

SUBSTITUTE ORDINANCE NO. 43 -92BY: John H. Offenberg

An Ordinance to amend the Codified Ordinances of the City of Bexley by deleting Chapter 1470 and re-enacting Chapter 1470, with certain amendments, as Chapter 1230 of the Bexley Planning and Zoning Code, to regulate signs with regard to location, type, number, size and design.

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

Section 1. That the Codified Ordinances of the City of Bexley be amended by the deletion of Chapter 1470 and re-enacting Chapter 1470 as Chapter 1230 of the Bexley Planning and Zoning Code.

Section 2. That the re-enacted Chapter 1230 of the Bexley Planning and Zoning Code be amended as follows:

~~1470.01~~ 1230.01 DEFINITIONS.

(a) "Co-op sign" means an on-premises 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" means any sign that has as its support metal columns, pipe, angle iron framing or a similar type of support, which is permanent in nature and which is affixed to the realty.

(c) "INCIDENTAL SIGN" MEANS A SIGN HAVING AN ABOVE-GRADE HEIGHT OF NOT MORE THAN TWENTY-FOUR INCHES OR A TOTAL AREA OF NOT MORE THAN EIGHT SQUARE FEET CONTAINING NO ADVERTISING AND TYPICALLY ERECTED TO IDENTIFY ENTRANCES, EXITS, OPERATIONAL INSTRUCTIONS, PUBLIC UTILITY LOCATIONS, ETC.

~~(c)~~ (d) "Off-premises sign" means a sign used to identify, advertise or promote any person, product or service available principally at locations other than at the location of the sign.

~~(d)~~ (e) "Owner" means any person who alone or jointly or severally with others, has charge, care or control of any property, as the holder of any estate or interest therein, or as an agent of the owner, or as an executor, executrix, administrator, administratrix, trustee or guardian, or who is in possession of property by right, with the power of control. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

(f) "Projecting sign" means any sign projecting more than twelve inches from the wall of a building.

(g) "Self-propelled sign" means any sign that is mounted on or attached to a self-propelled vehicle.

(h) "Sign" means and includes every sign, billboard, ground sign, free-standing sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, pole sign, marquee, awning, canopy, 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" means 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 inches in width and/or depth. FOR WALL MOUNTED SIGNS WHICH CONSIST OF INDIVIDUALLY MOUNTED LETTERS, NUMBERS OR OTHER SYMBOLS ON A WALL OR FASCIA, THE AREA OF THE SIGN SHALL BE THE AREA OF A RECTANGLE CIRCUMSCRIBED AROUND THE LETTERS, NUMBERS OR OTHER SYMBOLS.

(j) "Temporary sign" means a banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like material and displayed for a period not to exceed thirty days.

(l) (k) "Wall sign" means any sign attached to, painted on or erected against the exterior wall of a building or structure 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 such wall, building or structure.

(l) "WINDOW SIGN" MEANS A SIGN AFFIXED TO OR WITHIN THREE FEET OF THE INSIDE OF A WINDOW IN VIEW OF THE GENERAL PUBLIC. THIS DOES NOT INCLUDE MERCHANDISE ON DISPLAY. THE AREA OF A WINDOW IS DEFINED AS ALL GLASS FACING A STREET.

(e) (m) "Permanent window sign" means any sign applied to the window using a paint not removable with water or using 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~~ THREE FEET OF A window so to be seen from any public place and is erected for a period that exceeds thirty days shall be considered a permanent window sign.

(k) (n) "Temporary window sign" means any temporary sign applied to or erected within ~~close proximity to~~ THREE FEET OF a window so as to be visible from any public place.

1470-02 1230.02 SIGNS IN--THE--BEXLEY--ENVIRONMENTAL--REVIEW DISTRICT; APPROVALS; PERMIT REQUIREMENTS AND EXEMPTIONS.

(a) Any sign, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED HEREIN, to be erected within the boundaries of--the--Bexley Environmental-Review-District ANY ZONING DISTRICT shall be subject to the provisions of such district and the person intending to erect such sign shall obtain a-Certification-of-Appropriateness APPROVAL from the Bexley Environmental Review Board OR ITS DESIGNEE prior to such erection. The provisions of this chapter with regard to the location, type, number and design of such signs shall be maximums for property within such-District ANY DISTRICT and the Board OR ITS DESIGNEE may further specify the location, type, number and design of such signs so as to insure reasonable compatibility with the goals of such district.

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

(c) The fee for each permit shall be as provided in Section 1430.02(a)(4).

(d) Any request for a variance from the provisions hereof, or any request for a permit for a sign not specifically permitted hereunder, shall be submitted to the ~~Board of Zoning Appeals~~ ENVIRONMENTAL REVIEW BOARD for its final decision, ~~unless such signs are located in the Bexley Environmental Review District, in which event such requests shall be submitted to the Bexley Environmental Review Board for approval.~~

(e) No permit OR APPROVAL shall be required for the following signs:

- (1) Temporary real estate signs with an area of twelve square feet or less for the sale or lease of property;
- (2) Professional nameplates not exceeding two square feet in area;
- (3) Small announcements ~~with an area of less than four square feet located inside buildings, whether or not the same are visibly from the outside~~ INDICATING ADDRESS, HOURS OF OPERATION, BANKCARD AFFILIATION AND SIMILAR INFORMATION, NOT TO EXCEED A TOTAL OF TWO SQUARE FEET FOR ALL ANNOUNCEMENTS;
- (4) Temporary window signs, provided that all of the provisions of this chapter ~~are complied with; and~~ HAVE BEEN MET;
- (5) Bulletin boards not over eight square feet in area for public, charitable or religious institutions, when the same are located on the premises of such institutions.
- (6) "OPEN" SIGNS NOT EXCEEDING FOUR SQUARE FEET IN AREA;
- (7) UNIFORM TRAFFIC SIGNS EITHER ON PUBLIC OR PRIVATE PROPERTY, PROVIDING THEIR USE AND LOCATION DOES NOT CREATE A PUBLIC SAFETY PROBLEM; AND,
- (8) SIGNS WHICH SERVE A PUBLIC PURPOSE AND HAVE BEEN ERECTED OR APPROVED BY THE CITY.

(f) ~~Traffic control~~ INCIDENTAL signs are ~~exempt from the provisions of this chapter~~ PERMITTED IN ANY DISTRICT LISTED IN THIS CHAPTER, AND ARE SUBJECT TO ENVIRONMENTAL REVIEW.

~~1470-03~~ 1230.03 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 signs. 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 a suitable metal support by iron or other metal anchors, bolts, supports, chains, cables or steel rods.

(d) A sign attached to a building may extend not more than three feet above the roof or parapet of such building, whichever is higher. All other signs may extend not more than thirty feet in the air, measured from the street level.

(e) On a corner lot, only one pole shall be permitted within twelve feet of the corner of such lot.

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

(h) Except as provided in Sections ~~1470-06~~ 1230.06 and ~~1470-07~~ 1230.07, no sign shall be permitted other than that which pertains to the principal business being carried on on the premises on which the sign is located. Such signs shall only identify the principal business being carried on on the premises and the principal product or service available at that specific location.

- (i) The following types of signs are not permitted:
- (1) Flashing signs;
  - (2) Moving signs;
  - (3) Off-premises signs;
  - (4) Co-op signs;
  - (5) Self-propelled signs; and
  - (6) Signs on wheels or trailers;
  - (7) SIGNAGE PROJECTING FROM EQUIPMENT;
  - (8) CHANGEABLE COPY SIGNS (EXCEPT FOR PUBLIC AND QUASI-PUBLIC INSTITUTIONS AND THEATERS); AND
  - (9) AIR ACTIVATED OR INFLATABLE ATTRACTIONS OR DEVICES.

~~1470-04~~ 1230.04 DISTRICT REQUIREMENTS.

(a) Neighborhood Commercial and General Commercial Zoning District.

- (1) Free-standing signs. Free-standing signs are prohibited.
- (2) Projecting signs. Projecting signs are prohibited.
- (3) Permanent window signs. Permanent window signs shall meet all the requirements of this District pertaining to wall signs.
- (4) Temporary window signs. Temporary window signs shall not require a permit if the following requirement is met: A temporary window sign shall not exceed an area of ~~fifteen~~ TWENTY-FIVE 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 is fifty square feet.
- (5) Wall signs. Each business may have not more than one wall sign on the front, one wall sign on each side and one wall side 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 such residential district without first receiving special permission therefor from the Bexley Environmental Review Board.

The aggregate area of all wall signs for any single business may be equivalent to one 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 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 Zoning Code.

(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 square feet in area on any one side. In addition, the total display area of all free-standing signs on any one property shall not exceed sixty-four square feet.

Neither the vertical nor the horizontal measurements of any free-standing sign shall exceed fifteen feet in length. Only one free-standing sign shall be permitted for each building.

- (2) Projecting signs. Each business may have one projecting sign on the front of the building, provided that no free-standing sign is used. The maximum size for a projecting sign shall be twelve square feet in area on any one side and the total display area of the projecting sign shall not exceed twenty-four square feet. The horizontal projection shall not exceed six feet in length.
- (3) Permanent window signs. Permanent window signs shall meet all the requirements of this chapter pertaining to wall signs.
- (4) Temporary window signs. Temporary window signs shall not require a permit if the following requirement is met: A temporary window sign shall not exceed an area of fifteen TWENTY-FIVE percent of the window in which it is placed, but the maximum allowable coverage for all ~~temporary~~ window signs on any one business is fifty square feet.
- (5) Wall signs. Each business may have not more than one wall sign on the front, one wall sign on each side and one 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 such residential district without first receiving special permission therefor from the Bexley Environmental Review Board.

The aggregate area of all wall signs for any single business may be equivalent to one 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 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 Zoning Code.

(c) Commercial Service Zoning District.

- (1) Free-standing signs. No free-standing sign, including its frame and structure, shall exceed forty square feet in area on any one side. In addition, the total display area of all free-standing signs on any one property shall not exceed eighty square feet. Neither the vertical nor the horizontal measurements of any free-standing sign shall exceed fifteen feet in length. Only one free-standing sign shall be permitted for each building.
- (2) Projecting signs. Each business may have one projecting sign on the front of the building, provided that no free-standing sign is used. The maximum size for a projecting sign shall be twenty-four square feet in area on any one side and the total display area of the projecting sign shall not exceed forty-eight square feet. The horizontal projection shall not exceed six feet in length.
- (3) Permanent window signs. Permanent window signs shall meet all requirements of this District pertaining to wall signs.

- (4) Temporary window signs. Temporary window signs shall not require a permit if the following requirement is met: A temporary window sign shall not exceed an area of ~~fifteen~~ TWENTY-FIVE 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 is fifty square feet.
- (5) Wall signs. Each business may have not more than one wall sign on the front, one wall sign on each side and one 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 such residential district without first receiving special permission therefor from the Bexley Environmental Review Board.

The aggregate area of all wall signs for any single business may have an area equivalent to three 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 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 Zoning Code.

(d) Planned Unit Residential and Planned Unit Commercial Zoning Districts. Signage in these Districts for new construction of the PUR or PUC development shall be included in the detailed development plan as required by Section 1264.21 of the Zoning Code.

No sign shall be erected for existing PUR and PUC developments without first being approved by the Bexley ~~Environmental-Review-Board~~ CITY COUNCIL. Approval of signage in these Districts 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 being approved by 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 the surrounding areas.

(f) RESIDENTIAL ZONING DISTRICTS. NO PERMANENT SIGN SHALL BE ERECTED IN RESIDENTIAL DISTRICTS WITHOUT FIRST BEING APPROVED BY THE BEXLEY ENVIRONMENTAL REVIEW BOARD. APPROVAL OF A SIGN IN THESE DISTRICTS SHALL BE GRANTED ONLY IF THE SIGN COMPLIES WITH THE FOLLOWING:

- (1) SIGNS WILL BE PERMITTED WHERE SIX OR MORE DWELLING UNITS CONSTITUTE ONE DEVELOPMENT OR PROJECT; EACH DEVELOPMENT WILL BE LIMITED TO ONE SIGN LOCATED AT THE PRINCIPAL ENTRANCE.

- (2) PERMITTED SIGNS MUST BE INCORPORATED INTO ARCHITECTURAL OR LANDSCAPING FEATURES.
- (3) NO SIGN FACE SHALL EXCEED TWELVE SQUARE FEET IN AREA ON ANY ONE SIDE.
- (4) DISPLAY SHALL BE LIMITED TO THE NAME, ADDRESS AND PURPOSE OF THE ADDRESS AND/OR A READILY RECOGNIZABLE SYMBOL PERTAINING TO THE DEVELOPMENT.
- (5) THE PROPOSED SIGN IS APPROPRIATE FOR THE SITE AND IS WARRANTED BY THE DESIGN AND OTHER AMENITIES INCORPORATED IN THE SIGN PLAN.
- (6) 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.

~~1470-05~~ 1230.05 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 current edition of the National Electrical Code and shall be inspected by the ~~Superintendent-of-Buildings~~ BEXLEY ELECTRICAL INSPECTOR.

(b) Every illuminated sign shall be constructed of metal or other equally noncombustible material.

(c) No mounted lamp fitting of the gooseneck type shall be permitted on any sign with the exception of a roof sign.

(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.

~~1470-06~~ 1230.06 SPECIAL SIGNS; POLITICAL SIGNS.

(a) Signs used for announcing special public or institutional events or the erection of a building, the architect, the builders, the contractors, etc., shall not exceed SIXTEEN SQUARE FEET IN AREA AND A MAXIMUM HEIGHT OF FOUR FEET IN RESIDENTIAL DISTRICTS OR twenty-four square feet IN OTHER DISTRICTS and may be erected for a period not to exceed thirty days plus the construction period. SUCH SIGNS MAY ONLY DISPLAY THE NAME, ADDRESS AND PURPOSE OF THE ANNOUNCEMENT AND/OR A READILY RECOGNIZABLE SYMBOL PERTAINING TO THE DEVELOPMENT. NOT MORE THAN ONE SUCH SIGN SHALL BE PERMITTED ON ANY ONE PROPERTY.

(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 NOT INSTALL SIGNS MORE THAN THIRTY DAYS PRIOR TO THE ELECTION OR REFERENDUM, AND shall remove such material within ~~ten~~ THREE days following the election or referendum.

~~1470-07~~ 1230.07 REAL ESTATE SIGNS.

(a) A sign not exceeding twelve square feet in area and advertising the sale, rental or lease of the premises on which the sign is located is permitted. Real estate "open house" signs are permitted only when a house is open for inspection and only on the premises for which such sign is applicable. In addition to the "open house" sign on the premises which are for sale, not more than two "open house" directional signs are permitted for each open house location on the following conditions:

- (1) The signs shall be erected only during the period commencing one-half hour before and ending one-half hour after the open house.
- (2) The signs shall be erected on private property with the consent, which may be oral, of the property owner.

- (3) The real estate broker whose directional signs are being used shall agree in writing to indemnify and hold the City harmless from any liability arising out of or in connection with the use of such signs, such written agreement to be in a form approved by the City Attorney.

All such open house signs shall not exceed five feet in height.

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

(c) NOT MORE THAN ONE REAL ESTATE SIGN SHALL BE PERMITTED ON ANY PROPERTY.

#### 1230.08 TEMPORARY SIGNS.

TEMPORARY BANNERS, SIGNS, OR DECORATIVE MATERIALS SHALL BE PERMITTED ONLY IF THE FOLLOWING CONDITIONS ARE MET:

- (1) SUCH BANNERS, SIGNS AND DECORATIVE MATERIALS SHALL NOT BE DISPLAYED FOR MORE THAN THIRTY DAYS EXCEPTING THAT: BANNERS, SIGNS AND DECORATIVE MATERIALS ANNOUNCING A SPECIAL EVENT SHALL NOT BE DISPLAYED FOR MORE THAN FOURTEEN DAYS PRECEDING THE EVENT AND ARE TO BE REMOVED WITHIN SIX DAYS FOLLOWING THE EVENT; AND ANY SUCH BANNERS, SIGNS AND DECORATIVE MATERIALS ASSOCIATED WITH THE OPENING OF A NEW BUSINESS MAY BE DISPLAYED FIFTEEN DAYS PRECEDING THE OPENING AND FOR FORTY-FIVE DAYS FOLLOWING THE OPENING.
- (2) THE TOTAL AREA OF ALL TEMPORARY BANNERS, SIGNS AND DECORATIVE MATERIALS SHALL BE LIMITED TO A TOTAL OF TWENTY-FIVE SQUARE FEET AT ANY ONE TIME FOR ANY INDIVIDUAL BUSINESS; BUT IN THE CASE OF WINDOW SIGNS, NONE SHALL EXCEED TWENTY-FIVE PERCENT OF THE SIZE OF THE WINDOW IN WHICH THEY ARE PLACED.

#### 1230.09 "A" FRAME SIGNS.

"A" FRAME SIGNS, AND OTHER SIGNS OF A SIMILAR PORTABLE DESIGN, ARE PERMITTED WHEN THE FOLLOWING CRITERIA ARE MET:

- (a) NO "A" FRAME SIGNS SHALL BE UTILIZED UNTIL A SIGN PERMIT HAS BEEN ISSUED BY THE BEXLEY BUILDING DEPARTMENT. REQUIRED BEFORE A PERMIT MAY BE ISSUED IS A CONSENT HOLD HARMLESS AGREEMENT INDEMNIFYING AND HOLDING THE CITY HARMLESS FROM ANY LIABILITY ARISING OUT OF OR IN CONNECTION WITH THE USE OF SUCH SIGNS, SUCH WRITTEN AGREEMENT TO BE IN A FORM APPROVED BY THE CITY ATTORNEY, AND A CERTIFICATE OF LIABILITY INSURANCE ACCEPTABLE TO THE CITY OF BEXLEY.
- (b) ONE "A" FRAME SIGN PER PROPERTY SHALL BE ALLOWED.
- (c) "A" FRAME SIGNS SHALL BE LIMITED TO A MAXIMUM OF SIX SQUARE FEET IN AREA, FOUR FEET SIX INCHES IN HEIGHT FROM GRADE, AND THREE FEET IN WIDTH.
- (d) "A" FRAME SIGNS MAY BE DISPLAYED ONLY DURING THE HOURS OF OPERATION OF THE BUSINESS, AND MUST BE STORED OUT OF PUBLIC VIEW WHEN NOT IN USE. FAILURE TO REMOVE THE SIGNS DURING NON-BUSINESS HOURS WILL AUTOMATICALLY REVOKE THE PERMIT.
- (e) "A" FRAME SIGNS MUST BE LOCATED OFF OF CITY RIGHT-OF-WAY AND BE PLACED SO AS TO NOT OBSTRUCT PEDESTRIAN OR VEHICULAR TRAFFIC.
- (f) "A" FRAME SIGNS MUST BE SECURED TO PREVENT MOVEMENT FROM WIND AND WEATHER.
- (g) ALL "A" FRAME SIGNS ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE ZONING OFFICER OR HIS OR HER DESIGNEE.



~~1470-08~~ 1230.10 EXCEPTIONS FOR SERVICE STATIONS.

Automobile service stations whose principal business is the sale of automobile fuel may display signs in addition to those authorized in Sections ~~1470-03~~ 1230.03 through ~~1470-07~~ 1230.07. Such additional signs shall not exceed three in number, each having a total aggregate display area, including the sign, the frame and the surrounding surfaces, of not more than nine square feet. The top of such sign shall not extend in height more than four 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 ~~1442-02~~ 1230.02.

~~1470-09~~ 1230.11 NONCONFORMING SIGNS.

(a) A sign or other advertising structure in existence prior to the effective date of this chapter (~~Ordinance-14-77,~~ passed ~~May-10,-1977~~) that does not conform with the provisions of this chapter is considered to be nonconforming.

(b) A sign or other advertising structure that does not conform with the provisions of this chapter shall be allowed to continue its nonconforming status if the sign was legal on or before the effective date of this chapter (~~Ordinance-14-77,~~ passed ~~May-10,-1977~~), subject to the provisions of this chapter. ~~However, every such sign or other advertising structure shall be removed, altered or replaced so as to conform to this chapter within five years from such date.~~

(c) A nonconforming sign shall not be relocated or replaced unless it is brought into compliance within the provisions of this chapter.

(d) A nonconforming 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 nonconforming 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 nonconforming. The copy shall not be enlarged. Any subsequent owner or user shall bring the sign into compliance.
- (3) If damage occurs to the sign to the extent of fifty percent or more of its original cost, the sign shall be brought into compliance. Where the damage to the sign is less than fifty percent of the structure or its original cost, the sign shall be repaired to its original configuration within sixty days, and if not so repaired shall thereafter be brought into compliance or demolished.

~~1470-10~~ 1230.12 VARIANCES.

(a) The Bexley Environmental Review Board, in addition to the power given it in ~~Section-1470-02(a)~~ Chapter 1222, shall have power to authorize, upon application, variances from the provisions of this chapter for properties within the Bexley 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;
- (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.; AND
- (4) ARE DUE TO THE HISTORIC SIGNIFICANCE OF THE PROPERTY.

Any such variance must be necessary to preserve a substantial property right the hindrance of which resulted from this chapter, 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.

(b) The Bexley Environmental Review Board shall have power to authorize, upon application, variances from the provisions of this chapter 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;
- (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.; AND
- (4) ARE DUE TO THE HISTORIC SIGNIFICANCE OF THE PROPERTY.

Any such variance must be necessary to preserve a substantial property right the hindrance of which resulted from this chapter, 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.

#### 1470.11 1230.13 UNSAFE AND UNSIGHTLY SIGNS.

(a) If the ~~Superintendent-of-Buildings~~ ZONING OFFICER finds 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 any of the provisions of this chapter, he OR SHE 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 days after such notice, such sign or other advertising structure may be removed, or altered to comply, by the ~~Superintendent-of-Buildings~~ ZONING OFFICER 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 days after written notification from the ~~Superintendent-of-Buildings~~ ZONING OFFICER and, upon failure to comply with such notice within the time specified in such order, the ~~Superintendent-of-Buildings~~ ZONING OFFICER is hereby authorized to cause the removal of such sign and any structure to which such sign is attached.

#### 1470.12 1230.14 REVOCATION OF PERMITS.

All rights and privileges acquired under the provisions of this chapter are mere licenses revocable at any time by Council and all such permits shall contain this provision.

~~1470-13~~ 1230.15 REMOVAL OF SIGNS.

(a) Temporary signs in existence on the effective date of this chapter (~~Ordinance 14-77, passed May 10, 1977~~) which do not comply with the provisions of this chapter, and all other signs heretofore erected or displayed without legal authorization or as to which a nonconforming use has not been established, shall be removed within ten days after delivery of written notice to that effect by the ~~Superintendent of Buildings~~ ZONING OFFICER to the owner or occupant of the premises on which such signs are located.

(b) No sign shall be permitted on a building premises for longer than two weeks after the business to which such sign pertains has ceased operating on such premises.

~~1470-14~~ 1230.16 CANVAS AWNINGS.

Canvas awnings to protect windows from rain or sunshine may be erected and maintained IN ENVIRONMENTAL REVIEW DISTRICTS if APPROVED BY THE ENVIRONMENTAL REVIEW BOARD. IF APPROVED, the framework and all parts thereof are to be made of metal, and no part of such awning or of any support therefor that extends over the sidewalk shall be less than seven feet above the highest point of the sidewalk.

~~1470-15~~ 1230.17 THEATER SIGNS.

Signs in or on theaters shall conform to the regulations applicable to the zoning district in which such theaters are located, as provided in Section 1470.04 1230.04, in addition to the other provisions of this chapter.

~~1470-16~~ 1230.18 VIOLATIONS.

No person shall construct, erect, replace, re-erect or remodel any sign in violation of any of the provisions of this chapter.

~~1470-99~~ 1230.99 PENALTY.

(A) WHOEVER VIOLATES OR FAILS TO COMPLY WITH ANY OF THE PROVISIONS OF THIS PLANNING CODE, INCLUDING VIOLATIONS OF CONDITIONS AND SAFEGUARDS ESTABLISHED IN VARIOUS SECTIONS OF THIS PLANNING CODE, SHALL BE FINED NOT MORE THAN TWO HUNDRED AND FIFTY DOLLARS (\$250.00). A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OR NONCOMPLIANCE OCCURS OR CONTINUES AFTER RECEIPT OF A VIOLATION NOTICE. THE OWNER OR TENANT OF ANY BUILDING, STRUCTURE, PREMISES OR PART THEREOF, AND ANY ARCHITECT, BUILDER, CONTRACTOR, AGENT OR OTHER PERSON WHO COMMITS, PARTICIPATES IN, ASSISTS IN OR MAINTAINS SUCH VIOLATION OR NONCOMPLIANCE MAY BE FOUND GUILTY OF A SEPARATE OFFENSE AND SUFFER THE PENALTIES HEREIN PROVIDED.

(B) THE APPLICATION OF THE PENALTY IN SUBSECTION (A) HEREOF SHALL NOT BE DEEMED TO PREVENT THE ENFORCED CORRECTION OF PROHIBITED CONDITIONS OR THE APPLICATION OF ANY OTHER EQUITABLE REMEDY.

Section 3. That Chapter 1470 of the Codified Ordinances of the City of Bexley is hereby repealed in its entirety.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 13, 1992

John J. Mena  
President of Council

Attest: J. W. [Signature]  
Clerk of Council

Approved: 10/13, 1992

D. Madison  
David H. Madison, Mayor

029/SignCode

July 14, 1992 - 1<sup>st</sup> reading  
July 28, 1992 - 2<sup>nd</sup> reading  
Sept. 8, 1992 - 3<sup>rd</sup> reading  
Tabled  
Oct. 13, 1992 - Substituted  
adopted