

Town of Wethersfield Sign Regulation Review

Sub Committee Meeting #1

June 8, 2017

In Light of Supreme Court Rulings

Are Our Sign Regulations
Compliant?

Reed v. Town of Gilbert, AZ - 2015

- * Good News Community Church – Pastor Reed
- * 15-20 Temporary, Off-Site, Directional Signs
- * Challenged rules on size, duration and location
- * Town Had Different Regulations for Temp Directory Signs, Political and Ideological Signs – Non Commercial speech
- * Stricter limits on temp event signs
- * Regulations based on sign content (topic or subject matter)
- * First Amendment – Regulation Deemed Unconstitutional – Free Speech
- * Subject to strict scrutiny
- * No compelling government interest – Ordinance Invalid

City of Ladue, MO. v. Gilleo 1994

- * Residential Yard Sign Regulations
- * Broad Prohibition On Signs
- * Anti-War Protest – Political Speech
- * First Amendment
- * Ordinance Unconstitutional as it banned Political Signs in Residential zones

Metromedia, Inc. v City of San Diego

1981

- * Prohibition on Commercial Billboards
- * Commercial Speech
- * On vs. Off site
- * Prohibited outdoor advertising display signs but permitted other types of off-premise signs
- * Promoting Traffic Safety and Improving Community Aesthetics – Police Power
- * City can Regulate Off Site Billboards

Need To Review Sign Regulations

- * Do our regulations have standards that are based upon what is the written message on sign?
- * Do we regulate based upon the purpose of the sign?
- * Do we regulate based upon who is putting up the sign?

- * If so, we may have an issue.

The Good News

- * Time, Place and Manner Restrictions
- * Commercial vs. Noncommercial Speech
- * **Content Neutrality** – Not Based on the Message
- * Different Standards Based upon Zoning Districts
- * Can still regulate - location, size, materials, off vs. on site, construction, height, sign type, materials, number, duration (timeframe), lighting, changing message, moving parts, public vs. private property, portability.

Suggestions

- * Review Definitions That are Based on Content
- * Revise and Add Definitions as Needed
- * Delete References to Sign Content Bias
- * Review Exceptions and Limit Them
- * Create Clear Permit Review Process Requirements
- * Strengthen Purpose Statement
- * Add Substitution Clause
- * Add Severability Clause

Other Suggestions

- * Review Consistency of Standards (Setbacks, size etc...)
- * Review Wall Signage Formula
- * Review Detached Sign Area Requirements
- * Consolidate and Simplify requirements
- * Should we allow signs on public property?
- * Treat all signs equally – size, location etc...
- * Review temporary sign requirements
- * Exempt public safety signs
- * Review political sign regulations

Other Suggestions

- * Allow signs based on use vs. content
- * Cite sign studies, analysis or local plans to support purposes
- * Review Billboard requirements – Ban Them
- * Simplify regulations – less complicated – more user friendly
- * Base on use of property or activity vs. content
- * Consult Town Attorney

Are There Other Problem Areas?

- * Reviewed ZBA Applications 2010-2015
 - * Thirty-Six (36) Variances Granted, One (1) Denied
 - * Twelve (12) Area of Wall Signage
 - * Four (4) Area of Free Standing Signage
 - * Four (4) Temporary Sign - Timeframe
 - * Four (4) Temporary Sign - Area
 - * Three (3) Wall Sign % Logo
 - * Three (3) Wall Sign Over Roofline

Existing Sign Regulations

- * Comprehensively Revised November 15, 2004
- * Amended 5/6/2005 Sign Area, VB Zone
- * Amended 1/15/2008 Flashing/Animated Signs 125 s.f. max, Open Signs, Softball/Baseball, Off premise events, street banners
- * Amended 2/19/2008 Special Event

Existing Sign Regulations

- * Definitions
- * Section 6.3 – Sign Regulations
- * Appendix C – Design Guidelines

Sign Regulations

- * Definitions
- * Purpose
- * Measurement Sign Area
- * Sign Content
- * Signs Any Zone
- * Signs Residential Zones
- * Signs Business and Industrial
- * Temporary Signs
- * Location
- * Construction and Illumination
- * Maintenance and Abandonment
- * Exceptions
- * Permits
- * Non-Conforming
- * Design Guidelines

Next Steps

- * Review Existing Regulations
- * Review Model Regulations
- * Look at Other Town's Regulations
- * Identify Areas Requiring Changes
- * Discuss With Full Commission
- * Draft Regulations
- * Consult Town Attorney
- * Public Input

Research

- * Montgomery County Planning Commission – 2014
- * New York State – Municipal Control of Signs – 2015
- * IMLA Model Sign Code
- * USSC Model Sign Code, 2016
- * City of St. Augustine Beach
- * Kettering, Ohio
- * Eureka, Missouri
- * Stuart, Florida
- * Norfolk, Virginia
- * Flagstaff, Arizona