

## **ARTICLE 20 SIGN REGULATIONS**

### **20.01 INTENT**

It is the intent of this article to establish reasonable regulations governing the size, character, and location of signs within Miami County in the interest of the public's health, safety, and morals of its citizens, business concerns, and other affected sections of the County. Within this framework, these regulations are adopted to achieve the following objectives:

- A. To minimize the possibility that sign size, location, or character will create hazards adversely affecting the public safety.
- B. To establish sign limitations which allow a reasonable capability for advertisement, but which prevents the escalation of sign competition to levels which are non-productive and create unnecessarily high entrepreneurial costs.
- C. To provide sign regulations which are directly related to land use and, therefore, to the functional and economic need for signs of varying sizes, types, and locations.
- D. To create a more aesthetically pleasing environment without unreasonably limiting the right of individuals to employ signs in the legitimate use of their property.

### **20.02 SCOPE OF REGULATIONS.**

The regulations herein set forth shall apply to and govern signs in all districts:

- A. All signs shall be erected or maintained in compliance with the regulations governing size and height for the district in which it is located, unless such sign is otherwise specifically regulated by a temporary permit, or variance granted by the Board of Appeals.
- B. All signs shall be erected in conformity with the respective zoning district yard requirements unless otherwise specified. No sign shall be erected so as to prevent free ingress to or egress from any door, window, or any other exit way required by the State of Ohio or Miami County Building Code, and amendments thereto, or by other adopted codes or regulations.
- C. Signs which become obsolete due to cessation of the business, activity, product, or service advertised thereon for any other reason shall be completely removed from the premises with sixty (60) days after such obsolescence is established by the Enforcing officer, unless said sign is converted to another lawful and contemporary use within that sixty (60) day period. The supporting structure for obsolete signs must be completely removed with a sixty (60) day period after obsolescence is established, unless a new and lawful sign is established thereon.

- D. Where illumination of signs is permitted, such illumination shall be neither flashing nor intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Such illumination shall be turned off no later than 11:00 p.m. or at the end of the business day, whichever is later.
- E. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, at any location where, by reasons of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or which makes use of the words "stop", "look", "drive-in", "danger", or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- F. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent, or immoral matter.
- G. All signs must be maintained in good repair and appearance by the owner at all times.

### **20.03 PROHIBITED SIGNS**

- A. All blinding, flashing, or intermittent lighting is prohibited unless by approval of a Conditional Use Permit by the Board of Appeals.
- B. Pennants, banners, streamers, searchlights, spinning and similar type devices are prohibited except when allowed as a temporary sign.
- C. Any signs which rotate, revolve, or have any visible moving parts are prohibited. Prohibition of moving signs and signs of intermittent lighting shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations, or similar devices.
- D. No sign shall be placed in the public right-of-way without approval of the right-of-way holder and the Board of Zoning Appeals.
- E. No signs shall be located along any public thoroughfare right-of-way within one hundred feet (100') of any other public thoroughfare intersection, unless otherwise exempted.
- F. No beam, beacon, or flashing light of a red, blue or amber color.
- G. No bare bulb illumination.
- H. No flame as a source of light.
- I. No roof signs.
- J. No wall signs, any part of which extends above the lowest point of the roof line.

- K. No signs shall be attached to a utility pole, fence post, fence, tree, or accessory building, nor shall any sign be erected so as to impair access to a roof.
- L. No portable street signs except when permitted as a temporary sign.
- M. No signs shall be painted on a building or accessory building with the exception of a building used for agricultural purposes unless an application has been filed and approval granted by the Board of Zoning Appeals.
- N. No signs shall contain or depict obscenity, as defined by the Ohio Revised Code Section 2907.01(F), are prohibited.
- O. No sign shall contain or depict lewdness.
- P. No sign shall contain or depict specified anatomical areas.

#### **20.04 EXEMPTIONS**

Signs that are exempt from the provision of these regulations shall not extend or be placed in a required right-of-way, provided they are neither illuminated nor animated unless as specifically provided:

- A. Real estate signs not exceeding five square feet (5 ft<sup>2</sup>) in area in any R district, thirty-two square feet (32 ft<sup>2</sup>) in any other district, which advertise the sale, rental or lease of the premises on which said signs are located, and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- B. Professional or occupational name plates not exceeding one square foot (1 ft<sup>2</sup>) in area and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- C. Occupational signs not exceeding two square feet (2 ft<sup>2</sup>) in area denoting only the name and profession of an occupant in a commercial building, public institutional building, or multiple dwelling and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- D. Temporary signs not exceeding thirty-two square feet (32 ft<sup>2</sup>) in area denoting the architect, engineer, or contractor when placed upon work under construction, to be removed upon completion of the building and to be limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- E. Memorial signs or tablets, names of buildings, and date of erection when cut in to any masonry surface or when constructed of bronze or other noncombustible materials and limited to not more than one such sign per use per each street front of the lot on which the sign is located.

- F. Traffic signs, legal notices, railroad crossing signs, and temporary emergency signs.
- G. The flag, pennant, or insignia of any nation, state, city or other political unit or any political educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.
- H. "No trespassing" signs or other such signs regulating the use of a property such as "no hunting", "no fishing" etc., of not more than two square feet (2 ft<sup>2</sup>) in area and located no closer than one hundred feet (100') from another such sign.
- I. Changing of the advertising copy or message of an approved painted or printed sign.
- J. No more than two (2) menu boards in conjunction with a restaurant drive-thru service window. Such boards may be illuminated internally or by reflected light provided the source of light is not directly visible.
- K. Signs when exhibited from inside a window.
- L. Temporary political signs may be erected under the following conditions:
  - 1. Political signs shall not be erected or posted in any district promoting any candidate or candidates seeking nomination or election or the passage of any issues in any general, primary or special election sooner than sixty (60) days immediately preceding the day of the election in which such candidate is seeking nomination or election or in which such an issue is to be decided. All such signs as are erected not in violation of the preceding portion of this paragraph shall be removed within fifteen (15) days following the date of such election. Provided, however, that such signs shall not be affixed to any pole or post owned by the County, or by any public utility nor may such signs be placed upon lands owned by the County.
- M. Parking or directional signs not over two square feet (2 ft<sup>2</sup>) in area, provided the sign contains no advertising matter and is limited to not more than one (1) such sign per use per each street front of the lot on which the sign is located.
- N. Bulletin boards and signs for a multiple dwelling containing eight (8) or more units shall not exceed fifteen square feet (15 ft<sup>2</sup>) in area for a wall or ground sign with a maximum height of six feet (6') above grade for ground signs and located not less than ten feet (10') from the street right-of-way line. Such bulletin boards and signs may be illuminated but only from a concealed light source.
- O. A seed dealer sign provided to the dealer by a supplier, not to exceed four square feet (4 ft<sup>2</sup>) in area and located only in the General Agricultural District.
- P. Non-illuminated residential name plate not exceeding two square feet (2 ft<sup>2</sup>) in area and containing one (1) or more of the following:

1. Street name and/or number
  2. Name of the family residing on premises
  3. Identification name of property
  4. Any such similar contents as determined by the Enforcing Officer
- Q. A sign not exceeding four square feet (4 ft<sup>2</sup>) in area advertising the sale of produce and vegetables raised on the premises where such sale is permitted.
- R. Agricultural production identification signs not exceeding eight square feet (8 ft<sup>2</sup>).
- S. Signs erected or placed by private farmers to indicate the specific breed of livestock being raised or kept on the premises.

#### **20.05 SUBDIVISION SIGNS**

- A. A permit shall be issued as a special exception to the terms of this article provided:
1. The sign shall not be larger than thirty-two square feet (32 ft<sup>2</sup>).
  2. The sign shall conform to the set back requirements of the zoning district involved.
  3. The sign shall not obstruct vision on any street.
  4. The sign shall not be illuminated.
  5. The sign shall advertise the sale or development of a recorded subdivision.
  6. The sign shall be erected only upon the property for sale or being developed.
  7. Not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership, and provided that not more than two (2) such signs may be permitted in any single development.
  8. Such sign or signs shall be removed upon completion of the subdivision of any section thereof as determined by the Enforcing Officer.
- B. Upon approval of the Board of Appeals, a permit may be issued to allow the construction of a permanent sign and supporting decorative structure to depict the recorded subdivision name. Not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership constituting the recorded subdivision.

### **20.06 TEMPORARY / PORTABLE SIGNS**

- A. Certain temporary signs and attention-getting devices may be permitted for promoting special events or activities subject to the following provisions:
1. A temporary permit must be approved by the Enforcing Officer.
  2. Such attention-getting devices shall be limited to an exposure period not to exceed sixty (60) days in any calendar year.
- B. All other temporary signs are prohibited in all areas unless specifically exempted or permitted elsewhere in this Article.
- C. Churches or other non-profit organizations may erect temporary signs without cost but must register the signs with zoning officer and cannot display them for more than fourteen (14) consecutive days. The sign may not exceed thirty-two (32) square feet per side.

### **20.07 DOMESTIC SALE SIGNS**

Because domestic sale signs are often incompatible with the character of the surrounding neighborhood, they are permitted on a temporary basis only. No person shall display a domestic sale sign for more than a total of two (2) weeks out of each calendar year, except for change of occupancy. The total message area of domestic sale signs on a lot shall not exceed four square feet (4 ft<sup>2</sup>), and such signs may be considered domestic sale signs only if they are located on the same lot as the goods which are offered for sale.

### **20.08 BILLBOARDS and OFF PREMISE SIGNS**

Billboards and off premise signs shall be permitted provided that:

- A. Location:
1. Billboards or off premise signs shall be permitted only in the A, B, F, and I Zoning Districts.
  2. Billboards or off premise signs shall not be located within or project over the right-of-way of any public or private road.
  3. No billboards or off premise signs shall be erected or maintained within six hundred and sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate or primary highway systems without complying with the provisions of Chapter 5516 of the Ohio Revised Code, and the regulation promulgated and enforced by the Director of the Ohio Department of Transportation, and the regulations specified herein. No sign in an "A", "B", "I" or F-1 District shall face

the side of any adjoining lot located in any "R" District unless the sign is located not less than one hundred and fifty (150) feet from the lot. Said sign or signs shall be located in strict compliance with these regulations or any other restrictions imposed by the Board of Zoning Appeals.

4. No billboards or off premise signs shall be erected to a height greater than the maximum permitted height for the District in which the sign is located, except signs located within six hundred and sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate highway system may be erected to a greater height, as may be specified by the Director of the Ohio Department of Transportation or his/her authorized representative, in accordance with the provisions contained in Chapter 5516 of the Ohio Revised Code.
  5. No billboards or off premise signs shall be located along any public thoroughfare right-of-way within one hundred (100) feet of any other public thoroughfare intersection.
- B. Maximum size: No billboards or off-premise signs shall contain more than one thousand square feet (1,000 ft<sup>2</sup>) of surface area nor shall the surface area be less than eight feet (8') from the ground.
- C. Construction: All free standing billboards or off-premise signs shall be constructed on steel or wood supports.
- D. Spacing: No billboards or off-premise signs shall be located within one thousand (1000') feet of another billboard or off-premise sign.
- E. Obsolescence: Billboards or off-premise signs which become obsolete due to cessation of the business, activity, product, or service advertised thereon or for any other reason shall be completely removed from the premises within sixty (60) days after such obsolescence is established by the Enforcing Officer unless said off-premises sign is converted to another lawful and contemporary use within that sixty (60) day period. The supporting structure for obsolete off-premise signs must be completely removed within a period of one (1) year after obsolescence is established, unless a new and lawful off-premise sign is established thereon.

#### **20.09 BUSINESS AND INDUSTRIAL SIGNS**

All signs and advertising structures in the business and industrial districts may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. Where such illuminated signs exceed fifty square feet (50 ft<sup>2</sup>) in area, they shall not be placed nearer than fifty feet (50') to an adjacent residential lot line and where such illuminated signs exceed one hundred square feet (100 ft<sup>2</sup>) in area and face any lot in a residential district, they shall be placed not nearer than one hundred feet (100') from the front lot line.

## **20.10 SHOPPING CENTER SIGNS**

A shopping center located on a single parcel of land, having a minimum frontage of two hundred feet (200'), shall be entitled to one (1) free standing ground sign utilizing the following criteria:

- A. Neighborhood shopping center (one which contains 20,000 to 99,999 square feet of floor space) shall be entitled to one (1) free standing ground sign not to exceed one hundred square feet (100 ft<sup>2</sup>) per face. Such a sign shall be permitted to display both the name and address of the shopping center, the names of its individual tenants, and periodically changing information relative to activities, events, and/or sales occurring within the shopping center.
- B. Community shopping center (one which contains 100,000 to 399,999 square feet of floor space) shall be entitled to one (1) free standing ground sign not to exceed two hundred square feet (200 ft<sup>2</sup>) per face. Such sign shall be permitted the same contents as indicated for a neighborhood shopping center sign.
- C. Regional shopping center (one which contains 400,000 or more square feet of floor area) shall be entitled to two (2) free standing ground signs, each of which shall not be permitted to exceed three hundred square feet (300 ft<sup>2</sup>) per face. Such signs shall be permitted the same contents as indicated for a neighborhood shopping center sign. Each establishment located as a part of the shopping center shall be permitted one (1) wall-mounted sign on the face of the building.

## **20.11 INDUSTRIAL PARK SIGNS**

For industrial parks in single ownership or under unified control, with a minimum frontage of 200 feet, each industry shall be permitted one (1) wall-mounted sign on the face of the building. In addition, the park shall be entitled to one (1) free standing ground sign utilizing the following criteria:

- A. An industrial park containing a total of 20,000 to 99,999 square feet of floor space shall be entitled to one (1) free standing ground sign not to exceed one hundred square feet (100 ft<sup>2</sup>) per face. Such a sign shall be permitted to display both the name and address of the industrial park and the names of its individual industries.
- B. An industrial park containing a total of 100,000 to 399,999 square feet of floor space shall be entitled to one (1) free standing ground sign not to exceed two hundred square feet (200 ft<sup>2</sup>) per face. Such a sign shall be permitted to display both the name and address of the industrial park and the names of its individual industries.
- C. An industrial park containing a total of 400,000 or more square feet of floor area shall be entitled to two (2) free standing ground signs, each of which shall not be permitted to exceed three hundred square feet (300 ft<sup>2</sup>) per face. Such signs shall be permitted to display both the name and address of the industrial park and the names of its individual industries.

## **20.12 PUBLIC BUILDING SIGNS**

Signs or bulletin boards customarily incidental to places of worship, schools, community or other public or semi-public institutional buildings in the Residential District and the A-1 Domestic Agricultural District shall have their size determined by the following chart:

<b>Linear Feet of Street Frontage per Lot</b>	<b>Maximum Square Footage of Sign</b>
<b>50 ft. or less</b>	<b>20 sq. ft.</b>
<b>over 50 ft to 100 ft.</b>	<b>30 sq. ft.</b>
<b>over 100 sq. ft.</b>	<b>40 sq. ft.</b>

The maximum height for a public building sign shall be eight feet (8') above grade for ground signs and located not less than ten feet (10') from the street right-of-way line. Signs must be erected in conformity with the respective zoning district side and rear yard requirements. Such sign may be illuminated but only from a concealed light source. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roof line.

## **20.13 MEASUREMENT STANDARDS**

The following principles shall control the computation of sign area and sign height.

- A. **Computation of area of Individual Signs:** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will 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.
- B. **Computation of Area of Multi-faceted Signs:** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.
- C. **Computation of Height:** The height of a sign 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 (1) existing grade prior to construction or (2) 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 lot, whichever is lower.

- D. Computation of Maximum Total Permitted Sign Area per Lot: Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the total sign area allocation that is derived from the lot frontage on that on that street.

#### **20.14 CONDITIONAL USE PERMIT**

Any sign that does not clearly fit into one of the sign regulations in this Resolution shall not be permitted except through issuance of a Conditional Use Permit obtained from the Board of Appeals. This includes all signs that have flashing or pulsating illumination, animation, rotation, excessive dimensions or height, temporary construction signs in excess of thirty-two square feet (32 ft<sup>2</sup>), or signs in excess of five square feet (5 ft<sup>2</sup>) advertising the sale, rental or lease of lots and/or buildings.

#### **20.15 SIGNS ASSOCIATED WITH NON-CONFORMING USES**

In the case of legal non-conforming land use, the total sign area of all signs associated with such land use shall be no greater than that which would be allowed if the nonconforming use were located in the most restrictive zoning district allowing such land use. Further, no new signs associated with non-conforming land uses may be erected, except replacements which are the same or smaller in size than the sign being replaced. In the event that a sign associated with a non-conforming land use is moved, its new location must conform to the set-back requirements of the district in which it is located, as if it were a building.

#### **20.16 GOVERNMENTAL SIGNS EXCLUDED**

For the purposed of these regulations, “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, resolution or governmental regulation.

#### **20.17 SIGN PERMIT APPLICATION AND FEES**

No sign regulated by this Resolution may be erected, painted installed or otherwise established in Miami County without a permit therefore. Such permit shall be obtained through the office of the Enforcing Officer. Fees for all signs shall be established by resolution of the Board of County Commissioners. There shall be a fee for all on-premise sign permits and all off premise signs. Permits issued for signs already in place at the time of permit application shall pay a penalty fee as established by resolution of the Board of County Commissioners. No permit shall

be required for real estate signs of five square feet (5 ft<sup>2</sup>) or less, domestic advertising signs or temporary political signs.

- A. All applications for sign permits shall be accompanied by a site plan as required under Article Twenty-one, Section Two (21.02).

#### **20.18 ENFORCEMENT RESPONSIBILITY**

Enforcement of the sign regulations shall be the responsibility of the Enforcing Officer and such other appropriate personnel as may be designated by the Board of Miami County Commissioners.

#### **20.19 REMOVAL OF UNLAWFUL SIGNS**

- A. Any sign which violates the provisions of this Resolution is a public and private nuisance, and the Enforcing Officer, shall give twenty (20) days notice by registered or certified mail to the owner or lessee of the land on which such sign is located to remove such sign.
- B. If any such sign has not been removed on or before the expiration of ten (10) days following the receipt of said notice by the owner or lessee of the land upon which the sign is located, the Enforcing Officer or any of his duly authorized agents may enter upon the premises and remove, obliterate or abate the sign. The cost of such removal, obliteration, or abatement shall be then certified to the County Prosecutor for collection by civil action against the owner and/or lessee of the land upon which the sign is located.
- C. Notice to the owner or lessee shall not be required prior to the removal of an unlawful sign which, in the opinion of the Enforcing Officer, creates an immediate or potential danger to persons or property due to structural deficiencies or inadequate maintenance, nor shall notice be required prior to the removal of a sign which, in the opinion of the County Engineer, creates an immediate or potential danger to persons or property because of its location.