



## Staff Report

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To: Planning & Zoning Commission  
From: Aaron Qualls, Planning & Community Development Director  
Report: Aug 13, 2019  
Meeting: Aug 20, 2019  
Item: Title 8, Chapter 5 (Sign Code) Updates

### General Information

<b>Requested Action:</b>	Review of existing sign code and direction to staff for initiating amendments through a robust public process
<b>Purpose:</b>	<ol style="list-style-type: none"><li>1. To bring the Sign Code into compliance with recent U.S. Supreme Court Decisions (most notably, <i>Reed Vs. Town of Gilbert, AZ</i>)</li><li>2. Examine the code holistically in context of zoning, historic preservation, new technologies, and with robust input from local businesses and the broader community</li></ol>
<b>Included in Staff Report:</b>	<ol style="list-style-type: none"><li>A. Overview</li><li>B. Relevant Excerpts from the Comprehensive Plan</li><li>C. Preliminary Goals</li><li>D. Specific Feedback Areas Identified</li><li>E. Preliminary Schedule</li></ol>
<b>Attached:</b>	F. Title 8, Chapter 5 (Sign Code)

## A. Overview

In 2014 after extensive work by the Planning and Zoning Commission, the City Council adopted several amendments to the City Sign Code. Prompted primarily by the completion of the Sand Creek Byway, amendments were specifically added to allow for buildings with dual frontage along Sand Creek to incorporate more sign area. However, the entire code was revised in order to clean up, better organize, simplify and address various other concerns identified.

In 2015, the U.S. Supreme Court addressed a case challenging the Town of Gilbert, Arizona's sign code. The decision threw into question many sign ordinances throughout the country. The First Amendment of the Constitution guaranteeing Freedom of Speech (along with subsequent case law) has always reinforced the concept of **content neutrality** while recognizing the police power of jurisdictions to regulate signs. So, what changed under *Reed v. Town of Gilbert*?

The regulation of *content categories* of signs has long since been a standard practice in sign code ordinances and generally not considered challengeable under the 1<sup>st</sup> Amendment... up until the *Reed* case. In the Town of Gilbert, different standards (height, size and duration) were adopted for political signs vs. directional signs to an event. The Supreme Court eventually heard the case and declared that this distinction was *content based* and therefore ruled against the Town of Gilbert. In so doing, it threw into question many sign ordinances throughout the Country. Now that the dust has somewhat settled and various legal interpretations have been made available, it is time for the City of Sandpoint to examine our current sign code.

### Time, Place and Manner

While recent legal precedent has ramped up the scrutiny around the regulation of sign content, the regulation of signs based on *timing, placement and the manner* of the sign (materials, lighting, height, size, etc.) remains a valid police power so long as it is *applied laterally* and without reference to sign content.

During this process and as a standard best practice, staff would like the Commission to *examine the sign code holistically* in context of zoning, historic preservation, new technologies, and with robust input from local businesses and the broader community.

Broadly speaking, sign regulations seek a balancing point between three distinct needs:

1. The needs of **businesses** to identify themselves and attract customers
2. The needs of **individuals** to locate a desired product or service
3. The need of the **community** to protect character and new investment

## B. Relevant Excerpts from the Comprehensive Plan

- Sandpoint's residents are concerned that their community's character is at risk. (3-1)
- The community recognizes the need to preserve not just individual historic buildings, but the traditional scale and feeling of the city's original neighborhoods platted by Farmin. (3-5)
- "Keep it Distinctively Sandpoint" (3-6)
- The downtown maintains the feel of authenticity providing residents and visitors with an unquestionable sense of place. (3-6)
- Ensure that all commercial, single and multi-family development respect the town's unique historic character (3-9)
- Retain Sandpoint's position and image as an historic town. (3-9)

- Many Sandpoint residents wish to preserve the character and respect the history of the city as seen in the old neighborhoods. (11-1)
- The City of Sandpoint places a high value on attracting, encouraging and developing arts and culture. Sandpoint aspires to be one of the nation's best small arts towns by encouraging local artists, preserving cultural heritage, nurturing creativity, inspiring original expression, and cultivating art appreciation. (11-2)
- Sandpoint's history is something Sandpoint residents are very proud of and wish to protect and enhance. (11-2)

## C. Preliminary Goals

In context of the broader needs around signage and the Sandpoint Comprehensive Plan, staff has drafted the following preliminary goals for which feedback is requested in order to set the stage for a code update process:

1. *Protect community character, safeguard new investment and encourage creativity*
2. *Ensure businesses are effectively able to identify themselves and attract customers*
3. *Be user friendly, easy to understand and apply consistently*
4. *Ensure resulting code amendments are not in conflict with legal precedent*

## D. Specific Feedback Areas Identified

The below areas of specific concern are currently identified by staff as a first round (starting place) of potential topic areas / trouble spots with the existing code. As previously noted, however, the code updates are not necessarily limited to these specific discussion items.

### §8-5-6 Sign Districts and §8-5-8 Sign Sizes:

Examination of current established districts (Downtown, Sand Creek, and General) in context of standards regarding sign size and type.

### §8-5-13 Prohibited Signs

Changeable copy signs are prohibited but for certain types of uses such as venues, schools and movie theaters. This type of content type regulation *may* run afoul of current legal precedent. Within this provision, electronic signs are currently prohibited. Guidance will be sought from the community and the commission if, where and by what manor electronic signs should or should not be allowed.

### §8-5-15 Exempted Signs:

Certain content classes of signs are currently exempted within this section. For example, political signs, real estate signs and construction signs have specific exemptions under differing standards.

Currently, the code exempts window signs that take up less than 35% of an individual window. The Mayor has given specific direction to re-examine the need for this provision.

### Other updates:

Staff will engage with legal counsel to conduct a detailed, line-by-line analysis of all aspects of current and proposed language to ensure conformance with legal precedent and in comparison to other communities and model sign code provided by such entities as the International Municipal Lawyers Association, American Planning Association, and the International Sign Association. Community feedback is also expected to guide other updates as yet to be determined.

## E. Preliminary Schedule

Time	Milestone
Aug. 20 <sup>th</sup> PZ meeting	Set Goals / Inventory and Analysis
Week of Sept 2 <sup>nd</sup>	Establish Advisory Committee / Schedule Initial Meeting
Sept 17 <sup>th</sup> PZ meeting	Code Amendments – Round 1
Oct 2 <sup>nd</sup> CC meeting	Council Workshop
Week of Oct 7 <sup>th</sup>	Advisory Committee Feedback
Oct 15 <sup>th</sup> PZ meeting	Code Amendments – Round 2
Nov. 5 <sup>th</sup> PZ meeting	Public hearing
Nov. 20 <sup>th</sup> CC Meeting	Adoption