

Columbus Sign Code Legacy Signage

In both the existing and proposed new Sign Ordinance, there is a provision to remove signs when the on-site business is vacated. A question was raised by staff and the Plan Commission regarding some existing signage downtown that is technically abandoned today (sign is advertising a business that does not occupy that building any longer) and whether some of that signage can be preserved long-term.

Following the *Reed v. Gilbert* U.S. Supreme Court case in 2017, communities can no longer regulate signage based on content. This presents an immediate issue in relationship to potentially allowing some abandoned signs to remain, while potentially requiring others to be removed. Enforcement should be uniform and selecting signs that the community “likes” vs. “dislikes” will inherently create many kinds of issues, most notably that its content based.



However, it's understandable that communities would like to honor characteristics that make them unique by enabling notable structures to remain. Below are a few potential options for addressing the situation:

Option 1: Retain the abandoned signage language and enforce such provisions uniformly.

- This would be no different than how the City is operating today, it avoids trying to create a carve-out provision for certain signage, and is likely to be the most legally-defensible.

Option 2: Allow abandoned signage to stay only within the downtown zoning district.

- This would allow these types of signs to stay as-is and be maintained, but it would also mean that any abandoned sign in the downtown area could also stay, even if it were not well maintained or in good condition.

Option 3: Create a new provision in the Sign Ordinance for “Legacy” signs.

- This could enable certain signage to remain even if the business is no longer occupying that building and tie the standards for allowing it to the historic nature of the sign.

Potential Option 3 Language (Borrowed from the [City of Madison](#))

(1) Legacy Signs.

- (a) Definition. Any wall-mounted sign that was constructed for a business that is no longer occupying the building in which it is located.
 - 1. The sign must be found to have a provable, demonstrated historical relationship to a prior sign on the building that pre-dates 1940 or to a prior use of the building that pre-dates 1940. The Plan Commission shall find that there is direct historical relationship between the proposed sign and a pre-1940 use of the building.
- (b) Legacy signs are exempt from the requirements of this section and may remain without an active business occupying the building, structure, or site.
- (c) Legacy signs may be modified, maintained, or altered without losing their nonconforming status or be subject to meeting the requirements of this Article if:
 - 1. The Plan Commission approves the materials, design, size, and location of the sign and said sign matches the original, to the extent that any details of the original sign are known.
 - a. The sign must blend appropriately with the historic nature of the building.
 - b. The location and size of the sign must be found by the Plan Commission not to interfere with existing signage on the lot.
 - c. If the appearance of a prior sign is known, the proposed sign shall match the prior sign completely and this will satisfy the criteria of this section.
 - 2. This section shall not be used to approve an Off-Premises Sign as defined in this Article.