

Ordinance No. 945-08

Council Member Sweeney

AN EMERGENCY ORDINANCE

To amend Section 350.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1282-06, passed November 27, 2006, relating to billboards.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Section 350.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1282-06, passed November 27, 2006, is amended to read as follows:

Section 350.10 Billboards

Billboards, as defined in division (c)(1) of Section 350.03, shall be permitted only in accordance with the following regulations and other applicable regulations of this Chapter:

(a) *Zoning Districts.* Billboards shall be permitted only in General Industry and Unrestricted Industry Districts, except that billboards directed at any angle toward a freeway may be permitted in Semi-Industry Districts. Billboards shall not be permitted in Cleveland Landmark Districts, Public Land Protective Districts, Business Revitalization Districts or on the opposite side of any street bordering such districts. No billboards shall be permitted on the east side of State Route 176 (the Jennings Freeway) and only one billboard shall be permitted on the west side of State Route 176 (the Jennings Freeway).

(b) *Sign Types.* Billboards shall be permitted as either free-standing or wall signs, unless otherwise restricted in these codified ordinances. In General Industry and Unrestricted Industry districts, billboards shall also be permitted as roof signs not exceeding permitted building height and meeting the standards of division (h) of Section 350.08.

(c) *Size.* Billboard sign panels shall not exceed eight hundred and twenty (820) square feet in area and shall be further limited in size by the setback regulations in divisions (g) and (h) of this section. For purposes of determining required setbacks, the measurement of sign panel area shall exclude "extensions" projecting beyond the otherwise rectangular or standard geometric panel dimensions, provided that these extensions do not exceed 21% of such standard panel area.

(d) *Height.* The maximum height of a billboard above the roadway surface to which it is oriented shall be fifty (50) feet. However, in no case shall the height of the billboard as measured from the grade of the lot on which it is placed exceed the maximum permitted height for main buildings.

(e) *Spacing.* Along freeways, the minimum distance between billboards located on one side of the road shall be fourteen hundred (1400) feet. Along freeways, the minimum distance between billboards located on opposite sides of the road and

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visible to approaching traffic shall have a minimum spacing of five hundred (500) feet. Along other roads, such distance shall be seven hundred fifty (750) feet between two billboards which are each less than one hundred (100) square feet in area and shall be one thousand (1000) feet in all other instances. Except for double-sided ("back-to-back") billboard panels, not more than one (1) billboard panel may be located on a single structure.

(f) *Distance from Street Lines.* Billboards shall be located behind the required building setback lines of the lots on which they are located. In addition, billboards shall be located a minimum distance of twenty-five (25) feet measured in any direction from the point of intersection of the right-of-way lines of two intersecting streets.

(g) *Distance from Zoning District Lines.* Billboards located along streets other than freeways shall be set back at least two hundred (200) feet from Residential, Local Retail and General Retail District lines. For such billboard panels exceeding three hundred eighty (380) square feet in area, all minimum setbacks from zoning district lines shall be increased one (1) foot for each one (1) additional square foot of sign panel area. Billboards along freeways shall be set back at least fifty (50) feet from Residential, Local Retail, and General Retail District lines.

(h) *Distance from Bridges not on Freeways and from Parkways.* A billboard directed at any angle toward a bridge, not on a freeway or toward a bridge not on a freeway or toward a parkway shall be set back from the outer pavement edge a minimum of one (1) foot for each one (1) square foot of sign panel area. However, the minimum such setback shall be three hundred thirty (330) feet. Furthermore, as required by State regulations, no billboard may be located within five hundred (500) feet of the interchange of a freeway, as measured along the right edge of the maintraveled roadway in the direction of travel from the beginning or ending of pavement widening at the exit or entrance to the freeway.

(i) *Distance from Freeways.* A billboard directed at any angle toward a freeway shall be located outside of the freeway right of way, but in no case closer than fifty (50) feet from the freeway pavement edge.

(j) *Illumination.* Billboards shall be illuminated only by means of continuous reflected light. Internally-illuminated or back-lit billboards shall not be permitted. Billboards shall not include automatic changeable copy signs (i.e., electronic message centers) as defined in division (f)(2) of Section 350.03.

(k) *Referral to City Planning Department.* Any Building Permit application for installation of a new billboard shall be referred to the Director of the City Planning Department for a determination of compliance with the location, spacing and setback regulations of this section. In making this determination, the Director and staff of the Department shall utilize a map maintained by the Department showing locations of existing billboards, zoning districts and other information necessary to make such determination.

(l) *Nonconforming Billboards.* Notwithstanding the provisions of Section 350.19, a legal nonconforming billboard may be replaced or may be reconstructed to an

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extent greater than otherwise permitted if the City Planning Commission determines that such replacement or reconstruction will satisfy the following conditions:

(1) *Site and Design Improvements.* The site of the new or reconstructed billboard shall be landscaped and otherwise improved, through use of an ornamental base or frame, a streamlined support structure, or similar features effective in improving the appearance of the site. At a minimum, evergreen shrubs, at least three (3) feet in height at the time of planting and four (4) feet in height after two (2) growing seasons, shall be planted at maximum intervals of four (4) feet along any side of the base of the billboard oriented toward a public street. Such planting shall extend at least the full width of the billboard panel. In addition, all portions of the parcel(s) of land on which the billboard site is located shall be planted with grass or other suitable vegetative ground cover between the billboard and all public streets abutting the parcel(s).

(2) *Degree of Nonconformity.* The new or reconstructed billboard shall be no greater in size, height, number of panels, or any panel dimension than is the existing billboard, nor shall the new or reconstructed billboard be less conforming to any zoning regulation than is the existing billboard, except that a panel or sign face may be added to the back of a billboard where previously there had been no panel or sign face.

(3) *Location.* The new or reconstructed billboard shall be placed in precisely the same location as the existing billboard unless the City Planning Commission determines that a different location on the same parcel of land would be more effective in meeting the intent of the sign regulations, as stated in Section 350.01.

(4) *Sign Type.* With respect to the "sign types" defined in division (f) of Section 350.03, the new or reconstructed billboard shall be the same type as the existing billboard unless the City Planning Commission determines that a different sign type would be more compatible with the subject property or nearby properties.

(5) *Changeable Copy.* The new or reconstructed billboard may incorporate automatic changeable copy only if such copy is limited to a single billboard panel or two back-to-back billboard panels and only if each such panel replaces two or more billboard panels on the subject property and only if the total area of the panels removed is at least twice as great as the total area of the proposed panels. If the requirement for removal of billboard panels cannot be met fully on the subject property, additional billboard panels may be removed, with the approval of the City Planning Commission, if such panels are located within one mile of the proposed changeable copy panel. If the required removal of billboard panels cannot be met on the subject property, the total area of all billboard panels removed shall be at least three times as great as the total area of the proposed panels. Each message on a sign utilizing changeable copy shall remain fixed for the period of time required by the Ohio Department of Transportation for the subject location.

Section 2. That existing Section 350.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1282-06, passed November 27, 2006, is repealed.

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Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**BAL:nl
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FOR: Council President Sweeney

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