

**ORDINANCE NO: 2018-64**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 1170 OF THE ZONING CODE OF THE CITY TITLED "ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAYS" BY AMENDING SECTION 1170.18 REGARDING ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAY SIGNS**

**WHEREAS**, an amendment to the City's Planning and Zoning Code with regard to electronic moving message/digital display signs has been referred to the Planning Commission for review; and

**WHEREAS**, the Planning Commission reviewed the proposed amendment on July 27 and August 23, 2018, and unanimously approved this amendment to the City's Planning and Zoning Code; and

**WHEREAS**, the same has been submitted to this Council for consideration, and for adoption upon the recommendation of the Lyndhurst Planning Commission; and

**WHEREAS**, all public hearings have been conducted, and all necessary public notices have been made and copies provided for public review. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

**SECTION 1.** Section 1176.18 of the Zoning Code of the Zoning Code of the City titled "ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAY SIGNS" is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

**1170.18 ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAY SIGNS –**

Electronic moving message/digital display signs, as defined in Section 1170.04(b)(9), shall be sympathetic to the surrounding area and shall maintain the existing characteristics of the City. Such signs are permitted only in the Community Business District AS A CONDITIONAL USE. SUCH A SIGN IN A CLASS A DISTRICT SHALL BE LOCATED ON A SINGLE PARCEL OR ON A COMBINATION OF CONTIGUOUS PARCELS UNDER SEPARATE OWNERSHIPS TOGETHER HAVING AT LEAST ONE HUNDRED FIFTY FEET FRONTAGE ON A SINGLE RIGHT OF WAY. SUCH A SIGN IN A CLASS B DISTRICT SHALL BE LOCATED on property under a single ownership exceeding five (5) acres in area and having at least 600 (SIX HUNDRED) foot frontage on a single public right of way, ~~and having at least ten (10) businesses~~. ALL SUCH SIGNS SHALL BE in accordance with the following regulations and other applicable regulations of this chapter.

(a) Electronic moving message/digital display signs, as defined in Section 1170.04(b)(9), shall comply with the following:

(1) Subject matter. The sign can only advertise establishments or events actually located upon the specific property.

(2) Hours. The sign can only operate AS ADVERTISING during the actual hours of business for establishments located on the specific property. AFTER BUSINESS HOURS, ONLY A STILL FRAME FOR BUSINESS IDENTIFICATION MAY BE DISPLAYED.

(3) Frequency. Copy (lettering) change ON SINGLE TENANT PROPERTIES shall not be more frequent than once per ~~15~~ 30 (THIRTY) seconds. COPY (LETTERING) CHANGE ON MULTI TENANT PROPERTIES SHALL NOT BE MORE FREQUENT THAN ONCE PER 10 (10) SECONDS. There shall be a three (3) second "pause" in which a still image or blank screen is shown following every message.

(4) Prohibited signs.

A. Flashing sign - 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, or sparkling;

- B. Spinning;
- C. Rotating; and

D. Video - imagery produced by signs that have the capability of processing up to 30 frames per second.

(5) Color and clarity. Content shall be capable of producing a full color spectrum, and a dot/pixel pitch not greater than twenty (20) millimeters for traffic and pedestrian viewing.

(6) Brightness.

A. All digital displays shall be illuminated at a level no greater than 0.3 foot candles over ambient light levels for location and time when measured at the recommended distance based on the digital display size, and shall employ light cut-off devices, such as but not limited to louvers, in order to minimize light escaping above a horizontal plane.

B. 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.

C. 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.

(7) Spacing. There shall be a minimum distance of ~~200~~ 75 feet between electronic moving message/digital display signs.

(8) Number of signs. One electronic moving message/digital display sign shall be permitted per single property OR COMBINATION OF PROPERTIES. SUCH SIGN WILL NOT BE PERMITTED TO BE MOUNTED ON A BUILDING.

(9) Illumination. At no time shall the total face illumination area fall below ninety-eight percent (98%).

(10) Images. ~~There shall be not more than three (3) separate images on one sign at one time.~~

(11) Maintenance. A default mechanism must be provided to turn the sign off in case of malfunction.

(12) APPLICATION. THE APPLICATION MUST SET OUT ALL PROPERTIES LOCATED WITHIN ONE HUNDRED (100) FEET OF THE APPLICANT'S PROPERTY WHICH HAVE AN ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAY SIGN ALREADY ON THE PROPERTY, AS WELL AS THE CIRCULATION PATTERN FOR THAT PROPERTY.

(b) Electronic moving message/digital display. Signs shall be limited to ground (monument) signs only, subject to number, size, and setback requirements in this chapter. ~~The total height shall be a maximum of ten feet from grade, to include a maximum thirty (30) foot wide sign face area and a maximum six foot high base. The size of the digital display shall not exceed 120 square feet, shall be fully framed and shall not exceed fifty percent (50%) of the total area of the sign.~~

(c) All electronic moving message/digital display signs, and parts thereof, shall be securely constructed in conformance with applicable City Building, Fire and Electrical Codes, and with the applicable standards of this chapter. All signs shall have a surface of facing materials which are durable for the intended life of the sign. All signs shall be attached in compliance with applicable local and state codes. The electrical connections shall be concealed, and the electrical conduits shall be installed below grade, where not in conflict with the most recently adopted edition of the National Electrical Code.

(D) ALL ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAY SIGNS PROPOSED FOR HOTELS OR APARTMENTS OR COMBINATION THEREOF SHALL COMPLY WITH ALL OF THE REQUIREMENTS LISTED HEREIN, AND SHALL ALSO COMPLY WITH ALL OTHER REQUIREMENTS SET OUT BY THE CITY IN THE APPROVAL OF THE CONDITIONAL USE PERMIT.

**SECTION 2.** Any and all provisions of Section 1170.18 inconsistent herewith are hereby repealed but all other provisions of Chapter 1170 of the Zoning Code of the City shall remain in full force and effect.

**SECTION 3.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in

such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 4.** This Ordinance shall take effect at the earliest time allowed by law.

PASSED: October 15, 2018

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**VICE MAYOR**

ATTEST: \_\_\_\_\_

***Clerk of Council***

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on October 25, 2018 and November 1, 2018.

\_\_\_\_\_  
***Clerk of Council***

First Reading: September 4, 2018

Second Reading: September 17, 2018

Third Reading: October 1, 2018