



# LAND USE CASE UPDATES

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## FIRST AMENDMENT (SIGN REGULATIONS)

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### **Background** *City of Austin v. Reagan National Advert. of Austin*



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- City of Austin Sign Code
- Restricted "off-premise" digital sign conversions
- USSC (2022): On-premise/off-premise distinction is "facially content-neutral"  
Remand to determine if intermediate scrutiny would apply

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**FIRST AMENDMENT (Sign Regulations)**

**Updates**      *City of Austin v. Reagan National Advert. of Austin (2023)*

- **No impermissible purpose for Sign Code**
- **So, "intermediate scrutiny" applies:**
  - City's governmental interests were "substantial"  
(traffic safety, esthetics)
  - Need not use "least restrictive means"
  - Some underinclusiveness OK – tailoring need not be "airtight"
  - Common sense and tradition support the Sign Code
- **Sign Code survived intermediate scrutiny; held constitutional**

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First appeared as part of the conference materials for the  
27<sup>th</sup> Annual Land Use Conference session

"Land Use Case Updates: Part 1"