

# Article 12 – Signs

Proposed Amendments to Zoning Ordinance

# Key Change – Content Neutrality

- *Reed et al. v. Town of Gilbert, Arizona, et al.* (U.S. Supreme Court, 2015)
- Regulations that categorize signs based on the type of information they convey (e.g. temporary, political and ideological) and then apply different standards to each category are content-based regulations of speech and are not allowed under the First Amendment to the United States Constitution

# Content Neutrality – Connection to Land Use

- Signs only permitted as accessory uses to a permitted use on the same lot, and not as the principal use on the lot.
- When a principal use is not open to the public or has been abandoned, all accessory signs shall be removed regardless of their content.
- Noncommercial message may be substituted for commercial message.

# Content Neutrality – Example 1

## Real Estate Signs

### Existing

- **Real estate signs** providing information concerning the availability of the property for sale or for lease, up to 8 square feet in residential districts and 32 square feet in all other districts.
- **“Real estate sign”** = A temporary sign that advertises the availability of the property for sale or lease.

### Proposed

- **One temporary sign** placed on a lot while the lot (or a dwelling unit or commercial unit on the lot) is being offered for sale or lease by a real estate agent or through advertising in a local newspaper of general circulation, and for a period of 14 days following the date on which a contract of sale or lease has been executed, but not to exceed a total of 60 days.

# Content Neutrality – Example 2

## Development Signs

### Existing

- **Site development signs** up to 16 square feet per sign in residential districts and 32 square feet per sign in all other districts.
- **“Site development sign”** = A temporary sign that identifies a development which is under construction and/or the owners, architects, contractors, real estate agents and lenders involved with the development; and that may include sales and leasing information.

### Proposed

- **Temporary signs** placed on a lot that is under active development, to be removed within 14 days after issuance of the first certificate of occupancy.

# Content Neutrality – Example 3

## Elections

### Existing

- (No regulation)

### Proposed

- **Temporary signs** placed on a lot for a period of 30 days prior to, and 7 days after, an election involving candidates for a federal, state or local office that represents the district in which the lot is located.

# Key Changes – Prohibited Signs

- Signs projected via illumination
  - on the exterior of a structure
  - on or above a driveway, sidewalk or street
- Off-premise signs

# Key Changes – Temporary Signs

- Allowed without a sign permit
  - Property for sale or lease – up to 60 days
  - Property under active development – up to 14 days after occupancy
  - Elections – 30 days prior and 7 days after
- Allowed with a sign permit
  - Property for sale or lease – more than 60 days
  - Property under active development – more than 14 days after occupancy, up to 60 days



# Key Changes – Temporary Signs

- Maximum number = 1 temporary sign per 50 feet of primary frontage
- Maximum sign area
- Maximum height
- Minimum setbacks from lot lines
- No illumination
- No charging of a fee by property owner

# Key Changes – Sign Area

- Clarify sign area regulations
- Clarify definition of “building frontage” for computing allowed sign area

# Housekeeping Changes

- Recognize new Gateway zoning districts
- Adjust regulations for number, location and size of parapet signs and freestanding signs