

ORDINANCE NO.: 2022-44
INTRODUCED BY: MAYOR BENJAMIN I. HOLBERT, III

AN ORDINANCE AMENDING SECTIONS 1321.02 AND 1321.03 OF THE VILLAGE'S CODIFIED ORDINANCES TO ADD SHOPPING CENTER SIGN REGULATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, Eton shopping center owner, Stark Enterprises, advised the Mayor that it desired changes to the Village's sign regulations to allow it to place larger signs at the shopping center to advertise its tenants and their businesses to consumers; and

WHEREAS, Stark Enterprises presented such proposed changes to the Village's sign regulations to the Mayor and Chief Building Official for review and comment; and

WHEREAS, on July 12, 2022, Stark Enterprises presented such proposed changes to the Village's sign regulations to the Planning and Zoning Commission for review and comment, which comments were provided, accepted and incorporated by Stark Enterprises in its revised proposed changes which were provided to the Mayor; and

WHEREAS, the Mayor requested the Law Director to prepare amendments to the Village's sign regulations incorporating Stark Enterprises' revised proposed changes to the Village's sign regulations for consideration by Council; and

WHEREAS, the Mayor recommends that Council amend Sections 1321.02 and 1321.03 of the Village's Codified Ordinances to incorporate Stark Enterprises' revised proposed changes to the Village's sign regulations to further economic development within the Village;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Woodmere, County of Cuyahoga, and State of Ohio that:

Section 1. Section 1321.02 of the Village's Codified Ordinances is amended as follows, with deletions struck through, and additions underlined:

“1321.02 DEFINITIONS.

As used in this chapter, unless the context otherwise indicates:

* * *

(u) "Roof sign" means any sign erected, constructed and maintained upon or over the roof or parapet wall of any building with the principal support on the roof structure.

(v) “Shopping Center” means a unified shopping center or development containing more than ten (10) tenants and over 150,000 square feet of leasable tenant space.

(w) “Shopping Center Gateway Sign” means a free-standing sign that identifies the name and/or logo of the Shopping Center near but not within a public right of way.

(x) "Shopping Center Monument Sign" means a sign identifying a Shopping Center and up to eight (8) of its tenants.

~~(v y)~~ "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent right-of-way property lines, intended for the use of pedestrians for the purposes of this chapter only.

~~(w z)~~ "Sign" means every sign, billboard, free-standing sign, wall sign, roof sign, illuminated sign, projecting sign, window sign, window graphics, temporary sign, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to communicate items of commercial information or promote the commercial interests of any person when the same is placed out-of-doors in view of the general public or when the same is placed indoors where the basic intent is for view by the general public outside of the building.

~~(x aa)~~ "Signable wall area" means a continuous portion of a building unbroken by doors or windows on any one face of the building. It is calculated by drawing a rectangle within the area and computing the square footage of the rectangle.

~~(y bb)~~ "Structural trim" means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

~~(z cc)~~ "Temporary sign" means a sign designed for a specific occasion.

~~(aa-dd)~~ "Wall sign" means any sign painted on, attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall.

~~(bb-ee)~~ "Window showcase" means that area which is used or designed to be used to display information or merchandise to persons outside the building."

Section 2. Section 1321.03 of the Village's Codified Ordinances is amended as follows, with additions underlined:

"1321.03 SIGN RESTRICTIONS.

* * *

(w) Shopping Center Signs.

- i. Shopping Center Gateway Sign. Shopping Centers shall be permitted one (1) Shopping Center Gateway Sign above and beyond the maximum limits set forth in Section 1321.06 subject to the following limitations and requirements:

1. Shopping Center Gateway Signs shall be limited to a maximum of fifty-two feet (52') wide by seven feet (7') high with an overall height, including base, of seven feet six inches (7'6") above grade.
 2. Shopping Center Gateway Signs may include an electronic moving message and/or digital display, subject to the following restrictions:
 - a. Hours. The sign can only operate as advertising from 5AM to 1AM. After 1 AM, only a still frame for business identification may be displayed.
 - b. Frequency. Copy (lettering) change shall not be more frequent than once per ten (10) seconds.
 - c. Flashing Sign Prohibited. A directly or indirectly illuminated sign, or portion thereof, that exhibits changing light or color effect by any means, so as 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, sparkling, spinning or rotating shall be prohibited.
 - d. Mounting. Such sign will not be permitted to be mounted on a building.
 - e. Dimmer. All digital displays must be equipped with both a dimmer control and photo sensor, which will automatically adjust the display intensity according to natural ambient light conditions.
 - f. Glare. Digital displays may not display light of an intensity or brilliance to cause glare or otherwise impair vision of the operator of a motor vehicle.
 3. The graphic, electronic or digital display of any Shopping Center Sign shall be permitted up to but shall not exceed one hundred and fifty (150) square feet.
- ii. Shopping Center Monument Signs. Shopping Centers shall be permitted Shopping Center Monument Signs above and beyond the maximum limits

set forth in Section 1321.06 subject to the following limitations and requirements:

1. Shopping Center Monument Signs shall be limited to a maximum of four feet six inches (4'6") wide by seven feet (7') high with an overall height, including base, of seven feet six inches (7'6") above grade.
2. Shopping Center Monument Signs shall be erected at a right angle to the street with a maximum of twenty-four (24) square feet on each side of the sign and a maximum total signage of forty-eight (48) square feet on two sides.
3. No Shopping Center Monument Sign shall be more than twenty-four inches (24") thick."

Section 3. The Law Director is authorized and directed to forward a certified copy of this Ordinance to the publisher of the Codified Ordinances of the Village of Woodmere for immediate inclusion of amended Sections 1321.02 and 1321.03 in the current print and electronic editions of the Village's Codified Ordinances.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the Village's Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village and for the further reason to allow for timely construction and placement of the new shopping center signs. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval by the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

PASSED: _____

Nicole Y. Culliver, PhD., Council President

Benjamin I. Holbert, III, Mayor

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Approved as to legal form:

Frank Consolo, Director of Law

ATTEST:

Juliasena W. Stevenson, Clerk of Council

I, Juliasena W. Stevenson, as Clerk of Council of the Village of Woodmere, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-44 adopted by the Council of said Municipality on the ____ day of _____, 2022.

Juliasena W. Stevenson, Clerk of Council