

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2019-O-2398

TO APPROVE AN AMENDMENT TO PART ELEVEN OF THE CITY CODE OF THE CITY OF HUBER HEIGHTS (ZONING CASE 19-11) AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION.

WHEREAS, the citizens of Huber Heights require City Codes to be current, up-to-date, and reflect the current practices of the City; and

WHEREAS, the City Planning Commission has reviewed Zoning Case 19-11 and on August 13, 2019, recommended approval by a vote of 3-1 to City Council the proposed amendment; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Part Eleven of the Codified Ordinances is amended to read as follows:

1189.01 PURPOSE; DEFINITIONS.

(a) The purpose of this chapter is to establish regulations governing the size, character and location of signs within the City and to regulate the erection, remodeling, enlarging, moving, operation, use and maintenance of such signs in the interest of protecting the health of its citizens and protecting the safety and welfare of those citizens and the property within its boundaries. It is intended to protect and enhance the physical appearance of the community, to preserve the scenic and natural beauty of designated areas, and to reduce sign distraction and site obstructions that might contribute to traffic accidents and have a negative impact upon traffic and pedestrian safety. It is intended to create a more aesthetically-pleasing City, to contribute to public safety, and to eliminate visual clutter within the City. The City finds that the number, size, design characteristics, and locations of signs within the City directly affect the public health, safety, and welfare. The City also finds that in certain areas of the City, signs have become excessive. Too many signs are distracting and dangerous to motorists and pedestrians and are confusing to the public and substantially detract from the beauty and appearance of the City. The City also finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following sign regulations. The purpose and intent of the governing authority of the City in enacting this chapter are as follows:

(1) Permit signs that will not, because of their size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct vision necessary for traffic safety, or otherwise endanger public health, safety and welfare;

(2) Permit and regulate signs in such a way as to support and complement land use objectives set forth in this Zoning Code and promote community growth, pride, civic opportunities and events;

(3) Reduce hazards that may be caused by signs overhanging or projecting into the public right-of-way;

(4) Provide each legal property owner or tenant a fair and reasonable opportunity for effective identification of businesses which are located within the City;

(5) Enable users of goods and services to readily identify the availability of products, goods or services which are available upon site so as to promote the economic vitality of businesses which are located within the City;

(6) Minimize the obstruction of views from roadways to adjacent properties;

(7) Advance and maintain, for the City's residents, workers and visitors, a safe and aesthetically attractive environment throughout the City;

(8) To ensure the protection of free speech rights under the State and United States Constitutions within the City;

(9) To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts;

(10) To protect the rights of property owners and occupants to display messages protected by the First Amendment to the United States Constitution. Therefore, the purpose of these regulations includes 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.

(11) To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said nonconforming signs; and

(b) The following definitions shall apply in this Chapter:

(1) "Advertising structure" means any sign, billboard, surface, object or structure with a Commercial Message.

(2) "Animated or moving sign" means any sign or part of a sign which changes physical position by any movement or rotation, or which gives visual impression of such movement or rotation.

(3) "Awning" means a roof-like cover that is temporary or permanent in nature and that projects from the wall of a building for the purposes of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl, fabric or rigid covering.

(4) "Awning sign" means a permanent sign that is mounted or painted on or attached to a seasonal or permanent awning structure.

(5) "Bandit sign" is a sign that does not contain a Commercial Message and that is constructed, in whole or substantial part, of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that is not protected from exposure to the natural elements, but is made of weather-resistant materials that last for more than 7 days but less than 60 days without significant loss through exposure to the elements or wear and tear.

(6) "Banner" means a temporary sign composed of fabric or similar material not enclosed in a rigid frame, secured or mounted so as to allow movement caused by atmospheric conditions.

(7) "Billboard" means any freestanding sign containing 100 or more square feet

(8) "Canopy" means a freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure.

(9) "Canopy sign" means any permanent sign attached to or constructed in or on a canopy.

(10) "Changeable copy" means a permanent or temporary sign on which copy is changed manually in the field.

(11) "Commercial Message" 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. A message intended to direct attention to a political candidate, election issue, political, social, religious, community of public service issue or idea, aim, view point, aspiration or purpose and not intended to produce any commercial benefit or term to encourage a commercial transaction shall not be deemed a Commercial Message.

(12) "Commercial sign" means a sign that contains a commercial message.

(13) "Directional sign" means a sign directing vehicular or pedestrian movement onto and off the premises upon which such sign is located or within a premises upon which such sign is located.

(14) "Deteriorated" means 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.

(15) "Electronic copy sign" means any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, including but not limited to television screens, plasma screens, digital screens, LED screens, video boards, holographic displays and similar media.

(16) "Exempt" means signs exempted from permit requirements and not subject to the provisions of this Zoning Ordinance.

(17) "Flashing" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted light source.

(18) "Freestanding sign" means a sign permanently suspended or supported by one (1) or more uprights or braces in or upon the ground.

(19) "Ground sign" means any permanent or temporary sign six (6) feet in height or less placed upon the ground or attached to a supporting structure not attached to any building.

(20) "Governmental/Community sign" means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation and such signs that are approved by the City as part of an annual holiday event or City activity.

(21) Hazard and Prohibition Signs. For purposes of this Chapter and section 1523.01 Hazardous and Prohibition signs means signs warning of construction, excavation, or similar hazards, so long as the hazard exists.

(22) "Height of sign" means the height of a sign which shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: existing grade prior to construction; or the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

(23) Human Sign: A sign held by or attached to a human being who stands or walks on the ground at a business or other location. A human sign includes a person dressed in a costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity or product.

(24) "Illegal sign" means any sign which is contrary to the requirements of this Zoning Ordinance and which does not satisfy the nonconforming specifications stated in this Zoning Ordinance.

(25) "Illuminated sign" means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

(26) "Internal sign" means a sign not intended to be viewed from public streets and located so as not to be visible from public street or adjoining properties, such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums and similar uses of a recreational or entertainment nature.

(27) "Marquee" means any permanent structure which projects from a wall of a building above the ground or is fixed at the entrance way to a shopping center and plaza generally ten (10) feet or more above the ground.

- (28) "Nonconforming sign" means any sign lawfully existing on the effective date of this Sign Code, or on the date of an amendment thereto which renders such sign nonconforming because it does not conform to all the standards and regulations of the amended Zoning Ordinance.
- (29) "Pylon sign" means a permanent sign that is mounted on a freestanding pole or other support in which the sign exceeds six (6) feet in height.
- (30) "Portable sign" means a sign intended to be movable and not permanently affixed to a building, structure, vehicle or the ground. Any sign with provisions for attaching devices, such as, wheels for movement or transportation; any sign over six (6) square feet made of materials other than wood, cardboard, canvas or paper products.
- (31) "Projecting sign" means a sign supported by a building wall or column and extending a distance not to exceed forty-two (42) inches from the wall or column.
- (32) "Permanent sign" means a sign permitted by Chapter 1189 to be located on a lot for an unlimited period of time.
- (33) "Sign" means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- (34) "Sign area" means the area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) which shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that shall encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself. For the purpose of this Chapter sign area is the square foot measurement of one (1) face. If the sign is multi-sided (more than two (2)) or solid in nature as in two (2) sides of a building, the allowing square foot area shall be determined by adding all the area of all sides of the sign and dividing by two (2) but not to exceed the allowable sign area of that district.
- (35) "Snipe sign" is a sign that does not contain a Commercial Message and that, in whole or substantial part, is not made of weather-resistant material and not adequately protected from the natural elements.
- (36) "Suspended sign" means a sign that is suspended from the underside of a horizontal surface and is supported by such surface.
- (37) "Temporary sign" means a sign constructed of plywood, paper products, plastic or canvas intended to be displayed for a short period of time.
- (38) "Under marquee sign" means any sign attached to the underside of a marquee.
- (39) "Wall sign" means a sign which is located on or formed by the surface of the wall of a building. A mansard roof facade on a building shall be considered part of the wall.
- (40) "Window sign" means a sign that is applied or attached to the interior or exterior of a window or located in such manner within a building that it conveys a message to the exterior of the structure through a window.

1189.02 EXEMPTED SIGNS.

The following signs are not subject to the provisions of this chapter:

- (a) Governmental/Community signs.
- (b) Window Sign. Temporary-window signs constructed of paper, cloth or similar expendable material, including signs which are located inside a structure. Signs painted on or otherwise permanently affixed to the exterior of a window or made of metal, wood, plastic, or

other permanent material and positioned in a window are subject to the provisions of Sections 1189.03 and 1189.04.

(c) Hazard and Prohibition Signs and “No Trespassing”, “No Parking”, and other similar warning signs. The Huber Heights City Council has found that protecting the public safety and welfare of individuals in avoiding hazardous or dangerous areas is a compelling governmental interest that necessitates the permission of these type of signs without an express permit regardless if other similar signs in the same or similar zoning district or area are regulated or require a permit.

(d) Holiday decorations that do not contain a Commercial Message.

(e) Internal signs.

(f) Official Flags. Official Federal, State or local government flags.

(g) Human signs outside of the public right-of-way or on a City sidewalk. Provided, however, for safety concerns including but not limited to sight distance, in no event shall a human sign be permitted on a sidewalk within 3 feet from any traffic ingress or egress way that crosses such sidewalk.

1189.03 PROHIBITED SIGNS AND SIGN CHARACTERISTICS.

All signs not expressly permitted under this chapter or exempt from regulation hereunder in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:

(a) Any sign or part thereof which is erected within or above a public right of way;

(b) Any sign erected at or near any intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any Governmental/Community sign

relating to traffic and safety or otherwise interfere with, mislead or confuse pedestrian or vehicular traffic;

(c) Any sign mounted onto, above or incorporated into the roof of any building shall be prohibited unless otherwise specifically permitted by this chapter;

(d) Any lighter-than-air, inflatable or kite-type sign or balloon situated on, attached or tethered to a premises;

(e) Any sign utilizing an artificial illumination device which radiates an intensity, beam spread, glare or color which interferes with the vision of persons not located on the premises;

(f) Any sign utilizing a fixed or mobile beacon, strobe light, searchlight, signaling light, spotlight or similar apparatus, equipment or device which is directed above or outside of a premises in such a manner so as to attract an unusual amount of visual attention of persons not located on the premises;

(g) Any sign or part thereof which utilizes flame;

(h) Any electronic copy sign where different copy changes are shown on the same lamp board except as permitted under Section 1189.07(j);

(i) Any sign which conveys visual information that is obscene;

(j) Any sign which has intermittent lighting, moves, rotates, blinks, flashes or has spinning devices or strings of spinning devices or similar type devices except for electronic copy signs permitted under Section 1189.07(j);

(k) All banners, except as specified in Section 1189.07(a)(3)A. and 1189.07(e), streamers, pennants, strings and spinning devices;

(l) Portable signs with a Commercial Message, except as authorized under temporary signs;

(m) Commercial Message signs located off-premise from the particular business advertised;

(n) Signs with a commercial message that are painted on or attached to a stationary vehicle or trailer which is located in such a manner as to serve exclusively as permanent, temporary, or portable signage is prohibited. This shall not apply to vehicles or trailers parked behind or inside of a building, or in another manner where such vehicle or trailer is not visible from a public right-of-way. Motor vehicles regularly engaged in the cartage of goods or the transport of passengers is exempt from this restriction. This does not apply to a vehicle parked at a driver's residence and is the primary means of transportation to and from his or her place of employment.

(o) Deteriorated signs.

Notwithstanding anything contained herein to the contrary, any sign that may be displayed pursuant to the provisions of this Chapter may contain a non-commercial message.

1189.04 GENERAL PROVISIONS.

(a) A sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this section, unless specifically modified by another section of this chapter.

(b) (1) Permits required. A zoning permit shall be obtained for erection, construction, relocation or alteration of any temporary or permanent sign unless exempted by this chapter. A sign shall comply with all City Zoning, Building, Electrical and Fire Codes. Application for a permit to install a temporary or permanent sign shall be made to the Zoning Officer upon a form provided by the Zoning Office. This application shall be accompanied by such information as may be required to assure compliance with all appropriate provisions of this chapter. Snipe signs and Bandit signs do not require permits.

(2) Nonconforming structures. See Chapter 1187.

(3) Maintenance of signs. Every sign, whether requiring a sign permit or not, shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of a defective part, painting, cleaning and other acts required for the maintenance of the sign.

(4) Dangerous or Deteriorating signs not permitted. A Deteriorating sign or a sign in dangerous condition shall not be permitted on any premises. Any such sign shall be removed or repaired.

(5) Removal of dangerous or Deteriorating signs. The City Manager or his designee may immediately remove or cause to be removed any Deteriorating sign or any dangerous sign which constitutes a nuisance, creates an immediate or potential danger to persons or property due to structural deficiencies, inadequate maintenance, or because of the location of the sign.

(6) Removal of unlawful sign in the public right of way. The City Manager or his designee may remove or cause to be removed any unlawful sign in the public right of way.

(7) Duration of a permitted sign. Any sign permitted in this chapter shall be considered to be a permanent sign unless otherwise stated in this chapter.

(8) Variances. Requests for variances from the provisions of this chapter shall be permitted subject to the requirements and limitations set forth in Section 1127.03(c).

(c) Discontinued signs: Signs, that are part of an establishment that has discontinued its operation for a period of ninety (90) days or more, must be replaced with a blank face or entire sign structure removed within fourteen (14) days of receipt of notification from the Code Enforcement Administrator. Any such sign which does not conform to this ordinance in regard to size and placement and which is not put back into use within twelve (12) months of the actual discontinuance, in accordance with a lawful sign permit, must be totally removed and surrounding surfaces restored at the owner's expense. The cost, if performed by the City or its agent, along with a \$250.00 administrative fee, shall be levied as an assessment against such property and the assessment shall be certified to the County Auditor and collected as any other

assessment by the City.

1189.05 TYPES OF SIGNS.

(a) Directional Signs. In addition to any other permanent or temporary sign permitted elsewhere in this chapter, signs directing vehicular or pedestrian movement onto and off the premises or within a premises shall be permitted on the basis of a compelling government interest in traffic safety provided that:

(1) The sign face area shall not exceed two (2) square feet per side.

(2) Sign height shall not exceed three (3) feet if located within twenty-five (25) feet of a public right of way or eight (8) feet in height in any other location.

(3) The sign shall be located outside any public right of way, but shall not be subject to the general ground sign setback provision.

(4) The sign shall pertain to the premises on which it is located.

(b) Ground Signs.

(1) Setback. Unless otherwise stated in this chapter, any temporary or permanent ground sign or any part thereof shall be set back a minimum distance of fifteen (15) feet from any right of way.

(2) Landscaping requirement. A permanent ground sign shall require a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:

A. The minimum landscaped area shall be equal to the area of the sign face.

B. The landscaped area shall include all points where sign structural supports are attached to the ground.

C. Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised barrier curb suitable to prevent the encroachment of vehicles shall be required. The minimum distance between the face of any required curb and any part of the sign shall be thirty (30) inches.

D. The landscaped area shall include live plantings aesthetically located and maintained. The use of concrete, asphalt or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.

(c) Projecting Signs. Projecting signs shall:

(1) Not be less than twelve (12) feet in height above a sidewalk and fifteen (15) feet in height above driveway;

(2) Be attached to the building wall with the sign face at an angle of ninety (90) degrees and no part of the sign shall project more than forty-two (42) inches from the wall;

(3) Not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows or trim);

(4) Not extend higher on the wall than the bottom height of any second-story window;
and

(5) Not extend more than three (3) feet above the roof line of the building.

(d) Wall Signs. Wall signs shall:

(1) Not extend more than twelve (12) inches from the wall of the building upon which they

are mounted;

(2) Not extend above the top of the wall and shall not extend beyond the limits of any wall to which they are attached;

(3) Not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows or trim); and

(4) Have hidden structural supports.

(e) Vending Machine Signs. Vending machines or similar devices either attached to a primary structure or enclosed within an independent freestanding structure shall be permitted two (2) square feet of sign area for every one (1) foot width of the vending machine structure not to exceed twenty (20) square feet of total sign area.

(f) Awning Signs.

(1) Awning signs may be displayed in lieu of but not in addition to a wall sign for an individual establishment subject to the size and number limitations governing the placement of wall signs as set forth elsewhere in this chapter.

(2) If illuminated, such awning shall have lighting concealed from view.

(3) An awning sign shall not project higher than the top of the awning of which sign text is affixed.

(g) Changeable Copy Area. Permanent ground signs located in "B" Districts as well as permitted special uses in Agricultural and Residential Districts may incorporate up to fifty percent (50%) of total sign area for changeable copy. All changeable copy signs shall be enclosed and locked securely in a clear glass, plastic casing or other suitable encasing material.

(h) Major Commercial Development Signs. Commercial Developments in excess of ten (10) acres in area and shopping centers of more than five (5) acres in area located in B, O and I Districts and fronting on an expressway, principal arterial, major arterial, arterial or thoroughfare roadway shall be permitted one (1) freestanding pylon sign per frontage up to a maximum of two (2) pylon signs per development. Whenever possible a major commercial development sign should be located at or adjacent to the primary access road to the development.

(1) Such a sign shall not exceed 100 square feet of sign area per face with a maximum of two (2) sign faces permitted per sign. The second major development sign, where permitted, may not exceed seventy-five (75) square feet of sign area per sign face.

(2) Such a sign shall not exceed twenty-five (25) feet in height.

(3) Such a sign shall be set back a minimum of fifteen (15) feet from the right of way.

(4) Such a sign shall be an on premises sign only.

(i) Planned Unit Development Sign Programs. Signs which have been approved as part of a planned unit development sign program may vary from the requirements stated within this chapter. Variations permitted through a PUD sign program may include but are not limited to the following: total number of signs permitted, sign size, sign setback, sign height and percentage of sign area devoted to changeable copy or electronic copy. Such deviations are recognized to be primarily for safety or unique parcel configuration circumstances and are not intended to circumvent the intent of the Sign Code.

(j) Temporary Signs.

(1) Temporary signs with commercial message shall only be permitted to be displayed in conjunction with special events as defined immediately below. In no event shall temporary signs be permitted to be displayed solely as a supplementary means of identifying the existence of any business.

(2) For the purpose of this section, the term "special event" means any activity held in the City not associated with the usual daily operation of the business. Garage sale signs shall be regulated in accordance with Section 1181.15.

(3) A maximum of one temporary sign with commercial message shall be permitted for any business establishment, at any one time.

(4) Except as provided for further below, temporary signs with a commercial message shall be permitted to be displayed for a maximum of no more than three months during any calendar year.

(5) All temporary signs with commercial message must be taken down within two business days following the end of any special event.

(6) A permit must be obtained for the display of any temporary sign with commercial message in the City. Each permit obtained shall be valid for a period of only thirty days.

(7) No temporary sign shall be permitted to be displayed in the right-of-way of any roadway.

(8) All temporary signs with commercial message must be prepared in a professional manner with all copy being clearly legible.

(9) All temporary signs must be adequately maintained. Signs which are damaged, dilapidated, or destroyed must be repaired or replaced by the owner within five days from the date the damage or destruction is brought to the owner's attention. If not repaired, such signs shall be removed by the City at the owner's cost.

(10) No temporary sign shall be illuminated.

(11) No temporary sign shall have more than two faces.

(k) Snipe signs shall not be displayed for more than 5 days or until such time as they become deteriorated whichever is less.

(l) Bandit signs shall not be displayed for more than 60 days or until such time as they become deteriorated whichever is less. Bandit signs are permitted in any Residential and Agricultural Zoning District.

(m) No temporary sign, bandit sign or snipe sign shall be placed upon any utility or street sign pole or upon any public right of way.

1189.06 SIGNS PERMITTED FOR RESIDENTIAL DISTRICTS.

The purpose of the residential district specific sign regulations includes the desire to preserve the noncommercial character of residential neighborhoods as such the regulation of the size, illumination, movement, materials, location and height of signs in residential districts will be different than commercially zoned districts.

(a) Single or Two-Family Residential Use.

(1) General.

A. A sign permit for any permanent or temporary sign in this section shall not be required.

B. Any sign shall not be illuminated.

C. Projecting signs shall be prohibited.

(2) Temporary ground signs.

A. Temporary ground signs shall be permitted on any residential lot.

B. The maximum size and height of a temporary sign located in any residential zoning district shall not exceed six square feet in area per sign surface and five feet in height and shall be in accordance with the provisions of Section 1189.05(j). Such signs shall not be subject to the general ground sign setback requirement.

(3) Wall signs. Only one (1) wall sign shall be permitted on each dwelling unit, and each sign shall not exceed two (2) square feet in area.

(b) Multi-Family Residential District.

(1) Projecting signs or wall signs with a sign area larger than two (2) square feet shall be prohibited.

(2) Ground signs.

A. Only one (1) sign shall be permitted on each complex.

B. The sign height shall not exceed six (6) feet from ground level.

C. The permitted sign area shall not exceed thirty-two (32) square feet in sign face area or sixty-four (64) square feet in sign area.

D. The sign may be illuminated.

(3) Temporary signs.

A. Temporary projecting and wall signs shall be prohibited.

B. Temporary ground signs shall be permitted on any residential lot.

C. The maximum size and height of a temporary sign located in any residential zoning district shall not exceed six square feet in area per sign surface and five feet in height and shall be in accordance with the provisions of Section 1189.05(j). Such signs shall not be subject to the general ground sign setback requirement.

1189.07 SIGNS PERMITTED FOR BUSINESS, INDUSTRIAL OR OTHER NONRESIDENTIAL ZONING DISTRICTS.

(a) General Provisions.

(1) All permanent signs may be illuminated. Temporary signs shall not be illuminated.

(2) No sign shall be located in such a manner as to be primarily viewed from residential property.

(3) Number of signs permitted. A single-business establishment shall be permitted a maximum of two (2) types of permanent sign identification unless otherwise permitted in this chapter.

A. A single business shall be permitted one (1) temporary commercial message banner sign for the following periods:

1. Three (3) day event twice a year.
2. Grand opening or relocation of business for a period not to exceed thirty (30) days.
3. All such signs are limited to a maximum of forty-eight (48) square feet.
4. All other provisions in this chapter as they pertain to temporary signs remain in effect as written.
5. Whoever violates or fails to comply with any provision of this subsection (a) is guilty of a minor misdemeanor. A separate offense shall be deemed to have been committed each day on which a violation or a failure to comply occurs or continues.

(b) Ground Signs.

- (1) Only one (1) ground shall be permitted on a premises.
- (2) The ground sign shall not exceed seventy-five (75) square feet in total sign area.
- (3) Ground signs shall not exceed six (6) feet from ground level.
- (4) Sign shall be set back a minimum of fifteen (15) feet from the right of way.

(c) Wall Signs.

- (1) Single wall signs shall not exceed seventy-five (75) square feet total area.
- (2) On structures with more than one (1) visible side, a maximum of four (4) wall signs could be allowed, providing that the total square footage of all the signs does not exceed 150 square feet.

(d) Projecting or Suspended Signs.

- (1) Only one (1) projecting or suspended sign shall be permitted for an individual business.
- (2) The projecting or suspended sign shall not exceed seventy-five (75) square feet in area.

(3) Projecting and suspended signs shall be a maximum of fifteen (15) feet in height, and shall not extend more than three (3) feet above the roof line of a building.

(4) Signs suspended from any building shall not project more than forty-two (42) inches from such building, and the bottom of such sign shall not be less than twelve (12) feet above the finished grade or sidewalk.

(e) Temporary Signs.

(1) Only one (1) temporary sign shall be permitted for each individual business establishment.

(2) The maximum size of a temporary sign located on any property in a nonresidential zoning district in the City shall be sixteen square feet per sign surface.

(3) The maximum height of a temporary ground sign shall be five (5) feet.

(4) Temporary banner signs are permitted with the following restrictions.

A. The maximum height of a temporary vertically-mounted, freestanding banner sign, commonly referred to as a feather sign, shall be twelve (12) feet.

B. A temporary banner sign, not including feather signs, shall be securely anchored to a structure.

(5) All such signs shall conform with the provisions of Section 1189.05(j).

(f) Permanent Marquee Signs.

(1) A changeable copy marquee sign is permitted only on places of public entertainment, such as theatres, arenas, etc.

(2) Total sign area permitted for a marquee sign shall not exceed seventy-five percent (75%) of total sign area allotted the building frontage.

(3) The marquee sign shall not project above the top of the wall to which it is attached and shall not be less than nine (9) feet in height from the sidewalk.

(4) The marquee sign shall not extend more than eighteen (18) inches from the wall of the building upon which it is mounted.

(g) Permanent Under Marquee Signs.

(1) Only one (1) under marquee sign shall be permitted per business establishment.

(2) Signs attached to the underside of a marquee shall have a sign area no greater than six (6) square feet per sign face.

(3) Signs shall have a minimum clearance of nine (9) feet from bottom of the sign to the sidewalk.

(h) Permanent Awning Signs. On structures with more than one (1) visible side, a maximum of four (4) awning signs may be permitted (one (1) sign per visible side).

(i) Permanent Canopy Signs.

(1) One (1) or more canopy signs per street frontage shall be permitted per establishment.

(2) Canopy signs may not project above or below canopy facing.

(3) Total sign area permitted a canopy sign shall not exceed fifty percent (50%) of the total sign area allotted the primary building frontage.

(j) Electronic Copy Signs. Free standing permanent ground signs or wall signs located in "B", "O" or "T" Districts may incorporate fifty percent (50%) of total sign area for electronic copy with a maximum letter copy of eighteen (18) inches in height.

(k) Additional Temporary Signs in Nonresidential Zoning Districts.

(1) A-Frame or T-Frame Sidewalk Signs.

(i) Only one sidewalk sign is allowed for any one business establishment at one time and shall be located within five feet of such business.

(ii) There shall be no time limit for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.

(iii) Such signs shall not exceed 12 square feet in area with a maximum height of four feet.

(iv) The sign shall be placed so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.

(v) The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, tree, tree grate, fire hydrant, railing or other structure.

(vi) The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, loading zones or bus stops.

(vii) The sign shall be internally weighted so that it is stable and windproof.

(viii) The City of Huber Heights shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

(2) Canopy signs may not project above or below canopy facing.

(3) Total sign area permitted a canopy sign shall not exceed fifty percent (50%) of the total sign area allotted the primary building frontage.

1189.08 SIGNS PERMITTED FOR UNDEVELOPED OR AGRICULTURAL LAND.

(a) Residential Zoned Land.

(1) Permanent signs prohibited.

(2) Temporary signs. The maximum size of a temporary sign shall be sixteen square feet per sign surface with a maximum height not to exceed five feet and shall be permitted in accordance with the provisions of Section 1189.05(j).

(b) Nonresidential or Agriculturally Zoned Land.

(1) Permanent signs prohibited. Permanent sign(s) shall be prohibited.

(2) Temporary signs. The maximum size of a temporary sign shall be sixteen square feet per sign surface with a maximum height not to exceed five feet and shall be permitted in accordance with the provisions of Section 1189.05(j).

1189.09 SIGNS FOR PROPERTY OFFERED FOR SALE OR RENT

The City recognizes that from time to time certain parcels of land may be offered for sale or rent and to restrict the ability of the owner to advertise the sale or rental of such parcel on that parcel may present a hardship on the owner of the parcel. As such, in addition to any other sign permitted by this Chapter, a parcel that is being offered for sale or rent may have an additional sign provided such sign shall:

(1) Be allowed only during the period beginning that the parcel is for sale or rent and ending upon the sale or rental of the parcel. Such sign to be removed within fourteen (14) days after such sale or rental;

(2) Be maintained in good repair and appearance by the owner at all times;

(3) Such signs shall not exceed nine square feet per face in any Residential District, 24 square feet per face in Business or Office Districts, or 32 square feet per face in any Industrial District; Such signs must be setback a minimum of two feet from the existing recorded public right-of-way;

(4) For property in Proximity to Interstate 70 and State Route 4/235 as described in Section 1189.10. If such sign is installed within 200 feet of the right-of-way of Interstate 70 or State Route 4/235, the following regulations shall apply to that sign:

A. The sign shall not exceed 100 square feet in total sign area.

B. Such sign shall not exceed twenty-five feet in height above the natural ground elevation. However, where the natural ground elevation of the base of the sign is lower than the pavement surface of Interstate 70 or State. Route 4/235 at the point where the travel lanes pass nearest the base of the sign, the height of the sign shall be measured from the elevation of such pavement surface.

C. Such signs shall be set back a minimum distance of fifteen feet from the right- of-way and a minimum distance equal to the actual height of the sign from any property zoned for residential use. If the ground sign is installed more than 200 feet from the right- of-way, the regulations stated in this chapter shall apply.

1189.10 SIGNS IN PROXIMITY TO INTERSTATE 70 AND STATE ROUTE 4/235.

(a) The following sign regulations will apply to lots meeting all of the following criteria:

(1) The lot is located within the B-3 Business, PC Planned Commercial, EP Employment Park, PI Planned Industrial, or I-1 Light Industrial and Mixed-Use Districts; and

(2) The lot either has:

A. A minimum frontage of at least 100 feet along Interstate 70 or State Route 4/235 and no frontage along another arterial or collector roadway (other driveway openings); or

B. A minimum frontage of 200 feet along Interstate 70 or State Route 4/235 and frontage along another arterial or collector roadways (other than driveway openings).

(b) The provisions of Section 1189.07 and the remainder of this chapter shall continue to apply to these lots except as expressly modified below. Where the provisions of this section are found to be at variance with those of Section 1189.07, the provisions of this section shall apply. These provisions shall not apply to Planned Unit Development sign programs approved by the City which differ from the standards set forth below.

(1) Ground signs. If a ground sign is otherwise permitted under Section 1189.07 and is installed within 200 feet of the right-of-way of Interstate 70 or State Route 4/235, the following regulations shall apply to that sign:

A. The ground sign shall not exceed 200 square feet in total sign area.

B. Such sign shall not exceed forty feet in height above the natural ground elevation. However, where the natural ground elevation of the base of the sign is lower than the pavement surface of Interstate 70 or State Route 4/235 at the point where the travel lanes pass nearest the base of the sign, the height of the sign shall be measured from the elevation of such pavement surface.

C. Such signs shall be set back a minimum distance of fifteen feet from the right- of-way and a minimum distance equal to the actual height of the sign from any property zoned for residential use. If the ground sign is installed more than 200 feet from the right- of-way, the regulations stated in Section 1189.07 shall apply.

(2) Wall signs. A total of 200 square feet in wall signage shall be permitted per structure provided, however, that the size of any wall sign shall not exceed twenty percent (20%) of the area of the face of the building to which it is attached.

1145.02 - Accessory uses.

Only the following accessory uses shall be permitted in this District:

- (a) Uses customarily incident to all principal permitted uses;
- (b) One name plate for each dwelling indicating the name of the occupant; and
- (c) Temporary buildings and uses for construction purposes not to exceed 12 months.

1146.02 - Accessory uses.

Only the following accessory uses shall be permitted in this District:

- (a) Uses customarily incident to all principal permitted uses;
- (b) One name plate for each dwelling indicating the name of the occupant; and
- (c) Temporary buildings and uses for construction purposes not to exceed 12 months.

1147.02 - Accessory uses.

Only the following accessory uses shall be permitted in this District:

- (a) Uses customarily incident to all principal permitted uses;
- (b) One name plate for each dwelling indicating the name of the occupant; and
- (c) Temporary buildings and uses for construction purposes not to exceed 12 months.

1149.02 - Accessory uses.

Only the following accessory uses shall be permitted in this District:

- (a) Uses customarily incident to all principal permitted uses;
- (b) One name plate for each family unit indicating the name of the occupant; and
- (c) Temporary buildings and uses for construction purposes not to exceed 12 months.

1150.02 - Accessory uses.

Only the following accessory uses shall be permitted in this District:

- (a) Uses customarily incident to all principal uses;
- (b) One name plate for each family unit indicating the name of the occupant;
- (c) Directional signs pertaining to public carriers and real estate; and
- (d) Temporary buildings and uses for construction purposes not to exceed 12 months.

1151.02 - Accessory uses.

Only the following accessory uses shall be permitted in this District:

- (a) Uses customarily incident to all principal permitted uses;
- (b) One name plate for each dwelling indicating the name of the occupant; and
- (c) Temporary buildings and uses for construction purposes not to exceed 12 months.

1151A.02 - Accessory uses.

Only the following accessory uses shall be permitted in this District.

- (1) Uses customarily incident to all principal permitted uses.
- (2) One name plate for each dwelling indicating the name of the occupant.
- (3) Temporary buildings and uses for construction purposes not to exceed 12 months.

1172.02 - Accessory uses.

The following accessory uses are permitted:

- (a) Uses customarily incidental to all permitted uses; and
- (b) Temporary structures and uses required during construction in this District;

1181.15 - Temporary sales.

Garage sales, estate auctions, rummage sales and moving sales (all referred to as "temporary sales") in residential districts in order to allow residents to sell excess personal property are permitted. A temporary use permit shall be obtained in advance for each such sale and no fee shall be charged for such permit and the following conditions shall be met for each such sale, excluding those temporary sales conducted by religious, educational and/or not-for-profit organizations.

- (a) Each temporary sale shall not exceed four calendar days in length from start to finish and only during the hours of 8:00 a.m. and 6:00 p.m. on Saturday and Sunday and 8:00 a.m. and 8:00 p.m. Monday through Friday.
- (b) There shall be at least one-month time lapse between each temporary sale.
- (c) Only two temporary sales shall be permitted per calendar year at any individual location.
- (d) All items displayed for sale shall be displayed on the premises permitted to have the sale. No merchandise for sale or related displays shall be displayed prior to 24 hours in advance of the sale and shall be removed from display within 24 hours after the conclusion of the sale. No merchandise for sale shall be displayed within the public right-of-way.
- (e) One on-premises, nonilluminated sign not exceeding four square feet in size, no more than three feet in height, may be used during the sale. Not more than two off-premises directional signs not exceeding four square feet in size, no more than three feet in height, may be used during the sale. The directional signs shall be on private property and may not be on street right-of-way. All signs shall be removed within 24 hours after the termination of the sale.
- (f) No balloons, streamers, special lighting, noise making devices, advertising displays, notices or any attention getting device or procedure (other than the above signs or

media advertisements) shall be used to call attention to the temporary sale.

- (g) Every licensee conducting a temporary sale shall keep posted in a prominent place, the permit certificate and shall exhibit same upon request.
- (h) When imposing the penalty for a violation of this section, a separate offense shall be deemed to have been committed each day on which a violation or a failure to comply occurs or continues.

1125.02 ZONING CERTIFICATES AND OCCUPANCY PERMITS.

(a) Prior to the beginning of work pertaining to the erection, construction, reconstruction, moving, alteration or addition to any building, structure or sign, requiring a sign permit under Chapter 1189, a zoning certificate shall be secured from the Zoning Office by the owner or agent. The repainting or recovering of an existing sign for which a valid certificate has been issued does not require a new certificate. (Case 8, 3-1-82) The zoning certificate shall state that the proposed project, as shown by the plans and specifications filed with the Zoning Office, is in compliance with the provisions of this Zoning Ordinance.

1175.13 SIGNS. In addition to any signs that are permitted under Chapter 1189, a mobile home development shall be permitted to have an identification sign containing the name of the park not to exceed thirty-two (32) square feet, a name plate attached to each mobile home, which is no larger than one (1) square foot, directional signs indicating the location of utility buildings, including management office, parking area and common recreation areas and traffic control signs.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the 14th day of October, 2019;
__ 5 __ Yeas; __ 2 __ Nays.

Effective Date: November 13, 2019

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date