

**Legislation Text**

---

**File #:** PC Reso 24-2018, **Version:** 1

---

Agenda Date: 09/10/2018

**Subject:**

A Resolution to Amend Title 10 of the Zoning Code, Section 10-17-4, regarding Sign Code Definitions, and Section 10-17-6-2, to Add Definitions for Human Signs and Rotating Signs

<b>Presented By:</b> Steve Kemp, City Attorney and Jocelyn Mills, Community Development Director
--

**REQUEST OF PLANNING COMMISSION:**

The proposed amendment is to consider adding definitions for human signs and rotating signs into section 10-17-4 and section 10-17-6-2 of the city's sign code.

**BACKGROUND:**

During the city council hearing on amending the overall sign code in April, staff was asked to further clarify the definition of human signs and to add an option to allow for permanent signage the option to be able to be a rotating sign.

**PRIOR ACTIONS OR DISCUSSIONS:**

Revisions to the sign code were adopted by city 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 regarding rotating and human signs was discussed with city council at their July 24, 2018 study session, and with the planning commission in a study session on August 27<sup>th</sup>.

**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.

Please reference the following attachments regarding this application:

1. PC Resolution 24-2018
2. Draft CC Ordinance XX-2018

3. Staff Presentation

**OPTIONS/ALTERNATIVES:**

The planning commission may take the following actions on the application: forward recommendation of approval to city council, forward recommendation of approval with conditions, continue to date certain, or forward recommendation of denial. A sample motion is provided for each option.

**FISCAL IMPACTS:**

None.

**STAFF RECOMMENDATION:**

Staff finds that the proposal to Amend Title 10 of the Zoning Code, Section 10-17-4, regarding Sign Code Definitions, and Section 10-17-6-2, to Add Definitions for Human Signs and Rotating Signs into the city's zoning code complies with the pertinent goals and policies of the city's comprehensive plan, and promotes the general welfare of the community. Staff recommends approval of PC Resolution 24-2018.

**PROPOSED MOTION:**

***Motion to Approve and/if necessary, With Conditions***

I move to approve PC Resolution 24-2018, amending Title 10 of the Zoning Code, Section 10-17-4, regarding Sign Code Definitions, and Section 10-17-6-2, to Add Definitions for Human Signs and Rotating Signs, which forwards a favorable recommendation to city council, *with the following condition(s)*:

- 1.
- 2.

***Motion to Continue to a Date Certain***

I move to continue the public hearing on PC Resolution 24-2018, amending Title 10 of the Zoning Code, Section 10-17-4, regarding Sign Code Definitions, and Section 10-17-6-2, to Add Definitions for Human Signs and Rotating Signs, to \_\_\_\_\_ (insert date) in order to \_\_\_\_\_.

***Motion to Deny***

I move to deny PC Resolution 24-2018, amending Title 10 of the Zoning Code, Section 10-17-4, regarding Sign Code Definitions, and Section 10-17-6-2, to Add Definitions for Human Signs and Rotating Signs, which forwards a recommendation of denial to city council. The foregoing denial is based on the findings that the proposed change:

*Note: Identify criterion or criteria not met and adjust motion accordingly:*

- 1.
- 2.