



MEMORANDUM

Council Agenda
Item No. XI. E
2/13/2024

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Ordinance on final hearing (emergency), relating to Advertising and Signs; amending Chapter 3 of the Oklahoma City Municipal Code, 2020, by repealing Article V, Sign Regulations, in its entirety; and amending Chapter 59 of the Oklahoma City Municipal Code, 2020, by amending Article IV, Section 4250.3 Downtown Design Review Committee Recommendations and Review to authorize administrative approval for murals, Section 4250.6 Bricktown Urban Design Review Committee Recommendations to amend review and recommendation procedures for murals, Section 4250.8 Scenic River Overlay Design District (SRODD) to amend review and recommendation procedures for murals; by amending Article VI, Section 6100.1 (TABLE) Agricultural and Residential Districts Use Regulations to change murals to a permitted use, Section 6200.1 (TABLE) Office and Commercial District Uses Regulations and Section 6250.1 (TABLE) Industrial Districts Uses Regulations to delete the use unit classification Signs: Non-Accessory and to change murals to a permitted use; by amending Article VII, Section 7150.1.C Certificate of Approval Required in the Bricktown Core Development District (BC) to authorize administrative approval for murals, Section 7150.1.D Use Regulations to remove reference to accessory signs, Section 7150.1.E. Development Regulations to reference Chapter 59, Article XVI, Section 7150.2 (TABLE) BC Bricktown Core Development District Use Regulations to change murals to a permitted use; Section 7200.1.C Certificate of Approval Required in the Downtown Design Districts (DBD, DTD-1, and DTD-2) to authorize administrative approval for murals; Section 7200.1.F Development Regulations to reference Chapter 59 Article XVI, Sign Regulations, to allow certain types of signs in all Downtown Districts with limited exceptions and to delete content related signage for sidewalk signs; Section 7200.1 (TABLE) Downtown Design District Use Regulations to change murals to a permitted use in all Downtown Design Districts and to delete the use unit classification Signs: Non Accessory; Section 7200.3 Downtown Transitional District, Limited (DTD-1) to reference Chapter 59 Article XVI, Sign Regulations; Section 7200.4 Downtown Transitional District, General (DTD-2) to reference Chapter 59 Article XVI, Sign Regulations; Section 7250.4 Historic Preservation Regulations to reference Chapter 59 Article XVI, Sign Regulations; Section 7300.1 (TABLE) NC Neighborhood Conservation District Use Regulations to change murals to a permitted use; Section 7300.8.B Neighborhood Conservation District Tract 5 (NC) Regulations to require a Certificate of Approval by the Urban Design Commission, to amend the maximum display surface area for window, awning and attached signs, to delete reference to non-accessory signs, to authorize administrative approval for murals, and to amend light post banner regulations; Section 7350.2.B to require a Certificate of Approval in the Stockyards City Development District for murals and authorizing administrative approval; Section 7350.5 Accessory Uses to reference Chapter 59 Article XVI Sign Regulations; by amending

Article VIII, Section 8300.66 to delete the use unit Classification Signs: Non-Accessory; by amending Article IX Use Standards, Section 9350.46 to delete use standards for murals; and Section 9350.59 to delete use standards for Signs: Non-Accessory; by amending Article XI Landscaping and Screening Regulations Section 11250 to delete landscaping requirements for freestanding signs; by amending Article XII Site Development Standards Section 12200.1 (TABLE), 12200.3, and 12200.4 to delete references to accessory signs, to add references to Chapter 59 Article XVI, and to delete accessory sign standards; by amending Article XIII, Zoning Overlay Districts, Sections 13500.3 and 13500.5 in the Scenic River Overlay Design Districts (SRODD) to authorize administrative approval for murals, to reference Chapter 59, Article XVI Sign Regulations, and to delete content from signage guidelines; amending Sections 13550.3 General Development Regulations and Guidelines and 13550.5 Certificate of Approval Required in the Stockyards City Transitional Development Overlay District (SYT) to reference Chapter 59 Article XVI Sign Regulations, to delete non-accessory signs, to delete content from signage guidelines, and to authorize administrative approval for murals; Section 13600.2 Use Regulations in the Twenty-Third Street Uptown Corridor Overlay District to delete Signs: Non-Accessory Use Unit and conditions related thereto; Section 13700.4 Certificate of Approval Required in the Urban Design Overlay District (UD) to authorize administrative approval for murals; and Section 13700.5 General Development Regulations in the Urban Design Overlay District (UD) to reference Chapter 59 Article XVI Sign Regulations; and by enacting a new Article XVI, Sign Regulations to provide for new sign districts and street typologies, to set forth standards for types of signs, to provide for administration and enforcement, to provide for the measurement of signs and to add definitions; and setting an effective date of March 15, 2024.

Purpose:

This ordinance will establish a new sign code by repealing Article V of Chapter 3 of the Oklahoma City Municipal Code, 2020, enacting a new Article XVI, Sign Regulations, of Chapter 59 of the Oklahoma City Municipal Code, 2020, and by amending other Chapter 59 Articles to update sign regulations.

Background:

planokc policy ST-17 recommended that the City adopt new site design and building regulations, including those for signage, to ensure basic functional and aesthetic minimums. Policy E-14 recommended reducing sign clutter, improving sign aesthetics, restricting or eliminating new billboards, and improving code enforcement of dilapidated signs.

In 2019, in *Frederick Bruce Knutson v. The City of Oklahoma City*, the court found that Oklahoma City's sign code impermissibly regulated signs based on content. In response, the Municipal Counselor's office represented to the Court that the City was working to revise the sign code to delete all references to expressive, noncommercial content and to ensure that the sign code was compliant with the United States Supreme Court's 2015 ruling in *Reed vs. Town of Gilbert*, which found that cities could no longer distinguish between signs based on a sign category determined by the message it conveys and its content.

Since early 2020, Planning staff and a consultant team led by Mark White (White & Smith, LLC Planning and Law Group) have been working to develop updates to the City's sign code. Planning staff and the consultant team have studied best practices from peer cities and engaged in outreach with area businesses, the sign industry, residents, developers, realtors, artists, other City

departments, and the Oklahoma Department of Transportation. Planning also held multiple meetings with the Development Codes Update's Stakeholder Advisory Team to gain technical input and presented preliminary information to affected design review committees and commissions. In addition, Planning staff met several times with Planning Commissioners and City Council members to review the project and to confirm policy direction.

On April 21, 2022, in *City of Austin, Texas v. Reagan National Advertising of Texas Inc.*, the U.S. Supreme Court found that on-/off-premises distinctions are facially content-neutral under the First Amendment because on-/off-premise distinctions are based on locations, not content. In response, the proposed new sign code has been revised since it was heard at the Planning Commission. The proposed new sign code now defines on-/off-premise signs and specifies that off-premise signs are limited to billboards, supergraphics, and certain signs on public right-of-way.

On October 17, 2022, before the ordinance was scheduled for final adoption at City Council, the City received a letter from the American Civil Liberties Union threatening litigation if the sign ordinance was adopted as proposed. Around the same time, a group of concerned artists contacted the City to request additional consideration of the impact of the proposed ordinance on murals. The ordinance has since been revised to only require a mural permit under certain circumstances. It has also been revised to allow temporary signs in certain public right-of-way and to require a permit for such signs.

On May 26, 2020, City Council adopted a moratorium on the acceptance of new applications for Planned Unit Developments and Simplified Planned Unit Developments that would allow freestanding signs with a display surface area over 200 square feet (Item IV.A.). The moratorium has been extended several times, most recently at the November 7, 2023 City Council meeting (Item IV.C.) where it was extended to May 11, 2024.

On September 9, 2021, staff presented a draft of the proposed sign code to the Planning Commission at a Study Session.

On January 20, 2022, the Downtown Design Review Committee unanimously recommended approval of this ordinance.

On February 2, 2022, the Historic Preservation Commission unanimously recommended approval of the ordinance.

On February 9, 2022, the Bricktown Urban Design Committee unanimously recommended approval of this ordinance.

On February 9, 2022, the Stockyards Urban Design Committee unanimously recommended approval of this ordinance.

On February 10, 2022, the Planning Commission Development Review Committee unanimously recommended that the ordinance be set for introduction. Various review comments from this meeting have been incorporated into the proposed sign code ordinance.

On February 21, 2022, the Riverfront Design Committee unanimously recommended approval of this ordinance.

On February 21, 2022, the Arts Commission unanimously recommended approval of this ordinance with conditions (see Attachment B). These changes have been incorporated into the proposed sign code ordinance.

On March 23, 2022, the Urban Design Commission unanimously recommended approval of this ordinance.

On March 24, 2022, the ordinance was introduced at a Planning Commission meeting and set for recommendation on April 14, 2022.

On April 14, 2022, the Planning Commission unanimously recommended approval of the ordinance to the City Council.

On September 17, 2022, the ordinance was introduced at City Council and a public hearing was held on October 11, 2022. The ordinance was set for adoption on October 25, 2022.

On October 25, 2022, the ordinance was stricken from the City Council agenda (Item XI.P1) so that staff could gather further public input.

Review:

Planning Department

Recommendation: Ordinance be adopted with an emergency and setting an effective date of March 15, 2024.