

LAND USE CASE UPDATES

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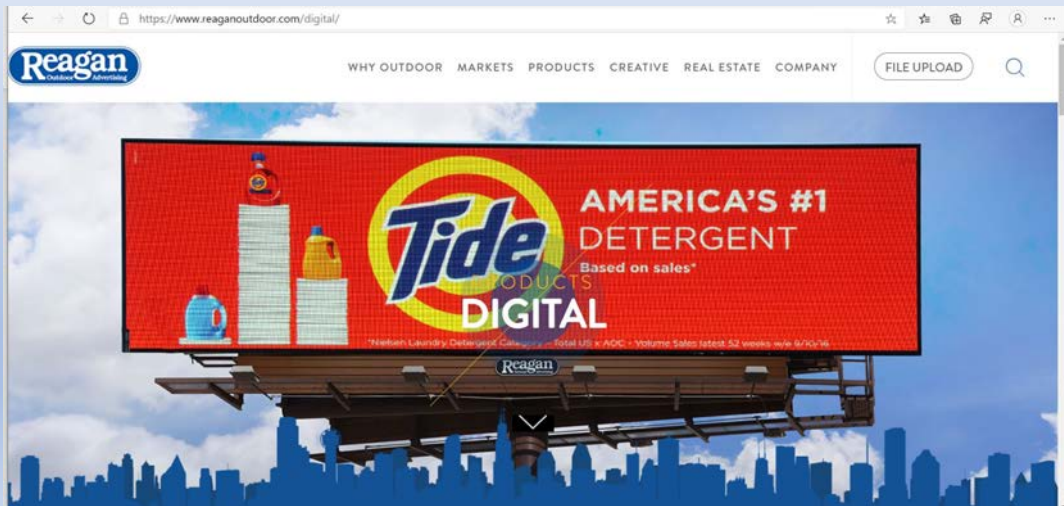


FIRST AMENDMENT (SIGN REGULATIONS)

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



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FIRST AMENDMENT (Sign Regulations)

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

- 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
27th Annual Land Use Conference session

"Land Use Case Updates: Part 1"