

## MEMORANDUM

**To:** The City of the Village of Douglas Planning Commission  
**Date:** February 2, 2023  
**From:** Tricia Anderson, AICP  
Andy Moore, AICP  
**RE:** **Draft Sign Ordinance - Discussion**

The former Douglas zoning administrator drafted a major amendment to the City's sign ordinance and planned to bring it to Council in June of 2022 for a second reading. It is our understanding that no legal review was conducted on this draft. In our review of the draft amendment, we found several areas that would violate the US Constitution's first amendment (freedom of speech).

The requirement for "content neutrality" stems from a church in the Town of Gilbert, Arizona that filed a lawsuit against the Town upon discovering that the Town's sign ordinance had stricter regulations for off-premise signage for religious services than it did for political or ideological sign content. In 2015, the case went all the way to the United States Supreme Court, and the court held that municipalities cannot impose content-based sign regulations, as it is a violation of the sign holder's constitutional right to free speech. As a result, many municipalities are slowly adopting new "**content-neutral**" sign codes.

Our discussion of the ordinance at the upcoming Planning Commission meeting will relate to the following areas:

- Areas of the draft that have been identified as not content-neutral that should be removed.
- Potential ways to simplify the ordinance to make it a bit more user-friendly, such as adding tables to summarize sign allowances.
- Potential ways to reduce regulations that may be over-burdensome to administer.

We have provided a few sample sign ordinances that demonstrate the above potential goals that may help guide the Planning Commission in deciding what to keep and what to modify before making a recommendation to the City Council.

We understand that the Planning Commission put a significant amount of work to get the draft to where it is now, and our intent is not to minimize your efforts, but rather assist you in viewing the draft with a different lens in terms of content neutrality and simplification.

Please feel free to reach out to us with any questions.