



MEMO

DATE: February 14, 2013
TO: Planning Commission Members
FROM: Patrick R. Zenner, Development Services Manager
Re: Signage Moratorium

On October 15, 2012, the City Council approved a 6- month signage moratorium (attached) pertaining to illuminated window signs that have electronic changeable copy. The moratorium was approved to allow the Commission to evaluate the existing sign code and offer recommended changes to its provisions dealing specifically with signage that:

1. Has blinking, scrolling, racing, pixelating, or moving characters, text, symbols or other images;
2. Uses LED, LCD, or other digital or electronic technology; and
3. Is placed within ten (10) feet of a window or other opening on the wall of a building in a manner that presents a message to or attracts the attention of the public outside.

Since approving the moratorium, staff has reviewed the existing sign code (Chapter 23) and evaluated other community's codes as they pertain to the above characteristics of electronic changeable copy signage. Based on its research and in keeping with the original intent of Council in establishing the moratorium, staff offers the following course of action for the Commission's consideration.

The attached ordinance shows proposed changes to the sign code that will fulfill the following general objectives:

1. Revision of the following definitions:
 - a. **Animated sign** so it better reflects current technologies and contemporary definitions
 - b. Deletion of the definition of **display sign**
 - c. Deletion from the definition of a **sign** the provision that states electronically operated changing alpha-numeric message signs when placed inside a display case or show window fronted with glass not projecting more than 6-inches from the face of a building are not considered a "sign".
2. Addition of the following definitions to the code:
 - a. Changeable copy signs
 - b. Electronic display screens
 - c. Electronic reader boards

An additional objective of the signage moratorium was to have existing electronic changeable copy signs not compliant with the proposed ordinance revisions amortized out of use over a period of time.

In review of provisions found in Section 23-3 (Non-conforming signs - Amortization) it would appear that since the existing electronic changeable copy signs were previously exempt from permitting requirements that this section of the code would not apply. These signs by virtue that they were not considered a sign are lawful signs and unless they fall within the parameters of deterioration or dilapidation as specified in subsection (b) of Section 23-3 are not capable of being amortized out of use.

Based on this finding, the proposed ordinance revisions do not address amortization of the existing electronic changeable copy signs presently located and functioning within the city. This issue has not been addressed for the simple reason that there is no known efficient or effective mechanism by which to have existing owners of such signage be brought into compliance with the proposed code revisions.

What can be said of the proposed revisions is that no new electronic changeable copy signage will be allowed within the city limits. The basis for this conclusion is that Section 23-2 (Unlawful signs) specifically prohibits under subsections (h) and (l) animated signs as well as electronically operated changing alpha-numeric signs, respectively.

Should the Commission find favor with the proposed code revisions, it is requested that direction be given to staff to prepare a Council report. This report would present staff's research findings and the Commission's recommendation course of action. If found favorable by Council, it is anticipated that the Commission would be directed to hold a public hearing even though one is not technically required to be held before it. Chapter 23 of the Code is not under the jurisdiction of the Commission as is the case with the Chapter 25 (Subdivision Regulations) and Chapter 29 (Zoning); however, the Council traditionally refers sign ordinance matters to the Commission.

If additional discussion is necessary before the Commission is ready to move this proposed amendment forward, there is still time for additional meetings. If it is believed a delay would best serve the process, a "progress" report to Council may be appropriate with a request for an extension of the moratorium expiration date.

Please feel free to contact me or Tim with questions.

AN ORDINANCE

amending Chapter 23 of the City Code as it relates to sign definitions; unlaw signs; and fixing a time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 23, Section 1, of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added **bold & underlined**.

Section 23-1 Definitions and rules of construction.

For the purposes of this chapter, the following words and terms shall have the meanings respectively ascribed:

Animated sign. A sign with action or motion, flashing or color changes, **including but not limited to electronic display screens or electronic reader boards,** requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or specialty items (not to include such as time and temperature signs, safety warning signs and devices, ~~or revolving barber poles, or display signs.~~)

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Changeable copy sign. A sign which displays words, lines, logos, or symbols which can be easily changed to provide different information without altering the face or surface of such sign.

Civic sign. A sign that describes services available, function of, activities conducted upon, use of premises or facilities used, maintained, or owned by any government entity.

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Directional sign. A sign designed to guide pedestrians or vehicular traffic.

~~**Display sign.** A structure that is arranged, intended, designed or used as an advertisement, announcement or direction; and includes a sign, screen billboard, poster panel and advertising devices of every kind. Display sign includes electronically operated changing alpha-numeric message signs. Display sign does not include animated signs or signs placed on the inside of display cases or show windows fronted with glass which do not protrude more than six (6) inches from the outside surface of the building wall.~~

Electronic display screen sign. A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text and is so located that its purpose is to attract the attention of the public on adjoining streets, sidewalks, parking lots, or other open spaces available for public use. This definition includes television screen, plasma screens, digital screens, flat screens, LED or LCD screens, video boards, and holographic displays.

Electronic reader board sign. A sign with a fixed or changing display/message composed of a series of lights whose intensity, movement, and/or pixilation may be changed through manual or electronic means. An electronic reader board that has a fixed display/message with no change in intensity of light or pixilation shall not be considered an animated sign.

Elevation. A side of a building that faces a public or private street or alley. One (1) of the exterior walls of a building, inclusive of windows, doors and other openings, but not including any structural or nonstructural elements which extend beyond the roof of a building.

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Marquee. A roofed structure projecting from and supported by a building, or free-standing when such roofed structure extends beyond the building line, building wall or street lot line.

Marquee sign. A **display** sign attached to or hung from a marquee.

Maximum height. The maximum height of a sign shall be measured from the elevation of the point nearest the sign on the center line of the public street or highway nearest the sign upward to the elevation of the highest part of the sign or its supporting structure, whichever is higher. Notwithstanding the foregoing, unless otherwise specified in this chapter, all signs may have a height of eight (8) feet measured from the ground location of the sign to the highest part of the sign or its supporting structure, whichever is higher.

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Model home. A house used as an example or sample of homes in a residential area, open for viewing.

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Pylon sign. A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground and which has a width of two (2) feet or a height at least three (3) times the width.

Roof sign. A **display** sign which is erected, constructed and maintained above the roof of the building.

Sandwich board. Any sign designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

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Wind sign. A display of pennants, streamers, whirligigs or similar devices strung together and activated by wind.

Window sign. Any sign printed, attached, glued or otherwise affixed to the inside or outside glass of a window.

SECTION 2. Chapter 23, Section 2, of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added **bold & underlined**.

Sec. 23-2. - Unlawful signs.

(a) No sign shall be erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse, distract or mislead traffic, or be considered obscene or a nuisance to the general public.

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(k) No commercial flags shall be allowed except that a business may display one flag no larger than forty (40) square feet which bears the symbol or trademark or name of the business. No further advertising shall be permitted on such flags.

~~(l) No display signs which contain or include electronically operated changing alpha-numeric message signs shall be allowed.~~

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

Passed this _____ day of _____, 2013.

Attest:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

DRAFT

021482

Permanent Record
Filed in Clerk's Office

Introduced by McDavid

First Reading 10-1-12

Second Reading 10-15-12

Ordinance No. 021482

Council Bill No. B 283-12

AN ORDINANCE

establishing a moratorium on illuminated window signs that have electronic changeable copy; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. As used in this ordinance, "illuminated window signs that have electronic changeable copy" means any sign that:

- (1) Has blinking, scrolling, racing, pixelating or moving characters, text, symbols or other images;
- (2) Uses LED, LCD or other digital or electronic technology; and
- (3) Is placed within ten (10) feet of a window or other opening on the wall of a building in a manner that presents a message to or attracts the attention of the public outside.

SECTION 2. The City Council finds that illuminated window signs that have electronic changeable copy jeopardize public safety by distracting drivers much more than traditional static signs. The City Council wishes to consider an ordinance that would limit or prohibit such signs. The City Council also wishes to prohibit the installation of such signs while it is considering an ordinance that would limit or prohibit them.


SECTION 3. It shall be unlawful for any person to install an illuminated window sign that has electronic changeable copy while this ordinance is in effect.

SECTION 4. It shall be unlawful for any person to allow any illuminated window sign that has electronic changeable copy that was installed after October 1, 2012, to remain in place while this ordinance is in effect.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and shall remain in effect until April 16, 2013.

PASSED this 15th day of October, 2012.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor