



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

September 6, 2018

REQUEST: City Council Bill #18-0272/ Zoning- Sign Regulations (Staff Presentation and Public Testimony Only)

STAFF: Tamara Woods

PETITIONER(S): City Council President at the request of the Law Department

OWNER: Citywide Legislation

ANALYSIS:

Background

This bill is a repeal and replace of the existing Signage Title 17 under Article 32 Zoning Code. The primary reason for this rewrite is to conform the Zoning Code to a 2015 Supreme Court case, known as Reed v. Town of Gilbert. The case, known as Reed, said that jurisdictions may not use content as a factor in their code because determining the ability to allow for a sign based on reading content is a limitation on First Amendment rights. In addition to removing content based material, temporary signs also needed to be removed, as this is seen as a limiting factor on free speech. This initial lawsuit stemmed from litigation regarding a temporary sign.

In 2016, the Law Department advised the City when the new zoning code was going through City Council that that our proposed signage code should be reviewed. The timing was a challenge given the City was in the final stages of adopting a new code. Adoption of Article 32 Zoning was in December of 2016 and became effective June 5, 2017.

Bill Summary:

City Council Bill #18-0272 is the result of the City's being proactive to the Supreme Court decision that signage could not be governed by content. That being said, the proposed legislation does include a few areas that would still maintain regulation over some content. Those areas include alcoholic beverage and cigarette signage, obscene signs, the loosening of the general prohibition of billboards, and some fuel station signage which are governed by state and federal regulations. The City Law Department believes that these areas of content regulation would withstand strict scrutiny.

Though the primary reason for the rewrite was the Reed case, this bill reflects a complete review and reorganization of Title 17. In addition to the repeal and replace of Title 17 in its entirety, this bill includes other signage related amendments to other titles of Article 32. The new Title 17 is reorganized for clarity, more information is in tabular form, all sign types were defined clearly and the rules around Areas of Special Signage Control are clarified.

The proposed legislation includes a complete restructuring of the current Title 17 which has ten subtitles including Exempt Signs, Temporary Signs, Prohibited Signs, Permanent Signs and has 2 tables for Projecting and Freestanding Signs. The proposed restructured Title 17 would include 5 subtitles and two new tables. The subtitles would be as follows:

- *Subtitle 1* - Purpose and definitions
- *Subtitle 2* - Placement Design and Construction
- *Subtitle 3* - Sign Dimension Measurement Methodology
- *Subtitle 4* - Requirements by Sign Type
- *Subtitle 5* - Area of Special Signage Control

The two new tables proposed are Table 17-201: Sign Regulations and Table 17-306: Maximum Cumulative Area of Signs. A highlights summary of each subtitle and the tables is below.

Subtitle 1 – Purpose and definitions,

This subtitle includes the overall purpose of the title and a definition of each type of sign included in the title. The sign types are simplified as a result of Reed case and removal of content. The purpose statements are modified to reflect statements on safety, general welfare, and attractiveness of the city, sign placement and First Amendment rights. In addition, there are definition modification, deletions and introduction of a new sign. They are as follows:

- Deleted Signs
 - Marquee sign (now either projecting or canopy sign)
 - Attention Getting Devices (a permitted activity)
- New Signs
 - Open Structural Framework Sign- this sign is a sign that appears on the “exo-skeleton” wall or feature of a building. It falls under Awning or Canopy for standards.
 - Provisional fence sign- this sign is primarily a fence sign for construction sites.
- Modified Signs
 - Awning or Canopy Signs- now have the same definition
 - Wall Signs and Projecting Signs Can no longer be cloth or flexible material. Now Banner Signs.
 - Banner Signs (3 types) –Pole, Projecting and Wall Mounted.
 - Electronic signs which is expanded to include digital animation, wall integrated technology, projected video and holographic display. There will also be five categories of electronic signs that range from caps of 15 square feet to 10,500 square feet.

Subtitle 2 – Placement Design and Construction

Subtitle 2 is the section for general placement rule, construction and maintenance standards. This title introduces the new table 17-201: Sign Regulations. It also includes illumination standards, permissible activities and enforcement. In addition, 17-203 defines commercial speech and that it is to be treated equally.

Subtitle 3 – Sign Dimension Measurement Methodology

This subtitle establishes how sign dimensions are measured. The maximum cumulative area of signs on a lot table is introduced in this subtitle. (Table 17-306). It also speaks to the following:

- Sign area does not include supports and braces, but for pole signs, the braces and supports are included in the sign height.
- Generally, for multi-faced signs all faces are included in the area calculation.
- The introduction of the minimum pole height measurement.

Subtitle 4 - Requirements by Sign Type

Subtitle 4 is broken down by defined sign types and establishes special standards or rules for each type. This section is the sign equivalent of use standards and may have additional placement standards, illumination standards or construction standards. This section is to be used in conjunction with Table 17-201: Sign Regulations. Table 17-201 shows which signs you can do in which zoning category, but subtitle 4 details which use categories can have which sign type.

Subtitle 5 – Area of Special Signage Control (ASSC)

This subtitle covers rules and approvals for areas of special signage districts. These districts allow for an area of a minimum of two blocks to create a district based signage plan. This may be used for a theme area, such as an arts district or business area such as downtown. The rules for these districts are established by this code.

The creation of the district is by ordinance of Mayor and City Council but the specific sign plan is approved by the Planning Commission. Subtitle 5 outlines the approval and amendment processes for establishing the area itself, as well as, the signage plan. In addition, this subtitle outlines the Findings of Fact that both the City Council and the Planning Commission must make in establishing both the area and approving the signage plan.

This subtitle, also, defines maximum deviations and outlines where they may be used in conjunction with the signage plan and Table 17-201: Sign Regulations and Table 17-306: Maximum Cumulative Area of Signs.

Tables

City Council Bill #18-0272 proposes to repeal the two existing sign tables for projecting signs and freestanding signs and replace them with more comprehensive tables, Table 17-201: Sign Regulations and Table 17-306: Maximum Cumulative Area of Signs.

Table 17-201: Sign Regulations specifies which signs are allowed in each zoning district, as well as the approval method, size, placement, quantity and ASSC deviations.

Table 17-306 Maximum Cumulative Area of Signs specifies the amount of signage allowed on a lot. This table only applies to zoning districts that allow ASSCs. Each column is based on the largest sign in the ASSC signage plan for a particular lot.

Next Steps

This Planning Commission hearing is the first of two Planning Commission hearings on this legislation. As noted, this hearing is for staff presentation and public testimony only. There will be a subsequent Planning Commission hearing where Planning Staff will make a formal recommendation on City Council Bill #18-0272. This subsequent hearing is where the Planning Commission may vote on the bill to send its formal recommendation to City Council. In the interim, Planning Staff is accepting comments from the public, other City Agencies and interested parties before crafting possible proposed amendments and making a formal recommendation to the Planning Commission.

Planning Staff hosted a public information meeting on August 29, 2018 and will host another public information meeting prior to the Planning Commission hearing where staff will make a formal recommendation on City Council Bill #18-0272.

Community Outreach and Notification: In advance of this hearing the Department of Planning Staff hosted a public informational meeting on August 29, 2018. In addition, there was a brief write up in the Department newsletter. The notification for the public informational meeting, the Compass e-distribution and this hearing was each sent to over 10,000 recipients using our Compass distribution list and the Planning Commission Agenda distribution list. In addition, the City Council President's office and all City Councilmembers have been notified.



Thomas J. Stosur
Director