



MEMORANDUM

Council Agenda
Item No. XI. N
9/27/2022

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Ordinance to be introduced, set for public hearing October 11, 2022 and final hearing October 25, 2022, relating to Advertising and Signs, repealing Article V of Chapter 3 of the Oklahoma City Municipal Code, 2020, and amending Chapter 59 of the Oklahoma City Municipal Code, 2020, by amending Article IV, Section 4250.3, Downtown Design Review, Section 4250.6 Bricktown Urban Design Review and Section 4250.8, Scenic River Overlay Design District (SRODD) Review; amending Article VI, Table 6200.1, Office and Commercial District Uses Regulations and Table 6250.1, Industrial Districts Uses Regulations; amending Article VII, Section 7150.1.C, Certificate of Approval Required, Section 7150.1.D, Use Regulations, and Section 7150.1.E, Development Regulations, Section 7200.1.C Downtown Design Districts, Table 7200.1, Downtown Design District Uses Regulations, Section 7200.3 Downtown Transitional District Limited (DTD-1), Section 7200.4 Downtown Transitional District General (DTD-2), Section 7250.4 Historic Preservation Regulations, Section 7300.8.B, Neighborhood Conservation District Tract 5 Development Regulations, Section 7350.2.B, and Section 7350.5 Stockyards City Development District Regulations, amending Article VIII, Use Unit Classifications, Section 8300.66, Signs: Non-Accessory, amending Article IX Use Standards, Section 9350.46, Murals (59-8250.16), Section 9350.59, Signs: Non-Accessory (59-8300.66), Amending Article XIII Zoning Overlay Districts, Section 13500.3 Certificate of Approval required Scenic River Overlay Design District, Section 13500.5, General Development Regulations and Guidelines in Scenic River Overlay Design District, Section 13550.3, Development Regulations and Guidelines in Stockyards City Transitional Development District, Section 13550.5 Certificate of Approval Required in Stockyards City Transitional Development District, Section 13600.2, Use Regulations Twenty-Third Street Uptown Corridor District, Section 13700.4, Certificate of Approval Required Urban Design District, 13700.5 General Development Regulations Urban Design District; and enacting a new Article XVI, Signage 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.

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 dilapidate 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.

However, 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 sign code has been revised since it was heard at Planning Commission. While the proposed new sign code remains largely the same, it has been revised to define off-premise signs and to specify that off-premise signs are limited to billboards.

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. Planning 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.

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 November 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 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.

Review:

Planning Department

Recommendation: Ordinance be introduced, set for public hearing and for final hearing.