

**ORDINANCE NO. 2018- 12****AN ORDINANCE TO AMEND SECTION 1181.09 OF THE CODIFIED ORDINANCES TO PERMIT ELECTRONIC SIGNS KNOWN AS DIGITAL DISPLAYS**

**WHEREAS**, Chapter 1181 of the Village Ordinances prohibits the use of electronic signs, also known as electronic message centers and digital displays; and

**WHEREAS**, digital displays can allow for efficient communication, wayfinding, and can otherwise reduce visual clutter and aesthetics by combining messages onto a single sign face;

**WHEREAS**, when not properly regulated or controlled, digital displays can constitute a nuisance through light trespass on neighboring properties, can decrease the aesthetic appearance of a neighborhood, and can detrimentally affect traffic safety by distracting and blinding drivers; and

**WHEREAS**, after careful study and review of the effects and potential regulations of digital displays, the Village desires to permit certain digital displays subject to Village regulations.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CENTERBURG, STATE OF OHIO, THAT:**

**Section 1.** That Section 1181.02 of the Codified Ordinances of the Village of Centerburg be amended to read as follows:

**1181.02 DEFINITIONS.**

As used in this chapter, the following words and phrases shall have the meanings herein.

(a) "Awning" means a hood or cover that projects from the wall of a building and which can be retracted, folded or collapsed against the face of the supporting building.

(b) "Banner" means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion. National flags, state or municipal flags shall not be considered banners. The official flag of any institution or business shall not be considered a banner.

(c) "Billboard" means an off-premise outdoor ground sign exceeding 60 square feet in area.

(d) "Canopy" means a projection from a building made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.

(e) "Changeable copy sign (manual)" means a sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a readerboard with changeable letters.

(f) "Changeable copy sign (mechanical or electronic)" means a sign, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field

without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.

(g) "Clear Sight Triangle" means the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being twenty (20) feet from the intersecting lines and extending vertically from a height of three (3) feet above grade to ten (10) feet above grade.

(h) "Flag" means any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.

(i) "Flashing" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

(j) "Ground sign" means a free standing detached sign whose support structure is imbedded in the ground.

(k) "Joint identification sign" means a sign intended to provide the identity or name, whether through logo, type, graphics or other symbols, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.

(l) "Informational window sign" means window signage with a total area of two (2) square feet or less and bearing only information about entry and exit, business hours, authorized service representative information and/or discount and credit systems accepted in that establishment (e.g., American Express, MasterCard, Visa, Golden Buckeye Card, etc.).

(m) "Marquee" means a canopy that provides additional loading for graphics.

(n) "Menu board" means a permanently mounted sign displaying the bill of fare for a restaurant, drive-in or drive-thru restaurant or instructions or services for other drive-thru establishments.

(o) "Moving sign" means any sign, all or any part of which physically moves up or down or sideways, revolves, or is animated so as to give the appearance of movement.

(p) "Pennant" means a triangular shaped banner.

(q) "Permanent residential subdivision identification signage" means those signage features specifically relating to the denotation of a major entrance or entrances to a residential subdivision.

(r) "Permanent sign" means a sign intended to be erected and used or in fact which is used for a time period in excess of one year.

(s) "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

(t) "Projecting nameplate" means a sign indicating only the name and/or address of an occupant which extends outward perpendicular to the building face.

(u) "Private traffic and on site directional signs" means a temporary or permanent sign that provides information regarding location, instructions for use, or functional/directional data.

(v) "Roof line" means the lowest point of a roof which is closest to the ground.

(w) "Roof sign" means a sign erected upon the roof of a building, any portion of which is above the roof line of the building.

(w) "Sandwich Board Sign" means any sign temporarily placed in the right-of-way of the zoned lot or on the land between the building and the right-of-way as a freestanding sign, which may include chalk and dry erase boards, also known as "A" or "T" frame signs.

(x) "Sign" means a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business. The word "sign(s)" as used throughout this chapter means sign(s) that are externally visible from adjacent properties or streets. Signage that is placed internally within a structure or building that is not externally visible shall be excluded from sign regulations.

(y) "Streamer" means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or cord, usually in series, designed to move in the wind. A streamer may have pennants and/or banners attached.

(z) "Temporary sign" means a sign intended to be used and in fact used for a time period of one year or less.

(aa) "Wall sign" means a sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted on buildings and any extensions thereon.

(bb) "Window sign" means a sign, graphic, poster, symbol or other identification or information about the use or premises which is physically affixed to or painted on the glass or other structural component of the window or a sign, graphic, poster, symbols, or other identification or information about the use or premises erected on the inside of the building within two (2) feet of the window and intended to be viewed through the window from the exterior of the premises.

(cc) **"Digital Display" means a display of a sign message that is made up of internally illuminated components that display an electronic image, which may or may not include text and can change the message periodically. Digital Displays may include but are not limited to television screens, holographic displays, programmable ink, LCD, LED, or plasma displays.**

(dd) **"Nit" means a photometric unit of measurement of the amount of light a source emits. One nit is equal to one Candela per meter squared (cd/m<sup>2</sup>).**

(ee) **"Owner" as used in 1181.09 means the title holder of record for the property on which a Digital Display is located, or the legal representative of the title holder of record, or the user or operator of the Digital Display located on the property of the tile holder of record.**

(ff) **"Parcel" means a platted parcel or other tract of land separately identified with a unique parcel identification in the County Auditor's records.**

**Section 2.** That Section 1181.09 of the Codified Ordinances of the Village of Centerburg be amended to read as follows:

**1181.09 PERMANENT SIGNS.**

(a) All permanent signs shall require a permit. Permitted permanent signs shall be classified into one of the three following types: wall signs; window signs; and ground signs.

(1) Wall signs may be erected on a building wall or extension of a building wall which faces a street, parking lot or service drive, and such sign may not extend beyond any building setback lines. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of ten inches except as follows:

A. Signs may be painted on an awning area or attached to a canopy or marquee which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee.

B. Projecting nameplates provided that:

1. The nameplate does not exceed four (4) square feet in size; is placed not less than eight (8) feet above the sidewalk or ground level; projects no more than three (3) feet outward from the building face; and

2. Is used only by a business having its own separate and individual entrance and located in a building having no front yard or is used by a number of businesses which share a common entry way in a building with no front yard and whose nameplate identifies the name and/or street address of the building, and not the names of the individual businesses.

(2) Ground signs, to include pole signs and other types of free standing signs, may be erected on a lot provided the location, height and other characteristics of the sign meet the regulations of this chapter. Only one ground sign per street front is permitted for any lot in any zoning district.

(3) Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises and its use. Except for the Village Center District where a business does not occupy first floor space, such signs shall be limited to use solely on the ground or first floor. Permanent window signs must comply with the Schedule of Sign Regulations.

(b) The following general requirements shall apply for characteristics of permanent signs:

(1) Illumination. Illumination of signs shall be permitted in all districts. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate, travel, move or in any manner fail to provide constant illumination and shall not create a hazard or visibility problem or interfere with or impair vehicular movement on any street from which the sign may be viewed. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

(2) Animation, mechanical or electronic changeable copy signs and moving signs. With the exception of Digital Displays permitted under Section (c), Mmechanical or electronic changeable copy signs, flashing signs, moving signs and the animation of signs are prohibited.

(3) Manual changeable copy signs. Manual changeable copy signs shall be permitted on ground signs only. Manual changeable copy signs shall comprise no more than one third (33.3%) of the total area of the sign per side or ten square feet per side, whichever is more, and shall comply with the maximum height standards specified in the schedule of sign regulations, and shall be an integral part of the sign. In residential districts, manual changeable copy signs shall not be internally illuminated and may be illuminated only between 6:00 a.m. and 11:00 p.m.

(4) Pennants, streamers, etc. No sign shall contain or consist of banners, pennants, ribbons, streamers or similar moving devices.

(5) Construction. The construction of all signs, including any electrical wiring necessary for the operation of illuminated signs shall conform to the specifications of the Building Code for the City of Columbus, Ohio except for Chapter 1, Section 4101:2-1-35 of the Ohio Basic Building Code. All signs shall be adequately maintained and shall not constitute a safety hazard. The sign faces of a sign shall be kept neatly painted or posted at all times and, where applicable, shall be painted or replaced with blank panel(s) when copy is removed.

(6) Location.

A. All permanent signs shall be located on the site being promoted, identified or advertised. Off premise signs are prohibited.

B. In no case shall any part of a sign be placed in, over, or extend onto any public right-of-way except for projecting nameplates on lots where no front yard exists and for publicly owned signs such as traffic control and directional signs. In no case shall any part of a sign be placed in, over or extend above the roof line of any structure.

(7) Maximum number, height, and area of signs. In addition to placement of signs, the heights, area and number of permitted signs allowed per use or lot shall be regulated by districts and uses as listed under the Schedule of Sign Regulations of this chapter, except as specifically regulated elsewhere in this chapter. The height of a ground sign shall be measured from the established grade of the adjacent public street at the proposed sign location.

(8) Joint identification signs. Joint identification signs shall be limited to wall or ground signs and to premises where there are two or more uses located on a property having frontage on at least one public street. If the property fronts on one street, only one joint identification sign is permitted. A second joint identification sign is permitted, if the property fronts on two streets provided that the frontage for each street is not less than one hundred lineal feet. Additionally, a second joint identification sign is permitted in the Village Center District if the premises has pedestrian access open to the public from parking facilities both in the front and in the rear of the property. The size of a joint identification sign shall not exceed a total of twenty-five (25) square feet nor shall less than four (4) square feet be utilized by any one occupant of the property.

(9) Billboards. Billboards are prohibited as off-premise signs.

(10) Roof signs. Roof signs are prohibited.

(11) Permanent residential subdivision identification signage.

A. Such identification shall be limited to wall mounted signs or graphics only, for example, with placement on a brick wall, railroad ties, entrance columns on each side of a street or on a similar architectural or landscaping entrance feature

that may be used. The reverse sides of identification features shall be finished to match the fronts. Pole type signage is hereby prohibited. Sign copy shall be limited to the name and logo of the subdivision. One manual changeable copy sign is permitted per entrance. Manual changeable copy signs are to be mounted on the rear of an entrance feature. Maximum area for residential manual changeable copy signs is four square feet.

B. Such identification features may not be located in the public right-of-way. Under no circumstances shall such feature be located in the tree lawn nor the clear sight triangle defined in Section 1181.02, nor impair the future utilization or expansion of public streets.

C. The maximum area for such identification is twenty (20) square feet at any one entry location. A maximum of one permanent residential subdivision identification sign is permitted on each side of the street at each entry location to a development.

D. No part of any such sign shall be closer to any public right-of-way than ten (10) feet.

E. The maximum height for such identification is six (6) feet above grade.

F. Applications for permanent subdivision identification signs must demonstrate provisions for future maintenance and maintenance easements at the time of final platting. Written consent of the property owner of each proposed sign location shall be submitted with each permit application.

(c) **Digital Displays.** Digital Displays are permitted in all zoning districts subject to the following:

(1) **General.**

A. Not more than one Digital Display shall be permitted on a Parcel, provided such parcel must have a minimum of 250 feet of frontage located on a state route within the Village that is designated as a 45 MPH speed limit zone or greater speed limit.

B. A Digital Display shall only be allowed on ground-mounted signs.

C. The Digital Display will not be larger than 90% of the maximum permitted signage for the Parcel as defined in Chapter 1181 of the Village ordinances.

(2) **Copy (Lettering).**

A. Copy (lettering) shall be limited to red letters on a black background.

B. Letters shall not be smaller than 4" nor greater than 8" in height. Letters shall be of an appropriate width proportionate to height to be clearly legible.

C. Each Digital Display will not display more than 4 rows of text at any time.

(3) **Brightness.**

A. **Maximum Daytime Brightness:** luminance shall not exceed 5,000 nits between sunrise and sunset

B. **Maximum Nighttime Brightness:** except when prohibited to operate as set forth in C, the Digital Display shall automatically adjust luminance to a maximum of 250 nits from sunset to sunrise.

C. **Automated Shut off.** Where a residential dwelling is located within 30m (98.42ft) of the Digital Display face, and for all Digital Displays on Parcels zoned Institutional, the Digital Display must be turned off between the hours of 10pm and 5:30am. Where a business located on the Parcel is open to the public past 10pm, the Digital Display may remain functional until the close of business hours. An application should provide evidence to demonstrate no conflict will occur with any adjacent residential development.

(4) **Message Timing**

A. **Minimum Display Time ("dwell time"):** Each message shall appear static for a minimum of 10 seconds.

B. **Transition Time.**

1. If a fade or dissolve effect is used, the effect will take no more than 3 seconds to complete transition.

2. If a fade or dissolve effect is not used, the Digital Display will not display a blank screen between messages for more than 1 second before the next message appears.

(5) **Permitted Effects:** The Digital Display may use the following effects:

A. **Dissolve:** an effect accomplished by varying the light intensity and pattern an effect in which one message gradually appears to dissipate and lose the legibility with the gradual appearance and legibility of the second message.

B. **Fade:** an effect accomplished by varying the light intensity, where a message is gradually reduced in intensity to the point of not being legible followed by a subsequent message which gradually increases intensity to the point of legibility.

(6) **Prohibited Effects:** The Digital Display shall not use the following effects:

A. **Flashing:** exhibiting changing light or color effect by any means to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling (except Dissolve or Fade).

- B. **Spinning or Rotating:**
- C. **Interactive display:**
- D. **Sequencing:** An effect where a message is not completed in one display, and is continued on a subsequent display.
- E. **Scroll:** an effect in which a message appears to move vertically across the display surface.
- F. **Travel:** an effect in which a message appears to move horizontally across the display surface.
- G. **Video:** the display of photographic images in sequence.

(7) **Operating Regulations.**

- A. **Maintenance.** The Owner will regularly perform maintenance on the Digital Display to ensure each component and part operates as designed. If more than 10% of the components are not functional, the Owner will cease operating the Digital Display until it is repaired and fully functioning
- B. **Security.** The Owner will use reasonable means to control and secure access to the Digital Display programming and message capabilities to ensure that those messages approved to appropriate owner personnel are displayed.
- C. **Nuisance/Hazard.** At no time will the Owner permit the Digital Display to constitute a nuisance which would include but not be limited to being inoperable, malfunctioning, abandoned etc., to neighboring property owners or the community, or to be a hazard to traffic safety. While operating the Digital Display outside these guidelines will be a nuisance and/or hazard, it is not yet known whether a nuisance or hazard may result from operation within these guidelines. Once the Digital Display is operational, if the Village determines that their operation constitutes a nuisance or hazard, the Owner will coordinate with the Village to mitigate and resolve the nuisance or hazard.
- D. **Default Display.** In the case of malfunction, the Digital Display shall contain a default design to freeze the sign message in one position.



**Section 3.** That this Ordinance shall take effect and be in force upon the earliest date allowed by law.

DATE PASSED

May 7, 2018

Signature on file

PRESIDENT OF COUNCIL

ATTEST

Signature on file

CLERK OF COUNCIL

Signature on file

MAYOR

APPROVED AS TO FORM:

DATE APPROVED: 5-7-18

Signature on file

LEGAL COUNSEL

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on May 16, 2018 and May 23, 2018 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

Signature on file

CLERK-TREASURER