

CITY OF OBERLIN, OHIO

ORDINANCE No. 21-72 AC CMS

AN ORDINANCE AMENDING CHAPTERS 1321, 1351 and 1357 OF THE OBERLIN CODIFIED ORDINANCES TO ADDRESS REGULATIONS RELATED TO SIGN PERMITS, SIGN PERMIT APPROVAL, BANNER SIGNS, ELECTRONIC MESSAGE CENTER SIGNS, SIGNS IN THE “I”/INSTITUTIONAL DISTRICT, MURALS AND SIGN DEFINITIONS

WHEREAS, the Planning Commission has been reviewing the entire Zoning Code for potential amendments during the last year and a half; and

WHEREAS, these potential amendments include addressing “housekeeping” type items and attending to zoning topics and definitions which the Commission has noted that it wanted to address over the last few years; and

WHEREAS, those zoning topics included addressing several items related to the regulation of signs in the City of Oberlin; and

WHEREAS, during its meeting on September 1, 2021, the Oberlin Planning Commission moved to recommend that the proposed amendments to Chapters 1321, 1351 and 1357 of the Oberlin Codified Ordinances as set forth in Exhibit A attached hereto be adopted; and

WHEREAS, this Council has held a public hearing on November 1, 2021 concerning the Planning Commission’s recommendation; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1: That Chapters 1321, 1351 and 1357 of the Oberlin Codified Ordinances be and are hereby amended to read as set forth in Exhibit A attached hereto.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of the Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and 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 shall take effect on the earliest date allowed by law.

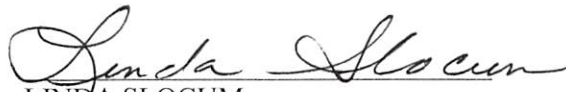
PASSED: 1st Reading: November 1, 2021
 2nd Reading: November 15, 2021
 3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 11/16/2021



LINDA SLOCUM
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 12/15/2021

ORDINANCE NO. 21-72 AC CMS

EXHIBIT A

Text deletions are shown in ~~strikeout text~~.
Additions are shown in **bold text**.

CHAPTER 1351

Signs

1351.01 Purpose.

1351.02 Applicability.

1351.03 Permits, fees, inspections.

1351.04 General regulations.

1351.05 Signs in residential districts.

1351.06 Signs in commercial and industrial districts.

1351.06A Signs in the "I" Institutional District

1351.07 Fees.

1351.08 Appeals and variances.

1351.09 Severability.

1351.10 Murals

1351.99 Penalty.

CROSS REFERENCES

Sign definitions - see P. & Z. 1321.77 et seq.

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.
- (Ord. 19-24 AC CMS. Passed 4-15-19.)

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.

(Ord. 19-24 AC CMS. Passed 4-15-19.)

1351.03 PERMITS, FEES, INSPECTIONS.

(a) **Permit Zoning Certificate** Required. A ~~Sign-Permit~~ **zoning certificate** 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~~ **zoning certificate** 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~~ **zoning certificate** Application, fee **as required by City ordinance**, 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~~ **zoning certificate**, the required fees shall be tripled.

(3) A ~~Sign-Permit~~ **zoning certificate** 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~~ **zoning certificate**. A ~~Sign-Permit~~ **zoning certificate** 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~~ **zoning certificate** 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. 19-24 AC CMS. Passed 4-15-19.)

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 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~~ **Zoning 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. **One (1) banner sign may be installed in place of a permanent sign complying with the location and dimension requirements for such permanent sign until the approved permanent sign is installed, but for a period of time not longer than sixty (60) consecutive days.**

(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~~ **but not including** electronic message signs **complying with this chapter**;

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

(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. (Ord. 19-24 AC CMS. Passed 4-15-19.)

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 **other than a dwelling or dwellings**, one (1) 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. **An electronic message display may be permitted with approval of the Planning Commission and shall be subject to the following:**
- A. Displays shall contain static messages only and shall not have movement or the appearance of movement, flashing, scintillating, fading, dissolving, travelling, scrolling, or varying of light intensity or color;**
 - B. Each message on the sign shall be displayed for a minimum of eight (8) seconds;**
 - C. Changes to messages, copy, or images shall be accomplished in not more than three (3) seconds.**
 - D. No sign shall be of such intensity as to create a distraction or nuisance for motorists.**
 - E. Displays shall not emulate traffic control devices.**
 - F. Signs shall contain a default design function that will freeze the display in one position or cause it to go dark if a malfunction occurs.**
 - G. All electronic message centers shall be equipped with sensors or other devices that automatically determine the ambient illumination and are programmed to automatically dim according to ambient light conditions.**

(c) Subdivision Entrance Sign. One or permanent freestanding sign may be located on a lot common area 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~~ **zoning certificate**.

(d) Temporary Signs. ~~Sign permits~~ **Zoning certificates** 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~~ **zoning certificate** 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 zoning certificate~~ 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.~~

(Ord. 19-24 AC CMS. Passed 4-15-19.)

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. **In place of a front wall sign on a building or part of a building which does not face a street, a wall sign may be located on a wall facing a parking lot open to the public as approved by the Planning Commission.**

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)~~ **sixty-four (64)** square feet in area for a sign with two or more faces and ~~twenty-five (25)~~ **thirty-two (32)** 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 of the Codified Ordinances 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, **Electronic Message Display**. ~~An automatic changing sign, manually changeable or bulletin board sign may be permitted with approval of the Planning Commission.~~ **A changeable message sign is permitted complying with all other applicable sign regulations. An electronic message display may be permitted subject to approval by the Planning Commission and the following:**

- A. In the C-1 and C-2 Districts, an electronic message center sign is only permitted as part of the permitted window sign area but not greater than ten (10) square feet.**
- B. In the C-3 District, one (1) electronic message center sign may be incorporated into a permitted wall or freestanding sign provided it does not exceed 40% of the allowable sign area for each sign face.**
- C. Changes to messages, copy, or images shall be accomplished in not more than three (3) seconds.**
- D. No sign shall be of such intensity as to create a distraction or nuisance for motorists.**
- E. Displays shall not emulate traffic control devices.**
- F. Signs shall contain a default design function that will freeze the display in one position or cause it to go dark if a malfunction occurs.**

- G. A sign located within one hundred feet (100') of a residentially zoned district shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.**
- H. All electronic message centers shall be equipped with sensors or other devices that automatically determine the ambient illumination and are programmed to automatically dim according to ambient light conditions.**

(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.~~

(Ord. 19-24 AC CMS. Passed 4-15-19.)

1351.06A Signs in the "I" Institutional District

The following provisions shall apply to signs in the "I" Institutional District.

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

(1) Wall, Freestanding and Window Signs.

- A. Wall Sign.** One or more signs may be located on walls of a building. Such sign or signs shall be attached to the wall in a plane parallel to the plane of the wall and shall not extend more than twelve (12) inches from the wall. No sign shall project beyond or above the wall of the building to which it is attached.
- B. Wall signs and freestanding signs facing Residential Districts shall not be illuminated unless approved by the Planning Commission subject to mitigation of nighttime visual impacts.**
- C. Freestanding Sign.** Freestanding signs may be permitted in the Institutional District. A freestanding sign shall not exceed ten (10) feet in height, shall not exceed a total of one hundred (100) square feet in area for a sign with two or more faces and fifty (50) 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.

Subject to approval of the Planning Commission, a freestanding sign (such as a scoreboard) for the purpose of communicating messages to observers of sporting or similar events during the time period of the events may be installed for operation during the events. The sign shall not be subject to the requirements in the foregoing paragraph.
- 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.

(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.**

(b) General Regulations.

(1) Changeable Message Sign, Electronic Message Display. A changeable message sign or electronic message display may be permitted provided that an electronic message display

shall be subject to Planning Commission approval if located closer than one hundred (100) feet to a residential district.

- (2) 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.**

1351.07 FEES.

Fees, in amounts as required by ordinance of the City of Oberlin, shall be submitted for ~~sign permits~~ **zoning certificates for signs.**

(Ord. 19-24 AC CMS. Passed 4-15-19.)

1351.08 APPEALS AND VARIANCES.

An applicant for a ~~sign permit~~ **zoning certificate** 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. (Ord. 19-24 AC CMS. Passed 4-15-19.)

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. (Ord. 19-24 AC CMS. Passed 4-15-19.)

1351.10 Murals

- (a) Murals may be installed and maintained in the C1, C2, C3 and I Districts.**
- (b) A mural shall be applied directly to the wall surface of a building or on panels mounted flat upon the wall surface and shall not be applied over any doors or windows.**
- (c) Murals shall not be illuminated internally or externally and shall not have mechanical, electrical, changing or moving components.**
- (d) Prior to the installation of a mural, the building owner shall submit a registration application providing information required by the Code Administrator to establish compliance with the definition of "Mural" and with this Section 1351.10, the dimensions, design/image, intended date of installation, planned method of removal of the mural, and owner approval and commitment to maintain the mural.**
- (e) Repainting or repair of an approved mural shall not require new registration providing it conforms with the original approval. A new image in place of a previously approved mural image requires new registration and approval.**

1351.99 PENALTY.

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

Chapter 1321 Definitions

1321.83 SIGN SURFACE AREA, TOTAL.

"Total sign surface area" means the sum of the sign surface areas of all signs on a lot including, unless otherwise provided in this ordinance, signs with areas of four (4) square feet or less ~~and temporary signs except for temporary window signs.~~

(Ord. 96-82 AC. Passed 9-16-96.)

1321.84 SIGN, TEMPORARY.

"Temporary sign" means a sign ~~which is intended to be displayed for a limited time only, including but not limited to real estate signs and construction signs~~ **not permanently attached to the ground, a wall or building, and not designed or intended for permanent display.**

~~(Ord. 96-82 AC. Passed 9-16-96.)~~

~~1321.85 SIGN, TEMPORARY MESSAGE.~~

~~"Temporary message sign" means a temporary sign announcing that the lot or building on which the sign is located is for rent, sale, or lease, or announcing a non-commercial message, or announcing a special sales event if permitted or conditionally permitted on the lot.~~

~~(Ord. 96-82 AC. Passed 9-16-96.)~~

1321.33A ELECTRONIC MESSAGE DISPLAY.

"Electronic message display" means a sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include but are not limited to displays using incandescent lamps, LEDs, or LCDs.

1321.64A MURAL.

"Mural" means a one-of-a-kind, hand-painted or hand-tiled image on the exterior wall of a building that does not contain any commercial message. For purposes of this Zoning Ordinance, a mural is not a sign.

1321.77A SIGN, AWNING. A sign located on a permitted awning. For purposes of Chapter 1351, 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.

1321.77B SIGN, BANNER.

"Banner sign" means a sign applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing and anchored on two or more edges or at all four corners. A banner sign is a temporary sign.

1321.77C SIGN, CHANGEABLE MESSAGE

"Changeable message sign" means a sign such as a bulletin board or announcement board, where the message or graphics is not permanently affixed to the structure, framing, or background allowing the message or graphics to be periodically replaced or covered over

manually or by mechanical devices. An electronic message display is not included in the meaning of changeable message sign.

1321. 80A SIGN, MARQUEE. A sign located on a permitted marquee which is a permanent roofed structure attached to and projecting beyond the wall of a building over a walkway to provide protection from the weather.

1321.104 ZONING CERTIFICATE. "Zoning Certificate" means an authorization issued by the Planning Commission, Zoning Board of Appeals, City Council, City Manager, or Zoning Official for use of a property, construction, or other activity which is subject to and in compliance with this Zoning Resolution. The phrase Zoning Certificate shall include within its meaning the terms "permit" or "sign permit".

1321.105 ZONING OFFICIAL.

The City Manager or their designee authorized to administer and/or enforce this Zoning Code.

Chapter 1357 Site Plan Review

1357.02 SITE PLAN REVIEW REQUIRED.

No use or construction for which a site plan is required shall be established or commenced until a site plan application has been submitted to and approved by the Planning Commission. No permit shall be issued by any city official for the construction of any building or improvement in any area subject to a site plan except in conformity with the provisions of this ordinance and the duly approved site plan. No Certificate of Occupancy shall be issued unless in compliance with an approved site plan.

A site plan application and related information as required by this ordinance shall be submitted for the following:

(a) In commercial and industrial districts, including C-1, C-2, C-3, O and M-1, and in the PD District, any new construction, substantial renovation, or expansion of a building, parking lot, loading facility, ~~or of any sign for which a permit is required except temporary signs~~, or the establishment of any use.

(b) In residential districts, including R-1A, R-1B, R-1, R-2, and in the PD District, any new construction, substantial renovation, or expansion of a commercial, multifamily, public, or institutional building, boarding house, rooming house, bed and breakfast inn, hospital, private club or lodge, tourist home, nursing home, school of commerce, office, parking lot, loading facility, ~~or of any sign for which a permit is required, except temporary signs.~~

1357.04 APPLICATION REQUIREMENTS.

Site plans shall be prepared by persons professionally qualified to do such work. Site plans shall be certified by an architect, engineer, landscape architect, or land surveyor duly registered by the State of Ohio. Site plans for ~~signs, fences,~~ parking lot and loading facility additions, minor structural additions or alterations, and rooming houses may be prepared by persons other than those stated above, except that the Planning Commission shall not be required to review or take action upon plans which are not sufficient to clearly and completely document compliance with this ordinance.

1357.09 SITE PLAN AND DESIGN STANDARDS FOR COMMERCIAL DISTRICTS LOCATED OUTSIDE C-1 CENTRAL BUSINESS DISTRICT.

(a) Design Standards. The following design standards are applicable to development within any commercial zoning district other than in the "C-1"/Central Business District as defined in Section 1349.01 (d) of the Code.

In all cases, proposed developments will be required to comply with the application and review requirements mandated for all developments in the City. The Planning Commission will utilize the standards found in Chapter 1357 of the Zoning Code for site plan and design review in addition to the special design standards established herein. Where the term "approved" is used herein, it means as approved by the Planning Commission in site plan and design review.

(Ord. 17-17 AC CMS. Passed 3-20-17.)

(b) Exceptions. The Planning Commission is authorized to grant exceptions to the design guidelines. Exceptions must be supported by findings of fact which demonstrate that the exception meets the purpose and intent of these guidelines.

(c) Design Standards for Commercial Areas. The following design standards will apply to all commercial developments other than in the "downtown business district" as defined above:

~~(12) Signs.~~

~~A. Wall signs shall be permitted on each building façade which faces and is parallel to a lot line (on which the building is located) collinear with a public right of way.~~

B. EDITOR'S NOTE: Former subsection (c)(12)B. was deleted by Ordinance 12-68 AC CMS, passed October 15, 2012.

C. EDITOR'S NOTE: Former subsection (c)(12)C. was deleted by Ordinance 12-68 AC CMS, passed October 15, 2012.

~~D. Signs shall not be internally lighted.~~

(13) Special standards for filling stations, canopies.

A. Gas stations shall only be approved subject to a conditional use permit.

B. A canopy shall comply with the following standards:

1. Must have a pitched roof compatible in design with the roof of the building to which it is accessory.

2. Shall not exceed 25 feet in height.

3. Must be set back at least 60 feet from the right-of-way

~~4. Signs shall only be mounted on a canopy in compliance with the requirements of these standards.~~

5. Canopy lighting shall be designed and installed in a manner which provides illumination for the area under the canopy and which prevents glare outside of the canopy.

6. Fuel pumps and the fueling area shall be screened from view of the public right-of-way by construction of brick or stone walls not less than 5 feet in height and landscape material is to be installed to soften the appearance of the wall.

(Ord. 04-72AC CMS. Passed 11-15-04.)