



City of Broken Arrow

Request for Action

File #: 19-852, Version: 1

**Broken Arrow City Council
Meeting of: 07-16-2019**

Title:

Consideration, discussion, and possible adoption of Ordinance No. 3586 amending the Broken Arrow Code of Ordinances, Appendix A - Chapter 5, Development Standards, Section 5.7, Signs, specifically amending the purpose and intent of the Sign Ordinance, bringing the Ordinance into compliance with federal law, establishing criteria for digital signs, amending the criteria for signs in Areas 5 and 6 of the Downtown Residential Overlay District, allowing and establishing criteria for commercial signs in Area 7 of the Downtown Residential Overlay District, and adding sections for pole signs, sandwich board signs, signs for educational institutions, and a Definitions section; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

Background:

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 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 is proposed to be 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. Further, the Downtown Residential Overlay District (DROD) does not address signs, yet there are commercial uses in operation on properties within Area 7 of the DROD that have underlying residential zoning. Because the DROD is silent on signage, these businesses are currently restricted to signs that are permitted in residential districts. The proposed amendments to Section 5.7 include provisions for commercial uses in this area to have commercial signs. 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 Preview Ordinance for proposed changes to the Sign Ordinance.

In their meeting of May 23, 2019, the Planning Commission concurred with Staff and recommended approval (4-0 vote) of the Sign Code Update. No one spoke on this item at the meeting. On June 17, 2019, the City Council previewed this ordinance.

Cost: \$0

Funding Source: No requirement

Requested By: Larry R. Curtis, Acting Community Development Director

Approved By: City Manager's Office

Attachments: Ordinance No. 3586
Published Planning Commission Fact Sheet

Recommendation:

Adopt Ordinance No. 3586 and declare an emergency.