

Sign Code Update

Reed v. Town of Gilbert, U.S. Supreme Court - Legal Issues

Re-address Temporary Signs: feather flags, banners, political signs, real estate signs, special events, etc.

Allow in-house issuance of sign permits in Historical Commercial

Move Sign Code from Building Code (15.12) to Zoning Code (17.62)

Reed v.
Town of
Gilbert,
576 U.S.
155
(2015)

• Content-based sign regulations violate the First Amendment

• The U.S. Supreme Court ruled that the town's sign ordinance was unconstitutional because it was content-based, meaning it treated different types of signs differently based on the message they conveyed. The ordinance subjected various sign categories (e.g., political, ideological, temporary directional) to different size, duration, and

PURPOSES-FINDINGS

- Safeguard life, health, property and public welfare (especially traffic regulation devices);
- Protect City's unique character, minimize visual distractions and sign proliferation, Architectural compatibility
- Provide reasonable sign standards:
 - ✓ Encourage their effective and attractive use as a means of identification, rather than for advertising, businesses, services, events, and uses enhancing economic values while minimizing unnecessary sign competition;
 - ✓ Attract and direct the public to available activities, goods, and services;
 - ✓ Consistency with general plan and adopted Specific Plan goals and policies;
 - ✓ Consistent with state and federal laws, including outdoor advertising regulations applicable to state highways
- Protecting the right of free speech by enacting regulations to regulate the time, place and manner under which signs are permitted, and not the content of signs. (Examples of content may be provided in these regulations; however, content will not be used as a basis for determining

What Signs Are/Are Not Permitted

- Exempt Signs (Can have, no permit)
- Prohibited Signs (Cannot have)
- Temporary Signs (up to 100 days calendar year)
- Permanent Signs (Outside HC)
- Signs requiring Conditional Use Permit (2)
- Signs in Historical Commercial (HC)

Exempt

Address	Traffic safety
Construction	Painted on vehicle (not on roof)
Gas prices	
Official	Inside building (see
Directional	also window signs)
No trespassing	Temporary signs in residential*

Prohibited

control

Attention-getting, simulated traffic
In State ROW or street ROW
Lacks property owner consent
Publicly owned property
On street trees
On utility poles, traffic

Blocking ingress/egress
Highly
reflective/Fluorescent
Pole Signs
Billboards, handheld,
mascots
Rooftop
Mobile advertising

Temporary Sign - Defined

• Any sign, banner, pennant, valance, feather flag, campaign sign or advertising display constructed of cloth, canvas, light fabric, plastic, card materials, cardboard, wallboard or other light materials with or without frames, or otherwise intended to be displayed for a period of not more than 100 days in a calendar year.

Temporary - Why 100 Days?

Caltrans Outdoor Advertising

 Campaign signs 90 days
 prior to election and remove
 within 10 days following (100 days)

Temporary Signs Residentia l (Exempt)

- 12 square feet total (one 12', two 6 feet, three 4 feet, four 3 feet)
- 100 days in one calendar year*
- Non-illuminated, nonelectronic
- Excludes prohibited signs
- Holiday decorations not included in total signage
- In condo/apt. Up to 2 temporary window signs 20% window area
- No permit required
 (e.g., yard sales, campaign)

Temporary Signs Non-Residenti al, Outside HC

- Requires sign permit
- Unless issued in conjunction with another entitlement, or under Caltrans encroachment permit
- 24 square feet
- 100 days
- Non-illuminated, nonelectronic
- No prohibited signs
- Remove within 10 days of an election, end of special event, end date, property sale
- Outdoor Advertising Act (32 sq ft-City is 24 feet, file statement of responsibility, not in ROW)

Expires December 31, 2028

SUNSET CLAUSE FOR TEMPORARY SIGNS

Temporary Signs in Historical Commercial

Require sign permit

Banners only

One per parcel

24 square feet

100 days in a calendar year

Sunset Clause

TWO Signs requiring a conditional use permit



Electronic message center/digital display



Off-premise



Special findings - incorporating purpose



Processing

Allows City Planner to issue sign permits in the Historical Commercial Zone in-house if consistent with HC Sign Design Guidelines and the Sign Code.

Does not apply if a conditional use permit is required

Does not apply if another entitlement is required that PC is reviewing

Planner can refer to PC or PC Subcommittee at his/her discretion

Other Changes - Exceptions, Types

Adds Exceptions (no variances etc.)

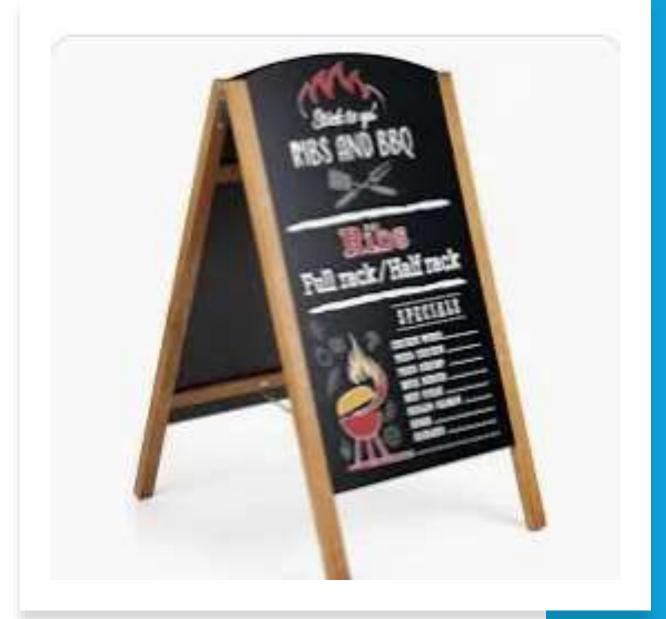
Exceptions
require finding
of consistency
with purposes
of sign
regulations

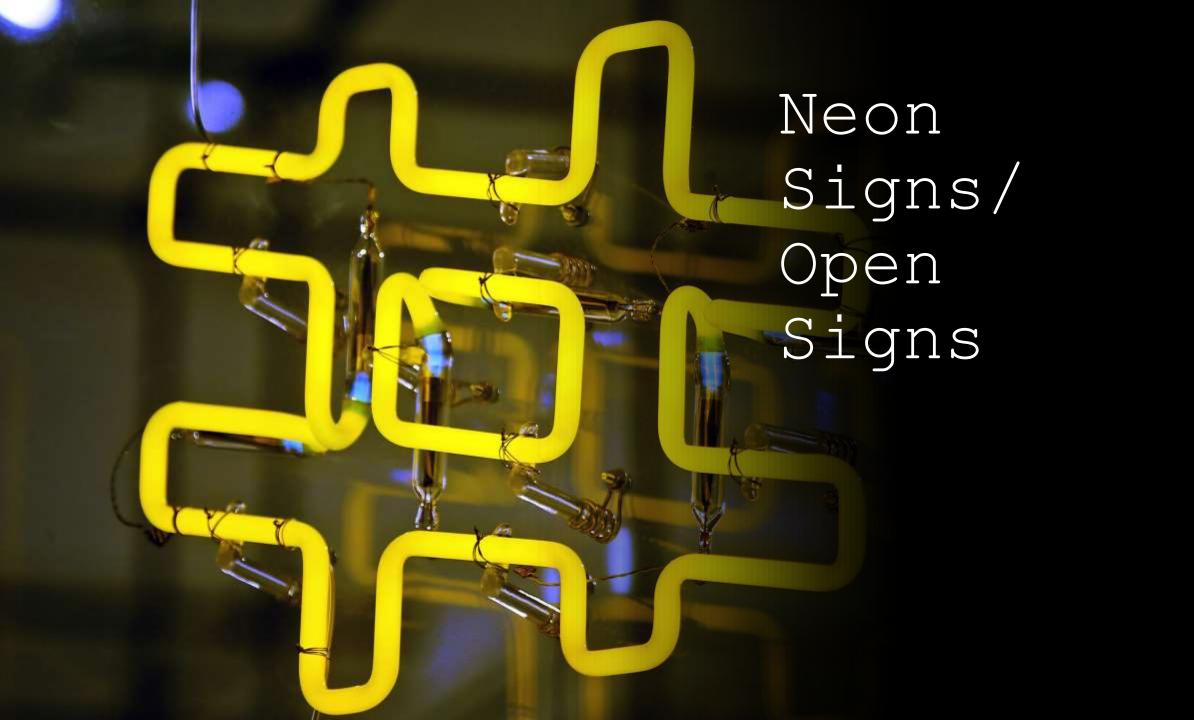
Increases the types of signs from 2 to 4.



A-Frame Signs

- Outside public ROW
- 4' high (16 sq. ft. total)
- Cannot block sidewalk
- Min 4 foot clearance on sidewalk
- Require sign permit
- IN HC: cannot be plastic, to be of wood, metal, scroll writing





Neon/Open- in Historical Commercial

Not allowed except:

- In HC Open sign not exceeding two square feet, non-blinking, steady light
- Buildings originally constructed in Art Deco style using neon (e.g., Angels Theatre) may continue use of neon where neon was originally used on the building

