

ORDINANCE NO. 9 , 2010

**AN ORDINANCE AMENDING CHAPTER 151.30 OF THE  
CODE OF ORDINANCES REGARDING SIGN REGULATIONS APPLICABLE  
TO TEMPORARY POLITICAL SIGNS**

**WHEREAS**, at the request of Council, the staff has undertaken an extensive review of the sign regulations applicable to political signs and has made numerous recommendations to both the Planning Commission and Council to update the Code and to justify these changes; and

**WHEREAS**, Council welcomes the rights of citizens to participate in the political process through the display of political signs; and

**WHEREAS**, Council recognizes that political advocacy through the use of yard signs is an important First Amendment freedom; and

**WHEREAS**, one of the stated purposes of the Zoning Code is to protect the character and integrity of our largely residential community, and with this intent in mind Council does desire to enact a Sign Code which balances the interest of property owners and political candidates in free expression while respecting the general community's interest in maintain the aesthetic standards important in our residential community; and

**WHEREAS**, with these competing interests in mind, these regulations are intended to allow for the display of political signs while regulating against visual blight, preventing litter and waste from deteriorating signs, and balancing the size, density and location of political signs to be consistent with the standards for commercial signs as

permitted in the residential zones of the City and commercial signs throughout the City;  
and

**WHEREAS**, Council recognizes that larger signs are permitted on larger lots within the City such as institutional uses, and such large lots may also accommodate larger political signs without compromising the City's interest and Council has modified the recommendation of the Planning Commission to define such lots consistent with a survey of lots conducted by the Department of Development.

With this intent in mind, **NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

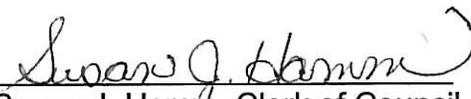
**SECTION 1.** Chapter 151.30, as revised March 15, 2010, attached hereto and incorporated herein by reference, is hereby adopted in its entirety. All sections of Chapter 151.30 of the Code of Ordinances inconsistent herewith are hereby amended and/or repealed as is appropriate.

**SECTION 2.** Council's stated intent in enacting these regulations is to meet the current standards for political sign regulations as set forth in *City of Painsville Building Department vs. Dworken & Bernstein Co. LPA* (2000), 89 Ohio St.3d 564; 2000 Ohio 488; 733 NE2d 1152. The size and volume of such signs in the residential zones in the community is intended to mirror the sign regulations for commercial signs in such residential zones such as For Sale or For Lease signs and land development signs. These regulations are intended to be compatible with the density, setback, height and size of signs permitted within the business zones of the City so as to be content neutral. The City's interest in passing this updated Zoning Code is to avoid visual blight, maintain unimpaired line of vision, prevent traffic distractions, and preserve the

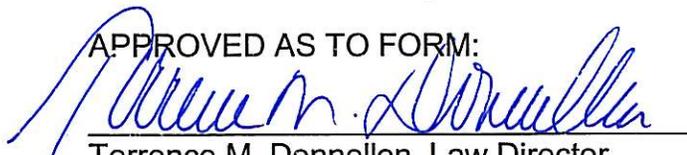
aesthetic standards important throughout the City of Montgomery. These regulations are intended to advance these substantial interests within the community and the regulations shall be enforced and interpreted to meet those interests while preserving the First Amendment freedom of property owners and candidates in and throughout the City. As a result, the sections and subsections of this Sign Code, as amended, are hereby declared to be independent sections, subsections, parts and provisions and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective, for any cause, shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: July 21, 2010

ATTEST:   
Susan J. Hamm, Clerk of Council

  
Gerri Harbison, Mayor

APPROVED AS TO FORM:  
  
Terrence M. Donnellon, Law Director

**CHAPTER 151.30**

**Sign Regulations**

|          |  |          |  |
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| 151.3001 | Purposes.  | 151.3013 | Bonus sign area permitted.   |
| 151.3002 | Classification of signs.   | 151.3014 | Regulations for permanent window signs in the Old Montgomery District. |
| 151.3003 | Signs exempt from regulation.  | 151.3015 | Supplemental regulations for temporary signs.                          |
| 151.3004 | Prohibited signs.  | 151.3016 | Criteria for the design and construction of permanent signs.           |
| 151.3005 | Computation of sign size.  | 151.3017 | Criteria for the design and construction of temporary signs.           |
| 151.3006 | Maximum sign area permitted.   | 151.3018 | Maintenance.   |
| 151.3007 | Permanent identification signs in residential districts.                               | 151.3019 | Administration procedures.   |
| 151.3008 | Business identification signs.   | 151.3020 | Regulations for nonconforming signs.                                   |
| 151.3009 | Additional permanent signs permitted.  | 151.3021 | Inspection upon completion.  |
| 151.3010 | Schedule of maximum sign area and height regulations in residential districts.         | 151.3022 | Sign contractor's license.   |
| 151.3011 | Schedule of maximum sign area in office, retail business and Old Montgomery Districts. | 151.3023 | Indemnification and insurance.   |
| 151.3012 | Regulations for permanent ground mounted signs.  |          |  |

**§ 151.3001 PURPOSES.**

The purpose of this Chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed advertising signs. More specifically, the purpose of these regulations is to:

- (a) Ensure that signs are consistent with the community's development objectives, thereby maintaining the community's character.
- (b) Promote and maintain attractive, high value residential, office, retail, and heritage districts, and preserve the scenic and natural beauty of designated areas.
- (c) Provide reasonable, yet appropriate, conditions for identifying institutions, businesses, and office and retail establishments.

(d) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.

(e) Provide review procedures that enable the City to comprehensively evaluate the appropriateness of a sign to the site, building and surroundings.

(f) Guarantee equal treatment under the law through accurate record keeping and consistent enforcement.

(g) Provide businesses with equitable sign standards, based on the values of fair competition and aesthetic standards acceptable to the community.

(h) Place appropriate limits upon temporary signs to prevent waste and debris.

(i) Provide reasonable yet appropriate restrictions regarding the number, size and location of signs for traffic safety purposes

so as not to distract traveling within the City.

(j) Allow a medium for non-commercial expression balanced against the community's interest to preserve the integrity and aesthetics of the residential community.

(k) Prohibit all signs not expressly permitted by this Chapter, if not otherwise listed in Section 151.3003.

§ 151.3002 CLASSIFICATION OF SIGNS.

For the purposes of these regulations, a sign can include any object, device, display, graphic, architectural feature, structure, or part thereof, which is situated indoors or outdoors or is attached to, painted on, or displayed from any premises in order to advocate a person, position or cause, to direct attention to or announce an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. The Zoning Administrator shall determine whether objects, architectural features, or other design features that do not contain written text constitutes signage, including a trademark, service mark, or a logo particular to the business, institution, or organization.

Both permitted and prohibited signs shall further be classified by physical design or structure, and function or purpose based on the following:

(a) Abandoned Sign: A sign which advertises a business, lessor, service, owner, product, or activity which no longer operates at that location.

(a) Awning or Canopy Sign: A sign that is painted on or attached to the face of an awning or canopy or other fabric, plastic, or structural protective cover over a door entrance or window.

(b) Banner Sign: Any sign of lightweight fabric or similar material with no enclosing framework that is mounted to

two or more supports or to a building at one or more edges. National flags, state or the official flag of any institution or business shall not be considered banners.

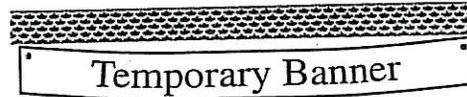


Figure 1. Banner Sign

(c) Building Marker/Cornerstone: Letters, words, or insignia cut into the building surface, or otherwise permanently mounted on the building, at the time the building was constructed to convey a memorial, the name of the building, address or date of construction, or similar message.

(d) Changeable Copy: A variable message sign composed of individual letters, number or symbols panel-mounted in or on a track system.

(e) Directional Signage:

Perimeter: Any sign which serves solely to provide special information such as direction, entrance/exit, or parking located at or near the public right-of-way, to direct or guide traffic from the street onto private property and which does not include business names, brand names, trademarks, logos, or information regarding product lines or service.

Interior: Any sign located within the interior of a lot which is designed solely to direct pedestrian and vehicular traffic to the proper destination within the premises and which is not oriented for viewing from the street or adjoining properties.

(f) Double-faced Sign: A sign with two faces back to back.

(g) Electronic Message Sign: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs whose alpha numeric, pictographic, or symbolic informational content can be changed or altered on a fixed display

screen composed of electrically illuminated segments.

(h) Face of Sign: The area of a sign on which the copy is placed.

(i) Flashing Sign: A sign that contains an intermittent or flashing light source, or which includes the illusion of flashing or intermittent light by means of animation or an externally-mounted intermittent light source.

(j) Free Standing Sign: A sign that is supported by one or more columns, or other type of base, in or upon the ground.

(1) Ground Mounted Sign: A freestanding sign, other than a pole mounted or yard arm sign, independently supported by the ground or mounted on a decorative wall or fence, and 5 feet in height or less.



Figure 2. Ground Mounted Sign

(2) Pole Mounted Sign: A sign mounted on a ground mounted pole or other similar support so that the height of the sign is more than 5 feet in height.

(3) Yard Arm Sign: A sign mounted on a ground mounted pole or other similar support, and is 5 feet in height or less.



Figure 3. Yard Arm Sign

(k) Hand-decorated Sign: A variable message sign composed of individual letters, numbers or symbols hand-written or drawn onto a sign panel, including chalkboard signs.

(l) Identification Sign (currently Development Sign): A sign intended to identify the principal use of a lot, development, building or building unit according to the following:

(1) Business Identification Sign: A sign intended to announce or promote the use, activity, service or business on the premises of any business or commercial establishment, and which may include a directory of occupants.

(2) Development Identification Sign (currently Subdivision Sign): A ground mounted sign identifying the name and address of a completed residential subdivision or multi-family development.

(3) Institution Identification Signs: A sign displaying the name of the organization, activities or services occupying the premises of a public or semi-public use such as but not limited to: churches and other places of worship, community centers, hospitals, public or semi-public recreational facilities, or schools.

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

(n) **Incidental Sign:** A sign that is located on private property which is generally instructional, contains no commercial message, and has a purpose secondary to the principal use of the site on which it is located. The types of signs included in this category are traffic control signs, hours or operation signs, open/close signs, parking or loading control signs, method of payment accepted, and signs indicating the location of telephones or emergency equipment.

(o) **Land Sales Sign:** A ground mounted sign erected in connection with the establishment of a subdivision and the sale of lots.

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

(q) **Menu Board:** A sign used for drive-through facilities in association with a permitted use.

(r) **Mobile Signs:** Signs which are mounted on or attached to trailers, trucks, or other motor vehicles, or motor vehicles which are painted, decaled, or detailed to be an advertisement for goods or services, or to advertise a person, cause or event.

(s) **Name Plate:** A sign indicating only the name and address of the person, business, or title of the owner, renter, or lessee of the premises or building(s).

(t) **Nonconforming Sign:** A sign that was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

(u) **Off-Premise Sign:** An outdoor sign which directs attention to a business, use, service, activity, commodity, or profession which is not conducted, sold, or offered upon the same lot where such sign is located.

(v) **Owner:** For the purposes of this section, the owner of the property on which a sign is located is presumed to be the owner of the sign unless facts to the

contrary are officially recorded or otherwise brought to the attention of the building department, for example, a sign leased from a sign company.

(w) **Pennant:** A triangular shaped flag.

(x) **Plaque:** A sign that is attached to a building, identifying such building's upper story occupants or street level occupants with no street frontage.

(y) **Political Sign:** A sign which does not advertise or promote a product, service, or commercial or institutional establishment and which either advocates a cause, position, or issue; or advocates the candidacy of a person or slate of persons running for elective office.

(z) **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure which is typically of an A-frame style, which is designed to be moved or transported, including sandwich board signs.

(aa) **Project Construction Sign:** A sign which is located on a lot where construction is in progress which indicates the name of the project, architect, engineer, contractor, or other similar information concerning the project.

(bb) **Projecting Sign:** A sign which is suspended from, attached to, or supported by a building or structure and extending away from said building or structure.

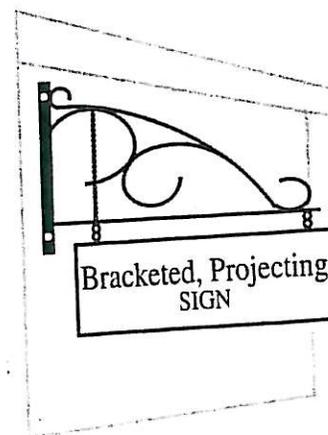


Figure 4. Projecting Sign

(cc) Public Regulation and Information: A sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or, when required by law, on private property and which is intended to control traffic, direct, identify or inform the public or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Such signs include "No Parking Fire Lane".

(dd) Real Estate Sign: Any sign which advertises or announces the sale, rental or lease of the premises upon which the sign is located.

(ee) Roof Sign: A sign erected, constructed, and maintained upon or over the roof or parapet wall of any building, and having its principal support on the roof or walls of the building.

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

(gg) Sandwich Board Sign: A free standing ground sign composed of two boards which contain a message and are set up in a triangle shape, hinged along the top. Such signs shall not exceed 24 inches in width per face and 36 inches in height, not including 'legs' which can be used to raise the sign off the ground, provided those legs do not exceed 6 inches in height. Such signs shall be constructed of materials that present a finished appearance. Rough cut plywood and plastic are not acceptable materials. Such signs must have a frame of no less than 1 inch thick.

(hh) Streamer: A ribbon shaped or cord rope which may have pennants or banners attached which is stretched or hung between two or more supports.

(ii) Temporary Sign: A sign not intended for permanent installation and which is portable, excluding prohibited signs listed in Section 151.3004.

(jj) Under-Canopy Sign: A sign suspended beneath a canopy, ceiling, roof or marquee intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling, roof or marquee.

(kk) Wall Sign: Any sign attached to or erected against the wall of a building or structure, and having the exposed face of the sign in a plane parallel to the plane of such wall.



Figure 5. Wall Sign

(ll) Window Sign: A sign affixed to, displayed from, or installed inside a window for purposes of viewing from outside the premises, and which can include screening, tinting or interior shades designed to project an image or message. This sign does not include merchandise and other displays located in a window.



Figure 6. Window Sign

§ 151.3003 SIGNS EXEMPT FROM REGULATION.

The following signs shall be exempt from regulation under the Zoning Code.

(a) Any public regulations and information sign and any other notice or warning required by a valid and applicable

federal, state or local law, regulation or resolution **or by order of the City Manager.**

(b) Any sign inside a building, not attached to a window or door that is not legible from a distance of more than 3 feet beyond the building in which such sign is located.

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

(d) Religious and other holiday lights and decorations containing no commercial message when displayed during the appropriate time of the year.

(e) Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.

(f) Building address numbers provided they do not exceed 24" in height.

**§ 151.3004 PROHIBITED SIGNS.**

All signs not expressly permitted in this Chapter or exempt from regulation pursuant to Section 151.3003 are prohibited in the City of Montgomery. Such signs include, but are not limited to, the following:

(a) Abandoned signs;

(b) Signs which incorporate in any manner any flashing or moving lights;

(c) Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of a driver, or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads;

(d) Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals;

(e) Merchandise, equipment, products, **motor** vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes;

(f) Signs which are painted on or attached to any trees, utility poles, public benches, street lights or any other form of public property or in the public right-of-way;

(g) Roof signs;

(h) Off-premise signs;

(i) Pennants, streamers or similar moving devices, air activated graphics or balloons.

(j) Searchlights;

(k) Pylon or pole mounted signs;

(l) Mobile **signs and portable signs** on wheels, runners, casters, parked trailers, parked vehicles, or other mobile devices; **Mobile signs in transit through the City are not prohibited, but such signs are prohibited when parked or standing on public streets or private property unless shielded from public view.**

(m) Changeable copy signs;

(n) Electronic message signs;

(o) Dry-erase board signs; and,

(p) Hand-decorated signs, except as provided in Section 151.3015(c)(2), 151.3014, 151.1208(d) and 151.1209(g).

**§ 151.3005 COMPUTATION OF SIGN SIZE.**

The following principals shall control the computation of sign area and sign height:

(a) Determining Sign Area or Dimension.

(1) In the case of freestanding or projecting signs, the sign area

- consists of the entire surface area of the sign on which copy could be placed, and may include the surrounding frame structure, as provided herein.
- (2) For a sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, or an irregular shaped ground mounted sign, the area of the sign shall encompass a regular, or a combination of regular geometric shapes which form or approximate the perimeter of all the elements in the display. Letters of the same word or phrase are measured as a unit unless a letter, or symbol within a word, is intended as a trademark or other identifiable mark. If so, such trademark or identifiable mark shall be measured as a separate rectangular unit within the word or phrase. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining the geometric form, or combination of forms, which comprise all the display areas, including the space between the elements.
- (3) The supporting structure or bracing of a sign shall not be counted as part of the sign face area, unless such structure or bracing is made part of the sign's message by inclusion of a symbol, logo, or other three-dimensional figure, in which case the smallest rectangle which can encompass the area of said symbol or figure shall be included as part of the total message area calculations.
- (4) The 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 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- (5) In the event there is a dispute in determining the sign area or any sign dimension, the Zoning Administrator shall have the final responsibility for making such determination.
- (b) Determining Sign Height.
- (1) The height of a projecting sign shall be measured from the top most element of the sign to the ground below.
- (2) The height of a wall sign shall be measured from the finished grade at the building base below the sign to the top most element of the sign.
- (3) The height of a ground mounted sign shall be measured from grade level to the top of the sign. A ground mounted sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest street, drive or parking area.
- (c) Determining Clearance of a Sign: The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
- (d) Determining Building Frontage and Building Unit. The building wall that faces the principal street or the building wall that contains the main entrance to the uses therein shall be considered the building frontage.
- (1) The building frontage shall be measured along the front wall between the exterior faces of the exterior sidewalls.
- (2) In the case of an irregular wall surface, a straight line extended

along such wall surface shall be used to measure the length.

(3) For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the property owner shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage.

(4) For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

(e) Determining Window Area: The window area of a building shall be the total glass area of windows on the first floor of the wall of the building facing a public street. A window panel shall be the area of glass separated from another window panel by an opaque panel four or more inches wide.

**§ 151.3006 MAXIMUM SIGN AREA PERMITTED.**

Signs as permitted in the respective zoning districts shall conform to the maximum area limitations set forth in Schedules 151.3010 and 151.3011, and the supplemental regulations set forth in the following sections, as applicable. Signs for which no maximum area limitations are specified are subject to the review and approval of the Planning Commission, subject to the procedures and requirements of Section 151.3019 unless such signing is exempt according to Section 151.3003.

**§ 151.3007 PERMANENT IDENTIFICATION SIGNS IN RESIDENTIAL DISTRICTS.**

(a) Residential Development Identification Signs. All residential development identification signs shall comply with the maximum area

requirements set forth in Schedule 151.3010 as well as the requirements for ground mounted signs set forth in § 151.3012.

(b) Institution Identification Signs. All institutional uses, community facilities and recreational uses, as conditionally permitted in residential districts, shall comply with the maximum area requirements set forth in Schedule 151.3010 as well as the requirements for ground mounted signs set forth in § 151.3012.

**§ 151.3008 PERMANENT BUSINESS IDENTIFICATION SIGNS.**

(a) Single Occupancy Buildings in the Retail Business and Old Montgomery Districts. The maximum area permitted for business identification signs for a business in a single occupancy building or development shall be 1.5 square feet per lineal foot of building frontage, up to 60 square feet. On lots with more than one frontage on a public right of way, the frontage with the greatest length shall be used for this calculation. Bonus sign area as specified in Section 151.3013 is permitted for secondary frontages. The allowable area shall include the sum of the areas of all permanent signs attached to buildings, including wall signs, awning/canopy signs and projecting signs, as well as ground mounted signs and permanent window signs, where permitted. Sandwich board signs permitted under Section 151.3015(c)(2) are excluded from the maximum area calculation. The maximum area shall also include the area of incidental signs unless such incidental signs are determined to be exempt pursuant to § 151.3009 below. In determining the maximum area permitted, ground mounted signs and permanent window signs shall not exceed the maximum area set forth in Schedule 151.3011. The maximum number of signs per single occupancy building or development over which the maximum area for signage may be divided shall be limited to three (3) signs, including any signage allowed in Section 151.3013. The maximum height for the wall for a business

## Montgomery Zoning Code Update

**Date Revised: May 2010**

identification sign is 20' as measured from the building grade line to the top of the sign.

(b) Multiple Occupancy Buildings in the Retail Business and Old Montgomery Districts. Business identification signs for multiple occupancy building shall comply with the following:

- (1) Signs Attached to Buildings. The maximum area permitted for signs attached to the building for each tenant unit or space shall be 1.5 square feet per lineal foot of building frontage, up to 60 square feet. This maximum area shall be the sum of the areas of all signs attached to the building for a single tenant space, including wall signs, awning/canopy signs, projecting signs, **as well as ground mounted signs** and permanent window signs, where permitted. The maximum area shall also include the area of incidental signs unless such incidental signs are determined to be exempt pursuant to § 151.3009 below. In determining the maximum area permitted for signs attached to buildings, permanent window signs shall not exceed the maximum area set forth in Schedule 151.3011. The maximum number of signs per tenant space over which the maximum area for signage may be divided shall be limited to three (3) signs. The maximum height on the wall for a business identification sign is 20' as measured from the building grade line to the top of the sign.
- (2) Ground Mounted or Yard Arm Signs. Multiple occupancy buildings shall be permitted one (1) ground mounted or yard arm sign per project or development in compliance with the area requirements outlined in Schedule 151.3011.
- (c) Office District. Business identification signs for a project or development in the Office District shall be limited to one of the following types of signs:

- (1) A wall sign, the area of which shall be equivalent to 1.5 square feet per lineal foot of building frontage, up to 60 square feet; or
- (2) A ground mounted or yard arm sign, the area of which shall not exceed the maximum sign area set forth in Schedule 151.3011.
- (3) Additional signage as permitted in § 151.3013.
- (d) Supplemental Regulations. In addition to the maximum area requirements set forth in this Section, permitted business identification signs shall comply with the supplemental regulations set forth in § 151.3012, § 151.3013 and § 151.3014, as applicable.

### **§ 151.3009 ADDITIONAL PERMANENT SIGNS PERMITTED.**

(a) Incidental Signs. Incidental signs shall not be included in the sum of the area of identification signs, provided that they are clearly intended for incidental purposes, as determined by the Zoning Administrator and in compliance with the following:

- (1) The sign is not in a location and does not possess design characteristics that constitute or serve the purposes of an identification sign; and
- (2) The sign is not larger than necessary to serve the intended incidental purpose, except when located in a window, in which case the incidental sign shall not exceed the maximum sign area set forth in Schedules 151.3010 and 151.3011 for incidental signs.

(b) Under-Canopy Signs. Under-canopy signs for retail developments shall comply with the maximum area set forth in Schedule 151.3011; the area of which shall not be included in the sum of the maximum sign area set forth in § 151.3008 (b).

(c) Plaques. Plaques shall be permitted for upper story occupants of a multi-tenant retail building to be attached to the premises at the point of building access in compliance with the following:

- (1) One (1) identifying plaque permitted per occupant.
  - A. The maximum area of the plaque shall be 3 square feet.
  - B. The width of the plaque may not exceed the width of the surface of the attachment.
  - C. The centerline height of the plaque shall be no higher than five feet above the average grade level.
  - D. Where more than 1 plaque is placed at an entrance, the total group is to be related in an orderly and integrated manner in one or more vertical columns with common vertical centerlines. The horizontal centerline of each group must be 5 feet above the average grade level.
  - E. Plaques must be of cast metal or of any natural stone or wood.

(2) The maximum permitted area for plaques shall not be included in the sum of the maximum sign area set forth in § 151.3008 (b).

(3) No internally illuminated plaques shall be used.

(d) Menu Boards. Menu boards used in association with drive-through facilities of a permitted use shall comply with the maximum area set forth in Schedule 151.3011; the area of which shall not be included in the sum of the maximum sign area set forth in § 151.3008 for business identification signs.

(e) Directional Signs. Directional signs shall comply with the maximum sign area set forth in Schedules 151.3010 and 151.3011.

| § 151.3010 SCHEDULE OF<br>MAXIMUM SIGN AREA AND<br>HEIGHT REGULATIONS IN<br>RESIDENTIAL DISTRICTS.<br>Sign Type <sup>(a)</sup> | Single-Family and Multi-Family Districts |                  |
|--|--|------------------|
|  | Area                                     | Height           |
| A. Nameplate   | 2 sq. ft.                                | NA               |
| B. Permanent Residential<br>Development Identification Sign  | 25 sq. ft. <sup>(b)(c)</sup>             | 5 ft.            |
| C. Institution Identification Signs  | 25 sq. ft. <sup>(d)</sup>                | 5 ft.            |
| D. Directional Signs   | 4 sq. ft.                                | 4 ft.            |
| E. Incidental Signs  | 1 sq. ft. <sup>(e)</sup>                 | NA               |
| F. Temporary Signs<br>1. Project Construction/ Land and<br>Multi-Family Sales Signs<br>(Commercial)                            | 50 sq. ft. <sup>(g)</sup>                | 6 ft.            |
| 2. Project Construction/Land Sale<br>Signs Single Family<br>Residential Lot  | 8 sq. ft.                                | 4 ft.            |
| 3. Garage Sale Signs   | 4 sq. ft. <sup>(c)(f)</sup>              | 4 ft.            |
| 4. Real Estate   | 4 sq. ft. <sup>(c)(f)</sup>              | 4 ft.            |
| 5. Special event signs for<br>institutional uses   | 25 or 50 sq. ft <sup>(h)</sup>           | 5 ft.            |
| <b>6. Political Signs</b>  | <b>4 sq. ft. <sup>(e)(i)</sup></b>       | <b>4 ft. (i)</b> |

Notes to Schedule 151.3010:

NP = Not permitted  
NA = Not applicable

sq. ft. = square feet  
ft. = feet

- (a) No sign type listed in Schedule 151.3010 shall be permitted to be internally illuminated in any Residential District.
- (b) In compliance with Section 151.3007(a).
- (c) Maximum of 2 faces per sign. Maximum sign area permitted per face.
- (d) Only one sign permitted, may be either a ground mounted or wall sign, in compliance with Section 151.3007(b).
- (e) Considered an identification sign unless exempt pursuant to Section 151.3009. Area limitation only for incidental signs located in a window.
- (f) In compliance with Section 151.3015(b).
- (g) See also Section 151.3015(a).
- (h) Not more than 25 sq. ft per sign face with a maximum of 2 sides permitted for yard signs, or not more than 50 sq. ft. per sign face with a maximum of 1 side permitted for banners. Temporary window signs cannot take up more than 50% of the area of the window pane it is placed on. See also Section 151.3015 (b)(2).
- (i) Individual political signs in residential districts shall be limited in size to 4 sq. ft. per side, provided however, that on lots with greater than 150 linear feet of street frontage along any one public street on which the property is located, larger signs of up to 25 sq. ft. per side (maximum 2 sides) are permitted up to a height of 6 ft., provided however, that the total square footage for all political signs located on a residential lot shall not exceed a total of 50 sq. ft. [See Section 151.3005(a)(4) for sign area calculation]

§ 151.3011 SCHEDULE OF MAXIMUM SIGN AREA IN OFFICE, RETAIL BUSINESS AND OLD MONTGOMERY DISTRICTS.

| Sign Type   | Office Districts  | Retail Business Districts                               | Old Montgomery District            |
|---|---|---|------------------------------------|
| (a) Name Plate  | 2 sq. ft.   | 2 sq. ft.   | 2 sq. ft.                          |
| (b) Building Marker   | 6 sq. ft.   | 6 sq. ft.   | 6 sq. ft.                          |
| (c) Residential Development Identification Signs                    | 25 sq. ft. <sup>(a)(b)</sup>                            | NP  | 25 sq. ft. <sup>(a)(b)</sup>       |
| (d) Institution Identification                                      | (c)   | (c)   | (c)                                |
| (e) Business Identification Signs <sup>(d)</sup>                    |   |   |                                    |
| (1) Attached to Buildings   | (d)   | (d)   | (d)                                |
| (2) Ground Mounted or Yard Arm Signs                                | 30 or 36 sq. ft. <sup>(b)(e)</sup>                      | 30 or 36 sq. ft. <sup>(b)(e)</sup>                      | 30 or 36 sq. ft. <sup>(b)(e)</sup> |
| (3) Permanent Window Signs  | 10 sq. ft. or 20% of the window area, whichever is less | 10 sq. ft. or 20% of the window area, whichever is less | 20% of window area <sup>(f)</sup>  |
| (d) Plaques   | NP  | 3 sq. ft. <sup>(g)</sup>                                | 3 sq. ft. <sup>(g)</sup>           |
| (e) Under-Canopy Signs  | NP  | 2 sq. ft. <sup>(b)(h)</sup>                             | 2 sq. ft. <sup>(b)(h)</sup>        |
| (f) Directional Signs: Perimeter<br>Interior                        | 4 sq. ft.<br>8 sq. ft.                                  | 4 sq. ft.<br>8 sq. ft.                                  |                                    |
| (g) Incidental Signs  | 2 sq. ft. <sup>(i)</sup>                                | 2 sq. ft. <sup>(i)</sup>                                | 1 sq. ft. <sup>(i)</sup>           |
| (h) Menu Boards   | NP  | 20 sq. ft.  | 20 sq. ft.                         |
| (i) Temporary Signs, except as otherwise expressly permitted below. | 8 sq. ft. <sup>(i)</sup>                                | 8 sq. ft. <sup>(i)</sup>                                | 8 sq. ft. <sup>(i)</sup>           |

|   |                                    |                                    |                                    |
|---|------------------------------------|------------------------------------|------------------------------------|
| (1) Project Construction/<br>Land Sales Signs | 50 sq. ft. <sup>(j)</sup>          | 50 sq. ft. <sup>(j)</sup>          | 50 sq. ft. <sup>(j)</sup>          |
| (2) Special Event Signs                       | 25 or 50 sq. ft. <sup>(j)(k)</sup> | 25 or 50 sq. ft. <sup>(j)(k)</sup> | 25 or 50 sq. ft. <sup>(j)(k)</sup> |
| (3) Political Signs                           | 4 sq. ft. <sup>(l)</sup>           | 4 sq. ft. <sup>(l)</sup>           | 4 sq. ft. <sup>(l)</sup>           |

Notes to Schedule 151.3011:

NP = Not permitted. sq. ft. = square feet

- (a) One per street entrance.
- (b) Maximum of 2 faces per sign. Maximum sign area permitted per face.
- (c) Shall be permitted the allowable sign area for business identification signs for the district in which the use is located. See also § 151.3008.
- (d) In compliance with the maximum area requirements set forth in §151.3008.
- (e) Maximum of 30 square feet per side if internally illuminated and 36 square feet per side if externally illuminated or not illuminated
- (f) In compliance with § 151.3014.
- (g) In compliance with the requirements set forth in § 151.3009(c).
- (h) In compliance with the requirements set forth in § 151.3009(b).
- (i) Considered an identification sign unless exempt pursuant to § 151.3009(a). Area limitation only for incidental signs located in a window.
- (j) In compliance with § 151.3015.
- (k) Not more than 25 square feet per sign face with a maximum of 2 sides permitted for yard signs, or not more than 50 square feet per sign face with a maximum of 1 side permitted for banners. Temporary window signs cannot take up more than 50% of the window pane it is placed on.
- (l) Individual political signs in commercial districts shall be limited in size to 4 sq. ft. per side, provided however, that on lots with greater than 150 linear feet of street frontage along any one public street on which the property is located, larger signs of up to 25 sq. ft. per side (maximum 2 sides) are permitted up to a height of 6 ft., provided however, that the total square footage for all political signs located on a commercial lot shall not exceed a total of 50 sq. ft. [See Section 151.3005(a)(4) for sign area calculation]

**151.3012 REGULATIONS FOR PERMANENT GROUND MOUNTED SIGNS.**

Ground mounted signs shall be permitted in compliance with the criteria set forth in Section 151.3016 and the following regulations:

(a) Ground Mounted Residential Development Identification Signs. A ground mounted residential development identification sign shall be permitted for a residential development in compliance with the following requirements:

- (1) Maximum Number of Ground Mounted Signs. A maximum of two signs shall be permitted per development, one per street

entrance, part of a decorative wood, brick, stone, or masonry wall or of some similar design compatible with the character of the neighborhood.

- (2) Minimum Setback from Street. Such signs shall be located no closer than 15 feet from the back of the curb or two feet beyond the right of way, whichever is greater except as otherwise permitted in subsection (3) below, and shall be placed so as not to obstruct sight lines for vehicles or pedestrians.
- (3) Signs Located in the Right-of-Way. A ground mounted sign may be placed in the right-of-way provided such sign shall be located on the center island of a boulevard entrance, placed no closer

- than 25 feet to the intersecting street's right-of-way. Such signs are subject to being removed by the City without reimbursement if such sign interferes with the City's use of the right of way or causes a threat to the public safety.
- (4) Minimum Setback from Side Lot Lines. Such signs shall be located no closer than 25 feet to a side lot line.
- (5) Illumination. Such signs may be externally illuminated only, in compliance with subsections A-G under Section 151.3016(m)(1).
- (6) Address. Ground signs shall include the street address.
- (b) Ground Mounted Institution Identification Signs in Residential Districts. Ground mounted institution identification signs in residential districts shall comply with the setback requirements for residential development identification signs, as outlined in subsection (a) above.
- (c) Ground Mounted Business Identification Signs. In addition to the requirements set forth in § 151.3008, a ground mounted sign or yard arm sign in the O, L-B and G-B and OM Districts shall comply with the following:
- (1) Maximum Number of Signs. Not more than one (1) ground mounted sign shall be permitted per project or development, except for facilities on corner lots or double frontage lots pursuant to § 151.3012(c)(6).
- (2) Minimum Sign Setback from Street. In the OM District, ground mounted or yard arm signs shall be located no closer to a street curb or edge of pavement than 6 feet or 50% of the building setback, whichever is less, but shall not be placed within the public right-of-way. In the O, L-B, and G-B districts, ground mounted or yard arm signs shall be located no closer than 6 feet to any street right-of-way line.
- (3) Minimum Sign Setback from Side Lot Lines. Ground mounted signs and yard arm signs in the O, L-B, and G-B Districts shall be located no closer than 10 feet from any side property line, except that when a side lot coincides with a residential zoning district boundary line, the minimum setback shall be 25 feet.
- (4) Maximum Height Of Ground Mounted Signs. All permitted ground mounted signs or yard arm signs shall not exceed a height of five (5) feet, except for directional signs which shall not exceed a height of four (4) feet.
- (5) Multi-Tenant Facilities. When a ground mounted sign or yard arm sign is erected on a site that has more than one tenant, it is the property owner's responsibility to determine the sign area devoted to identification of the development, building, anchor tenant, all tenants, or some combination thereof.
- (6) Additional Area for Corner Lots or Double Frontage Lots. One additional ground mounted or yard arm sign shall be permitted for a corner lot or double frontage lot in the O, L-B, and G-B Districts provided that:
- A. The total frontage of both streets is not less than 300 feet and there are at least two (2) curb cuts providing access to the lot;
- B. The area of each ground mounted or yard arm sign complies with Schedule 151.3011, and the total area of both signs shall not exceed 150 percent of the maximum area permitted for a single sign;
- C. The second ground mounted or yard arm sign is clearly located to provide identification along the secondary street; and
- D. The two signs may be aggregated into a single sign at the corner provided

that the area of any sign face shall not exceed the area specified in 151.3012(c)(6)B.

- (7) Landscaping. Ground mounted or yard arm signs in the O, L-B, and G-B Districts shall be erected in a landscaped setting and shall not be permitted on sidewalks, drives or in parking lots.
- (8) Ground Mounted Institution Identification Signs in Business Districts. Ground mounted institution identification signs located in business districts shall comply with the applicable supplemental regulations for ground mounted business identification signs, as outlined in subsections (c)(1) through (7) above.

**§ 151.3013 BONUS SIGN AREA PERMITTED.**

Business identification signs in the “O”, ‘LB’, ‘GB’, ‘OMG’, and ‘OM’ Districts attached to buildings may exceed the allowable areas set forth in § 151.3008 in compliance with the following:

- (a) One additional sign shall be permitted when a building has a secondary customer entrance facing a side or rear parking area. Such additional sign shall be permitted only on the secondary frontage.
- (b) The additional sign area shall not exceed .75 square feet per lineal foot of building frontage based on the length of the secondary building frontage, up to 30 square feet.
- (c) All or a portion of the sign area permitted on the primary building frontage may be redistributed along the secondary building frontage, provided that the total sign area on the secondary frontage shall not exceed 1.5 square feet per lineal foot of the secondary building frontage or 60 square feet, whichever is less.

**§ 151.3014 REGULATIONS FOR COMMERCIAL WINDOW SIGNS.**

Permanent and temporary commercial window signs shall be permitted in the Old Montgomery, Old Montgomery Gateway, Office and Retail Business Districts in compliance with the following:

- (a) The percentage of allowable coverage for permanent and temporary window signs, shall comply with the maximum sign area set forth in §151.3011. The maximum area of all window signage shall not exceed ten (10) square feet or 20% of the window area, whichever is less.
- (b) All temporary window signs which are two (2) square feet and below do not require a permit from the Community Development Department; however, the cumulative total of such signs per business shall comply with the maximum percent coverage as outlined in §151.3011. If more than one sign is used to convey a single message and the total sign area of the signs exceeds two (2) square feet, a permit is required and all of the signs will be treated as one sign.
- (c) All temporary window signs which are between two (2) and ten (10) square feet in size require a permit from the Community Development Department and shall be counted toward the total allowable days for a special event sign, as outlined in §151.3015(e). Such signs shall also comply with the maximum percent coverage as outlined in §151.3011.
- (d) Permanent window signs, excluding incidental signs as outlined in §151.3009(a) require a permit from the Community Development Department and will be counted toward the total sign allowance as outlined in §151.3010 and 151.3011.
- (e) Permanent and temporary hand decorated window signs may not exceed two (2) square feet and may not be displayed simultaneously with a hand decorated sandwich board sign.

**§ 151.3015 SUPPLEMENTAL REGULATIONS FOR TEMPORARY SIGNS.**

The intent and purpose of the regulations governing temporary signs are to allow signs for the occasional advertisement for the sale of a product or service, to promote community events, or to advocate a political candidate or issue while preserving the residential character of the Montgomery community. Temporary signs are by their definition signs which are not displayed on a continuous, permanent basis. Signs which are displayed on a property without interruption are permanent signs governed by other restrictions within the Code. Temporary signs are intended to advertise a specific event or occasion, or to advocate a candidate or cause. The City does not intend to unfairly limit any property owner's First Amendment right to free expression, but the City intends such restrictions to balance the property owner's rights against the community's interests to preserve and protect safe pedestrian and vehicular traffic within the community, preserve the character and integrity of the residential community, and to prevent waste and debris. With this intent in mind, the following rules are adopted:

(a) Materials and Construction

- (1) Temporary signs must be durable and water resistant, constructed of sturdy material such as light weight wood and paperboard with a wire or plastic frame so as not to litter or waste during the period of display or during inclement weather. Any sign which has deteriorated to cause litter or waste, or which presents other unacceptable risks to public safety, shall be repaired, removed and/or replaced.
- (2) Temporary signs shall be fastened or anchored sufficiently, whether attached to the building or positioned in the ground, but shall not be attached to light fixtures, landscaping features, fences, vehicles or similar structures.
- (3) Temporary signs may not be illuminated.

(b) Location

- (1) Temporary signs may not be erected within the street lawn which encompasses the area between the back of the street curb and any public sidewalk, and in areas where there is no public sidewalk within thirteen (13) feet of the back of the street curb from the edge of the street pavement if there is no curb. This limitation preserves the safe travel upon the streets of the City, preserves the City right-of-way, and in areas where right-of-way is not easily defined, provides an area where the property owner or a person erecting a temporary sign can know clearly where a temporary sign can and cannot be located. Additionally, temporary signs may not be posted in such a position which impairs the line of vision of motorists traveling the street or pedestrians crossing streets or alleyways, or in such a place which otherwise causes an unacceptable risk to public safety.

(c) Project Construction/Land Sales Signs.

Project construction sign and land sales signs shall be permitted in all districts in compliance with the following:

- (1) There shall not be more than two project construction signs and/or two land sales signs per residential subdivision, single-family detached cluster development, single-family attached or multi-family project, or lot proposed for nonresidential development. Such signs shall be erected only upon the property for sale or being developed.
- (2) The sign shall be erected and maintained on a lot only during the period of time that the project is under construction or the parcel is up for sale, rent, or lease. The sign shall be removed within 14 days of commencement of the intended use.

(3) Such signs shall be no closer than 10 feet to any street right-of-way line or side lot line.

(4) Such signs shall not be illuminated.

(5) Project construction signs and land sales signs shall not exceed a height of 6 feet.

(d) Garage Sale Signs. One temporary sign promoting a garage sale or other similar household sale may be permitted, provided it is posted on private property for a period not to exceed 72 hours, no more than two times in a year.

(e) Special Event Signs. Property owners in a business or office district, or institutions such as churches and schools in a residential district, may erect one temporary yard sign or banner attached to the building on the property for the purpose of announcing special events, the opening of a business, community events, programs or festivals up to forty-nine (49) days per year, but not more than fourteen (14) days for each event, business opening, program or festival. Such signs shall be removed within two (2) days of the completion of the event, program, business opening or festival. Such special event signs shall not exceed twenty-five (25) square feet per side for double-sided signs, or fifty (50) square feet for banners with one side. Such temporary signs require a permit from the City.

(f) Sandwich Board Signs. For the purpose of attracting pedestrian traffic, sandwich board signs shall be permitted in the GB, LB, OMG, and OM Districts to announce special events or daily specials for a business on the premises in compliance with the following:

(1) In the OM District, not more than one (1) sandwich board sign shall be permitted per business. A sandwich board sign may be placed in front of the building and displayed 365 days per year. **However, in the OM District, design criteria place the**

**sidewalk within the right-of-way and front the building to the sidewalk leaving no front yard, as a result such signs may be placed on the sidewalk even if it encroaches upon the public right of way,** provided an unobstructed walkway with a minimum of five (5) feet is reserved for public passage. Sandwich board signs must be removed from display at the close of each business day, or no later than 10:00 p.m. The sign may contain a message per face, which may be permanently printed on the sign or be a hand decorated sign. The sign must be consistent with the material and color requirements of design guidelines for the Heritage Overlay District, as outlined in Chapter 151.14. The signs may not be illuminated.

(2) In the GB, LB, and OMG Districts, sandwich board signs shall meet the requirements for all other temporary signs. Hand decorated sandwich board signs are permitted, provided they meet the following additional requirements:

A. Such signs must be placed on a paved pedestrian surface within ten (10) feet of the entry door to the business for which the sign provides an announcement or message.

B. To avoid visual clutter, the maximum outside dimension of such signs shall not exceed 24 inches in width and 36 inches in height per face, not including 'legs' which can be used to raise the sign off the ground, provided those legs do not exceed six inches in height.

(g) Real Estate Sales Signs. Each property owner is permitted to erect one (1) real estate sales sign per street front per property on more

than forty-eight (48) inches in height, and no greater than four (4) square feet per side for double-sided signs, for such period of time as is reasonable necessary to advertise the sale or lease of such real estate. Such signs shall be removed within two (2) days of the closing of the sale or lease of such real estate. Property owners are permitted erect one (1) additional sign per property per street front no greater than eight (8) square feet per side for double-sided signs advertising an open house for the opportunity to visit and tour such property which is offered for sale or lease. Such open house signs may be erected seventy-two (72) hours in advance of the scheduled open house and must be removed within two (2) hours of the close of the open house. Open house signs shall be erected upon the property which is advertised for sale. Open house signs which are posted off site may only be posted off site with the permission of the property owner upon whose lot the open house sign is displayed.

(h) Construction Signs. Construction signs advertising a remodeling or reconstruction of a particular property may be displayed on site only during the period of time such reconstruction or remodeling is being completed. Such signs must be removed within two (2) days of the completion of such construction. Such signs may not exceed forty-eight (48) inches in height and are restricted to eight (8) square feet per side for double-sided signs.

(i) Non-commercial Signs. Signs which advertise the sale or lease of a product or service are commercial signs governed herein by the regulation of permanent signs or special event signs. Non-commercial signs are those signs which announce a community event or festival. Each property owner may erect a non-commercial sign upon such property for the purposes outlined herein for a period not to exceed one hundred thirty-five (135) days. Such signs after forty-five (45) days must be removed or replaced to prevent waste, litter or debris. Such sign must be removed earlier if it has deteriorated to debris, litter or waste.

Such temporary non-commercial signs may be no higher than forty-eight (48) inches, and may not exceed eight (8) square feet per side for double-sided signs. Each property owner is permitted up to twenty-four (24) square feet of temporary signs during the designated period provided; however, that corner lots may display two (2) additional temporary signs not to exceed eight (8) square feet per side for double-sided signs, and lots with more than one hundred (100) linear feet fronting on a single street may display one (1) additional temporary sign not to exceed eight (8) square feet per side for double-sided signs for each additional fifty (50) linear feet of street frontage.

(i) Removal to Storage. After the period of time outlined above for the display of temporary signs, such temporary signs must be removed to storage and may not be displayed or stored on site in such a manner to continue the public display of such sign.

(j) Political Signs. Political signs are temporary signs designed for the purpose of advertising or promoting a candidate for office, an issue standing at election or advocating a cause.

(1) Political signs are permitted in all districts as temporary signs as noted in Sections 151.3010 and 151.3011. Such signs must be constructed in accordance with Section 151.3015(a) and appropriately located as noted in Section 151.3015(b).

(2) While case law does not permit time limitations on the display of political signs, property owners should repair, remove or replace such signs periodically to prevent such temporary signs from deteriorating to waste.

(3) Property owners, candidates and advocates for a ballot issue are encouraged to remove such signs after an election to prevent unnecessary clutter or waste.

- (4) Although a specific permit is not required before erecting a political sign, candidates or committees advocating a cause or issue are encouraged to register contact information with the office of the Zoning Administrator so that signs which deteriorate to waste and must be removed or signs posted in the right-of-way may be removed to storage and allow appropriate contact with the candidate or committee.
- (k) Abatement.
- (1) In addition to any fine which may be assessed for a violation of this Ordinance, any temporary sign placed in a prohibited area or upon public property owned by the City, or in such a position which otherwise presents an unacceptable risk to public safety may be removed by the City or its designated representative without notice to the owner of the sign. If the sign or sign materials have deteriorated to waste, debris or litter, the sign and its materials may be disposed of immediately by the City. Any other sign which has been removed which has not wasted shall be removed by the City to a place of safe storage at the City Service Department where it shall remain for a period of ten (10) days after written notice has been mailed by ordinary U.S. mail to the owner (if such owner and the owner's address can be identified), or notice may be provided by posting the notice on the property from which the sign was removed if the Zoning Administrator reasonably believes that the owner of the property in question is the owner of or has control over the posting of the violating sign. After the ten (10) day period has expired, from either mailing notice, posting the notice or the date such sign was taken into storage if the owner or owner's address cannot be identified, such sign may be disposed of by the City. During such ten (10) day

period the sign owner may retrieve such sign from the City by exhibiting evidence of the ownership of such sign and upon payment of an administrative abatement fee to the City in the amount of Fifty Dollars (\$50.00) per sign, such fee to cover the costs incurred by the City for abatement and storage of the sign.

- (2) In addition to any fine which may be assessed against a property owner for violation of this section, a non-complying temporary sign may be removed by the City, or its representative, twenty-four (24) hours after written notice to abate such sign has been presented to the property owner if such sign remains in non-compliance after such twenty-four (24) hour period. The City, or its representative, shall remove such non-complying sign to a place of safe storage at the City Service Department where it shall remain for a period of ten (10) days. After the ten (10) day period has expired, such sign may be disposed of by the City. During such ten (10) day period the business owner or property owner which has erected such temporary sign form the City by exhibiting evidence of the ownership of such sign, and upon payment of an administrative abatement fee to the City in the amount of Fifty Dollars (\$50.00) per sign, such fee to cover the costs incurred by the City for abatement and storage of the sign.
- (3) Written notice of abatement may be given to the owner of the property upon which a non-complying sign has been posted by any of the following means:
- A. Personal delivery to the property owner;
- B. Posting notice of abatement in a conspicuous place upon such property where the non-complying sign is located;

C. Regular mail notice addressed to the owner at the property address or the address of the owner as listed in records of the Hamilton County Auditor. If the notice is served by ordinary mail, the period allowed for abatement shall begin to run three (3) days after the notice is mailed.

**§ 151.3016 CRITERIA FOR THE DESIGN, CONSTRUCTION AND LOCATION OF PERMANENT SIGNS.**

In addition to ensuring compliance with the numerical standards of these regulations, the Planning Commission or Zoning Administrator, when applicable, shall consider the proposed general design, arrangement, and placement of the sign as well as the appropriateness of the proposed sign in relationship to other signs and other structures both on the premises and in the surrounding areas, and shall only approve signs that are consistent with the intent, purposes, standards, and criteria of these sign regulations. Specific standards for determining the appropriateness of the sign shall include, but not be limited, to the following:

- (a) There shall be not more than two styles nor more than 3 sizes of lettering used for any sign, including characters or trademarks used for identification.
- (b) The number of items, letters, symbols and shapes shall be consistent with the amount of information which can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.
- (c) The shape of the sign shall be simple, and the sign should be consolidated into a minimum number of elements.
- (d) A ratio between the message and the background shall permit easy recognition of the message.
- (e) The size, style and location of the sign shall be appropriate to the activity of the site.

(f) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture.

(g) There shall not be more than 4 colors, including black and white, used on any sign. Fluorescent colors are prohibited. For signs in the Old Montgomery District, the colors shall be in conformity with the approved colors for that District.

(h) Signs identifying multiple tenants of a building should be designed to allow changes in tenant occupancy. Unused tenant identification areas shall be filled with matching decorative panels so as to minimize the appearance of vacancy.

(i) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block.

(j) Incidental signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

(k) A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance.

(l) All signs proposed within the Heritage Overlay District boundaries shall be constructed in compliance with the design guidelines for this district, as outlined in Chapter 151.14.

(m) Illumination. The illumination of signs shall be permitted in compliance with the following:

- (1) Signs may be illuminated internally or by reflected light in the Office and Retail Business Districts provided that:
  - A. Light sources shall be shielded from all adjacent buildings and streets.
  - B. Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or

cause reasonable objection from adjacent residential districts.

C. An exposed incandescent lamp shall not be used in excess of 25 watts unless a screen is attached or unless the sign is placed over 10 feet above the ground.

D. Internally illuminated signs shall be constructed so as to allow the illumination of only letters, numbers, or other identifying symbols on the display surface. No light shall pass through the background. The background material of the sign's exterior surface and the enclosing cabinet shall be of a single, opaque, non-reflective material with a texture approved by the Zoning Administrator.

E. Sources of light and power sources shall be weatherproofed, the fixtures shall be UL approved for outdoor use and shall present no heat or electrical hazards under all weather conditions.

F. All plastic faced signs shall have a matte-finish, non-reflective surface.

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

- (2) Signs located within the Residential Districts and Old Montgomery District shall be externally illuminated only, except for permanent window signs in the Old Montgomery District, which may utilize a continuous light source in compliance with subsections A-G under Section 151.3016(m)(1) above, as applicable.

(n) Construction Standards.

- (1) The construction, erection, safety and maintenance of signs shall comply with the Ohio Basic Building Code and the Ohio Revised Code.
- (2) Signs shall be located so as to pose no threat to pedestrian or vehicular traffic.
- (3) All signs shall be rigidly secured and no part of any sign shall be revolving or oscillating to attract attention.
- (4) All ground mounted signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
- (5) All under-canopy, bracketed projecting or awning signs shall have a minimum clearance of 15 feet over any vehicular use area. For pedestrian use areas, the minimum clearance should be 7 feet, 6 inches in the Retail Business Districts and 7 feet in the Office and Old Montgomery Districts.
- (6) All bracketed projecting signs shall be attached to a building wall at an angle of 90 degrees and project not more than 4 feet. All wall signs shall not project more than 6" from the building wall to which it is attached in the Old Montgomery District and 8" from the building wall to which it is attached in the Office and Retail Business Districts.
- (7) No sign shall be erected so as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.
- (8) Signs shall be fabricated on and of material that are of good quality, good durability and are complimentary to the building of which they become a part.
- (9) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be

installed closer than 12 inches horizontally or vertically from any conductor or public utility guy wire.

- (10) Signs shall be structurally designed to withstand wind pressure of 30 pounds per square foot in any direction.

**§ 151.3018 MAINTENANCE.**

All signs shall be maintained in accordance with the following:

(a) The property owner shall maintain the sign in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.

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

- (1) There is no alteration or remodeling to the structure or the mounting of the sign itself.
- (2) There is no enlargement or increase in any of the dimensions of the sign or its structure.
- (3) **There is no change in the sign message or its design.**
- (4) The sign is accessory to a legally permitted, conditional or nonconforming use.

(c) If a permanent sign is deemed by the Zoning Administrator to be in an unsafe condition, the owner of the business shall be immediately notified, in writing, and shall, within seven (7) days of such notification, correct such unsafe condition or remove the sign. The time may be extended up to twenty-one (21) days by written request to the Zoning Administrator if the owner provides evidence that it is not an immediate safety risk and a contract to repair/replace has been entered. The allowable time may be reduced if the sign

or sign condition poses unreasonable risk to public health and/or safety. If the correction has not been made within the time allowed, the Zoning Administrator may remove, or cause such unsafe sign to be removed, repaired or maintained at the expense of the property owner or lessee, sign owner or sign lessee. If the amount owed for the removal of such sign is not paid within 30 days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a 10 percent penalty for collection in the same manner as real estate taxes. Written notice of abatement may be given per the process outlined in § 151.3015(e)(2)(ii).

(d) In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or defective permanent sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the Ohio Basic Building Code or the City of Montgomery Traffic Code.

**§ 151.3019 ADMINISTRATION PROCEDURES.**

(a) Signs Requiring a Permit. The following signs shall require a permit prior to the erection or alteration of signs.

(1) The Planning Commission, except as otherwise required in subsection 151.3019(e), shall review and act on sign applications for the following signs according to the design and construction criteria set forth in Section 151.3016 and the review criteria for development plan review set forth in Chapter 150.1410. Signs in the Heritage Overlay District shall be processed according to the procedures of §150.1206 or §151.1207, as applicable.

- A. Business identification signs;
- B. Residential development identification signs;

- C. Identification signs for community facilities, institutions, and entertainment or recreational uses in residential districts;
- D. Permanent window signs; and
- E. Menu Boards, except those defined as sandwich boards per Section 151.3015 (c)(2).
- (2) The Zoning Administrator shall review and act on an application for the following signs according to the design and construction criteria set forth in Section 151.3016. However, the Zoning Administrator may forward such application to the Planning Commission for their review and comment.
- A. Building markers;
- B. Directional signs;
- C. Temporary signs for uses other than single family and two-family dwellings, except as required in subsection 151.3019(a)(2)D below;
- D. Plaques; and
- E. Incidental signs, except when located in a window.
- (b) Signs Not Requiring Permit. The erection of the following signs shall not require a permit provided that all applicable regulations of this Chapter are complied with:
- (1) Temporary signs for single-family and two-family dwellings. *See note regarding Political Signs, Section 151.3015(j)(4).*
  - (2) Nameplates;
  - (3) Incidental signs located in a window, including signs promoting community events that do not exceed 18" x 24".
  - (4) Holiday displays and greetings which display no commercial message; and
  - (5) Internal signs not intended to be viewed from public streets and located so as not to be visible from public streets or adjacent properties.
- (c) Sign Concept Plan. The Planning Commission may approve basic sign parameters that set forth the location, size and style of signs to be used within a project, whether for a single occupancy or multiple occupancy building or development. Such sign parameters may be established when the Planning Commission and/or Council and reviews development plans for new buildings or at the time a specific sign application is made for an identification sign for an existing building. Whenever the Planning Commission has approved such sign parameters, the Zoning Administrator shall be authorized to review and approve any subsequent sign application submitted for the development, or a tenant of the development, that complies with such sign parameters.
- (d) Application Requirements. An application for a sign permit shall be made to the Zoning Administrator on the form provided. The application shall present the sign in a manner which best illustrates how the sign shall be experienced by the public after it is erected on the site. Specifically, the application shall include:
- (1) A complete site plan or photograph showing the location of the sign and its relationship to the building, the locations and square footage areas of all existing signs on site, the adjacent parcels and parking lots, drives and sidewalks;
  - (2) Three sets of detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, the materials of the sign and the frame or structure, and the method of illumination.
  - (3) For applications which require review and approval by Planning Commission, fifteen sets of items #1 & #2 above must be submitted.

- (4) Construction, erection or fastening details.
- (5) A permit fee for each sign application, pursuant to the current fee schedule.
- (e) Modification to Existing Sign. When a modification is proposed to an existing sign that is already in compliance with an approved development plan, the Zoning Administrator shall review and act on the application in compliance with this Section. However, the Zoning Administrator may forward such application to the Planning Commission for their review and comment.

**§ 151.3020 REGULATIONS FOR NONCONFORMING SIGNS.**

- (a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 151.3018.
- (b) Legal Nonconforming Status. The burden of establishing that a sign is a legal nonconforming sign shall, in all cases, be upon the owner of such sign.

(c) Alteration and Removal of Nonconforming Signs.

- (1) Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance pursuant to Section 151.3018, shall conform to all requirements of this Chapter:
  - A. When the sign is damaged to a degree greater than 50% of the estimated replacement value;
  - B. When the use which the nonconforming sign is accessory to is vacant for 90 consecutive days;
  - C. When the sign is altered in any way in structure or size;
  - D. When the sign is relocated;
  - E. When the sign is replaced;
  - F. When the sign is repainted, excluding normal repainting or touch-up;

G. Following seven (7) years from the date of notice to the property owner of the amendment of this chapter which made the sign nonconforming.

- (2) A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this Chapter except:
  - A. When the existing use has new ownership which results in a change in the name of the use or business on the property;
  - B. When the space is re-occupied by a similar use and the new occupant requires no external building or site renovation; or
  - C. An existing sign pursuant to this subsection may be changed by replacing a sign panel. Such alterations shall not require changes to the structure, framing or erection or relocation of the sign unless such changes conform to this Chapter.

**§ 151.3021 INSPECTION UPON COMPLETION.**

- (a) Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Zoning Administrator upon completion of the work. The Administrator may require a final inspection, including an electrical inspection and inspection of footings on ground mounted signs.
- (b) The Zoning Administrator may require, upon issuance of a permit, that he/she be notified in writing for inspection prior to the installation of certain signs.

**§ 151.3022 INDEMNIFICATION AND INSURANCE.**

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims

resulting from such work or the placement of such sign(s) insofar as this Code has not specifically directed the placement of a sign. The City may also require sufficient insurance from such persons to indemnify the City against any loss or claim by a third party.