

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 180-13

**AN ORDINANCE**

amending Chapter 23 and Chapter 29 of the City Code as it relates to animated and digital signs; 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. Chapter 23 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 underlined.

Sec. 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, 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 time and temperature signs, ~~safety warning signs and devices, or revolving barber poles, or display signs.~~)

...

*Digital sign.* Any video, computer generated, holographic or electronic images that are arranged, intended, designed or used as an advertisement, announcement or direction, or advertising devices of every kind. A digital sign shall not include electronically operated changing numeric message signs.

*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.~~

...

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

...

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

...

~~Sign. A structure that is arranged, intended, designed or used as an advertisement, announcement or direction; and includes a sign, sign screen, billboard, poster panel and advertising devices of every kind, but does not include signs placed on the inside of display cases or show windows fronted with glass which do not project more than six (6) inches from the outside surface of the building wall unless the sign is a digital sign or animated sign as defined in this section.~~

...

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.

...

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

...

SECTION 2. Chapter 29 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 underlined.

Sec. 29-21.2. District S-R, scenic roadway area overlay.

(a) Purposes of the Scenic Roadway Area. The S-R scenic roadway area is

intended to promote the conservation, preservation and enhancement of the scenic, natural and historic qualities and landscape of scenic roadway areas as well as promoting the health, safety and general welfare of the public. The purposes of the district are:

...

(c) Site Development Regulations. All land and buildings within a scenic roadway area shall comply with all regulations of the underlying zoning district and applicable sign regulations, provided they do not conflict with the scenic road overlay design, purpose or intent, as well as the following:

(1) Underground utilities. All on-site utilities shall be located underground unless required by the utility to be otherwise located.

...

(3) Signs. The sign regulations of chapter 23 of this Code shall apply, except where modified as follows. Only monument signs are allowed. A monument sign is a sign attached directly to the ground or a base attached directly to the ground and not supported by poles, uprights or braces. Internal lighting of signs, neon or flashing signs, ~~display signs~~ and roof signs shall not be permitted. All spotlights and exterior lighting shall be oriented away from adjacent properties and the scenic roadways.

...

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

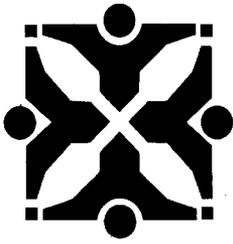
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



Source: Community Development - Planning 

Agenda Item No:

To: **City Council**  
From: **City Manager and Staff** 

Council Meeting Date: Jul 1, 2013

Re: Sign ordinance (Chapter 23) proposed revisions (**Case # 13-50**)

#### **EXECUTIVE SUMMARY:**

A request by the City of Columbia to approve revisions to Chapter 23 (Signs) and Chapter 29 (Zoning) of the City Code as it relates to signage definitions. This amendment has been prepared in response to the signage moratorium established by Ordinance 21482. (Case # 13-50)

#### **DISCUSSION:**

On October 15, 2012, the City Council approved Ordinance 21482 establishing a 6-month moratorium on the issuance of permits for illuminated window sign. On May 6 the Council approved a 3-month extension of the moratorium. The purpose of the moratorium was to evaluate the existing sign code and propose revisions that would address signs that:

- 1) Have scrolling, racing, or pixelating images, text or symbols.
- 2) Use LED, LCD, or other electronic technologies.
- 3) Are located within 10 feet of a window or other opening on the wall of a building such that the sign presents its message to or attracts the attention of the public from outside.

The attached ordinance proposes to:

- 1) Revise** the definition of "animated sign". The revision removes reference to "display sign" as well as "safety warning signs and devices" as being excluded from the definition of an animated sign.
- 2) Delete** the definition of "display sign" and strike all references in the sign code (Chapter 23) and zoning ordinance (Chapter 29) to such signs including Section 29-21.2(c)(3) Scenic Road Overlay Ordinance sign regulations. Existing display signs would be permitted to operate as legal non-conformities; however, new display signs would be prohibited from having animation of any kind.
- 3) Add** a definition for "digital sign". A "digital sign" would include signs that use any electronic means of display for conveyance of a message arranged, intended, designated or used as an advertisement, announcement, or direction. A "digital sign" would not include **numeric** message signs (i.e. fuel station pricing boards).
- 4) Revise** the definition of "sign". The revision would allow signs 6-inches behind glass; however, such signs could not be "animated" or "digital" signs.
- 5) Add** "digital sign" as an unlawful type of sign. "Animated signs" are already prohibited within the City - this revision ensures "digital signs" are prohibited as well.

The Planning and Zoning Commission, at its June 20, 2013, meeting voted unanimously (7-0) to approve the proposed ordinance revisions. One person from the public spoke in favor of the proposed ordinance and no one spoke in opposition.

A copy of the staff report, proposed ordinance and Ordinance 21482, and meeting excerpts are attached for review.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

**SUGGESTED COUNCIL ACTIONS:**

**Approve the proposed ordinance revisions as recommended by the Planning and Zoning Commission.**

<b>FISCAL and VISION NOTES:</b>					
<b>City Fiscal Impact</b> Enter all that apply		<b>Program Impact</b>		<b>Mandates</b>	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	<b>Vision Implementation impact</b>	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		<b>Resources Required</b>		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
June 20, 2013**

**SUMMARY**

A request by the City of Columbia to approve revisions to Chapter 23 (Signs) and Chapter 29 (Zoning) of the City Code as it relates to signage definitions and permitted types of signage within the Scenic Roadway Overlay District (SR). This amendment has been prepared in response to the signage moratorium established by Ordinance 21482. **(Case # 13-50)**

**DISCUSSION**

On October 15, 2012, the City Council approved Ordinance 21482 (attached) establishing a 6-month moratorium on the issue of permits for illuminated window sign. On May 6 the Council approved a 3-month extension of the moratorium. It is scheduled to expire on August 6.

The purpose of the moratorium was to evaluate the existing sign code and propose revisions that would address signs that have:

- 1) Scrolling, racing, or pixelating images, text or symbols
- 2) Use LED, LCD, or other electronic technologies
- 3) Are located within 10 feet of a window or other opening on the wall of a building such that the sign presents its message to or attracts the attention of the public from outside.

The attached ordinance proposes several changes to the sign code and zoning ordinance to address the purposes for which the moratorium was approved. Additional potential revisions were identified during the Commission review; however, were felt to be beyond the scope of the moratorium. The Commission, staff, and City's Legal Department believe these additional revisions can be addressed at a later time during a more comprehensive revision of the sign code.

The attached ordinance proposes to:

- a) **Revise** the definition of "animated sign". The revision removes reference to "display sign" as well as "safety warning signs and devices" as being excluded from the definition of an animated sign.

A "display sign" will become subject to the definition of a "sign" as defined in the code. Existing display signs would be permitted to operate as legal non-conformities; however, new display signs would be prohibited from having animation of any kind.

"Safety warning signs and devices" are not considered signs by definition since they are not permanently attached to the ground and often operated for a public purpose within right-of-way. As such regulation of such signs was seen as unnecessary.

- b) **Delete** the definition of "display sign" and strike all references in the sign code and zoning ordinance to such signs.

*including the scenic road overlay district,*

- c) **Add** a definition for "digital sign"

This revision provides standards for signs that use any electronic means of display for conveyance of a message arranged, intended, designated or used as an advertisement, announcement, or direction. A digital sign; however, excludes electronically operated changing **numeric** message signs (i.e. fuel station pricing boards).

d) **Revise** the definition of “sign”

The revision clarifies that signs may be located behind glass as long as they do not meet the definition of an “animated” or “digital” sign.

e) **Add** “digital sign” as an unlawful type of sign

This revision replaces the reference to “display signs” as being unlawful. This provision would ensure that future signs incorporating the use of LED, LCD, or other electronic technologies would not be allowed within the city limits. Animated signs are presently a prohibited type of sign within the city.

**RECOMMENDATION**

Approve the proposed ordinance amendment.

Report prepared by Patrick Zenner

Approved by Patrick Zenner

Introduced by McDavid

First Reading 10-1-12

Second Reading 10-15-12

Ordinance No. 021482

Council Bill No. B 283-12

021482

Permanent Record  
Filed in Clerk's Office

**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.

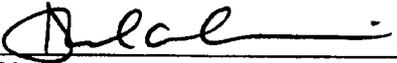
SECTION 3. It shall be unlawful for any person to install an illuminated window sign that has electronic changeable copy while this ordinance is in effect.

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

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION**  
**JUNE 20, 2013**

**Case No. 13-50**

**A request by the City of Columbia to approve revisions to Chapter 23 (Signs) and Chapter 29 (Zoning) of the City Code as it relates to signage definitions and permitted types of signage within the Scenic Roadway Overlay District (SR). This amendment has been prepared in response to the signage moratorium established by Ordinance 21482.**

MR. WHEELER: May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the proposed ordinance amendment.

MR. WHEELER: Are there any questions of Staff?

MR. LEE: Yeah.

MR. WHEELER: Yes, Mr. Lee?

MR. LEE: Mr. Zenner, there's a sign at the corner of College and the Business Loop that is quite animated, and that will be grandfathered --

MR. ZENNER: As in the auto parts store. Correct?

MR. LEE: Yes.

MR. ZENNER: That, unfortunately, would be one of those that would be considered grandfathered. And the only way to eliminate that sign would be through either revisions to our amortization provisions or through the deterioration of that sign to such a point that it would not be able to be repaired and would fall under the existing provisions within the code that would require it to be removed.

MR. LEE: But if we have the entire code redone, then it probably would be addressed in that?

MR. ZENNER: It is very possible. The issue of amortization or the buying out of somebody's rights to a sign that they have invested in will become a very challenging and potentially controversial issue. It may not be something that we will not shy away from making recommendations on, but I would gather that it will become a very political issue as to how far do we want to go as a city in order to eliminate those. There could be compensation requirements needing to be paid, and a variety of other ramifications. That is one reason why we have not proposed any changes to that as part of this ordinance. We wanted to address the principal focus of it, and that was really to take care of new signage. We can come back and always look at that that exists and then try to figure out a way to deal with it.

MR. LEE: I think it will be an issue.

MR. ZENNER: Oh, yes. I believe it will be.

MR. LEE: Thank you.

MR. WHEELER: Are there any other questions of Staff? Seeing none, we'll open the public hearing.

**PUBLIC HEARING OPENED**

MR. WHEELER: I'm sure we have a few folks that want to speak on this issue. Since you'll be our primary speaker this evening, we'll give you a little room --

MR. KRUSE: Thank you.

MR. WHEELER: -- although, the playoffs are on.

MR. KRUSE: Thank you. Well, Karl Kruse, 2405 Lynnwood Drive. First of all, thank God we'll still have Budweiser signs. That's really important to me. I wasn't aware of that until tonight. I came loaded for bear, but, you know, I think I'm the only person that is going to speak tonight, so I'll keep it very brief. I'm interested mostly about the signs in my windows that are animated or digital. And it seems to me that's a reasonable proposal to limit those given that we do the same for similar signs that are outside the window. It's in keeping with the purposes stated in the ordinance, which in part are to, you know, promote traffic safety, promote a high quality community appearance and project -- and mitigate against adverse impacts with nearby businesses. So it seems like a reasonable thing. I'm not sure why we missed that in 1992 when we did the major revisions to the ordinance. Probably because we just didn't have the technology then. You know, we would see a few of these little signs that flash "open," but you just didn't see digital -- big digital signs or animated signs or LED signs behind windows, and we just didn't think about it. But I can tell you -- and I think I've mentioned this in one of your work sessions -- that having worked on the sign issue for about 30 years now locally, at the state level, and nationally, I can guarantee you that if we don't do something, it's just a matter of time before we see really large LED outdoor -- basically indoor advertising directed at the outdoor public all over the place in Columbia -- big ones -- 600 square feet -- similar and much bigger to the images that you've seen tonight. There's just no way to stop it. But this ordinance would stop it and I think it's a great idea, and I support it. So I'll just leave it at that unless you have any questions.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir. Are there any other speakers this evening? Seeing none, we'll close the public hearing.

**PUBLIC HEARING CLOSED**

MR. WHEELER: Commissioners, discussion? Just as a point, you can't take everything. We don't either. But we have tried to put a provision within this that would maybe limit holographic and other things that might come in the future. So I'm sure we didn't think of everything either, but we'll -- hopefully we've done what we can at this point. Ms. Peters?

MS. PETERS: I am very grateful to Staff and to the legal department for clawing their way through this so that we have an appropriate ordinance for Columbia, and I am very happy to support this. And I will move for approval, unless there's more discussion.

MR. WHEELER: A motion has been made.

MR. STANTON: Second.

MR. WHEELER: And seconded by Dr. Puri, who had his hand up first. Is there any discussion on the motion?

MR. VANDER TUIG: We have a motion and a second for approval of Case 13-50 to approve revisions to Chapter 23 and Chapter 29 of the City code as it relates to signage definitions and permitted sign -- types of signs within the Scenic Roadway Overlay District.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Vander Tuig, Mr. Wheeler, Mr. Stanton, Mr. Lee, Ms. Peters, Dr. Puri. Motion carries 7-0.**

MR. WHEELER: Recommendation for approval will be forwarded to City Council and it will go on the consent agenda unless, of course, City Council would like to discuss this in a public hearing. All right.