

CITY OF OBERLIN, OHIO

ORDINANCE No. 19-24 AC CMS

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 1351 OF THE OBERLIN CODIFIED ORDINANCES THAT REFERENCE CONTENT IN THE REGULATION OF SIGNAGE WITHIN THE CITY OF OBERLIN AND DECLARING AN EMERGENCY.

WHEREAS, the City of Oberlin Planning Commission has recently completed a review of the City’s sign regulations in light of the 2015 United States Supreme Court decision in *Reed vs. Town of Gilbert, Arizona* and certain revisions thereto as recommended by legal counsel; and,

WHEREAS, the City of Oberlin Planning Commission has recommend that the proposed amendments to Chapter 1351 of the Oberlin Codified Ordinances as set forth on Exhibit A attached hereto be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1: That the proposed amendments to Chapter 1351 of the Oberlin Codified Ordinances as are set forth on Exhibit A attached hereto be and are hereby adopted.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption 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 action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: to assure that the regulations contained in Chapter 1351 of the Oberlin Codified Ordinances are consistent with First Amendment to the United States Constitution as interpreted by the United State Supreme Court, and shall take effect immediately upon passage.

PASSED: 1st Reading: April 15, 2019 (E)
2nd Reading: _____
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 04/16/2019

EFFECTIVE DATE: 04/15/2019

1351.01 PURPOSE.

The purpose of this chapter is to provide regulations to control the type, design, size, time and manner of display, location, and maintenance of signs in order to:

- (a) Protect the public health, safety, and general welfare in all districts;
- (b) Promote clarity in sign regulation;
- (c) Promote harmony between and among the physical characteristics of signs and the physical characteristics of surrounding land, structures, and other development features;
- (d) Promote attractive and orderly appearance in all districts.
- (e) Preserve the right of free speech and expression in the display of signs.

1351.02 APPLICABILITY.

(a) This Chapter shall apply to any sign erected or constructed after the effective date of this Chapter and to any sign which replaces an existing sign or component thereof.

(b) Noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech provided that the sign structure is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any provision to the contrary in this Chapter.

1351.03 PERMITS, FEES, INSPECTIONS.

(a) Permit Required. A Sign Permit shall be required prior to the erection, display, relocation, replacement, reinstallation, or alteration of any sign, including temporary signs, except as otherwise specifically exempted by this Chapter.

(1) In the event a Sign Permit is required under this Chapter, it shall be obtained by the owner of the lot on which the sign will be located, or by his/her authorized representative. The owner or representative shall submit a Sign Permit Application, fee, and such other information as required to determine and document compliance with the ordinances of the City of Oberlin.

(2) When any sign that is subject to the provisions of this Section is erected, displayed, relocated, replaced, reinstalled, or altered prior to obtaining a Sign Permit, the required fees shall be tripled.

(3) A Sign Permit shall not be deemed to constitute permission or authorization to establish or maintain an unlawful sign nor constitute a defense in action to abate an unlawful sign.

(b) Exempted from Permit. A Sign Permit shall not be required for the following signs in all Districts provided such signs conform in all respects with the provisions of this Chapter:

(1) A sign or signs on one lot, having a total sign surface area of four (4) square feet or less.

(2) A temporary window sign.

(3) A notice sign related to public safety matters (e.g., trespassing, caution, private driveway, or similar information) is allowed for each 100 feet of frontage on a street or bikeway, provided such sign is non-illuminated and does not exceed two (2) square feet in area.

(4) Governmental, Public Utility Signs. A Sign Permit shall not be required for a sign erected by any governmental unit or public utility for the purpose of protecting or promoting public health, safety, and general welfare, including regulatory signs, warning signs, public facility identification signs, directional signs placed by the City in the public right-of-way for the safety and general welfare of motorists, cyclists and pedestrians, and municipal corporate boundary signs, provided that such signs are otherwise consistent with this Chapter and with state and federal laws.

(Ord. 12-68 AC CMS. Passed 10-15-12.)

1351.04 GENERAL REGULATIONS.

The following provisions shall apply to signs in all districts:

(a) Measurement of Surface Area of Sign and Sign Height.

(1) The area within one (1) rectangle enclosing the limits of lettering, emblems, and other figures or elements of a sign, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed shall be included in the calculation of sign surface area.

(2) The sum of the area of two (2) rectangles enclosing all individual letters, emblems, and other figures or elements of a sign mounted on a wall and having no background features distinguished from the normal wall surface shall be included in the calculation of sign surface area.

(3) Structural members bearing no sign copy shall not be included in the calculation of sign surface area.

(4) Sign height shall be measured as the vertical distance measured from the average of the original or natural ground elevation to the highest point of the sign.

(b) Wiring Underground. Electrical wiring serving any sign shall be installed underground, on, or within the structure to which the sign is attached.

(c) Maintenance and Repair Required. All signs and their component parts of each, shall be kept in good repair.

No sign shall be permitted to become deteriorated, dilapidated, abandoned, or constitute a hazard to the public safety. Such signs shall be promptly removed as ordered by the Building Official.

Changes to the panels, height, size, shape, or location of a nonconforming sign are not permitted unless the sign is brought into compliance with this Chapter. Normal

maintenance (i.e. painting, cleaning or minor repair) to ensure the continued safe display of the sign shall be permitted.

(d) Prohibited Signs. The following signs are prohibited, except as otherwise specifically permitted by other provisions of this Chapter:

- (1) A pennant, flag, banner, streamer, balloon, inflatable device or similar types devices made of flexible cloth, paper, plastic or other flexible fabric;
- (2) A sign which employs any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention;
- (3) A sign illuminated by or having flashing or moving lights or other intermittent illumination, including but not limited to electronic message signs;
- (4) A beacon or searchlight;
- (5) A sign on a motor vehicle, trailer, or other vehicle or conveyance which is visible from a public right-of-way, except an identification sign affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;
- (6) A sign which projects from a building more than twelve (12) inches, except a theater marquee sign or an awning sign;
- (7) A sign placed in a street, public right-of-way or easement, or other public property or on a utility pole or tree, except those signs authorized by local, state or federal government to be located in the public right-of-way or on public property for public health and safety purposes;
- (8) A sign placed, inscribed or supported upon a roof or upon any structure which extends above the roof of any building;

~~(9)~~ (9) A sign which creates a traffic or pedestrian hazard by obstructing the view at any intersection or that has a design that resembles common traffic control devices by reason of color, shape or other characteristics, or that creates a public safety hazard by any other means;

~~(10)~~ (10) A sign having illumination which causes annoying reflection or glare to a person possessing reasonable sensibilities;

~~(11)~~ (11) A sign constructed of any material insufficiently durable for the proposed location, use, or life expectancy of the sign;

(e) Non-conforming Signs. A sign that legally existed before the effective date of this Chapter may be continued even though the sign does not conform to the provisions of this Chapter provided that the sign complies with the requirements of the public health, safety or general welfare. Changes to the panels, height, size, shape, or location of a nonconforming sign are not permitted unless the sign is brought into compliance with this Chapter. Normal maintenance (i.e. painting, cleaning or minor repair) to ensure the continued safe display of the sign shall be permitted.

1351.05 SIGNS IN RESIDENTIAL DISTRICTS.

The following provisions shall apply to signs in residential districts:

(a) Permitted Signs. The following signs shall be permitted.

(1) Multi-Purpose Sign. One sign per building is permitted, not to exceed four (4) square feet in surface area.

(b) Signs for Non-Residential Uses.

(1) For a non-residential use, one sign which may include a changeable message sign is permitted, with a surface area not exceeding twenty (20) square feet. If the non-residential use is on a corner lot, two (2) such signs are permitted. One additional sign, with a surface area not exceeding twenty (20) square feet, may be located on the front wall of the building.

(c) Subdivision Entrance Sign. One or permanent freestanding sign may be located on a lot common area ~~lots within~~ at each public entrance to a subdivision, as defined and approved under the Subdivision Ordinance. A subdivision entrance sign surface area shall not exceed twenty (20) square feet, not including pilasters or other elements of the structure supporting the sign. A perpetual agreement, approved by the Law Director, shall be established for the maintenance of such sign prior to issuing a permit.

(d) Temporary Signs. Sign permits are not required for these signs:

(1) Temporary Signs.

(A) One (1) temporary sign with a commercial message is permitted per lot.

(B) Temporary signs communicating non-commercial messages.

(C) Temporary signs shall have a surface area not greater than six (6) square feet if one sign face, or up to two sign faces back to back not exceeding six (6) square feet each.

(2) Sign Displayed During Construction. One sign per lot shall be permitted during the period of active site development and building construction for a use other than a single family or two family dwelling. The surface area of such sign shall not exceed twenty (20) square feet. The permit for a sign permitted by this subsection (d)((2) shall be issued for a period of no more than one year and may be extended for up to twelve (12) months at a time.

(3) Sign Displayed During Subdivision Development. One freestanding sign shall be permitted on a single lot or common area within and near each entrance of a subdivision as defined by the Subdivision Ordinance. Such sign shall not exceed twenty (20) square feet in area. The permit for a sign permitted by this subsection (d)(3) shall be issued for a period of no more than one year and may be extended for up to twelve (12) months at a time.

(e) Special Residential District Regulations. The following provisions shall apply to all signs in residential districts.

(1) Location and Height. Signs in residential districts shall not exceed six (6) feet in height, shall not be located closer to a public right-of-way than ten (10) feet, and shall not be located closer to any other lot line than five (5) feet.

(2) Illumination Prohibited. Signs in residential districts shall not be illuminated except by approval of the Planning Commission. Electronic message signs shall not be permitted in residential districts.

1351.06 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

The following provisions shall apply to signs in commercial and industrial districts including but not limited to "C-1", "C-2", "C-3", "O" and "M-1" districts.

(a) Permitted Signs. The following signs shall be permitted, provided that the total sign surface area of such signs shall comply with the provisions of Section 1351.06(b)(3) and any other provisions or exceptions relating to total sign surface area.

(1) Wall, Freestanding and Window Signs.

(A) Wall Sign. One or more signs may be located on the front wall of a building. Such sign or signs shall be attached to the front wall of the building in a plane parallel to the plane of the wall and shall not extend more than twelve (12) inches from the wall of the building. For a building located on a corner lot, one additional wall sign may be located on that wall which most nearly parallels the right-of-way of the side street, provided that such side wall sign shall not have an area larger than fifty percent (50%) of the total sign surface area permitted for the lot.

(B) Rear or Side Entrance Wall Sign. One rear or side entrance wall sign is permitted on a building which has a rear or side entrance from a parking lot open to the public, provided that the surface area shall not exceed fifty percent (50%) of the total sign surface area permitted for the lot. The sign shall be located on the wall next to or above the rear or side entrance.

(C) Freestanding Sign. One (1) freestanding sign for each lot may be permitted in the "C-1", "C-2" and "C-3" commercial districts, "O"/Office District and in the "M-1" Light Industrial District. A freestanding sign shall not exceed ten (10) feet in height, shall not exceed a total of fifty (50) square feet in area for a sign with two or more faces and twenty-five (25) square feet for a sign with a single face. Such sign shall not be located closer to the public right-of-way than fifteen (15) feet and not closer than five (5) feet to any other lot line.

On a lot where the visibility of a freestanding sign will be obstructed by the location of existing buildings on adjacent lots, a freestanding sign may be permitted with a setback from the right-of-way of no less than two (2) feet, provided that such sign

shall have only one (1) face which shall be parallel to the right-of-way line and shall not exceed twenty (20) square feet in surface area.

(D) Permanent Window Sign. One (1) or more permanent signs attached to windows or visible from the street through windows are permitted provided that each such sign shall not have a surface area greater than fifty percent (50%) of the area of the window to which it is attached or through which it is visible. A permanent window sign shall be included in calculation of the total sign surface area permitted for the lot.

(2) Temporary Signs. Sign permits are not required for the following signs:

- (A) One (1) temporary sign with a commercial message is permitted per lot.
- (B) Temporary signs communicating non-commercial messages.
- (C) Temporary signs shall have a surface area not greater than twelve (12) square feet if one sign face, or up to two sign faces back to back not exceeding twelve (12) square feet each.

(3) Sidewalk Signs.

(A) Sidewalk signs shall be permitted if they comply with applicable provisions of Chapter 795 and are located in front of properties in that part of the "C-1"/Central Business District bounded by Lorain, Pleasant, Vine and Professor Streets. The area of a sidewalk sign shall not be included in the calculation of the total sign surface area permitted for a building.

(b) Special Commercial and Industrial District Regulations.

(1) Sign Location. Except where specifically permitted by this chapter at a different distance, no sign shall be permitted closer to the public right-of-way than fifteen (15) feet and no sign shall be permitted closer to any lot line than five (5) feet.

(2) Wall and Window Signs. No sign shall project beyond or above the wall of the building it is attached to. No wall or window sign shall be placed higher than the lowest point of the following unless approved by the Planning Commission:

(A) Twenty-five (25) feet above the elevation of the sidewalk or natural ground level at the base of the wall to which the sign is attached; or

(B) The bottom of the sills of the first level of windows above the first story of the building.

(3) Total Sign Surface Area:

(A) "C-1" District: the total sign surface area per lot shall not exceed an area equal to two (2) square feet in area per lineal foot of the front wall of the building.

(B) "C-2", "C-3", "O" and "M-1" Districts: the total sign surface area per lot shall not exceed an area equal to three (3) square feet in area per lineal foot of the front wall of the building (or front walls of buildings).

(4) Changeable Message Sign. An automatic changing sign, manually changeable or bulletin board sign may be permitted with approval of the Planning Commission.

(5) Awning Sign. One or more awning-signs are permitted. For purposes of this Chapter, an awning is defined as a construction attached to and protruding from the face of a building, a door frame, or a window frame and consisting of fabric or other pliable material stretched over a framework. All or part of the sign area permitted upon the face of the building upon which such awning is located may be placed on the awning and shall be included in the calculation of the total sign surface area permitted for the lot.

1351.07 FEES.

Fees, in amounts as required by ordinance of the City of Oberlin, shall be submitted for sign permits.

(Ord. 12-68 AC CMS. Passed 10-15-12.)

1351.08 APPEALS AND VARIANCES.

An applicant for a sign permit or sign approval may appeal an adverse decision of the Building Official or apply for a sign variance to the sign's size, height, location, or sign type requirements by filing an application with the Zoning Board of Appeals. Proceedings for sign appeals or variances shall follow the Zoning Board of Appeals procedures prescribed in Chapter 1325.

1351.09 SEVERABILITY.

If any word, clause, sentence, paragraph, section, or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remaining portions of this Chapter, but shall be confined to the word, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

1351.99 PENALTY.

Whoever violates any of the provisions of this Chapter shall be fined as required by ordinance of the City of Oberlin.