

ORDINANCE NO. 2014-02

An Ordinance AMENDING ORDINANCE COMMONLY KNOWN AS "THE MARSHALL COUNTY ZONING ORDINANCE", AS AMENDED;

WHEREAS, the Marshall County Plan Commission has proposed an amendment to the Marshall County Zoning Ordinance, as amended;

WHEREAS, The Marshall County Plan Commission did conduct a public hearing on June 26, 2014 after legal notification, and did recommend favorably on said Zoning Ordinance amendment; and,

WHEREFORE, the Board of County Commissioners of Marshall County, Indiana, did give legal notice and conducted a public meeting on July 21, 2014 in regard to said amendment.

NOW, THEREFORE, BE IT ORDAINED that the Marshall County Zoning Ordinance be amended as follows:

Amend Article 6, Section 200 Signs E. On Premise Signs, 2.

Add

ix. Electronic Message Signs (EMC)

Electronic Message Signs are permitted and may be incorporated as part of a Ground/Free Standing or Wall mounted permanent signs with the following restrictions:

1. Static Message Signs

- a. Operational Limitation. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement, of an illumination.
- b. Minimum Display Time. Each message on the sign must be displayed for a minimum of five (5) seconds.
- c. Message Change Sequence. A maximum of three tenths (0.3) seconds shall be allowed with no image displayed between each message displayed on the sign.
- d. Light Intensity Change. No flashing, strobing, scintillating, or variation of light intensity effects where the effect takes place more than two (2) times per second.
- e. Sign Design. The design of the copy cannot be created in such a way as to be a distraction to motorists.
- f. Requirements. The sign must meet all other criteria for the zoning district in which it is located.

2. Motion Message Signs

- a. Operational Limitation. Such displays shall be limited to static displays, messages that appear to disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once.
- b. Minimum Display Time. Each message on the sign must be displayed for a minimum of two (2) Seconds.
- c. Message Transition Sequence. A maximum of one (1) second shall be allowed as transition time between messages.
- d. Light Intensity Change. No flashing, strobing, scintillating, or variation of light intensity effects where the effect takes place more than two (2) times per second.
- e. Sign Design. The design of the copy cannot be created in such a way as to be a distraction to motorists.
- f. Requirements. The sign must meet all other criteria for the zoning district in which it is located.

3) Video Message Signs

- a. Operational Limitation. A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and videos.
- b) Location. Video Message Signs are only allowed in non-motor vehicular areas and must not be visible from any motor vehicle traveled public street.
- c) Light Intensity Change. No flashing, strobing, scintillating, or varying of light intensity effects where the effect takes place more than two (2) times per second.
- d. Sign Design. The design of the copy cannot be created in such a way as to be a distraction to motorists.
- e. Requirements. The sign must meet all other criteria for the zoning district in which it is located.

4) All electronic message signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

5) No electronic message signs shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of 100 feet from the sign.

6) Any Electronic Message Sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing, or any similar effects, shall be restored to its normal operation, conforming with this section within forty-eight (48) hours unless the Zoning Administrator considers such malfunction to be a hazard to the health, safety, and welfare of the public and orders the sign to be turned off, disconnected, or disabled.

7) Location requirements for EMC signs:

(a) *Setback from residential.* The leading edge of an EMC sign shall be a minimum distance of 100 feet from an abutting residential use or residential zone boundary

(b) *Setback from other EMC signs.* EMC signs shall be separated from other EMC signs by a minimum of 100 feet.

(c) Orientation. When located within 500 feet of a residential use or a residentially-zoned parcel, the EMC sign shall be oriented so no portion of the sign face is visible from an existing or permitted structure on that parcel.

(d) Location. The EMC sign shall be located on the parcel or lot of the use identified by the sign.

(e) No more than 50% of the facing surface of the sign may be comprised of comprised of a changeable electronic or digital display

Passed and adopted the ____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
MARSHALL COUNTY, INDIANA

KEVIN OVERMYER, President

JACK ROOSE, Vice-President

DEBORAH GRIEWANK, Member

ATTEST:

Penny Lukenbill, Auditor