



# City of New Haven

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## Legislation Details (With Text)

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**Title:** ZONING AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS CREATING A NEW SUBSECTION TO THE NEW SECTION 60.3 OF THE ZONING ORDINANCE PERTAINING TO DYNAMIC DISPLAY SIGNS.

**Sponsors:**

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**Attachments:** 1. COVER LETTER Zoning Amendment Creating a New Subsection to the New Proposed Section 60.3 of the Zoning Ordinance - Dynamic Display Signs, 2. OR-2019-0021

Date	Ver.	Action By	Action	Result
9/3/2019	2	Board of Alders	Approved	
8/5/2019	2	Board of Alders	Noted	
7/9/2019	2	Legislation Committee	Favorable Report	
5/13/2019	1	Board of Alders	Referred	

### ZONING AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS CREATING A NEW SUBSECTION TO THE NEW SECTION 60.3 OF THE ZONING ORDINANCE PERTAINING TO DYNAMIC DISPLAY SIGNS.

WHEREAS: The City of New Haven has experienced the emergence of new signage that warrants new categorization and regulation; and

WHEREAS: the unique nature of this signage, has created quality of life concerns for residents and businesses in New Haven neighborhoods.

NOW, THEREFORE, BE IT ORDAINED that the New Haven Zoning Ordinance is amended as follows:

#### *60.3.9 Dynamic Displays.*

- A. Definition. A sign or portion thereof that displays electronic, static images, static graphics, text information, or static pictures, with or without information, defined by a small number of matrix elements using combinations of light emitting diodes (LED), fiber optics, light bulbs, liquid crystal display (LCD) or other illumination devices within the display area. Dynamic Displays include computer programmable, microprocessor controlled electronic or digital displays.
- B. Applicability. Any sign with a dynamic display that is visible from the public-right-of-way is subject to this subsection of the ordinance. It also applies to Digital Menu Boards.
- C. Size, Height.
  - i. Dynamic Display On-Premises Signs cannot be larger than 50 square feet. The

area of the Dynamic Display counts toward the overall total allowable sign area permitted. The height of Dynamic Display On-Premises Signs must comply with the provisions of Sections 60.3.6 and 60.3.7.

- ii. Dynamic Display Off-Premises Signs must comply with the size and height requirements of section 60.3.8.

D. Location.

- i. Dynamic Displays are permitted in accordance with Table 60.3.5.
- ii. On-Premises Signs and Off-Premises Signs of the types in Table 60.3.5 may be Dynamic Displays.
- iii. The Location of Dynamic Displays must comply with the location requirements for the type of sign (e.g. Pole Sign, Wall Sign, etc.) otherwise set forth in this ordinance.
- iv. A Dynamic Display may not be within 500 feet of another Dynamic Display facing the same traveled way.

E. Performance Requirements. All Dynamic Displays must comply with the following standards:

- i. The maximum brightness may not exceed 5,000 nits during the day and may not exceed 250 nits between dusk and dawn.
- ii. All Dynamic Displays abutting a residential zone or use may not emit more than .1 footcandles above ambient light levels at the property line or zone boundary.
- iii. The Sign content must have a minimum dwell time of 10 seconds and may not contain any movement, animation, audio, video, pyrotechnics, or other special effects.
- iv. Transitions must occur in one second or less and involve no animation or special effects.
- v. The city, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via Dynamic Displays. Upon notification, the sign operators will display in appropriate sign rotations: Amber Alerts, emergency information, and traffic information and anything else pertaining to health, safety and welfare in the judgment of the City. Emergency information messages are to remain in rotation according to the designated issuing agencies protocols.
- vi. If Dynamic Displays are not operating in accordance with these standards, the display must be adjusted. Failure to adjust may result in other enforcement actions by the City.

F. Operational Requirements. Before the issuance of a permit, the applicant should provide written certification from the manufacturer, operator, or other qualified professional as to the functionality of the sign as part of an application for a Special Permit, stating that the Dynamic Display is equipped with the following standards.

- i. Two brightness levels must be provided and adjusted for day and night conditions.
- ii. A digital sign must be turned off to render a blank dark screen or freeze the display in the event of a malfunction.
- iii. All digital signs must employ only non-flickering lights.

*60.3.10 Outdoor sports lighting.*

A. Applicability. The standards herein apply to all new and renovated outdoor sports arena/stadium and court lighting. Renovations include, without limitation, changes in light

type, mounting height, location, size, brightness, and number of light sources. Renovations also include conversions from unlit scoreboards to Indirectly-Illuminated Signs, Directly-Illuminated Signs and Dynamic Scoreboards. Renovations do not include routine maintenance such as changing lamp or bulb, ballast, starter, photo control, housing, lenses, and other similar components, and are permitted, provided such renovations do not result in a high lumen output. This Section also applies to lighting for Indirectly Illuminated Signs.

- B. Size. Scoreboards can be no greater than 1200 square feet.
- C. Height. Scoreboards can be mounted no higher than 20 feet from the highest point of the stadium, or in the case of the court, 20 feet higher than grade.
- D. Scoreboard Illumination. Scoreboards may be illuminated based on the provisions of this Section. Dynamic Scoreboards must comply with Performance and Operational Requirements for Dynamic Displays. Dynamic Scoreboards are exempt from Lighting Curfew, animation prohibitions, and other lighting reduction requirements.
- E. Lighting used for outdoor sports fields and outdoor playing courts must be, to the greatest extent possible, contained to the field/court area.
- F. All sports field/court lighting may be turned on no earlier than one hour before a sporting event and turned off after use, or no later than 1 hour after the end of a sporting event.
- F. A Lighting Plan, as defined in Section 60.1, is required for proposed outdoor sports lighting and scoreboards.

60.3.11 *Variances.* In any case where special circumstances concerning the character, arrangement or location of structures warrant a modification of the standards of this section regarding size, placement or height of signs, the Board of Zoning Appeals shall have the power to permit such modification by variance under § 63(c) of this ordinance, if the same has met the standards enumerated below.

- A. The variance is necessary to achieve visibility due to specific physical constraints of the site or surrounding area.
- B. The sign or signs is keeping with the scale and massing of nearby structures and/or geographic features.
- C. The sign or signs will not require substantial alteration of the existing tree canopy to achieve clear view of the sign or signs.
- D. The sign or signs will not have a negative effect on views or vistas from or of Downtown, Long Wharf, East Rock, West Rock, New Haven Harbor, or the upper Quinnipiac River (Oyster Village).
- E. The sign or signs are necessary to promote the safety of drivers or pedestrians and the granting of the variance will not otherwise negatively impact safety.

60.3.12 *Law Governing Conflicts.* Where any provision of federal, state, or municipal law or ordinance conflict with any provision of this Section, the most restrictive governs unless otherwise required by law.

60.3.13 *Definitions.*

- A. AREA OF SIGN. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the supports or uprights on which such sign is placed. Where a sign has two or more faces,

the area of all such faces are included in determining the sign area.

- B. AWNING SIGN. A sign that is mounted, painted or otherwise affixed or attached to an awning. Area of the sign is calculated by drawing the smallest possible square or rectangle around the copy as described in the definition of Area of Sign.
- C. BLADE SIGN. *Also known as a Projecting Sign.* A sign attached to and projecting out from a building face or wall, generally at right angles to the building, including signs that project into the right-of-way.
- D. CANOPY-MOUNTED SIGN. A sign with individual alphanumeric characters and/or graphic elements mounted on top of a permanent canopy.
- E. DIGITAL MENU BOARD. Exterior Menu Signs associated with drive-thru establishments, whether or not operated via touch screen. Digital Menu Boards must comply with Dynamic Display provisions of this ordinance.
- F. DIRECTLY-ILLUMINATED SIGN. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign including, but not limited to, neon and exposed lamp signs.
- G. DYNAMIC DISPLAY. *See Section 6.3.9.A.*
- H. DYNAMIC SCOREBOARD. A scoreboard otherwise meeting the definition of a Dynamic Display in Section 6.3.9.A.
- I. INDIRECTLY-ILLUMINATED SIGN. A sign illuminated with a light exterior to its surface and so shielded that the rays illuminate the sign.
- J. MINI PANEL. Signs posted on street furniture, bus shelters, and benches that are part of the city-wide system.
- K. MONUMENT SIGN. A freestanding sign on a permanent decorative or architectural base, typically constructed in a front yard or on a corner lot. Monument Signs have a maximum height of 5 feet and must not block any site lines.
- L. POLE SIGN. A free-standing sign attached to the ground by means of one or more poles.
- M. POSTER SIGN. *See Temporary Sign.*
- N. PROJECTING MARQUEE SIGN. A sign with manually changeable copy or, where permitted Dynamic Display, and one (curved) to 3 faces. All faces will count toward the allowable area of the sign.
- O. MINI PANEL SIGN. An Off-Premises Sign oriented to a local street, typically located on street furniture such as bus shelters or benches that are part of the city- wide system.
- P. ROOF SIGN. A sign consisting of individual alphanumeric characters, graphic elements or other copy, erected on the roof of a building and projecting above the highest point of the roof line or parapet of the building. It is typically situated parallel to the adjacent street and does not project beyond the front facade of the building.
- Q. OFF-PREMISES SIGN. Signs containing copy that is not related to the use of the premises on which it is located, oriented to a limited access highway, either Directly Illuminated or Indirectly Illuminated.
- R. ON-PREMISES SIGN. Signs containing copy related to the use of the premises on which it is located.
- S. TEMPORARY SIGN. A sign not permanently affixed or attached to the ground or a structure for a period of less than 40 days, which can be removed without special handling.
- T. WALL SIGN. *Also known as Belt Sign or Band Sign.* A sign that is mounted directly to the building face to which the sign is parallel.
- U. WINDOW SIGN. A sign posted, painted, placed or affixed in or on a window for public viewing.

