



CITY OF NORTH RIDGEVILLE

PLANNING COMMISSION



Chairman James Smolik

Vice-Chairwoman Jennifer Swallow
Member Steve Ali

7307 Avon Belden Road
North Ridgeville, Ohio 44039
(440) 353-0513

Member Paul Graupmann
Council Liaison Bruce F. Abens

AGENDA

REGULAR MEETING – TUESDAY, JULY 12, 2022

All Planning Commission meetings are held in Council Chambers located at 7307 Avon Belden Road, North Ridgeville, Ohio 44039 and are open to the public.

TO ORDER: 7:00 PM, Council Chambers

ROLL CALL:

MINUTES: Regular meeting of Tuesday, June 14, 2022

CORRESPONDENCE:

NEW BUSINESS:

Planning Commission Work Session

Discussion of North Ridgeville Sign Code, Chapter 1286 (Signs)

ADJOURNMENT:

Visit the Planning Commission website to access the agenda, along with agenda items:
www.nridgeville.org/PlanningCommission.aspx

NEXT REGULAR MEETING WILL BE HELD TUESDAY, AUGUST 9, 2022

7307 Avon Belden Road, North Ridgeville, Ohio 44039
Phone: (440) 353-0513 Fax: (440) 353-1528 www.nridgeville.org

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF REGULAR MEETING
TUESDAY, JUNE 14, 2022**

CALL TO ORDER:

Vice-Chairwoman Swallow called the Planning Commission meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members Steve Ali, Vice-Chairwoman Jennifer Swallow and Council Liaison Bruce Abens. Also present were Chief Building Official Guy Fursdon, Planning and Economic Development Director Kimberly Lieber and Deputy Clerk of Council Tina Wieber.

Absent were Paul Graupmann and Chairman James Smolik.

MINUTES:

Vice-Chairwoman Swallow asked if the members had a chance to review the minutes of the special meeting on Thursday, May 19, 2022. She asked if there were any corrections. Hearing no corrections, the minutes were approved.

NEW BUSINESS:

Proposed legislation amending Chapter 1210 Planning Commission

Director Lieber explained that she would be introducing potential legislation for the chapters that were discussed at the joint work session with the Buildings and Lands Committee on May 10th. She explained that at that meeting they dove into all of the different changes in the chapters and the Commission and Committee members shared feedback about changes that they wanted to see. She stated that her intent was to go through and highlight the changes and if the Commission wanted to dive into any additional subject matter then they could have a discussion. She indicated that Chapter 1210 was the first chapter that was discussed and there was a recommendation to remove the sentence regarding the secretary being part of the unclassified service because that was handled through the Charter and Civil Service Rules. She mentioned that there was a recommendation that the Commission be more explicitly authorized to employ consultants as necessary to carry on their duties and that had been added in a new section. She stated that it was further recommended that determinations for similar use be a function of Planning Commission rather than an administrative function so there would be potential for the appeal process through BZBA and also that any final determination would go through City Council in order to have checks and balances and that it had been added to the section as well. She indicated that she had added a cross reference document. She explained that similar uses were in multiple places in the zoning code where it would indicate "as determined by Board of Zoning and Building Appeals" and there were a lot of different kinds of language she found throughout the code. She stated that she did a search to discover all of the places that would need

to be amended for consistency. She remarked that when there were things like similar uses or conditional uses that a lot of extra verbage wasn't added like "as determined by this board or that board or that official", so that when changes would be made you wouldn't have to chase them through the code. She indicated that it was much more streamlined.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Ali and seconded by Swallow to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation amending Chapter 1242 Administration, Enforcement and Penalty

Director Lieber commented that Chapter 1242 was a chapter that had included the similar use determination as an administrative function and that had been removed. She stated that there was a question regarding who was the Planning Director's designee and there was a desire to specifically indicate that it would be the Building Official so that was added to the chapter. She explained that otherwise the chapter remained as originally proposed.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Ali to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation creating a new Chapter 1243 Permits and Development Review

Director Lieber stated that Chapter 1243 was a newly created chapter and was a fairly substantial addition to the current code that outlined the process for, other than projects that would go through Planning Commission's review and other than subdivisions that would continue to follow subdivision regulations. She explained that Chief Building Official Fursdon made a recommendation that they separate out certificates of occupancy from certificates of zoning approval. She explained that they didn't want to provide for rules and regulations that differ from the State Building Code or the processes as required by the Board of Building Standards. She further explained that the thought was by issuing a zoning certificate of approval, that would be

something that the City could revoke, whereas, once that certificate of occupancy was issued something that the City could revoke whereas once that certificate of occupancy was issued there were State rules in effect that would make that difficult if not impossible to do.

Chief Building Official Fursdon commented that they would be rules that they would have to follow.

Director Lieber explained that they created a separate and distinct certificate of zoning approval requirement and then created guidance of when that would be required, the application procedure, how it was to be issued and then revocation conditions. She stated that at the work session there was a recommendation to limit projects that would qualify for administrative review, specifically additions, to reduce the square footage from 1,000 square feet to 500 square feet and that had been added. She mentioned that she tweaked the language around exterior alterations to buildings that would be substantially consistent with the existing building design. She indicated that she added the wording substantial exterior alterations for Council review types of projects. She advised that the Chairman had indicated that if there was a significant height of a building or a façade change that that would be something that Planning Commission might want to see. She discussed that she tried to create more roads that would lead through Planning Commission to Council for exterior changes. She explained that there was also a recommendation that if an amendment were proposed, that the Planning Director should act as the person that would solicit input from other impacted City Departments as required, whether it was Building, Engineering or Fire and stated that language had been added. She mentioned that it was not simply the Planning Director that would approve amendments but in consultation with the impacted or appropriate other City Officials.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Ali to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation amending Chapter 1244 Board of Zoning and Building Appeals

Director Lieber explained that the singular change to the section was to remove the last sentence of 1244.01 again regarding the secretary and the unclassified service because that was already addressed through the Charter and Civil Service Rules.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Ali to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation amending Chapter 1246 Amendments

Director Lieber explained that the chapter governed how the zoning map and the zoning code can be amended. She further explained that the change in that section they had discussed was that there was a conflict between the Charter and the Codified Ordinances. She stated that currently the Charter establishes a minimum notification period of 10 days and the Codified Ordinances had a 30 day requirement and they discussed how that creates confusion for which rules to follow. She stated the recommendation was to remove the sentence out of that section which was 1246.03(d)(2). She mentioned that if they took out the sentence that referenced the 30 days it would still be subject to the Charter requirement of a minimum of 10 days and they discussed how it could be greater than 10 days but not less than 10 days for the purposes of notification and posting.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Ali to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation creating a new Chapter 1247 Conditional Uses

Director Lieber explained that currently the zoning code didn't contain any guidance on how conditional uses should be evaluated by Boards, Commissions & Council. She stated that Chapter 1247 would create the procedure, review standards, submission requirements and also the ability to revoke in case any of the conditions of approval were violated. She mentioned that the recommendation from the work session was that Council had been established as the hearing authority for revocation and there was a suggestion that Council should be able to delegate to the Buildings and Lands Committee. She explained that she added "The hearing would be held by Council or could be delegated to the Buildings and Lands Committee". She indicated that she added an Exhibit B that was the cross reference document for conditional uses throughout all the other sections of the zoning code where conditional uses are brought up and she deleted any reference to the Board of Zoning and Building Appeals. She explained that in the different

chapters there were different methodologies in which conditional uses were approved but that would take out anything that would be in conflict with the new chapter.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Abens to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation creating a fee schedule for zoning-related applications and reviews

Director Lieber discussed that the last piece of legislation was to create a fee schedule for all of the zoning related applications and reviews. She explained that currently the fees were scattered through the zoning code which made it difficult for any applicant to know what all fees might apply to their project. She stated that it also made it difficult to update them over time and some of them hadn't been updated since 2005 and 2008. She added that any code amendment even if it was a fee, still had to go through Planning Commission review, legislative review, public hearing and it discouraged real time updates as the cost of business increased. She discussed that she went through the code to find all the areas where fees were located and consolidated them into a zoning schedule that would be separately adopted. She mentioned that part of that piece of legislation would be to repeal those sections in the building code that talk about zoning related fees and that would be the first part of the ordinance. She explained that appeals of decisions from the Chief Building Official would come out because that was a BZBA item and also parcel divisions because that would be a Planning Commission application. She stated that those were items being removed. She added that she put together a proposed fee schedule. She explained that she reviewed around 15 other communities fees in the area as well. She described that one of the things that was currently being charged was per notice sent out, which made it difficult because currently the applicants have been submitting the adjacent properties and for each adjacent property there is an extra dollar that gets tagged onto their fee. She explained that now they wouldn't have the applicant provide the adjacent property owners anymore because the clerk's office would handle that notification. She stated that rather than a dollar per notification, just increasing the fee somewhat to cover general mailings seemed appropriate. She explained that at times they may have included an extra property so would we refund them a dollar or if they failed to include a property, now we would have to charge them an extra dollar. She added that those kind of fee calculations were impracticable for staff. She discussed that she tried to create a fee structure that was reasonable with round numbers that account for their time and administrative effort. She stated that Exhibit B was a proposed general fee schedule. She remarked that by way of comparison currently the fee for Planning

Commission was \$100 for a single lot or \$300 for more than one lot but sometimes a project may involve two parcels that they are putting together and would that be one lot or two lots, was it one project or was it split. She explained that she thought just a general application fee made sense and if there was a special meeting request or if there was a specific level of review required, then having additions to that might make sense. She stated that regarding BZBA, there was a difference between a resident coming in with a request for a fence and maybe a large scale subdivision where they're asking for many variances because it was a large scale commercial project that involved a lot of zoning review and many variances. She added that having a rate for the residents that would be a bit lower than it might be for a large scale development or a commercial project. She indicated that she was adding in a new business application fee since they were going to require zoning review for any application, for any new business and there would be a fee attached to that. She explained that there would be a reduced fee if someone was filing for an amendment, not a full Planning Commission Review, but if it was an administrative amendment, they would still be able to charge a fee for that. She stated that the rezoning request fee was only \$235, which was really low for all the work that went into rezoning, especially the large notifications like 500 linear feet instead of just adjacent property owners because there was more staff time is invested in that. She mentioned that another thing that should be done was charging for the credit card fees. She stated that everyone uses credit cards and that was great for the convenience factor but the City is taking the hit on whatever that percentage is. She added that she thought that they should have the ability to pass on the credit card fees if people choose to pay that way. She stated that that was the proposed fee schedule.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the fee schedule.

Chief Building Official Fursdon asked where the fees would be listed.

Director Lieber explained that it would be within the ordinance and then on the website they could attach it to the application. She stated that it wouldn't be an ordinance but would be a separate fee schedule. She added that in Chapter 12 where it says "Council may establish a fee schedule" would be the reference.

Chief Building Official Fursdon asked if she had the amount for the credit card fees and stated that because he tried to do that as well and it was not well received.

Vice-Chairwoman Swallow stated that those fees added up on large projects.

Director Lieber remarked she had not but that there will always be an opportunity to pay with cash or check to avoid the fee.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

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It was moved by Swallow and seconded by Ali to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Director Lieber stated that as previously discussed, the Commission had made a recommendation to update the City's fence ordinance and City Council did pass that legislation and it would become effective July 6th.

ADJOURNMENT:

The meeting was adjourned at 7:22 PM.

James Smolik
Chairman

Tina Wieber
Deputy Clerk of Council

Tuesday, July 12, 2022
Date Approved



To: Planning Commission Members

Cc: Chief Building Official Guy Fursdon
City Engineer Dan Rodriguez
Assistant Law Director Toni Morgan

From: Kimberly Lieber, AICP, Director of Planning & Economic Development

Date: June 28, 2022

Re: Sign Code Audit

The Planning Commission's July 14 work session will focus on needed changes and updates to the City's sign code. Chapter 1286 (Signs) has been provided as a reference along with this audit as a guide to begin the conversation.

1286.01 Intent

- Intent could be broadened to recognize signage encompasses both commercial and non-commercial speech and that there is a nexus to the health, safety and the development goals of the city.

1286.02 Classification of Signs

- Classifying signage by content is specifically unconstitutional since the US Supreme Court decision in *Reed v. Town of Gilbert*. A general "content neutrality" guideline is that if you have to read the sign to determine how to classify it, your classifications may not meet the law. Signs can be classified by type or design: ground sign, wall sign, canopy sign, pole sign, etc.
- Any definitions related to signage could be consolidated into the general Definitions chapter of the Zoning Code. We should avoid including regulations within the definition of a term.

1286.03 Signs in Residential Districts

- The code can make distinctions between permanent and temporary signs; however, any distinctions based on content ("for sale" or "for rent") will need to be eliminated.
- Subdivision identification signs need to be carefully considered. They are sometimes located within the public right-of-way, which is typically not governed by the Zoning Code. There should be a clear procedure for how these signs can be approved and by what authority. There should be clearly identified responsible parties for any subdivision identification sign so the maintenance does not become a city responsibility in the future. There should absolutely be a permit required for any permanent subdivision sign.
- Penalties for any zoning infraction, signage included, are already covered in Chapter 1242.

1286.04 Signs in Business and Commercial Districts

- "Permitted Signs Classified by Content and Use" is highly problematic. The code can make distinctions between types of signs; however any distinctions based on content will need to be eliminated.

- While an “off premise advertising sign” is content based, one way to regulate such signage, including billboards, is to limit the size and height of any ground signs, along with strengthening the requirement that signs in commercial districts are only permitted accessory to a main building or use of the property. So, no vacant lots with signs would be permitted.
- Consider eliminating pole signs as a permitted sign type. Any existing pole sign could continue as a non-conforming sign until such time as either abandonment or significant modification would result in loss of its grandfathered status.
- Consider eliminating roof signs as a permitted sign type as an aesthetic preference and to prevent use as off-premise advertising.
- How is signage related to drive through facilities regulated? Code should address the volume of signage that accompanies drive through facilities, curbside pick-up zones, etc.

1286.05 Area of Signs

- There are *many* content based distinctions in this section that need to be eliminated.
- Need to more clearly define what constitutes sign face area and how it is measured. Language regarding “embellishments of signs of a decorative nature” leave a lot open to debate. If there is a colored backer panel to lettering, is that a decoration or part of the sign face area? Consider using graphic examples to illustrate the text.
- Code currently incentivizes pole signs by allowing greater sign face area for pole signs than for monument or ground signs (60 sf versus 50 sf). Code also incentivizes including changeable copy by allowing more sign face area (+15 sf for pole signs, +10 sf for ground signs). The amount of speech a business is granted shouldn’t depend upon the configuration of a sign base or if changeable copy is included.
- The 300 sf allowance for multiple tenant business signs results in very tall, very large signs. The code doesn’t say how many tenants are required or how big a plaza needs to be for a multi-tenant sign. A small, two tenant plaza and a large shopping center would be treated equally. If a single tenant building were to be subdivided, would they then be able to install 6 times the amount of ground signage? Recommend tying number of ground signs or sign face area of ground signs to size of property or total floor area.
- Total building signage allowed is 2x the building frontage. How is building frontage defined? How are corner lots handled? Current allocation of building signage should be more than adequate for buildings located at a standard setback.
- Need to more clearly distinguish permitted signage per building versus building unit.
- Allowing PC to establish size, area and design of signs for some types of uses (theaters, for example) is completely arbitrary.
- Directional signs are content based and otherwise not limited in number or height.
- Address numbers required by the Building Code can be included in a category with other items exempt from permit.
- Temporary sign regulations should be established for both residential and non-residential property in a separate section.

1286.06 Location of Signs

- Setbacks for ground signs should be looked at, both general setback from the ROW and when in proximity to an intersection or curb cut. In most commercial districts, the sign setback is greater than the required front yard, placing signs in paved areas. Consider requiring ground signs to be installed in landscaped areas, both to protect from vehicle traffic and to improve community aesthetics.
- Setbacks would be desirable from side lot lines and adjacent to residential districts.
- Continued content based distinctions in this section (e.g., prohibiting identical temporary signs).

1286.07 Height of signs; design and construction standard for freeway-oriented signs.

- Generally this language is confusing and unusual. Most sign codes have maximum heights, not minimum heights.
- Consider eliminating (or severely restricting) freeway oriented signs from permitted sign types.

1286.08 Industrial district signs.

- Industrial districts are granted 50% more building sign area than commercial districts (3:1 versus 2:1). Is it necessary or desirable to permit larger signs in industrial districts? Larger industrial buildings will already have larger signs by the nature of their frontage. Do we want roof signs as a permitted sign type?
- Consider a lesser required setback from the ROW.

1286.09 General provisions applicable to all districts.

- Continuation of content based distinctions in this section (charity drive, no hunting and trespassing signs, etc.).
- Recommend temporary signs be regulated in their own section.
- Recommend prohibited signs be regulated in their own section.
- Consider prohibiting billboards through restrictions on size and height of ground signs and prohibiting pole signs. The definition of billboard is not content-neutral (billboard is also defined in two separate locations in the Zoning Code and they are quite different).
- How are vehicle signs handled? Code appears to be silent on vehicles and trailers.

1286.10 Political signs. (Repealed)

1286.11 Hazardous signs.

- Hazardous signs can be listed with other types of prohibited signs in a combined section.

1286.12 Illumination.

- Standards such as “excessive brightness” are hard to measure or enforce. Using a measurable luminance standard would give the city much improved grounds for enforcement. What is reasonable to a business may be objectionable to the nearest neighbor. With the growing popularity of digital signs, setting reasonable and defensible illumination standards is important.
- Revisit what sign types or signs in what districts can or cannot be illuminated (what are “signs for institutions,” for example).
- This section has references to lighting of parking lots and used car sales lots that don’t seem to relate to signage.

1286.13 Permit required; applications.

- Recommend language requiring a permit for all signs except for those that are exempted, and then creating a list of such exempted signs.
- Exempted signs could include sign face changes where there is no increase in size or change in the cabinet/structure, signs integral to fuel pumps and ATMs, address numbers, etc. Many types of temporary signs may be exempted from permit.
- Requirements for permit applications could be expanded to more specifically require scaled drawings depicting signs in relation to the building façade and site plans for ground mounted signs.
- Recommend this section include procedures of how sign permit applications are reviewed and what the process is if an application is determined not to be zoning compliant. Include information regarding the appeals process.
- Recommend this section include standards by which a permit may be revoked by the CBO.

1286.14 Nonconforming signs.

- Recommend adding language that describes how a sign may lose its legal nonconforming status, such as alteration, addition to, relocation, abandonment, etc.

1286.15 Removal of signs.

- We may want to distinguish between removal of temporary signs (which is easy) and removal of permanent signs (which can be more labor intensive in terms of time duration). Forty eight hours is not reasonable to remove an abandoned pole sign, for example.
- Recommend language that requires not just removal of the sign, but any framing, base and associated supports.

1286.16 Maintenance and repair.

- Requiring maintenance is standard for sign ordinances and can also potentially be enforced through property maintenance codes. We could delete the part that makes this section effective six months after the effective date.

1286.17 Abandoned signs.

- Section could remain stand alone or could be combined with other prohibited signs.

1286.18 Review of chapter by Planning Commission and Council.

- Has this been done in practice? It would not seem so, at least since *Reed*. I don't think this section is needed so long as city officials take note of any court decisions impacting signage and review the code accordingly.

1286.99 Penalty.

- Section 1286.10 was repealed, also this section is inconsistent with 1286.03(f)(4).
- This section could be eliminated and Chapter 1242 would control.

CHAPTER 1286

Signs

- 1286.01 Intent.
- 1286.02 Classification of signs.
- 1286.03 Signs in residential districts.
- 1286.04 Signs in business and commercial districts.
- 1286.05 Area of signs.
- 1286.06 Location of signs.
- 1286.07 Height of signs; design and construction standard for freeway-oriented signs.
- 1286.08 Industrial district signs.
- 1286.09 General provisions applicable to all districts.
- 1286.10 Political signs. (Repealed)
- 1286.11 Hazardous signs.
- 1286.12 Illumination.
- 1286.13 Permit required; applications.
- 1286.14 Nonconforming signs.
- 1286.15 Removal of signs.
- 1286.16 Maintenance and repair.
- 1286.17 Abandoned signs.
- 1286.18 Review of chapter by Planning Commission and Council.
- 1286.99 Penalty.

CROSS REFERENCES

Advertising on junk yard fences - see B.R. & T.840.05

Rummage sale signs - see B.R. & T.858.05

Signs in the B-5 District - see P. & Z.1272.03(e)

Fees for outdoor advertising signs - see B. & H.1444.01

1286.01 INTENT.

It is the intent of the City in setting forth the requirements contained in this chapter to provide for reasonable and appropriate conditions for the advertising of goods and services rendered in the community, but at the same time to regulate such advertising so that property values within the City will be preserved and protected.

(Ord. 1845-83. Passed 9-6-83.)

1286.02 CLASSIFICATION OF SIGNS.

(a) Classification by Content and Use. Signs are herein classified according to content and use as follows:

- (1) "Nameplate" means a sign indicating the name, address and/or profession of the person or persons occupying the lot.
- (2) "Bulletin board" means an announcement sign directing attention to, and located on the lot of, a public or semipublic institution.
- (3) "Real estate and development" means a sign directing attention to the promotion, development, rental, sale or lease of the property on which it is located, or a sign indicating the name, owner or manager of a development.
- (4) "Business" means a sign which directs attention to the name of a business or establishment, the goods or commodities sold and/or services rendered on the lot on which the sign is located.
- (5) "Industrial" means a sign directing attention to the name, service or industrial establishment, goods produced or sold or services rendered on the lot on which the sign is located.
- (6) "Billboard" means any sign advertising, identifying or directing attention to any product, service, entertainment or

commercial activity not offered upon the lot on which the sign is located and exceeding 200 square feet. (Ord. 5759-2020. Passed 8-3-20.)

(7) "Directional" means a sign indicating the direction to which attention is called, either on the same or another lot.

(8) (EDITOR'S NOTE: Division (a)(8) was repealed by Ordinance 4035-2004, passed June 7, 2004.)

(9) "Shopping center" means a sign which is located within a shopping center district, indicating the name of the shopping center.

(10) "Agricultural" means a sign related to agricultural products grown within any district.

(11) "Changeable copy signs" includes the following:

A. "Manual" means a sign on which copy is changed manually in the field (i.e. reader boards with changeable letters or pictorial panels).

B. "Automatic" means a sign such as electronically or electrically controlled time and temperature units (clock and thermometer configurations included) or units that give public service messages that are changed frequently by the use of off-sign controls.

(12) "Freeway-oriented sign" (limited access highways only) means any sign identifying local premises where food, lodging or businesses are located that engage in supplying goods and services essential to the normal operation of motor vehicles and where such businesses are dependent directly upon the adjacent freeway for business.

(13) "Off-premises advertising sign" means any outdoor sign, billboard or other contrivance directing attention to a local business, product, service or entertainment sold, conducted or offered other than on the same lot where the device is situated. Local businesses are those located within the City.

(14) "Multiple tenant business sign" means a sign which lists multiple tenants' business on the same parcel.

(b) Classification by Design. Signs are herein classified and defined, according to design, as follows:

(1) "Flat" and "wall" mean a sign erected parallel to or painted on the surface of, or integral with, the wall of any building.

(2) "Projecting" means a sign erected on the outside wall of a building which projects out at an angle therefrom.

(3) "Marquee" means a sign attached to the soffit or fascia of a marquee, roof over a walk or permanent awning.

(4) "Roof" means a sign erected upon and completely over the roof of any building.

(5) "Pole" means a sign erected on a pole, poles or posts, the diameters of which are less than two-thirds of the structure it is to support and which is wholly independent of any building or structure, the base of which is not less than eight feet above the grade. A pole support shall have no advertising on it.

(6) "Ground" means a sign with the base wholly on the ground or less than eight feet above grade, wholly independent of any building.

(7) "Temporary" means a sign or signs applying to a change in business or seasonal or other special business activities other than the sale of the real property upon which it is posted, or which relates to public events and is installed in a sound but nonpermanent manner.

(Ord. 4035-2004. Passed 6-7-04.)

(8) "Window signs and lettering" means signs affixed to or directly painted on the surface of the window glass where the business is located and to which it directs attention.

(Ord. 1845-83. Passed 9-6-83; Ord. 3815-02. Passed 6-17-02.)

(9) "Attractive devices" refers to animation, revolution, movement (up and down or sideways) and wind-blown devices, such as ribbons, pennants, spinners and streamers, whether part of a sign or not.

(Ord. 2034-85. Passed 7-15-85.)

1286.03 SIGNS IN RESIDENTIAL DISTRICTS.

Signs in residential districts shall conform to the regulations set forth in this section, and the following types of signs shall be permitted:

(a) Nameplate. One nameplate not exceeding one square foot in total area shall be permitted for each dwelling unit. Such nameplate shall not be permitted for dwellings of three or more units.

(b) Bulletin Boards and Temporary Signs. One bulletin board or announcement sign, not exceeding thirty-two square feet of visible surface per side for each street frontage and six feet in height, shall be permitted on the premises of a public or semipublic institution. In addition, subject to the limitations contained in this chapter, temporary signs may be permitted.

(Ord. 4035-2004. Passed 6-7-04.)

(c) Real Estate Signs.

(1) One "For Sale" or "To Rent" or "Model Home" sign, not exceeding six square feet in total area and not exceeding three feet in height, shall be permitted for each dwelling or lot. Such signs shall be located not less than fifteen feet from the front or any side lot line. "Room for Rent" signs shall not be permitted.

(2) Subdivision development signs shall not exceed fifty square feet in total area for each street frontage. Permits for such temporary signs shall be for a period not exceeding one year, and may be renewed while construction is being pursued. Illuminated signs must be turned off by 10:00 p.m.

(3) During the building of a structure, a sign not exceeding twelve square feet in area, located not nearer than twenty-five feet to any street line, for the purpose of displaying the names of the builder, shall be permitted. Such sign shall be removed after completion of the structure.

(d) Agricultural Signs. An agricultural sign shall be permitted in any district and shall not exceed thirty-two feet.

(e) Apartment House Signs. A sign not exceeding thirty-two feet shall be permitted for each apartment house complex.

(f) Monumental Permanent Subdivision Identification Signs.

(1) A ground sign not exceeding thirty-two square feet in area and six feet in height, indicating the name of a subdivision or residential development from an arterial or collector street, shall be permitted. Such sign shall be set back a minimum of ten feet from the right of way and shall be part of the architectural treatment of the development. Illumination, if any, is at the discretion of the Planning Commission, and subject to Section 1286.12.

(2) When a developer desires to place a monumental permanent development identification sign and components at the entryway(s) (including landscape islands in the right-of-way) of the development, notwithstanding other regulation contained in the Zoning Code of signage, fencing, plantings, electrical, sprinkler systems, lighting and other potential components of a development identification sign, the following criteria alone shall be used by the Chief Building Official (CBO) to determine whether or not a permit shall be issued for the sign(s).

A. Whether the proposed sign and its decorative and functional components comply with the existing requirements for each component or the degree to which each component does not vary substantially from existing requirements;

B. Whether or not each component complies with all safety concerns and requirements;

C. Whether or not the design is aesthetically pleasing and coordinated with the style of the development;

D. Whether or not maintenance of all components of the sign and the immediately adjacent green space or other area related to the sign is provided for in the Homeowners Association (HOA) guidelines, or if no HOA exists, by the developer; and

E. Whether or not the developer has paid a permit fee for each such sign.

(3) The permit fee shall cover the cost of administration of the fee, review of plans by the CBO or designee thereof, and final inspection of the sign and components upon completion to insure that they conform to the plans presented to the CBO. It shall be the responsibility of the developer to apply for the permit, provide the plans, draw the HOA documents or agreement by the developer to maintain the sign and components, and to call for final inspection when completed. The fee for each sign and each component is as per Codified Ordinance Chapter 1444.

(4) Upon inspection, if the applicant is in violation of any provision of this section, the applicant will be given a reasonable amount of time to become compliant, not to exceed thirty days. If not compliant within the given time frame, the applicant may be cited and fined up to fifty dollars (\$50.00) per day until compliant.

(Ord. 1845-83. Passed 9-6-83; Ord. 3817-02. Passed 7-1-02.)

(g) Home Occupation Signs. Home occupation signs shall not exceed 144 square inches and shall be affixed to the building in which the home occupation is conducted and shall not be illuminated by artificial lighting.

(Ord. 2649-92. Passed 6-1-92.)

1286.04 SIGNS IN BUSINESS AND COMMERCIAL DISTRICTS.

Signs in business and commercial districts shall be accessory to a building or use permitted and shall conform to the following:

(a) Permitted Signs Classified by Content and Use The following types of signs, classified by content and use, shall be permitted:

(1) Nameplate and bulletin boards if they are accessory to a residential or institutional building or use.

(2) A nameplate for an office if the sign is located on the same lot as the profession or service to which it is directed.

(3) A business sign if the sign is located on the same lot as the business or service to which it is directed.

(4) A real estate and development sign if the sign is located on the same lot on which the real estate business is conducted or the lot to which attention is directed.

(5) Directional signs located on any lot in a business or commercial district.

(6) Changeable copy signs (manual and automatic) if such are located on the same lot as the business or service to

which they are directed.

(7) A freeway-oriented sign (limited access highway only) if it is located on the same lot as the business to which it is directed and within 1,320 feet of the right of way for a freeway interchange.

(8) Off-premises advertising signs which are located on a lot adjacent to a freeway interchange, or within 1,320 feet of the right of way of an interchange, so long as the business is located near the interchange and in the City. The minimum setback of such signs shall be 660 feet with a 250-foot separation.

(b) Permitted Signs Classified by Design. The following types of signs, classified by design, shall be permitted:

(1) Flat and wall signs, if attached to, painted on, or integral with, a wall, or if attached to the windows or doors of a building occupied by a permitted business or service.

(2) Projecting signs, if projecting from a building occupied by a permitted business or service.

(3) Pole signs, if located on the same lot as the business or service building, parking or other use to which they direct attention.

(4) Ground signs, if located on the same lot as the real estate, business, service or other use to which they direct attention.

(5) Subject to the limitations contained in this chapter, temporary signs, if located on the same lot owned or occupied by the business or commercial enterprise which displays, or grants permission for the display of the signs.

(Ord. 4035-2004. Passed 6-7-04.)

(6) Flat and gable roof signs, which shall have at least ninety percent of the surface of the sign related to the business where the sign is located.

(Ord. 1845-83. Passed 9-6-83.)

1286.05 AREA OF SIGNS.

(a) The area of embellishments of signs which is of a decorative nature only and which has no advertising purpose shall not be considered in determining sign area as hereafter provided.

(b) The surface area of a sign shall be computed as including the area within a regular geometric form, or combinations thereof, comprising all of the display area of the sign, including all of the elements displayed, together with any material or color used to differentiate the sign from the environment or surroundings in which it is placed. Only one side of a double-face sign shall be considered to calculate the surface area, provided that the two signs are not joined at an angle greater than fifteen degrees. Frames and structural members not being advertising matter shall not be included in the computation.

(c) The total area of all permanent signs for each office, store or service building, parking lot or other land use shall not exceed the number of square feet indicated as follows:

(1) The sign area of either one pole or one ground sign (a choice of either, but not both) shall be as follows:

A. A pole sign with a visibly different constructed sign face area shall have a maximum area of sixty square feet per side. An additional fifteen square feet per side shall be allowed to pole signs with a visibly different constructed sign face area which incorporates a permanent changeable copy sign or sign face area, provided that the changeable copy area does not exceed one-half the total sign face area.

B. A ground sign without a visibly different face area shall have a maximum area of fifty square feet per side, with an additional ten square feet per sign for ground signs without a visibly different sign face area and which incorporate a permanent changeable copy sign face area, provided that the changeable copy section does not exceed two-thirds the total sign face area.

(2) The maximum area of all other signs shall be two times the building frontage. Signs shall be located on the building.

(3) Multiple tenant business signs, maximum area 300 square feet. Only one multiple tenant business sign for each multiple tenant business unit. Height of sign and sign setback shall follow existing requirements. Once multiple tenant business sign is constructed, businesses in multiple tenant units may not construct individual business signs. (Does not include wall signs or directional signs.)

(d) Sign areas shall be permitted in addition to the areas provided in subsection (c) hereof as follows:

(1) A nameplate (separately or as a part of an outdoor building directory sign) shall be permitted for professional or service offices and organizations above the ground floor of a building. Additional signs, or window signs if the total area of such signs does not exceed two percent of the floor area covered by the business or fifty square feet, or whichever is smaller, shall be permitted. No window signs above a ground floor shall exceed twenty-five percent of the glass area.

(2) The size, area and design of signs for theaters and places of amusement shall be determined for each establishment and regulated by conditional use permits issued by the Planning Commission.

(3) Directional signs of permanent construction, indicating traffic routes and similar functions, shall be permitted in addition to the above limitations if each sign does not exceed six square feet in area, is not in the right of way and does not hinder the flow of traffic.

(4) Ground floor commercial window signs and lettering, directing attention to the business to which they are attached, are permitted to cover a maximum of fifty percent of the window glass area, subject to limitations set forth in paragraph (c) (1)B. hereof.

(5) Freeway-oriented signs (limited access highway only) and off-premises advertising devices are not to exceed 185 square feet per side.

(e) Permanent signs indicating the name of the building and its address number shall be permitted, the size and design of which shall be approved by the Planning Commission.

(Ord. 1845-83. Passed 9-6-83; Ord. 2034-85. Passed 7-15-85; Ord. 3816-02. Passed 6-17-02.)

(f) Temporary signs shall not exceed the maximum size of 600 square inches in any residential or "R" designated zoning districts.

(g) Temporary signs in all areas of the City not referenced in division (f) of this section shall not exceed the maximum size of twenty-four square feet.

(Ord. 4025-2004. Passed 6-7-04.)

1286.06 LOCATION OF SIGNS.

(a) Signs in business and commercial districts may be located on the surface of or project from the building wall adjacent to a street, a pedestrian way or a parking area, or be erected on poles or other ground supports in the yards on which the business is located.

(b) Wall or flat signs shall not project more than eighteen inches from the building wall and may project to any building corner, if side yards exist. A sign may extend above the front wall if the sign is set back from each side lot line and party wall line a distance at least equal to the dimensions that the sign projects above the top of the wall.

(c) Projecting signs shall be limited to not more than one sign for each establishment or store unit. Such signs shall be attached to the wall and may extend above the top of the wall, but not more than thirty-five percent of the total height of the sign, nor more than fifty feet overall, may extend above the wall. No face of a projecting sign shall be less than five feet from a side lot line or party wall of another store unit.

(d) Pole signs shall not project over a public right of way. The support for the sign shall not be located within the public right of way.

(e) Ground signs shall not be located within twelve feet of a public right of way, or so as to obstruct vision from the roadway or vision from motorists entering and exiting nearby driveways.

(Ord. 1845-83. Passed 9-6-83.)

(f) The displaying of more than one identical temporary sign on a parcel located in any residential or "R" designated zoning district is prohibited.

(Ord. 4035-2004. Passed 6-7-04.)

1286.07 HEIGHT OF SIGNS; DESIGN AND CONSTRUCTION STANDARD FOR FREEWAY-ORIENTED SIGNS.

(a) The height of the lowest member of any sign which is not integral with a wall surface shall not be less than eight feet above a sidewalk or other pedestrian way, and not less than fourteen feet if over or within eighteen inches of the vertical projection of a pavement used for vehicular traffic.

(b) Freeway-oriented signs (limited access highway only) and off-premises signs shall not exceed seventy-five feet above the average terrain or highway level, whichever is greater in overall height. Structural design, construction and installation shall conform to windload stress factors of thirty pounds per square foot or current standards set by other codes which are applicable, whichever standard is greater.

(c) Pole signs may extend to the ground when set back from the right-of-way as provided for ground signs.

(Ord. 1845-83. Passed 9-6-83; Ord. 3820-02. Passed 7-1-02.)

1286.08 INDUSTRIAL DISTRICT SIGNS.

In industrial districts, three square feet of sign shall be permitted for each foot of building front. Total footage may be utilized in the front, on one side or on the roof.

Either one roof sign of not more than 200 square feet, or a ground sign of not more than seventy-five square feet, shall be permitted (a choice of either, but not both).

Ground signs shall be set back a minimum of twenty-five feet from the right of way.

(Ord. 1845-83. Passed 9-6-83.)

1286.09 GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS.

(a) The display of official public notices, the flag, emblem or insignia of a political unit, and temporary displays in connection with a charity drive, shall not be governed by the provisions of this chapter.

(b) Christmas display lighting shall be exempted from the requirements of this Zoning Code.

(c) Signs of warning or prohibiting hunting or trespassing may be erected, provided that they do not exceed six square feet.

(Ord. 1845-83. Passed 9-6-83.)

(d) All temporary business signs shall be prohibited, except in the following circumstances:

(1) New business or use. In the event of a new business or use, a flat or wall sign not exceeding forty square feet in size may be attached to the building for a period of time not more than thirty days beyond the installation of its permanent signs.

(2) Temporary development signs. Temporary development signs announcing a proposed building or a building under construction, or advertising the sale, rental or lease of a building, or part thereof, shall be located on the lot occupied by the building or use advertised and shall not exceed forty square feet in total area for each street frontage. Permanent signs, indicating the name, owner or manager, shall be permitted; however, the sign size and design shall first be approved by the Chief Building Official.

(3) Temporary signs.

A. No temporary sign shall be located closer than ten feet from any lot line or shall impede or obstruct any public right-of-way, or exceed the size limitations prescribed in this chapter, or exceed six feet in height above natural grade. Illumination is permitted subject to the requirements of this chapter.

B. No temporary sign shall remain displayed for greater than thirty days. A temporary sign which has been previously displayed on a property (or a substantially similar temporary sign which is essentially identical) may not be again displayed on that property until after the expiration of thirty days.

C. The Chief Building Official shall be permitted to assist in the display of, or may remove or order the removal of any temporary sign which is determined to pose a safety hazard.

(Ord. 4035-2004. Passed 6-7-04.)

(e) The following signs are prohibited in all districts:

(1) Signs which bear or contain statements, words or pictures of an obscene, pornographic or immoral character, or which contain advertising matter which is deceptive or untruthful;

(2) Flashing signs;

(3) Signs which are placed on utility poles, trees, fences, yard structures or other signs;

(4) Attraction devices;

(5) Portable business signs;

(6) Abandoned signs; and

(7) Signs which are placed on or over a Municipal, County or State right of way, except as may otherwise be provided in this chapter.

(Ord. 2034-85. Passed 7-15-85; Ord. 3798-02. Passed 5-17-02.)

(8) Signs which resemble traffic control signs or signals. For enforcement of this section, "resemble" shall mean:

A. The sign is placed at a location such that a user of the street, road, or highway would reasonably believe that the sign is for the purpose of directing or otherwise informing traffic; and

B. The sign is of the same size, format, color and shape of an actual traffic control device used for a similar purpose.

(Ord. 3966-2003. Passed 11-17-03.)

(9) Billboards are prohibited in all zoning districts.

(Ord. 5759-2020. Passed 8-3-20.)

1286.10 POLITICAL SIGNS. (REPEALED)

(EDITOR'S NOTE: Section 1286.10 was repealed by Ordinance 4035-2004, passed June 7, 2004.)

1286.11 HAZARDOUS SIGNS.

(a) Signs shall not project over or obstruct the required windows or doors of any building, nor shall signs be attached to or obstruct a fire escape or interfere with other safety provisions as may be further regulated in the Building and Housing Code.

(b) Unless regulated otherwise in the Traffic Code, signs shall not be erected so as to obstruct street sight lines of traffic control lights or signs at street intersections or street sight lines or signals at railroad crossings. Signs visible from the sight lines along a street shall not resemble highway traffic signs. Mechanical movement of any part of a sign or the whole sign is prohibited. This includes animation or rotation by a motor, leverage or wind pressure.

(Ord. 1845-83. Passed 9-6-83.)

1286.12 ILLUMINATION.

(a) Light sources to illuminate signs shall not be of excessive brightness or cause glare hazardous to pedestrians or auto drivers, or be objectionable to adjacent residential districts. The colors red or green shall not be used where they may interfere with the sight lines of a traffic signal.

(b) Flashing, moving or intermittent illumination and "outline lighting" shall not be permitted.

(c) Signs in residential districts shall not be illuminated, except for bulletin boards, temporary subdivision signs and signs for institutions. All signs in business, commercial and industrial districts may be illuminated. Illumination of parking lots and used car sales lots shall not be of excessive brightness or cause a glare objectionable to any adjacent residential district, and except for illumination required for safety purposes, such lighting shall be permitted only during the hours the establishment is in operation.

(Ord. 1845-83. Passed 9-6-83.)

1286.13 PERMIT REQUIRED; APPLICATIONS.

(a) A permit shall be required for all permanent signs exceeding one square foot and all temporary signs exceeding six square feet.

(b) Applications for permits to erect, place, paint or alter a sign shall be made by the owner or lessee of the property upon which a sign is proposed, and such applications shall be submitted on forms furnished by the Building Department. Each application shall be made separately. The fee shall be established by separate ordinance.

Each application shall be accompanied by drawings to scale, showing:

(1) The design and layout proposed, including the total area of the sign and the size, character and color of letters, lines and symbols.

(2) The method of illumination, if any.

(3) The exact location of the sign in relation to the building and property.

(4) Details and specifications for construction, erection and attachment as may be required by the Building and Housing Code.

(Ord. 1845-83. Passed 9-6-83.)

1286.14 NONCONFORMING SIGNS.

A sign existing lawfully at the time of the effective date of this chapter, but which does not conform with the sign regulations of the district in which it is located, may be repaired and maintained in its original state, and structural or electrical parts may be repaired or restored to a safe condition in compliance with the National Electrical Code, as adopted in Section 1426.01 of the Building and Housing Code.

(Ord. 1845-83. Passed 9-6-83.)

1286.15 REMOVAL OF SIGNS.

Whenever the removal of any sign has been ordered by the Chief Building Official, and the person, firm or corporation on whose premises such sign or display structure has been erected, affixed or maintained, fails to remove the sign within forty-eight hours after receiving such notice, the Chief Building Official may remove or cause to be removed such sign at the expense of the person, firm or corporation on whose premises it was erected, affixed or attached, and each such person, firm or corporation shall be individually and separately liable for the expenses incurred in the removal of the sign.

(Ord. 1845-83. Passed 9-6-83.)

1286.16 MAINTENANCE AND REPAIR.

Every sign, including, but not limited to, those signs for which permits or no permits are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts or sections of missing sign face material, painting, repainting, cleaning and other acts required for the maintenance of such signs. The City shall require compliance with all standards of this Zoning Code. If the sign is not made to comply, the City shall order its removal in accordance with Section 1286.15 upon ten days written notice. This section shall be effective six months from the effective date of this chapter.

(Ord. 1845-83. Passed 9-6-83.)

1286.17 ABANDONED SIGNS.

Any sign which is located on property which becomes vacant for a period of six months or more, which sign pertains to a time, event or purpose which no longer applies, shall be deemed abandoned and ordered removed under Section 1286.15. Temporary signs relating to a date specific event that remain displayed five days following the occurrence and conclusion of that event shall be deemed abandoned, and shall be ordered removed pursuant to Section 1286.15. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more, in which case it may be ordered removed under Section 1286.15. Abandoned signs are prohibited and shall be removed by the sign owner, property owner or person responsible under Section 1286.15. Painted walls or window lettering shall be removed or completely

covered or painted over in a professional, durable manner within thirty days of vacating the business premises by the sign owner, the property owner or the person responsible, or the same shall be removed as provided for in Section 1286.15.

(Ord. 1845-83. Passed 9-6-83; Ord. 4035-2004. Passed 6-7-04.)

1286.18 REVIEW OF CHAPTER BY PLANNING COMMISSION AND COUNCIL.

This chapter shall be reviewed by the Planning Commission and Council every three years in order to modify, alter or update its provisions or application if necessary or desirable.

(Ord. 2034-85. Passed 7-15-85.)

1286.99 PENALTY.

(a) Whoever violates any provision of Section 1286.10 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars.

(Ord. 2284-88. Passed 9-6-88.)

(b) Whoever violates any provision of this chapter for which no penalty is otherwise provided is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense. Subsequent to the issuance of a citation or of notice of a violation by the City, each day that a sign is erected or maintained in violation of this chapter is deemed to constitute a separate offense.

(Ord. 2034-85. Passed 7-15-85; Ord. 4035-2004. Passed 6-7-04.)