

Regular Planning Commission Meeting
Monday, October 26, 2020

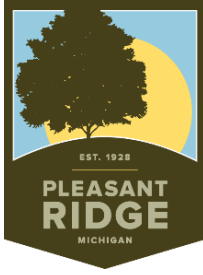
Members of the Planning Commission, and Residents: This shall serve as your official notification of the Regular Meeting of the Planning Commission to be held Monday, October 26, 2020, 7:00 P.M., via teleconference as described below. The following items are on the Agenda for your consideration:

REGULAR PLANNING COMMISSION MEETING-7:00 P.M.

1. Meeting Called to Order.
2. Roll Call.
3. Minutes:
 - a. Regular Planning Commission Meeting held Monday January 27, 2020.
4. **PUBLIC DISCUSSION** – Items not on the Agenda.
5. Establish a public hearing on Monday, December 14, 2020, at 7:00pm, to solicit public comments on a proposed Zoning Ordinance amendment Section 82-196 Signs.
6. City Manager’s Report.
7. Other Business.
8. Adjournment.

Due to the COVID-19 State of Emergency declared by the Governor’s Executive Order 2020-4, the limitation on public assemblies of Executive Order 2020-11, and the permitting of public meetings by remote participation allowed by Governor’s Executive Order 2020-15, the October 26, 2020 Pleasant Ridge Planning Commission meeting will be conducted via remote participation.

All members of the public will be permitted to participate during the public comment and public hearing portions of the meeting. There are two ways that members of the public can participate in the meeting by joining the Zoom meeting by computer videoconference. If you have any ADA questions, please call the Clerk's Office (248) 541-2901.



City of Pleasant Ridge
23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

**Planning Commission Meeting
January 27, 2020**

Having been duly publicized, Chairman Treuter called the meeting to order at 7:03pm.

Present: Commissioners Corrigan, Stiffman, Carroll, McCoy, Bellak, Martin-Campbell, McAuliffe, Wilkinson, Treuter.
Also Present: City Manager Breuckman, City Commission liaison Perry.
Absent: None.

Minutes

PC-2020-1564

Motion by Commissioner Treuter, second by Commissioner McCoy, that the minutes of the Public Hearing and Special Planning Commission meeting held Monday, September 23, 2019 and the Public Hearing and Regular Planning Commission meeting held Monday, October 28, 2019, be approved.

Adopted: Yeas: Commissioners Treuter, McCoy, Corrigan, Martin-Campbell, Bellak, Stiffman, Carroll, McAuliffe, Wilkinson.
Nays: None

Election of Officers for the Pleasant Ridge Planning Commission/Downtown Development Authority

PC-2020-1565

Motion by Commissioner Corrigan, second by Commissioner McCoy, that Tom Treuter be nominated and appointed as Chairman to the Pleasant Ridge Planning Commission/Downtown Development Authority.

Adopted: Yeas: Commissioners Corrigan, McCoy, Martin-Campbell, Bellak, Stiffman, Carroll, McAuliffe, Wilkinson, Treuter.
Nays: None

PC-2020-1566

Motion by Commissioner Treuter, second by Commissioner Corrigan, that Tom Wilkinson be nominated and appointed as Vice-Chairman to the Pleasant Ridge Planning Commission/Downtown Development Authority.

Adopted: Yeas: Commissioners Treuter, McCoy, Corrigan, Martin-Campbell, Bellak, Stiffman, Carroll, McAuliffe, Wilkinson.
Nays: None



City of Pleasant Ridge

James Breuckman, City Manager

From: Jim Breuckman, City Manager
To: Planning Commission
Date: October 22, 2020
Re: Sign Ordinance Amendments

Overview

Due to recent court cases, most notably Reed v. Gilbert from 2015 decided by the Supreme Court, our sign regulations require review and revision. The amendments and updates we must make are not major in scope, but it is important to ensure that we are current with our standards.

The City Attorney, Greg Need, and I are still working on the first draft of the revised standards which I will send to you under separate cover before the meeting on Monday. At Monday's meeting we will review the proposed revisions and schedule the public hearing for a Monday in December, our suggestion being Monday, December 14 at 7 pm.

I have also attached a summary of Reed v. Gilbert from the Michigan Municipal League that provides background on that decision and its implications for our sign standards.

Requested Action

Schedule a public hearing for Monday, December 14 at 7 pm.

U.S. Supreme Court Ruling Impacts Sign Regulations

Introduction

On June 18, 2015, the U.S. Supreme Court decided the case of *Reed v Town of Gilbert, AZ* and held the town's sign ordinance unconstitutional. In this case, the town regulated a church's temporary directional signs differently than other noncommercial signs (e.g., political signs and ideological signs). For example, while the town of Gilbert allowed non-profit event signs to be displayed for 12 hours prior to the event and one hour after the event, the town allowed political signs to be displayed for an unlimited length of time prior to an election and required to be removed 10 days after the election. The Supreme Court found that these types of distinctions that are based on the content of the sign favored certain types of signs (i.e., speech) and violated the First Amendment of the U.S. Constitution. An important rule from this case is: If you need to read the message on a sign to determine how it is regulated, then the regulation is content-based.

How Are My Community's Sign Regulations Impacted?

Reed left many unanswered questions regarding a municipality's authority to regulate signs based on commercial content or off-premise content. However, it is clear that sign regulations must strive for as much content neutrality as possible and that signs should not be regulated based on the content of the message or the speaker. For example, many sign ordinances have different regulations for signs based on the content of the sign, such as: real estate signs, political signs, special event signs, garage sale signs, and gas station signs. Now that the Supreme Court has ruled against these types of distinctions, many communities are at risk of costly and unnecessary litigation.

What Should My Community Be Doing Right Now?

In Michigan, most communities regulate signs in their zoning ordinances in accordance with the Michigan Zoning Enabling Act. However, some communities have a separate sign ordinance that is not included in its zoning ordinance. In either case, every community should take the following steps to address content neutrality in their sign regulations:

Step 1: Conduct a Technical Audit of all Sign Regulations in your Ordinances. Almost all communities have definitions and standards for signs based on the content of the message, including: construction signs, religious signs, garage sale signs, theater signs, time/temperature signs, help wanted signs, directional signs, special event signs, and the like. All communities should conduct a thorough technical audit of their sign regulations and identify any content-based provisions, i.e. provisions that regulate signs based on the message, the speaker, or an event.

Step 2: Discuss Sign Regulations with your Municipal Attorney. Because *Reed* impacts every sign ordinance in the U.S., your municipal attorney should advise you on how much content neutrality is required in your community's sign regulations and make officials aware of any legal risks. The legal community is aware of the implications (and uncertainty) created by the *Reed* case, and it is essential for you to engage the advice of your municipal attorney early in the review process. Your municipal attorney can also advise you on enforcing (or not enforcing) existing sign regulations that are legally questionable. Finally, your municipal attorney should review any proposed amendments to your sign regulations and inform you of potential risks.

Step 3: Initiate and Adopt Amendments to your Sign Regulations. After identifying content-based provisions in your local sign regulations and reviewing them with your municipal attorney, draft text revisions that will comply with the First Amendment and reflect your community's character. Communities may still regulate the non-content aspects of signs, including sign height, area, form, materials, separation, placement, lighting, frequency of message changes, moving parts, and portability. Sign regulations reflect a community's physical character and impacts the value of the highly visible commercial development (tax base) that fronts most major thoroughfares. Therefore, the sign regulations must clearly communicate the aesthetic standards of your community.

This publication was written by Patrick Sloan of McKenna Associates



Signs of the Good News Presbyterian Church placed temporary event signs throughout the town of Gilbert advertising its upcoming services. Because of the content of the message, the town regulated these temporary event signs differently than other non-commercial signs, such as political signs. A more appropriate regulation would have been to limit temporary signs based on content-neutral factors such as sign area, height, number per lot, setback from property line, and proper maintenance.