



Legislation Text

File #: O-466-17, **Version:** 1

Zoning & Planning Committee

Amending Toledo Municipal Code (TMC), Part Thirteen, Subsection 1389.06, regarding the regulation of Electronic Message Centers in the Sign Code; and declaring an emergency.

SUMMARY & BACKGROUND:

The request is a Text Amendment regarding TMC 1389.06 Animated Changing Signs. This section contains the current regulations for Electronic Message Centers (EMCs). EMCs are a type of sign that can change their content digitally and makes it easier to convey multiple pieces of information. The current interpretation of City regulations allow an EMC on any sign type, but only in two zoning districts: Regional Commercial areas with a Shopping Center overlay (CR-SO) and Downtown Commercial (CD) areas.

This referral was initiated due to the amount of waiver requests received by the Board of Zoning Appeals (BZA) and the lack of guidelines in the sign code for EMCs. The BZA requested that the Plan Commission and City Council study the issue further and provide additional guidance. Toledo City Council made an official request via Resolution 259-16, which included draft language for consideration. Planning staff reviewed the proposed legislation and conducted research on other communities and analyzed the impact of various policies in Toledo. Meetings were held with the sign industry and other stakeholders to better understand issues and concerns with this signage type. A forum was also held with local business members of the Toledo Chamber of Commerce to discuss the proposed legislation.

RESEARCH

Staff researched three different categories of communities: a) six (6) large cities in Ohio, b) seven (7) smaller, nearby suburban communities and c) seven (7) cities that are similar in population. These categories provide a qualitative look at various policies regarding EMCs and signage from different perspectives and populations.

A complete summary of research is included in Exhibit "A", but some of the findings are presented in this report. It should be noted that regulations were generalized in order to assist with analysis and are in no way illustrative of the complexity contained in some sign codes. For example, maximum sign height can be calculated based on a number of factors: the zoning district, the speed limit, the road width, the setback of the sign from the property line or a combination of any of these items. Additionally, a dash in the table means that staff was unable to find specific regulations in that community.

A summary of key findings include:

- **Sign Height:** The average maximum height for a freestanding sign in a commercial area is between 10 to 30 feet. By contrast, Toledo allows a maximum height of 45 feet in the busiest commercial areas.

- Sign Area: 14 of 20 communities had restrictions on the amount of sign area allowed for an EMC. The most common restriction was that an EMC cannot exceed 50% of the total allowable sign area
- Hold Time: The average length that a message could be displayed was between 6 to 10 seconds. 9 of the 20 communities had this regulation. Only 1 of the 9 communities had a hold time less than 6 seconds.
- Use in Residential: 10 of 20 communities prohibited EMC signage in residential 9 of 20 communities allowed EMCs in residential, but only for public or semi-public uses. 1 of 20 communities, Cleveland, required a variance from the Board of Zoning Appeals for public and semi-public uses.
- Use in Commercial/Industrial: 6 of 20 communities restricted EMC signage in commercial or industrial areas to more automotive oriented areas. 11 of 20 communities allowed this signage in all commercial or industrial areas. 1 of 20 communities, Cleveland, required a variance from the Board of Zoning Appeals for the use of any EMC sign. 2 of 20 communities only allowed this type of signage for arenas, public assembly, or cultural uses.
- Transitions, Scrolling, Animation: 15 of the communities prohibited animation, 10 communities prohibited scrolling and 3 communities prohibited transition effects (including Cincinnati and Cleveland). The typical transition time for a message was under 3 seconds.
- Pole Signs: Of all the communities surveyed only 5 local communities prohibited pole signs in some way. Maumee and Sylvania prohibit pole signs outright. Springfield Twp. restricts pole signs to a single district (General Commercial). Oregon requires that any freestanding sign have a base that is at least 50% of the overall sign width and Perrysburg prohibits a single pole sign over 42 inches.

PROPOSAL

While a full revision of the sign code is necessary to modernize a document that has been largely unchanged since 1952, steps can be taken with EMC legislation to minimize potential impacts while also improving signage aesthetics in Toledo. A summary of the proposal follows, with full language included as Exhibit “B” of this report.

One of the most noticeable findings from the research and analysis is that Toledo has height and area requirements that exceed nearly all of the communities surveyed. A significant step towards improving signage aesthetics is to reduce the overall size of the signs. To that end this legislation recommends that any sign with an EMC reduce both the size and height of the sign. This proposal limits an EMC to a solid-base, freestanding sign or a wall sign where allowed by zoning. Signs without an EMC component and billboards would not be affected by this legislation.

The current recommendation is that a sign with an EMC in the CR, CR-SO, IC, IL and IG districts be limited to 60% of the allowable square footage and a maximum height of 10 feet. This means that a sign that would be allowed 250 sq. ft. of sign area would be limited to 150 sq. ft. of sign area if an EMC was installed. The 150 sq. ft. is the maximum size for both EMC and non-EMC copy, but signage can be in any configuration. In

residential districts, the existing sign regulations are not based on roadway width or speed so the proposal is slightly different. A bulletin board type sign with an EMC installed is allowed the maximum height of 6 feet, however the EMC portion of the sign cannot exceed 50% of allowable square footage or 16 sq. ft.

The permitted location for an EMC is based on the zoning district, location on a major street and, in residential districts, the amount of total building square footage on the property. For certain commercial, industrial and institutional districts an EMC is permitted provided the property is located on a major street. In residential districts an EMC is permitted provided the property is located on a major street and the amount of total building square footage exceeds 5,000 sq. ft. The square footage was included for residential districts as a way to limit this type of signage to larger non-residential uses only. Staff reviewed the location of known public and semi public uses and determined that close to 70% are located on a major street. The results are included in Exhibit “C” of this report. Analysis of the impact regarding building size was not completed.

In addition to these requirements, an EMC is not permitted in any Historic District overlay, the Downtown Overlay District, or the Maumee River Overlay. It is allowed in any other overlay district, but must receive approval from the respective architectural review committee or neighborhood group prior to applying for necessary building permits.

The local trend towards monument signage is seen as a way to improve the visual appearance of signage in a community. A monument and a pole sign are typically both classified as a freestanding sign, which means the sign is secured or anchored to the ground independent of any building. The difference is that a monument sign encloses the entire width of a sign from the base to the top of sign, whereas a pole sign leaves the base of the sign exposed, including pole supports. A monument sign can be secured to the ground with a pole, the difference is that the pole is not visible. Staff recommends prohibiting the use of pole signs when EMCs are installed and requiring a monument style sign.

Additional regulations are included which will minimize the impacts of this type of signage and include message display, message hold time, animation/motion, brightness and hours of operation within 100 feet of residential. These regulations are consistent with the communities surveyed. The proposal also clarifies existing definitions within the sign code to better address how Electronic Message Centers are classified. The change affects the “Changing Sign, Automatic” and “Animated Changing Signs, Automatic” definitions. Staff discovered the potential inconsistency while researching the text amendment for “Animated Changing Sign” approved in 1990.

On September 14, 2017 the Toledo City Plan Commission considered and recommended approval of the requested text amendment.

On October 18, 2017, Toledo City Council, Zoning & Planning Committee reviewed, and recommended approval of the requested text amendment.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Part Thirteen, Subsection 1379.01, which reads as follows:

“Definitions”

(24) **"Changing sign (automatic)"** means any sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or readerboard, where different copy and graphic changes are shown on the same lamp or disc bank. "Changing sign (automatic)" could include signs

with the appearance of motion by means of scrolling, fading in and out, blinking or other change in copy or graphics that appear or disappear or change location on the sign.

(110) **"Window sign"** means a sign installed inside a window for purposes of viewing from outside the premises. This term shall not include merchandise located in window.

is repealed.

SECTION 2. That a new Toledo Municipal Code, Part Thirteen, Subsection 1379.01, is enacted to read as follows:

"Definitions"

(24) **"Changing sign (automatic)"** means any sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or readerboard where different copy and graphic changes are shown on the same lamp or disc bank. "Changing sign (automatic)" may not include signs with the appearance of motion by means of scrolling, fading in and out, blinking or other change in copy or graphics that appear or disappear or change location on the sign. Electronic Message Centers are subject to the standards of TMC 1389.06.

(34A) **"Electronic Message Centers"** See "Changing sign (automatic)."

(110) **"Window sign"** means a sign installed inside a window for purposes of viewing from outside the premises. This term shall not include merchandise located in window. Signage that qualifies as an Electronic Message Center is prohibited.

SECTION 3. That Toledo Municipal Code, Part Thirteen, Subsection 1387.01(a), which reads as follows:

(a) This chapter describes signs permitted in the various zoning districts of the City. A permit must be obtained, as described in Chapter 1383, for these signs. Additional permitted signs as described in Chapter 1391 are exempt from permit requirements. Any of the types of signs permitted in this Code may be permitted as manual or automatic changeable copy signs.

is repealed.

SECTION 4. That a new Toledo Municipal Code, Part Thirteen, Subsection 1387.01(a), is enacted to read as follows:

(a) This chapter describes signs permitted in the various zoning districts of the City. A permit must be obtained, as described in Chapter 1383, for these signs. Additional permitted signs as described in Chapter 1391 are exempt from permit requirements. Any of the types of signs permitted in this Code may be permitted as manual changeable copy signs.

SECTION 5. That Toledo Municipal Code, Part Thirteen, Subsection 1389.06, which reads as follows:

1389.06. Animated changing signs (automatic).

(a) Animated changing signs (automatic) shall be permitted in SO and CD Districts only.

(b) The portion of each sign face with the capability for animation shall not exceed seventy-five percent

(75%) of the permitted area of the sign face. The overall sign size and height shall be in conformance with all other applicable Sign Code regulations.

(c) Animation shall be restricted to on-premise signs only and situated with frontage on a major street as defined by Section 1116.0155.

(d) Only clear or white or yellow light shall be used.

is repealed.

SECTION 6. That a new Toledo Municipal Code, Part Thirteen, Subsection 1389.06, is enacted to read as follows:

1389.06 Electronic Message Centers (EMCs).

The regulations contained in this section shall apply to On-Premise EMCs. All EMC signage must obtain appropriate permits from the Division of Building Inspection. Signage shall be installed and maintained in accordance with all applicable regulations. Off-Premise EMCs (Billboards) are subject to the standards contained in TMC 1387.05.K. for Off-Premise Signage

(a) An EMC is allowed on any parcel with CR, CR-SO, IL, IG, or IC zoning provided the parcel is located on a major street. An EMC is allowed on any parcel with RS12, RS9, RS6, RD6, RM12, RM24, or RM36 zoning provided: the parcel is located on a major street and the structure(s) exceeds 5,000 square feet of floor area.

(1) Regardless of the underlying zoning district, an EMC shall not be installed in any Historic Overlay District (-HO), the Downtown Overlay District (-DOD), or the Maumee River Overlay (-MRO).

(2) An EMC shall not be installed in any other overlay district without review and approval by the respective architectural review committee or neighborhood group.

(b) Only one (1) EMC shall be permitted per premise. If there is an EMC on the premises, the premise shall only be allowed one other permitted sign.

(c) An EMC is only allowed as part of a solid base freestanding sign or as a fascia sign.

(1) Solid Base Freestanding Sign. For purposes of this section, a solid base freestanding sign means that the entire sign is enclosed from the ground to the top of the sign with no exposed poles. The base of the sign must be equal to or greater than the width of the sign face.

A. In any residential district, an EMC shall not exceed the maximum allowable height of 6 feet or 50% of allowable sign area of TMC 1387.02 up to a maximum of 16SF. Sign area restriction is for EMC copy only.

B. In the CR, IL, IG, and IC districts the maximum height is limited to ten (10) feet and 60% of the allowable sign area of TMC 1107.05 Table 1. Sign area restriction is for EMC and non-EMC copy.

(2) Fascia Sign: An EMC may be incorporated into a fascia sign, where allowed by the underlying

zoning district, provided it does not exceed 40% of the allowable sign area. An EMC fascia sign cannot be used on a premise with multiple tenants. Sign area restriction is for EMC copy only.

- (d) Displayed messages may change no more than one time every eight (8) seconds.
- (e) Movement including animation, flashing and scrolling is prohibited at all times. Only static text or images are permitted.
- (f) Any sign that uses an EMC element shall incorporate design elements for the entire sign. The EMC portion of the sign and any exposed poles must be enclosed on all sides using high quality materials as defined in TMC 1109.0501. The design must be compatible with the existing development in the area. Design elements will not count towards the total sign area, but cannot exceed maximum height limits.
 - (1) Design elements size shall be reviewed and approved in consultation with Plan Commission staff.
 - (2) The use of an identification panel with the address is required for any solid base freestanding sign, unless the sign would be located on a parcel with multiple frontages and on a frontage that does not correspond to the building address.
- (g) EMC's shall be designed and operated with automatic dimming features that adjust illumination from daylight to night time maximums and provide the owner/operator of the EMC the ability to reduce the illumination and/or brightness to adjust to background and ambient light conditions. These controls may include an auxiliary photocell on or near the sign.
- (h) The eye illuminance limit shall effectively be 0.0 foot-candles (fc); which means that the increase above ambient levels of lighting caused by switching on the sign shall not exceed 0.3 fc measured at one-hundred (100) feet from the sign standing as near as perpendicular to the sign as possible, or at the edge of the pavement no more than one-hundred (100) feet from the sign using a foot-candle meter held five (5) feet above grade.
 - (1) Brightness shall be verified with two measurements. The first is taken at least 30 minutes past sunset and records the ambient light while the sign is off or displaying all black copy, or with the sign's illumination blocked. The second reading is taken while the sign is on and not blocked. Measurements shall be taken at the same location, with the meter aimed toward the center of the sign.
 - (2) If the difference between the measurements is equal to or less than 0.3 fcs, the brightness is properly adjusted; otherwise the sign must comply with the bright standards set forth above.
- (i) EMC's located within one hundred (100) feet of a residentially zoned district or use must be turned off when the use is closed or between the hours of 10:00 pm and 6:00am, whichever is earlier.
- (j) Red, yellow or green lights may be used, unless in the opinion of the Director of Public Safety, such colors would create a driving hazard. White or mostly white lighting shall be prohibited.
- (k) Illumination shall be so arranged as to reflect light away from residential premises and in such a manner so as not to cast glare.

- (l) Any EMC that was legally established at the time of adoption of these regulations shall comply with items (e), (g), (h), and (i) within six (6) months of the date of passage.
- (m) EMC's at commercial/business establishments shall only display activities that occur on that premise and not advertise or promote off site businesses, products or services.

SECTION 7. That Toledo Municipal Code, Part Thirteen, Subsection 1391.02, which reads as follows:

1391.02. Exempt signs.

(r) **Permanent Window Signs.** For each ground floor occupancy of a building not more than two permanent signs may be painted on or otherwise displayed from the inside surface of any window, showcase or other similar facility. Such signs shall be in addition to those signs permitted under the other provisions of this code. The total copy area of such signs, however, shall not exceed a maximum of twenty-five percent of the total window area, or one square foot per lineal front foot of the premises occupied, whichever is the lesser.

(s) **Signs in the Display Window.** Signs in the display window of a business, which are incorporated with a display of merchandise or a display relating to services offered which comply with subsection (q) hereof.

is repealed.

SECTION 8. That a new Toledo Municipal Code, Part Thirteen, Subsection 1391.02, is enacted to read as follows:

(r) **Permanent Window Signs.** For each ground floor occupancy of a building not more than two permanent signs may be painted on or otherwise displayed from the inside surface of any window, showcase or other similar facility. Such signs shall be in addition to those signs permitted under the other provisions of this code. The total copy area of such signs, however, shall not exceed a maximum of twenty-five percent of the total window area, or one square foot per lineal front foot of the premises occupied, whichever is the lesser. Signage that qualifies as an Electronic Message Center is prohibited.

(s) **Signs in the Display Window.** Signs in the display window of a business, which are incorporated with a display of merchandise or a display relating to services offered which comply with subsection (q) hereof. Signage that qualifies as an Electronic Message Center is prohibited.

SECTION 9. That a new Toledo Municipal Code, Part Thirteen, Subsection 1393.16 is enacted to read as follows:

1393.16 Animated Signs.

Animated Signs and Animated Changing Signs (Automatic) are prohibited.

SECTION 10. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide for the orderly development of the area and to protect the land values in the area.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council