

CHAPTER 1170
Signs

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CROSS REFERENCES

- Municipal zoning - see Ohio R.C. 713.06 et seq.
General provisions and definitions - see P. & Z. Ch. 1150
Administration, enforcement and penalty - see P. & Z. Ch. 1152
Board of Zoning Appeals - see P. & Z. Ch. 1154
Conditional use permits - see P. & Z. Ch. 1156
Districts generally and Zoning Map - see P. & Z. Ch. 1158
Off-street parking and loading - see P. & Z. Ch. 1172
Nonconforming uses - see P. & Z. Ch. 1174
Supplementary regulations - see P. & Z. Ch. 1176
Permit fees - see B. & H. 1351.09

1170.01 INTENT.

The purposes of this chapter are as follows:

- (a) To promote and protect the public health, welfare and safety by regulating existing and proposed outdoor signs of all types and interior signs as proposed herein;

- (b) To protect property values, create a visually attractive economic and business environment, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas;
- (c) To control the size, location and design of signs so that they will be aesthetically harmonious with their surroundings;
- (d) To provide review procedures which enable the City to comprehensively evaluate the appropriateness of the sign to the site, building and surroundings;
- (e) To reduce sign or advertising clutter, distraction and obstructions that may contribute to traffic accidents and to improve pedestrian and motor vehicle safety by reducing hazards that may be caused by signs overhanging or projecting over public rights of way and sidewalks; and
- (f) To curb deterioration of the natural environment and to enhance community development by permitting signs which are compatible with their surroundings. (Ord. 96-61. Passed 4-21-97.)

1170.02 APPLICATION OF REGULATIONS.

Advertising and other signs, commonly identified as accessory uses in zoning ordinances, shall be regulated as hereinafter provided. Signs shall be designed, erected, altered, reconstructed, moved or maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this chapter.
(Ord. 96-61. Passed 4-21-97.)

1170.03 GOVERNMENTAL SIGNS EXCLUDED.

For the purpose of this Zoning Code, "sign" does not include signs erected and maintained pursuant to and in the discharge of any governmental function, or required by any law, ordinance or governmental regulation. (Ord. 96-61. Passed 4-21-97.)

1170.04 DEFINITIONS.

(a) Signs Generally. As used in this chapter, "sign" means any object, device, display, figure, structure or part thereof, visible from a public way, which is affixed to or integrated into a building, a structure or land or otherwise situated on a lot and which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. Signs shall be further classified by structural type and use.

(b) Definition of Signs by Structural Type. As used in this chapter:

- (1) "Canopy sign" means a sign attached to the soffit or fascia of a canopy, to a covered entrance or walkway or to a permanent awning or marquee.
- (2) "Ground sign" means a free-standing sign which has a supporting base designed as an integral part of the sign and resting totally or primarily on the ground.

- (3) "Pole sign" means a sign which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic thereunder. (Such signs are not permitted.)
 - (4) "Portable sign/mobile graphic" means a sign which is designed to be portable and is not permanently attached to any part of a building. (Such signs are not permitted.)
 - (5) "Roof sign" means a sign erected upon and completely over the roof of any building. (Such signs are not permitted.)
 - (6) "Wall sign" means a sign integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than twelve inches therefrom.
 - (7) "Projecting sign" means a sign attached to an outside building wall and projecting at a ninety-degree angle therefrom.
 - (8) "Permanent or temporary window sign" means a sign attached or affixed to the interior surface of window or door of a building.
- (c) Definition of Signs by Use. As used in this chapter:
- (1) "Identification sign" means a sign intended to announce or promote the use, activity, service or business on the premises.
 - (2) "Residential development identification sign" means a sign identifying the name and address of a completed residential subdivision or multifamily development.
 - (3) "Construction identification sign" means a temporary sign identifying the name of a subdivision, building or public works project or facility during the time of construction.
 - (4) "Information sign" means a sign intended to instruct employees, customers or users as to specific parking requirements, the location of a site or building, regulations pertaining to specific activities on a site or in a building, specific services offered or methods of payments accepted. In Residential Districts, information signs may include security identification signs, no-trespassing signs, signs identifying the presence of animals and signs directing deliveries, etc.
 - (5) "Directional sign" means a sign directing or guiding traffic and parking on private property. Such a sign shall contain no advertising.
 - (6) "Name plate" means a sign indicating the name and address of a person, business, profession or activity occupying a lot or building or identifying the operation or maintenance of any equipment which is placed on a building or site. On multifamily developments, name plates may include the name of the management.

- (7) "Temporary sign" means a nonpermanent sign of any type intended to announce temporary work, special events, promotions or sales.
- (8) "Political sign" means a temporary sign advocating action on a public issue or promotion of a candidate for public office.
- (9) "Real estate sign" means a temporary sign which directs attention to the promotion, development, rental, sale or lease of the property on which the sign is located. (Ord. 96-61. Passed 4-21-97.)

1170.05 DESIGN STANDARDS.

(a) Compatibility With Buildings and Other Signs. Signs, as permitted in all use districts, shall be designed to be compatible in character and style with the building on or about which they are placed, with regard to materials, color and size, and with other signs designed or located on or about the same building, and with other signs on adjoining buildings, in order to produce an overall unified effect, in accordance with the standards set forth in this chapter.

The following design standards shall apply to all permitted sign types, including wall, ground, canopy, projecting and permanent window signs. Signs will be reviewed with respect to each of the provisions of this section and will require approval by the Lyndhurst Architectural Board of Review.

(b) Specific Elements of Design.

- (1) Continuity. Signs shall be considered in relationship to their surrounding environment and, if seen in a series, should have a continuity of design.
- (2) Style and color. The style of a sign shall be generally consistent throughout the particular building or block involved. The color of signs shall be compatible with the colors of the building facade, and the total number of colors on a sign shall be limited to four, including black and white.
- (3) Lettering. The lettering on a sign shall be large enough to be easily read, but not overly large or out of scale with the building upon which it is placed. An excessive amount of information on signs, where visual clutter could create a potential safety hazard to motorists or pedestrians, shall not be permitted.
- (4) Materials. Signs shall be fabricated on and of materials which are of good quality and good durability and shall be complementary to the building of which they become part. When noncombustible, outdoor signs or display structures are required by this chapter, all parts, including the supporting structures, shall be of a noncombustible material. However, wood, approved plastic or other material not more combustible than wood or approved plastic shall be permitted in the following locations:

- A. For small ornamental moldings, cappings, nailing strips, individual letters, symbols, figures and insignia;
 - B. On the face of a sign, provided that the aggregate area of such facing for any sign shall not exceed 100 square feet.
- (5) Structural design. Any graphic, other sign structure, projecting sign, canopy or awning shall be designed and constructed to withstand a wind pressure of not less than thirty pounds per square foot of net surface area, allowing for wind from any direction, and shall be constructed to withstand loads as required in the American Standards Association Standard A60.1, as amended, and as provided herein. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the City's Electrical Code.
- (6) Canopy signs. Where a canopy sign is attached to the soffit or fascia of a canopy over a walkway, the vertical dimension of the sign shall not exceed twelve inches and the lowest structural members shall not be less than eight feet above sidewalk grade.
- (7) Ground signs. Permanent ground signs shall be located within the required yards unless approved by the Lyndhurst Architectural Board of Review. Ground signs shall have no more than two display surfaces, provided that the two display surfaces are arranged back-to-back and not more than twelve inches from each other. Each display surface shall be considered a sign face. Ground signs shall be an integral part of the front yard landscaping and shall be surrounded at the base by shrubs, flowering plants, or ground cover. The height of ground signs shall be as regulated in Section 1170.09.
- (8) Wall or panel signs. Wall or panel signs shall not project more than twelve inches from the building wall to which they are attached and shall not project beyond any corner or above the coping or eaves of any building. The sign panel shall not exceed one-third of the area between the top of the windows (first floor) and the top of the building or second floor windows.
- (9) Projecting signs. The maximum sign area of projecting signs shall be twenty-four square feet. Projecting signs shall extend no more than four feet from the building wall to which they are attached and shall not extend above the coping or eaves of any building.
- (10) Permanent and temporary window signs. Permanent and temporary window signs, which are any window signs placed within two feet of the window, measured horizontally from the inside face of the glass area, shall not cover more than twenty percent of each separate window area, as defined in Section 1170.07(d). The size of any permanent or temporary window sign shall be the total square footage determined by

a measurement of any or all parts of the signs which occupy, or would occupy, window area space. Signs shall not be placed on the outside of any window or window pane area. Permanent window signs are hereby defined as all signs other than those advertising a sale or other special event which is for a stated and limited period of time. Such signs must be approved by the Architectural Board of Review and will require a permit from the building department. Temporary window signs shall be further regulated in Section 1170.13.

- (11) Special signs. Where innovative design is demonstrated, a building utilizing the building design itself as a means to identify or advertise a product or service may be permitted. In addition, certain signs, such as marquees, which are of unique or historic design, may be permitted. The design and area of the signage elements shall be subject to review and approval by the Lyndhurst Architectural Board of Review. Signs for gasoline service stations and theaters shall require review and approval by the Lyndhurst Architectural Board of Review.
- (12) Vertical clearance. The lowest member for all signs which project or are supported on posts shall be no less than eight feet above the finished grade of a sidewalk or any other pedestrian way. If located over a pavement used for vehicular traffic or within twenty-four inches of the vertical projection of the edge of such pavement, the lowest member of the signs shall be not less than sixteen feet above the finished pavement.
- (13) Relation to traffic devices. Signs shall not be erected so as to obstruct sight lines along any public way, traffic control lights or street name signs at intersections. Signs visible from the sight lines along a street shall not contain an arrow or words such as "stop", "go", "slow", etc., and the movement, content, coloring or manner of illumination shall not resemble highway traffic signs.
- (14) Illuminated signs. An illuminated sign or lighting device shall emit only a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. Parking lots and automobile sales lots shall be illuminated only in accordance with the provisions of this section. Mobile or portable signs are not permitted.

- (15) Identification signs. All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm or corporation responsible for maintaining the sign, and such identification is not counted as an item of information.
- (16) Prohibited attachments. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter.
- (17) Ventilation. No sign shall be attached in such a manner that it may interfere with any required ventilation openings.
- (18) Items of information allowed. Each nonresidential activity which is entitled to display graphics under this chapter shall display a sign or signs containing no more than twelve items of information. However, an "item of information" means any of the following: a syllable of a word, an abbreviation, a number consisting of not more than five digits or places, a symbol and a geometric shape. In addition, graphics combining several different geometric or nongeometrical shapes or shapes of unusual configuration are to be assessed one additional item for each noncontinuous plane.
(Ord. 96-61. Passed 4-21-97.)

1170.06 PROHIBITED SIGNS.

The following types of signs are prohibited in all districts:

- (a) Abandoned signs;
- (b) Banners, pennants, festoons and searchlights;
- (c) Signs imitating or resembling official traffic or government signs or signals;
- (d) Signs placed or painted on vehicles or trailers which are parked or located for the primary purpose of displaying such signs;
- (e) Billboards, off-premises signs and outdoor advertising signs;
- (f) Portable and mobile signs;
- (g) Roof signs;
- (h) Signs of nondurable material, except for signs specifically authorized by this chapter;
- (i) Bare strings of light bulbs and similar devices;
- (j) Obscene, indecent or immoral matter;
- (k) Flashing, animated, rotating or moving signs (with the exception of time, date and temperature information signs);
- (l) Any sign which is identified by the Building Commissioner as unsafe and a threat to public safety;
- (m) Temporary signs of a mobile or movable nature for the purpose of announcing grand openings, special sales, new products, business events or any other use;

- (n) Illuminated signs with red or green bulbs which may interfere with the sight lines of a traffic signal;
- (o) Any exposed incandescent lamp unless a screen is attached or unless the sign and lamp are placed at least ten feet above the ground; and
- (p) Pole signs.
(Ord. 96-61. Passed 4-21-97.)

1170.07 DETERMINING SIGN AREA AND HEIGHT, BUILDING FRONTAGE AND WINDOW AREA.

(a) Determining Sign Area.

- (1) For a sign which is framed, outlined, painted and otherwise prepared and intended to provide a background for a sign display, the area shall include the entire portion within the outside dimensions of the background or frame.
- (2) For a sign comprised of individual letters, figures or elements on a wall or similar surface, or an irregular shaped freestanding 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. 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 area including the space between the elements.
- (3) The sign area shall include the frame, but shall not include the necessary structural support unless such structural support is illuminated or otherwise so designated to constitute a display surface or device.
- (4) In the event there is a dispute in determining the sign area or any sign dimension, the Architectural Board of Review shall have the final responsibility for making such determination.

(b) Determining Sign Height. The height of a free-standing sign shall be measured from the grade at the nearest right-of-way line to the top of the highest element.

(c) Determining Building Frontage. The length of the building which faces the principal street, or the length of the wall of the building which contains the main entrance to the uses therein, shall be considered the building frontage.

- (1) In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length.
- (2) Only one exterior wall of any business shall be considered its frontage.

(3) For multitenant buildings, the portion of a building which is owned or leased by a single tenant shall be considered a building unit.

(4) The length of a building unit is that portion of the building so occupied by a single activity and calculated proportionally in the same manner as the building frontage.

(d) Determining Window Area. Each window area, display window area or door window area separated by a mullion or other structural or architectural appurtenance shall be considered a separate window area.

(Ord. 96-61. Passed 4-21-97.)

1170.08 TYPES OF SIGNS AND MAXIMUM SIGN AREA PERMITTED.

The types of signs permitted in each zoning district, and the maximum sign area permitted, shall be as set forth in the following schedule, unless otherwise specified in this Zoning Code.

(Cont.)

Note: If not otherwise indicated, the total allowable square footage for all signs on a property or business shall not exceed the square footage listed in the above table. All signs are subject to the definitions set forth in Section 1170.04 and the design standards set forth in Section 1170.05.

- (a) These standards shall also apply to single-family, duplex and residential planned unit developments in multifamily districts.
- (b) Signs for institutional uses are further regulated in Section 1170.11.
- (c) There shall be no more than two directional ground signs per access drive.
- (d) In addition to the multifamily dwelling unit name plates permitted in the above schedule, multifamily buildings may display a name plate which also identifies the management of the development. Such name plate shall be a maximum of 9 S.F.
- (e) Temporary signs are subject to the provisions of Section 1170.13.
- (f) Permitted 30 days prior to an election and must be removed within 5 days after the election date. Political signs are only permitted on developed properties. Temporary signs are further regulated in Section 1170.13.
- (g) Sign shall be removed within 5 days of sale, rental or lease of the property advertised. Temporary signs are further regulated in Section 1170.13.

(Ord. 96-61. Passed 4-21-97.)

1170.09 GROUND SIGNS.

(a) Maximum area of ground signs shall be as provided in the schedule set forth in Section 1170.08, and such signs shall conform to the design standards of Section 1170.05(b)(7). Ground signs shall be permitted only for the following purposes:

- (1) One ground sign per lot for the purpose of identification of businesses, offices and institutional uses shall be permitted in the Community Business and Office Districts and for institutional uses in any district. Multitenant buildings on a single lot shall be permitted only one ground sign and must share signage space on the ground sign.
- (2) One ground sign per lot for the purpose of residential development identification shall be permitted in the Single-Family and Residential Planned Unit Development Districts.
- (3) One temporary ground sign per lot for the purpose of project identification during construction shall be permitted in all zoning districts.
- (4) Ground signs used as information and directional signs shall be permitted if such ground signs conform to the definitions of information and directional signs as set forth in Section 1170.04(c).
- (5) One temporary ground sign used as a real estate sign, and ground signs used as political signs, shall be permitted if such ground signs conform to the definitions of real estate and political signs, as set forth in Section 1170.04(c), and to the regulations for temporary signs in Section 1170.13.
- (6) Temporary signs are subject to the provisions of Section 1170.13.

(b) The maximum height of identification, residential development identification and construction identification ground signs in any district shall be eight feet.

(c) No permitted ground sign shall be located within a public right of way. A permit will not be issued for a ground sign unless the Building Commissioner has approved its location and setback. (See Section 1170.11 for additional regulations pertaining to ground signs for institutional uses.)

(Ord. 96-61. Passed 4-21-97.)

1170.10 IDENTIFICATION SIGNS IN COMMUNITY BUSINESS AND OFFICE DISTRICTS.

(a) **Identification Signs in Community Business Districts.**

- (1) No more than one identification sign, not including permitted ground signs, shall be allowed for each tenant or business on the ground floor of a building. Additional signs permitted for businesses not on the ground floor are regulated in subsection (c) hereof, and additional signs permitted for side or rear entrances are regulated in Section 1170.12.

- (2) For multitenant buildings, each business shall be permitted signs in accordance with the provisions of this chapter. The determination of frontage per business shall be as set forth in Section 1170.07(c)(3) and (4).
- (3) Unified shopping areas are permitted a sign which identifies the name and/or logo of the shopping center. This sign shall be in addition to the maximum sign area designated in the schedule set forth in Section 1170.08. Shopping center signs shall not exceed forty square feet in area and may be a ground sign subject to the regulations governing such signs.

(b) Identification Signs in Office Districts.

- (1) No more than one identification sign, not including permitted ground signs, shall be allowed for each office on the ground floor. Additional signs permitted for offices not on the ground floor are regulated in subsection (c) hereof, and additional signs permitted for side or rear entrances are regulated in Section 1170.12.
- (2) For multitenant buildings, each office shall be permitted signs in accordance with the provisions of this chapter. The determination of frontage per office shall be as set forth in Section 1170.07(c)(3) and (4).

(c) Identification Signs for Businesses Not on the Ground Floor in Community Business and Office Districts.

- (1) One identification sign shall be permitted at each ground floor entrance providing access to businesses or offices located above or below the ground floor, or to ground floor tenants who do not have frontage on a street or parking lot. If such identification signs are placed on the wall of the building which faces the principal street, they shall be part of the total permitted sign area for wall signs as provided in the schedule set forth in Section 1170.08. Identification signs for entrances placed on the rear or side of the building shall be as regulated in Section 1170.12.
- (2) Businesses or offices not on the ground floor are permitted to display name plates in the form of permanent window signs. The area of such name plates shall be as regulated in the schedule set forth in Section 1170.08, and such signs shall comply with the design standards for permanent window signs of Section 1170.05(b)(10).

(Ord. 96-61. Passed 4-21-97.)

1170.11 IDENTIFICATION SIGNS FOR INSTITUTIONAL USES IN ANY DISTRICT.

(a) Signs for institutional uses in any district, as regulated in the schedule set forth in Section 1170.08, shall be used only for the purpose of describing the activities therein provided.

(b) The minimum setback of ground signs for institutional uses in Community Business and Office Districts shall be fifteen feet from the street right-of-way line.

(c) The minimum setback of ground signs for institutional uses in Residential Districts shall be half the distance between the street right-of-way line and the building line. Such signs shall be placed perpendicularly to the street line. The maximum area of ground signs for institutional uses in Residential Districts shall be twelve square feet. However, churches located on Federal, State or County highways in Residential Districts may have a ground sign with a maximum area of twenty-five square feet.

(Ord. 96-61. Passed 4-21-97.)

1170.12 ADDITIONAL SIGN AREA FOR BUSINESS, OFFICE AND INSTITUTIONAL USES ON CORNER LOTS OR WITH ENTRANCES FACING PARKING LOTS.

In cases where an office, business or institutional building is on a corner lot or has a customer entrance facing a parking lot (when such parking lot does not face the main street), additional sign area equal to twenty-five percent of that permitted on the front of the building may be used on such additional frontage.

(Ord. 96-61. Passed 4-21-97.)

1170.13 TEMPORARY SIGNS.

Temporary signs shall be permitted as follows:

(a) Real Estate Signs.

(1) One temporary sign advertising the sale, lease or rental of the premises or part of the premises on which the sign is displayed is permitted per lot in any district. Such sign shall not exceed six square feet and shall be removed within five days of the sale, lease, or rental of the property advertised. In addition, the use of "sold" or "leased" attachments, indicating the sale, lease or rental of real estate, shall be removed after five days have elapsed.

(2) Temporary real estate signs of not more than 200 square feet in area shall be permitted for uses on more than single lots and shall be limited to one such sign per project. These signs shall be limited to a period of up to one year.

- (b) **Political Signs.** Temporary political signs are permitted in all zoning districts, but shall be limited only to developed properties. Such signs shall be removed within five days following an authorized general election date or within five days of the candidate's or issue's election or defeat, whichever comes first. Primary and general election dates shall be established by applicable Federal, State or local law.
- (c) **Temporary Work Signs.** Temporary signs showing chemical treatment of lawn and shrubs and signs of contractors performing home improvements shall be permitted in any district, and such signs shall be removed as soon as the work is completed or as soon as permitted by other appropriate law, whether Federal, State or local.
- (d) **Temporary Promotional Signs.** Temporary promotional signs intended to promote or advertise special events or sales may be permitted if they are displayed only for the duration of the special event or sale. Temporary promotional signs shall not be posted for a period of more than two weeks. The Building Commissioner, at his or her discretion, and if the signs are in a neat and clean condition, may allow, upon request, an extension of the posting of such signs. If temporary promotional signs are posted in windows, they must conform to the design standards for permanent and temporary window signs regulated in Section 1170.05(b)(10).
- (e) **Temporary Signs Announcing Community Functions.** Temporary signs announcing community functions are permitted, provided such signs are displayed only for the duration of the event.
- (f) **Prohibitions re Temporary Signs.** No part of any temporary sign shall be located in a public right of way, and no temporary sign shall be of a type prohibited by Section 1170.06.
(Ord. 96-61. Passed 4-21-97.)

1170.14 NONRESIDENTIAL PLANNED UNIT DEVELOPMENTS.

The requirements for Office Districts in the schedule set forth in Section 1170.08 and in Sections 1170.09 and 1170.10 shall apply to nonresidential planned unit developments.
(Ord. 96-61. Passed 4-21-97.)

1170.15 PERMIT APPLICATIONS.

An application for a permit to erect, place, paint, illuminate or alter a sign shall be made by the owner of the property for which a sign is proposed or such owner's agent. The application shall be submitted on forms furnished by the Building Department and shall be made either separately or with the application for a building permit. The fee for a sign permit shall be established by separate ordinance.

- (a) In all use districts, a sign permit shall be required for all permanent signs, with the exception of name plates, as indicated in the schedule set forth in Section 1170.08.
- (b) A description of the application procedure and graphic illustration of required information is outlined in the City of Lyndhurst "Sign Review" handbook. Each application shall be accompanied by drawings to scale and photographs, showing the following:
 - (1) The design and layout proposed, including the total area of signs and the size, height, character, materials, colors and type of lettering or other symbols;
 - (2) Photographs or drawings of the building for which the signs are proposed and photographs of surrounding buildings, signs and uses;
 - (3) The number and types of lamps and lens material to be used in any illuminated signs;
 - (4) The exact location of the sign in relation to the building and property; and
 - (5) Details and specifications for construction, erection and attachment as may be required by the Building and Housing Code.
- (c) A sign permit is applicable only to the specific sign for which it is granted. Once a sign permit is granted, no temporary or permanent signs shall be attached or added to the given sign.
(Ord. 96-61. Passed 4-21-97.)

1170.16 MAINTENANCE AND REMOVAL OF SIGNS.

All signs and sign structures shall be maintained in a safe and attractive condition. Signs which no longer serve the purpose for which they were intended, or which have been abandoned or are not maintained in accordance with this chapter and other applicable regulations of the City, shall be removed by the latest permit holder or by the City at the expense of such permit holder.

Whenever the removal or maintenance of any sign has been ordered by the Building Commissioner, the person who erected such sign or on whose premises such sign or display structure has been erected, affixed or attached shall remove or maintain such sign within forty-eight hours after receiving such notice. In the event of noncompliance, the Building Commissioner may remove or cause to be removed or maintain such sign at the expense of the person who erected such sign or on whose premises it was erected, affixed or attached. Each such person shall be individually and separately liable for the expense incurred in the removal of such sign.

(Ord. 96-61. Passed 4-21-97.)

1170.17 NONCONFORMING SIGNS.

(a) **Nonconforming Sign Defined.** A sign which, on the effective date of this chapter, does not conform to the provisions of this chapter or subsequent amendments hereto shall be deemed a nonconformity.

(b) **Purpose.** The purpose of this section, in addition to providing specific standards for the design, construction and erection of every new graphic, sign, marquee, canopy and awning, is to cause every graphic or other sign in violation of any provision of this chapter to be removed, altered or replaced so as to conform to the provisions of this chapter.

(c) **Authority to Continue Existing Nonconformities.** Any permanent graphic, sign, marquee, canopy or awning, other than a temporary sign, which was erected pursuant to a City permit, and which is in place on the effective date of this chapter, and which remains or becomes a nonconformity upon the adoption of this chapter or any subsequent amendment hereto, may be continued only in accordance with the following regulations:

- (1) **Repairs.** Ordinary repairs and nonstructural alterations may be made to a nonconforming sign. No structural alterations shall be made in, to or upon a nonconforming sign, except those required by law to make the sign conform to the provisions of this chapter.
- (2) **Additions and enlargements.** A nonconforming sign shall not be added to or enlarged in any manner, except to make the sign conform to the provisions of this chapter.
- (3) **Moving.** No nonconforming sign shall be moved in whole or in part to any other location unless such sign, and the use thereof, is made to conform to all provisions of this chapter.
- (4) **Restoration of damaged signs.** A nonconforming sign which is destroyed or damaged by fire or other cause to the extent that the cost of restoration will exceed sixty percent of the original cost of such sign shall not be restored unless it is made to conform to all the provisions of this chapter or any subsequent amendment hereto. In the event that such damage or destruction is less than sixty percent of the original cost of such sign, no repairs or construction shall be made unless such restoration is started within six months from the date of the partial construction and is diligently pursued to completion.
- (5) **Discontinuance of use.** A nonconforming sign, the use of which is discontinued for a period of thirty days, shall thereafter conform to the provisions of this chapter.

- (6) **Change of use.** Where the business, use or identity associated with a nonconforming sign, at the time of the adoption of this chapter, thereafter terminates or changes, such termination or change of use shall require termination of the nonconforming sign, and the use of such sign shall thereafter conform to the provisions of this chapter.
- (7) **Conformance date.** All graphics, signs, marquees, canopies and awnings rendered nonconforming by the provisions of this chapter and permitted to continue shall be removed, altered or remodeled to conform to the provisions of this chapter no later than January 1, 2000.
(Ord. 96-61. Passed 4-21-97.)

1170.18 APPEAL PROCEDURE.

A variance from the strict application of the provisions of this chapter may be granted by the Board of Zoning Appeals in regard to an existing nonconforming sign or a new sign to be installed, erected, constructed or painted, if the Board finds that requiring strict compliance with the provisions of this chapter may impose an undue hardship and that the granting of the variance from the provisions of this chapter will not create a safety hazard and will not be contrary to the purposes of this chapter. The procedure for applying for a variance and the hearing thereon shall be the same as in cases involving zoning variances.
(Ord. 96-61. Passed 4-21-97.)