



## Zoning Text Amendment Sharon Township

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**Meeting:** October 5, 2016  
**Applicant:** Sharon Township Zoning Commission (STZC)  
**Hearing:** TBD (Zoning Commission)  
**Amendment:** Section (§) 300-47 add text clarifying definition for “lot lines”, § 300-60 add text clarifying definitions for “signs”, edit § 601-4 Political Signs, and add new text § 601-6 Electronic Message Signs Conditionally Permitted.  
**Reviewer:** Rob Henwood

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**Proposal:** The STZC has submitted the following proposed Zoning Text Amendments for review:

1. Add new text to § 300-47 clarifying the definition for “lot lines;” add new definitions, subsections 1 and 2, for “side” and “rear” lot lines.
2. Add new text to § 300-60 clarifying definitions for “signs;” add new definitions, subsections 2, 4, 6, 7, and 8, for sign “animation,” “background animation,” “electronic message center,” “flashing,” and “frame effect.”
3. Edit § 601-4 Political Signs decreasing the period of time these signs are permitted to be displayed; both before (from 60 to 30 days) and after (from 10 to three days) an election.
4. Add new text section § 601-6 creating regulations that conditionally permit Electronic Message Signs.

**Proposed Amendments:** Complete staff comments are contained within the proposed submitted text below. Staff comments are *italicized*, new text is underlined, and deleted text is shown as ~~strikeout~~.

### Article III Definitions

300-47 Lot Lines: The lot lines are the lines bounding a lot as defined herein.

1. Lot Lines, Side: The two (2) property lines that intersect with the street that the house primarily faces.
2. Lot Lines, Rear: Will be any other line not defined as a side line behind the primary residence.

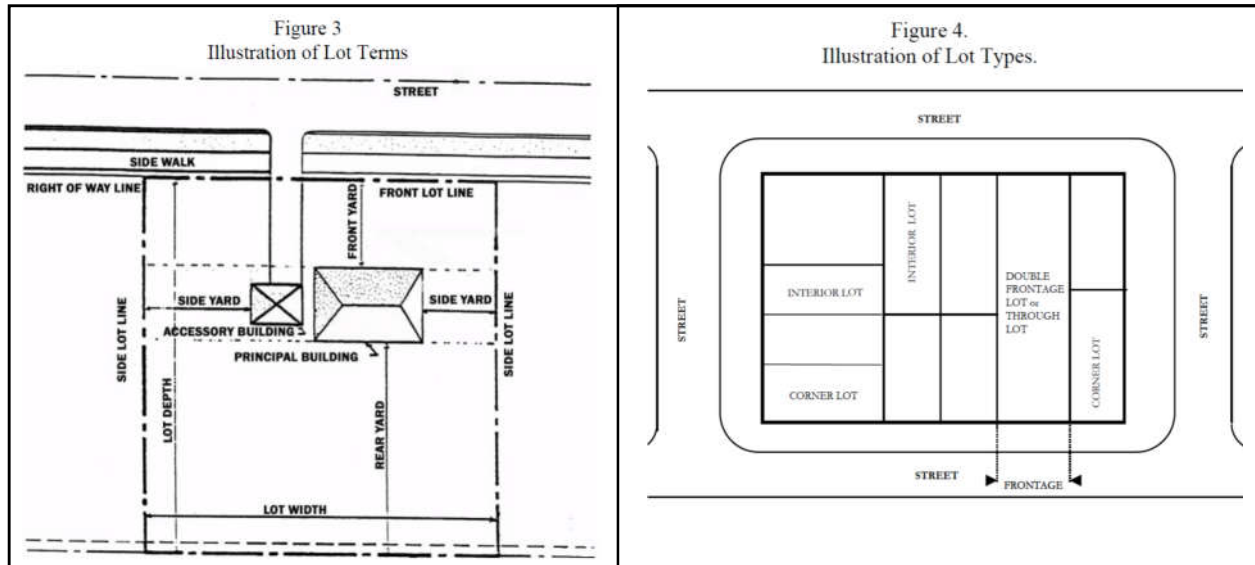
*The proposed definitions may not work well for corner lots or double frontage lots. Staff suggests the STZC consider utilizing language similar to the following language and exhibits contained in the Montville Township Zoning Resolution:*

***LOT LINES:*** *The property lines defining the limits of a lot. See Figure 3 below.*

1. ***LOT LINE, FRONT:*** *The lot line separating a lot from the street right-of-way on which the lot fronts.*
2. ***LOT LINE, REAR:*** *The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. On corner lots, the rear lot line shall be considered as parallel to the street upon which the lot has its least dimension.*
3. ***LOT LINE, SIDE:*** *Any lot line other than a front or rear lot line.*

**LOT TYPES:** Terminology used in this resolution with reference to corner lots, interior lots, and double frontage lots is as follows. See Figure 4 below for an illustration of lot types.

1. **LOT, CORNER:** A lot at the junction of and abutting upon two (2) intersecting streets.
2. **LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
3. **LOT, INTERIOR:** A lot other than a corner lot with frontage on only one (1) street.



300-60 Signs:

2. Sign, Animation: The use of movement or some element thereof, to depict action or create a special effect or scene.
4. Sign, Background Animation: The appearance of movement on a sign that creates a special effects or scene set in the background of a sign, but where the informational message portion displays static content in the foreground of the sign.
6. Sign, Electronic Message Center: An on-premise sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. **Delete the term “on premise” as this cannot be determined without an evaluation of the content of the sign. This violates the requirement that sign regulations be content neutral.**
7. Sign, Flashing: ~~Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.~~ A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated or from one color to another color for the purpose of drawing attention to the sign. **Replace the term “alternates” with “changes” and delete the term “suddenly.”**
8. Sign, Frame Effect: A visual effect on an electronic message center applied to a single frame to transition from one message to the next.

601-4 Signs Permitted in any District without a Permit

- A. Political Signs: Signs promoting issues or candidates for public office shall be permitted in any district within the Township. ... Such signs shall be placed no earlier than ~~sixty (60)~~ thirty (30) days prior to the date of election to which they relate, and such signs and all supporting materials shall be removed within ~~ten (10)~~ three (3) days following election. *Noted sign regulations expert, Alan Weinstein of the Cleveland-Marshall College of Law recommends that communities not restrict the placement of political signs prior to an election. He also recommends that signs be removed within 10 days following an election.*<sup>1</sup>

601-6 Electronic Message Signs Conditionally Permitted *In order to be consistent with previous section titles, this section should be renamed “Signs Conditionally Permitted in Any District Requiring a Permit” and moved to § 601-5. Electronic Message Signs should be listed as the first subsection. Subsequent sections will need to be renumbered accordingly.*

Electronic Message Centers: Electronic message centers shall be permitted in all zoning districts subject to all applicable requirements prescribed by the zoning district in which the subject property is located and subject to the following: Per the title of the section, these uses are conditionally permitted; the sentence should read “... message centers shall be conditionally permitted in all zoning districts....”

- A. Such signs shall display static images for a period of at least 8 seconds before transitioning to another static image. Eight seconds may be too short of a time interval to avoid visual distraction for motorists. The following communities utilize the following time restraints:

- *City of Brunswick, 15 seconds, § 1270.17(a)(1)*
- *City of Medina, 30 seconds, § 1147.07(J)(1).*
- *Bath Township, Copley Township, eight seconds, § 809(B).*
- *Hinckley Township, 10 seconds, § 10.3(H)(1).*
- *Medina Township, 60 seconds, § 605(M).*
- *Westfield Township, 60 seconds, § 407(A)(7)c.*
- *York Township, eight seconds, § 403.04(E).*

*The above listed duration for messages, copy, and images vary from eight to 60 seconds; the STZC may wish to consider increasing the minimum time interval. Static foreground images or text may be accompanied by the display of background animation, as defined in this section. The use of frame effects is permitted so long as flashing is prohibited.*

- B. All electronic message centers shall come equipped with automatic dimming technology which automatically adjusts the sign’s brightness in direct correlation with ambient light conditions.
- C. No electronic message center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

<sup>1</sup> Sign Regulation after Reed v. Town of Gilbert, Arizona. Alan Weinstein. Presentation made at the November 15, 2015 Cleveland Planning and Zoning Workshop, Cleveland Section of American Planning Association, Ohio Chapter. [http://www.ohioplanning.org/aws/APAOH/asset\\_manager/get\\_file/116010?ver=2371](http://www.ohioplanning.org/aws/APAOH/asset_manager/get_file/116010?ver=2371)

<u>Area of Sign (sq. ft.)</u>	<u>Measurement Distance (ft.)</u>
<u>10</u>	<u>32</u>
<u>15</u>	<u>39</u>
<u>20</u>	<u>45</u>
<u>25</u>	<u>50</u>
<u>30</u>	<u>55</u>
<u>35</u>	<u>59</u>
<u>40</u>	<u>63</u>
<u>45</u>	<u>67</u>
<u>50</u>	<u>71</u>
<u>55</u>	<u>74</u>
<u>60</u>	<u>77</u>
<u>65</u>	<u>81</u>
<u>70</u>	<u>84</u>
<u>75</u>	<u>87</u>

\* For signs with an area in square feet other than those specifically listed in the table (i.e., 32 sq.ft.), the measurement distance may be calculated with the following formula; the square root of the product of the sign area multiplied by one-hundred.

Example using a 32 sq.ft. sign:

Measurement Distance =  $\sqrt{(32 \text{ sq. ft.} \times 100)} = 56.57$  The unit of measure should be specified; 56.67 feet.

*It is not clear why it is important to measure the brightness of light emanating from a sign at varying distances from the sign depending on the sign's size. The intent of the regulation could be twofold:*

1. *To protect adjoining neighbors from unwanted glare from signs. As such, the regulation should limit the maximum amount of light emanating from the sign at the property line; such as 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter or some similar threshold.*
2. *To protect motorist from unwanted glare from signs. In this instance, the regulation should limit the maximum amount of light emanating from the sign to the nearest point on the closest roadway within a motorist field of vision.*

*In either case, the proposed methodology does not make sense. The maximum brightness level should be measured at a fixed location; either at a property line or at the nearest point within a motorists field of vision on the closest roadway.*

- D. No electronic message centers will be allowed within 1000 feet of the center of Sharon Circle. It is not clear how one would measure 1,000 feet from the center of Sharon Circle. The STZC should consider including a map to clearly depict where Electronic Message Signs are not permitted.
- E. All electronic message centers must be reviewed by the Architectural Review Board. It is not clear what criteria is to be used by the Architectural Review Board

***to evaluate a proposed Electronic Message Sign. The STZC should add specific criteria as part of the conditionally permitted use approval process.***

**General Comments:** In addition to the above listed comments, Staff offers the following:

1. The STZC should consider including a definition to the definition section of the Zoning Resolution for “Changeable Copy Electronic Signs.” Staff suggest language similar to the following:

*Sign, Electronic Message – A sign who’s alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.*<sup>2</sup>

2. Use terminology consistently; use the term “Electronic Message Signs” or “Electronic Message Centers” throughout the text when making reference to this use.
3. Numerical values are listed in words and as numbers primarily throughout the text; this method of notation, if it is to be used, should be used consistently.
4. In order for the above text requiring lighting measurements to be enforceable, the Township needs to ensure that zoning officials have access to a properly functioning light meter, are appropriately trained in the meter’s operation, and have the ability to investigate violations at the appropriate times (i.e. at night after regular business hours). As an alternative, the STZC could add a provision to the Zoning Resolution to place the responsibility for lighting measurement upon a complainant.

**Recommendation:** Staff recommends the MCPC **APPROVE WITH MODIFICATIONS** the proposed amendments to the Sharon Township Zoning Resolution.

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<sup>2</sup> A Planners Dictionary: Planning Advisory Service Report Number 521/522. Michael Davidson and Faye Dolnick, Eds. American Planning Association: Chicago, IL. 2004.