

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 68-13

AN ORDINANCE

extending the moratorium on illuminated window signs that have electronic changeable copy; referring this matter to the Planning and Zoning Commission for public hearing; 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. Staff is directed to refer the matter of illuminated window signs that have electronic changeable copy to the Planning and Zoning Commission for public hearing.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and shall remain in effect until September 3, 2013.

PASSED this _____ day of _____, 2013.

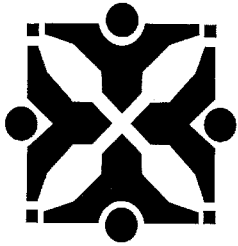
ATTEST:

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: Mar 18, 2013

Re: Signage Moratorium (Council Bill # 283-12, Ordinance # 21482)

EXECUTIVE SUMMARY:

Per Council directive and Ordinance #21482, the Planning and Zoning Commission have examined the issue of illuminated, changing message signs in the sign ordinance (Chapter 23). This evaluation has produced a set of recommended changes that will require a public hearing prior to a final ordinance being presented to the Council for adoption.

DISCUSSION:

On October 15, 2012, the Council approved a six-month moratorium on the issuance of sign permits for flashing and blinking signs. The moratorium was to allow the Planning and Zoning Commission to review and make recommendation on possible changes to the sign code to address issues relating to 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.

The Commission has completed its review of the code and offers the following proposed changes. These proposed changes are shown in the attached "draft ordinance".

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 alphanumeric 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 belief, the proposed ordinance revisions do not address amortization of the existing electronic changeable copy signs presently located and functioning within the city. There is no known efficient or effective mechanism by which to have owners of such signage made to bring such signage into compliance under the proposed regulations.

The proposed revisions, if adopted, would prohibit new electronic changeable copy signage within the city limits, regardless of location. The basis for this conclusion is that Section 23-2 (Unlawful signs) specifically prohibits, under subsections (h) and (i), animated signs as well as electronically operated changing alphanumeric signs, respectively.

The existing signage moratorium is scheduled to expire on April 16. Given this expiration date and the need to obtain public comments and hold the required public hearing, the Planning Commission believes it is appropriate to extend the moratorium for an additional six (6) months. It is likely that comments and the required public hearing can be completed prior to the expiration of the extension. Extension of the moratorium will ensure no new signage permits are issued during the finalization of the proposed amendments.

FISCAL IMPACT:

None.

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

If Council finds the proposed amendments acceptable it is the recommended, by the Planning and Zoning Commission, that:

1. The moratorium be extended for an additional 6-months to allow sufficient time to obtain public comment and hold the required hearings;
2. Direct the Planning and Zoning Commission to obtain public comment and hold the required public hearings.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?		Federal or State mandated?	
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?		Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?		Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	
One Time	\$0.00	Requires add'l FTE Personnel?		Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	\$0.00	Requires add'l facilities?		Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?		Fiscal year implementation Task #	

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 items 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 screens, plasma screens, digital screens, flat screens, LED or LCD screens, video boards, holographic displays, or such devices that project images viewable to the public via electronic or other means.

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, such as reader boards used at gas stations for the purpose of displaying the price of fuel.

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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Shopping center master sign and industrial park master sign. A sign indicating the name of the shopping center or industrial park and/or names of businesses in the shopping center or industrial park.

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.

Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including but not limited to, advertising signs, billboards and poster panels, but exclusive of customary fences or boundary or retaining walls.

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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