

Legislation Text

File #: ID# 18-288, **Version:** 1

Agenda Date: 08/27/2018

Subject:

Study Session: Section 10-17-4, regarding sign code definitions, and section 10-17-6-2, to add definitions for human signs and rotating signs

Presented By: Steve Kemp, City Attorney

REQUESTED PLANNING COMMISSION ACTION:

City council directed staff to review options for amending the city's sign code definitions to allow human signs and rotating signs. The study session with planning commission is to review these proposed amendments to the sign code.

BACKGROUND:

Revisions to the sign code were discussed with the council at a study session February 27, 2018 and adopted by council April 17, 2018. As part of that discussion, council provided direction that the provisions of the proposed code pertaining to rotating signs, commercial mascots, and sign twirlers be removed and brought back to council separately. The proposed ordinance implements that direction.

STAFF ANALYSIS:

Staff reviewed a number of approaches in preparing this draft. Most cities regulate rotating signs, particularly when they have electronic text. Cities generally regulate the sign size as well. The proposed draft creates a definition for rotating signs and provides for regulation based on size.

The prior city code creating distinctions between sign twirlers and commercial mascots is unique. Evaluating options in this area, most jurisdictions regulate all human signs the same, whether they are sign twirlers, mascots, or individuals holding a sign. This approach minimizes content analysis which is a requirement of the U.S. Supreme Court decision in *Reed v. Town of Gilbert*. The draft creates a new definition and regulations for human signs, requires a permit if on private property, and provides that human signs may not block facilities such as sidewalks that must be available to persons with disabilities.

Also on the topic of downtown and rotating signs, staff intends to bring this to the Historical Preservation Board in September for their input and discussion.

STAFF RECOMMENDATION:

Next steps are to include bringing a proposed ordinance for formal consideration by the planning commission.