

Memo

TO: PLANNING AND ZONING COMMISSION
FROM: PETER D. GILLESPIE, TOWN PLANNER/ECONOMIC DEVELOPMENT MANAGER
RE: SIGN REGULATIONS
DATE: June 30, 2016

Section 6.3 (Sign Regulations) of the Wethersfield Zoning Regulations have not been comprehensively reviewed and revised since 2004. Since that time there have been a number of court cases that have ruled on the subject of the regulation of signage by local governments. Most notably the US Supreme Court Decision of June 2015 in the case of Reed v Town of Gilbert, Arizona has established some new rules for the regulation of signage. Towns have been advised to review and revise their regulations in light of this decision.

The Reed case involved a church (Good News Community Church) which had placed a number of temporary, directional signs within the right of way and off-site from the church announcing church services. This case was based upon a constitutional challenge to the First Amendment and involves issues of Freedom of Speech and content neutrality. The Town of Gilbert had established different size limitations for different types of temporary signs based upon the message that the signs contained. Communities are not permitted to regulate signage based upon the content of the sign. The regulations in question were decided to be presumptively unconstitutional. Local sign regulations must be content neutral.

Staff have reviewed the Wethersfield sign regulations and have researched the guidance available from other jurisdictions and those knowledgeable about the subject matter. This is a complicated subject and it appears that substantial changes to the existing regulations may be required.

I have attached a marked up copy of the existing Wethersfield sign regulations and have highlighted in yellow the areas that may not pass a content neutrality test.

Additionally, it is generally recommended that we consider changes in some other areas:

- Expand Purpose Statement to include traffic safety, aesthetics, planning studies etc...
- Add Substitution clause.
- Add Severability language.
- Add more definitions that are clear and unambiguous.
- Listing of prohibited signs.
- List exempt signs but minimize the number of exemptions permitted.

Specifically, we have also reviewed and will propose some other changes:

- Electronic/Digital changeable message signs.
- Review the requirements for signage permitted on public property and within R.O.W.'s.
- Simplify regulations by consolidating sign types, s.f., setbacks, height etc....
- Evaluating sign types permitted by zoning district.
- Evaluate our wall signage requirements 1 vs. 2 s.f./ linear foot.
- Evaluate our detached signage requirements as we presently have 5 different standards for height and area.

It may be advisable to form some type of subcommittee to work on this subject or hold some special meetings of the full Commission in order to dedicate some time to this effort.