ORDINANCE NO. 6-85 CITY OF CENTERVILLE, OHIO

	SPONSORED BY COU	NCILPERSON	Jeffrey T.	Siler	ON	THE	20th
DAY	OF May	>	1985.		_		

AN ORDINANCE AMENDING ORDINANCE NUMBER 15-61, THE ZONING ORDINANCE, REPEALING ORDINANCES NUMBERED 28-73, 55-75, 42-77, AND ALL SUBSECTIONS UNDER SECTION 32, SIGNS, AND REPEALING SECTION 26, PENALTY; IN ORDER TO PROVIDE NEW STANDARDS FOR SIGNS AND PENALTIES FOR VIOLATIONS IN ALL ZONED DISTRICTS WITHIN THE CITY.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

<u>Section 1.</u> Section 5, Definitions, of Ordinance No. 15-61, is hereby amended as follows, omitting that portion in brackets and adding that portion indicated by italics.

HOME OCCUPATION - Any Use conducted entirely within a Dwelling and participated in solely by members of the Family, which Use is clearly incidental and secondary to the Use of the Dwelling for Dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon [, provided that no sign, other than a nameplate, nor exceeding two (2) square feet in area, is displayed, and provided further that such nameplate is attached to the Building].

OWNER - Any person who, alone or jointly or severally with others, shall have legal title to any land or structure, with or without accompanying actual possession thereof; or shall have charge, care or control of any land or structure as owner or agent of the owner; or as executor, administrator, conservator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PREMISES - A lot and all the use(s) conducted thereon.

Section 2. Section 15, Business Uses and Requirements, of Ordinance No. 15-61, is hereby amended by the repeal of the following bracketed item.

Section 15. Business Uses and Requirements

A. A Local Business Use

[11. Sign]

Section 3. Section T9, Contingent Uses and Requirements, of Ordinance No. 15-61, is hereby amended by repeal of the following bracketed item.

Figure 7 Contingent Uses and Requirements

TYPE OF USE	DISTRICT(S) IN WHICH USE IS PERMITTED	REQUIREMENTS
Temporary sign pertaining to lease, sale, or hire of building or premises	A11	None

Section 4. Section 20, Conditional Uses and Requirements and Procedures, of Ordinance No. 15-61, is hereby amended by the repeal of the following bracketed item.

Figure 9 Conditional Uses and Requirements

Reqmt. Desig.	Requirements
٧.	[Outdoor Advertising Signs And] Outdoor Artificial Lighting Shall Be Approved By The Commission

Section 5. Section 26, Penalty, of Ordinance No. 15-61, is hereby repealed in its entirety and the following Section 26, Penalties for Violation, is hereby added to Ordinance No. 15-61:

Section 26. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor of the fourth degree. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in , or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 6. Ordinances Number 28-73, 55-75, 42-77, and all other subsections under Section 32, Signs, in Ordinance No. 15-61, are hereby repealed and the following Section 32, Signs, is hereby added to Ordinance No. 15-61:

SECTION 32

SIGNS

A. Purpose

The purpose of this sign section of the Ordinance is to:

- 1. Protect each person's Constitutional right of freedom of speech;
- 2. Protect the public health, safety, convenience, comfort, prosperity, and general welfare.

B. Objectives

This section regulates the time, place, and manner with which signs are displayed to achieve the following:

- 1. Primary Objectives:
 - a. Permit non-commercial signs on any property within the City;
 - Permit signs without unconstitutionally regulating the information conveyed by each sign;
 - Permit signs which do not create a potential hazard to the public safety;
 - d. Permit commercial signs appropriate to the land use and/or zoning classification of each property within the City.
- 2. Secondary Objectives:
 - a. To create a more aesthetically-pleasing City;
 - b. To eliminate visual clutter within the City.

C. Definitions

- 1. Building Frontage Shall mean the maximum horizontal width of the ground floor of a building that approximately parallels and faces an adjacent public right-of-way of at least fifty (50) feet in width. In the case of a building where an individual occupant would have no building frontage, the maximum horizontal width of the portion of the building where that occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by two (2) or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage. Corner lots and through lots shall be considered to have one (1) distinct and separate building frontage.
- 2. Lot Frontage Shall mean the maximum horizontal width of a lot that is contiguous to a public right-of-way of at least fifty (50) feet in width. Corner lots and through lots shall be considered to have only one (1) lot frontage.

- 3. <u>Sign</u> Shall mean any visual communication device utilizing letters, words, numbers, symbols, pictures, objects, color, illumination, or motion, the major function of such device being to convey visual information to or attract the visual attention of:
 - a. Persons within a public right-of-way; and/or,
 - Persons not on the premises on which the visual communication device is located.

The term "sign" shall specifically include the following:

- a. Any localized background which is a part of or is placed in conjunction with a sign for the purpose of improving the visibility of the sign; and,
- b. Any material whose major function is providing structural support for a sign; and,
- c. Any artificial illumination device whose major function is to provide illumination of the visual information conveyed by a sign.
- 4. The following are types of signs:
 - a. Ground Sign A sign not attached to a building.
 - b. Projecting Sign A sign supported by a building wall or column and extending a distance exceeding twelve (12) inches from the wall.
 - c. Wall Sign A sign which is located on or formed by the surface of the wall of a building. A mansard roof facade on a building shall be considered part of the wall.
- 5. Sign Area Shall mean the total area in square feet of all the visible information conveying surface area(s) of a sign including all localized background(s), but excluding all material(s) not conveying significant visual information and whose major function is providing structural support for the sign. An irregular shaped sign surface area shall be measured by calculating the surface area of a simple plane or solid geometric shape which approximates the size and shape of the sign surface area. The area of individual elements of a sign placed against a non-localized background (such as letters placed against a wall or window) shall be measured by calculating the area of the smallest single rectangle which would completely enclose all elements of the sign.
- 6. Sign Face The largest portion, in square feet, of a sign's area that is visible; measured at the location where the largest amount of the sign's area can be viewed by the eye at one point in time.
- 7. Sign Height Shall mean the maximum vertical height in feet that the highest part of a ground sign extends above the surface of the ground underneath the sign. Any material whose major function is providing structural support for the sign shall be considered part of the sign.
- 8. <u>Sign-Permanent</u> A sign permitted by this Ordinance to be located on a premises for an unlimited period of time.
- 9. <u>Sign-Temporary</u> A sign permitted by this Ordinance to be located on a premises for a limited period of time.

D. Exempted Signs

The following signs are not subject to the provisions of this Ordinance:

1. Governmental Signs

Governmental signs for control of traffic and other regulatory purposes, and signs of public service companies indicating danger and aid to service or safety.

2. Non-Commercial Flags

Flags conveying non-commercial information provided the number of flags does not exceed three (3) on any premises, and provided the sign face area of any flag shall not exceed sixty (60) square feet.

3. Window Signs

Any sign located inside or behind a window shall not be subject to any provisions of this Oridnance except the Prohibited Signs and Sign Characteristics contained in this Ordinance provided the window sign is located in a building where commercial or industrial uses are permitted as principal uses and provided not more than twenty-five (25) percent of the area of any window is devoted to window signage.

E. Prohibited Signs and Sign Characteristics

- 1. Any sign or part thereof which is erected within or above a public right-of-way. This provision shall specifically apply to any sign conveying a commercial or a non-commercial message including a political sign.
- 2. Any sign erected at or near any intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the work "stop", "look", "danger", or other word phrase or symbol in such a manner as to interfere with, mislead, or confuse traffic.
- 3. Any sign mounted onto, above, or incorporated into, the roof of any building.
- 4. Any lighter-than-air or inflatable sign attached or tethered to a premises shall be prohibited.
- 5. Any sign which conveys at any time the visual sensation or appearance of motion, or presents a non-constant visual image to the eye of an observer shall be prohibited.
- 6. Any sign utilizing an artificial illumination device which radiates an intensity, beamspread, glare, or color which interferes with the vision of persons not located on the premises shall be prohibited.
- 7. Any sign utilizing a fixed or mobile beacon, strobe light, searchlight, signaling light, spotlight or similar apparatus, equipment or device, which is directed above or outside of a premises in such a manner so as to attract an unusual amount of visual attention of persons not located on the premises shall be prohibited.
- 8. Any sign or part thereof which utilizes flame as a source of light.
- 9. Any sign utilizing an energized lamp bulb where the surface of the bulb is directly visible to persons not located on the premises shall be prohibited.
- 10. Any sign conveying misleading or unlawful commercial information.
- 11. Any sign which conveys visual information that is obscene, indecent, or immoral.

F. General Provisions

Signs shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this Section of this Ordinance unless specifically modified by another Section of this Ordinance.

1. Sign Permits

Sign permits shall be obtained for erection, construction, relocation, or alteration of any sign as regulated by the City Department of Development. Signs shall comply with all City zoning, building, electrical, and fire codes.

2. Nonconforming Signs

- a. A sign conforming to the regulations in effect at the time the sign was located on a premises, but not conforming with the regulations of this Ordinance, shall be deemed to be legal-nonconforming.
- b. No legal-nonconforming sign shall be moved in whole or in part to any other location where it would remain nonconforming.
- c. Normal maintenance of a legal-nonconforming sign and nonstructural changes to the sign shall be permitted, provided that no increase in the degree of nonconformity results.
- d. Any legal-nonconforming sign that has deteriorated or is destroyed by any means, to the extent of fifty (50) percent of its replacement cost new is deemed to be a nuisance and shall be terminated and shall not be restored, except in compliance with the provisions of this Ordinance.

4. Maintenance of Signs

Every sign, whether requiring a sign permit or not, shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts, painting, cleaning, and other acts required for the maintenance of said sign.

5. Dangerous or Defective Signs Not Permitted

A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign shall be removed or repaired.

6. Removal of Dangerous or Defective Signs

The City Manager may immediately remove or cause to be removed any dangerous or defective sign which, in the opinion of the City Manager, creates an immediate or potential danger to persons or property due to structural deficiencies, inadequate maintenance, or because of the sign's location.

7. Removal of Unlawful Sign in the Public Right-of-Way

The City Manager may remove or cause to be removed any unlawful sign in the public right-of-way.

8. Duration of Permitted Signs

All signs permitted in this Ordinance shall be considered to be permanent signs unless otherwise stated in this Ordinance.

9. Sign Location with Respect to Frontages

Sign area permitted by virtue of a premises having lot frontage or building frontage shall be located only along that frontage which generated the permitted sign area.

10. Non-Commercial Messages

Non-commercial information may be conveyed by any sign permitted under this Ordinance.

11. Commercial Messages

All commercial information conveyed by any sign permitted under this Ordinance must pertain to the premises on which the sign is located.

12. Directional Signs

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In addition to any other permanent or temporary signs permitted elsewhere in this Ordinance, permanent or temporary sign(s) which convey information which pertain to the direction of traffic movement onto or within a premises shall be permitted provided that:

- a. The sign face area shall not exceed two (2) square feet and the sign area shall not exceed four (4) square feet.
- b. Sign height shall not exceed three (3) feet if located within ten (10) feet of a public right-of-way or eight (8) feet in height in any other location.
- c. The sign shall be setback outside any public right-of-way, but shall not be subject to the general ground sign setback provision.

13. Ground Signs

a. Setback

Unless otherwise stated in this Ordinance, any temporary or permanent ground sign or any part thereof shall be setback a minimum distance of twenty-five (25) feet from any public right-of-way or one-half (1/2) the dimension of the front yard where the sign is located, whichever is less.

b. Landscaping Requirements

A permanent ground sign shall require a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:

- 1) The minimum landscpaed area shall be equal to the area of the sign face.
- 2) The landscaped area shall include all points where sign structural supports attach to the ground.
- 3) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised curb suitable to prevent the encroachment of vehicles shall be required. The minimum distance between the face of any required curb and any part of the sign shall be thirty (30) inches.
- 4) The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.

14. Projecting Signs

- a. Shall not be less than eight (8) feet in height above a sidewalk and fifteen (15) feet in height above a drive.
- b. Shall be attached to the building wall at an angle of ninety (90) degrees and no part of the sign shall project more than four (4) feet from the wall.
- Shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).
- d. Shall not extend higher on the wall than the bottom height of any second story window.

15. Wall Signs

- a. Shall not extend more than twelve (12) inches from the wall of the building upon which it is mounted.
- b. May be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted.

- c. Shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which they are attached.
- d. Shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).
- e. Shall have hidden structural supports.

16. Temporary Signs

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- a. The illumination of temporary signs shall be prohibited.
- b. Temporary Real Estate Signs

In addition to any other temporary signs permitted elsewhere in this Ordinance on a premises, one (1) additional temporary sign per lot frontage shall be permitted which complies with the following requirements:

- 1) Conveys information which pertains only to the for sale, for lease, or for rent status of the premises on which the sign is located. Sold, leased, or rented information shall not be permitted on a sign under this provision.
- 2) The sign area shall not exceed twelve (12) square feet and the sign face area shall not exceed six (6) square feet.
- 3) Sign height shall not exceed four (4) feet.
- 4) The sign shall be either a ground or a wall sign.

G. Signs Permitted for Undeveloped or Agricultural Land

- Residential Zoned Land (Excluding the Architectural Preservation District)
 - a. Permanent Signs
 - 1) No permanent sign(s) shall be permitted.
 - b. Temporary Signs
 - 1) Only one (1) temporary sign shall be permitted on each premises.
 - 2) Shall not exceed twelve (12) square feet in sign area plus one (1) additional square foot of sign area for every one-half (1/2) acre of land above six (6) acres not to exceed sixty-four (64) square feet in sign area. The sign face area shall not exceed one-half (1/2) the sign area.
 - 3) Shall be a maximum of six (6) feet in height.
 - 4) May be displayed a maximum of ninety (90) days out of each calendar year.
- Non-Residential Zoned Land (Excluding the Architectural Preservation District)
 - a. Permanent Signs
 - 1) No permanent sign(s) shall be permitted.
 - b. Temporary Signs
 - 1) Shall be limited to the same requirements for temporary signs for business, industrial, and other non-residential uses.

3. Architectural Preservation District (APD)

a. Permanent Signs

No permanent sign(s) shall be permitted.

b. Temporary Signs

Shall be limited to the same requirements that apply to temporary signs in the APD permitted for business and other non-residential uses.

H. Signs Permitted for Residential Uses

1. Single and Two-Family Residential Use

a. General

- 1) A sign permit for any permanent or temporary sign in this Section shall not be required.
- 2) No sign may be illuminated.
- 3) Projecting signs shall be prohibited.

b. Ground Signs (Temporary)

- 1) Only temporary ground signs shall be permitted. Permanent ground signs shall be prohibited.
- 2) A temporary ground sign advertising a garage sale to be held on the premises shall be displayed for a period of time not to exceed three (3) days maximum in any one evenly divided quarter (1/4) of a calendar year for that premises.
- 3) The sign face shall not exceed six (6) square feet in area and the sign area shall not exceed twelve (12) square feet.
- 4) The sign height shall not exceed four (4) feet.
- 5) The sign shall be setback outside any public right-of-way, but shall not be subject to the general ground sign setback provision.

c. Wall Signs

1) Only one (1) wall sign shall be permitted on each dwelling unit and each sign shall not exceed two (2) square feet in sign area.

2. Multi-Family Residential Use

a. General

- 1) Each sign may be illuminated with the exception that no temporary sign may be illuminated.
- 2) Projecting signs or wall signs with a sign area larger than two (2) square feet shall be prohibited.

b. Ground Signs

- 1) Only one (1) sign shall be permitted on each premises.
- 2) The sign height shall not exceed six (6) feet.
- 3) The permitted sign area shall not exceed one (1) square foot of sign area per ten (10) linear feet of lot frontage and shall not exceed thirty-two (32) square feet in sign face area or sixty-four (64) square feet in sign area.

c. Temporary Signs

- 1) Temporary projecting and wall signs shall be prohibited.
- 2) Only one (1) temporary ground sign shall be permitted for a period of time not to exceed thirty (30) days maximum in any evenly divided one-half (1/2) of a calendar year.
- 3) The sign height shall not exceed six (6) feet.
- 4) The sign area shall not exceed one-half (1/2) square foot of sign area per ten (10) linear feet on lot frontage and the area of the sign face shall not exceed twelve (12) square feet and the sign area shall not exceed twenty-four (24) square feet.

I. Signs Permitted for Business, Industrial, and Other Non-Residential Uses [Excluding the Architectural Preservation District]

1. General Provisions

- All signs may be illuminated with the exception of temporary signs.
- b. No sign shall be located in such manner as to be primarily viewed from residential property.
- c. Signs for business, industrial, and other non-residential uses which are contingent or conditional uses in the zoning district where they are located, shall be subject to all the requirements that apply to signs located within the Architectural Preservation District except any procedural requirements that apply only to signs located within the Architectural Preservation District.

2. Ground or Projecting Signs

- a. Only one (1) ground or projecting sign shall be permitted.
- b. The ground or projecting sign shall not exceed one-half (1/2) square foot of sign area per one (1) linear foot of lot frontage not to exceed thirty-two (32) square feet in sign face area or sixty-four (64) square feet in sign area.
- c. Ground signs shall be a maximum height of six (6) feet at the minimum sign setback line and for every additional five (5) feet of sign setback, one (1) foot may be added to the sign height not to exceed a total sign height of sixteen (16) feet.

3. Wall Signs

a. There is no restriction on the number of wall signs, however, the total sign area of all wall signs shall not exceed one and onehalf (1-1/2) square feet of sign area per one (1) linear foot of building frontage.

4. Temporary Signs

a. Ground Signs

- 1) Only one (1) temporary ground sign, for a period of time not to exceed thirty (30) days maximum in any one calendar year, shall be permitted on each premises. The Planning Commission may approve a request for a temporary ground sign exceeding the above stated period of time.
- 2) The sign area shall not exceed one-quarter (1/4) square foot of sign area per one (1) linear foot of lot frontage not to exceed sixteen (16) square feet in sign face area or thirty-two (32) square feet in sign area.

- 3) The sign height shall not exceed six (6) feet.
- 4) Temporary projecting signs shall be prohibited.

b. Wall Signs

- 1) Only one (1) temporary wall sign, for a period of time not to exceed thrity (30) days maximum in any one evenly divided quarter (1/4) of a calendar year, shall be permitted for any one (1) building frontage of a premises.
- 2) The sign area shall not exceed twelve (12) square feet.

J. Signs Permitted for the Architectural Preservation District (APD)

1. Approvals Required (APD)

The Board of Architectural Review (BAR) must approve the erection, construction, location, or alteration (including repainting) of all permanent signs in the Architectural Preservation District according to the provisions of the BAR Approval Procedure contained in Section 31 of the Zoning Ordinance. The BAR or City Council may approve signs as a part of any site plan according to the provisions of the BAR or Council Approval Procedures contained in Section 31 of the Zoning Ordinance. The staff assistant to the BAR must approve any temporary sign in the APD in accordance with the provisions of the Staff Approval Procedure contained in Section 31 of the Zoning Ordinance.

2. Variances (APD)

The Board of Architectural Review (BAR) may grant variances from any of the provisions contained in this Sign Section of the Zoning Ordinance applicable to signs in the APD. The BAR shall be subject to the variance requirements of Section 31 of the Zoning Ordinance.

3. Permits (APD)

Sign permits from the City Department of Development shall be required after zoning approval has been granted by the City Council, the BAR, or staff.

4. Board of Architectural Review Sign Color Chart (APD)

The Centerville Board of Architectural Review (BAR) shall adopt a color chart of color schemes for signs approved for use in the Architectural Preservation District (APD). This color chart and all adopted amendments to it shall be known as the "BAR Sign Color Chart" and shall hereby be incorporated by reference and made a part of this Ordinance.

5. General Design Standards (APD)

Sign designs within the Architectural Preservation District (APD) shall be simple graphic solutions to visual communication needs. The type, size, height, number, placement, materials, color, and illumination of a sign shall compliment the architecture of the building(s) located on the premises.

6. General Provisions (APD)

- a. Color schemes used on all ground, projecting, and wall signs shall comply with the "BAR Sign Color Chart".
- b. All signs shall be constructed of solid opaque materials such as wood or metal. The use of plastic shall not be permitted.
- c. No sign shall be internally illuminated. Only external artificial light sources directing light to the sign face shall be permitted. The color of any artificial lights used shall be white or yellow.
- d. Only one (1) permanent sign shall be permitted for any one (1) business on a premises.
- e. No sign shall utilize changeable letters.

7. Signs for Residential Uses (APD)

- a. All signs are subject to the standards and requirements contained in Section H [Signs for Residential Uses] of this Sign Ordinance, excepting the procedures contained in this Section shall apply.
- 8. Signs for Business, Other Non-Residential, and Mixed Business and Residential Uses (APD)
 - a. Ground or Projecting Signs (APD)
 - 1) Only one (1) ground or projecting sign shall be permitted on each premises.
 - A ground sign shall be set back outside the public right-ofway, but shall not be subject to the general ground sign setback provision.
 - 3) A ground or projecting sign area shall not exceed one-quarter (1/4) of a square foot in sign area per linear foot of lot frontage, nor sixteen (16) square feet in sign face area, nor thirty-two (32) square feet in sign area.
 - 4) All ground signs shall be a maximum of six (6) feet in height.

b. Wall Signs (APD)

- 1) Only one (1) wall sign shall be permitted for any one (1) business on a premises.
- 2) Total wall sign area shall not exceed three-tenths (3/10) of a square foot of sign area per linear foot of building frontage, nor twenty-four (24) square feet in sign area for any one (1) sign.
- 3) Shall not exceed a width of more than sixty (60) percent of the width of the wall on which it is located.
- 4) Shall not extend higher on the wall than the bottom height of any second story window.

c. Temporary Signs (APD)

- 1) Shall be a ground or a wall sign.
- 2) Shall not exceed twelve (12) square feet in sign face area and twenty-four (24) square feet in sign area.
- 3) Only one (1) temporary sign for a maximum of thirty (30) days out of any one evenly divided quarter (1/4) of a calendar year, shall be permitted for any one (1) business on a premises.
- 4) Ground sign height shall not exceed six (6) feet.

Section 9. Date of Effect.

This ordinance shall become effective from and after the earliest date allowed by law.
PASSED THIS 20th DAY OF May , 1986.
Still & West
Mayor of the City of Centerville, Ohi
ATTEST:
Clerk of the Council City of Centerville, Ohio
CERTIFICATE
The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 6-85 , passed by the Council of the City of Centerville, Ohio, on the 20th day of May , 1985.
Clerk of the Council

Approved as to form, consistency with existing ordinance, the charter and constitutional provisions.

Department of Law Robert N. Farquhar Municipal Attorney