

**CITY OF HILLSBORO, OHIO**  
**ORDINANCE NO. 2023-28**

**AN ORDINANCE AMENDING SECTION 155 OF THE CODIFIED ORDINANCES OF  
THE CITY OF HILLSBORO PERTAINING TO SIGNS**

**WHEREAS**, a public hearing was held on July 13, 2023 at 6:30 p.m. to consider public comment of an amendment to Section 155 of the Codified Ordinances of the City of Hillsboro; and

**WHEREAS**, upon recommendation of the City of Hillsboro Planning Commission and the Zoning and Annexation Committee, Council desires to amend Section 155 of the Codified Ordinances concerning signs.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HILLSBORO, STATE OF OHIO, WITH A MAJORITY OF ALL COUNCIL MEMBERS CONCURRING THAT:**

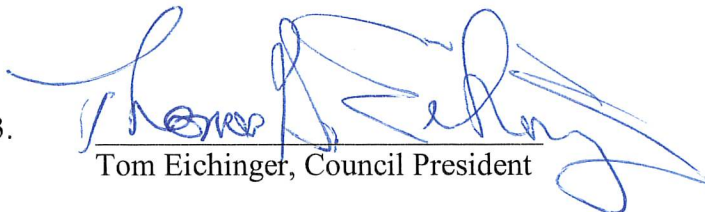
**SECTION 1:** Council hereby authorizes the following amendments to Section 155 of the Codified Ordinances of the City of Hillsboro as attached hereto and incorporated herein by reference as "Exhibit A".

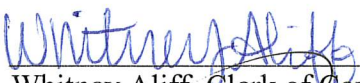
**SECTION 2:** That all language not specifically amended herein shall remain in full force and effect.

**SECTION 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 4:** This Ordinance shall take effect and be in full force upon passage by a majority of Council and approval by the Mayor.

Passed this 14th day of September, 2023.

  
Tom Eichinger, Council President

Attest:   
Whitney Aliff, Clerk of Council

Approved:   
Justin Harsha, Mayor

Date: 9/15/2023

Prepared by the City Law Director.

1st Reading 7/13/23  
2nd Reading 8/17/23  
3rd Reading 9/14/23

**SIGNS****§ 155.125 PURPOSE.**

(A) The purpose of this subchapter is to promote public health, safety, and welfare by establishing regulations that govern the size, character, location, and structural integrity of signs and other advertising structures. This section is enacted to promote:

- (1) Vehicular and pedestrian safety by prohibiting signage that obstructs the view of or distracts attention from traffic control devices and eliminating visual obstructions resulting from signage located adjacent to or over public rights-of-way;
- (2) Public safety by establishing design and maintenance standards for signs that reduce the risk of fire, collapse, and disintegration, and by providing for the inspection and removal of signs that have become unsafe;
- (3) Public safety by prohibiting signs that interfere with firefighting and rescue efforts; and
- (4) Economic well-being by permitting commercial enterprises to use signage of sufficient size to fulfill communicative needs while prohibiting excessively large structures and sign competition.

(B) All standards are intended to promote, and enhance, the ability of residents and visitors to speak freely. The provisions of this section shall be uniformly enforced without regard to the content of any advertising message or the identity of the proponent of that message.

(Ord. 2018-06, passed 7-9-2018, § 155.181)

**§ 155.126 APPLICABILITY.**

(A) The regulations contained within this section shall apply to all signs and to all zoning districts, unless specifically exempted in these regulations.

(B) No sign shall be erected, established, modified, created, or maintained in the city unless it is in compliance with the regulations of this section.

(C) This section shall regulate the height, area, location, graphics, color, materials, and other visual aspects of signs and other advertising structures. It does not regulate the following:

- (1) The display of official specific notices;
- (2) Public seasonal or religious decorations. Except for the regulations listed in §155.125(K)(Signs Not Requiring A Permit);
- (3) The POW/MIA flag or the flag, emblem, or insignia of any governmental agency or political subdivision. Proper flag etiquette should be observed;
- (4) Governmental signs for traffic control and other regulatory purposes;
- (5) Street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety; and
- (6) Public art and murals, provided such displays do not contain any commercial messaging.

(Ord. 2018-06, passed 7-9-2018, § 155.182)

**§ 155.127 GENERAL REQUIREMENTS.**

The following regulations shall apply to all signs within the city.

(A) All freestanding signs (monument signs, ground signs, and the like) must be set back a minimum of ten feet (10ft) from all rights-of-way, unless specifically exempted.

(B) All signs shall conform to the corner visibility triangle regulations as regulated in §155.107(J) (Visibility).

(C) Signs shall not be erected to obstruct sight lines along any public rights-of-way, traffic control lights or signs, street name signs at intersections, or signals at railroad crossings.

(D) Signs shall not project over or obstruct the required windows or doors of any building, and shall not be attached to or obstruct a fire escape, or interfere with other safety provisions as may be further regulated in the Building Code.

(Ord. 2018-06, passed 7-9-2018, § 155.183)

**§ 155.128 PROHIBITED SIGNS.**

The following signs are prohibited:

(A) Any sign that has moving parts, animation, flashing lights, or changing colors except for electronic signs as regulated in § 155.136 (Electronic Signs and Changeable Copy);

(B) Signs with illumination that flash on or off or displays that change degrees in intensity;

(C) Signs visible from the sight lines along a street shall not contain content, coloring, or manner of illumination similar to traffic control signs;

(D) No sign shall be attached to or otherwise applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structures;

(E) Signs placed in the public right-of-way except as specifically permitted within this section;

(F) Tractor trailers displaying the business name or an advertisement, unless they are parked in an established off-street loading area or in an area not visible from the public right-of-way;

(G) Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure;

(H) Off-premises signs except as specifically permitted within this section;

(I) Roof signs and signs that extend above or beyond the building facade, except as otherwise specifically permitted in this chapter;

(J) Flags intended for advertising or commercial purposes;

(K) Signs emitting noise;

(L) Beacons and searchlights, except for emergency purposes; and

(M) Abandoned signs, obscene signs, and portable signs are declared to be a public nuisance and are prohibited.

(Ord. 2018-06, passed 7-9-2018, § 155.184)

#### **§ 155.129 SIGNS NOT REQUIRING A SIGN PERMIT.**

The following signs shall not require a sign permit. (Note: a certificate of appropriateness is required if in the Historic District.)

(A) Signs approved and permitted that have been weathered, damaged, or destroyed that are replaced true to their original permitted design.

(B) Corporate identity flags if limited to one per zoning lot and which portray the emblem, insignia, logo, or trademark of a corporation, business, or development located on the same property;

(C) Commemorative plaques placed by recognized historical agencies;

(D) Signs on the interior of a building that can only be viewed by persons within such building;

(E) Identification signs on dwellings as regulated in § 155.133(A) (Wall Signs on Dwellings);

(F) Identification and directional signs for nonresidential uses as regulated in § 155.134(G) (Identification and Directional Signs);

(G) Window signs;

(H) Letters and numbers identifying the address of any structure;

(I) Interior signs within a stadium, arena, open-air theater, or similar use; and

(J) Signs on fuel pumps.

(K) Construction Signs six square feet (6sq ft) or less

(L) Holiday decorations for religious or national holidays. Such decorations may blink, flash, or move. However, no such decorations shall interfere with traffic, present any hazard, or be detrimental to public health, safety, or morals.

(Ord. 2018-06, passed 7-9-2018, § 155.185; Ord. 2020-02, passed 5-11-2020)

#### **§ 155.130 SIGNS REQUIRING A PERMIT.**

A permit shall be required for signs based on the following conditions:

(A) No person shall locate or display any sign unless all provisions of this zoning code have been met. A permit shall be required for each sign unless specifically exempted from this code;

(B) A sign for which a permit has been issued shall not be modified, relocated, altered, or replaced unless an amended or new permit is obtained from the city, except as allowed in § 155.129 (A)

(C) Sign face changes to an existing sign.

(Ord. 2018-06, passed 7-9-2018, § 155.186; Ord. 2020-02, passed 5-11-2020)

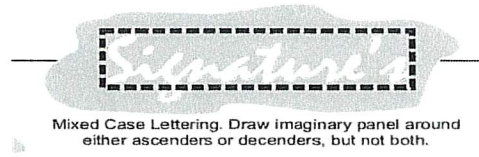


## § 155.131 SIGN COMPUTATIONS.

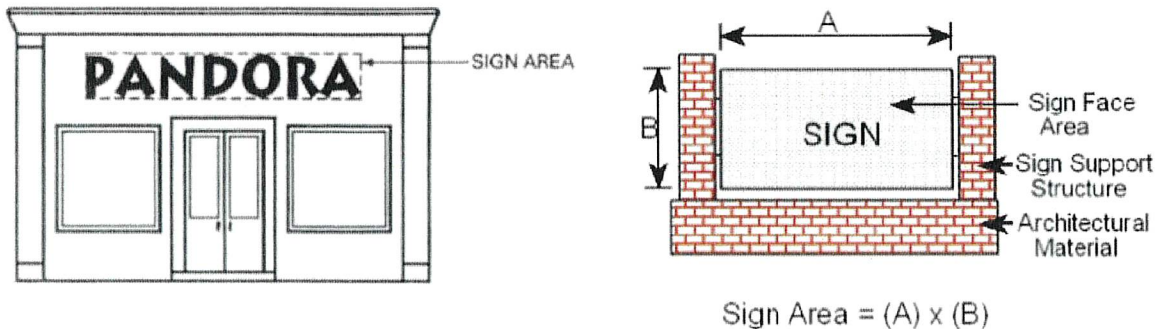
The following regulations shall control the computations of sign area, height, and setback.

(A) *Sign face or area.*

(1) The total sign area shall be measured as the area enclosed by one rectangle, the sides of which make contact with the extreme point or edges of the sign. The area of a sign composed of characters or words, if such characters or words are standalone, without framing or additional backdrop, shall be the smallest rectangle which encloses the entire group of characters or words. For mixed-case lettering the rectangle shall encompass either the ascending or descending letters but not both. (See illustrations below)



(2) Sign area calculations shall exclude the supportive structure if such structure does not form or include a part of the advertisement of the sign.



### Illustrations of sign area calculation for a wall sign (left) and a monument sign (right)

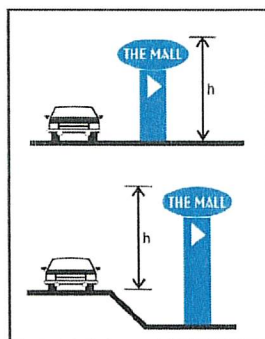
(3) The sign area for a sign with more than one (1) face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one point.

(4) When two (2) identical sign faces are placed back-to-back, so that both faces cannot be viewed from any one (1) point at the same time, and when such faces are part of the same sign structure and are not more than twenty-four inches (24in) apart, the sign area shall be computed by the measurement of one of the faces.

(5) No more than two (2) display faces shall be permitted for freestanding and projecting signs.

(6) In the case of irregularly shaped three-dimensional signs, the area of the display surface shall be measured on the plane of the largest vertical cross section.

(7) Where a free-standing sign or sign structure is mounted along the roadway that has a higher grade level as compared to the grade directly below the free-standing sign or structure. Height of such sign or structure will be measured from the roadway grade, to the highest point of the free-standing sign or structure. (See illustration below)

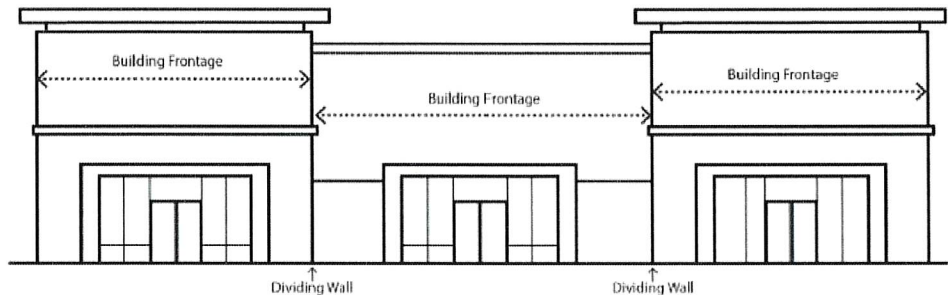


(8) When calculating sign area, fractional amounts are not required to be rounded.

(B) *Street and building frontage.*

(1) The building frontage is the length of an outside building wall on a public or private street.

(2) For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the dividing walls defining the building unit.



How to calculate building frontage for multi-tenant buildings

(C) *Sign height.* The height of a sign shall be computed as the distance from the average natural grade at the base of the sign or support structure to the top of the highest attached component of the sign.

(D) *Sign setback.*

(1) The required setbacks for a sign shall apply to all elements of the sign including its frame and base.

(2) The setback of a freestanding sign shall be measure horizontally from the edge of the sign frame to the street right-of-way line or lot line, as applicable.

(Ord. 2018-06, passed 7-9-2018, § 155.187)

**§ 155.132 ILLUMINATION.**

(A) All signs, except as specifically stated in this section, may be illuminated by internal or reflected light, provided that such illumination shall:

(1) Be shielded from all adjacent residential building and all rights-of-way;

(2) Not have an intensity to cause glare visible to pedestrians or vehicle drivers, nor shall the illumination be of such brightness as to cause reasonable objection from adjacent residential districts; and

(3) Illuminated signs shall not have any part that flashes on or off, has lighting that moves or illustrates movement, or displays changing degrees of intensity in illumination. This regulation applies to signs located outside of buildings and to window signs inside buildings that can be seen from the outside. This prohibition on flashing, moving, or intermittent lighting shall not apply to public service devices or electronic message centers as permitted in this section.

(B) Signs shall not be lighted so as to obstruct traffic control or other public information signs.

(C) Any sign that is allowed to be internally, externally, reflectively, or otherwise illuminated in the Historic and Business "G" Zoning District must be rated at a "color temperature" of 3000k or less.

(D) Any sign having an outside power source shall obtain a permit and electrical inspection to govern safety and conformity with the National Electric Code (NEC).

(Ord. 2018-06, passed 7-9-2018, § 155.188)

**§ 155.133 SIGNS PERMITTED IN RESIDENTIAL ZONING DISTRICTS.**

The following are the signs permitted in the residential zoning districts (Residence "A" District, Residence "B" District, and Residential Farm Land "F").

(A) *Wall signs on dwellings.* One (1) wall sign is permitted on each individual lot used for residential purposes provided that the sign is mounted flush to the facade of the principal dwelling and does not exceed two square feet (2sqft) and is not internally illuminated.

(B) *Residential development/subdivision signs.*

(1) Permanent monument signs or signs attached to a supporting wall or fence may be permitted on both sides of a primary entrance to a residential subdivision that is located on a collector or arterial street.

(2) Each sign may have a maximum sign area of twenty-five square feet (25sqft) not including any fencing, wall, supporting base, or other material use to frame, brace, or otherwise provide structural support for the sign.



- (3) Maximum height is six feet (6ft).
- (4) Signs shall be set back ten feet (10ft) from the public right-of-way and ten feet (10ft) from any adjacent lot lines.
- (5) Such signs shall not be internally illuminated.

(C) *Multi-family identification signs.* One (1) permanent identification sign is permitted for each primary entrance to a multi-family development (i.e., apartment complexes) subject to the following:

- (1) Maximum sign area is twenty-five square feet (25sqft);
- (2) Maximum height is six feet (6ft);
- (3) Sign shall be at least ten feet (10ft) from a side lot line and from any street right-of-way; and
- (4) Sign shall not be internally illuminated.

(D) *Nonresidential uses located in residential zoning districts.*

(1) Nonresidential uses, such as churches, schools, public facilities, and the like, that are located in residential zoning districts are permitted one (1) permanent monument sign subject to the following:

- (a) Maximum sign area is fifty square feet (50sqft);
- (b) Maximum height is six feet (6ft);
- (c) Sign shall be at least ten feet (10ft) from a side lot line and from any street right-of-way; and

(d) Manual changeable copy is permitted per § 155.136 (Electronic Signs and Changeable Copy). Electronic signs shall be considered a conditional use for nonresidential uses in residential zoning districts and shall be subject to the procedures set forth in § 155.046 (Conditional Use Permit) along with the regulations set forth in §155.136 (Electronic Signs and Changeable Copy).

(2) Nonresidential uses that are located in residential zoning districts may be permitted to have one wall sign subject to the following:

- (a) Maximum wall sign area is twenty-five square feet (25sqft);
- (b) Wall sign may not be internally illuminated; and

(c) Wall signs shall not project more than eighteen inches (18in) from the building wall and shall not extend above the wall or beyond the wall to which they are attached.

(E) *Temporary signs.* Temporary signs are regulated in §155.137 (Temporary Signs).

(Ord. 2018-06, passed 7-9-2018, § 155.189)

#### **§ 155.134 SIGNS PERMITTED IN THE COMMERCIAL AND MIXED USE DISTRICTS.**

The following are the signs permitted in the commercial and mixed use zoning districts (Business "C" District, Business and Residential "D" District, and Industrial "E" District). Signs in the commercial and mixed use districts shall be on-premises signs, accessory to the principal use, and be in conformance with the regulations of this section.

(A) *Permitted signs.* Table 11: Summary of Permitted Signs in the Commercial and Mixed Use Zoning Districts illustrates a summary of sign types permitted within each commercial and mixed use zoning district. The symbol "PS" shall mean the specific sign type is permitted within the applicable zoning district subject to all other applicable standards established in this section. The symbol "C" shall mean the specific sign type is permitted with the approval of a conditional use permit and is subject to all other applicable standards established in this section.

<i>Table 11: Summary of Permitted Signs in the Commercial and Mixed Use Zoning Districts</i>				
<i>Type of Sign</i>	<i>Business "C" District</i>	<i>Business and Residential "D" District</i>	<i>Industrial "E" District</i>	<i>See Section</i>
Wall signs	PS	PS	PS	§ 155.134(B)
Monument signs	PS	PS	PS	§ 155.134(C)
Pole signs	PS		PS	§ 155.134(D)
Awning signs	PS	PS	PS	§ 155.134(E)
Projecting signs	PS	PS	PS	§ 155.134(F)
Identification and directional signs	PS	PS	PS	§ 155.134(G)

Nameplate signs	PS	PS	PS	§ 155.134(H)
Menu board signs	PS	PS		§ 155.134(I)
Fuel price displays	PS	PS		§ 155.134(J)
Billboards	C	C	C	§ 155.134(K)
Manual changeable copy	PS	PS	PS	§ 155.136(A)
Electronic signs	PS	PS	PS	§ 155.136(B)

**(B) Wall signs.**

(1) The maximum wall sign area shall be equal to two square feet (2sqft) for each foot of building frontage, except as noted below.

(a) For buildings set back more than two-hundred feet (200ft) from any right-of-way from which the sign is viewed, the maximum wall sign area shall be equal to two and one quarter square feet (2.25sqft) for each foot of building frontage.

(b) For buildings setback more than four-hundred feet (400ft) from any right-of-way from which the sign is viewed, the maximum wall sign area shall be equal to two- and one-half square feet (2.5sqft) for each foot of building frontage.

(2) Buildings located on corner lots or lots with multiple frontages such as double or triple frontage lots may be permitted to have a wall sign on each frontage.

(3) In the case of a multi-tenant building, the calculation found in division (B)(1) of this section shall apply to the area of the front building wall elevation for the individual tenant.

(4) The maximum wall sign area may be divided into multiple signs on the building frontage as long as the combined square footage of all signs does not exceed the maximum wall sign area as calculated in division (B)(1) of this section.

(5) Wall signs shall not project more than eighteen inches (18in) from the building wall and shall not extend above the wall or beyond the wall to which they are attached.

(6) For multi-storied properties with multiple tenants "bonus signage" of thirty square feet (30sqft) is permitted for each eligible frontage. This may be increased by ten square feet (10sqft) for each additional building floor. The sign must be placed at the height at which the bonus has been granted.

(7) Wall signs may utilize manual changeable copy subject to §155.136 (Electronic Signs and Changeable Copy). Wall signs may incorporate an electronic sign subject to the standards designated in § 155.136 (Electronic Signs and Changeable Copy).

**(C) Monument signs.**

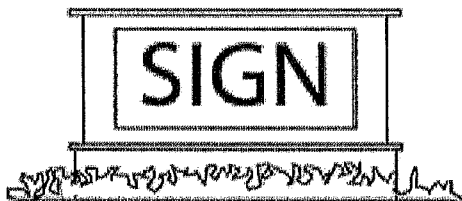
(1) Either one (1) monument or one (1) pole sign is permitted per development. One (1) additional sign may be permitted for each frontage for corner lots or lots with multiple frontages such as double or triple frontage lots.

(2) Maximum height for monument signs is eight feet (8ft).

(3) The area for any monument sign shall not exceed one-hundred square feet (100sqft) of total sign face area. The area of any additional ground signs as permitted in division (C)(1) of this section shall be limited to fifty square feet (50sqft) of total sign face area.

(4) Monument signs may utilize manual changeable copy subject to §155.136 (Electronic Signs and Changeable Copy).

(5) Monument signs may incorporate an electronic sign subject to the standards designated in §155.136 (Electronic Signs and Changeable Copy).



**Example of a Monument Sign**

(D) *Pole signs.*

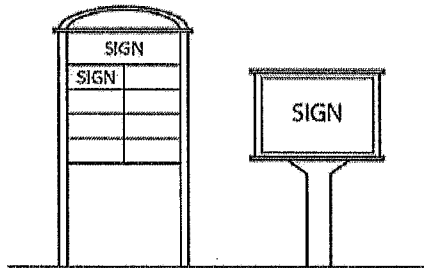
(1) Either one monument or one (1) pole sign is permitted per development. One (1) additional sign may be permitted for each frontage for corner lots or lots with multiple frontages such as double or triple frontage lots.

(2) Maximum height for pole signs is thirty feet (30ft). (See §155.131(A)(7) for additional guidance.)

(3) The area for any pole sign shall not exceed two-hundred square feet (200sqft) of total sign face area. The area of any additional signs as permitted in division (D)(1) of this section shall be limited to one-hundred square feet (100sqft) of total sign face area.

(4) Pole signs may utilize manual changeable copy subject to §155.136 (Electronic Signs and Changeable Copy).

(5) Pole signs may incorporate an electronic sign subject to the standards designated in §155.136 (Electronic Signs and Changeable Copy).



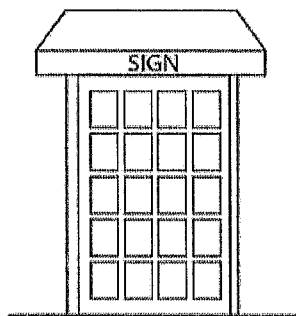
**Examples of Pole Signs**

(E) *Awning signs.*

(1) Regulations for awning signs shall also apply to signs located on canopies (fabric supported structures)

(2) Awnings must be at least eight feet (8ft) above the sidewalk grade and fifteen feet (15ft) above any drive.

(3) Awning signs are permitted in addition to the allowable wall signage as regulated in §155.134(B) (Wall Signs).



**Example of an Awning Sign**

(F) *Projecting signs.*

(1) Projecting signs may be attached to the building wall or canopy and project at an angle of approximately 90-degrees or may be attached to the corner of a building and may project at a 45-degree angle from the building wall or canopy for a distance of not more than four feet (4ft). In no instance should a projecting sign of either configuration project over another owners' property, or any public or private drive.

(2) Projecting signs must be at least eight feet (8ft) above the sidewalk grade.

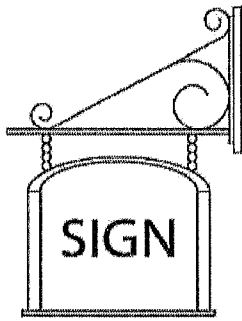
(3) All projecting signs shall be rigidly fastened to allow no structural movement.

(4) Projecting signs may be internally illuminated, subject to the criteria defined in §155.132(Illumination).

(5) Projecting signs are permitted in addition to the allowable wall signage as regulated in §155.134(B)(Wall Signs)

(6) Projecting signs that extend into the right-of-way, will need to get permission for the right-of-way encroachment from the Safety and Service Director.

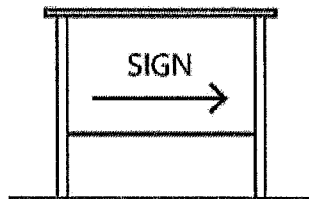




**Example of a Projecting Sign**

(G) *Identification and directional signs.* Identification and direction signs indicating traffic routes or serving similar functions shall be permitted subject to the following.

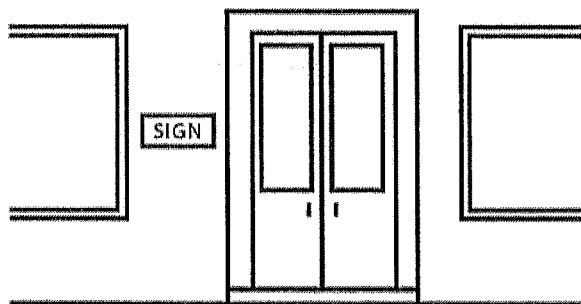
- (1) Signs shall be setback ten feet (10ft) from all lot lines and all rights-of-way.
- (2) Such signs shall not exceed six square feet (6sqft) in sign area.
- (3) Maximum height of such signs is six feet (6ft).



**Example of an Identification or Directional Sign**

(H) *Nameplate signs.*

- (1) Buildings or developments may install nameplate signs for the purpose of establishing the identity of establishments within the development.
- (2) Signs shall not exceed four square feet (4sqft) and may be wall or ground signs.
- (3) Ground signs must be a minimum of ten feet (10ft) from any side lot line and street right-of-way.



**Example of a Nameplate Sign**

(I) *Menu board signs.*

- (1) Two (2) menu board signs (a preview board plus a menu board) are permitted for each stacking lane in a drive-through facility. Each menu board shall not exceed forty-eight square feet (48sqft) in sign area. Any attachments, such as pictures or photographs of food, or other items shall be included within the maximum sign area.
- (2) Menu board signage shall be permitted in addition to the allowable monument signage and other applicable signage.
- (3) No menu board shall exceed eight feet (8ft) in height.

(J) *Fuel price displays.*

(1) Manual changeable copy fuel price displays, incorporated into a permitted sign of an establishment that sells gasoline or other vehicle fuels, are permitted.

(2) Electronic fuel price displays, incorporated into a permitted sign of an establishment that sells gasoline or other vehicle fuels, are permitted subject to the following.

(a) The electronic fuel price display shall not exceed fifty percent (50%) of the permitted sign area and in no case shall the fuel price display be greater than forty square feet (40sqft) in area.

(b) Electronic fuel price displays shall be one (1)-color LED technology.

(c) Electronic fuel price displays shall come equipped with automatic dimming capabilities and shall automatically dim to a corresponding reduction in ambient light. In no instance shall the electronic fuel display cause light trespass onto an adjacent residential district or use.

(d) The electronic fuel price display shall be static and may not display animated, scrolling, moving, or flashing messages or video.

(K) *Billboards.*

(1) All billboards within the city shall conform to the outdoor advertising device regulations of the Ohio Revised Code and the Ohio Department of Transportation, as applicable.

(2) (a) No additional billboards are permitted within the city.

(b) The billboards that are existing as of the effective date of this chapter may remain and are considered permitted uses.

(c) Face changes and regular maintenance of such billboards is permitted, but if an existing billboard is proposed to be rebuilt, converted to an electronic billboard, increased in size, or other similar transformation, a conditional use permit will be required.

(Ord. 2018-06, passed 7-9-2018, § 155.190)

**§ 155.135 SIGNS PERMITTED IN THE HISTORIC AND BUSINESS “G” ZONING DISTRICT.**

The following are the signs permitted in the Historic and Business “G” Zoning District. Such signs shall be on-premises signs, accessory to the principal use, and be in conformance with the regulations of this section.

(A) *Approval.* All signs in the Historic and Business “G” Zoning District are subject to review and approval by the Hillsboro Design Review Board.

(B) *Signs for residential uses in the Historic and Business “G” Zoning District.* Signs for residential uses in the Historic and Business “G” Zoning District shall be governed by the sign regulations for residential districts set forth in § 155.133 (Signs Permitted in Residential Zoning Districts).

(C) *Signs for commercial uses in the Historic and Business “G” Zoning District.*

(1) *Wall signs.*

(a) The maximum wall sign area shall be equal to one and one-half square feet (1.5sqft) for each foot of building frontage.

(b) Buildings located on corner lots or lots with multiple frontages such as double or triple frontage lots may be permitted to have a wall sign on each frontage.

(c) In the case of a multi-tenant building, the calculation found in division (C)(1)(a) shall apply to the area of the front building wall elevation for the individual tenant.

(d) Wall signs shall not exceed thirty percent (30%) of the building height and shall not exceed seventy-five percent (75%) of the building frontage width.

(e) No wall sign shall project above the roof line.

(f) Wall signs shall not project more than eighteen inches (18in) from the building wall and shall not extend above the wall or beyond the wall to which they are attached.

(g) Internally illuminated signs shall be subject to the procedures set forth in §155.046 (Conditional Use Permit) and §155.132 (Illumination). Electronic signs are prohibited in the Historic and Business “G” Zoning District.

(2) *Marquee signs.*

(a) The maximum area of a marquee sign shall either be one and one-half square feet (1.5sqft) for each linear foot of building frontage or the perimeter of the three (3) exposed sides of a marquee measured in feet multiplied by five square feet (5sqft), whichever is greater.

(b) Marquee signs shall have minimal vertical clearance of ten feet (10ft) above the grade of the sidewalk and fourteen feet (14ft) above the grade of any driveway or other area open to vehicular traffic.

(c) A marquee sign shall not extend above the roof line of the building to which it is attached.

(d) Marquee signs may be internally illuminated and are permitted to have chase lights similar to classic marquee signs.

(3) *Monument signs.*

(a) One (1) monument sign is permitted per parcel.

(b) One (1) additional monument sign may be permitted for each linear frontage for corner lots or lots with multiple frontages such as double or triple frontage lots.

(c) Maximum height for monument signs is four feet (4ft).

(d) The area for any monument sign shall not exceed twenty-five square feet (25sqft) of total sign face area. The area of any additional ground signs as permitted in division (C)(2) of this section shall be limited to eighteen square feet (18sqft) of total sign face area.

(e) Monument signs may utilize manual changeable copy subject to §155.136 (Electronic Signs and Changeable Copy).

(f) Internally illuminated signs shall be subject to the procedures set forth in §155.046 (Conditional Use Permit) and §155.132 (Illumination).

(4) *Awning signs.* Awning signs are subject to the regulations set forth in §155.134(E) (Awning Signs).

(5) *Projecting signs.*

(a) One (1) projecting sign is permitted per parcel.

(b) Projecting signs are subject to the regulations set forth in §155.134(F) (Projecting Signs).

(6) *Nameplate signs.* Nameplate signs are subject to the regulations set forth in §155.134(H) (Nameplate Signs). (Ord. 2018-06, passed 7-9-2018, § 155.191)

**§ 155.136 ELECTRONIC SIGNS AND CHANGEABLE COPY.**

(A) *Manual changeable copy.* Up to fifty percent (50%) of a permitted monument sign may incorporate manual changeable copy in the Business "C" District, Business and Residence "D" District, Industrial "E" District, and the Historic and Business "G" District, along with nonresidential planned unit developments and nonresidential uses in residential zoning districts.

(B) *Electronic sign standards.* The following standards apply to all electronic signs within the city. Additional standards may apply.

(1) Electronic signs shall conform to the following standards set forth in Table 12: Electronic Sign Standards in addition to the other standards set forth in this section.

<b>Table 12: Electronic Sign Standards</b>				
<b>Height of Sign</b>	<b>Maximum LED Pitch Spacing</b>	<b>Maximum Daytime Brightness</b>	<b>Maximum Nighttime Brightness</b>	<b>Minimum Hold Time</b>
0 ft.—8 ft.	12 mm	7,500 nits	500 nits	8 seconds
8 ft. +	16 mm	7,500 nits	500 nits	8 seconds

(2) Each electronic sign shall contain a default mechanism that will freeze the sign in one (1) position or make the screen go black whenever the aggregate area or any part of the electronic video display panel is unlit or malfunctions to the extent that it exceeds five percent (5%) of the total video.

(3) Electronic signs shall have an automatic dimming capability that adjusts the brightness to the ambient light at all times of day and night. In no instance shall the electronic sign cause light trespass onto an adjacent residential district or use.



(4) Each electronic sign shall be static and may not display animated, scrolling, moving, or flashing messages or video which simulates such. Each static message shall change instantaneous without fading, flashing, or animation of the message or image.

(5) Only one (1) electronic sign is allowed per parcel or development.

(6) Electronic signs shall use full-color LED technology.

(Ord. 2018-06, passed 7-9-2018, § 155.192)

#### **§ 155.137 TEMPORARY SIGNS.**

(A) *Standards that apply to all temporary signs.*

(1) No temporary sign shall be mounted, affixed, installed, or otherwise secured by any permanent means to any building, permanent sign, other structure, or improvement or to the ground upon which it is erected.

(2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roof of a structure.

(3) Lighting shall be prohibited for temporary signs.

(4) No temporary sign shall be located in a right-of-way, except if specifically exempted in this section, see §155.135 (Signs Permitted in the Historic and Business "G" Zoning District).

(B) *Temporary wall signs.* Temporary wall signs (i.e., banners) are permitted in the following zoning districts: Business "C" District; Business and Residential "D" District; and the Industrial "E" District. They are also permitted on multi-family residential developments in the Residence "B" District. Temporary wall signs are subject to the following.

(1) Signs shall be placed on the exterior of the building.

(2) Signs shall not exceed forty square feet (40sqft) in sign area or two percent (2%) of the building wall, whichever is greater.

(3) Signs shall be limited to one-hundred-twenty (120) days per calendar year. Property owners or applicants may decide in what frequency and length to allocate the one-hundred-twenty (120) days. Extensions of this time limit can be granted by the Safety and Service Director.

(4) For multi-tenant buildings, up to two (2) special event signs may be displayed on the building at any one (1) time.

(C) *Temporary ground signs.* Temporary ground signs (i.e., real estate signs, political signs, and special event signs) are permitted in every zoning district subject to the following regulations.

(1) *Temporary ground signs in residential zoning districts.* Temporary ground signs in the Residence "A" District, Residence "B" District, and Residential Farm Land "F" District are permitted subject to the following.

(a) Four (4) temporary ground signs are permitted per parcel.

(b) Maximum sign area for each sign is twelve square feet (12sqft).

(c) Maximum sign height is four feet (4ft).

(d) Signs shall be setback a minimum of five feet (5ft) from any right-of-way and ten feet (10ft) from any side lot line.

(e) Illumination of such signs is prohibited.

(2) *Temporary ground signs in commercial and mixed use zoning districts.* Temporary ground signs in the Business "C" District, Business and Residential "D" District, Industrial "E" District, and Historic and Business "G" District are permitted subject to the following.

(a) Four (4) temporary ground signs are permitted per parcel.

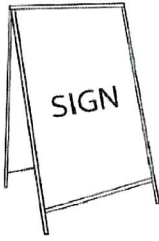
(b) Maximum sign area for each sign is thirty-two square feet (32sqft).

(c) Maximum sign height is six feet (6ft).

(d) Signs shall be setback a minimum of ten feet (10ft) from any right-of-way and any side lot line. In the Historic and Business "G" District, temporary ground signs shall be located on private property, completely out of the public-right-of-way, unless permission is granted for right-of-way encroachment by the Safety and Service Director.

(e) Illumination of such signs is prohibited.

(D) *A-frame signs.* One (1) A-frame sign is permitted per lot in the Historic and Business "G" District provided that the A-frame sign is located on private property completely out of the public-right-of-way, unless permission is granted for right-of-way encroachment by the Safety and Service Director. A-frame signs shall be displayed only when the business it advertises is open.



Example of an A-Frame Sign

(E) *Special event balloons.*

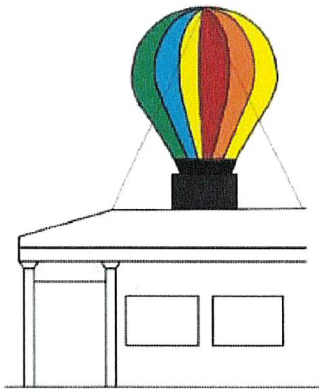
(1) Balloons shall be of the fan inflatable type, with no inherent movement, and shall be located a minimum of fifteen feet (15ft) from the street right-of-way.

(2) Balloons shall be tethered or fastened to the ground or a structure so that the balloon cannot shift more than three feet (3ft) horizontally under any condition.

(3) On corner lots, no balloons may be located within the sight visibility triangle as described in §155.107(J) (Visibility).

(4) The duration of special event balloons shall be appropriately limited, and shall in no event exceed two (2) consecutive weeks. Special event balloons shall be limited to four (4) occasions during any calendar year on the same parcel. There shall be a minimum of a one (1)-month period between the end of one occasion and the beginning of the next on the same parcel.

(5) Temporary special event balloons are allowed in the following zoning districts: Business "C" District; Business and Residential "D" District; and the Industrial "E" District.



Example of a Special Event Balloon

(F) *Teardrop flags.* Teardrop flag signs in the Business "C" District, Business and Residential "D" District, and Industrial "E" District are permitted subject to the following:

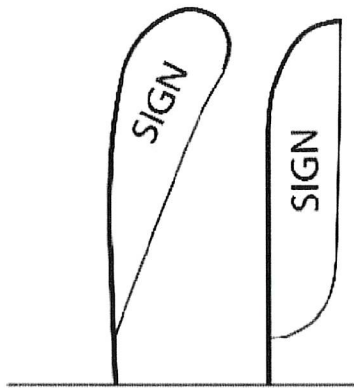
(1) Two (2) teardrop flags are permitted per parcel.

(2) Maximum height is ten feet (10ft).

(3) Maximum width of sign is four feet (4ft).

(4) Teardrop flags shall be limited to one-hundred-twenty (120) days per calendar year. Property owners or applicants may decide in what frequency and length to allocate the one-hundred-twenty (120) days. Extensions of this time limit can be granted by the Safety and Service Director.

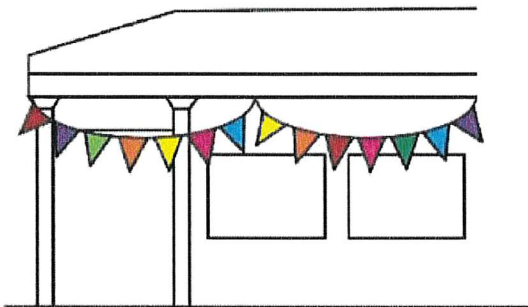
(5) On corner lots, teardrop flags may not be located within the corner visibility triangle as described in §155.107(J) (Visibility).



**Examples of Teardrop Flag Signs**

(G) *Streamer signs.*

- (1) Streamer signs, including strings of pennants, banners, flags, balloons, or reflectors, or other similar advertising device are permitted on an individual basis by the Safety and Service Director.
- (2) The duration of such signs shall be appropriately limited, and shall in no event exceed two (2) consecutive weeks.
- (3) Streamer signs shall be limited to four (4) occasions during any calendar year on the same parcel.
- (4) There should be a minimum of a one (1)-month period between the end of one occasion and the beginning of the next on the same parcel.



**Example of a Streamer Sign (String of Pennants)**

(Ord. 2018-06, passed 7-9-2018, § 155.193)

**§ 155.138 NONCONFORMING SIGNS.**

Nonconforming signs shall be regulated as follows.

(A) A sign conforming to the regulations prevailing on the effective date of this code, but which does not conform to the regulations of this or a subsequent amendment, shall be construed as a legal nonconforming sign.

(B) Legal nonconforming signs may be maintained and structural parts repaired or restored to a safe condition if required, and if all applicable permits are obtained. However, when a nonconforming sign has been blown down or destroyed to the extent that more than fifty percent (50%) of its replacement value to repair, or otherwise taken down for any purpose, it shall not be rebuilt, re-erected, or relocated unless it shall be made to comply with current provisions of this code.

(C) No nonconforming sign shall be allowed to remain for more than six (6) months, after the use of land or building, for which the sign relates, has ceased by discontinuance or abandonment. The property owner of a nonconforming sign may receive a notice from the municipality to conform the sign to this code and other applicable regulations of the municipality within thirty (30) days of the date of notice. If the property owner fails to



comply with the notice, the municipality may issue an order to the property owner that the sign must be removed within five (5) months from the date of the order. A sign that is not removed within five (5) months in compliance with the order may be removed by the city at the expense of the property owner. To recover the costs from the property owner, the Clerk of the municipality may certify the total cost, together with a proper description of the land, to the County Auditor to place costs upon the tax duplicate, or the city may commence a civil action against the property owner for the costs.

(Ord. 2018-06, passed 7-9-2018, § 155.194)

#### **§ 155.139 MAINTENANCE OF SIGNAGE.**

(A) (1) All signs and sign structures shall be legally maintained in a safe and attractive condition. For the purposes of this section, a sign is not legally maintained if any of the following occur:

(a) The appearance of rust, cracks, electrical defects, fraying, chipped paint or other materials;

(b) Structural defects or other defects; or

(c) The commercial message of the sign no longer pertains to any business activity on the site which the sign is located.

(2) Such factors shall cause it to be presumed that the sign has been abandoned and is not being legally maintained. The property owner of the sign may receive notice from the city to return the sign to its original satisfactory condition within thirty (30) days of the date of the notice. If the property owner does not comply, then the sign will be declared to be a nuisance contributing to visual blight and to be abandoned.

(B) (1) The municipality may issue an order to the property owner that an abandoned sign must be removed within six (6) months from the date of abandonment.

(2) An abandoned sign that is not removed within six (6) months, or brought into compliance with these regulations, may be removed by the city at the expense of the property owner.

(3) To recover the costs from the property owner, the Clerk of the city may certify the total cost, together with a proper description of the land, to the County Auditor to place costs upon the tax duplicate, or the city may commence a civil action against the property owner for the costs.

(Ord. 2018-06, passed 7-9-2018, § 155.195)

## **ENFORCEMENT**

#### **§ 155.150 ENFORCEMENT.**

The provisions of this code shall be enforced by the Safety and Service Director or any of his or her duly authorized agents.

(A) The Safety and Service Director or his or her authorized agents may order in writing the remedying of a condition found in violation of this code within a reasonable time, or immediately in the case of imminent danger to life and property, or if the order requires a cessation of use. This order may include an order to vacate the premises or to remove any building or structure as a sole exception or alternative method of remedying the condition. Such order may also include the remedying of any conditions existing in violation of any other regulations of the city for which the Safety and Service Director or his or her authorized agents is an enforcing authority.

(B) Enforcement by issuance of any order is not an exclusive method of enforcement and shall not be construed as a condition precedent to or a waiver of any civil actions, citations, summons, or other enforcement procedure or measure available to the city under this code, other ordinance of the city, or state law.

(C) The order shall be served upon the owner, his or her authorized agent, a person performing work on the premises, or the occupant of the building or portion thereof personally, by certified mail, or by posting a copy at a clear and visible place on the premises.

(Ord. 2018-06, passed 7-9-2018, § 155.201)

#### **§ 155.151 CIVIL REMEDIES AVAILABLE.**

The city shall have the civil remedies available to it under the law, including equitable remedies to compel the vacation of the property or the removal of any unauthorized structure or cessation of such structure or use.

(Ord. 2018-06, passed 7-9-2018, § 155.202)

#### **§ 155.152 VIOLATIONS.**

(A) For any building or structure that is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land that is proposed to be used in violation of this code or any amendment or supplement thereto, then the Safety and Service Director, the City Law Director, or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use, or to restrain, correct or abate such violation to prevent the occupancy of the said building, structure, or land or to prevent any illegal act, conduct, business, or use in or about, such premises.

(B) No person shall fail or refuse to comply with an order issued by the Safety and Service Director. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

(C) Furthermore, no person shall construct, modify, alter, use, or occupy any structure or property in violation of this zoning code. A separate offense shall be deemed committed each day upon which a violation occurs or continues. (Ord. 2018-06, passed 7-9-2018, § 155.203)

#### **§ 155.153 NOTICE OF VIOLATIONS.**

The notice of any violation of this zoning code shall be as follows.

(A) Whenever the Safety and Service Director determines there is a violation of any provision of this zoning code, a notice of such violation shall be issued. Such notice shall be in writing, identify the violation, include a statement of the reason or reasons why it is being issued and refer to the section of this zoning code being violated; and state the time by which the violation shall be corrected.

(B) Service of the notice of violation shall be by personal delivery to the person or persons responsible, by first class mail, or by posting a copy of the notice form in an obvious place on the premises found in violation.

(Ord. 2018-06, passed 7-9-2018, § 155.204)

#### **§ 155.154 FEES.**

The fees for all applicant costs incurred in this code shall be established by City Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this code, unless and until a filing fee is paid to the city and the application is deemed complete by the city.

(Ord. 2018-06, passed 7-9-2018, § 155.206; Ord. 2020-21, passed 2-8-2021)