



## STAFF REPORT

### PLANNING & ZONING COMMISSION

Village Green Municipal Building, Council Chambers

47 Hall Street

Wednesday, May 27, 2015

7:00 P.M.

#### 1. SIGN REGULATIONS REVISIONS – Public Hearing

Highlighted in the attached document are Staff's proposed changes within the Sign Ordinance. The suggested changes will still allow a business to utilize temporary signs, with a free permit, up to 42 days per year. They can choose which 42 days they want to utilize them.

Staff also changed the permanent sign (monument or ground sign) sizes to make them larger to allow for the multi-tenant type properties to have a larger sign size in order to get the businesses onto the sign. A problem we face within the city is businesses utilizing the temporary signs for permanent signs and this might help.

Staff also adjusted temporary sign permit language to give flexibility so that businesses that have fences in front can still place a sign out and be visible under our direction for placement if there is not a sufficient place outside of the right-of-way for placement. Any continued violation of permit requirements will mean that the business will not be allowed future temporary signs.

## CHAPTER 1151

### Signs

- [1151.01](#) Purpose.
- [1151.02](#) Applicability.
- [1151.03](#) Definitions.
- [1151.04](#) General requirements for all signs and districts.
- [1151.05](#) Permanent signs.
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- [1151.09](#) Sign zoning certificates.
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- [1151.11](#) Comprehensive Sign Plan.
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- [1151.13](#) Substitution of messages.
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- [1151.15](#) Appeals.
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#### CROSS REFERENCES

Power to regulate advertising - see Ohio R.C. 715.65

Advertising on State and interstate highways - see Ohio R.C. Ch. 5516

#### **1151.01 PURPOSE.**

The purpose of this Chapter is to provide standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and enhancement of the Municipality's image. The provisions of this Chapter are intended to:

- (a) Encourage creative and well-designed signs that contribute in a positive way to the Municipality's visual environment, express local character, and help develop a distinctive image for the Municipality;
- (b) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property;
- (c) Prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic;
- (d) Encourage a healthful economic and business environment in the community;
- (e) Limit the height and size of signs to those that are appropriate in scale to the community;
- (f) Provide adequate way finding signage for motorists and pedestrians, and
- (g) Reduce visual clutter.

(Ord. 2008-20. Passed 8-19-08.)

#### **1151.02 APPLICABILITY.**

(a) Generally. Except as otherwise provided in this Section, all signs placed, erected, installed, painted, modified or altered in the Municipality of Powell shall conform to the standards set forth in this Chapter and shall require Zoning Certificates in accordance with Section [1151.09](#) of this Chapter. Erection, modification, alteration, placement, replacement or other action involving a sign that is in any way inconsistent with this Chapter [1151](#) shall be a violation of the Zoning Code and subject to penalties and remedies set forth in Chapter [1135](#) of the Codified Ordinances.

(b) Sign Standards. The sign standards provided in this Chapter are intended to apply to signs in each zoning district in the Municipality. Only signs authorized by this Chapter shall be allowed.

(c) Existing Signs; Continuance. Except as otherwise specifically provided, nothing in this Chapter shall

require removal or discontinuance of an existing on-premises or existing off-premises sign. No existing signs shall be enlarged or extended without a Zoning Certificate. Nonconforming signs shall not be enlarged or extended and these signs shall be deemed a nonconforming sign under the terms of the Zoning Code.

(d) Nonconforming Signs.

(1) Any legal nonconforming sign, as defined in Section [1151.02](#), may be continued in use if maintained in accordance with this sub-section.

(2) All pre-existing illegal nonconforming signs must be removed in accordance with this sub-section. The Zoning Inspector shall issue an order for the sign to be removed within twenty (20) days. The cost of removal will be assessed to the property owner. If the property owner refuses to pay for removal of the sign, the cost of such removal shall be assessed to, and a lien placed upon, the property owner's tax records.

(3) Any illegal nonconforming sign displayed on the premises shall be removed or brought into conformance with the provision of this Chapter before a Zoning Certificate for a new sign may be issued.

(4) A legal nonconforming sign is allowed to remain. However, a legal nonconforming sign shall immediately lose its legal nonconforming designation and shall be immediately brought into compliance with this Chapter (with the approval of a Zoning Certificate) or shall be removed when any of the following occurs:

A. The nonconforming sign is structurally altered, enlarged, relocated, or replaced.

B. The nonconforming sign is determined by the Zoning Inspector or the Chief Building Official to be in a dangerous or defective condition; to fail to conform to health and fire codes; a public nuisance; or abandoned, deteriorated; or in need of repair or replacement.

C. The nonconforming sign face and/or supportive structure is destroyed or damaged in excess of fifty percent (50%) of the combined replacement value of the sign and supportive structure, by any cause.

D. Upon the discontinuance of the present use of property for which the sign was intended for a period of more than six (6) months.

(5) A nonconforming sign shall not be moved in whole or in part to any other location unless such sign is made to conform to this Chapter. If an owner is forced to move a nonconforming sign by Municipal, state, or federal officials for any reason other than enforcement, such sign shall maintain its nonconforming status, but must still adhere to the setback requirements.

(6) Nothing in this section shall prevent the ordinary repair, maintenance, and non-structural alteration of nonconforming signs. Maintaining the nonconforming sign to the exact legal nonconforming design shall be allowed; however, any proposed changes to a nonconforming sign, except for re-facing an existing sign, shall require that the sign be made to conform to the requirements of this Chapter. Re-facing an existing nonconforming sign shall not be considered an alteration as long as the re-facing constitutes an exact replica of the existing sign face. The design, color scheme, translucency, graphics and text must exactly match those existing. No structural alterations shall be made in, to, or upon such nonconforming sign, except those required by law to make the sign conform to the requirements of this Chapter.

(7) Nonconforming signs are also subject to the provisions of Chapter [1125](#) in addition to this Chapter.

(Ord. 2008-20. Passed 8-19-08.)

### **1151.03 DEFINITIONS.**

The following are definitions of specialized terms and phrases used in this Chapter and not previously defined in Chapter [1123](#). The definitions are organized in alphabetical order.

(1) “**Abandoned sign**” means any sign that advertises a business, leaser, owner, product, service or activity that is no longer located on the premises where the sign is displayed.

(2) “**Alteration**” means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

(3) “**Animated or moving sign**” means a sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

(4) “**Awnings and canopies**” means roof-like covers that project from the wall of a building for the

purpose of shielding a doorway or window from the elements.

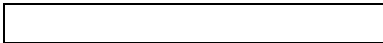
(5) “**Awning sign**” means any sign copy or logo attached to or painted on an awning.



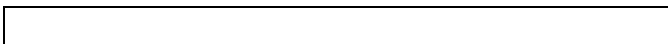
(6) “**Banner or pennant**” means any non-rigid cloth, canvas, bunting, plastic, paper, or similar material that is mounted to any structure, staff, pole, line, or framing. Such signs are typically related to a public demonstration or for the promotion of civic, welfare or charitable enterprises. National, State or municipal flags shall not be considered a banner or pennant.

(7) “**Blade sign**” means a small, pedestrian-oriented sign mounted so that the sign face is perpendicular to the face of the building.

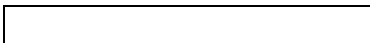
A blade sign may be hung beneath a canopy or awning.



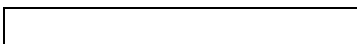
(8) “**Building frontage, primary**” means that portion of the building frontage that faces the street. In cases where a building has more than one street frontage, the longest of the street frontages shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage. A single multi-tenant building has one primary frontage, the allowable sign area for which may be distributed at the discretion of the owner; however, in no event shall the combined sign area for all tenants exceed the allowable sign area for the building.



(9) “**Changeable copy sign**” means a sign which displays words, lines, logos, or symbols that can change to provide different information. Changeable copy signs include computer signs, reader boards with changeable letters, and time and temperature signs.



(10) “**Channel letters**” means three-dimensional individually cut letters or figures whether or not illuminated, affixed to a structure.

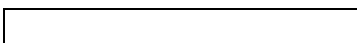


(11) “**Copy**” means words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

(12) “**Double-faced sign**” means a sign constructed to display its message on the outer surfaces of two (2) identical and opposite parallel planes.

(13) “**Edge of roof**” means on a pitched roof, the lowest portion of the fascia board covering the roof rafters, or if no fascia board exists, the lowest point of the roof rafters. On a flat roof, the top of the parapet wall or three (3) feet above the roof deck, whichever is less.

(14) “**Electronic reader board sign or electronic graphics sign**” means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.



(15) “**Electronic Sign**” means any sign that is externally powered to omit light and bring attention to the sign. This sign can utilize any form of technology to function, not including neon. This type of sign would be placed internal to a structure and would be viewable from the street, usually within a window.

(16) “**External illumination**” means the lighting of an object from a light source located a distance from the object.

(17) “**Flashing sign**” means a sign that contains an intermittent or sequential flashing light source.

(18) “**Freestanding sign**” means any sign not affixed to a building. Freestanding signs may be permanent or temporary.

(19) **“Inflatable device”** means an object that is blown up with air or gas.

(20) **“Internally illuminated sign”** means a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

(21) **“Joint identification sign”** means a sign which serves as a common or collective identification for two or more uses located within the same building, or which share a common wall, or for two or more buildings located within a jointly used area, provided the buildings are in close proximity to one another.

[Redacted]

(22) **“Monument sign”** means a permanent, freestanding sign where the entire bottom of the sign is affixed to the ground, not to a building.

[Redacted]

(23) **“Multiple user building”** means a development consisting of four or more separate uses or tenancies that share either the same parcel or structure and use common access and parking facilities.

(24) **“Neon sign”** means a glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

(25) **“Nonconforming sign”** means any sign lawfully erected and maintained prior to the effective date of this Chapter, constructed in conformance with the ordinances and other applicable laws in effect on the date of its construction, but by reason of its size, height, location, design, or construction is no longer in conformance with the regulations of this Chapter.

(26) **“Nonresidential district”** means any of the following zoning districts: Planned Commercial District (PC), Planned Industrial District (PI), Planned Office District (PO), and the Downtown Business District (DB).

(27) **“Off-premise sign”** means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the lot or premises on which the sign is located.

(28) **“On-premise sign”** means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on the lot or premises on which the sign is located.

(29) **“Permanent sign”** means a sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

(30) **“Pole sign”** means a sign mounted on a free-standing pole or other support so that the bottom edge of the sign face is ten feet or more above finished grade.

(31) **“Portable sign”** means a sign that is not affixed to a structure or the ground (e.g., A-frame or sandwich board sign).

[Redacted]

(32) **“Projecting sign”** means a sign that protrudes in a V-shape from the top of the ground floor over the sidewalk, like a traditional theater marquee.

(33) **“Residential district”** means any of the following zoning districts: Residence District (R), Planned Residence District (PR), and Downtown Residence District (DR).

(34) **“Roof sign”** means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of building with a flat roof, the eave line of a building with gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

[Redacted]

(35) **“Sign”** means an object, device display or structure, or part thereof, situated outdoors or indoors, which is used to identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected image. Unless otherwise noted, the term “sign” includes both on-premises and

off-premises signs.

(36) **“Sign area”** means the entire area within a perimeter defined by a continuous line composed of right angles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed.

(37) **“Sign height”** means the vertical distance from the uppermost point of the sign to the finished grade immediately below the base of the sign, including all base and/or other mounting material.

(38) **Sign – “Sidewalk Sign”** means a sign with two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured, or similar design. These are also known as “A-Frame” signs, and are intended to be seen by a pedestrian on a sidewalk rather than by a driver or passenger in a vehicle. *Sidewalk Sign* may also mean a sign with two faces that are adjoined at some point along the sign frame and the support legs are parallel to the sign (This looks like the letter “T”, hence these are also known as “T-Frame” signs).

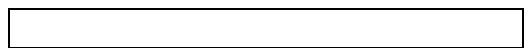
(39) **“Stick Sign”** means any type of temporary signs that are placed in the ground and consist of a paper or non-paper corrugated or similar temporary material placed over thin metal or wooden supports.

(40) **“Temporary sign”** means any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.

(41) **“Three-dimensional signs”** means signs that have a depth or relief on their surface greater than six inches.

(42) **“Vehicle sign”** means a sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

(43) **“Wall sign”** means a sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.



(44) **“Window area”** means the area shall be computed by calculating each window pane or panel. The area shall be separate for each building face, and for each window. A group of window panes or panels may be considered one window if they are adjoining on the building face and are less than six (6) inches apart.

(45) **“Window sign”** means a sign (temporary or permanent), poster, symbol, numerals, or letters, posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view that is located within three feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

#### Electronic Sign Related Definitions

(46) **“Candelas, cd”**: SI (System International) unit of luminous measurement when utilized per unit m<sup>2</sup>. Can also be utilized per unit area of ft<sup>2</sup>.

(47) **“Center Beam Candlepower (CBCP)”**: Center beam candlepower is the luminous intensity at the center of a beam, expressed in candelas (cd).

(48) **“Direct Lighting”**: Lighting by luminaires distributing 90 to 100 percent of the emitted light in the general direction of the surface to be illuminated. The term usually refers to light emitted in a downward direction.

(49) **“Directional Lighting”**: Illumination on the work-plane or on an object predominantly from a single direction, especially when direct lighting is incorporated into electronic signs. LED’s are an example of directional lighting.

(50) **“Foot-candle, fc”**: A unit of illuminance equal to 1 lumen per square foot. One foot-candle equals 10.76 lux.

(51) **“General Lighting”**: Lighting designed to provide a substantially uniform illuminance throughout an area, exclusive of any provision for special local requirements. This a “spherical” distribution of light.

(52) **“Illuminance”**: Light arriving at a surface, expressed in lumens per unit area; 1 lumen per square foot equals 1 *foot-candle*, while 1 lumen per square meter equals 1 *lux*.

(53) "**Luminance, L**": light reflected in a particular direction; the photometric quantity most closely associated with brightness perception, measured in units of luminous intensity (*candelas*) per unit area (square feet or square meters).

(54) "**Lumen, lm**": a unit of luminous flux; the overall light output of a luminous source is measured in lumens. A unit measurement of the rate at which a lamp produces light. A lamp's light output rating expresses the total amount of light emitted in all directions per unit time.

(55) "**Lux, lx**": a unit of illuminance equal to 1 lumen per square meter. One lux equals 0.093 foot-candle.

(56) **NIT**: Non-SI unit of luminous measurement per unit m<sup>2</sup>. Common application within the sign industry. One (1) NIT is equivalent to One (1) cd/m<sup>2</sup>.

(57) "**Watt, W**": a unit of electrical power (energy) equal to 1 joule per second. Volts times amps.

(58) "**Work plane**": the plane at which work usually is done, and on which the illuminance is specified and measured.

(Ord. 2008-20. Passed 8-19-08.)

**1151.04 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.**

(a) Signs in Public Rights-of-way. Except as provided, no sign shall be placed or deposited within any public right-of-way or on any tree, pole, post, meter, or similar object located within the public right-of-way. Under no circumstance may any signs that are permitted in the right-of-way interfere with vehicular or pedestrian visibility. Signs interfering with visibility will be removed.

(1) The following signs may be installed in the public rights-of-way without a Zoning Certificate:

- A. Signs conforming to the Manual of Uniform Traffic Control Devices;
- B. Signs installed by employees or officials of a municipal, state or federal agency in the course of their governmental duties;
- C. Signs required by a state or federal statute;
- D. Signs required by an order of a court of competent jurisdiction;
- E. Public directional and safety signs.

(2) Blade signs attached to a building may project a maximum of forty inches over a public right-of-way provided the lowest part of the sign is at least eight feet but no more than fifteen feet above the pedestrian thoroughfare and provided said sign has received a Zoning Certificate from the Zoning Administrator. Blade signs shall not project over any curb line or street.

(b) Colors. Not more than five (5) colors may be used per sign. For purposes of this Section, black or white shall be considered a color. Neon and fluorescent colors are prohibited.

(c) Lettering Styles and Sign Coverage. No more than two letter styles or more than three sizes of letters are permitted per sign. Letters may not occupy more than seventy-five percent (75%) of any sign panel.

(d) Measurement of Sign Area.

(1) The surface area of a sign shall be calculated by enclosing the extreme limits of all lettering, background, emblem, logo, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines drawn at right angles.

(2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

(3) Double-faced (back-to-back) signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two (2) feet at any point. Only one face of an identical double-faced sign shall be measured when determining maximum allowable area.

(4) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.

(5) Regardless of their spacing, the letters forming a word or name shall be considered a single sign. The area of such a sign shall be measured as provided in this Chapter.

(e) Measurement of Sign Height. The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the elevation of the nearest point to the proposed sign location of the crown of the nearest public street providing access; or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.



(f) Alterations. No sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Chapter. The repainting of signs shall not be deemed to be an alteration within the meaning of this Chapter.

(g) Sign Maintenance. Signs and supporting hardware shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or rust, exposed lighting sources or wires, falling



parts, or broken and missing parts are prima facie evidence that a sign is in a state of disrepair. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

(h) Notice to Repair. When the Zoning Administrator determines that such a sign exists in a state of disrepair, the Zoning Administrator shall issue to the owner of the sign and the owner of the real estate a notice of such disrepair and the need for corrective action. Any party receiving such notice may appeal the notice to the Board of Zoning Appeals in accordance with Section [1127.03](#). If such an appeal is not filed within twenty (20) days of the date on which the notice is sent, persons receiving the notice shall be responsible for repairing the sign or otherwise bringing it into conformance with this Chapter. The repair work shall be accomplished within thirty (30) days of the date of the notice, unless the person undertaking the work files a request with the Zoning Administrator for an extension. If such request shows diligence and good faith such as ordering materials or signing a contract with a licensed contractor, the Zoning Administrator shall grant an extension of a maximum of thirty days for completion of the work. If an appeal is filed in accordance with Section [1127.03](#) the time for performance shall be delayed until resolution of the appeal. If the Zoning Administrator finds that the lack of repair constitutes a danger to persons or to property other than that of those persons receiving the notice, the Zoning Administrator shall so state in the notice and the Municipality may seek immediate relief under the Building Code or under the laws of public nuisance.

(i) Sign Removal or Replacement. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.

(j) Sign Attachment and Support. No sign shall be attached to or supported by a fence, tree, utility pole, light pole, trash receptacle, bench, vending machine, gasoline pump, or public shelter, nor shall such sign be painted or drawn upon rocks or other natural features.

(k) Changeable Copy Signs. Manual or electronic changeable copy signs shall not be permitted on any sign within the municipality unless it is approved by the Planning and Zoning Commission as part of a comprehensive sign plan.

(Ord. 2008-20. Passed 8-19-08.)

#### **1151.05 PERMANENT SIGNS.**

(a) Residential Districts. Permanent signs in residential districts shall conform to the following standards as well as the other applicable standards of the Codified Ordinances:

(1) Number. No more than one (1) such sign may be located on a lot.

(2) Type. Unless otherwise stated, wall signs are the only types of signs permitted. Permanent subdivision identification signs within entrance features are permitted and shall be reviewed and approved by the Planning and Zoning Commission.

(3) All off-premises signs are prohibited

(4) Maximum area and height. Signs may not exceed four (4) square feet in area or be more than two (2) feet in height.

(5) Illumination. Signs shall not be separately illuminated. This standard is not intended to prohibit the installation of such a sign near a porch light or yard light, which may incidentally illuminate the sign. Permanent subdivision identification signs within entrance features may be lighted by an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety

(b) Non-Residential Districts. Permanent signs in non-residential districts shall conform to the following standards and all other applicable standards of the Codified Ordinances:

(1) Number.

A. Wall signs. No more than one (1) wall sign shall be permitted. A secondary wall sign no more than 75 percent of the size of the primary wall sign shall be permitted if the property fronts two (2) or more public streets. No more than one (1) secondary wall sign shall be permitted. Blade and awning and canopy signs shall be considered wall signs.

B. Freestanding signs. No more than one (1) sign shall be permitted per lot frontage.

C. Joint identification signs. No more than one (1) sign shall be permitted. A secondary joint identification sign shall be permitted if the property fronts two (2) or more public streets and is located on a lot more than two (2) acres. No more than one (1) secondary joint identification sign shall be permitted per development.

(2) Maximum area and height.

A. Wall signs. The total area shall not exceed one (1) square foot per one (1) lineal foot of the length of the wall on which the sign is to be attached up to a maximum of 24 square feet. Within the Historic District, the maximum size shall be 12 square feet. The maximum height permitted shall be fifteen (15) feet in any district.

B. Freestanding signs. The total area shall not exceed ~~twenty-four (24) square feet~~ FORTY-EIGHT (48) SQUARE FEET. Within the Historic District, the maximum size shall be twelve (12) square feet. The maximum height shall be eight (8) feet in any district.

C. Joint identification signs. On lots less than ten (10) acres, primary joint identification signs may not exceed ~~thirty-two (32)~~ FIFTY-SIX (56) square feet in area or be more than eight (8) feet in height. Secondary joint identification signs shall not exceed ~~twenty-four (24)~~ THIRTY-SIX (36) square feet in area or be more than eight (8) feet in height. On lots ten (10) acres or greater primary joint identification signs may not exceed ~~forty-eight (48)~~ SEVENTY-TWO (72) square feet in area or be more than ten (10) feet in height and secondary joint identification signs may not exceed ~~thirty-two (32)~~ FORTY-EIGHT (48) square feet or be more than eight (8) feet in height. Within the Historic District, the maximum size shall be reduced by one-half the size stated above.

(3) Illumination.

A. Unless otherwise stated, signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety. Within the Historic District, illumination shall only be from an external source.

B. Internally illuminated signs shall have an opaque background and translucent copy.

C. External lighting fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign.

D. Fixtures can be mounted on the top of the sign or be ground mounted with up-lighting not exceeding 100 lamp watts per sign face.

E. The maximum watts permitted to illuminate a sign shall be two watts per sign face square foot provided at no point on the face of the sign and at no time shall the illumination exceed 30 vertical footcandles during hours of darkness.

F. Rotating, traveling, pulsing, flashing, blinking, or oscillating light sources, lasers, beacons, search lights, or strobe lighting are prohibited.

G. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.

H. Light sources shall utilize energy efficient fixtures to the greatest extent possible.

I. Neon lighted signs, or signs resembling neon lighted signs, are prohibited if they can be seen and readable from the outside.

(c) Zoning Certificate Required. Unless otherwise stated, all permanent signs in residential and nonresidential districts require a Zoning Certificate.

(Ord. 2008-20. Passed 8-19-08.)

## **1151.06 TEMPORARY SIGNS.**

(a) All Districts.

(1) **Non-Commercial Speech Temporary Signs:** Temporary signs that portray a message which is not commercial in nature (that do not advertise a business, commodity, product or service) shall be allowed. No more than one (1) sign per statement is permissible per lot per frontage. Any non-commercial sign may remain on a lot indefinitely, until such a time that the sign has not been maintained in an original or near-original condition.

(b) **Residential Districts.** Temporary signs in residential districts shall conform to the following standards as well as the other applicable standards of the Codified Ordinances:

(1) **Number.** No more than one (1) sign per statement is permissible per lot per frontage.

(2) **Maximum area and height.** Signs may not exceed six (6) square feet in area or be more than four (4) feet in height.

(3) **Display period.** Each temporary sign may not be displayed for more than forty-five (45) consecutive days, unless said sign is maintained in good condition as determined by the Zoning Administrator.

(4) **Off-premises signs.** Off-premises temporary signs are prohibited.

(5) **Illumination.** Signs shall not be separately illuminated. This standard is not intended to prohibit the installation of such a sign near a porch light or yard light, which may incidentally illuminate the sign.

(6) **Zoning Certificate requirements.** Temporary signs in residential districts do not require a Zoning Certificate.

(c) **Non-Residential Districts (Except Downtown Business District/historic District).** Temporary signs in ALL non-residential districts shall conform to the following standards as well as the other applicable standards of the Codified Ordinances:

(1) **Type.** Temporary freestanding and wall signs are permitted. Examples of temporary freestanding signs include banner signs and portable signs. THE SPECIFIC TYPE, SIZE AND DESIGN OF TEMPORARY SIGN SHALL BE SUBMITTED AS A COLOR SCALE DRAWING WITH THE ZONING CERTIFICATE APPLICATION. A SITE PLAN IS ALSO REQUIRED TO BE SUBMITTED.

(2) **Maximum area and height.** Signs shall not exceed ~~twenty-four (24)~~ eighteen (18) square feet in area or be more than six (6) feet in height. Banner type signs shall not be placed on the side of a building at a height NO greater than fifteen (15) feet from the ground (measured from the top of the sign).

(3) **Number.** No more than one (1) commercial temporary sign may be located on a lot.

(4) **Setbacks.** Temporary signs shall be located no closer than ~~ten (10) feet~~ one (1) foot from the public right-of-way line. In cases where buildings or other structures such as fences may be built up to the right-of-way, the Zoning Administrator may approve a Zoning Certificate for a Temporary Sign for use on the building or right-of-way if a location can be found that is safe and not on a public sidewalk.

(5) **LIGHTING.** TEMPORARY SIGN SHALL NOT BE ILLUMINATED.

(6) **PARAPHENALIA.** NO STREAMERS, BALLOONS, FLAGS OR OTHER MATERIALS SHALL BE PLACED UPON ANY TEMPORARY SIGNS.

(5) **Time Period.** A Commercial Temporary Sign shall be utilized for a maximum of forty-two (42) days out of any calendar year. In addition, a new business may utilize a temporary sign for thirty (30) days prior to and thirty (30) days after it opens for business to the public. SPECIFIC DATES OF USE SHALL BE SUBMITTED WITH THE ZONING CERTIFICATE APPLICATION. SIGNS PLACED PRIOR TO OR AFTER DATES LISTED ON APPLICATION MAY BE REMOVED BY THE ZONING ADMINISTRATOR OR HIS/HER AGENT.

(6) **Zoning Certificate requirements.** Unless otherwise stated, all temporary signs in nonresidential districts require a Free Temporary Sign Zoning Certificate.

~~(d) Downtown Business District (Historic District).~~

~~(1) Type.~~ Temporary freestanding signs are permitted. Examples of temporary freestanding signs include banner signs on fences, as well as steel or wood frame signs placed in the ground. Banners are not permitted on the sides of the structures within the Downtown Business District.

~~(2) Maximum area and height. Signs shall not exceed twelve (12) square feet in area or be more than six (6) feet in height.~~

~~(3) Number. No more than one (1) commercial temporary sign may be located on a lot.~~

~~(4) Setbacks. Temporary signs shall be located no closer than two (2) feet from the public right of way line. In cases where buildings may be built up to the right of way, the Zoning Administrator may approve a Zoning Certificate for a Temporary Sign for use on the building or right of way if a location can be found that is safe and not on a public sidewalk.~~

~~(5) Time Period. A Commercial Temporary Sign shall be utilized for a maximum of forty two (42) days out of any calendar year. In addition, a new business may utilize a temporary sign for thirty (30) days prior to and thirty (30) days after it opens for business to the public.~~

~~(6) Zoning Certificate requirements. Unless otherwise stated, all temporary signs in the downtown business district require a Free Temporary Sign Zoning Certificate.~~

~~(e) Multi User Site Temporary Sign Plan. In the interest of public health, safety and welfare, it has been found by the city that a proliferation of portable signs are distracting to a motorist and can pose a safety hazard and negatively affect the aesthetic quality of the community. Therefore, where multi-user sites exist, the owner shall submit, prior to the utilization of more than one temporary sign at any one time per property, a Multi User Temporary Sign Plan for approval by the Planning & Zoning Commission.. The plan shall state the maximum number of portable signs utilized at any given time, the spacing of such signs, and other such information as needed for the planning and zoning commission to make a determination on such plan.~~

~~(1) Large Multi User Properties: Because each site is unique in many ways (such as shop frontage, distance to road ways, lines of site, available space for placing portable signage, etc., each site shall be treated separately. The landlord or their representative(s) are to submit a set of unifying criteria for each site, known as a "Multi User Temporary Sign Plan" to the Planning & Zoning Commission for approval. This plan shall be required for any multi-tenant space with four (4) or more tenants. The Multi User portable sign plan should include the following:~~

~~A. That the temporary signs overall dimensions & design match are of a common theme.~~

~~B. That there is a set distance between signs (avoid clustering).~~

~~C. That the tenant group/landlord are able to set reasonable limits on the number of signs set out at any one time (could be a percentage of total tenants or a set number).~~

~~D. Any other criteria or factors that the tenant group and landlord think are important.~~

~~(2) Multi User sites are not permitted to use temporary signs unless a multi-tenant plan has been submitted and approved~~

~~(3) Once a multi user temporary sign plan is approved, the applicant(s) must return to the Planning and Zoning Commission to seek approval for any changes~~

~~(4) New developments being proposed after the implementation of these regulations will include their "Multi User Temporary Sign Plan" for approval during the development plan process (by the Final Development plan step).~~

~~(5) Appeals of this section shall be to the court of competent jurisdiction under remedy of Ohio law.~~

~~(f) Historic District Portable Signs. The Historic District has been deemed a special place within other parts of this Zoning Code. Because of this, the City has placed an emphasis on allowing certain types of Portable Signs, called Sidewalk Signs, in order to create the appropriate small town business district look and feel. Sidewalk signs are allowed within the DB, Downtown Business District. Sidewalk Sign means a sign with two faces, known as "A Frame" or "T Frame" signs, and are intended to be seen by a pedestrian on a sidewalk rather than by a driver or passenger in a vehicle. The following guidelines are to be utilized for Sidewalk Signs:~~

~~(1) One sidewalk sign is permitted per business~~

~~(2) Sidewalk signs shall only be displayed during the hours of operation for the business located on the property where the sign is located.~~

~~(3) The maximum size of each display face (maximum of 2 sign faces) of a sidewalk sign shall be six~~

(6) square feet.

—(4) The maximum height of a sidewalk sign shall be three and one half (3-1/2) feet.

—(5) All sidewalk signs are subject to review & approval by the Zoning Administrator prior to purchase and installation.

—(6) No flags, banners, balloons, or other materials may be placed on the sidewalk sign.

—(7) Sidewalk Signs shall be designed with colors that follow the Historic District Color Palette, be of quality design and construction that is professionally made or hand-crafted with painted or applied lettering attached with screws or nails, except for professionally made vinyl lettering. No interchangeable copy is allowed except for the use of white board or chalk board attached to the sign face, not to exceed 80% of the sign face, and neatly hand-lettered to announce daily specials. Removable boards are also allowed with the use of slide rails. Paper, cardboard, OSB, Coraply or masonite materials or other materials that are subject to destruction with normal weather conditions shall not be utilized.

—(8) Sidewalk signs shall not be placed more than 10 feet away from the exterior wall of the business and placed outside the handicapped accessible route. Sidewalk signs shall not be placed upon any driveway access. For multiple use buildings there shall be a minimum of 10 feet of distance between sidewalk signs.

—(9) Sidewalk signs may be allowed in the public right-of-way if the proposed location does not inhibit the free flow of pedestrian or vehicular traffic. This shall be reviewed and approved on a case-by-case basis by the Zoning Administrator. The Owner shall ensure that sidewalk signs are installed to prevent toppling over or moving in windy weather. Any sidewalk sign must be positioned so as to allow at least a four-foot-wide pedestrian path of travel.

—(10) Non-Commercial Speech Temporary Signs: Temporary signs that portray a non-commercial statement shall be allowed. No more than one (1) sign per statement is permissible per lot per frontage.

**(g d) Temporary Construction Signs.**

(1) The owner or developer of a residential subdivision or a non-residential development may erect one sign not exceeding thirty-two (32) square feet in area. Once eighty percent (80%) of the development is complete as determined by the Zoning Administrator, these signs shall be removed by the Zoning Certificate holder.

(Ord. 2008-20. Passed 8-19-08.)

**1151.07 STANDARDS FOR SPECIFIC SIGN TYPES.**

(a) Awning and Canopy Signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied and shall meet the following conditions:

(1) Location. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way.

(2) Extension. Such signs shall not extend more than three (3) feet from the face of the building to which they are attached.

(3) Minimum clearance. A minimum clearance of ten (10) feet shall be maintained above sidewalks.

(4) Copy. The copy on an awning sign shall not exceed fifty (50) percent of the sign's total area.

(5) Illumination. Internal illumination of the awning is prohibited.

(b) Blade signs.

(1) Location. Blade signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.

(2) Height above finished grade. The lowest point of a blade sign shall be at least eight (8) feet but no more than fifteen (15) feet above finished grade. Blade signs shall not extend beyond the roof line in a vertical direction.

(3) Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign. Brackets and/or hardware for the sign may not extend more than four inches from the outside face of the sign.

(4) Square footage. A maximum of eight (8) square feet will be allowed.

(5) Illumination. Internal illumination is prohibited.

(c) Banner Signs. Banner signs are temporary signs and subject to the following conditions:

(1) Number. No more than one (1) banner may be displayed on the property at any one time.

(2) Maximum area and height. The maximum area and height of the banner sign shall not exceed that which is allowed under the requirements set forth in Section [1151.06](#).

(3) Display period. The banner sign may be displayed for a period not to exceed forty-two (42) calendar days for any one year.

(4) The banner sign shall not be displayed above the roof line of any structure.

(5) The banner sign shall be safely secured to a building or structure.

(6) Illumination. Banners shall not be illuminated.

(d) Freestanding Signs.

(1) Posts. Signs mounted on single poles or posts shall be prohibited outside the Historic District. Freestanding signs shall be designed utilizing two posts, one on either side of the sign, or be designed with a monument type base. No more than two (2) posts may be used. The height of the posts will not be included in the maximum height permitted for the sign, however posts shall not protrude higher than one foot above the height of the sign. Minimum post size (this refers to the finished outside dimension) shall be a six inch by six inch (6"x6") shall be required.

(2) Base material of monument signs. The base of monument signs shall be brick, stone, stucco, or other more permanent material not subject to water damage. The exposed base of a monument sign shall not exceed two (2) feet in height. The height of the base will be included when calculating the height of the sign.

(3) Cantilever signs. The post used to anchor cantilever signs shall be wood or another natural material such as brick or stone.

(4) Landscaping. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. Landscaping is not required on temporary, freestanding signs.

(5) Location. The sign must be located along frontage adjoining a public street.

(6) Setbacks. The front setback for freestanding signs shall be a minimum of fifteen (15) from the public right-of-way line unless otherwise stated. The sign must also meet the side yard setback for the applicable zoning district unless otherwise stated.

(e) Joint Identification Signs.

(1) Type. Primary and secondary freestanding joint identification signs must be monument signs.

(2) Setbacks. The front setback for freestanding joint identification signs shall be twenty-five (25) feet from the public right-of-way. The sign must also meet the side yard setback for the applicable zoning district unless otherwise stated.

~~(f) Portable Signs.~~

~~—(1) Zoning districts where permitted. Portable signs are only permitted in any non-residential zoning district. Refer to section [1151.06\(e\)](#) for Historic District Portable Sign Requirements.~~

~~—(2) Maximum area and height. Such signs shall be not more than three and a half (3.5) feet high and two (2) feet in width. There shall be no more than two (2) sides to such sign.~~

~~—(3) Illumination. Portable signs shall not be illuminated.~~

~~—(4) Use during operating hours. The portable sign shall be taken inside the establishment when the business closes each night and shall not be placed outside again until the business opens each morning. Three (3) or more violations of this provision during any sixty day (60) period shall be grounds for the Municipality of Powell to suspend or revoke the right of the violator to have a portable sign.~~

~~—(5) Placement. The sign shall be located directly in front of the business establishment and within ten (10) feet of the principal public entrance to the establishment.~~

~~—(6) Zoning Certificate requirements. A Zoning Certificate is not required.~~

(g-f) Wall signs.

(1) Location. All wall signs shall be mounted on the building which houses the establishment advertised by such signs, except as otherwise specifically authorized by this Zoning Code. Such signs shall be located on or along a wall of such a building which faces a street, parking lot, or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher.

(2) Projection from wall. All wall signs shall be parallel to the wall on which they are installed. The sign shall not project from the surface upon which it is attached more than twelve (12) inches in a non-residential district. In a residential district, a wall sign shall not project more than three (3) inches.

(Ord. 2008-20. Passed 8-19-08.)

### **1151.08 PROHIBITED SIGNS.**

(a) Prohibited Signs. The following signs and types of signs are inconsistent with the purposes and standards of this Chapter and are prohibited in all zoning districts:

(1) Signs within any public right-of-way unless specifically authorized under Section [1151.04\(a\)](#).

(2) Flashing, moving, rotating, intermittently lighted signs or other mechanical devices which creates the appearance of movement.

(3) Air actuated attraction devices.

(4) Roof signs.

(5) Pole signs.

(6) Portable changeable copy signs.

(7) Electronic variable message signs, reader boards, and changeable copy signs except as authorized under [1151.04\(a\)\(1\)](#) or [1151.04\(k\)](#).

(8) Stick Signs portraying a commercial message.

(b) Prohibited Sign Attachments. No temporary or permanent items shall be attached to any sign within the Municipality of Powell. This shall include, but not be limited to, balloons, streamers, arrows, or other such items that are not a part of the originally approved Zoning Certificate for such sign.

(Ord. 2008-20. Passed 8-19-08.)

### **1151.09 SIGN ZONING CERTIFICATES.**

(a) Zoning Certificates Required. To ensure compliance with the regulations of this Chapter, a Zoning Certificate shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that do not require zoning certificates consistent with the requirements of Sections [1151.04\(a\)\(1\)](#) and [1151.10](#). A Zoning Certificate is also required for the lighting of new or the relighting of existing signs. Granting of a Zoning Certificate from the Zoning Administrator does not constitute a building permit.

(b) Review Authority. The Zoning Administrator will review all Zoning Certificate applications within the Municipality of Powell. The Zoning Administrator has thirty (30) days from the date of submittal to review all Zoning Certificate applications and either grant, grant with conditions, or deny the Zoning Certificate application. If the Zoning Administrator grants a Zoning Certificate with conditions, the Zoning Administrator shall state the conditions in writing, with citations to relevant sections of this Chapter. The applicant shall sign a statement acknowledging the conditions set forth by the Zoning Administrator. If the Zoning Administrator denies a Zoning Certificate application, the Zoning Administrator shall do so in writing and state in writing the reason for denial, with citations to relevant sections of this Chapter or other provisions of the Codified Ordinances. The applicant may appeal the decision of the Zoning Administrator as outlined in Section [1151.15](#).

(c) Preparation. Applicants for a sign Zoning Certificate must submit the following information. Incomplete applications will be denied.

- (1) Color sign rendering.
- (2) Site plan and elevation drawings.
- (3) Sign dimensions and dimensions of sign mounting material, where applicable.
- (4) Building façade dimensions, where applicable.
- (5) Distance of sign from all public rights-of-way.
- (6) Style, type, wattage, and location of all lighting.
- (7) Landscaping plan for freestanding signs.
- (8) List of construction materials, including sign mounting material, where applicable.

(d) Criteria for Approval. The Zoning Inspector shall approve a Zoning Certificate if the proposed sign conforms to all applicable requirements of this Chapter.  
(Ord. 2008-20. Passed 8-19-08.)

### **1151.10 SIGNS NOT REQUIRING PERMITS.**

(a) Signs Exempt from Regulations. Any sign located entirely inside a building and not visible from the public right-of-way or from private property other than the property on which such sign is located shall be entirely exempt from regulation under this Chapter.

(b) Permanent Signs Allowed in Any District without a Zoning Certificate and Not Included in Dimensional Limitations. Zoning Certificates shall not be required for the signs listed herein. These signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

- (1) Signs conforming to the Ohio Manual of Uniform Traffic Control Devices;
- (2) Signs installed by employees or officials of a state or federal agency or of the Municipality or Delaware County in the course of their governmental duties;
- (3) Signs required by a state or federal statute or agency;
- (4) Signs required by an order of a court of competent jurisdiction;
- (5) Signs installed by public utilities to demarcate their rights-of-way.
- (6) Signs installed by a transit company;
- (7) Signs not exceeding one (1) square foot in area;
- (8) On-site traffic and other directional signs indicating points of entry or exit to off-street parking, identifying specific parking areas and directions to buildings and other services, provided that such signs are not larger than two (2) square feet in area and bear no commercial message. Such signs shall not obstruct the view of motorists for the purposes of ingress and egress.

(c) Temporary Signs Allowed without a Zoning Certificate.

- (1) Official and legal notices required by a court or governmental agency.
- (2) Temporary signs in residential areas.

(d) Window Signs. Window signs are permitted in any zoning district and do not require a Zoning Certificate. However, all window signs shall meet the following conditions:

- (1) Number. No more than twenty percent (20%) of the windows in any structure may be covered with permanent or temporary window signs.
- (2) Surface coverage. Window signs may not be larger than twenty percent (20%) of the aggregate window area.
- (3) Neon Signs. Neon, or neon simulating, signs are prohibited.
- (4) Electronic Signs: All other electronic signs shall not exceed one (1) foot by two (2) foot area (2 square feet) within any given window. Only one electronic sign per business per frontage is permitted. These signs shall not exceed fifteen (15) characters, including spaces and other special characters.

#### A. General Lighting Standards.

1. Light bulb illumination is measured in lumens. There is no conversion between lumens and nits,



mainly because light bulbs are spherical (general) sources of light.

2. In no case shall the lighting intensity of any sign exceed the limit of seventy-five foot candles measured with a standard light meter or equivalent perpendicular to the face of the sign at a distance equal to the narrowest dimension of the sign, whether it is height or width.

3. In no case shall any exposed reflective-type bulbs, incandescent lamp, or any other type of bare bulb illumination exceed twenty watts.

B. Directional Lighting Standards.

1. Directional type signs are measured in nits (candles per square meter).

2. The average number of "on" pixels in a message is 40 percent for the average measurement and 100 percent of the "on" pixels is for the maximum measurement. Most programming is assumed to be near the 40 percent number.

3. For daytime programming, the average illumination is limited to 2,000 nits.

4. For nighttime programming, the average illumination is limited to 500 nits.

5. The maximum daytime illumination is 5,000 nits.

6. The nighttime illumination is to be set to 25 percent of the daytime illumination but can be adjusted up or down, in 1 percent increments, with photocell software for incremental dimming.

(Ord. 2008-20. Passed 8-19-08.)

### **1151.11 COMPREHENSIVE SIGN PLAN.**

(a) Purpose. A Comprehensive Sign Plan is intended to integrate the design of the signs proposed for a new development project, or an existing commercial property, with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-user projects, to encourage maximum incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the intent of this Chapter.

(b) Applicability. The approval of a Comprehensive Sign Plan shall be required when two (2) or more signs requiring Zoning Certificates are proposed for a new development or existing site, or if a joint identification sign is proposed.

(c) Approval Authority. The Planning and Zoning Commission, or in the case of a property within the Historic District, the Historic Downtown Advisory Committee, must approve a Comprehensive Sign Plan prior to issuance of a Sign Zoning Certificate by the Zoning Administrator, under the requirements of this chapter, and the design guidelines within the Historic District.

(d) Application Requirements. An application for a Comprehensive Sign Plan shall include all information and materials required in Section 1151.09 and the filing fee set by City Council.

(e) Standards. A Comprehensive Sign Plan shall comply with the following standards:

(1) The plan shall comply with the purpose of this Chapter and the overall intent of this Section;

(2) The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the comprehensive sign plan, to the structures and/or developments they identify, and to surrounding development;

(3) The Comprehensive Sign Plan shall accommodate future revisions that may be required because of changes in use or tenants; and

(4) The Comprehensive Sign Plan shall comply with the standards of this Chapter.

(f) Revisions to Comprehensive Sign Plans. The Zoning Administrator may approve the substitution of signs provided these signs meet the all the requirements of Chapter [1151](#) and the adopted Comprehensive Sign Plan. If additional signage is proposed or if proposed signs are changed in any aspect to the intent of the original Comprehensive Sign Plan, approval from the Planning and Zoning Commission or Historic Downtown Advisory Committee is required.

(Ord. 2008-20. Passed 8-19-08.)

### **1151.12 ABANDONED SIGNS.**

(a) Abandonment Defined. If any sign shall become abandoned, in a manner defined herein, such sign is declared a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and creating a blighting influence on nearby properties. An abandoned sign shall be any sign that meets any of the following conditions:

- (1) Any sign associated with the abandoned nonconforming use.
- (2) Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least sixty (60) consecutive days.
- (3) Any sign that is not maintained in accordance with Section [1151.04\(g\)](#).

(b) Determination of Abandonment. When the Zoning Administrator finds, upon investigation, that a sign has been abandoned, the Zoning Administrator shall notify the owner of said sign and the owner of the property upon which such sign is located, of any findings. Such notice shall advise the owner of the sign and the owner of the property that said sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The owner of the sign or the owner of the property may appeal such decision as provided in [1151.15](#).

(c) Right to Remove. If the sign is not removed as ordered, the sign may be removed by the Municipality of Powell at the expense of the lessee or owner. If the Municipality is not reimbursed for the cost of removal within thirty (30) days of such removal, the amount thereof shall be certified to the County Auditor for collection as a special assessment or lien against the property upon which such sign is located.  
(Ord. 2008-20. Passed 8-19-08.)

### **1151.13 SUBSTITUTION OF MESSAGES.**

Any sign allowed herein may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area, and other requirements of this Chapter.  
(Ord. 2008-20. Passed 8-19-08.)

### **1151.14 SEVERABILITY.**

(a) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms or words shall be considered independent, valid, and enforceable.

(b) Severability Where less Speech Results. Without diminishing or limiting in any way the declaration of severability set forth in Section [1151.14\(a\)](#), or elsewhere in this Chapter, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is declared unconstitutional shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to zoning certificates or otherwise. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms or words shall be considered independent, valid, and enforceable.

(c) Severability of Provisions Pertaining to Prohibited Signs. Without diminishing or limiting in any way the declaration of severability set forth in Section [1151.14](#)(a) and (b), or elsewhere in this Chapter, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section [1151.08](#) of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of Chapter [1151](#) is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of Chapter [1151](#). It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms or words shall be considered independent, valid, and enforceable.

(d) Severability of Prohibition on Signs Bearing Off-premise Commercial Messages. If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter and/or any other provisions of the Zoning Code or the Codified Ordinances are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on signs bearing off-premises commercial messages as contained herein. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms or words shall be considered independent, valid, and enforceable.  
(Ord. 2008-20. Passed 8-19-08.)

#### **1151.15 APPEALS.**

The decision of the Zoning Administrator regarding issuance of a Zoning Certificate, notice to repair, or determination of abandonment may be appealed to the Board of Zoning Appeals subject to the requirements in Chapter [1127](#).  
(Ord. 2008-20. Passed 8-19-08.)

#### **1151.99 VIOLATIONS, PENALTIES, AND REMEDIES**

Any person, firm or corporation violating any requirement or prohibition of this Chapter shall be considered in violation of this Code, and shall be subject to enforcement under the requirements of Chapter [1135](#), including the penalties and other remedies allowed by that chapter.  
(Ord. 2008-20. Passed 8-19-08.)