

AGENDA ITEM #: _____

DATE: April 24, 2017

COAC #: 17-5968ws

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

**SUBJECT: Update on Text Amendment to
City Sign Ordinance**

STAFF PRESENTERS:

Christopher Baker, Development Services
Director
Katie Wilken, Planning Manager
Steve Careccia, Planner III

CASE NUMBER: 15-220-00002

OTHER PRESENTER: Ellen Van Riper,
Esq., Legal Consultant

PROPOSED ACTION:

City Council will receive an update on the proposed amendments to the City of Goodyear Sign Ordinance and provide staff with comments and guidance concerning sign regulation within the City.

BACKGROUND AND PREVIOUS ACTIONS:

A worksession to discuss signs with the City Council was held on March 2, 2015. At that worksession, staff discussed proposed amendments to the Zoning Ordinance, including several revisions to the sign code. The Council provided staff with direction to proceed with several Sign Ordinance amendments, including amendments to address electronic message displays and future development signs.

The Supreme Court of the United States issued its *Reed* decision on June 18, 2015. Since that time, municipalities across the Country have been reviewing the Court's decision and discussing the effects it could have on the regulation of signs. While much remains unknown given the relative recentness of the decision, a clear takeaway from the decision is that sign regulation needs to be content neutral. A content neutral regulation does not require the reading of a sign to determine if a regulation applies. However, if that sign needs to be read in order to determine compliance, then that regulation is content-based.

Sign Ordinance provisions that regulate sign content could be deemed unconstitutional unless they achieved a compelling governmental interest through the least restrictive means possible. This is due to the Courts applying their highest standard of review (strict scrutiny) to sign regulations considered content-based.

The *Reed* decision clarified that 'time, place and manner' regulations remain constitutionally permitted. As such, municipalities may still regulate the time of display, location, size and building material for signs so long as such regulations are content neutral, narrowly tailored, serve a significant governmental interest and provide feasible alternatives for display of the message.

A joint worksession with the Planning and Zoning Commission and City Council was held on October 19, 2015. Staff provided an overview of the *Reed* decision and presented several policy questions to the Commission and Council. A follow-up worksession with the Planning and Zoning Commission was held on October 19, 2016. At the worksession, staff provided an overview of the current draft for Commission review and comment.

Staff conducted meetings with several of the City's small businesses on January 19, January 26 and February 1, 2017. Staff also sent out a request for comments to the wider development community on February 15, 2017.

STAFF ANALYSIS:

Staff and the City's legal consultant have been working on the sign code in response to the *Reed* decision and prior Council direction. Attached is the latest draft, which remains a work in progress. Upon conclusion of the Council worksession, staff will take all comments received from the Council, public and business community and make additional revisions to the draft as necessary. The final draft will then be presented to the Planning and Zoning Commission and City Council for formal adoption through the public hearing process. The Planning and Zoning Commission public hearing is anticipated to be held on May 17, 2017 and the City Council public hearing is anticipated to be held on June 26, 2017. The new sign ordinance will become effective 30 days after adoption of the ordinance.

With the creation of this draft, a priority has been to review the sign code for regulations that could be considered content-based or be seen as favoring one form of speech over another. Several of the proposed revisions have been implemented to address those concerns.

RECOMMENDATION:

Provide staff with comments and guidance on the proposed draft sign regulation.

ATTACHMENTS:

1. Draft Article 7 Sign Regulations
2. Draft Article 9-3 McDowell Road Business and Entertainment District
3. Article 7 Sign Regulations (existing)
4. Minutes of October 19, 2015 Joint Commission & Council Worksession
5. Summary and Q&A from Business Outreach Meetings