

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30050

Ordinance No. 3622

Passed

12/19

, 20

17

**AN ORDINANCE APPROVING AMENDMENTS TO CHAPTER 153 OF THE CODE OF ORDINANCES OF THE CITY OF WEST CARROLLTON, KNOWN AS THE "SIGN CODE".**

**WHEREAS**, sign regulation in West Carrollton is part of a comprehensive program of planning and zoning controls; and

**WHEREAS**, the U.S. Supreme Court decision in *Reed v. Town of Gilbert, Ariz.*, --U.S.--, 135 S.Ct. 2218 (2015) invalidated portions of Chapter 153: Signs which necessitated certain amendments be made to bring it into compliance with this decision; and

**WHEREAS**, other amendments are proposed to enable the removal of nonconforming signs abandoned for more than 180 days and to increase the permitted area for temporary freestanding signs; and

**WHEREAS**, the proposed amendments were reviewed at a public City Council-Planning Commission meeting on September 12, 2017; and

**WHEREAS**, notification of a public hearing before the Planning Commission regarding this matter was advertised in the Miamisburg-West Carrollton News on September 21, 2017; and

**WHEREAS**, a public hearing was held on November 16, 2017 by the West Carrollton Planning Commission, at which time all people who wished to testify gave their comments, and at which time the Planning Commission unanimously recommended approval of the proposed amendments to City Council; and

**WHEREAS**, notification of a public hearing before the City Council regarding this matter was advertised in the Miamisburg-West Carrollton News on December 7, 2017; and

**WHEREAS**, a public hearing was held on December 12, 2017 by the West Carrollton City Council, at which time all people who wished to testify gave their comments; and

**WHEREAS**, for all of these reasons, the City Council finds that it is both necessary and appropriate as part of its overall Land Usage Code and other code provisions designed to preserve and protect the public health, safety and welfare in the physical development of the community to adopt the following amendments to the provisions of the Land Usage Code affecting signs.

**NOW, THEREFORE, THE CITY COUNCIL OF THE MUNICIPALITY OF WEST CARROLLTON, STATE OF OHIO, HEREBY ORDAINS:**

**SECTION I.** That the City Council makes the following findings of fact with respect to the proposed amendments to Chapter 153 of the Code of Ordinances of the City of West Carrollton, pursuant to case SC-17-1:

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- a) The City's Sign Code, which is one of the mechanisms used to implement the vision of the Comprehensive Plan, states in part that the purposes of the Sign Code regulations are to: *"(a) Enhance and protect the physical appearance of the community (b) Promote and maintain attractive, high value residential, retail, commercial, and industrial districts, and preserve the scenic and natural beauty of designated areas (c) Provide necessary, yet reasonable and appropriate, signage for all residential, institutional and business uses in the community."* The proposed Sign Code amendments would accomplish these purposes by (1) enabling the proper enforcement of the city's sign regulations, which have been in abeyance since the *Reed* decision (2) establishing the basis by which blighted abandoned nonconforming signs may be removed and (3) permitting temporary freestanding signs matching industry standard sizes.

**SECTION II.** That on this basis the City Council hereby adopts the amendments to Chapter 153 of the Code of Ordinances of the City of West Carrollton known as the "Sign Code", as reflected in "Exhibit A" attached hereto.

**SECTION III.** That this Ordinance shall take effect from and after the earliest period allowed by law.

PASSED by the Council of the City of West Carrollton, State of Ohio, this 19<sup>th</sup> day of DECEMBER, 2017.

Attest:

Thomas Reilly  
Clerk of Council

[Signature]  
Mayor

Effective Date: 12/19/17

## CERTIFICATE

The undersigned, Clerk of Council of the City of West Carrollton, Ohio, hereby certifies the Ordinance to be a true and correct copy of Ordinance No. \_\_\_\_\_, adopted on the \_\_\_\_\_, day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Clerk of Council

Dated: \_\_\_\_\_

## EXHIBIT A

### CHAPTER 153: SIGNS

#### Section

- 153.01 Purposes
- 153.02 Findings
- 153.03 Classification of signs
- 153.04 Computations
- 153.05 Maximum sign area permitted
- 153.06 Supplemental requirements for wall signs
- 153.07 Maximum height of freestanding signs
- 153.08 Supplemental requirements for freestanding signs
- 153.09 Supplemental regulations
- 153.10 Signs exempt or partially exempt from regulation
- 153.11 Prohibited signs
- 153.12 Construction standards for signs
- 153.13 Maintenance
- 153.14 Administrative procedures
- 153.15 Regulations for nonconforming signs
- 153.16 Permit conditions and refunds
- 153.17 Inspection upon completion
- 153.18 Licenses
- 153.19 Indemnification and insurance
- 153.20 ~~Nonecommercial sign and message~~  
Substitution Application of chapter
- 153.21 Severability
- 153.22 Signs allowed in the right-of-way and on public property

#### §153.01 PURPOSES.

In the interest of promoting the general health, safety and welfare of the residents of the City, as more fully set forth in the following findings, these regulations are herein established to provide for the use, location, size, height and design of signs, in order to ensure that all signs are appropriate to, and compatible with, the character of the associated uses and of the surrounding area.

In establishing these purposes, the City has determined that no sign shall be permitted, erected or maintained as a main or accessory use except in accordance with the provisions of this ~~Zoning Ordinance~~ Chapter, unless such sign is exempted from the provisions of this Chapter.

In establishing these purposes, the City has determined that, without adequate regulation and design standards, signs are a nuisance. The number of signs in West Carrollton is excessive and is unduly distracting to motorists and pedestrians, creates a traffic hazard, and in some places reduces the effectiveness of signs needed to direct the public. As the appearance of

the City is marred by the excessive number, oversized and poorly designed signs, both residential and business property values are adversely affected. Therefore, the number of such distracting signs ought to be reduced and signs permitted should comply with the standards of this chapter in order to reduce the aforementioned effects.

The signs of least value to the people of West Carrollton are those which carry commercial messages other than the advertisement of any product, service, event, person, institution, or business located on the premise[s] where the sign is located.

In view of the foregoing, any sign that does not conform to the regulations of this Chapter, or any subsequent amendment thereto, shall therefore be deemed a public nuisance, and as such, must be abated as provided herein. It is further declared that the regulations contained in this chapter are the minimum regulations necessary to abate the nuisance and to achieve the purposes of this chapter.

More specifically, the purposes of these regulations are to:

(a) Enhance and protect the physical appearance of the community.

(b) Promote and maintain attractive, high value residential, retail, commercial and industrial districts, and preserve the scenic and natural beauty of designated areas.

(c) Provide necessary, yet reasonable and appropriate, signage for all residential, institutional and business uses in the community.

(d) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment, and to avoid confusion or hazardous conflict between traffic control signs and devices, and any other permitted sign.

(e) To provide the public with a safe and effective means of locating businesses, services and points of interest within the municipality.

(f) To protect the rights of property owners and occupants to display messages protected by the First Amendment of the U.S. Constitution. Therefore, the purpose of these regulations include the intention to remove any doubt that it is the public's right to receive and display messages protected by the First Amendment, including, but not limited to, religious, political, economic, social and philosophical messages subject, however, to reasonable regulations to assure safety and minimize visual blight. It is the further purpose of these regulations to affirm that an expedient appeal process exists that addresses these First Amendment concerns.

(g) Provide review procedures that enable and ensure the comprehensive evaluation of a sign's appropriateness to the site, building and surroundings, adherence to these purposes, and consistent enforcement of this Chapter's regulations.

(h) Establish and enforce a reasonable procedure for the eventual removal of legally non-conforming signs.

(i) Prohibit all signs not expressly permitted by this Chapter.

## § 153.02 FINDINGS

Findings for this Chapter are contained within the adopting ordinance.

## § 153.03 DEFINITIONS

~~For the purposes of these regulations, a sign shall include any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols, graphic or trademarks by which anything is made known, and which directs attention to any object, product, place, activity, person, institution, organization, or business, whether placed on natural objects or on a building, fence or other manmade structure, which are legible from any public street or public road right of way. Signs shall further be defined as follows and as generally illustrated in Appendix A:~~

(a) ~~Abandoned Sign:~~ A non-conforming commercial sign that no longer identifies or directs attention to a business, lessee, service, owner, product, or activity which is conducted upon the premises where such sign is located. (A) Any sign or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more (for a sign or its supporting sign structure which conforms to this chapter at the time of adoption); or (B) any commercial sign which pertains to a time, event or purpose which no longer applies; or (C) a Deteriorated Sign (as defined in herein) or a sign that is not adequately maintained, repaired, or removed within the specified time as ordered by this Chapter.

(b) ~~Animated or Flashing Sign:~~ Any sign which uses continuous, or nearly continuous movement, an intermittent or sequential flashing of the light source, or other visual change, which is clearly intended to depict action, create a special effect or scene, or otherwise attract attention, except changeable copy signs as defined in subsection (h) hereof. Any sign having a conspicuous and intermittent variation in the physical position of any part of the sign and/or in the illumination of the sign.

Attention-Attracting Device: Any device, such as balloons, searchlights, twirling signs, inflatable objects,

etc., intended to attract the attention of the public to an establishment, location, product or service.

(c) ~~Bandit Sign:~~ A small, portable temporary sign typically used to promote limited time offers in high traffic areas. Bandit signs are typically comprised of doubled-sided corrugated plastic and measure measuring up to twenty-four (24) inches by twenty-four (24) inches, and are mounted on an H-wire stake planted in the ground.

(d) ~~Banner Sign:~~ A temporary sign consisting of lightweight fabric or similar material either enclosed or not enclosed in a rigid frame, and secured or mounted to allow motion caused by the atmosphere. Banner signs shall also include those signs commonly known as "feather banners", "banner flags", or "beachwings".

Billboard: see "Off-Premises Sign".

(e) ~~Building Marker:~~ Letters, words, or insignia cut into the building surface, or otherwise permanently mounted on the building at the time the building was constructed.

(f) ~~Candela:~~ A candela is a unit of luminous intensity or candlepower. In layman's terms, a wax candle emits about one candela (or candle) in all directions. In technical terms, a candela is a lumen per steradian, and is equal to 1/60 of the luminous intensity per square centimeter of a blackbody radiating at the temperature of solidification of platinum (2,046 degrees Kelvin). It is used for "point" sources to calculate how much light is cast on a surface no matter where the surface is.

(g) ~~Canopy or Awning Sign:~~ A sign or graphic painted or printed on, or attached to the soffit or fascia of any awning, canopy, or other fabric, plastic, or similar structural protective cover over a door entrance or window.

(h) ~~Changeable Copy Sign:~~ A sign, where the message or graphics are not permanently affixed to the structure, framing or background, where the message may be replaced periodically, either manually, mechanically or electronically, and provided such sign does not constitute an animated or flashing sign as defined above and regulated in Section 153.08(c). Electronic changeable copy shall include any portion of a sign using any combination of light emitting diodes (LED's) or other light-emitting technology, fiber optics, light bulbs, or other illumination device within the display area, and shall meet the requirements of Section 153.08(c).

(i) ~~Commercial Message:~~ A message that directs attention to or acts as advertising for a business, commodity, product, service, form of

entertainment or activity or tends to encourage the occurrence of a commercial transaction related thereto. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

(j) — Commercial Sign: A sign which contains a commercial message.

Corporate Limit Sign: Signs established by the City, located on City property, to designate its boundaries to persons traveling into the community. Corporate limit signs may include the signs of nonprofit organizations.

Deteriorated Sign: Showing signs of weathering, rust, corrosion, exposed wiring, chipped paint or faces, cracked, broken, torn, or missing faces, or loose materials, or other evidence of disrepair.

(k) — Directional Sign: A permanent sign located on private property at or near the public right-of-way, directing or guiding vehicular or pedestrian traffic on the same parcel.

(l) — Digital Gateway Sign: A large-format off-premise sign, commonly referred to as a billboard, containing only electronic displays of advertising as permitted in Section 153.08(d)

(m) — Domestic Advertising Sign: A temporary sign which directs attention to a product sold or offered upon the premises where such sign is located, when such sign is located at the place of residence of an individual or family

(n) — Festoons: A string of ribbons, tinsel, small flags, pinwheels, incandescent light bulbs or similar devices that are not an integral, physical part of the building or structure they are intended to serve.

(o) — Flag: Any fabric, banner, pennant, burgee or bunting containing distinct colors, patterns, symbols or insignia of any nation, state, city or other political unit and/or any organization, whether for-profit or not-for-profit, but not including a commercial message. Any fabric or similar light-weight material attached at one (1) end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices used to represent a government, political subdivision, and/or any organization, whether for-profit or not-for-profit, but not including a commercial message.

(p) — Footcandle: A measurement of light intensity at an illuminated object. One footcandle is the illuminance at a point on a surface which is one foot from, and perpendicular to, a uniform point source of one candela.

(q) — Freestanding Sign: A non-movable sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building. A freestanding sign may also be referred to as a ground sign.

Government Sign: A sign designed for control of, or to provide information to, traffic and other regulatory functions, and signs of public utilities and/or common carriers indicating danger and/or location of facilities and/or components, and aids for service or safety which are erected by the order of a public officer in the performance of his/her public duty (see also Public Sign).

(r) — Grand Opening Sign: A temporary sign announcing the opening of a new business or the change in ownership of an established business at a specific location.

(s) — Hand-held Sign: A portable commercial sign containing a commercial message that is held, carried, worn, balanced by or otherwise mounted on a person which is typically intended to target vehicular traffic as its audience. A hand-held sign shall include a human or animal used as an advertising device for commercial establishments, typically by holding or wearing of insignia, masks, or costumes associated with the commercial establishment.

(u) — Identification Sign: A sign that typically identifies the principal use, activity, service or business for a lot, development, building or building unit. A sign located at or near the entrance to an industrial, business or residential development, which is necessary for the safety or convenience of motorists and which is therefore erected primarily in the public interest.

(t) — Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

(v) — Inflatable Sign: An object that is inflated with air or gas, and may or may not contain a commercial message, which is intended to draw attention to any commercial message or is used for any commercial purpose.

(w) — Instructional Sign: A sign conveying noncommercial information intended to assist and/or inform those using the premises, such as hours of operation, no trespassing, no parking, and/or other similar information.

(x) — Marquee Sign: A sign attached to or supported by a permanent roof-like structure or canopy of rigid materials supported by and extending from the main facade of a building.

(y) — Menu Board: A permanent changeable copy sign associated with restaurants with drive-through windows, car washes, or other businesses with drive-up services.

(z) — Name Plate: A permanent, fixed-copy, on-premises sign indicating the name, address and, if applicable, profession, whether commercial or non-commercial, of the occupant or group of occupants, placed on the front of a structure or mounted in the front lawn of a property.

(aa) — Non-Commercial Message: A message intended to direct attention to a political candidate, election issue, political, social, religious, community or public service issue or idea, aim, viewpoint, aspiration or purpose and not intended to produce any commercial benefit or tend to encourage a commercial transaction.

(bb) — Non-Commercial Sign: A sign containing a noncommercial message. Any sign that can be displayed under the provisions of this Chapter may contain a non-commercial message.

(cc) — Nonconforming Sign: A sign which was erected legally, but no longer complies with subsequently enacted sign restrictions and regulations.

Obscene Sign: A sign which contains words or pictures in which the dominant theme, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is without redeeming social value.

(dd) — Off-Premises Sign: A commercial sign advertising a business, merchandise, service or entertainment any business, profession, product, activity, commodity, or service which is not offered, sold, produced, manufactured or furnished at the property on which upon the premises where such sign is located. A billboard is a type of off-premises sign.

On-Premises Sign: A commercial sign advertising any business, profession, product, activity, commodity, or service which is offered, sold, manufactured or furnished upon the premises where such sign is located.

(ee) — Permanent Sign: Any sign that is securely attached or installed upon a building, structure, or the ground, constructed of durable materials, and is intended to exist for the duration of time that the use or occupant is located on the premises.

Pennant: Any sign of light-weight plastic, fabric, or other similar material, whether or not containing a message of any kind, which is suspended from a rope,

wire, or string, usually in a series, and which is designed to move in the wind. Flags of any government or political subdivision shall not be considered pennants.

Pole Sign: Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level.

(ff) — Portable Sign: Any sign which is movable and which is not permanently attached to the ground, to a or other permanent structure or to other signs, and which is designed or constructed in such a manner that it can easily be moved or relocated in its entirety without involving any structural or support changes and without significant expense.

Public Sign: Any sign required or specifically authorized for a public purpose by any law, statute, or ordinance which may be of any type, number, area, height above grade, location, illumination or animation, required by the law, statute, or ordinance under which the signs are erected (see also Government Sign).

(gg) — Public Issue Sign: Any sign identifying and urging support for or against a particular public issue, political party or candidate for public office.

(hh) — Project Construction Sign: A temporary sign during the time of active construction, which may contain any non-commercial message or a commercial message related to the development, construction, lease, rental or sale of land or buildings or facilities developed thereon.

(ii) — Projecting Sign: A sign attached to a building wall which is not parallel to that wall. A type of wall sign affixed to any building or part thereof, or structure, extending beyond the building wall or parts thereof, or structure, more than what is necessary for the construction and support of that wall sign.

(jj) — Real Estate Sign: A temporary sign pertaining only to the sale, rent or lease of the premises on which it is located. A temporary sign posted on property that is actively marketed for sale or lease.

(kk) — Roof Sign: A sign erected on or extending above the top of a flat roof parapet, or above the eave of a pitched roof, but not including a sign totally within the vertical elevations of the lower slope of a mansard or gambrel roof.

(ll) — Rotating Sign: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner.

(mm) — Sandwich Board: A type of changeable copy portable sign with an "A-frame" or "T-frame" base, which is displayed only during business hours and on which advertisements are typically changed

on a daily or regular basis.

Seasonal or Holiday Display: Any temporary display, such as Christmas decorations, used for a holiday and installed for a short, limited period of time.

(nn) — Shopping Center: A commercial development under unified control consisting of four or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.

Sign: Any object, device, display, or structure, or part thereof, legible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, numerals, designs, symbols, devices, fixtures, logos, pictures, graphics, trademarks, colors, illumination, or projected images.

Sign Face: The surface of the sign upon, against or through which the message of the sign is exhibited.

Sign Structure: The supports, uprights, bracing or framework for signs.

Site Sign: A temporary sign located on any parcel during the time of active construction for which a building permit has been issued but on which construction related to such building permit is incomplete.

~~(oo) — Special Event Sign: A temporary sign, portable sign or banner, designed and placed to draw attention to a special event or promotion of limited duration, defined as follows:~~

~~1. The special event or promotion shall be held in the City of West Carrollton;~~

~~2. The special event or promotion shall be sponsored by the City of West Carrollton, by a charitable, tax-exempt or non-profit organization (defined by IRS regulations) with a documented presence in the City of West Carrollton, or by a combination of the aforementioned entities;~~

~~3. The special event or promotion shall be open to all members of the public, must not discriminate on any legally forbidden basis, and must be open to and suitable for persons of all ages.~~

(pp) — Temporary Sign: A sign which is designed to be used only for a limited period of time, as regulated in this Chapter, and is not, nor intended to be, permanently attached to a building, structure or the

ground.

(qq) — Under-Canopy Sign: A sign suspended beneath a canopy, ceiling, roof or marquee, and intended to be viewed primarily by pedestrians under, or nearly under, such canopy, ceiling, roof or marquee, not including a wall sign as defined below.

(rr) — Wall Sign: ~~A sign erected parallel to, or painted on, the surface of a wall or other vertical or nearly vertical surface of a structure~~ Any sign painted on, attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, and not extending more than what is necessary for the construction and support of that wall sign.

(ss) — Window Sign: A permanent or temporary commercial sign affixed to a window, including windows within doors or any sign sufficiently near the inside of a window as to make such sign clearly and/or intentionally visible, and easily read, by motorists or pedestrians outside the building for the specific purpose of directing attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located.

Work of Art: Any item expressing creative skill or imagination in a visual form, such as a painting or sculpture, which is intended to beautify or provide an aesthetic influence to a public area or area which is visible from the public realm and which in no way identifies or specifically relates to a commercial business, product or service.

Yard Sign: A temporary sign, which is mounted on a stake or a frame structure (often made from wire) that includes one (1) or more stakes.

## § 153.04 COMPUTATIONS.

The following rules shall apply to the computation of sign area and sign height:

### (a) Determining Sign Area and Dimensions.

(1) For a sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.

(2) For a sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, or an irregularly shaped freestanding sign, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle or triangle), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display. When separate

elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements.

(3) The sign area shall include the frame, if any, but shall not include:

A. A pole or other structural support unless such pole or structural support is illuminated or otherwise so designed to constitute a display device, or a part of a display device.

B. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

(4) The area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces.

(5) In the event of a dispute in determining the area or dimensions of any sign, the opinion of the Zoning Enforcement Officer may be appealed to the Board of Zoning Appeals, as provided in Section 153.14.

(b) Determining Sign Height.

(1) As illustrated in Appendix B, the height of a freestanding sign shall be determined by measuring the vertical distance to the highest point of a sign or its structure from the elevation of the ground directly beneath the sign. In cases where the site is elevated above or below an adjacent roadway on natural topography, the sign height shall be determined by measuring the vertical distance from the centerline ground elevation point of the sign or its structure to the highest point of the sign or its structure. In cases where signs are located on a man-made earthen mound or similar man-made ground formation, the sign height shall be determined by measuring the vertical distance from the nearest edge of adjacent street pavement or the upper surface of the nearest street curb to the highest point of a sign or its structure.

(2) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

(c) Determining Building Frontages and Frontage Lengths.

(1) Primary and Secondary Frontage. As illustrated in Appendix C, the frontage of any building or site shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.

A. For multi-tenant buildings, the portion of such building that is owned, or leased by a single tenant, shall be considered a building unit.

B. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.

C. The secondary frontage shall include frontages containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary frontage by subsection (c)(1)A hereof.

(2) Length of Frontage.

A. For measurement purposes, the length of any primary or secondary frontage as defined in subsection (c)(1) hereof and illustrated in Appendix C, shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage.

B. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage.

C. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit. (Ord. 3308. Passed 3-28-06.)

**§ 153.05 MAXIMUM SIGN AREA PERMITTED.**

The maximum permitted area for all signs shall conform to ~~Schedule 153.05 provided in~~ Appendix D, Maximum Sign Dimensions, except as otherwise provided in this Chapter.

**§ 153.06 SUPPLEMENTAL REQUIREMENTS FOR WALL SIGNS.**

In addition to the provisions of Section 153.05, and any subsequent requirements in Sections 153.07 through 153.11, the following provisions for wall signs shall also apply:



(a) The maximum permitted area for all identification wall signs shall include all signs conforming to the definitions of identification signs and wall signs, including awning, canopy and marquee signs, and projecting signs where permitted, and instructional signs, except as exempted in accordance with subsection (d) below.

(b) Bonus Areas Permitted.

(1) Secondary Frontage. For buildings with secondary frontage(s) as set forth in Section 153.04(c) and illustrated in Appendix C, the total permitted area of all identification wall signs for each such secondary frontage may be increased as follows:

A. The additional permitted sign area shall not exceed fifty (50) percent of the total sign area that would otherwise be permitted for the secondary frontage if it had qualified as the primary frontage under Section 153.04(c).

B. The additional permitted sign area for a secondary frontage facing a public street which is parallel to a primary frontage street shall not exceed one hundred (100) percent of the total sign area that would otherwise be permitted for the secondary frontage if it had qualified as the primary frontage under Section 153.04(c).

C. Any additional sign area permitted under this subsection shall only be utilized on the secondary frontage elevation(s).

D. At the owner's discretion, some or all of the sign area permitted for the primary frontage may be transferred to a secondary frontage, provided that the resulting total area on the secondary frontage does not exceed the maximum area which would have been permitted on that elevation if it had qualified as the primary frontage.

(2) Large Building Setbacks. Where a building frontage exceeds a setback of two hundred (200) feet from a facing public street or Interstate highway, the total area of all identification wall signs permitted for that frontage may be increased by one-half square foot of sign area per lineal foot of such frontage.

(3) Notwithstanding any other requirement of this Chapter, no individual wall sign shall exceed two hundred (200) square feet.

(c) Minimum Clearance. Under-canopy, projecting, awning, and marquee signs shall have a minimum clearance of fourteen (14) feet over any vehicular use area and eight and one-half (8 ½) feet over any pedestrian use area.

(d) Instructional Signs. ~~An instructional sign shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than four (4) square feet per side total at each entrance, and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of an identification sign.~~

(e) Projecting Signs. Where permitted, the area of all such signs shall be included in the total allowable sign area for all wall signs, and shall complement the building design and purposes of this Chapter. In no instance shall any such sign be permitted to project over any public right-of-way or private street, and shall comply with the clearance requirements set forth in Section 153.04(b)(2). Projecting signs shall be attached to the building wall at an angle of ninety (90) degrees and shall not mask or interrupt a major architectural feature such as, but not limited to, doors, windows, or trim.

(f) (e) Window signs. Window signs shall be attached to the interior of the window. The combined areas of all permanent and temporary window signs for any window shall not exceed fifty (50) percent of the total window area. Window signs shall not be included in the calculation of total wall sign area.

**§ 153.07 MAXIMUM HEIGHT OF FREESTANDING SIGNS.**

The maximum height of any sign shall conform to ~~Schedule 153.07 provided in Appendix E D,~~ Maximum Sign Dimensions, except as otherwise provided in this Chapter.

**§ 153.08 SUPPLEMENTAL REQUIREMENTS FOR FREESTANDING SIGNS.**

In addition to the provisions of Sections 153.05 and 153.07 regarding maximum area and height, and any subsequent requirements in Sections 153.08 through 153.11, the following provisions for freestanding signs shall also apply:

(a) Residential ——— Development Identification Signs Located at a Residential Development.

(1) Such signs shall be located no closer than ten (10) feet from the street right-of-way line, and no closer than 25 feet from any side lot line.

(2) Single or Two-Family Residential Use.

A. Permanent freestanding signs shall be prohibited on any individual residential lot.

B. A permanent freestanding sign may be permitted on a reserve parcel or other lands owned in common by residents living within a specific neighborhood, a neighborhood group or association for the purpose of identifying their neighborhood, as follows:

1. The neighborhood freestanding identification sign must be located at the entrance to a neighborhood fronting on a public street.

2. A maximum of one (1), single-face sign shall be permitted at each neighborhood entrance.

3. The sign face area shall not exceed the maximum sign face area permitted by Section 153.05 and the maximum height permitted by Section 153.07.

4. The sign shall be mounted onto a brick, stone, or keystone wall; wood or wrought iron fence; or earthen mound and the entire area shall be landscaped.

5. The sign may be illuminated by ground-mounted lighting only.

(3) Multi-Family Residential Use.

A. Only one (1) sign shall be permitted on each premise. However, the two sign faces of a freestanding sign may be split into two signs and situated on both sides of the main entrance to a multi-family development providing:

1. Each sign shall have only one (1) sign face.

2. The sign face area shall not exceed the maximum sign face area permitted by Section 153.05 and the maximum height permitted by Section 153.07.

B. The sign shall be mounted onto a brick, stone, or keystone wall; wood or wrought iron fence; or earthen mound and the entire area shall be landscaped.

C. The sign may be illuminated by ground-mounted lighting only.

(b) Business Identification Signs Located at a Non-Residential Development. Any freestanding business, office or other commercial or manufacturing identification sign shall also comply with all of the following:

(1) Maximum Number. One freestanding sign shall be permitted per project or development, except as provided for corner lots, large lots, and lots facing an Interstate highway (I-75), as provided in subsections (b) (5), (6) and (7) below.

(2) Setbacks From Street Right-Of-Way.

A. A minimum of ten (10) feet, except as provided in subsection (b)(2)C. hereof.

B. Minimum setbacks, if any, shall be determined as part of the approval process for any development within the OD, PUD, and CC Districts.

C. Signs may not be located within the public right-of-way.

(3) Visibility. No freestanding sign shall be placed in a manner that would obstruct any sight line necessary to protect the safety of any vehicular or pedestrian traffic.

(4) Multi-Tenant Facilities.

A. When a freestanding sign is erected on a site that has more than one tenant, it is the property owner's responsibility to determine the portion of the total allowable sign area that will be devoted to identification of various purposes for the development, the building, anchor tenant(s), all tenants, or some combination thereof.

B. When a new multi-tenant development is initially proposed, City approval of a Special Sign Program may be requested in accordance with Section 153.14(c), to which all future tenants must comply.

(5) Additional Sign, Area, and Height for Corner Lots. One additional freestanding sign shall be permitted for a corner lot only in compliance with all of the following:

A. The total frontage of both streets is not less than three hundred (300) feet;

B. The area of each freestanding identification sign complies with Section 153.05, and the total area of both freestanding signs does not exceed one hundred fifty (150) percent of the maximum area permitted for a single sign;

C. The second freestanding sign is located in a manner clearly intended to provide identification along the secondary street; and

D. The total area of the two signs permitted above may be combined into a single sign at the corner, with visibility from both streets, provided that the area of no single freestanding sign face shall exceed the maximum area permitted in Section 153.05 and subsection (b)(5)(B) above, and provided that the maximum height does not exceed one hundred fifty (150) percent of the maximum height permitted in Section 153.07.

(6) Additional Signs, Area and Height for Large lots. The area, height and number of freestanding signs on large lots may be increased according to the following:

A. The allowable area of any freestanding sign face may be increased by five (5) square feet of area for every twenty (20) lineal feet of lot frontage greater than two hundred (200) lineal feet.

B. The allowable area pursuant to this section may be distributed among more than one freestanding sign, provided that each such sign is no less than two hundred fifty (250) lineal feet from any other such sign.

C. Notwithstanding any provision of this section, the area of any freestanding sign face shall not exceed one hundred fifty (150) square feet.

D. The total area of the multiple signs permitted above may be combined into a single sign, provided that the area of no single freestanding sign face shall exceed the maximum area permitted in Section 153.05 and subsection (b)(6)(A.) and (b)(6)(C.) above, and provided the maximum height does not exceed one hundred fifty (150) percent of the maximum height permitted in Section 153.07.

(7) Additional Sign and Height for Sites Adjacent to I-75. Notwithstanding any other requirement of this Chapter, one additional freestanding sign shall be permitted for lots with adjacent frontage facing an Interstate highway (I-75), provided such sign complies with all of the following:

A. The total frontage facing the highway is not less than 200 feet.

B. The area of such sign does not exceed 150 square feet.

C. The height of such sign does not exceed 25 feet.

D. Such sign is located in a manner clearly intended to provide identification along the highway.

(8) Identification signs for multiple occupancy complexes or shopping centers. One freestanding sign shall be permitted in lieu of individual freestanding signs for each individual occupant, ~~in order to identify the occupants and the name of the complex or shopping center.~~ A Special Sign Program may be requested in accordance with Section 153.14(c).

(9) Drive-up and drive-in menu board signs.

A. Drive-up menu board signs located immediately adjacent to the drive-up lane are permitted as follows:

i. Such signs shall not exceed seven (7) feet in height.

ii. The total area of all such signs shall not exceed sixty (60) square feet.

iii. All such signs shall conform to the landscaping requirements for freestanding signs as specified in Section 153.08(d).

B. One (1) drive-in menu board sign shall be permitted per drive-in stall and outdoor patio area, not to exceed eight (8) square feet in area.

(10) A property owner may exchange the permitted freestanding sign for a wall sign(s) provided:

A. The sign area for this wall sign shall not exceed the sign face area of the freestanding sign that is permitted for the property by this Chapter.

B. The wall sign that is exchanged for a freestanding sign shall be located on a building wall that is not used to generate permitted wall signage for the property.

C. The building wall used to locate this wall sign shall not primarily face towards an abutting residential use.

D. No other freestanding sign shall be permitted on the property unless otherwise permitted by this Chapter.

(11) Instructional Signs. An instructional sign shall not be included in the permitted sum of the sign area of freestanding identification signs, provided such sign is not larger than four (4) square feet

per side in area nor more than six (6) feet in height, and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of an identification sign. Sites which have a one-way pattern of circulation and take access from a non-residential street are permitted the following additional signage:

A. Each access point shall be permitted a single sign located no further than ten (10) feet from the edge of pavement of such access point.

B. Such signs shall be limited to four (4) square feet in sign area and three (3) feet in sign height.

C. Such signs shall not contain any changeable copy.

(12) —All projects regulated by Zoning Code Section 154.17.01, Architectural Design Standards, shall comply with the freestanding sign design requirements of Section 154.17.01(F)(2).

(13) (12) No posts, columns, or other vertical structures or supports shall be visible on freestanding signs measuring eight (8) feet or less in height, except when necessary to protect the public health, safety and welfare as determined by the City.

(c) Changeable Copy Signs. Permanent changeable copy signs shall only be permitted in compliance with the following:

(1) The area of changeable copy for permanent signs shall not exceed fifty (50) percent of the total area of the sign face.

(2) A change in copy for signs in the following zoning districts shall only be permitted manually: RE Residential Estate District, R-1 Single-Family Residential District, R-2 Single Family Residential District, R-3 Single-Family Residential District, R-4 Multiple-Family Residential District, R-5 Multiple-Family Residential District, R-PUD Residential Planned Unit Development District, R-MHP Mobile Home Park District, H Heritage District, A Agricultural District, and LD Limited Development District. However, electronic changeable copy signs with a permanent black background and single-color copy (text only) in compliance with this Chapter shall be permitted for public or private non-profit institutional uses including but not limited to schools, libraries, government, hospitals, and places of worship.

(3) Electronic changeable copy signs:

A. The interval for a change in electronic copy shall not be less than five (5)

seconds. The change sequence must be accomplished by means of instantaneous re-pixelization.

B. No portion of the image may constitute an animated or flashing sign as defined in Section 153.03(b). ~~←CHANGE~~

C. All electronic changeable copy signs shall comply with the illumination requirements of Section 153.12.

D. The leading edge of an electronic changeable copy sign must be a minimum distance of thirty five (35) feet from other electronic changeable copy signs.

E. Audio speakers which project sound which is audible beyond the premises are prohibited.

F. There shall be no more than two (2) electronic changeable copy signs for each development.

G. Any malfunctioning electronic sign shall be turned off or display a blank screen until repaired.

(d) Digital Gateway Signs. To achieve the City's economic development goals for the Miami Bend Community Entertainment District, as supported by the West Carrollton Sustainable Comprehensive Plan, the Downtown Corridor Master Plan, the City Center District regulations and other long-range plans, off-premise Digital Gateway Signs meeting the following criteria shall be permitted within the Miami Bend Entertainment District:

(1) Digital Gateway Signs shall be located within the approved boundaries of the Miami Bend Entertainment District as approved by the State of Ohio Division of Liquor Control on property used for legal conforming non-residential purposes.

(2) Digital Gateway Signs shall be associated with a major entertainment, retail, recreational, educational, sporting, social, cultural, or arts facility which will serve as a destination attraction drawing customers primarily from outside of the city, as determined by the City of West Carrollton. Examples of a major facility include but are not limited to a 3,000-seat soccer stadium, a 140,000 square foot multi-purpose event center, or a 120,000 square foot shopping center. No more than one (1) Digital Gateway Sign shall be permitted per such facility, not to exceed a maximum of three (3) Digital Gateway Signs within the district.

(3) Digital Gateway Signs shall be approved by the Planning Commission in

accordance with the requirements of Section 153.14(c), Special Sign Programs. Written notice shall be given to all property owners within two hundred (200) feet of the proposed sign location at least seven (7) days prior to the Planning Commission meeting. Such approval shall ensure that the Digital Gateway Sign meets the goals of the Miami Bend Community Entertainment District, Sign Code, and Comprehensive Plan to protect and enhance the physical appearance of the community and to promote and maintain an attractive, high-value entertainment district.

(4) Due to their scale and visibility, Digital Gateway Signs shall comply with the following design criteria in order to meet the aforementioned city goals. However, in accordance with the Special Sign Program regulations, proposed Digital Gateway Signs may vary from the strict requirements of the Sign Code upon determination by the Planning Commission that such variation will still meet those goals without substantial detriment to the public good.

A. Size.

i. The area of a Digital Gateway Sign permitted by Ohio Revised Code Chapter 5516 to be located within six hundred sixty feet of the edge of the right-of-way of Interstate 75 shall not exceed six hundred seventy two (672) square feet of display area per face with a maximum of two (2) faces placed back to back. The height of such Digital Gateway Signs shall not exceed fifty (50) feet in height to the top of the digital display panel. The overall sign structure may exceed these dimensions to accommodate architectural features or static non-commercial and non-digital display area as determined by the Planning Commission.

ii. All other Digital Gateway Signs shall not exceed three hundred seventy eight (378) square feet of display area per face with a maximum of two (2) faces placed back to back. The height of such Digital Gateway Signs shall not exceed forty (40) feet in height to the top of the digital display panel. The overall sign structure may exceed these dimensions to accommodate architectural features or static non-commercial and non-digital display area as determined by the Planning Commission.

B. Spacing.

i. Digital Gateway Signs shall not be located within three hundred (300) feet of a conforming single-family residential structure in a single-family residential district.

ii. A Digital Gateway Sign shall not be located within fifteen hundred (1,500) feet of any other Digital Gateway Sign

located on the same side of the street or highway to which the sign is oriented.

C. Display.

i. Digital Gateway Signs shall be limited to a total of six (6) separate "digital spots" per minute per face (twelve digital spots total for two-sided signs). A digital spot refers to the advertising message for an individual advertiser who purchases space on the sign, similar to vinyl advertisements placed on a traditional sign.

ii. Each digital spot shall have a "dwell time" period, or delay between messages, of not less than eight (8) seconds, with a transition time between digital spots accomplished by means of instantaneous repixelization.

iii. Digital Gateway Signs shall employ a minimum physical pixel pitch of twenty (20) millimeters and shall be capable of producing true NTSC (National Television System Committee) color.

iv. No portion of the digital spot may constitute an animated or flashing sign as defined in Section 153.03(b). **←CHANGE**

v. Any malfunctioning Digital Gateway Sign shall be immediately turned off or revert to a black screen until such time as the sign is fully repaired.

vi. All federal and state restrictions regarding advertising content shall apply, including but not limited to restrictions on the advertising of tobacco and alcohol products.

D. Illumination

Level.

i. Digital Gateway Signs shall not be of such brightness as to cause glare that is hazardous to pedestrians or motorists.

ii. Digital Gateway Signs shall meet illumination requirements as specified in Section 153.12(a)(2)D.-F.

E. Communication Devices. Digital Gateway Signs shall not have any communication device installed and/or used for the purpose of transmitting or receiving any radio, optical, or other similar signals directly or indirectly from vehicles in a manner intended to convey customized advertising or other services to motorists or allow them to interact with a message. Audio speakers are prohibited on all Digital Gateway Signs.

F. Community Feature.

i. Digital Gateway Signs shall be encouraged to be permanently identified with the name of the City of West Carrollton with letters of sufficient size to be easily read by passing motorists. This lettering should be located on the sign structure and shall not be assessed against the total permitted sign area. The failure to provide this lettering shall not be used by the City as grounds to deny an application.

ii. Each sign shall be encouraged to provide access to "space-available" spots for community-oriented messages provided by the City of West Carrollton and other non-commercial entities, at no charge to the City of West Carrollton. The failure to provide this access shall not be used by the City as grounds to deny an application. All Digital Gateway Signs shall be equipped with the Amber Alert chip technology.

G. Design.

Consistent with the City's goals articulated above and the city's Architectural Design Standards, Digital Gateway Signs shall be designed to produce an overall positive visual quality and a unique, inviting, and decorative gateway into the community. The signs shall meet the following design criteria:

i. Digital

Gateway Signs shall consist of a base, body, and cap. The base shall occupy the lowest portion of the elevation and shall be comprised of masonry material, either brick or stone. The body shall occupy the middle portion of the elevation, shall be set on the base, and shall consist of the display area fully encased within a textured trim material such as EIFS or masonry. The cap shall occupy the highest portion of the elevation and shall consist of an architectural feature distinguishable from but compatible with the design of the base and body. Appendix H G provides a representative illustration of these design standards. ~~←CHANGE~~

ii. Colors

utilized for the sign structure shall be of low-reflectance, subdued earth-tones and compatible with traditional brick and natural stone colors. The sign shall not utilize neon, fluorescent, bright primary colors, metallic colors, or other similar high-intensity colors.

H. Applicability.

Digital Gateway Signs shall comply with all other requirements of this Chapter unless in conflict with this Section, in which case the requirements of this Section shall apply.

J. Permit Required.

Prior to the installation of a Digital Gateway Sign, the owner or their designee shall be required to apply for and receive approval of a sign permit as required in

Section 153.14. A non-refundable sign permit application fee shall accompany the application as set forth in Chapter 37 of the City of West Carrollton Code of Ordinances.

(5) Damage/Abandonment.

A. In the event an approved Digital Gateway Sign is damaged beyond repair and/or abandoned, the property owner shall be required to remove the billboard within fifteen (15) days of the date of damage and/or abandonment. Upon request by the owner, the City may approve an extension of up to no more than one hundred eighty (180) days from the date of damage and/or abandonment, provided property owner can show cause for the inability to remove the sign within the original fifteen (15) day period.

B. Prior to approval of a permit for the Digital Gateway Sign, a performance bond, letter of credit, or other surety acceptable to the City shall be issued to the City in which the issuer guarantees removal of the Digital Gateway Sign within one hundred eighty (180) days of its damage and/or abandonment. This bond, letter of credit, or other surety shall be in an amount equal to the estimated cost of removal of the Digital Gateway Sign and restoration of the site to its former condition, as approved by the City. If the Digital Gateway Sign is not removed by the issuer within the one hundred eighty (180) day period, the City may exercise its right to foreclose on the bond, letter of credit, or other surety and use as much of the proceeds as necessary to remove the Digital Gateway Sign and restore the site to its former condition. The bond, letter of credit, or other surety shall run indefinitely until released by the City. Following a final inspection in which the City certifies that the Digital Gateway Sign has been removed and the site restored in accordance with City requirements, the City shall release any remaining portion of the bond, letter of credit, or other surety.

(e) Landscaping. A permanent freestanding sign shall be required to provide a single continuous landscaped area to be installed and maintained around the base of the sign in accordance with the following standards, as illustrated in the general design guideline provided in Appendix F E and provided below: ~~←CHANGE~~

(1) The minimum landscaped area shall be equal to or exceed the total area of the sign face, and shall include all points where the sign structural supports attach to the ground.

(2) The landscaped area shall include two or more of the following plant materials, selected to provide a variety of color, heights, hardiness, foliage/flowering characteristics, and massing:

- deciduous shrubs.
- A. Evergreen or
- perennials (#1 container).
- B. Flowering
- C. Groundcover or
- seasonal annuals.
- D. Ornamental trees
- or grasses.

(3) All landscaping shall be permanently located and properly maintained with dead vegetation replaced as soon as weather permits. The use of concrete, asphalt or any other any paved surface inside the required landscaped area is prohibited.

### § 153.09 TEMPORARY SIGNS.

The following regulations for temporary signs are in addition to the maximum sign area and height regulations set forth in Sections 153.05 through 153.09

**←MOVE PARAGRAPH (g) OF THIS SECTION TO BECOME NEW PARAGRAPH (a) OF THIS SECTION, AND RE-LETTER SUBSEQUENT SECTIONS**

(a) Project Construction Site Signs. A project construction site sign shall be permitted only in compliance with the following:

(1) There shall be not more than one project construction site sign per residential subdivision, planned residential development, multi-family project or lot proposed for a non-residential development.

(2) The site sign shall be an accessory use to a lawful temporary activity of land development.

(3) The site sign shall be erected and maintained on a lot only during the period of time that the building project is under construction. A project construction site sign shall be removed within fourteen (14) days of completion of the project or within two days of the erection of a permanent identification sign, whichever comes first.

(b) Temporary Signs in Residential Districts. Limited temporary signs are permitted in any Residential District, subject to the following provisions:

(1) No such sign shall exceed the size and height requirements provided in Section 153.05 and 153.07.

(2) Each residential unit shall be permitted to erect one temporary sign either in a window or as a freestanding sign in the front yard. Such temporary sign shall be displayed for a duration not to exceed thirty (30) days, after which time the sign shall either be removed or replaced with a sign reflecting a different subject matter. **←CHANGE**

(3) Temporary freestanding signs shall be located no closer than ten (10) feet from a public right-of-way or a side lot line.

(4) Commercial signs shall not be permitted in residential districts except:

A. Temporary real estate signs shall be permitted as provided in Section 153.09(e)-(d). In addition, a maximum of three (3) additional temporary residential "open house" real estate signs shall be permitted only on the day of the a residential open house, and shall be removed immediately at the conclusion of the open house event. Such signs shall not be located within the public right-of-way, and shall be located on the property on which the sale open house will occur or shall have the permission of the owner of the property on which the sign is located. Such signs shall comply with the maximum area and height requirements for temporary signs provided in Section 153.05 and Section 153.07.

B. Three (3) domestic advertising temporary yard signs shall be permitted, not to exceed four (4) square feet in area or three (3) feet in height, up to two (2) times per calendar year to advertise a general casual sale of primarily used miscellaneous personal property which is open to the public, conducted on residential premises, and has with a maximum duration of seventy-two (72) hours. Such signs shall not be located within the public right-of-way, and shall be located on the property on which the sale will occur sign owner resides or shall have the permission of the owner of the property on which the sign is located. All such signs shall be removed within one (1) day following the conclusion of the sale twenty-four (24) hours of expiration of the seventy-two (72)-hour period.

(5) Temporary signs located at single-family residences are exempt from permit requirements as provided in Section 153.14.

(6) Temporary signs permitted in residential districts shall comply with the requirements of subsection (f) (a), unless specified otherwise in this Section.

(c) Temporary Signs in Non-Residential Districts. Limited temporary signs are permitted as provided in Section 153.05 and Section 153.07, subject to the following provisions:

(1) Temporary window signs

A. ~~Shall be attached to the interior of the window.~~

~~B. The combined areas of all permanent and temporary window signs for any window shall not exceed fifty (50) percent of the total window area.~~

§ B. Temporary window signs are exempt from permit requirements as provided in Section 153.14.

~~(2) Special event signs are permitted only as temporary signs in compliance with the requirements of this Section and the West Carrollton Banner Policy.~~

(3) (2) Sandwich Boards or Bandit Signs. Sandwich boards or bandit signs shall be permitted in addition to signage otherwise permitted in this Chapter as follows:

A. Sandwich boards or bandit signs may only be displayed by commercial businesses located within the OD Olde Downtown District, the CC City Center District, the B-1 Convenience Commercial District, and the B-2 General Commercial District.

B. Sandwich boards or bandit signs shall only be displayed during the operating hours of the business to which it pertains.

C. A maximum of one (1) sandwich board or bandit sign per business per public street frontage shall be permitted on private property at any one time, except within vehicular use areas or as otherwise restricted by this section. For a business fronting directly onto a public sidewalk, a sandwich board or bandit sign may be placed on the sidewalk provided that it does not impede pedestrian access or pose a safety concern. Bandit signs shall not be placed within any public right-of-way, except as provided herein, nor posted on trees, utility poles, public benches, public property, or other objects.

D. Sandwich boards shall not exceed six (6) square feet per sign face or twelve (12) square feet in sign area if two-sided, and shall not exceed three (3) feet in height. Bandit signs shall not exceed four (4) square feet per sign face or eight (8) square feet in sign area if two-sided, and shall not exceed three (3) feet in height.

E. Illuminated or electronic sandwich boards or bandit signs are prohibited. Copy may only be changed manually.

F. Sandwich boards and bandit signs as provided herein are exempt from permit requirements as provided in Section 153.14.

G. The requirements of Section 153.09(f)(a) shall not apply to sandwich boards and bandit signs. However, all other provisions of this Chapter shall apply unless specified otherwise above.

(4) (3) Temporary signs permitted in non-residential districts shall comply with the requirements of subsection (f) (a), unless specified otherwise in this Section.

~~(d) Public Issue Signs.~~

~~(1) Public Issue signs shall not be illuminated.~~

~~(2) Public Issue signs shall not be larger than sixteen (16) square feet per sign face or thirty-two (32) square feet in sign area if two-sided.~~

~~(3) On lots used for residential purposes, the total area of all Public Issue signage may not exceed eighty (80) square feet per lot. On lots used for commercial or industrial purposes, the total area of all Public Issue signage may not exceed one (1) square foot of sign area for every three (3) linear feet of street frontage. The total area of Public Issue signage shall be in addition to any commercial signage allowed or permitted on a particular lot.~~

~~(4) Public Issue signs must be constructed of poster board, cardboard, masonite, plywood or plastic material and mounted to wood, metal or plastic frames or supports.~~

~~(5) No Public Issue sign may be displayed in the public right-of-way or attached to or supported by a tree or utility pole. For the purposes of this Chapter, the public right-of-way is defined as the area between the back of the sidewalk and the curb, or where no sidewalk or curb is present the area ten (10) feet from the edge of the street pavement.~~

~~(6) Public Issue signs may not incorporate pennants, banners, streamers, spinning or similar moving devices.~~

~~(7) All Public Issue signs shall be secured in such a manner as to prevent noticeable movement resulting from the wind.~~

~~(8) For informational purposes, a gratis sign permit is required for all Public Issue candidates or campaigns, but not for individual property owners displaying such signs.~~



(e) (d) Temporary Real Estate Signs. One (1) temporary real estate sign per lot frontage shall be permitted which complies with the following requirements:

(1) Temporary real estate signs shall comply with the maximum area and height requirements for temporary signs provided in Section 153.05 and Section 153.07. However, for lots with frontage facing an Interstate Highway (I-75), one temporary freestanding real estate sign shall be permitted up to a maximum of thirty-two (32) square feet in area and a maximum of twelve (12) feet in height, to be placed adjacent to the Interstate Highway frontage.

(2) The sign shall be either a freestanding or wall sign. Banners shall not be permitted to be used as temporary real estate signs. However, one temporary real estate banner shall be permitted on a building face fronting directly on Interstate Highway 75 (I-75) right-of-way which meets the area requirements for permanent wall signs and all other pertinent requirements of this Chapter.

(3) A sign permit shall not be required.

(4) Temporary real estate signs are not subject to time restrictions specified in section 153.09(f)(1) below, but must be removed immediately upon the sale, lease, or rental of the property or space to which it pertains.

(5) Temporary real estate signs shall comply with the requirements of subsection (f) (a), unless specified otherwise in this subsection.

(f) (e) Temporary Sign for Grand Opening Sign. One grand-opening temporary sign is permitted per public street frontage for no more than seven (7) days prior to nor more than fourteen (14) days following the first day a new business establishment or an established business existing establishment with new ownership is open to the public. Grand-opening These signs shall be in addition to other signage permitted in this Chapter. Grand-opening signs, and shall meet all height, size, setback, and other temporary sign requirements as specified in this Chapter, but shall not require a permit.

**← MOVE PARAGRAPH (g) BELOW TO BECOME NEW PARAGRAPH (a) OF THIS SECTION**

(g) (a) All temporary signs, except Public Issue signs, shall comply with the following, unless specified otherwise within this Section. Temporary signs shall comply with all applicable requirements of

this Chapter unless specified otherwise, and shall also comply with the following requirements:

(1) Temporary commercial signs may be permitted for a maximum of thirty (30) days. Temporary signs shall meet all height, size, and setback requirements as specified in this Chapter, but may be used to exceed the maximum allowable message area for a parcel or individual occupant.

(2) A maximum of one (1) temporary freestanding or wall sign shall be permitted per occupant per public street frontage at any one time, except as otherwise provided in this Chapter. On property with multiple-occupancy, a maximum of two (2) temporary freestanding signs shall be permitted per public street frontage at any one time, except as otherwise provided in this Chapter. Signs shall be separated by at least thirty (30) linear feet.

(3) Permit rights may be transferred by one occupant to another occupant located on the same property provided that written authorization is granted by the occupant transferring its permit rights. Permit rights may not be transferred from a vacant space, nor between different addresses for the same occupant.

(4) Temporary signs may be displayed for a maximum of thirty (30) days within any sixty (60) day period. The thirty (30) days may be utilized in smaller increments of time during the sixty (60) day period with prior approval of a display schedule by the City. Unused days within one permit period may not be transferred to another permit period. Permit fees will be calculated as the pro-rated percentage of the 30-day permit fee; however, the full refundable deposit fee shall be required with each permit.

(5) Temporary signs shall not be illuminated.

(6) The minimum setback for all freestanding temporary signs shall be ten (10) feet from the public right-of-way.

(7) Temporary signs with changeable copy shall also comply with the requirements of Section 153.08(c).

(8) Sign supports shall consist of metal or other similar fabricated, durable material. Manual or freehand application of graphics and text, including but not limited to paint, is prohibited.

(9) Permits for temporary signs shall require an application fee plus a refundable deposit as required by Chapter 37: General Fee Schedule, which shall be refunded if the temporary sign

is removed within five (5) days of the expiration date of the permit. Any applicant not removing the temporary sign within this time period shall forfeit the deposit and the temporary sign shall become an unlawful sign.

(10) ~~Public~~—~~Issue~~ ~~Non-~~commercial signs are exempt from the requirements of this Section.

(11) Temporary signs shall be legible, neat, and professional in appearance. Manual or freehand application of graphics and text, including but not limited to paint, is prohibited.

#### **§ 153.10 SIGNS EXEMPT OR PARTIALLY EXEMPT FROM REGULATION.**

The following signs shall be exempt from regulation under this ~~Zoning Ordinance~~ Chapter:

(a) Any sign located entirely inside a building that is not legible from the public right-of-way or from property other than the property on which the sign is located.

(b) Works of art that do not include a commercial message.

(c) The flag or insignia of any nation, state, city or other political unit and/or any organization, whether for-profit or not-for-profit. Such flags may contain any noncommercial message but shall contain no commercial message other than the name and/or symbol of an entity. Where applicable, flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. (Public Law 829, "The Flag Code"). Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.

(d) ~~Government signs and/or public signs.~~

(e) ~~Seasonal or holiday displays that contain no commercial message.~~

(f) ~~Signs on a truck, bus, trailer or other vehicle while such vehicle is operated in the normal course of a business which is not primarily the display of such signs.~~

(g) ~~Tablets, grave markers, headstones, statuary or remembrances of persons or events that contain no commercial message.~~

(h) ~~Cornerstones containing no advertising message incorporated into the building design as an architectural feature.~~

(i) ~~Corporate limit signs.~~

The following signs may be erected or constructed without a permit, but may be subject to additional regulations under this Chapter. Where a sign is erected pursuant to a federal or state statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this ordinance to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, such signs shall conform to the standards of this Chapter:

(a) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;

(b) Signs required by an order of a court of competent jurisdiction;

(c) Signs installed by a transit company with a franchise or other right to operate in the City where such signs are installed along its routes and bear no commercial message.

(d) ~~Yard signs bearing no commercial message.~~

#### **§ 153.11 PROHIBITED SIGNS.**

All signs not expressly permitted in this Chapter or exempt from regulation pursuant to Section 153.10, are prohibited in the City. Such signs include but are not limited to the following:

(a) Abandoned signs.

(b) Animated, flashing, rotating signs and festoons, inflatable signs, tethered balloons, pennants, searchlights, streamers, exposed light bulbs, strings of lights, used other than as a minor decorative accent to a building or property, and any clearly similar features, except those specifically exempt from regulation in Section 153.10, or temporary special event signs or banner signs permitted in Section 153.09 and the West Carrollton Banner Policy.

(c) Off-premises signs, except as provided in Section 153.08(d), Digital Gateway Signs.

(d) Roof signs.

(e) Signs attached to or placed on a vehicle, including but not limited to automobiles, trucks, boats, campers, and trailers, which is parked in a manner to convey visible information to or attract the visual attention of a person in a public right-of-way for the purposes of providing advertisement for products or services or directing people to a business or activity, in

addition to legally permitted signage for the site. This restriction shall not apply to buses or other forms of public transportation, taxicabs, or to vehicles with permanently applied vehicle graphics such as vinyl decals, lettering, or wraps that are displayed within the normal unaltered lines of the vehicle so long as the vehicle is parked entirely within a legal parking space and is engaged in the usual business of the owner, and not merely, mainly, or primarily used to display advertising.

(f) Signs ~~containing any words or symbols~~ that would cause confusion because of their resemblance to highway traffic control or direction signals. **←CHANGE**

(g) Merchandise, equipment, products, vehicles or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes.

(h) Signs located on trees, utility poles, public benches, traffic control devices, bus shelters, trash receptacles, mechanical equipment, fence, permanent sign, or any other form of public property or unapproved supporting structure; or which obstruct any sight line necessary to protect the safety of any vehicular or pedestrian traffic; or within any public right-of-way. The required sight distance shall be as specified in the current edition of the State of Ohio Department of Transportation Location and Design Manual, Volume 1, Roadway Design Section 201.

(i) Signs located on any accessory structure, as defined in the Zoning Code.

(j) Hand-held signs in or on the public right-of-way or in a manner visible from the public right-of-way. This provision is directed toward such displays intended to draw attention to a commercial message or for a commercial purpose, and is not intended to limit such displays by persons participating in demonstrations, political rallies, displaying non-commercial messages or otherwise exercising their valid First Amendment rights.

(k) Signs ~~that contain statements, words or pictures of an obscene, pornographic or immoral character~~—Obscene signs; or signs that contain advertising matter which is untruthful or that advertise illegal activity.

(l) ~~Attention-attracting devices.~~

(m) ~~Deteriorated signs.~~

(n) Any sign requiring a permit in accordance with this Chapter and not having said permit approved and issued by the City.

## § 153.12 CONSTRUCTION STANDARDS FOR SIGNS.

In addition to ensuring compliance with the numerical standards and other requirements of this Chapter, signs shall comply with the following minimum construction standards:

(a) Illuminated Signs. Illuminated signs shall be permitted only in compliance with all of the following provisions:

### (1) Residential Districts and Uses.

A. No such sign shall be internally illuminated except as provided in Section 153.08(c)(2).

B. The brightness or intensity of any external illumination shall be limited to what is necessary to identify the use's location.

C. The illumination shall comply with all requirements provided in paragraph (2) below.

### (2) All Other Districts and Uses. Either internal or external illumination shall be permitted, only in accordance with all of the following:

A. Light sources shall be shielded from all adjacent buildings and streets.

B. Lights shall not be of such brightness as to cause glare that is hazardous to pedestrians or motorists, or to cause reasonable objection from adjacent residential districts.

C. No exposed incandescent or fluorescent lamp shall be permitted.

D. At no time shall a sign exceed an illumination level of three tenths (0.3) footcandles above the ambient light illumination level, as measured in conformance with the following process:

i. The illumination level of a sign shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals.

ii. Light measurements shall be taken with the footcandle meter aimed directly at the sign message face, or at the area of the sign emitting the brightest light if that area is not the sign message face, at a distance from the sign being measured as specified in Appendix G F. **←CHANGE**

iii. An ambient light measurement shall be taken using a footcandle meter at some point between the period of time between thirty (30) minutes past sunset and thirty (30) minutes before sunrise, with the sign turned off to a black screen.

iv. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating sign light measurement shall be taken with the sign turned on to full white copy for a full color-capable sign or a solid message for a single-color sign.

v. The illumination level of a sign conforms with the illumination requirements of this subsection if the difference between the ambient light measurement and the operating sign light measurement is three tenths (0.3) footcandles or less.

E. All signs utilizing light-emitting diodes (LED) or other light-emitting technologies shall be equipped with a sensor or other device that automatically determines the ambient illumination level and shall be programmed to automatically dim according to ambient light conditions to meet the illumination requirements articulated above. The illumination level must be capable of being both remotely and manually adjusted.

F. If necessary, the City may seek assistance from a professional lighting engineer to evaluate proposed illumination levels. The applicant shall pay costs associated with such a review. In this case, compliance with illumination requirements shall be determined following a site inspection that includes field verification of illumination levels.

(3) Signs shall not be lighted to obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices. These regulations shall not apply to permitted holiday display lighting.

(b) Construction Standards. The construction, erection, safety and maintenance of all signs shall comply with the Ohio Building Code and all of the following:

(1) Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.

(2) No sign shall be suspended by non-rigid attachments that would allow the sign to move significantly because of wind.

(3) All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.

(4) Sign supports shall consist of metal or other similar fabricated, durable material. All signs shall be legible, neat, and professional in appearance. Manual application of graphics and text, including but not limited to paint, is prohibited.

(5) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.

(6) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than twelve (12) inches horizontally or vertically from any conductor or public utility guy wire.

(7) All signs shall be constructed in accordance with the Ohio Building Code (OBC) and the National Electric Code (NEC).

#### **§ 153.13 MAINTENANCE.**

All signs shall be maintained in accordance with the following:

(a) Every sign, whether requiring a sign permit or not, shall be properly maintained in a safe and presentable condition at all times and must not appear to be in a deteriorated or dilapidated condition. Proper sign maintenance includes, but is not limited to, the replacement of missing sign panels and defective parts, painting, cleaning, and other acts required for maintenance of the appearance and structural condition of the sign in order to comply with all applicable code requirements.

(b) Each sign shall contain the name, address and telephone number of a firm or person responsible for erecting the sign. Such information shall be placed on the frame or other supports and large enough to be read by a person standing on the ground, sidewalk or parking lot nearest the sign.

(c) If a sign is deemed by the Zoning Enforcement Officer to be in an unsafe, deteriorated or dilapidated condition, the provisions of Section 153.14(g) shall apply.

(d) In cases of emergency, the Zoning Enforcement Officer may cause the removal of a

dangerous or defective sign twenty-hour (24) hours after providing notice to the property owner or lessee.

(e) Whenever any sign, either conforming or non-conforming to these regulations, is required to be removed for the purpose of repair, re-lettering or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:

(1) There is no alteration or remodeling to the structure or the mounting of the sign itself;

(2) There is no enlargement or increase in any of the dimensions of the sign or its structure;

(3) The sign is accessory to a legally permitted, conditional or nonconforming use.

#### § 153.14 ADMINISTRATIVE PROCEDURES.

(a) Signs Requiring a Permit. All signs regulated by this Chapter shall require a permit prior to its construction or alteration, except as exempted in subsection (b).

(b) Signs Not Requiring Permit. The following signs shall be permitted without first obtaining a sign permit, provided such sign is reviewed by the Zoning Enforcement Officer or his/her designee, and is determined to be in full compliance with the criteria set forth by all applicable regulations of this Chapter:

(1) Temporary signs located at single-family residences.

(2) Nameplates.

(3) Window signs.

(4) Real estate signs.

(5) ~~Domestic Advertising signs~~  
Temporary yard signs.

(6) Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message.

(7) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message.

(8) Signs installed by employees of the City or Montgomery County in the

course of their governmental duties and bearing no commercial message.

(9) Signs required by a state or federal statute or state or federal court.

(10) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use.

(11) Signs installed by a transit company with a franchise or other right to operate in the City and bearing no commercial message, where such signs are installed along its routes and relate to schedules or other information about the transit route.

(12) Signs in parks that relate to the use of one or more facilities (including temporary uses by particular entities or individuals), provided that such signs shall not be legible from any public right-of-way outside the park and such signs shall bear no commercial message except one that relates to a lawful commercial activity or lawful temporary use of a facility within the park.

(13) Signs located inside stadia, arenas, ball fields or other such facilities. Where a facility is located adjacent to another such facility, such as in an athletic complex, such signs shall be located completely within the separate stadium, arena, ball field, or other such facility. Signs located inside an outdoor facility shall be deemed not to be legible from such right-of-way even if they may be legible from some locations outside the facility.

(14) Temporary ~~directional and/or informational~~ identification signs for businesses, the access to which has been restricted, altered or otherwise impacted by a public construction project. Such signs, bearing no commercial message, may be off-premises signs but shall be subject to the provisions of Sections 153.05 and 153.07.

(15) Sandwich boards or bandit signs, subject to the provisions of Section 153.09(c)(3)(2).

(16) Temporary signs for a grand opening signs.

#### (c) Special Sign Programs.

(1) Diversity in the visual environment of the city requires some flexibility in the regulation of signage. This section provides this flexibility by permitting a property owner or his/her designee to submit a Special Sign Program for consideration of approval which may vary from the regulations contained in this Chapter. A Special Sign

Program is a creative incentive for a unified visual statement that integrates the design of signage with the design of the building on which it will be displayed and with the surrounding area, resulting in a more visually appealing sign display and improved community aesthetics. This Special Sign Program shall supersede and may be either more or less restrictive than the regulations contained in this Chapter.

(2) A property owner may submit a Special Sign Program to the Planning Commission that need not comply with some or all of the requirements of this Chapter. The Special Sign Program shall contain a visual representation of the proposed signage, including lettering, illumination, color, size, height, placement, and location. A Special Sign Program application shall include all information required in Section 153.14(d), and shall follow review procedures specified in Section 153.14(e)(3).

(3) The Planning Commission may approve a Special Sign Program if the signage visually represented in the program is:

(a) Consistent with the purposes of this Chapter;

(b) Compatible with the theme, visual quality, and overall character of the surrounding area; and

(c) Appropriately related in size, shape, materials, illumination, and character to the function and architectural character of the building and/or premises on which it will be displayed, and is compatible with existing adjacent activities.

(4) A premises for which a Special Sign Program has been approved by the Planning Commission may only display signage that complies with the approved Special Sign Program, which shall supersede and replace the regulations for signage in this Chapter. Any subsequent application by a tenant or other occupant of the site shall be reviewed and approved by the Zoning Enforcement Officer only as consistent with the approved Special Sign Program.

(d) Application Requirements. An application for a sign permit shall be made to the Zoning Enforcement Officer or his/her designee, and shall include two (2) copies; one depicting the actual colors of the proposed sign(s) and building, and one letter-sized copy suitable for reproduction. Specifically, the application shall include all of the following:

(1) Name, address and signature of the property owner or his/her legal agent.

(2) Street address or location of the property proposed for the requested sign(s).

(3) A complete site plan or photograph showing the location of the sign, its relationship to the building, the locations, areas and dimensions of all existing signs on the site, the adjacent parcels and the parking lots, drives and sidewalks;

(4) Detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, and materials of the sign and the frame or structure;

(5) Construction, erection and fastening details as applicable; and

(6) A permit fee for each sign application, in accordance with Chapter 37, General Fee Schedule.

(7) A presentation of the proposed sign or signs which best illustrates how it or they would be experienced by the public if approved and erected.

(e) Review and Approval.

(1) The Zoning Enforcement Officer shall review a submitted application to assure full compliance with the requirements of this Chapter. The Zoning Enforcement Officer shall determine whether a submitted application is in full compliance with the requirements of this Chapter within fourteen (14) days of its submission.

A. If the Zoning Enforcement Officer determines that the application is not in full compliance, the application shall be denied by the Building Inspection Division or shall be approved subject to the applicant's compliance with the conditions required to bring the application into full compliance. The Building Inspection Division shall return the application to the applicant with the written decision described in Section 153.14(f)(1), indicating the section or sections with which the application does not comply.

B. If the Zoning Enforcement Officer determines that the application is in full compliance, he/she shall either:

1. Issue a permit for the erection, alteration, or relocation of the sign within thirty (30) days of receipt of such application; or

2. Submit such application to the Planning Commission for

review and approval, of any sign, or required signage program where the associated building or project would otherwise require the review and approval of the Planning Commission.

(2) Requests for a variance from any requirement of this Chapter shall be immediately forwarded to, reviewed by, and approved or disapproved by, the Board of Zoning Appeals in accordance with the procedures set forth in Section 154.06.01 of the Zoning Code. Variances related to this Chapter shall be limited to setback, area, and height requirements only, unless the Board finds that requiring strict compliance with the provisions of this chapter may impose an undue hardship and that the granting of the variance from the provisions of this chapter will not depreciate or damage neighboring property, will not create a safety hazard and will not be contrary to the purposes of this chapter.

(3) Any application requiring review by the Planning Commission shall be received by the Zoning Enforcement Officer a minimum of thirty (30) days prior to the next scheduled regular or special meeting of the Planning Commission. If the application is not received at least thirty (30) days in advance, consideration of the application shall be deferred to the following scheduled meeting of the Planning Commission or, at the discretion of the Planning Commission, to a special meeting.

A. The Planning Commission shall review a submitted sign application for full compliance with all applicable provisions of this Chapter, and shall approve, disapprove, or approve with suggested modifications which would achieve full compliance.

B. Upon the approval of an application by the Planning Commission, the Zoning Enforcement Officer shall issue a sign permit within ten (10) business days of submission of a completed sign permit application, provided that the proposed sign complies with all other applicable regulations.

C. Upon the disapproval of an application by the Planning Commission, the Planning Commission shall convey its reasons for disapproval to the applicant, in writing, within five (5) business days. Such notification may also include suggested modifications, which, if incorporated by the applicant, could bring the sign into compliance with this Chapter. Applications so modified may be resubmitted for review at the next scheduled Planning Commission meeting.

(4) In any application where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

(f) Appeal.

(1) If a permit application is denied or approved with conditions, the City shall prepare a written decision within ten (10) days of its decision, stating the reason or reasons for the action and describing the applicant's appeal rights under this Section and the applicant's rights to seek a variance under Section 153.14(e)(2-3) of this Code and serve it upon the applicant by certified mail.

(2) If the Zoning Enforcement Officer prepares a Notice of Violation pursuant to Section 153.14(g), the Zoning Enforcement Officer shall include within such Notice a description of the recipient's appeal rights under this Section.

(3) An applicant representing the recipient of a denial or conditional approval of a permit application or a Notice of Violation, who wishes to appeal from the denial or conditional approval of a permit application or from a Notice of Violation, shall file a notice of the appeal with the Board of Zoning Appeals within ten (10) days following the applicant's receipt of the written decision described in Section (f)(1) or the receipt of a Notice of Zoning Violation described in Section (f)(2).

(4) When the Board of Zoning Appeals receives a notice of appeal from the denial or conditional approval of a permit application or from a Notice of Violation, the Board shall hold a public hearing within thirty (30) days from receipt of the notice of appeal and shall provide notice of said hearing pursuant to Section 154.05.06(C)(1) of the Zoning Code.

(5) The Board shall issue a written decision to affirm, reverse or modify the denial or conditional approval of a permit application or a Notice of Violation within ten (10) days following the public hearing and serve it upon the applicant by certified mail.

(6) If the applicant elects to file an appeal from the Board's decision in Common Pleas Court, the applicant must follow the procedure set forth in Chapters 2505 and 2506 of the Ohio Revised Code and Rules 3 and 4 of the Ohio Rules of Civil Procedure.

(g) Removal of signs outside of the right-of-way by the Zoning Enforcement Officer.

(1) The Zoning Enforcement Officer shall cause to be removed any temporary or permanent sign that constitutes a public nuisance in that it endangers the public safety, such as a sign which has been abandoned, is illegal, is dangerous, is deteriorated, is dilapidated, or is materially, electrically, or

structurally defective. The Zoning Enforcement Officer shall also cause to be removed any sign, except a valid non-conforming sign, for which no permit has been issued or a sign which is not in compliance with the permit issued. Before removing any such sign, however, the Zoning Enforcement Officer shall first prepare a notice which describes the sign and specifies the violation involved. This notice shall require that the violation or violations be corrected within twenty-four (24) hours after proper service of the notice when the violation or violations pertain to temporary commercial signs, or within fourteen (14) days after proper service of the notice when the violation or violations pertain to permanent signs or temporary noncommercial signs. If this notice is not complied with, the sign shall be removed immediately following the applicable time frames by the Zoning Enforcement Officer in accordance with the provisions of this section.

(2) All notices issued by a Zoning Enforcement Officer may be served by certified mail, by placing in a prominent place on the property or delivery to the property owner, current occupant, to a person temporarily or permanently in charge of the establishment or the sign owner in case of temporary signs. Any time periods provided in this section shall be deemed to commence on the date of the service of the notice.

(3) The property owner and current occupant shall be jointly and severally obligated to reimburse the city immediately for all third party and administrative expenses, including an administrative fee for city inspection and administrative costs as set forth in Chapter 37, General Fee Schedule, of the Codified Ordinances of the City of West Carrollton, incurred in removing any sign including but not limited to costs to the city for the time of city employees. The city shall provide notice of said expenses and in the event the same is not paid within thirty (30) days after the mailing of the notice, the amount owed shall be a certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional 10 percent penalty for collection as prescribed for unpaid real estate taxes. If the violations are corrected and removal obligations paid, the property owner, the occupant or the sign owner may reclaim the sign from the city.

(h) Removal of unlawful sign in the public rights-of-way. Signs, other than those signs identified in Section 153.14(b)(6-11), are specifically prohibited in public rights-of-way. The city shall immediately remove or cause to be removed from the public rights-of-way any sign other than governmental as referenced in this section. Just as a private property owner may remove any sign placed on his or her private property so may the city if the sign is in violation of this section. Such removal authority must be exercised in a non-

discriminatory manner. Any sign so removed shall be held for thirty (30) days, after which it shall be discarded if not claimed by the owner. Such sign may be claimed by the owner within this thirty (30) day period upon payment of an administrative fee for city inspection and administrative costs as set forth in Chapter 37, General Fee Schedule, of the Codified Ordinances of the City of West Carrollton.

(i) Nothing contained in this section shall prevent the Municipality from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **§ 153.15 REGULATIONS FOR NON-CONFORMING SIGNS.**

(a) Nonconforming signs shall be maintained in good condition pursuant to Section 153.13.

(b) A nonconforming sign shall not be altered, modified, relocated or reconstructed except as follows:

(1) When such alteration, modification, relocation or reconstruction would bring such sign into conformity with these regulations;

(2) When the existing use has new ownership which results in a change in the name of the use or business on the property, and such change complies with subsection (b)(4) below; or

(3) When the space is re-occupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection (b)(4) below.

(4) Any alteration, modification, relocation or reconstruction permitted in this section shall be limited to the replacement of a sign panel or repainting a sign face, and does not permit changes to the structure, framing, erection or relocation of the sign unless such changes conform to subsection (b)(1) above.

(c) Alteration and Removal of Nonconforming Signs. A non-conforming sign shall be removed upon verification that any of the following conditions have been met:

(1) Damage or deterioration has resulted in a loss of more than fifty (50) percent of the value of such non-conforming sign; or

(2) The use to which such non-conforming sign refers has been voluntarily abandoned for more than one hundred eighty (180) consecutive days (an intent to abandon is not required as the basis



for removal under this subsection); or

(3) The regulation or amendment to this Chapter which made the sign non-conforming has been in effect for ten (10) years or more; or

(4) The non-conforming sign has been altered, modified, relocated or reconstructed except as provided by this Section.

(d) A change in copy is not considered an alteration for the purposes of this section.

(e) Any permit issued for a sign under this Chapter shall require that any non-conforming sign displayed on the premises for which the permit is issued shall be modified or removed to conform to the provisions of this Chapter.

(f) Any approval by the City of West Carrollton that authorizes the development of a premises, any building addition, an increase in gross floor area of twenty five (25) percent or more, or any exterior structural remodeling of a building façade on which a nonconforming sign is located, shall require all non-conforming signs on the premises for which the approval is issued to be brought into conformity with the provisions of this Chapter.

(g) As an incentive to remove existing nonconforming signs, a bonus of twenty-five (25) percent shall be added to the maximum permitted area and height of any new permanent freestanding or wall sign which replaces an existing nonconforming sign and which meets all other requirements of this Chapter.

(h) For purposes of this Section, "verification" shall include:

(1) Notice to the City by the sign owner and/or the proprietor of the use to which the sign refers that said use is abandoned;

(2) A response to an inquiry from the City by the sign owner and/or the proprietor of the use to which the sign refers that said use is abandoned;

(aa) The City shall send an inquiry to the sign owner and the proprietor of the use to which the sign refers by certified mail on or after one hundred eighty (180) consecutive days after it reasonably appears to the City that the use to which such nonconforming sign refers has been voluntarily abandoned;

(3) If the City receives no response within ten (10) days from the sign owner and/or the proprietor of the use to which the sign refers

to the inquiry set forth in section 153.15(h)(2).

#### **§ 153.16 PERMIT CONDITIONS AND REFUNDS.**

(a) A permit issued by the Zoning Enforcement Officer shall become invalid if work is not commenced within one hundred eighty (180) days of issuance, or if work is subsequently suspended or abandoned for more than one hundred eighty (180) days. Any invalidated permit must be renewed with an additional payment of one-half the original fee.

(b) If the installation or placement of any sign is commenced or completed prior to the issuance of a permit, the specified permit fee shall be doubled. Payment of such additional fee, however, shall not preclude any or all other requirements or penalties prescribed in this Zoning Ordinance.

#### **§ 153.17 INSPECTIONS.**

Any person installing, altering, or relocating a sign for which a permit has been issued shall obtain all required inspections. The Zoning Enforcement Officer may require a final inspection, including an electrical inspection and/or inspection of the footings for freestanding signs.

#### **§ 153.18 LICENSES.**

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs requiring permits, without all required state and federal licenses.

#### **§ 153.19 INDEMNIFICATION AND INSURANCE.**

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Zoning Ordinance has not specifically directed the placement of a sign. All persons involved in the maintenance, installation, alteration, or relocation of signs shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the State, County or City against any form of liability to a minimum of \$100,000.

#### **§ 153.20 NONCOMMERCIAL SIGN AND MESSAGE SUBSTITUTION APPLICATION OF CHAPTER.**

(a) The provisions of this chapter shall apply

to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing location and bulk of structures for the district in which it is located, unless such sign is otherwise specifically regulated by special use provisions relating to variances.

(b) Any sign already established on the effective date of this Zoning Code, which sign is rendered nonconforming by the provisions of this Zoning Code, and any sign which, as a result of subsequent amendments of this Zoning Code, shall be rendered nonconforming, shall be subject to the provisions of Section 153.15, Regulations for Nonconforming Signs.

(c) Wherever a commercial sign is allowed or permitted under this Chapter, an owner may place a non-commercial sign, subject to the time, place and manner provisions of this Chapter, without applying for a permit and/or paying a fee that otherwise would be required for the placement of a commercial sign on the lot; provided, that the sign structure or mounting device is legal without consideration of message content.

~~(b) The owner of any sign which is otherwise allowed by this Chapter may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary in this Chapter.~~

~~(c) Message substitution under this section. This provision does not:~~

(1) create a right to increase the total amount of signage on a parcel; or lot or land use;

(2) affect the requirement that a sign structure or mounting device be allowed or properly permitted under this Chapter;

(3) allow a change in the physical structure of a sign or its mounting device; or

(4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

(d) All non-commercial speech is considered on-premise signage and is entitled to the privileges that on-premise signs receive under this section.

(e) Notwithstanding any other provision herein, signs that display a non-commercial message

are entitled to the maximum square footage allowed any parcel within the same zoning district.

(f) Notwithstanding any other provision herein, signs that display a non-commercial message are not subject to the temporal limitations otherwise set forth in this Chapter; however, such signs remain subject to the provisions of Section 153.13, Maintenance.

#### § 153.21 SEVERABILITY.

The invalidation of any section, subsection, clause, or phrase of this Chapter by any court of competent jurisdiction shall not affect the validity of the remaining portions of this Chapter.

#### § 153.22 SIGNS ALLOWED IN THE RIGHT-OF-WAY AND ON PUBLIC PROPERTY.

The following signs, and only the following signs, shall be allowed in the public right-of-way in the City or in parks or on other public property controlled by the City:

(a) Government signs;

(b) Public signs;

(c) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;

(d) Signs required by an order of a court of competent jurisdiction; and

(e) Signs installed by a transit company with a franchise or other right to operate in the City, where such signs are installed along its routes and bear no commercial message.

(f) Signs installed and maintained by the City that may contain either commercial or non-commercial messages as part of a logo sign/directional sign program, through which space is made available to users on a nondiscriminatory basis in accordance with separately published criteria and with payment of a fee.

(g) Corporate limit signs.

(h) Additional signs in parks that relate to the use of one or more facilities (including temporary uses by particular entities or individuals), provided that such signs shall not be legible from any public right-of-way outside the park.

(i) Signs for concessionaires and event sponsors inside stadiums, arenas or ball fields or other such facilities. Signs located inside an outdoor facility, if such facility is located 400 feet or more from the

nearest right-of-way, shall be deemed not to be legible from such right-of-way even if they may be legible from some locations outside the facility.

(j) Street banners as permitted by the City's Banner Policy.

#### **§ 153.99 PENALTY.**

Any person who shall violate a provision of this chapter shall, upon conviction thereof, be subject to the following penalties at the discretion of the court.

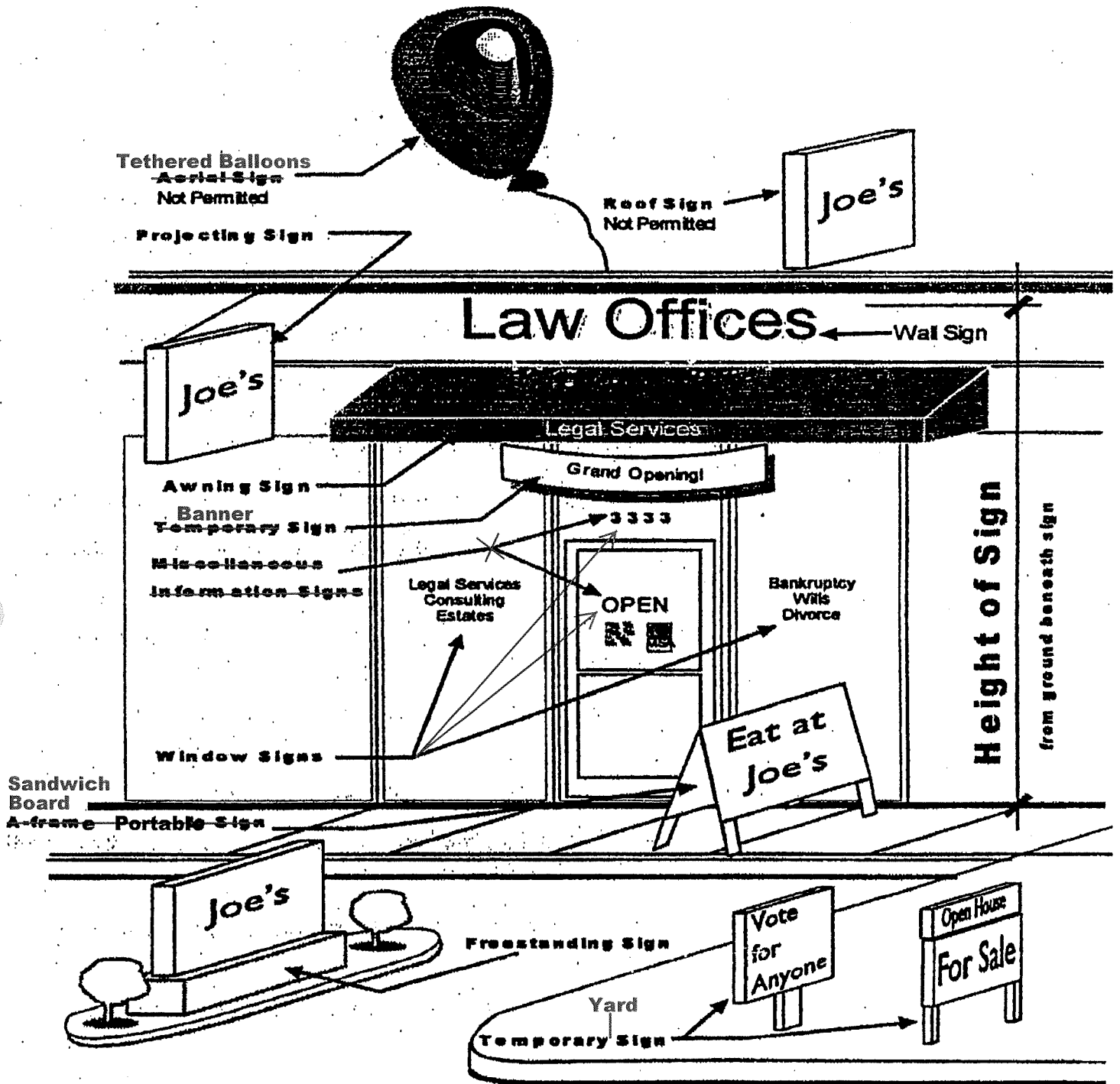
(a) A first offense resulting in a conviction shall be deemed a misdemeanor of the fourth degree. The court shall impose upon the offender a fine of not more than two hundred fifty dollars (\$250) but not less than one hundred fifty dollars (\$150), or may impose a sentence of imprisonment for not more than thirty (30) days, or may impose both such a fine and sentence of imprisonment.

(b) A second offense of any section of this chapter occurring within one (1) year after the conviction of the first offense shall be deemed a misdemeanor of the third degree. The court shall impose upon the offender a fine of not more than five hundred (\$500) dollars but not less than two hundred fifty (\$250) dollars, or may impose a sentence of imprisonment for not more than sixty (60) days, or may impose both such a fine and sentence of imprisonment.

(c) A third and subsequent offense of any section of this chapter occurring within one (1) year after the conviction of the second offense shall be deemed a misdemeanor of the second degree. The court shall impose upon the offender a fine of not more than seven hundred fifty (\$750) dollars but not less than five hundred (\$500) dollars, or may impose a sentence of imprisonment for not more than ninety (90) days, or may impose both such a fine and sentence of imprisonment.

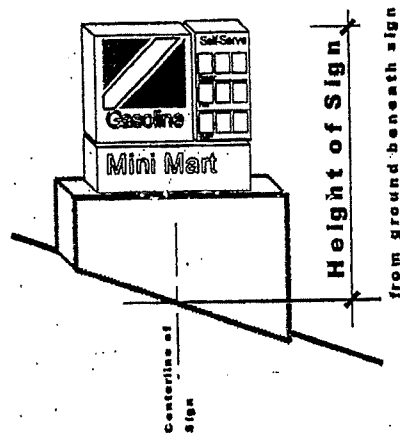
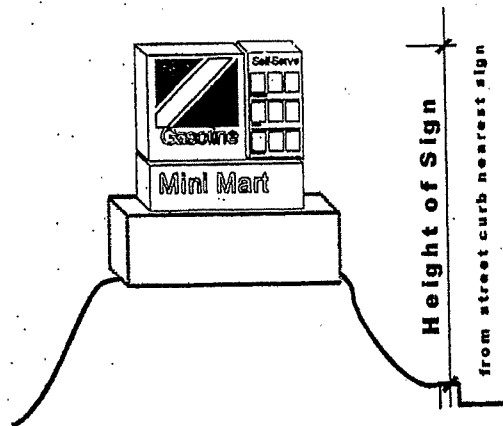
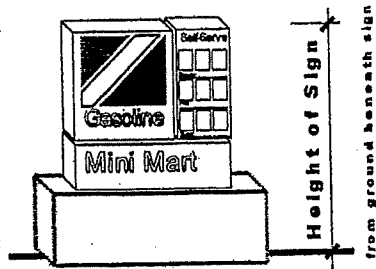


# APPENDIX A





## APPENDIX B

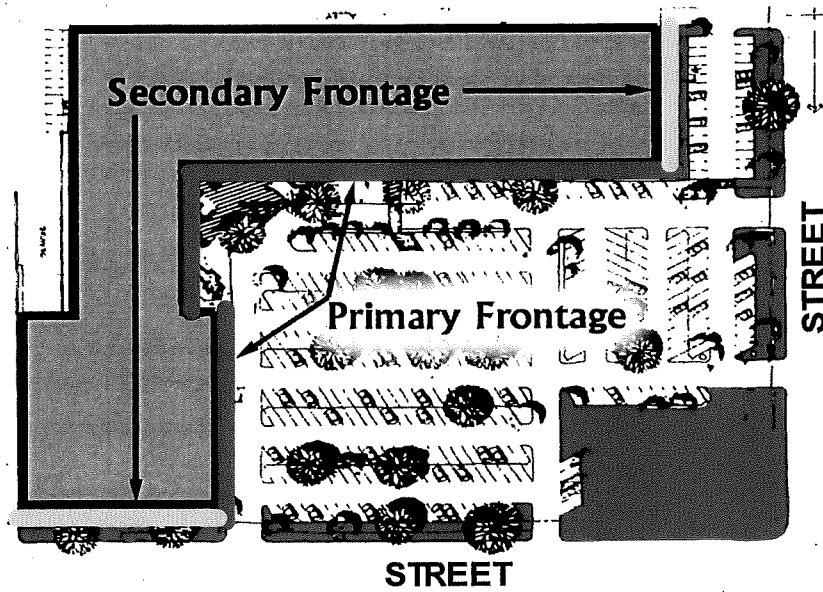




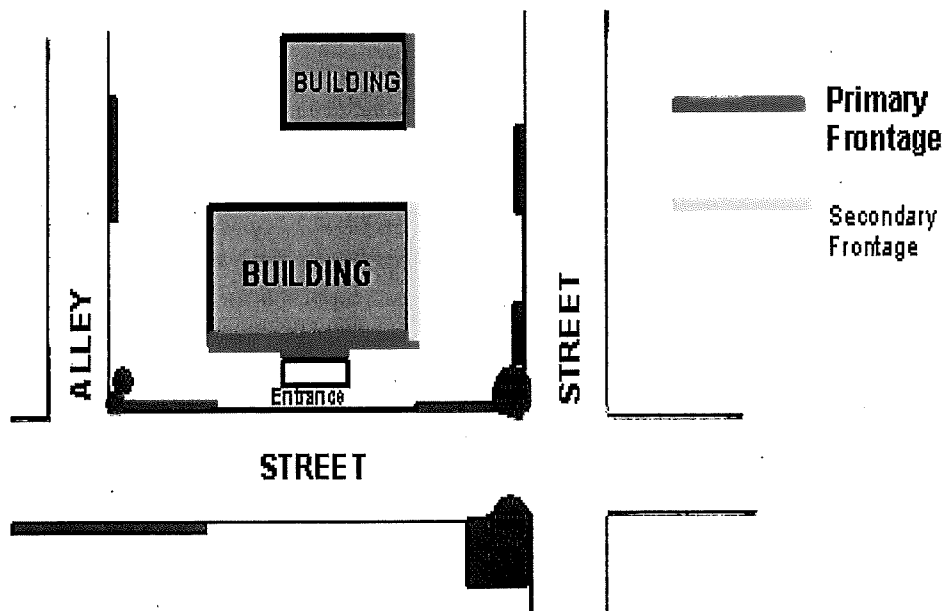


## APPENDIX C

Multiple Tenant Building



Single Tenant Building





# APPENDIX D

## SCHEDULE 153.05, MAXIMUM SIGN AREA REQUIREMENTS DIMENSIONS

Sign Type	LD, A, RE, R-1, R-2, & H  Single Family Residential Districts	R-4, R-5, & R- MHP  Multiple-Family Residential Districts	OD  Olde Downtown District	O & O-R  Office and Office- Residential Districts	B-1, B-2, & CC  Commercial and City Center Districts	M-1, M-2, & M-3  Business Park & Manufacturing Districts
(1) Nameplates (a)	2 sq. ft.	2 sq. ft.	2 sq. ft.	2 sq. ft.	2 sq. ft.	2 sq. ft.
(2) Identification Signs						
A. <u>Signs at a Residential Development Signs</u> (b)	32 sq. ft. area 6 ft. height	32 sq. ft. area 6 ft. height	32 sq. ft. area 6 ft. height	32 sq. ft. area 6 ft. height	32 sq. ft. area 6 ft. height	32 sq. ft. area 6 ft. height
B. <u>Signs at a Non-Residential Signs Development</u>						
1. Wall Signs	1.0 sq. ft. per lineal ft. of bldg. frontage, not to exceed 32 sq. ft.	1.0 sq. ft. per lineal ft. of bldg. frontage, not to exceed 32 sq. ft.	1.0 sq. ft. per lineal ft. of bldg. frontage	1.5 sq. ft. per lineal ft. of bldg. frontage	1.5 sq. ft. per lineal ft. of bldg. frontage	1.5 sq. ft. per lineal ft. of bldg. frontage
a. <i>Projecting Signs</i>	NP	NP	12 sq. ft.	NP	12 sq. ft.	NP
b. <i>Under-canopy Signs</i>	NP	NP	8 sq. ft.	NP	8 sq. ft.	NP
c. <i>Window Signs</i>	NP	NP	50% of window area	NP	50% of window area	50% of window area
2. Freestanding Signs a. <i>Single Occupancy</i>	½ sq. ft. per lineal ft. of street frontage, not to exceed 32 sq. ft. in area nor 6 ft. in height	½ sq. ft. per lineal ft. of street frontage, not to exceed 32 sq. ft. in area nor 6 ft. in height	½ sq. ft. per lineal ft. of street frontage, not to exceed 32 sq. ft. in area nor 6 ft. in height (c)	½ sq. ft. per lineal ft. of street frontage, not to exceed 50 sq. ft. in area nor 8 ft. in height	½ sq. ft. per lineal ft. of street frontage, not to exceed 50 sq. ft. in area nor 8 ft. in height	½ sq. ft. per lineal ft. of street frontage, not to exceed 50 sq. ft. in area nor 8 ft. in height
b. <i>Multiple Occupancy or Shopping Center (d)</i>	NP	NP	½ sq. ft. per lineal ft. of street frontage, not to exceed 50 sq. ft. in area nor 8 ft. in height (c)	1.0 sq. ft. per lineal ft. of street frontage, not to exceed 100 sq. ft. in area nor 15 ft. in height	1.0 sq. ft. per lineal ft. of street frontage, not to exceed 100 sq. ft. in area nor 15 ft. in height	1.0 sq. ft. per lineal ft. of street frontage, not to exceed 100 sq. ft. in area nor 15 ft. in height
(3) <del>Directional Signs</del>	NP	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.
(4) <del>Instructional Signs (e)</del>	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.
(5) (3) Temporary Signs (f) (e) A. Temporary Wall Sign	NP	32 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
B. Temporary Freestanding Sign	6 sq. ft. area 4 ft. height	16 24 sq. ft. area 6 ft. height	16 24 sq. ft. area 6 ft. height	16 24 sq. ft. area 6 ft. height	16 32 sq. ft. area 6 ft. height	16 32 sq. ft. area 6 ft. height
NP - Not Permitted (a) Includes home occupations (b) Maximum per street entrance (c) Where site permits (d) See Section 153.08(b)(8) (e) See Sections 153.03(t) and 153.06(d) (f) See Section 153.09						



## APPENDIX E

### SCHEDULE 153.07, MAXIMUM HEIGHT OF FREESTANDING SIGNS

Sign Type	LD, A, RE, R-1, R-2, & H  Single Family Residential Districts	R-4, R-5, & R-MHP  Multiple- Family Residential Districts	OD  Olde Downtown District	O & O-R  Office and Office- Residential Districts	B-1, B-2, & CC  Commercial and City Center Districts	M-1, M-2, & M-3  Business Park & Manufacturing Districts
(1) Identification — Signs						
— A. Residential — Development Signs	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.
— B. Non-Residential — Signs						
— 1. Single Occupancy	6 ft.	6 ft.	6 ft.	8 ft.	8 ft.	8 ft.
— 2. Multiple Occupancy — or Shopping Center (a)	NP	NP	8 ft.	15 ft.	15 ft.	15 ft.
(2) Directional — Signs	NP	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.
(3) Instructional — Signs (b)	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.
(4) Temporary — Signs (c)	4 ft.	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.
NP - Not Permitted — (a) See Section 153.08(b)(8) — (b) See Sections 153.03(f) and 153.08(b)(11) — (c) See Section 153.09						



# City of West Carrollton

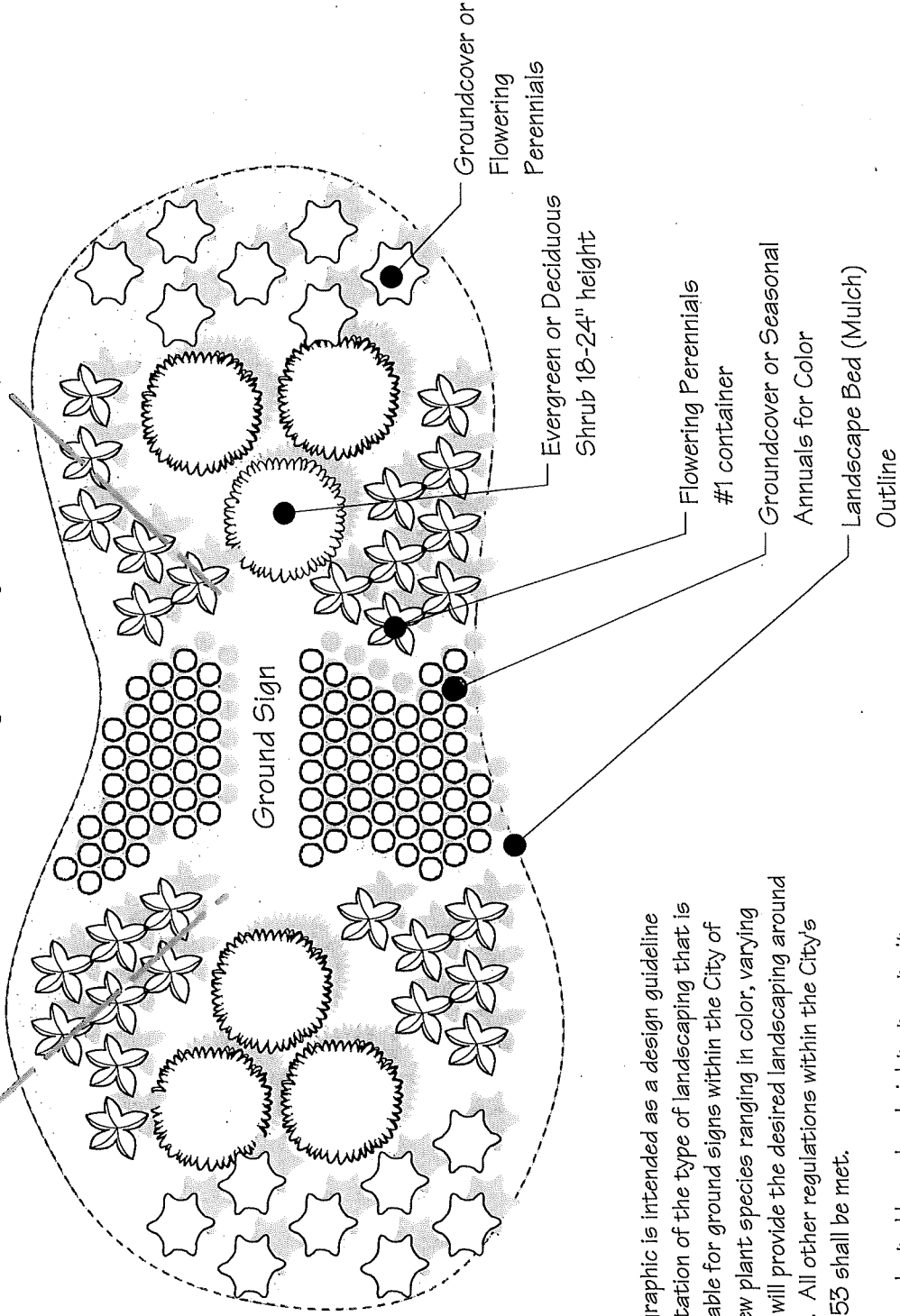
## Ground Sign Landscaping

### Design Guideline

#### APPENDIX E

0 4 8 FT  
SCALE: 1/4"=1'-0"

Maintain Sign Visibility



#### Notes:

This landscape plan graphic is intended as a design guideline only. It is a representation of the type of landscaping that is acceptable and desirable for ground signs within the City of West Carrollton. A few plant species ranging in color, varying heights and massing will provide the desired landscaping around a typical ground sign. All other regulations within the City's Sign Codes Chapter 153 shall be met.

Plant species shall be selected based on height at maturity, color, hardness, and foliage/flowering characteristics.





# APPENDIX G F

## ILLUMINANCE MEASUREMENT DISTANCES

SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

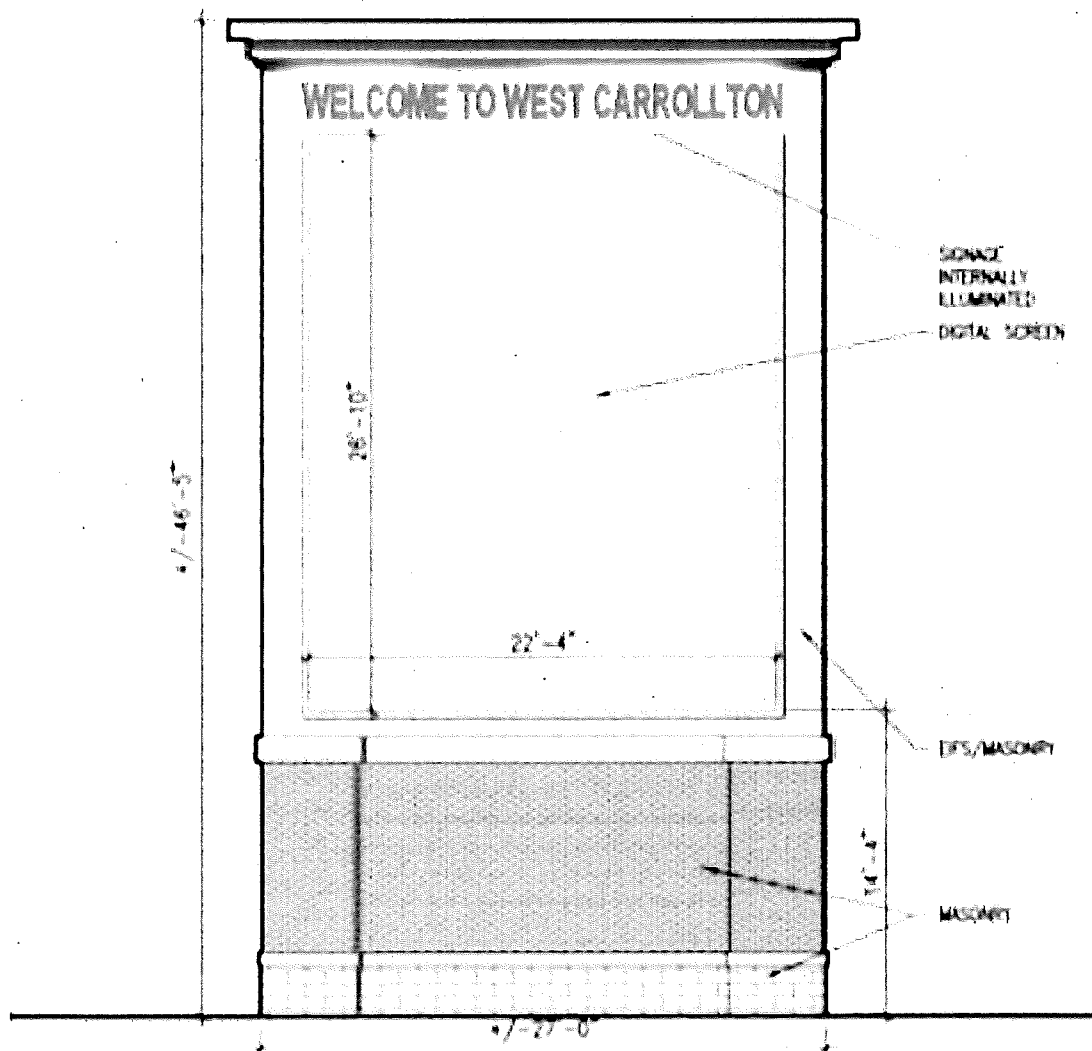
\* For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$$



# Appendix H G

## Illustration of a 600 Square Foot Digital Gateway Sign





**CITY OF WEST CARROLLTON  
CITY COUNCIL  
STAFF REPORT**

**DATE:** December 8, 2017

**CASE NUMBER:** SC-17-1  
Amendments to the Sign Code

**APPLICANT:** City of West Carrollton

**SUMMARY OF REQUEST:** Proposal for amendments to the Sign Code to comply with the 2015 U.S. Supreme Court decision in *Reed v. Town of Gilbert, Ariz.*

**BACKGROUND**

The landmark U.S. Supreme Court decision in *Reed v. Town of Gilbert, Ariz.*, --U.S.--, 135 S.Ct. 2218 (2015) departed dramatically from decades of established case law by ruling that any sign regulation that "on its face" requires a consideration of a sign's content to determine how that sign will be regulated is "content-based" and subject to "strict scrutiny." Many, if not all, sign codes including West Carrollton's contain such distinctions in the regulation of temporary signs; for example, by treating "real estate" signs differently than "political" signs. After *Reed*, such distinctions will be upheld only if local government can prove they serve a "compelling governmental interest" and are "narrowly-tailored" to achieve that interest.

The basic principles of *Reed*, as reflected by new language proposed in Section 153.20(c), are as follows:

- Sign regulations may not favor commercial over non-commercial speech, and may not treat one form of non-commercial speech more or less favorably than another.
- Wherever a commercial sign is permitted, a non-commercial sign is permitted without requirement of a permit or payment of a fee.
- Non-commercial signs are entitled to the maximum square footage allowed for any sign permitted in that zoning district, and such signs are not subject to durational (time) limitations.

Last year staff and Law Director Lori Denlinger met with sign code attorney Kevin Lantz from Surdyk, Dowd & Turner Co., L.P.A. to discuss the implications of this decision relative to the City's sign regulations. Mr. Lantz' firm was retained by the Miami Valley Risk Management Association to prepare a model sign code responding to the *Reed* decision for its member communities. Staff opted to await the preparation of that model code, which was issued in June of this year.

Using the model code and other professional sources staff prepared updates to the city's Sign Code to bring it into compliance with the *Reed* decision, while retaining the elements of the code that have been adopted in recent years which make it uniquely tailored to the needs of

the community. Staff requested that Mr. Lantz review these amendments, and after incorporating his recommendations the enclosed Sign Code update was presented for review by City Council and the Planning Commission at a joint work session on September 12. At that time the proposal was endorsed for formal consideration.

The Planning Commission reviewed the proposal during a public hearing held on November 16, 2017. The Planning Commission unanimously recommends approval of the amendments.

## **PROPOSAL**

The proposed amendments to the Sign Code are reflected in the enclosed Resolution SC-17-1 and Exhibit A. Existing language which is to be deleted is shown with strikethroughs, while new language is shown with yellow highlighting.

The majority of the amendments are for the purpose of removing or modifying “content-based” language which could run afoul of the *Reed* Supreme Court decision. The proposal includes the following:

- Content-based language is proposed to be removed from numerous definitions in section 153.03, resulting in either modifications to or the elimination of certain sign types.
- Section 153.08(d)(4)(F), which formerly required Digital Gateway Signs to be permanently identified with “City of West Carrollton” and to provide space-available advertising spots at no charge to the City, is proposed to be modified to “encourage” these features and allow other non-commercial entities the same free advertising.
- The durational (time) limit on temporary non-commercial signs is proposed to be eliminated.

Other proposed amendments unrelated to the *Reed* decision include the following:

- New language is proposed in Section 153.15(c) and (h), as recommended by Kevin Lantz, which would provide proper due process and enable the City to pursue the removal of nonconforming signs which have been abandoned for more than 180 days.
- After researching industry standards for temporary signs, staff is proposing in Appendix D to increase the maximum permitted area for temporary freestanding signs from 16 square feet to either 24 square feet or 32 square feet, on the grounds that a 3’x5’ sign is a special order and too small to be effective and 8’x4’ or 6’x4’ are standard industry sizes.
- To improve readability, Appendix E (sign height) is proposed to be merged into Appendix D (sign area), thus providing all permitted dimensions in one table.

## **ANALYSIS**

### **Conformance with Comprehensive Plan**

The City’s Sign Code, which is one of the mechanisms used to implement the vision of the Comprehensive Plan, states in part that the purposes of the Sign Code regulations are to: “(a) *Enhance and protect the physical appearance of the community* (b) *Promote and maintain attractive, high value residential, retail, commercial, and industrial districts, and preserve the*

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*scenic and natural beauty of designated areas (c) Provide necessary, yet reasonable and appropriate, signage for all residential, institutional and business uses in the community. ”* The proposed Sign Code amendments would accomplish these purposes by (1) enabling the proper enforcement of the city’s sign regulations, which have been in abeyance since the *Reed* decision (2) establishing the basis by which blighted abandoned nonconforming signs may be removed and (3) permitting temporary freestanding signs matching industry standard sizes.

## **PUBLIC NOTICE AND INPUT**

As reflected in the enclosed Proof of Publication, the public hearing for this proposal was advertised in the Miamisburg-West Carrollton News on December 7, 2017.

No input has been received to date from the public on this proposal.

## **RECOMMENDATION**

Based on the foregoing analysis, Planning Commission and staff unanimously recommend approval of the proposed amendments to the Sign Code as reflected in the enclosed Ordinance 3622 and Exhibit A.

SRPT SC-17-1\_Sign Code amendments\_Council.docx





**CITY OF WEST CARROLLTON  
PLANNING COMMISSION  
WEST CARROLLTON, OHIO**

**RESOLUTION: SC-17-1, RECOMMENDING TO CITY COUNCIL AMENDMENTS TO CHAPTER 153 OF THE CODE OF ORDINANCES OF WEST CARROLLTON, KNOWN AS THE "SIGN CODE".**

**WHEREAS**, sign regulation in West Carrollton is part of a comprehensive program of planning and zoning controls; and

**WHEREAS**, the U.S. Supreme Court decision in *Reed v. Town of Gilbert, Ariz.*, --U.S.--, 135 S.Ct. 2218 (2015) invalidated portions of Chapter 153: Signs which necessitated certain amendments be made to bring it into compliance with this decision; and

**WHEREAS**, other amendments are proposed to enable the removal of nonconforming signs abandoned for more than 180 days and to increase the permitted area for temporary freestanding signs; and

**WHEREAS**, the proposed amendments were reviewed at a joint City Council-Planning Commission meeting on September 12, 2017; and

**WHEREAS**, notification of a public hearing before the Planning Commission regarding this matter was advertised in the Miamisburg-West Carrollton News on September 21, 2017; and

**WHEREAS**, a public hearing was held on November 16, 2017 by the West Carrollton Planning Commission, at which time all people who wished to testify gave their comments; and

**WHEREAS**, for all of these reasons, the Planning Commission finds that it is both necessary and appropriate as part of its overall Land Usage Code and other code provisions designed to preserve and protect the public health, safety and welfare in the physical development of the community to adopt the following amendments to the provisions of the Land Usage Code affecting signs.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WEST CARROLLTON, OHIO, AS FOLLOWS:**

**SECTION I.** That the Planning Commission makes the following findings of fact with respect to the proposed text amendment pursuant to case SC-17-1:

- a) The City's Sign Code, which is one of the mechanisms used to implement the vision of the Comprehensive Plan, states in part that the purposes of the Sign Code regulations are to: "*(a) Enhance and protect the physical appearance of the community (b) Promote and maintain attractive, high value residential, retail, commercial, and industrial districts, and preserve the scenic and natural beauty of designated areas (c) Provide necessary, yet reasonable and appropriate, signage for all residential, institutional and business uses in the community.*" The proposed Sign Code amendments would accomplish these purposes by (1) enabling the proper enforcement of the city's sign regulations, which have been in

abeyance since the *Reed* decision (2) establishing the basis by which blighted abandoned nonconforming signs may be removed and (3) permitting temporary freestanding signs matching industry standard sizes.

**SECTION II.** That the Planning Commission recommends to City Council the adoption of amendments to Chapter 153 of the Code of Ordinances of West Carrollton known as the “Sign Code”, as reflected in “Exhibit A” attached hereto.

**SECTION III.** That this recommendation shall be forwarded in writing immediately to City Council for consideration of adoption.

**PASSED this 16<sup>th</sup> day of November, 2017.**

  
Chair

  
Secretary

Miami Valley Newspapers  
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Invoice Amount: \$55.40

Please indicate reference number(s) to ensure proper credit: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

Please return top portion with payment

Page: 1

Reference Number	Classification	Total Runs	First Run	Last Run	Ad Text / Description	Total Price
55758	Legals/General Classifieds	1	12/07/2017	12/07/2017	LEGAL NOTICE Notice is hereby given that a Public Hearing will be held by the City of West Carrollton City Council at the Civic Center, 300 East Central Avenue, on Tuesday, December 12, 2017, at 6:30 p.m., on Case No. SC-17-1 filed by the City of West Carrollton proposing amendments to the Sign Code. Interested persons are requested to appear and voice their opinions in respect thereto. The proposed amendment may be examined at the City of West Carrollton Planning and Building Department, 300 E. Central Ave., West Carrollton, Ohio, 45449, Monday-Friday, 8 a.m. to 4:30 p.m. For more information call 937-859-5783 or visit <a href="http://www.westcarrollton.org">www.westcarrollton.org</a> .	\$55.40

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17 DEC -8 AM 10:39

# PROOF OF PUBLICATION

The State of Ohio  
Montgomery County & Warren County

Gina Miller, being duly sworn, says she is the Publisher & Owner of Miami Valley Newspapers. Which includes-The Miamisburg News, Germantown Press, Centerville Dispatch, Franklin Chronicle and the Springboro Star Press weekly newspapers. Printed and of general circulation in said County, and that the Notice, a copy where of is hereunto attached, was published in said newspaper at least ONCE Successive weeks, from the 7th day of December 2017 to

The 7th day of December 2017 inclusive.

AFFIDAVIT COMPLETED:

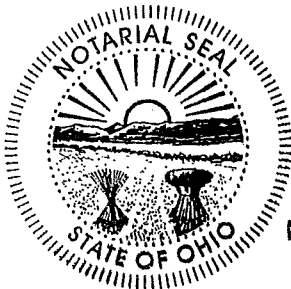
Date: 12-6-17 By: Jr Mayor JANINE MOYER  
Signature: Jr Mayor

Sworn to and subscribed before me,

This 6<sup>th</sup> day of December 2017.

Jessi Uland  
Notary Public

Seal:



JESSI ULAND  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
April 30, 2019  
Recorded in  
Montgomery County

## LEGAL NOTICE

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