

ORDINANCE NO. 16 , 2008

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 151
OF THE CODE OF ORDINANCES GOVERNING SIGNS**

WHEREAS, the Community Development Department has completed a review of the Sign Code governing signs to try to balance the City's interest to preserve community aesthetics while supporting the business community's interest in marketing and promotion; and

WHEREAS, the Planning Commission has reviewed proposed changes to the Sign Code and recommended to Council that such amendments be adopted; and

WHEREAS, Council did hold a public hearing upon such amendments on August 20, 2008 and hereby finds the following:

1. Some of the same principles which support the use of sandwich board signs in the Heritage District, which are oriented to pedestrian traffic, apply to the use of such signs in multi-user developments such as the Montgomery Square Shopping Center.

2. On-site signage for outdoor sales oriented to on-site pedestrian traffic balances the community's interests in aesthetic control in maintaining orderly and safe pedestrian and vehicular traffic while allowing businesses to market and promote the sale of goods on outdoor display.

3. The limitations for outdoor display signs permit appropriate on-site advertising directed to pedestrian traffic in addition to the general business signage which is directed to vehicular traffic. These on-site display signs, if directed to street traffic, can be a visual distraction to passing motorists and provide excess visual clutter in the community.

4. There has been a long history of give and take between the administration and the business community concerning window signs. Window signs, if properly limited so as not to cover all or substantially all of the window space, provide a valuable marketing tool to support a vibrant business community. If such signage is not properly regulated, the signage contributes to visual clutter.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Chapter 151 of the Code of Ordinances is hereby amended to include the attached definitions and regulations concerning prohibited signs, sandwich board signs, window signs, and signs for temporary and permanent outdoor displays. Such amendments are adopted as a part of this Ordinance as if fully restated herein.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: November 5, 2008

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director

Proposed Changes to the Section 151.30: Sign Regulations

Section 151.3002 CLASSIFICATION OF SIGNS

Definition of Changeable Copy (Section 151.3002 (d))

Existing: A sign such as a bulletin board or announcement board, where the message or graphics are not permanently affixed to the structure, framing or background and may be periodically replaced or covered over manually or by electronic or mechanical devices.

Proposed: A variable message sign composed of individual letters, numbers or symbols panel-mounted in or on a track system.

Definition of Electronic Message Sign

Existing: Covered under Changeable Copy definition

Proposed: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs whose alpha numeric, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

Definition of Hand-decorated Sign

Existing: Covered under Changeable Copy definition

Proposed: A variable message sign composed of individual letters, numbers or symbols hand-written or drawn onto a sign panel, including chalkboard signs.

Definition of Incidental Sign (Section 151.3002 (l))

Existing: A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers, or users as to specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, specific services offered, or methods of payments accepted.

Proposed: A sign that is located on private property which is generally instructional, contains no commercial message, and has a purpose secondary to the principal use of the site on which it is located. The types of signs included in this category are traffic control signs, hours of operation signs, open/close signs, parking or loading control signs, method of payment accepted, and signs indicating the location of telephones or emergency equipment.

Definition of Sandwich Board Sign

Existing: sandwich boards are discussed, but not defined.

Proposed: A free standing ground sign composed of two boards which contain a message and are set up in a triangle shape, hinged along the top. Such signs shall not exceed 24 inches in width per face and 36 inches in height, not including 'legs' which can be used to raise the sign off the ground, provided those legs do not exceed six inches in height. Such signs shall be constructed of materials that present a finished appearance. Rough cut plywood and plastic are not acceptable materials. Such signs must have a frame of no less than one (1) inch thick.

Section 151.3004 PROHIBITED SIGNS

New Language: Electronic message signs
Dry-erase board signs
Hand-decorated, except as provided in Section 151.3015(c)(2),
151.3014, 151.1208(d) and 151.1209(g)

Section 151.3015(c)(2) SANDWICH BOARD SIGNS

Existing: In the OM District, not more than one (1) sandwich board sign shall be permitted per business. Such signs shall not exceed 24 inches in width per face and 36 inches in height. A sandwich board sign may be placed in front of the building and displayed 365 days a year. The placement of the sign shall be no less than five (5) feet from the front of the building and may encroach upon the public right of way, provided an unobstructed walkway with a minimum width of five (5) feet is reserved for public passage. The City Manager or designee shall approve all signs located in the public right of way. Sandwich board signs must be placed in-doors at the close of each business day, or no later than 10:00 p.m. The sign may contain a message per face, provided such message is permanently printed on the sign and not designed for changeable copy. The signs must be consistent with the design guidelines for the Heritage Overlay District, as outlined in Chapter 151.14.

Proposed: For the purpose of attracting pedestrian traffic, sandwich board signs shall be permitted in the GB, LB, OMG, and OM Districts to announce special events or daily specials for a business on the premises,

A. In the OM District, not more than one (1) sandwich board sign shall be permitted per business. A sandwich board sign may be placed in front of the building and displayed 365 days per year. The sign may encroach upon the public right of way, provided an unobstructed walkway with a minimum of five (5) feet is reserved for public passage. Sandwich board signs must be removed from display at the close of each business day, or no later than 10:00 p.m. The sign may contain a message per face, which may be permanently printed on the sign or be a hand decorated sign. The sign must be consistent with the material and color requirements of design guidelines for the Heritage Overlay District, as outlined in Chapter 151.14. The signs may not be illuminated.

B. In the GB, LB, and OMG Districts, sandwich board signs shall meet the requirements for all other temporary signs. Hand decorated sandwich board signs are permitted, provided they meet the following additional requirements:

- 1) Such signs must be placed on a paved pedestrian surface within ten (10) feet of the entry door to the business for which the sign provides an announcement or message.
- 2) To avoid visual clutter, the maximum outside dimension of such signs shall not exceed 24 inches in width and 36 inches in height per face, not including 'legs' which can be used to raise the sign off the ground, provided those legs do not exceed six inches in height.

Section 151.3011 SCHEDULE OF MAXIMUM SIGN AREA IN OFFICE, RETAIL BUSINESS AND OLD MONTGOMERY DISTRICTS

Existing: Permanent Window Signs not permitted in Office and Retail Business Districts

Proposed: 10 square feet or 20% of the window area, whichever is less

Section 151.3014 REGULATIONS FOR PERMANENT WINDOW SIGNS IN THE OLD MONTGOMERY DISTRICT

Proposed: Change title to **REGULATIONS FOR COMMERCIAL WINDOW SIGNS**

Proposed New Language: Permanent and temporary commercial window signs shall be permitted in the Old Montgomery, Old Montgomery Gateway, Office and Retail Business Districts in compliance with the following:

- (a) The percentage of allowable coverage for permanent and temporary window signs, shall comply with the maximum sign area set forth in §151.3011. The maximum area of all window signage shall not exceed ten (10) square feet or 20% of the window area, whichever is less.
- (b) All temporary window signs which are two (2) square feet and below do not require a permit from the Community Development Department; however, the cumulative total of such signs per business shall comply with the maximum percent coverage as outlined in §151.3011. If more than one sign is used to convey a single message and the total sign area of the signs exceeds two (2) square feet, a permit is required and all of the signs will be treated as one sign.
- (c) All temporary window signs which are between two (2) and ten (10) square feet in size require a permit from the Community Development Department and shall be counted toward the total allowable days for a special event sign, as outlined in §151.3015(e). Such signs shall also comply with the maximum percent coverage as outlined in §151.3011.

- (d) Permanent window signs, excluding incidental signs as outlined in §151.3009(a) require a permit from the Community Development Department and will be counted toward the total sign allowance as outlined in §151.3010 and 151.3011.
- (e) Permanent and temporary hand decorated window signs may not exceed two (2) square feet and may not be displayed simultaneously with a hand decorated sandwich board sign.

The regulations for outdoor display are found in Sections 151.1208 and 1209. Section 151.1208 establishes regulations for permanent outdoor display and Section 151.1209 specifies restrictions on temporary outdoor display. Staff is making the following recommendations regarding outdoor display signage:

Permanent Outdoor Display

Existing: 151.1208 (d): No signs shall be permitted in conjunction with outdoor display areas except those otherwise in compliance with the sign regulations in Chapter 151.30.

Proposed: 151.1208 (d): One informational sign per product(s) identifying the product(s) on permanent outdoor display shall be permitted; however, such signs shall not exceed one (1) sq. ft in size. The sign message is limited to identifying what the product is and the sale price. The sign must be located on or next to the product it identifies and oriented for pedestrians on the site. As an alternative, a business may display a single sign up to six (6) sq. ft to list all of the products for sale when there are four or more different types of products on display. The sign must be oriented toward customers at the display and not off site. Permanent outdoor display signs may be either fixed message or hand-decorated, must meet the requirements of Section 151.3016, and can not be illuminated.

Temporary Outdoor Display

Existing: 151.1209 (g): Except as otherwise provided in Chapter 151.30 for special event signs, any sign(s) proposed for the purpose of advertising the temporary use shall require review and approval by the appropriate administrative authority, as defined in this Section.

Proposed: 151.1209 (g): In addition to signage permitted in Section 151.3015, one informational sign per product(s), not exceeding one (1) sq. ft in size and oriented for pedestrians on the site shall be permitted to provide information on or next to the product being displayed and its cost. As an alternative, a business may display a single sign up to six (6) sq. ft. to list all the products for sale when there are four or more different types of products on display. Temporary outdoor display signs may be either fixed message or hand-decorated and must meet the requirements of Section 151.3017.