

STAFF REPORT – CITY OF SHREVEPORT

JULY 6, 2022

AGENDA ITEM NUMBER: XX

MPC Staff Member: Adam Bailey

City Council District: All Districts

Parish Commission District: All Districts

CASE NUMBER: 22-7-CTAC: City of Shreveport Code-Text Amendments
APPLICANT: METROPOLITAN PLANNING COMMISSION
REQUEST: **Code Text (Ordinance) Amendments to the Shreveport UDC**

DESCRIPTION: The City of Shreveport Unified Development Code (UDC) undergoes regular review to ensure that the Code promotes sound, stable, and desirable development to correct errors in the text or to accommodate changed or changing conditions in a particular area. Periodically, revisions are required to reflect the changing nature of business in our community and processed as either general amendments suggested or reviewed by the MPC staff, or amendments that include those that are legally necessary, incorporate previously approved ordinances or determinations, or are emergency amendments. These amendments will affect the following article: *Article 9. – Signs*, regarding updates and revisions to political signs, with all their provisions included therein.

BACKGROUND: Six years ago, the U.S. Supreme Court upended local sign regulations with its decision in *Reed v Town of Gilbert*. In *Reed*, the Supreme Court held a sign ordinance’s restrictions were content based when the restrictions “depend[ed] entirely on the communicative content of the sign.” Courts have interpreted the broad ruling in *Reed* to mean a sign ordinance is unconstitutional if an official is required to read the sign’s message to determine which regulations apply.

When reviewing sign regulations, courts will first determine if the ordinance is content-based or content-neutral. A content-neutral ordinance does not target the sign’s communicative message, but instead applies to all signs regardless of their message. Content-neutral restrictions are usually limited to the time, place, and manner of the speech.

Content-neutral regulations get “intermediate scrutiny.” Intermediate scrutiny requires the restrictions to further an important governmental interest and be substantially related to that interest. Courts have found aesthetics, blight, and traffic safety to be examples of important government interests. Content-based regulations target the communicative message of the expression and are subject to “strict scrutiny.” These restrictions are presumptively unconstitutional and are only permissible if they are narrowly tailored to serve a compelling interest using the least restrictive means. Strict scrutiny is almost always fatal.

In *Reed*, the court found the ordinance unconstitutional because it treated temporary use signs differently depending on whether they were political in nature, related to a qualifying event, or ideological.

So what regulations are still enforceable? A good rule of thumb is that if the ordinance requires an official to read the sign to determine how it is regulated, then the ordinance is likely content-based and presumptively unconstitutional. Regulations that limit a sign’s size, location, illumination and lighting, and placement on private property are generally permissible because those regulations can be enforced without reviewing the sign’s message.

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STAFF ANALYSIS: Code text amendment changes may be reviewed at any time and are not subject to any annual review requirements. The Office of the MPC typically reviews code amendments updates annually or semi-annually, to accommodate changed or the changing nature of business in our community. The proposed amendments in this report were initially discussed at the June 2022 MPC work sessions. Following the MPC public hearing on July 6, 2022, the Shreveport City Council will review the proposals at a July 26, 2022 and August 9, 2022 public hearing. MPC staff provided notice of the July 6 public hearing through publication in The Shreveport Times on June 17, 2022. No comments have been received to date.

**PROPOSED UDC CODE
TEXT AMENDMENT(S):**

Staff is proposing amending the following UDC Articles at this time:

- Amend Article 9. – Signs

Amendment 1. Add the following definitions—“One-Time Event,” “Sign Temporary,” and “Sign, Yard” to ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT, SECTION 2.3 DEFINITION OF GENERAL TERMS. *These definitions help justify the sign ordinance, especially when it comes to temporary signs, as time, place, and manner of the speech.*

Amendment 2. Delete sign type “10. Political Signs” in ARTICLE 9. SIGNS, SECTION 9.6 NO PERMIT REQUIRED: PERMANENT AND TEMPORARY SIGNS, Subsection 9.6.C. *This amendment deletes political signs as a sign type in the Shreveport UDC.*

Amendment 3. Add the new sign type “Temporary Sign” in ARTICLE 9. SIGNS, SECTION 9.6 NO PERMIT REQUIRED: PERMANENT AND TEMPORARY SIGNS, Subsection 9.6.C. *This amendment codifies temporary sign as a sign type in the Shreveport UDC. No such regulations currently exist..*

ATTACHMENTS: See Exhibit “A” for memorandum describing these amendments in full detail.

APPROVAL STANDARDS: The purpose of Section 16.1.E.1 is to provide a uniform means for amending the text of the UDC whenever the public necessity, convenience, general welfare, or appropriate land use practices justify, or require doing so. In determining whether to recommend approval or denial of the proposed text amendment, the MPC shall weigh the relevance to which the proposed amendment:

- Promotes the public health, safety, and welfare.**
The proposed text amendments promotes the public health, safety, and welfare.
- Promotes the Master Plan and any adopted land use policies.**
The proposed text amendments are consistent with the Master Plan.
- Promotes intent of this Code.**
These amendments will simplify current practices, thus promoting the intent of the Code.



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- d. **Corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.**
The proposed amendments reflect changes in policy.
- e. **The extent to which the proposed amendment creates nonconformities.**
N/A.

**STAFF
RECOMMENDATION:**

Based on staff analysis, review of the above standards and facts of record, MPC Staff concludes that the recommendation to APPROVE these code text amendments is warranted. If approved by City Council, Article 9 of the Shreveport UDC would be amended, as described within. A majority vote of the MPC Board members present and voting is required to recommend approval to the City Council.

Alternatively, based on information provided at the public hearing, the MPC Board may:

- Deny the proposed code text amendment;
- Deny specific provisions and/or amendments, and approve any subsequent amendments and/or provisions; or
- Modify specific language in the proposed amendment and approve, as modified.

PUBLIC ASSESSMENT: There was no support and no opposition.

**MPC BOARD
RECOMMENDATION:**

The Board voted 6-0 to recommend the application for approval.

The information stated herein is the result of discussion by a staff review team. The Planning Commission and its Members will use all information made available to them in making their decision. A Planning Commission approval is a use approval only. The applicant is still responsible for complying with all other applicable Zoning Ordinance requirements and obtaining all necessary permits and approvals from other departments or agencies. This shall include, but not be limited to the requirements of the Zoning Administrator, building permits, liquor licenses, the parish health unit, and Certificates of Occupancy.