

Sign Ordinance Amendment

- **Purpose for Amendment**

- Update ordinance to reflect Reed v Town of Gilbert Supreme Court Case.
- Update ordinance to reflect current zoning district designations in Land Development Code.
- Update ordinance to allow for improved enforcement provisions per State Law.



• **Purposes of Current 1988 Sign Ordinance**

- To identify individual business, residential, and public uses without creating confusion, unsightliness or visual obscurity of adjacent uses.
- To assure that size, scale, height, and location of the sites upon which the signs are located.
- To assure that all signs, sign supports, and sign bases shall be so constructed and designed to provide safety.



Key Issues Identified in Review

- Lack of sign code enforcement
 - Numerous non-conforming and abandoned signs
 - Non-permitted signs
 - Location of portable and banner signs (i.e., street right-of-way)
 - Influx of “bandit” signs in R-O-W



Sign Ordinance Amendments

Sec. 23-126 Goals

Change Section notation to 4.2.8.1 for codification to LDC.

Sec. 23-127 General Statement of Purpose

Change Section notation to 4.2.8.2 for codification to LDC.

(a) Removes content-based language from purpose statement.

Sec. 23-128 Definitions

Change Section notation to 4.2.8.3 to LDC.

Remove “advertising” definition (removes content-based).

Remove “sign, abandoned” definition (addressed in new section).

Remove “sign, construction” definition (removes content-based).

Remove “signs, church or institutional” definition (removes content-based).



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Sign, damaged (replacement value increased from 50% to 60%).

Remove “sign, garage sale” definition (removes content-based).

Remove “sign, government” definition (removes content-based).

Add “sign, institutional” to definitions (neutral-based definition).

Remove “sign, instructional” definition (removes content-based).

Add “sign, neighborhood entrance” to definitions (new provision).

Modified “sign, off-site advertising or billboard” to definitions (more broad, clear).

Modified “sign, on-site business and/or identification” to definitions (more broad, clear).

Remove “sign, political or non-commercial” definition (remove content-based).



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Remove “sign, realty” definition (removes content-based).

Remove “sign, special development temporary” definition (removes content-based).

Modify “sign, temporary” definition (more broad, clear).

Note: Draft sign ordinance changes primarily removes content-based definitions, broadens definitions for content neutrality, and makes definitions more clear.



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Sec. 23-129 General Provisions

Change Section notation to 4.2.8.4 for codification to LDC.

Provision added where commercial, advertising or business signs are allowed, then non-commercial speech shall also be automatically allowed subject to the same regulation applicable to advertising or business signs.” (addresses content-based issue).

Sec. 23-146 Permits Required

Change Section notation to 4.2.8.5 for codification to LDC.



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Sec. 23-147 Signs exempted from permit requirements

Change Section notation to 4.2.8.6 for codification to LDC.

Added “non-illuminated temporary signs” on private property and on or in windows of structures (broader definition to remove content-based issue).

Added “temporary signs” (broader definition to remove content-based issue).

Added “signs in residential zoning” (removes content-based).

Removed “non-illuminated” signs pertaining to construction (removes content-based).

Removed “non-illuminated” signs on private property for political candidates, elections or propositions (removes content-based).

Removed political signs in the right-of-way (removes content-based).

Added removal of event or occurrence signs 14 days after the event (new provision).



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Sec. 23-148 Prohibited signs

Change Section notation to 4.2.8.7 for codification to LDC.

Added no signs in ROW and removed political (removes content-based).

Sec. 23-149 Bonding

Change Section notation to 4.2.8.8 for codification to LDC.

Sec. 23-161 Area, height, placement and number

Change Section notation to 4.2.8.9 for codification to LDC.



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Table

(f)(1)(a) Shopping Center (SC) changed to General Retail (GR).

(f)(2)(e) (Table) RM-1 and RM-2 changed to MD, RM-3 to MF and SC changed to GR.
RM refers to MD and MF where noted without a number.

Table footnotes:

(1) Changed RM-3 to MF.

(3) Institutional signs categorized (previous new definition to includes churches, and other public service non-profit institutions).



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Sec. 23-171 Special regulations for portable signs

Change Section notation to 4.2.8.10 for codification to LDC.

(10) removes specific reference to “church or school identification” (removes content-based).

Sec. 23-172 Special regulations for electronic message signs

Change Section notation to 4.2.8.11 for codification to LDC.

Sec. 23-181 Enforcement responsibility

Change Section notation to 4.2.8.12 for codification to LDC.

Sec. 23-182 Violations

Change Section notation to 4.2.8.13 for codification to LDC.



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Sec. 23-183 Stop orders, revocation of permit; repair or removal required

Change Section notation to 4.2.8.14 for codification to LDC.

Removed (c), (d– i) sections. Reference to (c) repair and removal, (d) abandoned signs, (e) damaged signs, (f) non-conforming signs, (g) hazardous signs, (h) maintenance of signs, (i) unlawful signs.

Removed provisions replaced with new sections compliant with State Law provisions.

Removed language and replaced with more specific State Law compliant language (forthcoming new sections; 4.2.8.15 and 4.2.8.16).



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Section 4.2.8.15 Maintenance of signs (New Section)

Comprehensive language provision: All signs must be maintained (no dilapidated, deteriorated or unsightly conditions).

Ten (10) day notice provision to owner, agent or person having beneficial use of the property upon which the sign is located.

City may cause removal if sign not maintained per sign code provisions.



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Section 4.2.8.16 Illegal, Nonconforming, Unsafe and Abandoned Signs (New Section)

(a) Illegal Signs Provisions (1-3)

Added ten (10) day notice.

(b) Nonconforming Signs Provisions (1-3)

Provisions for minor changes or repair.

Provisions for possible sign removal (2 conditions).

Provisions for historical significance.

(c) Removal of Unsafe Signs (1-2)

Added Building Official determination.

Added unsafe sign removal timelines.



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(d) Abandoned Signs (1-3)

If no longer advertises or identifies a use/business (60 day removal).

If more than one (1) year after use/business advertised is discontinued, property owner must remove sign (2 years if property is leased).

Thirty (30) day sign removal after elapsed time period.

Section refers to illegal, nonconforming, unsafe (dilapidated), and abandoned signs. Provisions include timelines for compliance or removal of signs. Each case spelled out in specific detail for compliance and subsequent enforcement methods, if necessary.



Sign Ordinance Amendments

Sec. 23-184 Appeals, interpretations, variances

Change Section notation to 4.2.8.17 for codification to LDC.

Possible addition/clarification:

Clarify that in the language of 4.2.8.17 regarding appeal of illegal, non-conforming and abandoned signs) and insert.

(c) a sign required to be removed pursuant to 4.2.8.16 (Illegal, Nonconforming, Unsafe or Abandoned) constitutes a public nuisance, and the process for notice and hearing shall be the same as required in Chapter 19 (new provision).

Sec. 23-185 Penalties and violations

Change Section notation to 4.2.8.18 for codification to LDC.



Questions?

