

**ORDINANCE NO. 15-3489**

**AN ORDINANCE AMENDING 153.242 OF THE CODE OF ORDINANCES TO ADD A DEFINITION FOR ELECTRONIC LED SIGNS, AND AMENDING 153.248 (A) (9) TO ESTABLISH REGULATIONS FOR ELECTRONIC LED SIGNS IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, AND AMENDING 153.249 SIGNS PERMITTED IN C-1, C-2 AND R-E DISTRICTS**

**WHEREAS**, the Village of Silverton land use through the Zoning Code, which includes regulations regarding the types, sizes, and design features of signs inside the corporate limits of the Village; and

**WHEREAS**, the Village of Silverton regulates the use of light-emitting diode (LED) signs through the Zoning Code, restricting the private use of these illuminated signs to the C-1 Neighborhood Commercial District and the C-2 Highway Commercial District; and

**WHEREAS**, the Village Council of Silverton seeks to assist its business community to grow, compete, and flourish in the Silverton community; and

**WHEREAS**, several legal non-conforming businesses located in the R-1 Single Family Residential District may wish to one day utilize LED signs; and

**WHEREAS**, a Silverton faith-based institution also approached the Village about installing LED signs, and when it was determined that an LED sign was not permissible given their proximity to residential structures, they inquired about a ground-mounted sign only to learn that a non-illuminated ground mounted sign was also not feasible for the church; and

**WHEREAS**, the Planning Commission conducted a public hearing on two possible amendments to the sign code to provide existing businesses and faith-based institutions the ability to invite visitors to by exploring amendments to zoning code. The Planning Commission's public hearing was held on November 5, 2015, and afterwards the Commission made a recommendation to Village Council to approve the proposed LED sign regulations for non-conforming businesses and to allow ground mounted signs in the C-1 Neighborhood Commercial District outside the Village's established Renaissance Overlay District; and

**WHEREAS**, Village Council conducted a public hearing on Planning Commission's recommendation on December 3, 2015.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Silverton, Ohio, that:

**SECTION I.** Section 153.242, Sign Definitions, of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

**Electronic LED (monochrome text and multi-color) Sign.** A sign utilizing a light-emitting diode (LED) display or other technology that allows the sign to display a series of images.

**SECTION II.** Section 153.248 (A) (9) of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

- (9) (a) Electronic LED Signs. Electronic LED signs shall be permitted in an R-1 zoning district when all the following criteria are satisfied:
- (i) The LED sign must be located on an R-1 parcel with a minimum area of 5 acres.
  - (ii) The LED sign must advertise only for the same legal, nonconforming permitted business on the site, public park or public recreational use located in an R-1 zoning district.
  - (iii) Any parcel containing a home occupation use as defined by the Zoning Code shall not be permitted an LED sign.
  - (iv) In addition to the sign setback requirements provided for in 153.248(B), an LED sign must be located at least 200 feet away from the nearest residential dwelling unit unless the dwelling unit is also owned by the applicant.
  - (v) Monochrome text LED sign lettering shall be amber and no other color.
  - (vi) Flashing light(s) are prohibited on monochrome text LED signs.
  - (vii) Animations and video are prohibited on LED signs.
  - (viii) A message must be displayed for a minimum duration of eight seconds before switching to the next message.
  - (ix) The LED sign should be programmed to "freeze" or go blank if there is a malfunction, so that flashing and other distracting movement does not result.
  - (x) The permitted square footage and setbacks shall be in compliance with permitted number, height, area, and location as outlined in § 153.248.
  - (xi) All LED signs shall be anti-glare and shall be equipped with an automatic dimmer device.
  - (xii) No LED sign shall utilize colored or neon lights that can be used in a location or manner in which they might be confused with traffic control devices or vehicular traffic.
  - (xiii) All LED signs shall be kept in good operating condition and maintained with good external appearance.
  - (xiv) No third-party off-site advertising shall be permitted on the LED signs.
  - (xv) The LED signs shall not exceed 1000 nits in luminance during the evening hours.
  - (xvi) The LED sign shall only be constructed as a ground mounted sign and shall be encased in a stone, stone veneer, wood or brick frame.
- (b) The Zoning Enforcement Officer may request the Planning Commission to review and act on any LED sign permit application proposed for an R-1 zoning district.

**SECTION III.** Section 153.249 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

§ 153.249 SIGNS PERMITTED IN C-1, C-2 AND R-E DISTRICTS.

Outdoor advertising or other exterior signs pertaining to permitted, accessory, and conditional uses in the C-1 Neighborhood Commercial, C-2 Highway Commercial District and R-E Recreation Education District are permitted as follows:

(A) *Permitted signs.* The following types of signs are permitted in the C-1, C-2 and R-E Districts unless otherwise noted:

- (1) Wall signs;
- (2) Awning signs;
- (3) Freestanding signs shall only be permitted in the C-2 Highway Commercial District;
- (4) Ground-mounted signs shall only be permitted in the C-2 Highway Commercial District, the R-E Recreational-Education District and any nonresidential C-1 Neighborhood Commercial District parcel with frontage along Montgomery Road, and being located outside of the SRD Silverton Renaissance Overlay District. Community gateway signs shall be exempt from this requirement;
- (5) Projecting signs;
- (6) Portable sandwich signs shall only be permitted in the C-1 Neighborhood Commercial District;
- (7) Directional/informational signs;
- (8) Temporary commercial signs;
- (9) Community gateway signs;
- (10) Monochrome LED signs; and
- (11) Multi-colored LED signs shall only be permitted in the C-2 Highway Commercial District.
- (12) Ground-mounted monochrome LED signs and ground-mounted multi-colored LED signs shall only be permitted in the C-2 Highway Commercial District.

(B) *Permitted number, height, area and location.*

(1) *Permitted number.*

(a) C-1 and R-E Districts. Permitted nonresidential uses may have one of the following types of signs: wall sign, projecting sign, or awning sign. In addition, each nonresidential use shall be permitted one temporary commercial sign, one window sign, one "Open / Closed" window sign and one portable sandwich sign on the premises. For corner lots, please see § 153.245(A)(6).

(b) C-2 Districts. Permitted nonresidential uses may have one of the following types of signs: wall sign, projecting sign, awning sign, ground-mounted sign, or pole sign. In addition, each nonresidential use shall be permitted one temporary commercial sign, one "Open / Closed" window sign and one portable sandwich sign on the premises. In addition, each nonresidential use shall be permitted one temporary commercial sign, one temporary non-commercial sign and one window sign on the premises. For corner lots, please see § 153.245(A)(6).

(c) Permitted nonresidential uses in a C-1 or C-2 District may have one wall sign and one temporary noncommercial sign. If there is a combination of uses within the same structure, then the number of signs permitted for nonresidential uses shall apply.

(d) Permitted nonresidential uses in a C-1 District may have one neon advertisement sign mounted on the inside of a window in addition to the permitted signs listed in (B)(1)(a) herein.

(e) Permitted nonresidential uses on a C-1 Neighborhood Commercial District parcel with frontage along Montgomery Road, and being located outside of the SRD Silverton Renaissance Overlay District shall be permitted one ground mounted sign in addition to one of the permitted sign types listed in § 153.249(B)(1)(a).

(2) *Maximum height.* The maximum height shall be as follows:

(a) Wall signs: Wall signs shall not project more than 12 inches from the building wall and shall not extend above the wall or beyond the wall to which it is attached.

(b) Projecting signs: The bottom of any projecting sign shall be a minimum of eight feet above any sidewalk and 15 feet above any driveway.

- (c) Portable sandwich board signs: Six feet.
- (d) Freestanding signs: Ten feet.
- (e) Ground-mounted signs: Five feet.
- (f) Directional/informational signs: Three feet.
- (g) Temporary commercial signs: Five feet.

(3) *Maximum area.* The maximum area for signs shall be as follows:

- (a) Wall signs: The sign area shall not exceed one square foot per linear foot of frontage of the premises, maximum of 30 square feet.
- (b) Awning signs: The sign area for all canopy signs shall not exceed 30 square feet.
- (c) Freestanding signs: The sign area shall not exceed one square foot per linear foot of frontage of the premises, maximum of 36 square feet.
- (d) Ground-mounted signs: The sign face area shall not exceed one square foot per linear foot of frontage of the premises, maximum of 25 square feet per each individual sign face. The total sign face area for any ground-mounted sign shall not exceed 50 square feet.
- (e) Projecting signs: 16 square feet.
- (f) Portable sandwich boards: 12 square feet.
- (g) Directional/informational signs: Three square feet.
- (h) Temporary commercial signs: Six square feet unless otherwise provided for.
- (i) Neon window signs: Six square feet.

(4) *Location and setback.*

- (a) Signs shall be located on the same lot to which they are an accessory use.
- (b) Projecting signs shall be allowed to project over two-thirds the width of the sidewalk or five feet from the building, whichever is less. All components of the projecting sign shall have a minimum clearance of eight feet from the sidewalk.
- (c) Portable sandwich board signs are permitted in the C-1 Neighborhood Commercial District, and may be located in the sidewalk right-of-way, so as not to obstruct pedestrian traffic, and shall be located in front of the same building frontage for which the sign is erected.
- (d) All signs shall be set back a minimum of one-half the height of the sign from the street right-of-way, provided that no part of a freestanding or ground-mounted sign shall be closer to the front property line than seven feet.
- (e) All signs shall be set back a minimum of ten feet from any side yard lot line.

(D) *General provisions.*

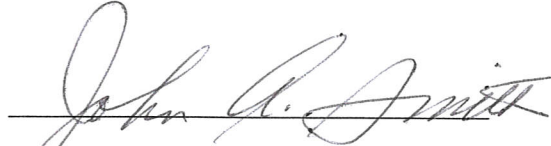
- (1) All sign frames, foundations and other supporting structures in the C-1 and C-2 Districts shall be constructed of wood, stone, brick or other material similar to the principal permitted structures which they identify, unless otherwise approved by the Planning Commission.
- (2) All signs in the C-1 and C-2 Districts shall utilize similar or compatible colors and styles to the buildings which such signs identify.
- (3) No projecting sign in the C-1 and C-2 Districts shall be internally illuminated. Other signs in the C-2 Districts may be internally illuminated if approved by the Planning Commission.
- (4) In addition to the materials and color requirements set forth herein, projecting signs located in the C-1 District shall not be designed in a square or rectangular shape.
- (5) Sandwich board signs. Each storefront or building shall be permitted one sandwich board sign used to advertise a special event or sale to be placed within the sidewalk area during normal business hours. Any approved sandwich board sign must be removed at the close of business each day and cannot be placed within the sidewalk area until the open of business the following day.

SECTION IV. This Ordinance shall take effect and be in force from and after its passage and approval at the earliest time provided by law.

*First reading December 3, 2015.*

*Second reading December 10, 2015.*

*PASSED this 10<sup>th</sup> day of December, 2015.*



John A. Smith, Mayor

ATTEST:



Thomas M. Carroll, Village Manager

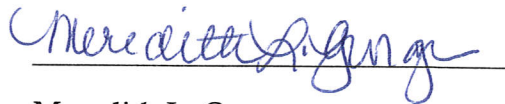
*Approved as to form:*



Bryan E. Pacheco, Village Solicitor

**CERTIFICATION:**

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 15-3489 has been duly made by posting true copies in three (3) of the most public places in said municipality, as determined by Council as follows: 1) Parkview Lane at Railroad; 2) Silverton Municipal Building and 3) The Village of Silverton's Website. Said posting was for a period of fifteen days commencing December 15, 2015.



Meredith L. George  
Clerk of Council of Silverton, Ohio