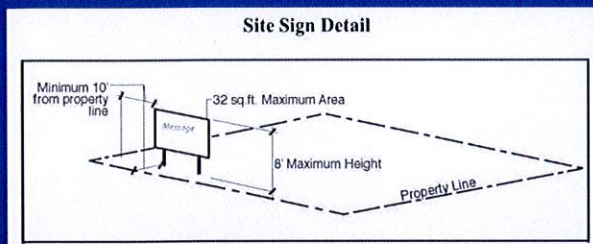
Sign Code Amendment Proposal

- Permanent Sign Types



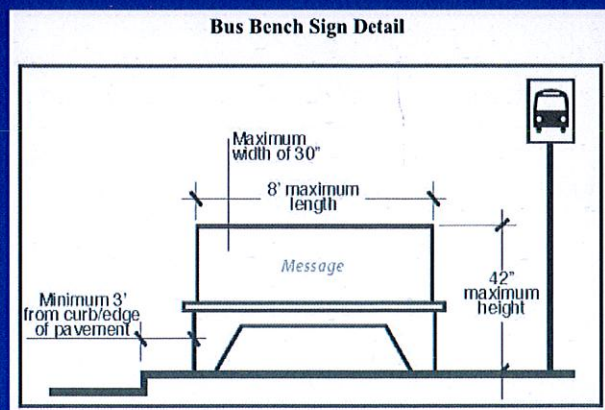
Sign Code Amendment Proposal

- Temporary Sign Types



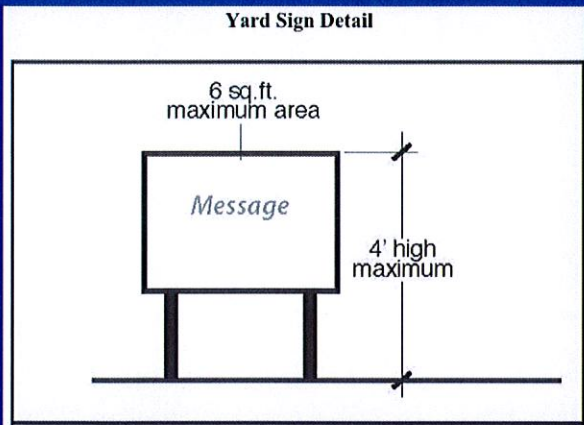
Sign Code Amendment Proposal

- Example of Sign Type Standards



Sign Code Amendment Proposal

- Sign Measurements



Sign Code Amendment Proposal

Proposed Subsections of Section 17-20-100:

- (a) Purpose.
- (b) Intent.
- (c) Definitions.
- (d) Application.
- (e) Non-Conforming Signs.
- (f) Enforcement.
- (g) Violations and Penalties.
- (h) Sign Permit Required.

Sign Code Amendment Proposal

Proposed New Subsections of Section 17-20-100:

- (i) Permit Procedures.
- (j) Comprehensive Sign Plan.
- (k) Criteria for Bonus Sign Area.
- (l) Exempt Signs.
- (m) Prohibited Signs.
- (n) Permitted Signs by District.
- (o) Permanent Signs.
- (p) Temporary Signs.

Sign Code Amendment Proposal

Proposed New Subsections of Section 17-20-100:

- (q) Sign Measurement.
- (r) Sign Design.
- (s) Sign Construction and Installation.
- (t) Sign Maintenance.
- (u) Sign Removal and Alteration.
- (v) Abandoned Signs.

Planning Commission Recommendation

- The Planning Commission initially heard the request on October 9, 2018 at a public hearing and recommended unanimous approval at their October 23, 2018 meeting.

Public Notice and Comment

- According to Section 17-8-90 of the *Land Use and Development Code*, a notice was published in the *Brighton Standard Blade* on October 24, 2018 as outlined in Section 17-8-30(f)(2).
- As of the date of this staff report, no formal comments have been received by staff.

Staff Recommendation

- As federal Court decisions are made that affect the power of local municipalities to exercise their police powers, it is important that the City have regulations that mirror the decisions as to not leave it open to new legal challenges. Staff believes the proposed code amendment accomplishes this goal.
- Staff finds that the proposal meets the review criteria found in Section 17-8-90 of the Land Use and Development Code, and therefore recommends approval of this amendment.

Options for City Council

- ❖ City Council has the following four options before it. It may:
 - Approve the Ordinance as drafted;
 - Approve the Ordinance with specific changes;
 - Deny the Ordinance as drafted with specific findings to justify such action; or
 - Continue the item to be heard at a later specified date.