

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading _____	Waiver 3-Reading Rule _____
ORDINANCE NO: <u>2016 -3-2</u>	Yes <u>X</u>	Second Reading _____	Yes _____
INTRODUCED BY <u>D. POLYAK</u>	No _____	Third Reading <u>X</u>	No _____

**ORDINANCE AMENDING CHAPTER 1179 OF THE
CODIFIED ORDINANCES REGARDING SIGNS
WITHIN THE VILLAGE AND DECLARING AN EMERGENCY**

WHEREAS, The Village Planning Commission has reviewed and voted to approve amendments to Chapter 1179 of the Codified Ordinance; and,

WHEREAS, The Planning Commission has forwarded the amended versions of Chapter 1179 to the Council of the Village of Boston Heights for a vote; and,

WHEREAS, The necessary advertising has been completed as to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Summit County, Ohio, as follows:

Section 1: That Chapter 1179 of the Codified Ordinance of the Village of Boston Heights is hereby amended to state as set forth in Exhibit "A," attached hereto and incorporated herein.

Section 2: That this Ordinance is in the best interests and public safety of the Village of Boston Heights and its residents.

Section 3: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.


Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Zoning Inspector's Office, the Planning Commission, and the Board of Zoning Appeals, and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:



BILL GONCY, MAYOR

ATTEST:



BETTY KLINGENBERG, FISCAL OFFICER

I, Betty Klingenberg, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance **2016-3-2** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **10TH day of May, 2016.**

Exhibit A

Chapter 1179

Signs

1179.01	Purposes
1179.02	Definitions
1179.03	General Regulations
1179.04	District Regulations
1179.05	Requirements for Illuminated Signs
1179.06	Non-Conforming Status

1179.01 PURPOSES.

(a) The purposes of this chapter are to promote the general health, safety and welfare of the residents of the Village by organizing and consolidating the existing sign regulations; and modifying existing standards, as necessary, to assure that all current issues related to signs are addressed. More specifically, the purposes are to:

- (1) Promote and protect property values in each of the districts.
- (2) Provide reasonable and appropriate conditions for identifying goods sold or produced or services rendered in business and industrial districts.
- (3) Control the size, location and design so that the appearance of permanent signs will be aesthetically harmonious with their surroundings.
- (4) Eliminate any conflict which would be hazardous between privately erected signs and traffic control signs and devices.
- (5) Provide review procedures which enable the Village to comprehensively evaluate the appropriateness of the sign to the site, building and surroundings.
- (6) Assure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.

(b) In establishing these purposes, the Village of Boston Heights has determined that signs which do not comply with these regulations as to type, size, location, design standards and a limitation on the number of signs in the Village, are a public nuisance. Furthermore, the appearance of the Village is marred by an excessive number of oversized and poorly designed signs, and both residential and business property values are adversely affected, and that unregulated signs are unduly distracting to motorists and pedestrians, and thereby create a traffic hazard and reduce the effectiveness of signs needed to direct the public.

1179.02 DEFINITIONS.

(a) General.

(1) Sign means any structure, or natural object such as a tree, bush, rock, lawn or ground itself, part thereof, or device attached thereto, or painted or represented thereon which shall be

used to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation, used as, or which is in the nature of an announcement, direction, or advertisement. For the purposes of this Code, "sign" does not include the flag, pennant, burgee, badge or insignia of any domestic government or governmental agency.

Signs are an accessory use in all districts and thereby subject to the definition thereof in Zoning Ordinance 1141.02. All signs must be located on the same property as the business or service advertised by any such sign, except as this Chapter allows for temporary signs, or except where the Board of Zoning Appeals finds cause for variance.

(2) Sign area or dimensions.

A. For a sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area dimensions shall include the entire portion within such background or frame.

B. For a sign comprised of individual letters, figures, or elements on a wall or similar surface, or a freestanding sign of irregular shape, the area of the sign shall encompass a single rectangle or regular geometric shape that encompasses the perimeter of all the elements in the display.

C. The sign area shall include the frame, but shall not include the pole or other structural support unless the pole or support is illuminated or otherwise so designated to constitute a display surface or device.

D. The height of a freestanding sign shall be measured from the average finished grade surrounding its point of attachment to the top of the highest element or point on the supporting pole or structure, whichever is higher. Determination of the average finished grade shall exclude any mounding immediately surrounding the point of attachment.

E. The height of a wall sign shall be measured from the grade defined for the building to which it is attached, as per Zoning Ordinance 1141.22, to the top of the highest element.

F. A sign with two (2) faces shall have the display surfaces arranged back-to-back and essentially parallel with each other.

G. In the event of any dispute in determining the sign area or any sign dimension, the Zoning Inspector shall have the responsibility for making such determination.

(3) Building frontage for the purposes of sign regulation means the length of the building or unit of the building which faces the principal street or the length of the wall of the building or unit which contains the main entrance to the uses therein. In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length. Only one outside wall of any business shall be considered its frontage.

(4) Building unit for the purposes of sign regulation means that portion of a building which is owned or leased by a single tenant. The length of unit is that portion of the building so occupied by a single activity and calculated proportionally in the same manner as building frontage.

(b) Types of Signs; Physical Characteristics.

(1) Billboard means a sign which advertises products, services or activities unrelated to the property upon which the sign or device is located, whether lawfully permitted or legally nonconforming.

(2) Freestanding sign means a sign that is supported from or by the ground or by a structure other than a building.

(3) Political sign means a temporary sign advertising a political candidacy or issue.

(4) Portable sign means a sign which is designed to be moved and is not permanently, or intended to be permanently, attached to a building, structure or the ground. Portable signs shall be regulated as Temporary Signs.

(5) Temporary sign means a sign of a restricted size, posted for a limited time, as regulated by this Chapter.

(6) Wall sign means a sign erected essentially parallel to, or painted on the surface, or on the outside wall of any building, and not extending more than twelve inches therefrom, and which does not project above the roofline or beyond the corner of the building. A sign affixed to, or near, a window for the purposes of being visible to and read from the outside of the building and containing information typically found on identification or instructional signs shall, for the purposes of these regulations, be considered a wall sign.

(c) Types of Signs; Functional.

(1) Directional sign means a sign which has as its only function the direction of vehicular or pedestrian traffic upon, to or from a premises and which contains no advertising matter other than the name or symbol for the business, project, development or activity on those premises.

(2) Security sign means a sign that identifies or warns of the security system for premises.

(3) Subdivision sign or project identification sign means a sign identifying the name and address of a completed residential subdivision, a multiple family development, or a commercial, office, industrial park or subdivision. Such sign in a commercial, office or industrial park may include a directory of business uses therein.

(4) Warning placard means a sign that alerts the general public to restrictions of activities on a particular property or advises the public on safety related issues. These include but are not limited to "No Trespassing", "No Hunting", "Danger", etc.

1179.03 GENERAL REGULATIONS.

(a) (1) No sign, or part thereof, shall obscure visibility on a public right-of-way.

(2) No sign shall be located partially or entirely in the public right-of-way, except for:

(A) A sign for traffic control, or other official public notice, which was placed by a public official or other public employee in the lawful performance of his or her duty.

(B) A subdivision sign that solely identifies a residential or commercial subdivision for purposes of traffic control, which has been located within the public right-

of-way in accordance with a subdivision plat approved by the Planning Commission under Chapter 1121 of these Codified Ordinances and duly recorded, where such sign is specifically identified and located thereon, and where the Planning Commission finds that such location is necessary to the public purpose.

(3) Any sign erected in violation of subsection (a)(2) of this section may be removed by the Zoning Inspector or his or her designee immediately and without notice.

(b) No person shall place or have placed on his behalf any sign on any pole, structure, pipe or fitting designed for and carrying electrical power, telephone, gas or water, except that the owner or other person responsible for the maintenance of such pole, structure, pipe or fitting may affix thereto a placard showing its ownership or other identification or a warning of any hazard connected therewith or forbidding trespass on the same.

(c) Billboard signs are not permitted in any zoning district.

(d) No sign shall be illuminated by moving, or flashing lights, nor shall any sign, or any part thereof, revolve, rotate, oscillate or otherwise move, or appear to move.

(e) No illuminated sign shall be located closer than 100 feet to any residential district except as this chapter expressly allows, or except where the Board of Zoning Appeals find cause for variance.

(f) No sign for which a variance or a conditional use permit is required shall be erected except upon issuance of, and in compliance with the terms of, that variance or conditional use permit.

(g) No sign for which approval of the Planning Commission is required shall be erected or modified except upon issuance of, and in compliance with the terms of, the sign permit issued by the Zoning Inspector.

(h) Application for the erection or modification of any sign for which a variance, conditional use permit, or approval of the Planning Commission is required shall be made by a "Sign Application Form" approved for that purpose by the Planning Commission with the concurrence of the Board of Zoning Appeals, and shall be accompanied by the application fee established by Section 1101.05 and the Professional Fees, Costs and Review deposit established by Section 1101.06 of these Codified Ordinances.

(i) (1) The Zoning inspector may issue a provisional permit to erect a sign in advance of review by the Planning Commission, where the Zoning Inspector determines that the proposed sign complies with all dimensional and locational requirements specified in this Chapter. Such provisional permit shall serve as a building permit for any sign thereon described and provisionally approved. Such provisional permit shall be valid up until the second meeting of the Planning Commission following its issuance unless extended by the Planning Commission.

(2) Applicants bear all the risk associated with erecting the sign under a provisional permit regardless of whether the sign is ultimately approved by the Planning Commission; and

(3) Signs erected under a provisional permit shall be constructed and maintained in accordance with the Codified Ordinances of the Village of Boston Heights; and

(4) Any such sign that has been erected under a provisional permit which does not receive the approval of the Planning Commission shall be promptly removed after the owner of such sign is notified by the Zoning Inspector, or the sign shall promptly be modified to meet requirements that have been established by the Planning Commission as a condition of such approval.

(j) Any sign, other than a temporary sign, for which no variance, conditional use permit, nor approval of the Planning Commission is required shall be registered with the Village Office Clerk on a "Permanent Sign Registration Form" approved by the Planning Commission.

(k) Temporary signs, including portable signs, shall be regulated by this chapter as to sign area and duration of posting, and shall be registered with the Village Office Clerk on a "Temporary Sign Registration Form" approved by the Planning Commission.

(l) Signs shall be designed, constructed and maintained in accordance with the Building Code of the Village of Boston Heights.

(m) No sign shall exist in a state of structural, mechanical, and or general disrepair.

(n) A variance applying to a sign shall be nullified if it is associated with any sign that is in a prolonged state of structural, mechanical, and or general disrepair, or where the use associated with that variance has been abandoned.

(o) A sign may be repaired or replaced with a sign of identical dimensions, location, materials, and appearance, with the approval of the Zoning Inspector.

(p) Any sign not in compliance with this Chapter, other than a sign erected pursuant to a provisional permit, shall be brought into compliance within thirty (30) days of notification by the Zoning Inspector or his or her designee.

1179.04 DISTRICT REGULATIONS.

(a) RES Residential District.

(1) Each dwelling, including home occupation, shall be permitted a single one- or two-sided non-illuminated sign, provided such sign does not exceed two square feet in area, each side. In addition, each dwelling shall be permitted up to five security signs, and one warning placard per one hundred twenty-five feet of lot line, each not to exceed one square foot per side.

(2) Each entrance of a residential subdivision, upon application to, and approval of, the Planning Commission, may be permitted a single one- or two-sided, indirectly-illuminated or non-illuminated subdivision sign, containing only the name of the subdivision, provided such sign does not exceed sixteen (16) square feet per side.

(3) Temporary one- or two-sided non-illuminated signs shall be permitted subject to the General Regulations of this chapter and if any of the following applies:

A. A temporary sign relating to garage or yard sales, or to personal, community or holiday events, shall be permitted on-site provided that each such sign does not exceed four square feet per side, and further provided that such signs shall not be erected for more than thirty

consecutive days and shall not be reissued more than three times in one calendar year per residence.

B. A temporary sign advertising residential property for sale, lease, or rental shall be permitted on that property, provided such sign does not exceed six (6) square feet in area per side, and further shall be removed within seven (7) days after said transaction is finalized. A single additional such sign advertising a real estate “open house” shall be permitted only while the property is open for public inspection.

C. A temporary construction (on-the-job) sign for jobsite identification shall be permitted on-site during active construction, provided such sign shall not exceed four square feet per side, and further provided that such sign shall be removed when the job is completed or delayed.

D. Any political sign that does not exceed twelve (12) square feet per side shall be permitted provided that such sign shall not be erected for more than thirty (30) consecutive days before it must be taken down and, at the property owner’s option, be replaced with a new sign. Each such sign shall be duly registered in accordance with Section 1179.03(j).

(4) Variances in this district may permit more extensive signage if approved by the Board of Zoning Appeals but in no instance shall any such sign be more than two-sided or exceed sixteen (16) square feet per side for a residential use, or exceed thirty-two square feet per side for a non-residential use, or be illuminated except as otherwise permitted in this chapter.

(5) Editor’s Note: Former subsection (a)(5) was repealed by Ordinance 15- 2007, passed August 8, 2007.

(6) Under no circumstances shall any sign erected in this district exceed six (6) feet in height.

(b) OP Office/Professional District.

(1) Each permissible use shall be permitted a single one- or two-sided freestanding sign provided such sign does not exceed thirty-two square feet per side nor exceed six (6) feet in height above the surrounding finished grade. All freestanding signs shall be approved by the Planning Commission.

(2) Each permissible use shall be permitted a single one-sided wall sign permanently attached to the building provided such sign does not exceed thirty-two square feet. No sign shall protrude above or beyond the wall of any building, nor project more than 12 inches from the wall surface. All signs attached to any building shall be approved by the Planning Commission.

(3) Each entry or exit drive shall be permitted a single one- two-sided directional sign, provided such sign not exceed four square feet per side and shall not obscure visibility. All directional signs shall be approved by the Planning Commission.

(4) Temporary one- or two-sided non-illuminated signs shall be permitted subject to the General Regulations of this chapter and if any of the following applies:

A. A temporary sign announcing sales, new products and special business events shall be permitted on-site. Such signs shall be permitted as wall signs or as freestanding signs where other such signs are permitted, in addition to the permanent business signs, provided such signs do not exceed forty percent of the maximum area otherwise permitted for each type of permanent

sign. Such signs shall not be displayed for more than thirty consecutive days and shall not be reissued more than three times in one calendar year per business, except that signs advertising a “special”, “grand opening” or other commercial event of this nature shall be limited to seven (7) consecutive days and shall not be reissued more than once per calendar year per business.

B. A temporary sign advertising the sale, lease, or rental of business property shall be permitted on that property, provided such sign does not exceed six (6) square feet in area per side. Signs advertising the sale of business real estate shall be properly maintained and must be removed seven (7) days after the closing on such property. Signs advertising the rental or lease of business property shall be properly maintained and must be removed seven (7) days after the signing of a rental or lease agreement. Signs advertising the rental or lease of business property shall be permitted only when space is available in that property. A single additional such sign advertising a real estate “open house” shall be permitted only while the property is open for public inspection.

C. A temporary construction (on-the-job) sign for jobsite identification shall be permitted on-site during active construction, provided such sign shall not exceed thirty-two square feet per side, and further provided that such sign shall be removed when the job is completed or delayed.

D. Any political sign that does not exceed twelve (12) square feet per side shall be permitted provided that such sign shall not be erected for more than thirty (30) consecutive days before it must be taken down and, at the property owner’s option, be replaced with a new sign. Each such sign shall be duly registered in accordance with Section 1179.03(j).

(5) Variances in this district may permit more extensive signage if approved by the Board of Zoning Appeals but in no instance shall any such sign be more than two-sided, nor exceed thirty-two square feet per side, nor extend more than eight feet in height from surrounding finished grade.

(c) GB General Business District.

(1) Each business shall be permitted a single one- or two-sided freestanding sign provided such sign does not exceed thirty-two square feet per side nor exceed eight (8) feet in height above the surrounding finished grade. All freestanding signs shall be approved by the Planning Commission.

(2) The maximum total area of all wall signs attached to a building in this district shall be related to the width (W in feet) of the street frontage of the building, or building unit thereof, occupied by the principal use, as follows:

$$\text{maximum sign area (in square feet)} = (W \times 1 \text{ foot}) + 40 \text{ square feet}$$

but no single sign shall exceed 50 square feet, nor shall any combination of signs cover more than 10% of the area of any single building elevation. No sign shall protrude above or beyond the wall of any building, nor project more than 12 inches from the wall surface. All signs attached to any building shall be approved by the Planning Commission.

(3) Each entry or exit drive shall be permitted a single one- or two-sided directional sign, provided such sign not exceed six (6) square feet per side and shall not obscure visibility. All directional signs shall be approved by the Planning Commission.

(4) Temporary one- or two-sided non-illuminated signs shall be permitted subject to the General Regulations of this Chapter and if any of the following applies:

A. A temporary sign announcing sales, new products and special business events shall be permitted on-site. Such signs shall be permitted as wall signs or as freestanding signs where other such signs are permitted, in addition to the permanent business signs, provided such signs do not exceed forty percent of the maximum area otherwise permitted for each type of permanent sign. Such signs shall not be displayed for more than thirty consecutive days and shall not be reissued more than three times in one calendar year per business, except that signs advertising a “special”, “grand opening” or other commercial event of this nature shall be limited to seven (7) consecutive days and shall not be reissued more than once per calendar year per business.

B. A temporary sign advertising the sale, lease, or rental of business property shall be permitted on that property, provided such sign does not exceed six (6) square feet in area per side. Signs advertising the sale of business real estate shall be properly maintained and must be removed seven (7) days after the closing on such property. Signs advertising the rental or lease of business property shall be properly maintained and must be removed seven (7) days after the signing of a rental or lease agreement. Signs advertising the rental or lease of business property shall be permitted only when space is available in that property. A single additional such sign advertising a real estate “open house” shall be permitted only while the property is open for public inspection.

C. A temporary construction (on-the-job) sign for jobsite identification shall be permitted on-site during active construction, provided such sign shall not exceed thirty-two square feet per side, and further provided that such sign shall be removed when the job is completed or delayed.

D. Any political sign that does not exceed twelve (12) square feet per side shall be permitted provided that such sign shall not be erected for more than thirty (30) consecutive days before it must be taken down and, at the property owner’s option, be replaced with a new sign. Each such sign shall be duly registered in accordance with Section 1179.03(j).

(5) Variances in this district may permit more extensive signage if approved by the Board of Zoning Appeals but in no instance shall any such sign be more than two-sided, nor exceed one hundred and fifty square feet per side, nor extend more than forty feet in height from surrounding finished grade.

(d) RB Retail Business District. Signs in this District shall be regulated in accordance the regulations governing the GB General Business Zoning District, in subsection (c) hereof.

(e) LM Light Manufacturing District. Signs in this District shall be regulated in accordance the regulations governing the GB General Business Zoning District, in subsection (c) hereof.

1179.05 REQUIREMENTS FOR ILLUMINATED SIGNS

Illuminated signs shall conform to the following requirements:

(a) Signs that are permitted to be illuminated may be internally or externally illuminated as approved by the Planning Commission. Those signs permitted in the Residential District or upon residential property may only be illuminated with white light.

(b) Any type of external light source used to illuminate a sign face must not interfere with the vision of motor vehicle operators nor shall it shine directly on other adjacent property.

(c) No sign illumination may be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the operation of a motor vehicle.

(d) No sign illumination may be of such intensity or brilliance that it interferes with the effectiveness of any official traffic control device.

(e) All illuminated signs must be equipped with a mechanism that automatically adjusts the brightness to maintain compliance with subsections (b) (c) and (d) of this section.

(f) All illuminated signs must be equipped with a means to immediately turn off the display or lighting in the event of a malfunction and/or a threat to public safety.

(g) If the sign cannot immediately be adjusted to comply with the standards set forth in this section, or if the sign otherwise poses a threat to public safety, then the owner of any such sign must immediately turn off any such sign when ordered to do so by the Zoning Inspector, a police officer, or a firefighter.

1179.06 NON-CONFORMING STATUS

(a) Existing signs that were previously approved or were otherwise conforming with the requirements of these Ordinances, but which will become non-conforming upon the adoption of the provisions of this chapter, shall be permitted except as otherwise provided in this section.

(b) Non-conforming signs that are in a state of mechanical, structural and/or general disrepair must be removed after the property owner is notified by the Zoning Inspector or his or her designated representative.

(c) Non-conforming signs that are abandoned because the business or service advertised by such sign no longer exists on the same property shall be removed after the property owner is notified by the Zoning Inspector or his or her designated representative.

(d) The property owner has thirty (30) days to remove such sign after issuance of such notification.