

ORDINANCE NO.: 23 -2014  
INTRODUCED BY: Alexander

**AN ORDINANCE AMENDING CHAPTER 1179, “SIGNS”, AND SECTIONS 1179.02, -.05, -.06, -.07, AND -.08 OF THE ZONING CODE TO PERMIT AND TO REGULATE ELECTRONIC MESSAGE DISPLAY SIGNS.**

WHEREAS, this Council has determined that electronic message display signs shall no longer be prohibited within the City as an accessory use to certain type of uses and in certain zoning districts within the City and that they should be permitted under the reasonable time, place and manner regulations as set forth in this Ordinance to further the public health, safety and general welfare of the City, its property owners, inhabitants and visitors;

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Section 1179.02, “DEFINTIONS”, at Subsection (k) is amended to hereinafter provide as follows:

“(k) Electronic ~~Reader Board~~**Message Display Sign** is a variable message sign that utilizes computer generated messages or some other electronic means of changing copy.”

Section 2: Table 1179.05 (d) , “Permanent Ground Signs”, at parts 1 a and b only, of Section 1179.05, “Signs in Nonresidential Districts” of the Zoning Code is amended to hereinafter provide as follows:

Table 1179.05(d) Permanent Ground Signs				
	Maximum Number	Maximum Area	Maximum Heights	Minimum Setback <sup>(b)</sup>
1. Primary Sign <sup>(a)</sup>				
a. Building Setback ≥ 30 feet <sup>(b)</sup>	1 per lot <sup>(c)</sup>	<del>40</del> 32-sq ft	<del>9</del> 8 ft	15 ft
b. Building Setback ≥ 12 but < 30 feet <sup>(b)</sup>	2 per Driveway (1 in, 1 out)	<del>32</del> 24-sq ft	<del>9</del> 6-ft	Equal to Height of sign

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Section 3: Table 1179.06(a), at parts (C) 1 c only, of Section 1179.06, “Signs in Residential Districts”, of the Zoning Code is amended to hereinafter provide as follows:

Table 1179.05(a) Signs in Residential Districts					
				Regulations for Ground signs	
Type	Maximum Number Permitted	Maximum Total Sign Area per Type	Maximum Area Per Sign	Maximum Heights	Min Setback from ROW
* * *					
(C) Parcels Used for Nonresidential Purposes:					
1. Permanent Signs					
a. Signplate	1/address	2 sq ft	2 sq ft	--	--
b. Primary Wall Sign	1/building	40 sq ft	40 sq ft	--	--
c. Primary Ground Sign	1/ 500 <u>or less</u> feet of parcel frontage <sup>(e)</sup>	<del>15</del> <b>25</b> sq ft plus 5 sq ft for Every 50 ft of frontage > 100 ft	40 sq ft	<b>8 9</b> ft	
* * *					

Section 4: Subsection (b)(1) of Section 1179.06, “Signs in Residential Districts”, of the Zoning Code is amended to hereinafter provides as follows:

“(b) Supplemental Regulations for All Ground Signs.

- Ground signs shall be erected in a landscaped setting and not on sidewalks, drives or in the paved areas of parking lots. **Ground signs may be placed in parking lots when placed on islands and landscaped as required by other provisions of this Code.**

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Section 5: Chapter 1179, “Signs”, of the Zoning Code is amended to add new Section 1179.065, “Electronic Message Display Signs” which shall provide as follows:

**“1179.065 ELECTRONIC MESSAGE DISPLAY SIGNS**

**(a) Electronic message display signs shall be limited to ground signs only and shall be permitted subject to the Administrative Provisions of Section 1179.11 and the provisions of this section:**

- (1) Electronic message display signs shall be permitted in all nonresidential districts and in residential districts on parcels which are used for institutional or other nonresidential uses.
- (2) Only one electronic message display sign shall be permitted on each parcel and shall be considered as the primary ground sign for that parcel. Additional non-electronic ground signs may be added if permitted by this chapter.
- (3) The electronic message display area of each sign shall be fully framed and shall be subject to the size limitations of Table 1179.05(d). The sign base shall not be included in the maximum permitted sign area, nor shall a non-electronic header over the top of the electronic reader board that is used to identify the owner or the address of the parcel. However, the entire sign assembly, including the base, electronic message board and header, are subject in total to the maximum height in Table 1179.05(d).
- (4) Electronic message display signs shall be located a minimum of 200 feet from any residentially-zoned district or 200 feet from any lot line separating a residentially and nonresidentially used parcel in a residentially-zoned district. Notwithstanding the forgoing setback requirement, electronic message display signs may be located from 100 feet to 200 feet from a residential district or a residentially-used parcel provided that the sign is illuminated no longer than 6:00 a.m. to 10:00 p.m. any day of the week.
- (5) Electronic message display signs shall not advertise establishments, products, services or events not actually located on or associated with the specific property upon which the sign is located or its occupant.
- (6) Each message shall remain fixed for a minimum of ten (10) seconds, and individual messages shall be separated by a three (3) second pause, during which pause a still image or blank screen shall be shown. The entire message shall change at once. Messages shall not flash, blink, scroll, rotate or include movable or animated text or images.
- (7) The electronic message display sign may be capable of producing a full color spectrum for pedestrian and traffic viewing; However, no sign shall emulate a traffic control device, nor shall displays use the colors of green, yellow or red in such a way, in the discretion of the Building Commissioner, as to confuse passing motorists.
- (8) The changeable copy portion of the sign shall not exceed the sizes found in Table 1179(a) for the permitted area of ground signs. Sign bases and headings shall not be included in the maximum allowable area of the sign.

**(b) Illumination and luminance.**

- (1) Each owner must be capable of dimming, both manually and by photo cell or other automatic means, the digital display intensity of the sign.

**The light intensity level of the display must automatically adjust to natural ambient light conditions.**

- (2) No electronic message display sign may be illuminated to a degree of brightness that is greater, in the opinion of the Building Commissioner, than necessary for adequate visibility, nor shall the sign exceed the maximum luminance level of 0.3 foot candles above ambient light levels for the location and time of day when measured at the distances recommended by the International Sign Association (ISA) and based on the digital display size.**
- (3) The owner shall provide from the manufacturer of each electronic message display sign, prior to the issuance of a permit, a certification that the values permitted herein will not be exceeded.**
- (4) Electronic message display signs shall comply with the provisions of Section 1179.08(a)(5)."**

**Section 6:** Section 1179.07, "Prohibited Signs", of the Zoning Code is amended to hereinafter provide as follows:

**"1179.07 PROHIBITED SIGNS.**

All signs not expressly permitted in this Chapter shall be prohibited in the City. Such signs include but are not limited to the following:

- (a) Roof Signs;
- (b) Billboards;
- (c) Flags intended for advertising or commercial purposes;
- (d) Marquee signs;
- ~~(e) Electronic reader boards;~~
- ~~(ef)~~ Kiosk signs;
- ~~(fg)~~ No mobile signs shall be erected, constructed, displayed or maintained except those on licensed commercial delivery and service vehicles. Such vehicles shall not be parked in any district closer to the street than the front line of the principal building, unless the principal building has a rear parking area; in which case, all such vehicles shall not be parked closer to the street than the rear line of said building.
- ~~(gh)~~ Temporary directional signs, other than Municipal or emergency signs or those temporary signs as may be approved by City Council.
- ~~(hi)~~ Flashing, moving, inflatable, blinker, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, tethered inflatable signs, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices.

- (i) The interior illumination of signs, except as expressly permitted in Section 1179.08(a)(2) and signs with characters, letters, figures, designs or outlines by electric lights or luminous tubes as part of the sign.
- (j) Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.
- (k) Permanent signs erected or attached to accessory structures.”

Section 7: Section 1179.08(a)(2), “Internal Illumination”, of Section 1179.08 “SIGN ILLUMINATION, CONSTRUCTION AND MAINTENANCE STANDARDS”, of the Zoning Code is amended to hereinafter provide as follows:

“In addition to ensuring compliance with the numerical standards of these regulations, the Architectural Board of Review shall consider the proposed sign according to the following standards:

(a) Illumination. Signs shall be permitted to be illuminated in compliance with the following:

(1) External Illumination: All signs that are permitted to be illuminated as enumerated in Sections 1179.05 and 1179.06 above shall be externally illuminated, except as otherwise permitted in subsection (2) below and the external illumination shall comply with the following:

- A. Only direct lighting from an external source shall be used to illuminate the sign.
- B. The source of light shall not be visible from the street or adjacent property.
- C. No variances to this Section 1179.08(a)(1) shall be sought or granted.

(2) Internal Illumination:

A. Internal illumination of signs is permitted for parcels ~~uses~~ in all non-residential districts and certain parcels in residential districts provided that only reverse pan channel, or halo-lighted letters, characters or graphics are ~~permitted~~ utilized or as provided for in Section 1179.065(b) for electronic messaging display signs.

B. Internally illuminated cabinets are permitted provided such cabinets shall consist of a solid opaque background with “knock-out” areas for copy, graphics and embellishments.

(3) Signs shall not include animated, flashing, or moving text or imaging. ~~or intermittent illumination in which any part of the message changes at a rate of more than once per day~~ Messages may be intermittent only as provided for in Section 1179.065..

(4) Light shall not be from a colored light source.

(5) All illumination shall be extinguished between the hours of ~~by~~ 10 p.m. or at close of business, whichever is later, and 6:00 a.m. Notwithstanding the hours set forth herein, signs in nonresidential districts shall be permitted to be illuminated during the hours of 10 p.m to 6 a.m., provided that the message is static during those hours.

(6) No temporary sign shall be illuminated or have the potential to be illuminated.

**(7) Electronic message display signs shall be permitted to be illuminated as set forth in Section 1179.065(b).**

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Section 7: Existing Sections 1179.02(k), Table 1179.05(d), Table 1179.06(a), Section 1179.06(b)(1), 1179.07, and 1179.08(a)(2), (3), and (5) of the Codified Ordinances of the City, only as said Sections and their subparts are amended by this Ordinance, are hereby repealed as of the effective date of this Ordinance.

Section 8: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_  
Miesha Wilson Headen, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Betsy Traben  
Clerk of Council  
David H. Roche  
President of Council