

ORDINANCE NO. 14-77

BY: Carlyne Thomas Wood

To regulate the size, number, use and location of signs in The City Of Bexley and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. DEFINITIONS

A. "Co-op Sign" shall mean an on-premise sign that both identifies and promotes an establishment on the site and promotes a specific product or service that is not the principal product or service available at the site.

B. "Free-Standing Sign" shall mean any sign that has as its support metal columns, pipe, angle iron framing or similar type of support, which is permanent in nature and which is affixed to the realty.

C. "Off-Premise Sign" shall mean a sign used to identify, advertise, or promote any persons, products, or services available principally at locations other than at the sign's location.

D. "Owner" shall mean any person who alone or jointly or several with others, shall have charge, care, or control of any property, as the holder of any estate or interest therein, or as agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian, or who is in possession of property by right, with the power control. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance to the same extent as if he were the owner.

E. "Permanent Window Sign" shall mean any sign applied to the window using a paint not removable with water, or gold or silver leaf or laminated glass, stained glass, or the like. Any sign that is constructed of a permanent type material and is erected within close proximity to the window so to be seen from any public place and is erected for a period that exceeds thirty (30) days shall be considered a permanent window sign.

F. "Projecting Sign" shall mean any sign projecting more than twelve (12) inches from the wall of a building.

G. "Self-Propelled Sign" shall mean any sign that is mounted on or attached to a self-propelled vehicle.

H. "Sign" shall mean and include every sign, billboard, ground sign, free standing sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, pole sign, marquee, awning, canopy, and shall include any announcement, declaration, demonstration, display, illustration, insignia or similar device used to advertise or promote the interests of any person or business when the same is placed out of doors in view of the general public, or is visible to the general public from out of doors.

I. "Sign Area" shall mean the entire area within a continuous perimeter forming a basic geometric figure which encloses the message or display along with any frame or other material, color, internal illumination or other feature which forms an integral part of the sign and is used to differentiate such sign from the wall or supporting structure upon which it is placed. The necessary supports or uprights on which the sign may be placed are excluded from the sign area if they give the visual appearance of a single color and do not exceed eighteen (18) inches in width and/or depth.

J. "Temporary Sign" shall mean a banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials and displayed for a period not to exceed thirty (30) days.

K. "Temporary Window Sign" shall mean any temporary sign applied to or erected within close proximity to a window so as to be visible from any public place.

L. "Wall Sign" shall mean any sign attached to, painted on, or erected against the exterior wall of a building or structure of which is an integral part of the exterior of a building or structure with the exposed face of the sign in a plane parallel to the plane of said wall, building or structure.

## Section II. PERMIT REQUIREMENTS AND EXEMPTIONS

### A. Bexley Environmental Review District

Any sign to be erected within the boundaries of the Bexley Environmental Review District shall be subject to the provisions of such District and must receive a Certification of Appropriateness from the Bexley Environmental Review Board prior to the erection of such sign. The provisions of this ordinance with regard to location, type, number and design of such signs shall be maximums for property within said district, and the Environmental Review Board, may further specify the location, type, number and design of such signs, so as to insure reasonable compatibility with goals of the Zoning District.

B. Except as otherwise specifically provided herein, no sign in a location outside of the districts listed in this ordinance shall thereafter be constructed, erected, replaced, re-erected or remodeled within the limits of the City of Bexley by any person, firm corporation or organization until a permit for the same has been issued by the Building Inspector. Such permits will be granted by the Building Inspector only upon the basis of representations indicating exact size, all colors, samples of materials and specific relationship to the property on which it is located and surrounding properties. Permits for signs subject to the jurisdiction of the Bexley Environmental Review Board shall not be issued until a Certificate of Appropriateness has been obtained.

C. There shall be a fee of Ten Dollars (\$10.00) for each permit.

D. Any request for variances from the provisions hereof, or any requests for permits for signs not specifically permitted hereunder, shall be submitted to the Board of Zoning Appeals for their final decision, unless such signs are located in the Bexley Environmental Review District, in which event such variance or request shall be submitted to the Bexley Environmental Review Board for approval.

E. No permit shall be required for the following signs:

1. Temporary real estate signs of an area of twelve (12) square feet or less for the sale or lease of property.
2. Professional name plates not exceeding two (2) square feet in area.
3. Small announcements with an area of less than four (4) square feet located inside buildings, whether or not the same are visible from the outside.
4. Temporary window signs, provided all of the provisions of this ordinance are complied with.
5. Bulletin boards not over eight (8) square feet in area for public, charitable, or religious institutions, when the same are located on the premises of said institutions.

F. Traffic control signs are exempt from the provisions of this ordinance.

## Section III GENERAL PROVISIONS

A. No permanent sign shall be placed on or above any public right-of-way except publicly owned signs, such as traffic control signs and directional signals. Temporary signs may be erected with the consent of the Mayor.

B. No sign shall be placed, installed, erected or constructed in such a manner as to obstruct any fire escape or any door or window giving access to a fire escape.

C. Every wall sign or free standing sign shall be securely attached to the building wall or suitable metal support by iron or metal anchors, bolts, supports, chains, cables, or steel rods.

D. All signs attached to buildings may extend not more than three (3) feet above the roof or parapet of said building, whichever is higher. All other signs may extend not more than thirty (30) feet in the air, measured from street level.

E. On a corner lot, only one pole will be permitted within twelve (12) feet of the corner of said lot.

F. Any sign on a corner lot which is within twelve (12) feet of the corner of said lot shall be at least seven (7) feet above the highest point of the sidewalk, unless such signs are wall signs and the flat side of said sign is attached to the front or side of a building. No sign base within twelve (12) feet of the corner is permitted to extend more than six (6) inches above grade.

G. No temporary sign shall be attached to, painted on or otherwise displayed on a light standard, fence, wall, post, pole, portable supporting device or other structure except as specifically authorized by this ordinance.

H. Except as provided in Sections 6 and 7 hereof, no signs shall be permitted other than those which pertain to the principal business being carried on on the premises on which the sign is located. Said signs shall only identify the principal business being carried on on the premises and the principle product or service available at that specific location.

I. The following type of signs shall not be permitted.

1. Flashing signs
2. Moving signs
3. Off-Premise Signs
4. Co-op Signs
5. Self propelled signs
6. Signs-on-wheels or trailers

#### Section IV DISTRICT REQUIREMENTS

##### A. Neighborhood Commercial and General Commercial Zoning Districts

1. Free-Standing Signs - Prohibited
2. Projecting Signs - Prohibited
3. Permanent Window Signs shall meet all requirements of this district pertaining to wall signs.
4. Temporary Window Signs - No permit will be required provided the following requirements are met:
  - a. Maximum Allowable Size - Temporary window signage shall not exceed a maximum area of fifteen (15) percent of the size of the window in which it is placed, but the maximum allowable coverage for all temporary window signs on any one business shall not exceed fifty (50) square feet.
5. Wall Signs - Each business may have not more than one (1) wall sign on the front, one (1) wall sign on each side, and one (1) wall sign on the rear of the building in which it is located. However, those businesses that are located on a lot that abuts a residential zoning district shall not be allowed to erect a wall sign on that side of the building facing said residential district without first receiving special permission from the Bexley Environmental Review Board.

The aggregate area of all wall signs for any single business may have an area equivalent to one (1) square foot of sign area for each lineal foot of width of the building or part of a building occupied by such business, but such aggregate area

shall not exceed seventy (70) square feet. The width of the building shall be determined by measuring that portion of the building that fronts onto the street as determined by the front yard building set back of the Bexley Zoning Ordinance.

B. Office Commercial and Community Commercial Zoning Districts

1. Free-Standing signs - No free standing sign including its frame and structure shall exceed thirty-two (32) square feet in area on any one side and in addition to the total display area of all free-standing signs on any one property shall not exceed sixty-four (64) square feet. Neither the vertical nor the horizontal measurements of any free-standing sign shall exceed fifteen (15) feet in length. Only one (1) free-standing sign shall be permitted for each building.
2. Projecting Signs - Each business may have one (1) projecting sign on the front of the building provided no free standing signs are used. The maximum size for a projecting sign shall not exceed twelve (12) square feet in area on any one side and the total display area of the projecting sign shall not exceed twenty-four (24) square feet. The horizontal projection shall not exceed six (6) feet in length.
3. Permanent Window Signs - Shall meet all the requirements of this ordinance pertaining to wall signs.
4. Temporary Window Signs - No permit will be required provided the following requirements are met:
  - a. Maximum Allowable Size - No single temporary window sign shall exceed a maximum area of fifteen (15) percent of the size of the window in which it is placed.
  - b. The maximum allowable coverage for all temporary window signs on any one business shall not exceed fifty (50) square feet.
5. Wall Signs - Each business may have not more than one (1) wall sign on the front, one (1) wall sign on each side, and one (1) wall sign on the rear of the building in which it is located. However, those businesses that are located on a lot which abuts a residential zoning district shall not be allowed to erect a wall sign on that side of the building facing said residential district without first receiving special permission from the Bexley Environmental Review Board.

The aggregate area of all wall signs for any single business may have an area equivalent to one (1) square foot of sign area for each lineal foot of width of the building or part of a building occupied by such business, but such aggregate area shall not exceed seventy (70) square feet. The width of the building shall be determined by measuring that portion of the building that fronts onto the street as determined by the front yard building set-back of the Bexley Zoning Ordinance.

6. Theaters

C. Commercial Service Zoning District

1. Free-Standing Sign: No Free Standing Sign including its frame and structure shall exceed forty (40) square feet in area on any one side and in addition the total display area of all free standing signs on any one property shall not exceed eighty (80) square feet. Neither the vertical nor the horizontal measurements of any free standing sign shall exceed fifteen (15) feet in length. Only one (1) free standing sign shall be permitted for each building.
2. Projecting Signs - Each business may have one (1) projecting sign on the front of the building provided no free standing signs are used. The maximum size for a projecting sign shall not exceed twenty-four (24) square feet in area on any one side and the

total display area of the projection sign shall not exceed forty eight (48) square feet. The horizontal projection shall not exceed six (6) feet in length.

3. Permanent Window Signs - Shall meet all requirements of this district pertaining to wall signs.
4. Temporary Window Signs - No permit will be required provided the following requirements are met:
  - a. Maximum allowable size - No single temporary window sign shall exceed a maximum area of fifteen (15) percent of the size of the window in which it is placed, but the maximum allowable coverage for all temporary window signs on any one business shall not exceed fifty (50) square feet.
  - b. The maximum allowable coverage for all temporary window signs on any one business shall not exceed fifty (50) square feet.
5. Wall Signs - Each business may have not more than one (1) wall sign on the front, one (1) wall sign on each side, and one (1) wall sign on the rear of the building in which it is located. However, those businesses that are located on a lot that abuts a residential zoning district shall not be allowed to erect a wall sign on that side of the building facing said residential district without first receiving special permission from the Bexley Environmental Review Board.

The aggregate area of all wall signs for any single business may have an area equivalent to three (3) square feet of sign area for each lineal foot of width of the building or part of a building occupied by such business, but such aggregate area for all wall signs shall not exceed seventy (70) square feet. The width of the building shall be determined by measuring that portion of the building that fronts onto the street as determined by the front yard building setback of the Bexley Zoning Ordinance.

#### D. Planned Unit Residential and Planned Unit Commercial

Signage in this district for new construction of the PUR or PUC development must be included in the detailed development plan as required by Bexley Ordinance No. 8-72, Article VII, Section 732.

No sign shall be erected for existing PUR and PUC developments without first receiving approval from the Bexley Environmental Review Board. Approval of signage in this district shall be granted only after it has been found that:

1. The proposed signage is appropriate for the site and is warranted by the design and other amenities incorporated in the sign plan.
2. The proposed signage will not be detrimental to other residents of the City and surrounding areas or to the public facilities and services in the City and surrounding areas.

#### E. OPEN SPACE ZONING DISTRICT

No sign shall be erected in this district without first receiving approval of the Bexley Environmental Review Board. Approval of a sign in this district shall be granted only after it has been found that:

1. The proposed sign is appropriate for the site and is warranted by the design and other amenities incorporated in the sign plan.
2. The proposed sign will not be detrimental to other residents of the City and surrounding areas or to the public facilities and services in the City and surrounding areas.

### Section V.

#### ILLUMINATED SIGNS

- A. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with provisions of the national electric code, and shall be inspected by the Electric Inspector for the City of Bexley.

B. Every illuminated sign shall be constructed of metal or other equally non-combustible material.

C. No mounted lamp fitting of the gooseneck type shall be permitted on any sign with the exception of roof signs.

D. No sign shall contain electric bulbs, lamps, fixtures or equipment of a nature resembling flasher signals or traffic lights, and the light from signs shall not interfere with the vision of motorists.

Section VI. SPECIAL SIGNS

A. Signs used for announcing special public or institutional events or the erection of a building, the architect, the builders, contractors, etc. shall not exceed twenty-four (24) square feet and may be erected for a period not to exceed thirty (30) days plus the construction period.

B. All candidates for public office, their campaign committees or other persons responsible for the posting on private property of campaign material or special announcements, shall remove such material within ten (10) days following the election, referendum or event.

Section VII. REAL ESTATE SIGNS

A. Signs not exceeding twelve (12) square feet in area and advertising the sale, rental or lease of the premises on which the sign is located, shall be permitted. Real estate "open house" signs shall be permitted only when a house is open for inspection, and only on the premises for which this sign is applicable. Such signs shall not exceed five (5) feet in height.

B. "For Sale" or "Rent" signs shall be removed not later than ten (10) days after the contract for sale or rent of said property has been consummated. Signs indicating that the property has been sold shall not be displayed for more than ten (10) days.

Section VIII. EXCEPTION FOR SERVICE STATIONS

A. In the case of automobile service stations whose principal business is the sale of automobile fuel, such stations may display signs in addition to those herein above authorized. Such additional signs shall not exceed three in number, each having a total aggregate display area, including sign, frame and surrounding surfaces of not more than nine (9) square feet. The top of said sign shall not extend in height more than four (4) feet above the finished grade of the service station. Such signs may be free standing or temporary, but shall not be located nearer to the street on any side than the gasoline pump islands that are nearest to such street and such signs shall not be subject to the permit requirements of Section II of this Ordinance.

Section IX. NON-CONFORMING SIGNS

A. Any sign in existence prior to the effective date of this ordinance that does not conform with the provisions of this Ordinance is considered to be non-conforming.

B. Any sign that does not conform to the provisions of this Ordinance shall be allowed to continue in its non-conforming status provided the sign was legal on or before the effective date of this ordinance subject to the provisions of this ordinance. However, this shall not be in conflict with Section XIII of this ordinance.

C. A non-conforming sign shall not be relocated or replaced unless it is brought into compliance within the provisions of this section.

D. A non-conforming sign shall only be maintained or repaired in accordance with the following provisions:

1. The size and structural shape shall not be changed or altered.
2. The copy may be changed provided that the change applies to the original non-conforming use associated



- with the sign and that the change is made by the activity or person who was the owner of the sign at the time the sign became non-conforming; the copy shall not be enlarged. Any subsequent owner or user shall bring the sign into compliance.
3. In the case where damage occurs to the sign to the extent of fifty (50) percent or more of its original cost, the sign shall be brought into compliance. Where the damage to the sign is less than (50) percent of the structure or its original cost the sign shall be repaired to its original configuration within sixty (60) days, and if not so repaired, must thereafter be brought into compliance or demolished.

Section X.

VARIANCES

- A. The Bexley Environmental Review Board in addition to the power given it in Section I, A., shall have power to authorize, upon application, variances from the sign ordinance for properties within the Environmental Review District where there are special physical conditions which:
1. Are due to exceptional narrowness, shallowness, shape, topographic conditions or other extraordinary situations peculiar to the premises itself, and
  2. Differentiate the premises from other premises in the district and general area, and
  3. Prevent a reasonable return in service, use or income as compared to other conforming premises in the same district.

Any such variance must be necessary to preserve a substantial property right the hindrance of which resulted from the sign ordinance, must be in harmony with the public interest.

Nothing herein shall be construed as authorizing the Board to effect changes in the Zoning Map, or to add to the uses permitted in any district.

- B. The Bexley Environmental Review Board shall have power to authorize, upon application, variances from the sign ordinance for properties outside the Environmental Review District where there are special physical conditions which:

1. Are due to exceptional narrowness, shallowness, shape, topographic conditions or other extraordinary situations peculiar to the premises itself, and
2. Differentiate the premises from other premises in the district and general area, and
3. Prevent a reasonable return in service, use or income as compared to other conforming premises in the same district.

Any such variance must be necessary to preserve a substantial property right the hindrance of which resulted from the sign ordinance, and must be in harmony with the public interest.

Nothing herein shall be construed as authorizing the Board to effect changes in the Zoning Map, or to add to the uses permitted in any district.

Section XI.

UNSAFE AND UNSIGHTLY SIGNS

- A. If the Building Inspector shall find that any sign or other advertising structure regulated herein is unsafe, insecure, or unsightly, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice to the permittee or owner thereof. If the permittee or owner fails to remove or alter the structure so as to comply with the standards herein set forth, within ten (10) days after such notice, such sign or other advertising structure may be removed, or altered to comply, by the Building Inspector at the expense of the permittee or owner of the property upon which it is located.

- B. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the Building Inspector, and, upon failure to comply with such notice within the time specified in such order, the Building Inspector is hereby authorized to cause removal of such sign, and any

expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

Section XII.            SIGN PERMITS ARE REVOCABLE

All rights and privileges acquired under the provisions of this ordinance or any amendment thereto, are mere licenses revocable at any time by the Council of the City of Bexley, and all such permits shall contain this provision.

Section XIII.        NON-CONFORMING SIGNS

Every sign or other advertising structure in existence on the effective date of this ordinance which violates or does not conform to the provisions hereof, shall be removed, or altered, or replaced so as to conform with the provisions of this ordinance within five (5) years.

Section XIV         VIOLATIONS AND PENALTIES

A. It shall be unlawful to construct, erect, replace, re-erect or remodel any sign in violation of any of the provisions of this ordinance or any amendments or supplements thereto.

B. Any person, firm, corporation, organization or business violating the provisions of this ordinance shall, upon conviction, be fined not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars. Each day during which such unlawful construction, erection, replacement, re-erection or remodeling continues shall constitute a separate offense.

Section XV.         REMOVAL OF SIGNS

A. Temporary signs in existence at the effective date of this section which do not comply with the provisions of this ordinance, and all other signs heretofore erected or displayed without legal authorization or as to which a non-conforming use has not been established, shall be removed within ten (10) days after delivery of written notice to that effect by the Building Inspector to the owner or occupant of the premises on which such signs are located.

B. No sign shall be permitted on a building's premises for longer than two weeks after the business to which said sign pertains has ceased operating on said premises.

Section XVI.        CANVAS AWNINGS

Canvas awnings to protect windows from rain or sunshine may be erected and maintained if the framework and all parts thereof are made of metal, and no part of such awning or of any support therefore that extends over the sidewalk shall be less than seven (7) feet above the highest point of the sidewalk.

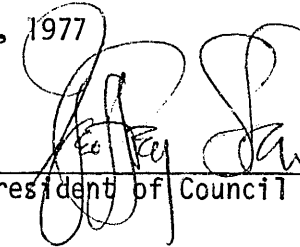
Section XVIII      ORDINANCE NO. 9-68 IS HEREBY REPEALED

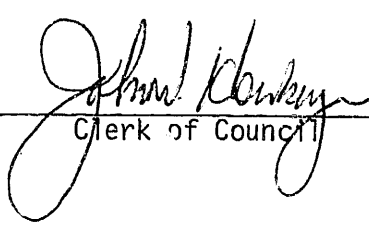
Section XVIII

This ordinance is an emergency measure, necessary for the immediate preservation of the public peace, health and safety, said emergency being the necessity of providing satisfactory regulation of signs at the earliest possible time, and said ordinance shall go into immediate force and effect upon its passage and approval by the Mayor.

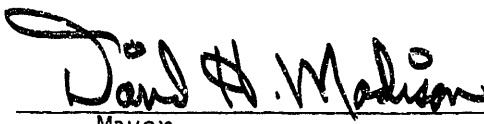


Passed May 10, 1977

  
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President of Council

Attest:   
\_\_\_\_\_  
Clerk of Council

Approved May 10, 1977

  
\_\_\_\_\_  
Mayor

First reading April 12, 1977  
Second reading April 26, 1977