



WILDWOOD

March 4, 2019

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

The Planning and Zoning Commission has completed its review of this posted request regarding the proposed consideration of changes to the regulations governing certain types of signs in residentially, commercially, and industrially zoned districts of the City and prepared the following recommendation regarding such for City Council's consideration. This recommendation was completed in accordance with the requirements of Chapter 89 of Missouri Revised Statutes and those regulations of the City relating to public notice, publications, and amendments to the City's codes (Chapter 415.560 of the City of Wildwood Zoning Ordinance). The details associated with this request, and the Commission's related action, are as follows:

Petition: P.Z. 11-18

Petitioner: City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri, 63040

Request: A request to review Section 415.410 Sign Regulations for "FP", "PS", "NU", and all "R" Districts, Section 415.420 Sign Regulations for all "C" and "M" Districts, and Section 415.440 Temporary Signs, specifically for the purposes of considering possible changes to certain existing regulations to address comments and concerns from members of the public regarding their application, and to review recent relevant legal developments regarding the same.

Zoning District (s): All "R," "C," and "M" Districts

Public Hearing Dates: November 5 and 19, 2018

Date and Vote on the Information Report: February 19, 2019 – Approval of the recommended changes to two (2) sections of the City's Sign Regulations by a vote of 9 to 0 (Voting Aye – Deppeler, Helfrey, Lee, Gragnani, Beattie, Kohn, Simpson, Woerther, and Archeski)

Date and Vote on the Letter of Recommendation: March 4, 2019 – Approval of the recommended changes to two (2) sections of the City's Sign Regulations by a vote of 9 to 0, with one (1) abstention (Voting Aye – Deppeler, Helfrey, Lee, Gragnani, Beattie, Kohn, Simpson, Woerther, and Archeski, with Mayor Bowlin abstaining)

Report: Attachment A

Background Information: Attachment B

School District: Rockwood

Police: St. Louis County Police Department – Wildwood Precinct

Fire: Eureka, Metro West, and Monarch Districts

Wards: All

Recommendation: The Planning and Zoning Commission is recommending the requested changes to the two (2) current regulations relating to living signs and the placement of signage in the City's public rights-of-way be supported by City Council.

1. The need for these changes to the City's Sign Regulations is premised on issues that have arisen about free speech.
2. These changes balance public safety and access to forums for free speech.
3. The outcome of the new proposed language of these regulations provides protections for all parties by providing unencumbered use of certain public rights-of-way and properties, but cognizant of their primary purposes.

Copies of the City of Wildwood's Master Plan, Charter, and Zoning Ordinance are all on file with the City Clerk's Office.

Respectfully submitted,

CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

Rick Archeski, Chair

ATTEST:

Joe Vujnich, Director
Department of Planning

cc: The Honorable James R. Bowlin, Mayor
Steve Cross, Co-Interim City Administrator
John A. Young, City Attorney
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner

BACKGROUND >>>

Sign regulations remain a challenge for almost any community charged with their development and then related enforcement. Much of this challenge relates to how these signs are defined, often by their intended purposes, and the wording associated with them. Signs, for legal purposes, generally cannot be regulated by content or the message they portray or provide, thereby needing to be content-neutral (not content-based) in terms of their regulations. Such content-neutral regulations of the time, place, or manner of protected speech must be narrowly tailored to serve the City's legitimate interests, but need not be the least restrictive or least intrusive means of doing so. These standards were clarified by the Supreme Court of the United States in 2015, (*Clyde Reed , Et. al. v. Town of Gilbert, Arizona, Et. al.*). This situation, and concerns raised by Wildwood residents over the course of the last year relative to temporary signs, necessitated the City to consider its regulations in this regard.

Although many view this 2015 Supreme Court opinion to severely restrict the authority of cities relative to signs, individual or collective opinions of the individual justices on the court, outside the majority that signed and issued the prevailing opinion on the case, attempted to provide guidance as to components associated with the regulation of signage that do not necessarily trigger the 'strict scrutiny' doctrine. These components are summarized below:

1. Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.
2. Rules regulating the locations in which signs may be placed. These rules may distinguish between free-standing signs and those attached to buildings.
3. Rules distinguishing between lighted and unlighted signs.
4. Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
5. Rules that distinguish between the placement of signs on private and public property.
6. Rules distinguishing between the placement of signs on commercial and residential property.
7. Rules distinguishing between on-premises and off-premises signs.
8. Rules restricting the total number of signs allowed per mile of roadway.
9. Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.
10. In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U. S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

These rules, as stated by one (1) of the multiple concurring opinions in the *Reed v. Gilbert* case, were those benchmarks used by the City Attorney and the Department of Planning to determine the compatibility of the City's current regulations relative to this ruling, and recommended rules, which resulted in possible changes being presented to the Planning and Zoning Commission reflective of this comparison process.