

CITY OF OBERLIN, OHIO

ORDINANCE No. 12-68 AC CMS

AN ORDINANCE AMENDING AND REPLACING CHAPTER 1351 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN RELATING TO THE REGULATION OF SIGNS, AND AMENDING SECTION 1357.10(c)12 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN RELATED TO SIGNS IN COMMERCIAL DISTRICTS (OUTSIDE OF THE CENTRAL BUSINESS DISTRICT)

WHEREAS, the Oberlin Planning Commission has reviewed and approved certain proposed modifications, updates and amendments to Chapter 1351 of the Codified Ordinances relating to the regulation of signs within the municipality, and an amendment to Section 1357.10(c)(2) of the Codified Ordinances related to design standards and guidelines for signs in commercial zoning districts outside of the Central Business District; and

WHEREAS, City Council has provided public notice of and held a public hearing concerning the proposed amendments, modifications and updates, all in accordance with legal requirements.

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

SECTION 1. That Chapter 1351 of the Codified Ordinances of the City of Oberlin, Ohio, which relates to permits, regulations and procedures regarding the approval of signs within the City, is hereby amended to read in accordance with, and is hereby replaced by, the provisions set forth in "Exhibit A" attached hereto and incorporated herein by reference.

SECTION 2. That Section 1357.10(c)(12) of the Codified Ordinances of the City of Oberlin, Ohio, which relates to design standards and guidelines for signs in commercial districts outside of the Central Business District as defined by Section 1349.01(d) of the Codified Ordinances, is hereby amended to read in accordance with, and is hereby replaced by, the provisions set forth in "Exhibit B" attached hereto and incorporated herein by reference.

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

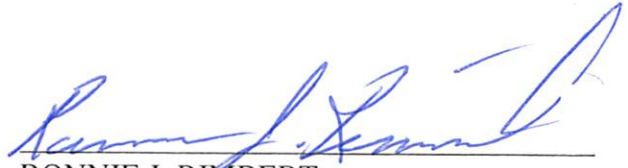
SECTION 4. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading – September 17, 2012
2nd Reading – October 1, 2012
3rd Reading – October 15, 2012 (effective in 30 days)

ATTEST:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 10/16/2012

EFFECTIVE DATE: 11/14/2012

EXHIBIT A

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.
- 1351.07 Special provisions for college signs.
- 1351.08 Fees.
- 1351.09 Appeals.
- 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 of display, location, maintenance, and other characteristics of signs in order to:

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

1351.02 APPLICABILITY.

- (a) This Chapter shall apply to any sign erected or constructed after the effective date of this Chapter and to any sign which replaces an existing sign or component thereof.
- (b) Noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech provided that the sign structure is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any provision to the contrary in this Chapter.

1351.03 PERMITS, FEES, INSPECTIONS.

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

- (1) A Sign Permit shall be obtained by the owner of the lot on which the sign will be located, or by his/her authorized representative. The owner or representative shall submit a Sign Permit Application, fee, and such other information as required to determine and document compliance with the ordinances of the City of Oberlin.
- (2) When any sign is erected, displayed, relocated, replaced, reinstalled, or altered prior to obtaining a Sign Permit, the required fees **shall be doubled**.
- (3) A Sign Permit shall not be deemed to constitute permission or authorization to establish or maintain an unlawful sign nor constitute a defense in action to abate an unlawful sign.

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

- (1) A sign or signs on one lot, having a total sign surface area of four (4) square feet or less.
- (2) A temporary window sign.
- (3) A notice sign related to trespassing, safety, 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 to exceed two (2) square feet in area.
- (4) Governmental, Public Utility Signs. A Sign Permit shall not be required for a sign erected by any governmental unit or public utility for the purpose of protecting or promoting public health, safety, and welfare, including regulatory signs, warning signs, facility identification signs, and community entrance signs, provided that such signs are consistent with local, state and federal laws.

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

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 the component parts of each, shall be kept in good repair.

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

Changes to the panels, height, size, shape, colors, or location of a nonconforming sign are not permitted unless the sign is brought into compliance with this ordinance. Normal maintenance (i.e. painting, cleaning or minor repair) to ensure the continued safe operation shall be permitted.

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

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

(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 bearing a commercial message that is not located on the lot where the business or use to which it pertains is located (i.e. no off-site advertising);

(10) A sign which creates a traffic 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 by any other means;

(11) A sign having illumination which causes annoying reflection or glare;

(12) 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 ordinance may be continued even though the sign does not conform with the provisions of this ordinance provided that the sign complies with the requirements of the public health, safety or general welfare.

Changes to the panels, height, size, shape, colors, or location of a nonconforming sign **are not permitted** unless the sign is brought into compliance with this ordinance. Normal maintenance (i.e. painting, cleaning or minor repair) to ensure the continued safe operation shall be permitted.

1351.05 SIGNS IN RESIDENTIAL DISTRICTS.

The following provisions shall apply to signs in residential districts:

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

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

(b) **Signs for Non-Residential Uses.**

(1) For a non-residential use other than the uses listed in (2) and (3) below, one sign which may include a changeable message sign is permitted, with a surface area not exceeding twenty (20) square feet. If the institution 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.

(2) **In-Home Office.** For an in-home office in the "R-2" Dwelling District [as identified in Section 1337.02(a)(11)], one sign is permitted with a surface area not exceeding ten (10) square feet.

(3) **Hospital.** For a hospital, one ground sign not exceeding 60 square feet and wall signs not exceeding 200 square feet.

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

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

(1) Temporary Message Sign.

- (A) one (1) temporary message sign per lot announcing that the lot, building , or space there in is for rent, sale or lease.
- (B) temporary message signs communicating non-commercial messages.
- (C) temporary message sign 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) Construction Sign. One sign per lot shall be permitted during the period of active site development and building construction for a use other than single family or two family dwelling. The surface area of such sign shall not exceed thirty-two (32) square feet, identifying the architects, builders, contractors and/or developer or other participants. The permit for a construction sign 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) Subdivision Construction Sign. One freestanding sign shall be permitted on a single lot within and near each entrance of a subdivision as defined by the Subdivision Ordinance, identifying the name of the subdivision under development and other related information. Such sign shall not exceed thirty-two (32) square feet in area. The permit for a subdivision sign 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 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.**
- (3) Home Occupation. For a home occupation, no sign is permitted except as permitted by Section 1351.05(a)(1)(B).

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) Business Signs.

(A) Wall Sign. One or more signs may be located on the front wall of a building. Such sign or signs shall be attached to the front wall of the building in a plane parallel to the plane of the wall and shall not extend more than twelve (12) inches from the wall of the building.

For a building located on a corner lot, one additional wall sign may be located on that wall which most nearly parallels the right-of-way of the side street, provided that such side wall sign shall not have an area larger than fifty percent (50%) of the total sign surface area permitted for the lot.

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

(C) Directional Sign. Directional signs providing information related to the location or operation of parking, loading, drive-through, pedestrian, or bicycle facilities are permitted on the same lot as the facilities to which they pertain. Directional signs may be located on a different lot, with the approval of the Planning Commission, provided that the signs are located on drives or other facilities providing direct access to the lot of the business or use to which they pertain. The sign surface area, which would include the total of all sides of a directional sign, shall not exceed four (4) square feet and shall not be greater than three (3) feet in height. A directional sign shall be located at least five (5) feet away from the right-of-way and at least five (5) feet from any lot line. No such sign shall be located or constructed in a manner which obstructs or impairs the safety of pedestrians, bicyclists, or motorists. A directional sign may include the name or other identification of the business or use to which it pertains.

- (D) 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 fifty (50) square feet in area for a sign with two or more faces and twenty-five (25) square feet for a sign with a single face. Such sign shall not be located closer to the public right-of-way than fifteen (15) feet nor closer than five (5) feet to any 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.

- (E) Industrial Park Identification Sign. One (1) freestanding sign may be located on a lot within a Industrial Park and near to each entrance thereto, as defined and approved under the Subdivision Ordinance. An Industrial Park identification sign shall not exceed thirty (30) square feet in surface area and shall not exceed ten (10) feet in height. Such sign shall be located at a least fifteen (15) feet from the right-of-way and five (5) feet from any lot line. A perpetual agreement, approved by the Law Director, shall be established for the maintenance of such sign prior to issuing a permit. The surface area of the sign shall be exempted from the total sign surface area limitation for the lot upon which it is located.
- (F) 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 and as approved by the Planning Commission. A permanent window sign shall be included in calculation of the total sign surface area permitted for the lot.
- (G) Multi-tenant Wall Sign. Tenants in a multi-tenant, occupying space that does not have a direct entrance on the first floor level of the building, shall be permitted one (1) wall sign located on the wall adjacent to or above the entrance of the space. Such sign shall not exceed twenty (20) square feet in area. A directional sign for side entrance to a building not to exceed ten (10) sq. ft. in area is also permitted.

- (2) Temporary Signs. One (1) non-commercial temporary message sign, as either a freestanding sign or a wall sign, shall be permitted per lot, not to exceed twelve (12) sq. ft. Any temporary sign will 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 ordinance 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 the building or above the highest line of the building. 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;
 - (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 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 shall not exceed an area equal to three (3) square feet in area per lineal foot of the front wall of the building (or front walls of buildings).
- (4) Changeable Message Sign. An automatic changing sign, manually changeable or bulletin board sign may be permitted with approval of the Planning Commission.
- (5) Awning or Awning Sign. One or more awnings, defined as a construction attached to the face of a building 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 calculation of the total sign surface area permitted for the lot.

1351.07 FEES.

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

1351.08 APPEALS.

An applicant for a sign permit or sign approval may appeal an adverse decision of the Building Official by filing a written notice of appeal with the Secretary of the Planning Commission. The notice shall clearly state the reason for appeal and shall include a copy of the written decision of the Building Official. The appeal shall be filed within ten (10) days of receipt of the decision of the Building Official. The Planning Commission shall hear the matter and render a decision within thirty (30) days. A decision of the Planning Commission may be appealed, within thirty (30) days of the date of decision, to the Court of Common Pleas of Lorain County pursuant to the provisions of the Chapter 2506 of the Ohio Revised Code.

1351.09 SEVERABILITY.

If any 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 hereof, but shall be confined to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

1351.99 PENALTY.

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

EXHIBIT B

The following changes are recommended to Section 1357.10(c)(12) of the Codified Ordinances, related to design standards for signs in all commercial zoning districts other than the “C-1”/Central Business District as defined in Section 1349.01(d) of the Zoning Code:

- A. No change.
- B. Delete.
- C. Delete.
- D. No change.