



STAFF REPORT
The City of Oklahoma City
Planning Commission
April 14, 2022

Item No. IV. 24.

Recommendation on a proposed ordinance relating to Advertising and Signs, repealing Article V of Chapter 3 of the Oklahoma City Municipal Code, 2020, and amending Articles IV, VI, VII, VIII, IX, XIII of Chapter 59 of the Oklahoma City Municipal Code, 2020 to update sign regulations in design districts, to delete provisions regarding non-accessory signs, to authorize administrative approval for certificates of approval for murals in design districts and enacting a new Article XVI, Sign Regulations, of Chapter 59 of the Oklahoma City Municipal Code, 2020 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. All Wards.

I. BACKGROUND

Planning staff and a consultant team led by Mark White (White & Smith, LLC Planning and Law Group) have been working since early 2020 to develop updates to the City's sign code. The purposes of the project are to implement policies recommended by the City's comprehensive plan (*planokc*), such as reducing sign clutter and creating a highly graphic and more user-friendly layout; and to make the code consistent with recent legal developments.

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 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. Other court cases around the country from 2019 to the present have further challenged cities' ability to make content-based sign distinctions.

Throughout 2020, Planning and the consultant team studied best practices from peer cities and engaged in outreach with area businesses, the sign industry, residents, developers, realtors, artists, and other City departments. 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.

In anticipation of the Sign Code update, City Council adopted a moratorium on new PUD and SPUD applications that would allow billboards. The moratorium was first adopted on May 26, 2020 and has been extended several times. It is currently set to expire on May 22, 2022.

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 sign code ordinance attached with this report.

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 sign code ordinance attached with this report.

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

On March 24, 2022, the Planning Commission set the ordinance for recommendation on April 14, 2022.

II. PROPOSED SIGN CODE

The proposed new sign code would replace a portion of the existing sign code found in Chapter 3, Article V, with new sign regulations to be located in Chapter 59, Article XVI. The new code would be content-neutral and would regulate signs by physical features (location, type, size, and physical design). The new code would consolidate regulations for each type of sign into user-friendly tables each accompanied by informational graphics to illustrate terms and concepts. The new code would also change the way signs are measured and allocated, including tying the height and size of freestanding signs to street type.

Many provisions of the existing sign code would not be changed but would be relocated to new sections. Specific design district signage requirements would remain and supersede the new Article XVI provisions.

Several specific changes are proposed, including:

- Changing where billboards are allowed and establishing size and height limitations for billboards in specific locations;
- Prohibiting use of PUD/SPUD to vary sign standards;
- Establishing a process for Master Sign Plans that can vary the size and number of signs with Planning Director approval;
- Modifying certain definitions and requirements to make it easier to remove and enforce signs that are abandoned or in disrepair;
- Specifying that the City has the authority to remove dilapidated signs, similar to the process for dilapidated structures;
- Continuing to allow pole signs but change the way that the size of these signs is calculated;
- Reducing the total maximum allowable area for attached signs;
- Increasing the separation distance between Electronic Message Displays and residential structures.
- Streamlining the approval/permit process for murals, including changing murals from conditional uses in all zoning districts (except HP/HL) and providing for staff approval if murals meet the mural standards and district guidelines.

Since the ordinance draft (dated January 11, 2022) that was reviewed and recommended by the design review committees and commissions, the ordinance text has been updated to address specific conditions recommended by Arts Commission (ref. Attachment C), suggestions discussed by the Planning Commission Development Review Committee, and additional comments received by Planning staff from internal and external stakeholders. These changes are summarized in Attachment B.

III. RECOMMENDATION

Recommend approval of the ordinance to City Council.

Attachments:

- A - Sign Code Ordinance dated March 17, 2022
- B - Sign Code Changes since January 11, 2022 draft code
- C - Arts Commission Recommendations, February 21, 2022