



City of Broken Arrow

Request for Action

File #: 19-631, Version: 1

**Broken Arrow Planning Commission
05-23-2019**

**To: Chairman and Board Members
From: Development Services Department
Title:**

Public hearing, consideration, and possible action regarding the proposed modifications to Sections 5.7 (Signs) of the Broken Arrow Zoning Ordinance

Section 5.7 of the Zoning Ordinance is proposed to be modified to update the Sign Code requirements. The existing Sign Code was approved by the City Council in January 2008 and has been in effect since February 2008 with modifications/updates in preceding years.

In 2015, the Supreme Court ruled in *Reed v. Town of Gilbert, AZ*, 135 S.Ct. 2218 (2015) that the town's sign regulations were content based and unconstitutional regulation of speech because it included different rules for different categories of signs. If a sign code includes content based language, it is subject to strict scrutiny by the courts and the municipality must be able to demonstrate that the language is included to further a compelling government interest. One way to do show a compelling government interest is to establish a clear purpose and intent for the code. A section outlining the purpose and intent of the Sign Ordinance has been expanded in Section 5.7.

Since *Reed v. Town of Gilbert, AZ*, many communities across the country have amended their sign codes to ensure that language within the code is not content based and complies with this ruling. Accordingly, the City of Broken Arrow is amending Section 5.7 of the Zoning Ordinance. Content neutral regulations address time, place and manner such as the size, location and the amount of time signs can be displayed. Additional amendments to the sign code are intended to clarify language and to provide criteria for newer technology in signs such as electronic message centers with LED (Light Emitting Diode) lighting. The existing Zoning Ordinance includes definitions in Chapter 10. With the proposed update to Section 5.7, a definitions section is proposed to be added to the Sign Code. Please refer to the attached document for proposed changes to the Sign Ordinance.

Review of the amendments to Section 5.7 (Signs) was scheduled for public hearing at the May 9, 2019 Planning Commission meeting. At that time, staff requested that the item be tabled to the May 23, 2019 meeting.

Attachments: Proposed Changes to the Sign Ordinance

Recommendation:

Recommend approval of proposed modifications to Section 5.7 of the Broken Arrow Zoning Ordinance, as presented, and an Ordinance be drafted for City Council approval.

Prepared and Approved By: Larry R. Curtis

JMW