

CITY OF ENGLEWOOD
IN
MONTGOMERY COUNTY, OHIO

ORDINANCE: 18-01

PASSED: February 27, 2018

**AN ORDINANCE: AMENDING ZONING CODE REGULATIONS PERTAINING TO
CHAPTER 1282 GENERAL SIGN REGULATIONS, BEING PART
TWELVE OF THE ENGLEWOOD CODIFIED ORDINANCES.**

WHEREAS, amendments to the Englewood Zoning Code have been deemed necessary pursuant to reasons cited by Chapter 1268.02(c) of the Englewood Codified Ordinances; and

WHEREAS, notice of a hearing regarding matters herein was published in a newspaper of general circulation; and

WHEREAS, said hearing was held at the time and place advertised, as part of a regularly scheduled meeting of City Council; and

WHEREAS, the Administrative Board for Planning and Zoning Appeals (Planning Commission) has considered, at regularly scheduled meetings, open to the public, the zoning amendments outlined herein, and has recommended same to City Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF MONTGOMERY, STATE OF OHIO, AS FOLLOWS:

SECTION I That referenced Code Section 1282 of the Englewood Codified Ordinances be amended by the addition **red underlined** words and the subtraction of **red-struck-through** words, to read:

**CHAPTER 1282
General Sign Regulations**

- 1282.01 Definitions.
- 1282.02 Responsibility for compliance; violations.
- 1282.025 Purpose.
- 1282.03 General requirements.
- 1282.04 Exceptions to chapter.
- 1282.05 Prohibited signs.
- 1282.06 Permits and fees.
- 1282.07 Administration and enforcement.
- 1282.08 Functional and structural signs in "R," "S-PUD" and "A" Districts.
- 1282.09 Functional and structural signs in "C-1," "C-2" and "C 3" Districts.
- 1282.10 Functional and structural signs in "O," "C-4" and "I" Districts.
- 1282.11 Supplementary regulations.
- 1282.12 Nonconforming signs.
- 1282.13 Appeals; variances.
- 1282.99 Penalty; equitable remedies.

1282.01 DEFINITIONS.

Unless otherwise expressly provided or the context clearly indicates otherwise, as used in this chapter:

- (1) Board. "Board" means the Administrative Board for Planning and Zoning Appeals of the City.
- (1.3) Building Frontage. "Building frontage" means the width of a building plane parallel, or nearly parallel, with a thoroughfare abutting the zoning lot. The extent of the building plane is established by the extent of the foundation underlying usable indoor space. Balconies, eaves, bay windows and other open or cantilevered building elements shall not be used in the computation of such width. Building frontage shall be computed only on thoroughfares shown as other than local streets by the most recently adopted Comprehensive Development Plan for the City. If a land use to be signed is located only on local streets, only one such street frontage shall be used in computing allowable sign area.
- (1.4) Commercial Message. Means any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a product, business, service sale or sales event, or other commercial activity.
- (1.5) Graphic. "Graphic" means a symbol, representation or artistic rendering of goods or services provided at the location of the building at which it is displayed.
- (2) Lot. Corner. "Corner lot" means a lot at the juncture of and fronting on two or more intersecting streets.
- (2.5) Lot Frontage. "Lot frontage," for purposes of computing allowable sign area, shall mean frontage on thoroughfares shown as other than local streets by the most recently adopted Comprehensive Development Plan for the City. If a land use to be signed is located only on local streets, only one such street frontage shall be used in computing allowable sign area.
- (3) Lot. Interior. "Interior lot" means a lot with only one street frontage.
- (4) Lot. Through. "Through lot" means a lot, other than a corner lot, with more than one street frontage.
- (4.4) Noncommercial Message. Means any sign wording, logo or other representation pertaining to a topic of public concern, controversy or interest, including, but not limited to , politics, religion, philosophy, science, art or social commentary.
- (5) Planning Commission. "Planning Commission" means the Administrative Board for Planning and Zoning Appeals of the City.
- (5.5) Public Accommodations. "Public accommodations" means only those hotels and motels whose principal business is the temporary housing of travelers on 1-70.
- (6) Sign. "Sign" means a name, identification, description, display or illustration which is affixed to or painted on or represented directly or indirectly upon a building, structure or other physical object or piece of land which directs attention to an object, product, place, activity, person, institution, organization, business or other human endeavor.
- (7) Sign Area. "Sign area" means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or figure of similar character, together with any frame or other 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 necessary supports or uprights on which the sign is placed. Sign area shall be computed from measurements of the maximum silhouette of the

- largest sign face or combination of faces as viewed from a single point.
- (8) Sign, Awning. "Awning sign" means a sign displayed on an awning.
 - (9) Sign, Banner. "Banner sign" means a sign on fabric or other flexible medium which is suspended from supports by the attachment of only a few parts of the medium to such supports.
 - (10) Sign Base. "Sign base" means the part of a sign that is attached to the ground, if free-standing. Otherwise, for purposes of measuring, "sign base" means the land under a sign.
 - (11) Sign, Billboard. "Billboard sign" means a sign which directs attention to a use, commodity or service not necessarily related to the premises on which the sign is located.
 - (12) Sign, Bulletin Board. "Bulletin board sign" means a structure containing a surface on which is displayed the name of a religious institution, school, library, auditorium, stadium, athletic field or arena or other similar use for the announcement of services or activities to be held therein, and such sign may allow for changeable copy.
 - (13) Sign, Business.-. "Business sign" means a sign which directs attention to a use, commodity, service, business or profession conducted, offered or sold upon the premises where such sign is located, and may be for profit or nonprofit.
 - (14) Sign, Canopy. "Canopy sign" means a sign displayed upon a canopy.
 - ~~(15) Sign, Construction.-. "Construction sign" means a sign indicating the names of architects, engineers, contractors and similar persons involved in the design and construction of a structure or project.~~
 - ~~(16)~~(15) Sign, Directional. "Directional sign" means a sign directing vehicular or pedestrian movement into a premises or within a premises.
 - ~~(16.5)~~ Sign, electronic message board. "Electronic message board sign" means a sign that contains a display area which can be changed, by an electrical, electrical, electronic or computerized process.
 - (17) Sign Face. "Sign face" means the surface of the sign on, against or through which the message of the sign is exhibited.
 - (17.5) Sign, Flashing. "Flashing sign" includes those signs where the message or pattern thereon is changed in whole, or in part, more often than once every two hours. Such signs shall be deemed to include messages that scroll across the sign face.
 - (18) Sign Frontage.-. "Sign frontage" means the length of all abutting public rights of way, except alleys and pedestrian walkways.
 - (19) Sign, Free-Standing.-. "Free-standing sign" means a sign suspended or supported by one or more uprights or braces mounted directly upon the surface of the land.
 - (20) Sign Height.-. "Sign height" means the vertical distance from the uppermost point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street or alley, other than a structurally elevated roadway, whichever measurement permits the greatest elevation of the sign.
 - (21) Sign, Identification.-. "Identification sign" means a sign which displays only the name, address and/or use of the premises upon which the sign is located.
 - (22) Sign, Illuminated. "Illuminated sign" means a sign that is lighted by an artificial light source.
 - (23) Sign, Marquee.-. "Marquee sign" means a sign which is displayed upon a marquee.

- (24) Sign, Moving. "Moving sign" means a sign which in part or total rotates, revolves or otherwise is in motion, or which appears to move.
- ~~(24.1) Signs, Off-site. "Off-site sign" means a sign which directs attention to a business, product, commodity, service, entertainment or attraction sold, offered for sale or existing on a lot other than the one on which such sign is displayed.~~
- ~~(24.2) Signs, On-site. "On-site sign means a sign which directs attention to a business, product, commodity, service, entertainment or attraction sold or offered for sale or existing on the same lot on which the sign is displayed; provided, an on-site sign may also display a noncommercial message.~~
- (25) Sign, Nonconforming-. "Nonconforming sign" means a sign which does not conform to the requirements of this chapter, but which was erected before this chapter and any immediate predecessor to this chapter became effective.
- (26) Sign, Outdoor Advertising. "Outdoor advertising sign" means a billboard sign.
- (27) Sign, Political. ~~"Political sign" means a sign calling attention to a candidate or issue to be the subject of an election.~~
- ~~(28) Sign, Portable. "Portable sign" means a sign which is not permanently affixed to a structural base or building, and which is movable to and from locations.~~
- ~~(29) Sign, Projecting. "Projecting sign" means a sign suspended from or supported by a building, structure or column, extending therefrom more than twelve inches and intended principally for viewing at an angle perpendicular, or nearly perpendicular, to the face of the building or structure from which it is suspended.~~
- ~~(30) Sign, Promotional. "Promotional sign" means a temporary sign which is not generally owned by the user and is displayed to promote a specific event or activity, such as civic and charitable projects, commercial sales, business openings and closings and seasonal merchandise, and which is brought to the premises ready to use except for the application of changeable copy, extension of braces or other means to temporarily mount the sign and connection to electrical outlets.~~
- ~~(31) Sign, Real Estate. "Real estate sign" means a sign pertaining to the sale or lease of the tract of land on which the sign is located or the sale or lease of one or more structures or a portion thereof located on such tract of land.~~
- ~~(32) Sign, Real Estate Development. "Real estate development sign" means a sign which advertises a plat or other real estate development.~~
- ~~(33)~~(29) Sign, Structural. "Structural sign" is a term used to describe the physical form of a sign.
- ~~(34)~~30) Sign Structure. "Sign structure" means the supports, uprights, bracing or framework for a sign.
- ~~(35)~~31) Sign, Temporary. "Temporary sign" means a sign which is displayed for a limited period of time, ~~including promotional signs, but exclusive of political signs.~~
- ~~(36)~~(32) Sign, Wall. "Wall sign" means a sign which is affixed or attached to the wall of a building or other structure and which extends not more than twelve inches therefrom. Such signs include those on the exterior surfaces of windows as well as permanent signs mounted on the inside of windows.
- ~~(37)~~33) Sign, Warning. "Warning sign" means a sign indicating danger or a situation which is potentially dangerous.
- ~~(38)~~34) Sign, Window. "Window sign" means a sign visible from the exterior of a building or structure which is painted, attached, glued or otherwise affixed to the inside of a

window, or depicted upon a card, paper or other material and placed behind, taped behind or hung immediately behind a window ~~for the purpose of attracting attention of passersby to sales, promotional items or other products or services not normally available.~~ Other internally mounted signage visible from the exterior of a building or structure shall be considered wall signage.

1282.02 RESPONSIBILITY FOR COMPLIANCE; VIOLATIONS.

- (a) The owner or tenant in possession of each and every tract of real estate in the City is responsible for the observance of all provisions of this chapter and any other ordinance or regulation of the City relative to signs situated on premises owned by him or her or of which he or she has possession.
- (b) No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any sign or device in violation of any of the provisions of this chapter or any regulation promulgated pursuant to this chapter.
- (c) If any sign is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used in violation of any of the provisions of this chapter or any regulation promulgated pursuant to this chapter, the Code Enforcement Officer or other designated officer of the City, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute a proceeding in any proper court to enjoin, abate or remove such unlawful use of a sign as stated in this section.
- (d) Signs are to be installed, placed, and maintained in the city only in compliance with this chapter. If provisions of this chapter are in conflict with any other city ordinance, the more restrictive requirement(s) shall apply. The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the permit holder, and any parties holding the present right of possession and control of the property where a sign is located, mounted, or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control.
- (e) The Code Enforcement Officer is authorized to require removal of any sign installed in violation of this chapter. Furthermore, the Code Enforcement Officer is authorized to remove or require the immediate removal or repair without written notice of any unsafe sign that creates an immediate hazard to persons or property or that is in the public right-of-way.
- (f) The costs of removal or repair of a sign by the city shall be borne by the person who installed the sign, and, if unknown, the owner or lessee of the sign and of the property on which the sign is located. If the city incurs costs in the removal or repair of a sign, the city may bring an action in municipal or common pleas court to recover its costs or, in the alternative, such amount shall be certified by the Director of Finance to the County Auditor, and placed by the Auditor upon the tax duplicate to be a lien against the real estate from and after the date of entry upon the duplicate, to be collected as other taxes and returned to the city, with the effect that the total cost of such work constitutes a lien on the property which has priority ahead of any mortgages on the premises. Such collection proceedings or certification to the County Auditor shall only be initiated by the City after property owners and/or others with an interest in the property have been offered at least a fourteen (14) calendar day period to remit full payment for charges incurred.

1282.025 PURPOSE.

- ~~(a) The purposes underlying the promulgation of this chapter are the regulation and restriction of obstructions or impairments to the safety of pedestrians and motorists in the City, and the preservation and enhancement of the aesthetic appearance of the City.~~

~~(b) Small latitude in the application of sign regulations to temporary signs has been designed to accommodate the desire of businesses, charitable groups and others to provide short-term advertising for special events, sales, openings and the like. The general sign regulations are not designed to restrict the message content of a business, civic, patriotic or religious character.~~

~~(Ord. 90-11. Passed 4-10-90.)~~

(a) The overall purpose of this chapter is to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and traffic and pedestrian safety. This chapter is designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death. This chapter is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

(b) To preserve and promote the City of Englewood as a desirable community in which to live, visit, work, play, and do business, a pleasing, visually attractive and safe environment is of primary importance. The regulations of signs within the city is an important tool by which to achieve this desired end. Further, it continues to be the purpose of this chapter to promote optimal conditions for serving sign owners' needs and respecting their rights to identification while balancing the safety interests of the community. The regulation of signs within the City of Englewood is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to address the interests of aesthetics, traffic and pedestrian safety, economic development, effective communication, identification of goods and services, compatibility with surroundings, reduction of visual clutter, zoning district considerations, scale and design considerations, maintenance and safety, property values, and enforcement concerns.

1282.03 GENERAL REQUIREMENTS.

(a) All signs erected in the City are subject to the following requirements:

(1) Viewpoint neutrality. Notwithstanding anything to the contrary in this chapter: (i) no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure; (ii) it is the policy of the city to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content; and (iii) within this chapter, any distinction between onsite signs and offsite signs applies only to commercial messages; it does not apply to noncommercial messages.

(2) Substitution of noncommercial speech for commercial speech. Notwithstanding anything to the contrary in this chapter, any sign erected pursuant to the provisions of this chapter may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another noncommercial

message; provided, however, that there is no change in the size, height, setback, or spacing criteria contained in this chapter.

- (3) Administrative interpretation and discretionary approval. Interpretations of this chapter may be made by the Code Enforcement Officer or such other officer as designated by the City Manager pursuant to Section 1282.07. All interpretations of this chapter are to be exercised considering the policies, purposes, and intent set forth herein. Whenever a sign permit or other approval is subject to discretion, such discretion shall not be exercised as to message content, but instead shall be directed to structural and location factors, including, as applicable: (i) whether the location and placement of the sign will endanger motorists; (ii) whether the sign will cover, blanket, or interfere with any prominent view of a structure of facade of historical or architectural significance; (iii) whether the sign will obstruct views of users or adjacent buildings to side yards, front yards, or open space; (iv) whether the sign will negatively impact the visual quality of a public open space; (v) whether the sign is compatible with building heights of the existing neighborhood; (vi) whether the sign's lighting or illumination system will cause hazardous or unsafe driving conditions for motorists.
- (4) Consent of legal owner of property. Except as required by state or federal law, no sign may be displayed without the consent of the legal owner of the property on which the signs mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.
- (5) Signs on public property. Except as required by state or federal law, or otherwise permitted by this chapter, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies provided hereunder, the city shall have the right to recover from the owner or person placing the sign the cost of removal and disposal of such sign.
- (6) Yard requirements. All signs shall be placed in observance of the yard requirements of the Zoning Code, unless such requirements are specifically modified by this chapter.
- ~~(2) Subject matter. The subject of all signs shall refer to a permitted and existing use on the premises where the sign is situated. Not more than twenty-five percent of the area of a sign may refer to a single use or product that is not the principal use or product of the premises, except as specifically permitted in this chapter.~~

~~(Ord. 82-7. Passed 2-9-82.)~~

- (7) Painted signs. Signs shall not be painted directly upon the surface of any building or structure, with the exception of signs painted on the glass surface of windows. This prohibition shall not apply to graphic displays, which shall not exceed thirty percent of the wall area on which they are displayed, provided no words, letters or numbers are included as part of the graphic display, and provided permission of the Board of Zoning Appeals is secured and ~~a twenty-five dollar (\$25.00)an~~ application fee is paid before a graphic is utilized. (Ord. 89-26. Passed 9-12-89.)
- (8) Construction. Except as modified in this chapter for rules relative to location and size, the provisions of the Ohio Basic Building Code, as adopted in Chapter 1422, shall apply to signs. (Ord. 98-11. Passed 7-14-98.)
- (9) Maintenance and removal. All signs and sign structures shall be kept in repair so that they are structurally safe. Signs which are no longer functional or safe shall be removed by the owner or tenant immediately. After thirty days from notice by the Code Enforcement Officer to remove such a sign and upon failure to comply with such notice within the time specified,

the Code Enforcement Officer shall cause the removal of such sign. The owner or agent of such sign shall bear the full costs of such removal and shall be billed accordingly. Upon vacating a nonresidential establishment, the owner shall be responsible for the removal of all signs used in conjunction with such establishment.

~~—Upon vacating a commercial establishment, the proprietor shall be responsible for the removal of all signs used in conjunction with the business.~~

- ~~—(b) Time and temperature signs judged by the Administrative Board for Planning and Zoning Appeals to serve a significant public purpose may be allowed, notwithstanding the prohibition set forth in Section 1282.05(e), upon approval of an application by the Board that includes:~~
 - ~~—(1) A diagram of the time and temperature sign showing all dimensions, the location of such sign on the zoning lot, and the fact that such time and temperature message area does not exceed twenty-five percent of the otherwise allowed and used business identification signage of which it must be an integral part. A time and temperature sign must be allowed by the size computations normally pertaining to the type of sign of which it is a part. Such a sign component will not authorize a larger sign than would normally be allowed on a zoning lot.~~
 - ~~—(2) An indication that no other approved time and temperature sign exists within 1,000 feet of the proposed sign.~~
 - ~~—(3) A statement that no part of the time and temperature sign will change more than once every five seconds and that the only change will be the numerals that indicate time and/or temperature.~~
 - ~~—(4) A statement indicating maintenance responsibilities and providing sufficient guarantees that accuracy of the sign message and maintenance can be kept current.~~
 - ~~—(5) Inclusion of a night time dimmer that will render night time illumination neither brighter than the average lighting of surrounding signs nor a visual nuisance.~~
- (10) Minimum temporary signage allowed. Notwithstanding anything to the contrary in the chapter, each parcel of real property shall be allowed up to a maximum of twelve (12) square feet of temporary noncommercial signage, for a period not to exceed forty-five (45) days per calendar year.
- (b) All references in this chapter to the Zoning Code shall be to Title Eight of Part Twelve of the Planning and Zoning Code, and all references to zoning districts, rules or provisions of the Zoning Code shall be to such Title. This chapter shall be read in conjunction with such Zoning Code.

1282.04 EXCEPTIONS TO CHAPTER.

Notwithstanding anything to the contrary in the chapter, the following signs are not subject to this chapter:

- (a) Governmental signs for the control of traffic and other purposes, including street signs and warning signs, and signs erected by the city for government purposes;
- (b) Railroad operational signs;
- (c) Signs located entirely inside the premises of a building or enclosed space, other than window signs.
- (d) Signs on a vehicle, other than an unlawful vehicle sign.
- (e) Signs protected by state statute.
- (f) Signs of public service companies and other entities for the purpose of safety;
- ~~(d)~~(g) Flags, emblems and insignia of any Governmental Agency, provided that:
 - (1) The display area of such flags, emblems and insignia shall not exceed the allowable

area for a free-standing sign on the same zoning lot.

- (2) Paragraph (g)(1) hereof notwithstanding, any zoning lot may display a minimum area of forty square feet and shall be limited to three displays of either flags, emblems or insignia.
- (3) Flags, when displayed from poles, shall not have their longest dimension exceed thirty percent of the height of the pole from which they are displayed, such height to be visible by persons normally viewing such flag.
- (4) Such flags shall be displayed in accordance with the Federal Flag Code and other applicable regulations. ~~(e)(h) (EDITOR'S NOTE: Subsection (e) hereof was repealed by Ordinance 90-11, passed April 10, 1990.)~~
- ~~(f)(h)~~ Commemorative plaques placed by recognized historical agencies;
- ~~(g)(i)~~ Signs within a stadium, open-air theater, shopping center, arena or other use which can be viewed only by persons within such use;
- ~~(h)(j)~~ Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right of way;
- ~~(i)(k)~~ Signs not exceeding one square foot in area bearing only property numbers, post box numbers or names of occupants of premises;
- ~~(j)(l)~~ Window signs, provided, however, that no permanent signage is herewith sanctioned unless it meets the display restrictions for wall signs, and provided that no more than fifty percent of the window area in any given plane is taken up by such signage.
(Ord. 82-7. Passed 2-9-82; Ord. 90-11. Passed 4-10-90; Ord. 91-18. Passed 11-26-91.)
- ~~(k)(m)~~ Signs otherwise permitted by this chapter that are utilized for messages by an off-premises business, provided that said business is located on a contiguous zoning lot and is owned by the same entity owning the zoning lot and the business where the sign is located.
- ~~(l)(n)~~ Off-premises public accommodation signage, in addition to otherwise permitted signs, provided that all of the following conditions and restrictions apply:
 - (1) Such signage is limited to one display per business; one sign per zoning lot; and only the name, logo and a directional arrow indicting the business being announced.
 - (2) Such signage relates to a business located in the City, within one block of 1-70, and such signage is oriented toward traffic on other than 1-70, on a thoroughfare that directly connects with 1-70 within the City.
 - (3) Such signage is allowed only if the business involved has no other sign for which the majority of the message area is visible from the location of the off-premises display.
 - (4) Such signage is located outside existing easements, at least twenty feet from the point of intersection of two or more ~~rightrights-of-waysway~~, at least ten feet from any right-of-way and at least five feet from any property line.
 - (5) Such signage is no larger than twenty square feet and no more than five feet in height.
- ~~(m)(o)~~ Gasoline station signs on free-standing canopies provided displays are limited to two, and each display is the lesser of ten square feet or fifteen percent of the canopy face area in a given plane.
- ~~(n)(p)~~ Gasoline station signs limited to permanent words or logos, limited to the product-dispensing face of fuel pumps, displayed as an integral part of the cover of such pumps, and limited to products or services sold on the premises.
- ~~(o) Window and door window displays in commercial ("C") zoning districts where such displays are no more than ten percent of the area of such windows, and aggregate no~~

~~more than twenty-five square feet for the entire structure.~~

1282.05 PROHIBITED SIGNS.

The following signs are prohibited in the City:

- (a) Signs visible from public streets which are affixed to trees, poles or other structures, except free-standing signs and except as provided in this chapter;
- (b) Signs, other than permitted temporary or portable signs, which are not securely affixed to the ground or some structure affixed to the ground;
- (c) All moving or flashing signs;
- (d) Signs not permitted by this chapter and, if erected before the date this chapter became effective (Ordinance 82-7, passed February 9, 1982), signs not permitted by Ordinance 636;
- (e) Signs erected in the right-of-way or over a public street or way, except as permitted in this chapter;
- (f) Signs at or near any intersection of streets erected in such a manner as to obstruct clear and free vision from one street to the other by the sign or its mounting, structure, supports, base or any other part, when a person is seated in an automobile at or near the intersection;
- (g) Signs at any location where, by reason of position, shape or color, the sign may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device, or any such sign which makes use of the words "STOP," "LOOK," "DANGER" or any other such word, phrase or symbol, in such a manner as to interfere with, mislead or confuse the drivers of motor vehicles within the City;
- (h) Signs with light sources of such brightness as to constitute a hazard to pedestrian or vehicular traffic, including any beamed light or light of great intensity pointing toward oncoming traffic or any other property;
- (i) Signs, handbills, posters, advertisements or notices of any kind which are fastened, placed, painted or attached in any way upon a curbstone, fence, lamppost, telephone pole, electric light or power pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy bench, rest station, building or tree or in or upon any portion of any public street, right of way, sign or signal, except as specifically permitted in this chapter;
- (j) Displays of flags, banners, posters, placards, pennons, ensigns, light streamers and the like which are placed on the exterior of buildings and property ~~for the purpose of advertisement or promotion,~~ except as specifically permitted in this chapter;
- (k) Banner signs, unless mounted flat and tightly within the space normally occupied by wall signs or unless mounted with full-width supports at the top and bottom so as to prevent flapping and movement;
- (l) Signs painted directly upon the surface of any building or structure (windows excluded), except as specifically permitted in this chapter; ~~and~~
- (m) Signs mounted on a roof structure;
- ~~(n) Signs attached or painted on trees, rocks, or natural features; and~~
- (o) Any sign that is attached, painted or placed onto or inside a parked vehicle which is located in such a manner as to serve as a portable, temporary, or freestanding sign is prohibited unless such advertising pertains to the business for which the ~~vehicle~~ vehicle is actively and normally used on a daily basis and the vehicle is typically removed from the property on a daily basis (e.g. delivery or service van/truck).

1282.06 PERMITS AND FEES.

- (a) Before any person erects, installs, uses, alters, relocates, replaces or reconstructs any sign regulated by this chapter, an application shall be made to the City for a sign permit, and a fee

- shall be paid to the City before the issuance of an approved sign permit.
- (b) The permit fee for a new permanent sign shall be fifty dollars (\$50.00), the fee for a new high-rise freestanding sign shall be one-hundred and fifty dollars (\$150.00) and the fee for replacing an existing sign face shall be twenty-five dollars (\$25.00). For identification signs of less than two square feet, there shall be no fee. For repainting or cleaning of an advertising structure or for the changing of advertising copy or the message thereon, unless a structural change is made, there shall be no permit or fee required. Change of sign copy because of a change in business occupancy shall be construed to be a structural change requiring another sign permit.
 - (c) The fee for a temporary sign permit (including grand opening signs) shall be twenty dollars (\$20.00), plus a thirty dollar (\$30.00) deposit to be forfeited if the temporary sign is not removed within one day twenty-four (24 hours) of the time limit for display.
 - (d) Signs conditionally permitted upon favorable review by the Planning Commission shall be subject to an additional fee, beyond that specified by section (b) hereof, of one hundred dollars (\$100.00) for Commission review if such review is separate from a review of a conditional use, special exception or like application for the same zoning lot.
 - (e) Signs erected without a permit are subject to a notice of violation and the person erecting the same shall be charged a double fee for the required permit. If no permit is obtained for a sign, the person responsible for the sign shall be subject to Section 1282.99.

1282.07 ADMINISTRATION AND ENFORCEMENT.

- (a) The administration and enforcement of this chapter shall be vested in the Code Enforcement Officer or such other officer as designated by the City Manager.
- (b) Except as provided by Council, the City Manager may promulgate reasonable and necessary regulations for the proper administration and enforcement of this chapter.
- (c) Amendments to and changes in this chapter shall be accomplished in the same manner as specified for Zoning Code amendments and changes in Chapter 1268.
- (d) This chapter is adopted pursuant to the police power of the City of Englewood and applicable Ohio state laws.

1282.08 FUNCTIONAL AND STRUCTURAL SIGNS IN "R," "S-PUD" AND "A" DISTRICTS.

- (a) The following functional types of signs are permitted in "R," "S-PUD" and "A" Districts:
 - (1) Bulletin boards;
 - ~~(2) Construction signs;~~
 - ~~(3) Directional signs;~~
 - ~~(4) Identification signs;~~
 - ~~(5) Political signs;~~
 - ~~(6) Real estate signs;~~ and
 - ~~(7) Temporary signs.~~

General regulations pertaining to some of these functional sign types are given by this section. Supplementary regulations can be found in Section 1282.11.

- (b) The following structural types of signs are permitted in "R," "S-PUD" and "A" Districts:
 - (1) Free-standing signs; and
 - (2) Wall signs.
- (c) One sign per zoning lot is permitted in "R," "S-PUD" and "A" Districts, unless a greater number is specifically allowed by other provisions of this chapter.
- (d) The minimum sign setback from the front lot line in "R," "S-PUD" and "A" Districts shall be,

unless specifically allowed by other provisions of this chapter, the greater of either ten feet or the distance in linear feet which is equal to half the number of square feet in the sign area. No sign need be set back farther than the set-back line for principal structures.

- (e) Illumination of signs in "R," "S-PUD" and "A" Districts shall be limited only to bulletin board, plat, directional, identification and model home identification signs if:

- (1) Sales or rental activities referred to will occur within seventy-two hours thereafter; and
- (2) There is no illumination between the hours of 11:00 p. m. and 8:00 a. m. of the following day.

~~—(f) Temporary signs up to four square feet in area may be displayed in "R," "S-PUD" and "A" Districts for not more than fourteen days in a ninety-day period.~~

- (gf) Height of signs shall not exceed the lesser figure of either the building height limitation for the zoning district in which such sign is established or the height of the building wall to which such sign is attached, provided that freestanding signs do not exceed twenty feet in height and that signs mounted on or attached to a building wall or parapet wall do not exceed the height of such building wall or parapet wall.

- (hg) Maximum size for permitted signs in "R," "S-PUD" and "A" Districts shall be as follows, unless specifically allowed by other provisions of this chapter:

- (1) Identification signs, two square feet;
- (2) Directional signs, one square foot;
- (3) Bulletin boards, twenty-seven square feet;
- (4) All other signs, six square feet, except that when the frontage of the lot exceeds fifty feet, the area of the sign may be increased by one square foot for each additional twenty feet of linear frontage to a maximum sign area of sixteen square feet.

- (ih) Conditionally permitted signs in "R," "S-PUD" and "A" Districts are those associated with conditionally permitted uses. Such signs may not exceed, in size or number, the restrictions for the same type of sign for the same use principally or conditionally permitted in the least restrictive zoning district. Such signs shall be approved by the Planning Commission before installation.

- (ji) Signs for nonconforming uses in "R," "S-PUD" or "A" Districts are limited, unless otherwise specified, to one square foot of sign area for each 500 square feet of lot area up to thirty-two square feet.

1282.09 FUNCTIONAL AND STRUCTURAL SIGNS IN "C-1," "C-2" and "C-3" DISTRICTS.

- (a) The following functional types of signs are permitted in "C-1," "C-2" and "C-3" Zoning Districts:

- (1) Bulletin boards;
- (2) Business signs;
- ~~(3) Construction signs;~~
- ~~(4) Identification signs;~~
- ~~(5) Directional signs;~~
- ~~(6) Political signs;~~
- ~~(7) Real estate signs;~~ and
- ~~(8) Temporary signs.~~

General regulations pertaining to some of these functional sign types are given by this section. Supplementary regulations can be found in Section 1282.11.

- (b) The following structural types of signs are permitted in "C-1," "C-2" and "C-3" Districts:

- (1) Awning and canopy signs;
 - (2) Free-standing signs;
 - (3) Marquee signs;
 - (4) Projecting signs; and
 - (5) Wall signs.
- (c) Two signs per establishment are permitted in "C-1," "C-2" and "C-3" Districts, except that a sign oriented towards an interstate highway and meeting the criteria established in subsection (g) hereof shall be allowed in addition to the two other signs allowed. Only one projecting sign per zoning lot is allowed. Except for one high-rise free-standing sign meeting the criteria for interstate highway orientation established by subsection (g) hereof, only one free-standing sign per zoning lot is allowed.
- The allowance of two signs per ~~businessowner in these districts~~ shall pertain to ground level ~~office, retail owners~~ and ~~service-commercial-establishments/or occupants~~ of which at least seventy-five percent in a given building have street exposure. In the case of multilevel office buildings, or multiple businesses in a building where less than seventy-five percent have street level exposure, signage shall be limited to two per zoning lot and shall be controlled by standards applied to the entire building.
- (d) Minimum sign setback shall be as follows in "C-1," "C-2" and "C-3" Districts:
- (1) No part of a free-standing sign shall be within ten feet of a street right of way nor within twenty feet of the intersection of corner right-of-way lines.
 - (2) No projecting sign extending into a street right of way shall be larger than six square feet nor extend more than one foot into such right of way, and no projecting sign within ten feet of a street right of way shall be larger than twenty-five square feet.
 - (3) Marquee, awning and canopy signs shall be an integral part of the structure to which they are attached.
- (e) Illumination of signs is permitted in "C-1," "C-2" and "C-3" Districts, provided that illuminated signs facing an "R," "S-PUD" or "A" District shall not have exposed neon tubing nor an exposed visible light source, unless such signs are more than 100 feet distant from such noncommercial zoning districts.
- (f) Temporary signs up to sixteen square feet in area may be displayed on any zoning lot in "C-1," "C-2" and "C-3" Districts for not more than fourteen days in a ninety-day period. Such temporary signs may include banner signs securely affixed flat against a building or structure. A shopping center on a zoning lot of at least two acres shall be permitted no more than two temporary signs at any one time. Provisions relating to signs for grand openings are provided in Section 1282.11.
- (g) Heights of signs which are free-standing in "C-1," "C-2" and "C-3" Districts shall not exceed twenty feet in height, except that a sign oriented towards an interstate highway within 600 feet, the highway surface being at least ten feet above the grade level of such sign, shall have the following standards apply:
- (1) Such sign shall be separated from other free-standing signs on the same zoning lot by at least seventy-five feet.
 - (2) No part of such sign shall be closer than fifty feet from the intersecting right of way of two ~~noninterstate~~non-interstate public roads, nor closer than ten feet to a right of way other than an interstate highway.
 - (3) No part of such sign shall be closer than ten feet from another zoning lot.
 - (4) The difference in elevation between the bottom of the sign and the top of another free-

- standing sign on the same zoning lot shall be at least twenty feet.
- (5) Such sign shall not be larger per face than:
 - A. The greater of either fifty square feet or 1.75 square feet per foot of height above average grade on the zoning lot; and
 - B. One square foot for each 150 square feet of lot area.
 - (6) The maximum height (top of sign) shall be 115 feet above the average grade of the zoning lot.
 - (h) The maximum size for permitted signs in a "C-1," "C-2" or "C-3" District shall be as follows, unless specifically allowed by other provisions of this chapter:
 - (1) Bulletin boards, twenty-seven square feet;
 - (2) Free-standing signs ~~for business or identification purposes~~ may be the larger of either twenty-five square feet, one square foot per foot of building frontage, or one square foot per four linear feet of lot frontage on a public street, with an upper size limit of seventy square feet;
 - (3) Awning, canopy and marquee signs, not exceeding in area the area of the awning, canopy or marquee to which they are attached, and meeting the same size restrictions as for projecting signs;
 - (4) Directional signs, four square feet;
 - (5) Temporary signs, sixteen square feet;
 - (6) Wall signs ~~for business, construction, identification or real estate sales purposes~~, not exceeding the following limits:
 - A. Two square feet for each linear foot of building frontage shall be allowed to a maximum sign area of 200 square feet.
 - B. The wall sign area limitations given by paragraph (h)(6)A. hereof may be increased by one square foot for each six linear feet the sign is set back from the minimum zoning set back line.
 - C. Separate commercial uses of a retail or service nature having no ~~build-in~~ building frontage, but which are located in a structure of which at least ~~seventy-five~~ seventy-five percent of the other businesses therein have street exposure at the first story level, shall be permitted twelve square feet of sign area for the first 500 square feet of floor area or part thereof and an additional one square foot of sign area for each fifty square feet in excess of the first 500 square feet of floor area, to a maximum permitted sign area of 200 square feet.
 - D. No wall sign may be mounted in such a way that any part extends above the surface of the wall to which it is attached. Projecting signs, not exceeding the following limits:
 1. Subject to other applicable restrictions pertaining to projecting signs, the basic size standard for such signs shall be one square foot of sign area per linear foot of building associated with a given business owner fronting a thoroughfare, to a maximum sign area of fifty square feet.
 2. Signs projecting into a public right of way shall be limited to six square feet in area and shall not project into the right of way more than one foot.
 3. A business building fronting a thoroughfare and having a projecting sign which does not encroach into the right of way shall be allowed a minimum projecting sign area of ten square feet.
 4. No projecting sign within ten feet of a public right of way shall exceed twenty-five square feet in area.
 - E. Projecting signs shall provide at least fifteen feet of clearance beneath when over an area used by motor vehicles and ten feet of clearance beneath when over an area used by

pedestrians. In all other cases, there shall be at least four feet of clearance beneath projecting signs.

F. Projecting signs shall be subject to the same height limitations as wall signs.

1282.10 FUNCTIONAL AND STRUCTURAL SIGNS IN "O," "C-4" AND "I" DISTRICTS.

(a) The following functional types of signs are permitted in "O," "C4" and "I" Districts:

- (1) Bulletin boards;
- (2) Business signs;
- ~~(3) Construction signs;~~
- ~~(4) Identification signs;~~
- ~~(5) Directional signs;~~
- ~~(6) Political signs;~~
- ~~(7) Real estate signs;~~ and
- ~~(8) Temporary signs.~~

General regulations pertaining to some of these functional sign types are given by this section.

Supplementary regulations can be found in Section 1282.11.

(b) The following structural types of signs are permitted in "O," "C-4" and "I" Districts:

- (1) Free-standing signs;
- (2) Projecting signs; and
- (3) Wall signs.

(c) Two signs per establishment are permitted in "O," "C-4" and "I" Districts, except that a sign oriented towards an interstate highway and meeting the criteria established in subsection (f) hereof shall be allowed in addition to the two other signs allowed. Only one projecting sign per zoning lot is allowed. Except for one high-rise free-standing sign meeting the criteria for interstate highway orientation established by subsection (f) hereof, only one free-standing sign per zoning lot is allowed.

The allowance of two signs per business shall pertain to ground level office, retail and service commercial establishments of which at least seventy-five percent in a given building have street exposure. In the case of multilevel office buildings, or multiple businesses in a building where less than seventy-five percent have street level exposure, signage shall be limited to two per zoning lot and shall be controlled by standards applied to the entire building.

(d) Minimum sign setback shall be as follows in "O," "C-4" and "I" Districts:

- (1) No part of a free-standing sign shall be within ten feet of a street right of way nor within twenty feet of the intersection of corner right-of-way lines.
- (2) No projecting sign extending into a street right of way shall be larger than six square feet nor extend more than one foot into such right of way, and no projecting sign within ten feet of a street right of way shall be larger than twenty-five square feet.

(e) Illumination of signs is permitted in "O," "C-4" and "I" Districts, provided that illuminated signs facing an "R," "S-PUD" or "A" District shall not have exposed neon tubing nor an exposed visible light source, unless such signs are more than 100 feet distant from such noncommercial Zoning Districts.

(Ord. 82-7. Passed 2-9-82; Ord. 96-6. Passed 3-27-96.)

(f) The height of signs which are free-standing in "O," "C4" and "I" Districts shall not exceed twenty feet in height, except that a sign oriented towards an interstate highway within 600 feet, such highway surface being at least ten feet above the grade level of the sign, shall have the following standards apply:

- (1) Such sign shall be separated from other free-standing signs on the same zoning lot by at least seventy-five feet.
- (2) No part of such sign shall be closer than fifty feet from the intersecting right of way of two ~~noninterstate~~non-interstate public roads, nor closer than ten feet to a right of way other than an interstate highway.
- (3) No part of such sign shall be closer than ten feet from another zoning lot.
- (4) The difference in elevation between the bottom of the sign and the top of another free-standing sign on the same zoning lot shall be at least twenty feet.
- (5) Such sign shall not be larger per face than:
 - A. The greater of either fifty square feet or 1.75 square feet per foot of height above average grade on the zoning lot; and
 - B. One square foot for each 150 square feet of lot area.
- (6) The maximum height (top of sign) shall be 115 feet above the average grade of the zoning lot.
- (g) The maximum size for permitted signs in "O," "C-4" and "I" Districts shall be as follows, unless specifically allowed by other provisions of this chapter:
 - (1) Bulletin boards, twenty-seven square feet;
 - (2) Free-standing signs ~~for business, construction, identification or real estate sales purposes,~~ one square foot for each four linear feet of lot frontage, up to a maximum of seventy square feet;
 - (3) Directional signs, two square feet;
 - (4) Wall signs ~~for business, construction, identification or real estate sales purposes,~~ not exceeding a limit of one square foot of sign area for each linear foot of building frontage, to a maximum sign area of 200 square feet, plus one square foot for each six linear feet the sign is set back beyond the minimum building set-back line;
 - (5) Projecting signs, not exceeding the following limits:
 - A. Subject to other applicable restrictions pertaining to projecting signs, the basic size standard for such signs shall be one square foot of sign area per linear foot of building associated with a given businessbuilding fronting a thoroughfare, to a maximum sign area of fifty square feet.
 - B. Signs projecting into a public right of way shall be limited to six square feet in area and shall not project into the right of way more than one foot.
 - C. A businessuser fronting a thoroughfare and having a projecting sign which does not encroach into the right of way shall be allowed a minimum projecting sign area of ten square feet.
 - D. No projecting sign within ten feet of a public right of way shall exceed twenty-five square feet in area.
 - E. Projecting signs shall provide at least fifteen feet of clearance beneath when over an area used by motor vehicles and ten feet of clearance beneath when over an area used by pedestrians. In all other cases, there shall be at least four feet of clearance beneath projecting signs.
 - F. Projecting signs may not project horizontally more than three feet from a building.
- (h) Temporary signs shall be limited in size to sixteen square feet and may not be displayed more than fourteen days in a ninety-day period.
- (i) The height of wall and projecting signs shall be limited to the same height as the wall surface to which they are attached.

1282.11 SUPPLEMENTARY REGULATIONS.

- (a) A civic organization identification sign shall be permitted at one location along one State route entrance to the City, provided that the sign meets the following conditions:
- (1) Approval of the plan and location by the Planning Commission;
 - (2) Location on private property or within the public right of way without causing an obstruction to either traffic or safe visibility;
 - (3) Erection and maintenance plan with no public expense to be involved;
 - (4) Total signage to be the lesser of nine square feet per individual organization sign attached thereto or seventy-two square feet, and each organization sign to be no larger than four square feet;
 - (5) An attached legend identifying the City and welcoming people to the City may be allowed, and the area of such a sign will not be counted toward the size limitation specified by paragraph (a)(4) hereof.

~~(b) Political signs are permitted in all zoning districts, in addition to other permitted signs, provided that such signs meet the following conditions:~~

~~(1) Political signs in any "A," "S-PUD," "R" or "O" District shall not exceed eight square feet in area per candidate or cause per zoning lot.~~

~~(2) Political signs in any "C" or "I" District shall not exceed thirty-two square feet per candidate or cause per zoning lot.~~

~~(3) (2) Political signs may be displayed only during a period forty-five days before and five days after an election to which they pertain.~~

~~(43) Any person responsible for distributing political signs for display in the City shall secure one permit (at no charge) for all such signs representing one candidate or issue.~~

(eb) Motel signs may include the following and are subject to the following restrictions:

(1) Only the following numbers of signs are permitted on any one zoning lot with a motel:

A. Two wall signs, plus one wall sign for each major and separate ~~business~~-establishment (e.g. restaurant, gift shop, club);

B. One free-standing sign oriented to each abutting street right of way, provided that all free-standing signs are separated by at least 300 feet;

C. Directional signs, free of advertising materials, as necessary to control and direct traffic; and

~~D. One real estate sign, provided that such sign refers to the sale or lease of an entire establishment on the zoning lot.~~

(2) The following maximum size of signs is established for any one zoning lot with a motel:

A. Wall signs, two square feet per linear foot of building frontage to an aggregate maximum area for all such signs of 200 square feet;

B. Free-standing signs, one square foot for each two linear feet of lot frontage to a maximum area of 200 square feet if each such sign is oriented toward an interstate right of way contiguous to the motel zoning lot, and one square foot for each four linear feet of lot frontage to a maximum area of seventy square feet if a sign is oriented toward a ~~noninterstate~~non-interstate street right of way; and

C. Directional signs, three square feet each.

(3) The following setbacks shall be observed for motel signs:

A. No part of a free-standing sign shall be within ten feet of a street right of way nor within twenty feet of the intersection of corner right-of-way lines, with the exception of directional signs which shall be allowed within four feet of a street right of way if such directional signs do not exceed two and one-half feet in height.

- B. No sign shall be located less than fifteen feet from any side property line.
- (dc) Gasoline service station signs may include the following and are subject to the following restrictions:
- (1) Only the following functional types of signs are permitted on zoning lots with gasoline service stations:
 - A. Identification signs;
 - B. Temporary signs;
 - C. Directional signs;
 - D. Business signs;
 - ~~E. Real estate signs;~~
 - ~~F. Political signs;~~ and
 - ~~G. Full service and self-service signs.~~
 - (2) Only the following structural types of signs are permitted on zoning lots with gasoline service stations:
 - A. Free-standing signs;
 - B. Projecting signs; and
 - (3) Only the following numbers of signs are permitted on any one zoning lot with a gasoline service station:
 - A. Two wall signs, plus, if applicable, one directional sign not more than six square feet in area per service bay doorway indicating services to be performed in such service bay;
 - B. One free-standing sign per establishment;
 - C. Two projecting signs per establishment, plus projecting signs from canopy support poles, if limited to one such sign, not exceeding five square feet in area per support pole, and if indicating only full or self-service and/or operating instructions; (Ord. 82-7. Passed 2-9-82; Ord. 96-6. Passed 3-27-96; Ord. 01-6. Passed 2-13-01.)
 - D. One directional sign per driveway entrance, in addition to the directional signs permitted in this section, provided that at least seventy-five percent of the area of each sign is free of advertising material;
 - E. Temporary signs; and
 - ~~F. Full service and self-service signs.~~
 - (4) The following maximum sizes of signs are established for zoning lots with gasoline service stations:
 - A. Wall signs, two square feet for each linear foot of building frontage with a maximum aggregate area for all wall signs of 200 square feet;
 - B. Free-standing signs may be sixteen square feet in area plus the larger of either one square foot per foot of building frontage, or one square foot per four linear feet of lot frontage on a public street, with an upper size limit of eighty-six square feet. Such free-standing signs may include commodity prices.
 - C. Projecting and directional signs, three square feet in area;
 - D. Temporary signs, sixteen square feet in area.
 - (5) The following setbacks shall be observed for gasoline service station signs:
 - A. No part of a free-standing sign shall be within ten feet of a street right of way nor within twenty feet of the intersection of corner right-of-way lines, with the exception of directional signs which shall be allowed within four feet of a street right of way if such directional signs do not exceed two and one-half feet in height.
 - B. No sign shall be located less than fifteen feet from any side property line.

(ed) Multifamily project identification signs shall be allowed in "A", "R" and "S-PUD" Districts, provided that:

- (1) There is only one sign and it is located at the principal entrance to the site.
- (2) The height of the sign does not exceed six feet.
- (3) The sign area shall be limited to the lesser of either twenty square feet or one square foot per dwelling unit.
- (4) If such sign is free-standing and independent of a wall edifice, it shall be set back from the public right of way by at least ten feet.
- (5) Such signs are either unlighted or indirectly lighted.

Such sign may be established flat against a masonry wall, extending no more than six inches therefrom provided that the square footage of the face of said wall is at least six times as great as the sign area displayed in the same plane and provided that said wall does not exceed six feet in height and is located no closer than one foot from a public right of way.

(fc) ~~Real estate and construction~~ Signs shall be allowed on a parcel which real estate sales of any type are being actively performed without permit, unless otherwise specified below, subject to the following restrictions:

- (1) ~~Real estate~~ Signs up to thirty-two square feet in area and six feet in overall height are allowed for ~~sales of~~ multifamily and nonresidential properties on zoning lots larger than one acre, and on which are situated buildings of 10,000 or more square feet.
- (2) All other ~~real estate~~ temporary signs in residential zones are limited to five square feet in area and four feet in overall height. ~~All other real estate temporary signs in nonresidential zones are limited to twenty-four square feet in area and five feet in overall height.~~
- (3) Only one ~~real estate~~ temporary sign per zoning lot is allowed in the case of residential properties of three or fewer dwelling units. In the case of multifamily dwellings and nonresidential properties, one ~~real estate~~ temporary sign per street frontage is allowed if either a corner zoning lot or more than one street frontage is involved.
- (4) ~~Leasing signs for residential properties are prohibited, except as temporary displays for fourteen days every ninety days, with a permit issued therefor.~~
- ~~(5) One on-site sign promoting the development and sale of lots, parcels or tracts having been approved for subdivision shall be permitted, provided that:~~
 - ~~A. Such sign is permitted only for development of eight or more vacant tracts.~~
 - ~~B. Such sign is not illuminated and does not exceed thirty-two square feet in area.~~
 - ~~C. A permit is obtained therefor.~~
- ~~(6) One construction sign, not exceeding sixteen square feet in area, is allowed on each zoning lot where construction is taking place.~~
- ~~(75) Each model home shall be limited to two model home identification temporary signs with an aggregate total area of twenty square feet, and such signs shall not be displayed concurrently with a construction sign.~~
- (86) All ~~real estate~~ temporary signs listed in paragraphs (f)(1) through (75) hereof shall be placed at least ten feet from the nearest right-of-way boundary.
- ~~(9) Two directional signs for plats may be erected and maintained for not more than two years on land not part of the plat, provided that the aggregate total area of such signs shall be limited to sixteen square feet.~~
- ~~(10) Real estate "sold" signs may be displayed only for a seven-day period following acceptance of a signed contract for the sale of the real estate.~~
- ~~(11) In addition to other signage allowed by this chapter, one real estate sign oriented so as to be~~

~~readable from Interstate 70 shall be allowed, provided that:~~

- ~~—A. The tract or plat advertised for sale is contiguous to Interstate 70, is the same tract or plat on which the real estate sign is located, has at least five acres still available for sale by the owner of the real estate sign and is either actively under development (as evidenced by a performance surety for said tract on file with the City) or is available for sale.~~
- ~~—B. Such additional real estate sign shall not exceed in size the smaller of either 100 square feet, visible from any given location along I-70, or one square foot per four feet of tract frontage on I-70, shall not exceed twenty feet in height and shall be at least ten feet removed from the I-70 right-of-way.~~

- (gf) Grand opening wall signs are temporarily excluded from size limitations of this chapter and shall be allowed for all newly opened ~~retail and service~~ businesses, provided that:
 - (1) Such signs are displayed for not more than seven consecutive days.
 - (2) Such signs relate to a new retail or service entity at a given location and not to a name change or reorganization of a business.
 - (3) Such signs are confined to zoning lots wherein are located the newly established retail and service businesses.
 - (4) Such signs do not involve safety or distraction hazards.
 - (5) Such signs do not involve banners, pennants, flags or streamers suspended between structures.
 - (6) A permit for such signs shall be issued by the City after payment of a fee and the posting of a deposit as provided in Section 1282.06(c).
- (hg) ~~Charitable~~ Temporary signs ~~and signs relating related to matters of a religious, patriotic or civic nature, periodic event~~ not elsewhere regulated by this chapter, are permitted in all zoning districts, provided that such signs meet the following conditions:
 - (1) Only one such sign shall be displayed per zoning lot and ~~not more than four signs are displayed throughout the City must be located at the site of the event.~~
 - (2) The permission of the property owner shall be obtained before establishing a sign display.
 - (3) Such signs shall be displayed not more than two weeks before nor more than ~~five days~~ 24 hours after ~~the any~~ event being announced.
 - (4) The overall height of free-standing signs shall not exceed six feet, and the location of free-standing and projecting signs shall be at least ten feet from all right of way and property lines.
 - (5) The square footage per sign per zoning lot does not exceed sixteen feet.
 - (6) A free permit shall be obtained for such signs.
- (ih) A shopping center on a zoning lot of at least two acres, occupied by a group of five or more establishments forming a central retail and service market, may display one free-standing sign advertising only the name, ownership and location of the center and the name and type of business of each occupant within the center. The free-standing sign of a shopping center may have an area of one square foot of sign area for each two linear feet of zoning lot frontage, with a maximum of 100 square feet. The sign shall be located not less than ten feet from any right-of-way and shall be not more than twenty-five feet in height.
- (ji) Single-family plat identification signs shall be allowed in "A", "R" and "S-PUD" Districts, provided that:
 - (1) The plat being identified contains at least ten zoning lots.
 - (2) There is only one sign or one sign per major entry into the plat from other than a designated local street.
 - (3) Such signage is located flat against a masonry wall, projecting no more than six inches

therefrom, and said wall is not more than six feet in height, not closer than one foot from a public right of way and not of greater length than fifty percent of the zoning lot frontage where it is mounted. The square footage of the wall plus the sign mounted thereon shall be at least nine times as large as the sign area alone.

- (4) Such signs are limited in size to thirty-two square feet in area and are either unlighted or indirectly lighted.

(kj) Electronic Message Boards may be permitted as part of a freestanding, permanent, ground-mounted sign provided that:

- (1) The electronic message board component of a sign may comprise no more than fifty (50) percent of the sign's total allowed sign face area, with a maximum size limit of twenty-four (24) square feet.
- (2) ~~NA, hen~~When associated with a highway sign, the electronic message board component of a sign may comprise no more than fifty percent of the sign's total allowed sign face area, with a maximum size limit of forty (40) square feet.
- (3) The Electronic Message Board component shall be placed at a height lower than the permanent freestanding ground sign face, with a maximum distance of six inches between the permanent sign face and the electronic message board.
- (4) Electronic Message Boards shall not be mounted on an exterior wall, window or any location within a building that would make the sign visible from the exterior of the building.
- (5) The message area of an electronic message board sign may be illuminated by incandescent lamps, LED (light emitting diodes) or magnetic discs. Whatever the light source, undue brightness is prohibited. For the purpose of enforcing this provision, "undue brightness" will be construed to mean illumination of a white portion of the sign in excess of the intensity levels: Day: 5,000 nits, Night: 1,000 nits or in excess of twelve (12) foot-candles, measured from the nearest point of any public road. To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic message board sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Planning, Building and Development Director.
- (6) Any individual text message displayed on the electronic message board shall remain illuminated, visible and static for at least 8 seconds.
- (7) The message shall not flash, move, scroll or contain animation of any kind.
- (8) All zoning lots within the "C" and "S-PUD" Zoning Districts shall be allowed one electronic message board sign.
- (9) Electronic message board signs are prohibited within 200 feet of a residential zoning lot.
- (10) Signs may only be utilized by businesses that are currently open/active

~~and may not be used for real estate purposes, including renting, selling or leasing of any property or building.~~

~~—(l) One temporary sign not to exceed twelve (12) square feet may be placed on a parcel of property upon which real estate sales of any type are being actively performed.~~

~~—(m) One temporary sign not to exceed thirty-two (32) square feet may be placed on a parcel of property upon which construction activities are actively being performed.~~

1282.12 NONCONFORMING SIGNS.

No nonconforming sign may be altered, relocated or replaced unless, after such operation, it

complies with this chapter. If a nonconforming sign is damaged so that its existing value after such damage is less than one-half of its value if replaced, then it shall be removed.

1282.13 APPEALS; VARIANCES.

- (a) The Administrative Board for Planning and Zoning Appeals shall have the power to hear and decide applications for variances and appeals from the interpretation of this chapter.
- (b) The Board's decision on appeals shall be limited to alleged errors in the interpretation of this chapter.
- (c) The Board shall have the power to vary the general and specific requirements of this chapter, provided that one of the following provisions is found to exist:
 - (1) There are exceptional or extraordinary circumstances or conditions applying to the property, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district.
 - (2) Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

In addition to the conditions set forth in paragraphs (c)(1) and (2) hereof, the authorizing of such variance must not be of substantial detriment to adjacent property and must not materially impair the purposes of this chapter, the Zoning Code or the public interest.
- (d) Appeals from the Board shall be to the Court of Common Pleas, as provided by the statutes of the State.
- (e) The fee for an application for a sign variance shall be one hundred dollars (\$100.00), and shall be accompanied by a drawing showing the exact size and location of the proposed sign and a statement of the type of sign and the type of construction thereof. The application and information shall be filed with the Code Enforcement Officer, on forms to be provided by the City, at least ten days before the regular Board meeting date at which it is intended to be heard.
- (f) Sign variances, if granted, shall expire and be of no force and effect after the expiration of twelve months from the date thereof, unless the beneficiary of such variance has obtained a permit and actually erected the sign for which the variance was received.

(Ord. 82-7. Passed 2-9-82; Res. 19-88. Passed 4-26-88; Ord. 00-1. Passed 2-8-00; Ord. 05-5. Passed 3-8-05.)

1282.14 SEVERABILITY.

If any part, section, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

1282.99 PENALTY; EQUITABLE REMEDIES.

- (a) Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) A violation of any of the provisions of this chapter shall be cause for a remedy by the City in accordance with Section 1268.11.

APPENDIX "A"

~~—The standards listed in the following chart represent the most easily condensed requirements for the most popular signs. Not all signs allowed are listed below. Regardless of whether or not a sign is referenced by the chart, regulations should be consulted in the text to determine the full scope of~~

allowances or restrictions:

<u>Type of Sign</u>	<u>Allowed in Zoning District</u>	<u>Sign Area Requirements (square feet)</u>
Bulletin-board	All	27
Wall identification (with street frontage)	C-1, C-2, C-3	2/front foot of building to 200 maximum; plus 1/6 feet of setback past minimum building set-back line
Wall identification (without street frontage)	C-1, C-2, C-3	12/first 500 of floor area (or part thereof); plus 1/50 of floor area > 500 to 200 maximum
Wall identification	O, C-4, S-PUD, I	1/front foot of building to 70 maximum; plus 1/6 feet of setback beyond minimum building set-back line
Projecting	C-1, C-2, C-3, C-4, O, S-PUD, I	1/front foot of building to 50 maximum; 10 minimum (if sign is within 10 feet of right of way; special restrictions apply)
Free-standing	C-1, C-2, C-3, C-4, O, S-PUD, I	1/4 feet of lot frontage to 70 maximum; 20-foot height limitation
Political	R, S-PUD, A, O	8
	All C, I, S-PUD	32
Temporary	R, S-PUD, A	4
	All C, O, S-PUD, I	12
	R, S-PUD, A	1
Directional	C-1, C-2, C-3	4
	C-4, O, S-PUD, I	2

SECTION III

It is hereby found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were taken in open meetings of this council, and that all deliberations of this council, and of any committees, that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements.


SECTION IV

That this ordinance shall be in full force and effect at the earliest date allowed by law.

PASSED this 27th day of February 2018.

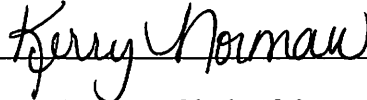
ATTEST:


Patricia Burnside, Mayor


Kerry Norman, Clerk of Council

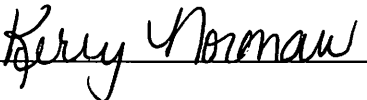
C E R T I F I C A T E

I, **Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio**, do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. **WITNESS** my signature this 27th day of February, 2018.


Kerry Norman, Clerk of Council

C E R T I F I C A T E O F P O S T I N G

I, **Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio**, do hereby certify publication of the foregoing **ORDINANCE** was made as designated by Sections 224.01 and 24.02 of the Englewood Code.


Kerry Norman, Clerk of Council