

CHAPTER 1294: SIGNS

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CROSS REFERENCES

Advertising on traffic control devices - see TRAF. 414.07
Trees, awnings and signs overhanging streets - see GEN. OFF. 660.16
Signs prohibiting soliciting - see B.R. & T. 852.08
Street name signs - see P. & Z. 1250.15
Outdoor advertising signs - see P. & Z. 1260.23

§ 1294.01 PURPOSE.

Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. In addition to causing distractions and obstructions that may contribute to traffic and pedestrian accidents, signs are as much subject to control as noise, odors, debris and like characteristics of a use that, if not controlled and regulated, may become a nuisance to adjacent properties or the community in general.

(a) The purpose of this Chapter is to regulate the number, size, illumination, movement, materials, location, height, and condition of all signs for exterior observation for the following reasons:

(1) To preserve the noncommercial character of residential neighborhoods, and to

provide reasonable, yet appropriate, conditions for identifying businesses and services rendered in commercial and industrial districts;

- (2) To reduce traffic and pedestrian hazards by restricting signs, including signs with lights and/or motion, which are likely to exceed the viewers' capacity to receive information or which increase the probability of accidents created by distracting attention or obstructing vision;
- (3) To promote expeditious and safe navigation and wayfinding for pedestrian and vehicular traffic through legible and appropriate signs;
- (4) To preserve order, attractiveness, and cleanliness, maintain open spaces, avoid the appearance of clutter, and prevent nuisances and invitations to vandalism;
- (5) To require that signs be constructed and maintained in a structurally sound and attractive condition;
- (6) To maintain property values and ensure compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance;
- (7) To encourage aesthetic quality in the design, location, and size of all signs;
- (8) To protect the public peace, general health, safety and welfare, convenience, and comfort, and to protect and encourage a more attractive business environment and the overall physical appearance of the community.

(b) This Chapter must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Chapter which shall be given effect without the invalid provision.

§ 1294.02 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) A-FRAME SIGN: See SANDWICH BOARD SIGN
- (2) ABANDONED SIGN: A sign that is Deteriorated (as defined in herein), not authorized in accordance with the provisions of this Chapter, or is not adequately maintained, repaired, or removed within the specified time as ordered by this Chapter.
- (3) ADDRESS SIGN: Any street location identifier.
- (4) BANNER: (FLAG) A non-freestanding, non-rigid cloth, plastic, paper, or canvas with a design, picture, or writing on it, or a Streamer..
- (5) BLADE SIGN. See PROJECTING SIGN
- (6) BUILDING MOUNTED SIGN: (WALL SIGN) Any sign attached to, mounted, engraved, or erected against the outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel to the building facade. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings and any extensions thereon.
- (7) CHANGEABLE COPY SIGN (MANUAL): A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by manual means without altering the face or surface of the sign.
- (8) CHANGEABLE COPY SIGN (MECHANICAL/ELECTRICAL): A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, or electronic means without altering the face or surface of the sign, but is not an Electronic Sign.
- (9) CITY/MUNICIPALITY: The City of Columbiana, Ohio.

CLASS A-TEMPORARY SIGNS: A sign constructed, in whole or substantial part, of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood,

or other like materials that is not protected from exposure to the natural elements, but is made of weather-resistant materials that last for more than 7 days but less than 60 days without significant loss through exposure to the elements or wear and tear.

(10) CLASS B TEMPORARY SIGN: A sign that, in whole or substantial part, is not made of weather-resistant material and not adequately protected from the natural elements.

(11) COMMISSION: The Planning Commission of the City of Columbiana.

(12) DETERIORATED: Showing signs of weathering, rust, corrosion, exposed wiring, chipped paint or faces, cracked, broken, torn, or missing faces, or loose materials, or other evidence of disrepair

(13) ELECTRONIC SIGN: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

(14) FLAG: see BANNER.

(15) FREE-STANDING SIGN: (GROUND SIGN, MONUMENT SIGN) A sign supported by or suspended from posts, pillars, columns, or other structures which are not a building or portion thereof.

(16) FRONTAGE (LOT): The linear measurement of the border of a Lot that directly abuts a public right of way.

(17) GARAGE SALE SIGN: A sign advertising the sale of personal property by individuals from residential property, which is characterized as a "garage sale". "yard sale", "lawn sale" or any other such casual sale of personal property..

(18) GAS-INFLATABLE SIGN/DEVICE: Any device which is capable of being expanded by any gas and used on a temporary basis.

This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

(19) GOVERNMENT SIGN: A sign erected, owned and maintained by the City, State or Federal (United States Of America) Government.

(20) GROUND SIGN: See FREE-STANDING SIGN.

(21) HEIGHT (SIGN STRUCTURE): The maximum vertical distance between the highest and lowest points of the sign structure. Sign height may not be artificially increased by the use of mounding.

(22) HUMAN SIGN (OR HUMAN BILLBOARD): A sign that is held or worn by a

person, including but not limited to a human directional, sign walkers/wavers/twirlers, and "sandwich persons." Human Sign does not include text or images that are displayed on a traditional article of clothing such as a jacket, shirt, pants, or hat.

- (23) ILLUMINATION, EXTERNAL: A constant (non-flashing) source of light directed towards signs so that the beam falls upon the exterior surface of the sign and so arranged that no direct rays of light project from such artificial source into residences or streets.
- (24) ILLUMINATION, INTERNAL: Means a source of illumination enclosed entirely within the sign and not directly visible from outside the sign.
- (25) LOT: (PARCEL, PROPERTY, PREMISES) a platted parcel or other tract of land separately identified with a unique parcel identification in the County Auditor's Records.
- (26) MESSAGE AREA: (SIGN FACE AREA) Means the entire area within a continuous perimeter that surrounds, but is not limited to each word, graphic, symbol, number, and illustration.
- (27) MONUMENT SIGN: See FREE-STANDING SIGN.
- (28) MURAL: Means a hand-painted, hand-tiled, or other similarly created or digitally printed image on the exterior wall of a building.
- (29) NONCONFORMING SIGN: A pre-existing legal sign which does not conform to the standards set forth in this chapter.
- (30) PARCEL: See LOT
- (31) PERMANENT SIGN: A sign for which a permit has been granted as a permanent sign, and is a sign constructed of materials to be protected from exposure to the natural elements for more than one year or is made of materials that are weather-resistant for multiple years without significant deterioration from exposure to the elements or wear and tear.
- (32) POLE SIGN: See GROUND SIGN.
- (33) PORTABLE SIGN: A sign constructed of metal, wood, nylon, or other weather-resistant materials designed to withstand exposure from the natural elements for more than 60 days without significant loss through exposure to the elements or wear and tear, and for which a permanent sign permit has not been obtained.
- (34) PREMISES: See LOT
- (35) PROJECTING SIGN: (BLADE SIGN) A sign projecting from the face of the building that is oriented so the sign face is perpendicular to the building facade.
- (36) PROPERTY: See LOT
- (37) REFACING: Any alteration to the face of a sign involving the replacement of materials or pans. Re-facing does not refer to replacing the entire sign structure or the removal of the sign.
- (38) RIGHT-OF-WAY LINE: The line, as platted or otherwise appearing upon the maps of the City of Columbiana, between a public street, road, highway,

alley or sidewalk and the adjacent private property (LOT/PARCEL), including, but not limited to, the paved or otherwise improved portion of such public street, road, highway, alley or sidewalk.

- (39) SANDWICH BOARD SIGN (A-FRAME SIGN, SIDEWALK SIGN). A sign with two hinged boards or faces which can be placed on the ground, or a rigid sign that is worn on the front and back of a person, that is used on a temporary basis.
- (40) SIDEWALK SIGN: See SANDWICH BOARD SIGN
- (41) SIGN: Text, illustrations, or shapes which are affixed to, portrayed, or depicted directly or indirectly upon any surface for outdoor public view. This definition includes all signs visible from any public right-of-way or adjacent property.
- (42) SIGN FACE AREA: See MESSAGE AREA
- (43) SIGN STRUCTURE: The supporting unit of a sign face, including but not limited to frames, braces and poles. If the Sign Structure has a communicative element to it, the Sign Structure is included in the Message Area
- (44) STATE: State of Ohio.
- (45) STREAMER: means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, usually suspend in series. A streamer may have pennants and/or banners attached.
- (46) TEMPORARY SIGN: A Class A-Temporary sign, a Class B-Temporary sign or a Portable sign.
- (47) VARIANCE (SIGN): a variance may be granted allowing deviations from regulations established by this chapter for: height and width of the sign area, height and width of the message area, setback, lighting, or time, place, and manner restrictions, where practical difficulties unique to the property in question prevent full compliance with such provisions.
- (48) VEHICLE SIGN: A sign painted on, placed in or upon or otherwise attached to a motor vehicle, railroad car or a trailer attached thereto which is lawfully traveling over or upon an alley, street, highway or railroad track within the City, or lawfully parked within the City.
- (49) WALL SIGN: See BUILDING MOUNTED SIGN.
- (50) WIDTH (SIGN STRUCTURE): The maximum horizontal or semi-horizontal distance between the two points of a sign structure.
- (51) WINDOW SIGN: Any signs, posters, symbols and other types of identification, directly attached to the window of a building or erected on the inside of the building and visible from any public right-of-way or adjacent property.
- (52) ZONING OFFICIALS: The City Manager who is the Building Officer and Zoning Inspector of the City and the Assistant Zoning Inspector of the City

appointed by the City Manager.

§ 1294.03 PROHIBITED SIGNS

- (a) Signs are prohibited in all Districts unless specifically defined, authorized and constructed in compliance with this Chapter, the Codified Ordinances of Columbiana, Ohio and any other applicable regulations, or a variance granted pursuant to Section 1294.15.
- (b) All Permanent signs require a permit in accordance with the provisions of this Chapter and such signs not having a permit are prohibited. Signs authorized for temporary use by the provisions of this Chapter do not require a permit.
- (c) Abandoned signs are prohibited in all districts.
- (d) Unattended signs on public property, including, but not limited to, parks and rights-of-way, shall be considered abandoned signs. These abandoned signs may be disposed of or destroyed without notice or compensation. Such disposal or destruction is not subject to appeal.
- (e) Any sign which is not accordingly permitted by specific definition, authorization and construction requirements is prohibited within the City of Columbiana.

§ 1294.04 PERMANENT SIGNS PERMITTED IN RESIDENTIAL (R) AND AGRICULTURAL-OPEN SPACE-CONSERVATION (A-O-C) DISTRICTS.

The purpose of the residential and agricultural-open space-conservation districts-specific sign regulations is to preserve the noncommercial character of such districts. As such, the regulation of the size, illumination, materials, location and height of signs in such districts shall be different than signs in commercially and industrially zoned districts. The following permanent signs are permitted on property in all Residential (R) and Agricultural – Open Space – Conservation (A-O-C) districts.

- (a) One unlighted free-standing or wall announcement sign for any church, school and any religious, public, quasi-public or educational institution which shall not be over 20 square feet in area. Such sign shall be located not closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
- (b) One unlighted free-standing or wall nameplate not more than 20 square feet in area announcing the name and occupation of a home occupation use. Such sign shall be located not closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
- (c) One unlighted free-standing or wall sign not more than 20 square feet in area used in conjunction with a seasonal roadside stand to advertise agricultural products produced on the premises. Such sign shall be located not closer than ten feet from any right-of-way line and shall not obstruct traffic visibility. Such sign shall be covered at the conclusion of seasonal sales.
- (d) One unlighted free-standing sign not more than 20 square feet in area, identifying a subdivision or neighborhood at each entrance to such subdivision or neighborhood. Such sign

shall not be located closer than ten feet from any right-of-way and shall not obstruct traffic visibility.

(Ord. 74-O-128, passed 10-17-1974; Ord. 11-O-2664, passed 11-15-2011)

§ 1294.05 PERMANENT SIGNS PERMITTED IN COMMERCIAL(C) AND INDUSTRIAL (I) DISTRICTS.

The following permanent signs are permitted on property in all Commercial(C) and Industrial(I) Districts, provided that no sign, other than an electronic message board sign which shall be restricted and regulated in accordance with the provisions of division (e) below, shall be located closer than 25 feet from any lot located in any R or A-O-C District.

(a) Such signs as may be appropriate to any church, school, religious, public, quasi-public or educational institution building for the purpose of displaying the name and activities therein. Such signs, limited to three (3) in number, may take the form of an a building mounted sign, a free-standing sign or a projecting sign in accordance with the provisions of divisions (b), (c) or (d) below.

(b) One building mounted sign may be erected which advertises an industrial activity, business or service conducted upon the premises and/or advertises products, merchandise or commodities produced, stocked and/or sold on the premises. Such sign shall be affixed flat against the wall of a building and shall not project therefrom more than one foot. No such sign shall extend beyond the width or height of the wall to which it is attached. The sign shall not exceed 50 square feet or 10% of the area of the face of the building to which the sign is affixed, whichever is the larger. The sign shall not exceed 100 square feet in any case.

(c) One free-standing sign which advertises an industrial activity, business or service conducted upon the premises and/or advertises products, merchandise or commodities produced, stocked and/or sold on the premises shall be permitted, provided that such sign conforms to the following requirements:

(1) The allowable area of any sign may be one-half of the total front footage of the lot up to a 150-foot frontage (75 square feet maximum);

(2) The maximum height of any sign at the setback line shall be 25 feet, but may be increased one foot in height for every five feet of setback from the setback line. No sign shall exceed 35 feet in height;

(3) No portion of any sign shall be located closer than ten feet from any right-of-way line;

(4) The area of a sign may be increased one square foot for every one foot from the setback line. No sign shall exceed 100 square feet in area; and

(5) The additional height and area allowances made in divisions (c)(2) and (c)(4) hereof apply only if the sign is placed in the center one-third of the lot frontage. If a sign is placed outside the center one-third of the lot frontage, the size of the sign shall be reduced by 50% of the permitted size.

(d) One projecting sign advertising an industrial activity, business or service conducted upon the premises and/or advertising products, merchandise or commodities produced, stocked and/or sold upon the premises is permitted, which sign shall not extend into the public right-of-way used by vehicular traffic. The sign shall not exceed 20 square feet in area and shall be constructed and erected so that the lowest portion thereof is not less than eight feet above the finished grade.

(e) Changeable copy sign.

(1) Any of the signs allowed in accordance with the provisions of divisions (a), (b), (c), or (d) above may take the form of a changeable copy sign which advertises an industrial activity, business or service conducted upon the premises and/or advertises products, services, merchandise or commodities produced, stocked and/or sold upon the premises and shall be permitted so long as the sign conforms to all other sign regulations set forth in this code. Said changeable copy sign may also display other pertinent information such as civic announcements, time/temperature, and/or patriotic and like messages.

(2) The message, display or content of a changeable copy sign may be manually changed or changed by means of remote electronically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices, or it may be from an external light source designed to reflect off the changeable component display. (These electronically energized signs shall be known as electronic message board signs.)

(3) The message area of an electronic message board sign may be illuminated by incandescent lamps, a light emitting diode (LED) or magnetic discs. Regardless of the light source, undue brightness is prohibited. For the purpose of enforcing this provision "undue brightness" will be construed to mean illumination of a white portion of the sign in excess of the intensity levels specified as day: 5,000 NITS; night: 1,000 NITS. NITS is a standard of LED display manufactures and means brightness per square meter.

(4) To ensure compliance with provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce the nighttime brightness levels (compared to daytime levels). Further, prior to issuance of a permit for an electronic message board sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by pass word protected software or other method as deemed appropriate by the Planning Commission. All electronic message board signs shall have adjustment via software photocell or traditional photocell hardware.

(5) Changeable copy sign displays shall be limited to static displays or messages that appear or disappear from the display through dissolve, fade or scroll modes or similar transitions and frame effects that have text or images that appear to move or change in size, or the appearance of optical illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including movement of any illumination or the flashing, scintillating or varying of light intensity. With regard to changeable copy sign displays, the following terms shall be accordingly defined:

A. "Dissolve." A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous with the gradual appearance and legibility of the second message.

B. "Fade." A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

C. "Frame." A complete, static display screen on the electronic message display.

D. "Frame effect." A visual effort on an electronic message display applied to a single frame to attract the attention of viewers.

E. "Scroll." A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.

F. "Transition." A visual effect used on an electronic message display to change from one message to another.

G. "Travel." A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface.

(6) Electronic message board signs are prohibited within 200 feet of a principle structure in a Residential Zoning District, if any part of the sign would be visible from said structure. At the time of the filing of the permit application, the applicant will have to demonstrate that this standard is met. This may be accomplished either by showing that this standard is not applicable or by submitting a landscape plan or a plan referencing other means of screening that would buffer the sign face from the principle residence structure.

(f) In addition, signs, limited to two (2) in number, each of which shall not exceed 20 square feet in area, may be permanently painted or lettered upon windows or doors of the building. (Ord. 74-O-128, passed 10-17-1974; Ord. 79-O-441, passed 4-3-1979; Ord. 91-O-1245, passed 8-20-1991; Ord 03-O-2021, passed 4-1-2003; Ord. 03-O-2067, passed 10-21-2003; Ord. 08-O-2489, passed 10-21-2008; Ord. 11-O-2664, passed 11-15-2011)

§ 1294.06 PERMANENT SIGNS PERMITTED IN ANY DISTRICT.

The following permanent signs are permitted in any district, however any such signs located in A-O-C or R Districts shall not be lighted.

(a) Unlighted street identification signs and address signs not to exceed four square feet in area; traffic informational or control devices or signs erected by the City, State or Federal Government; as well as any sign erected and maintained by the City and any sign required to be posted by the Federal Government, the State, the City or a court of competent jurisdiction on a temporary or permanent basis.

(b) One building mounted memorial sign or tablet with the name of a building and the date of erection. Such signs or tablets shall have an area not to exceed 20 square feet.

(c) Awnings and canopies are permitted for public convenience. No advertising shall be placed on any awning or canopy, except that the name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not to exceed 80% of the surface of the front or side portions thereof.

§ 1294.07 TEMPORARY SIGNS PERMITTED IN DESIGNATED DISTRICTS

(a) The following unlighted temporary signs are permitted upon private property in A-O-C and R Districts:

(1) Not more than two (2) portable sign(s) are permitted to be placed upon a lot, which sign(s) may remain there for sixty (60) or more days, but not to exceed 180 days in total. Such portable sign(s) shall not exceed 20 square feet in area, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.

- (2) Not more than eight (8) class a-temporary sign(s) are permitted to be placed upon a lot, which sign(s) may remain there for not more than sixty (60) days. Such class a-temporary sign(s) shall not exceed 20 square feet in area, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
 - (3) Not more than two (2) class b-temporary sign(s) are permitted to be placed upon a lot, which sign(s) may remain there for not more than seven (7) days. Such class b-temporary sign(s) shall not exceed 20 square feet in area, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
- (b) The following temporary signs are permitted upon private property in C and I Districts:
- (1) One (1) portable sign is permitted to be placed upon a lot, which sign may remain there for sixty (60) or more days, but not to exceed 180 days in total. Such portable sign shall not exceed 32 square feet in area, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
 - (2) Not more than eight (8) class a-temporary sign(s) are permitted to be placed upon a lot, which sign(s) may remain there for not more than sixty (60) days. Such class a-temporary sign(s) shall not exceed 32 square feet in area, shall be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
 - (3) Not more than two (2) class b-temporary sign(s) are permitted to be placed upon a lot, which sign(s) may remain there for not more than seven (7) days. Such class b-temporary sign(s) shall not exceed 32 square feet in area, shall not be located closer than ten feet from any right-of-way line and shall not obstruct traffic visibility.
 - (4) One (1) gas-inflatable sign/device is permitted to be placed upon a lot on not more than two occasions in any one calendar year for not more than three consecutive days on each such occasion. Such sign/device shall not exceed ___ feet in height, nor ___ feet in width, when inflated, nor shall the same be located closer than thirty feet from any right-of-way line and shall not obstruct traffic visibility.
- (c) A vehicle sign which is a sign painted on, placed in or otherwise attached to a motor vehicle, railroad car or a trailer attached thereto which is lawfully traveling over or upon an alley, street, road, highway or railroad track within the City, or lawfully parked within the City, is permitted within any District within the City, upon the condition that such sign shall not obstruct traffic visibility.

§ 1294.08 LOCATION AND NUMBER OF SIGNS AND GENERAL REQUIREMENTS.

In addition to the requirements of §§ 1294.03 through 1294.07, the following locational criteria shall apply.

- (a) Where signs are permitted to project over public property, they shall not be supported from the public property in any way. Canopies may be supported from any public property or right-of-way, provided that supporting materials are designed and located to cause minimal disturbance to the function for which the public property or right-of-way was intended

(b) No sign attached to any building shall project above the highest part of the wall to which it is attached.

(c) No sign shall be located on the roof of any building, however a sign may be located on the roof of a commercial porch providing it does not exceed the ridgeline height of the main roof of the building to which it is attached.

(d) No commercial business or industry shall have more than two signs on any side of the building in which the business or industry is located. The total number of signs allowed, including signs attached to the building and free-standing signs, shall not exceed four for any one business or industry.

(e) There shall be not more than one free-standing sign or other sign affixed to the ground on the premises, except as otherwise provided in Section 1294.14.

(f) No sign shall be so erected as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress to or egress from any building; nor shall any sign be erected so as to interfere with any foot traffic or create a hazard to the safety, health or well-being of the public as determined by the Zoning Inspector or the Assistant Zoning Inspector.

(g) Signs shall be so erected as not to obstruct traffic sight lines or traffic control lights at street intersections or signals at railroad grade crossings.

(h) Signs visible from a street shall not resemble highway directional signals.

(i) No awning or canopy shall be allowed to extend closer than one foot from the outside edge of the street curb.

(j) All signs, awnings and canopies shall be constructed and erected so that the lowest portion thereof is not less than eight feet above the level of the sidewalk.

(k) The erector of every permanent sign shall place thereon an imprint or metal tag showing the name of the erector, re-erector or hanger, so that the same can be readily identified.

(l) The measurement of signs shall be regulated as follows:

(1) With regards to any existing or proposed sign, the Assistant Zoning Inspector shall be authorized to determine each of the following:

- a. The type of sign (included type of Temporary Sign) within the definitions contained in Subsection 1.01 above; or
- b. whether a Sign Structure has a communicative element to it (and is therefore part of the Message Area); or
- c. the Height, Width, or other measurable characteristics of a Sign or component thereof; and
- d. whether a sign is Abandoned or Deteriorated as defined herein.

(2) For signs with Internal Illumination, the entire lighted surface shall be considered the Message Area.

(3) For spherical Sign Structures or any portion thereof, the sphere shall be dissected by an imaginary line through the center of the sphere and the surface area of the half sphere shall be counted as the sign face. For cubical Sign Structures or any portion thereof, the area of all display faces (all faces that are not parallel to the ground) shall be included in determining the area of the sign.

The Zoning Inspector or the Assistant Zoning Inspector shall have discretion to use a similar methods of calculation for Sign Structures that are not flat, but have non-cubical or

non- spherical shapes.

(4) Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces join back to back, are parallel to each other and not more than 24 inches apart, or form a V-angle of less than 45 degrees.

§ 1294.09 CONSTRUCTION.

All signs, awnings and canopies shall be constructed in conformity with the City Building Code and other applicable requirements of the Codified Ordinances of Columbiana, Ohio. (Ord. 74-O-128, passed 10-17-1974; Ord. 11-O-2664, passed 11-15-2011)

§ 1294.10 ILLUMINATION.

Except as otherwise provided in Section 1294.05(e):

(a) Signs for which lighting or illumination is not prohibited may be illuminated with indirect lighting, neon or other gaseous-type tubes, incandescent lamps or luminous bulbs. The source of light shall not be visible from the street and shall be shaded to prevent the light from beaming onto adjacent properties or other rights-of-way. No flashing or revolving illumination shall be employed.

(b) Any business sign illuminated with electric lights, including neon or other gaseous-type tubes or incandescent lamps, erected within 100 feet of an intersection where an illuminated device has been provided for the control of traffic, shall not duplicate in the electric light of such sign any colors appearing in the traffic control signal. (Ord. 74-O-128, passed 10-17-1974; Ord. 03-O-2067, passed 10-21-2003; Ord. 08-O-2489, passed 10-21-2008; Ord. 11-O-2664, passed 11-15-2011)

§ 1294.11 MAINTENANCE; REMOVAL.

The Zoning Inspector or the Assistant Zoning Inspector may order any Deteriorated sign to be painted or refurbished forthwith. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition. The Zoning Inspector or the Assistant Zoning Inspector may order any such sign that is not so maintained to be removed pursuant to the provisions of Section 1294.17.

(Ord. 74-O-128, passed 10-17-1974; Ord. 11-O-2664, passed 11-15-2011)

§ 1294.12 NONCONFORMING SIGNS.

(a) Any sign existing at the time of enactment of this section (Ordinance # _____ passed on the _____ day of _____, 2016) shall be allowed to remain in its present form provided it is continuously maintained. If a change of ownership takes place, such signs may be re-lettered. However, physical changes in such signs, such as in the size and material of such signs, are not permitted. Where physical changes are desired, the form of such signs must be made to conform to this Zoning Code.

(b) Any sign now or hereafter existing which no longer advertises a bona fide business conducted shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found, within ten days after written notification thereof from the Zoning Inspector or the Assistant Zoning Inspector. Upon failure to comply with such notice within the time specified in the order, the Zoning Inspector or the Assistant Zoning Inspector is hereby authorized to cause the removal of such sign and any expense incident thereto shall be paid by the owner of the property on which such sign is located.

(c) If the Zoning Inspector or the Assistant Zoning Inspector finds that any sign or other advertising structure regulated under this Chapter is unsafe or insecure, or is a menace to the public, or has been constructed or erected in violation of any of the provisions of this Chapter, notice shall be given in writing by the Zoning Inspector or the Assistant Zoning Inspector to the owner thereof. If the owner fails to remove or alter the structure so as to comply with the standards set forth in this Chapter within ten days after such notice, such sign or other advertising structure may be removed or altered to comply with this chapter at the expense of the owner of the property upon which it is located. The Zoning Inspector or the Assistant Zoning Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

(Ord. 74-O-128, passed 10-17-1974; Ord. 79-O-441, passed 4-3-1979; Ord. 79-O-442, passed 4-3-1979; Ord. 11-O-2664, passed 11-15-2011)

§ 1294.13 FEES.

Sign fees are as enumerated in § 1262.05.
(Ord. 74-O-128, passed 10-17-1974; Ord. 11-O-2664, passed 11-15-2011)

§ 1294.14 PLANNED UNIT DEVELOPMENT PLAZAS, MALLS AND SHOPPING CENTERS.

In addition to the building mounted signs permitted pursuant to Section 1294.05 for each individual business located in the development;

(a) Permanent free standing signs, not to exceed three, near each arterial street on which a planned unit development plaza, mall or shopping center property has frontage are permitted, provided they are located within 25 feet of an approved entrance, and no closer than ten feet to an arterial street right-of-way line, nor obstruct traffic visibility.

(b) Such signs located at the entrances shall have as the first words at the top the words "entrance" or "entrance to" which shall not be included in the calculation of permitted space.

(c) Such signs shall show the name of the development immediately under the words "entrance" or "entrance to".

(d) The permitted sign face area for the name of the development may be one-half of the total front footage of the lot up to a 150 feet frontage (75 square feet maximum).

(e) Such signs may provide space for the names of individual business located in the development, subject to the following:

(1) The total space for individual business names shall not exceed 10% of the total space these businesses would otherwise be entitled to on individual free standing signs.

(2) If individual business names are included on these signs, no other free standing sign is permitted on the property.

(3) If individual business names are included, no other information shall appear on these signs.

(f) Permissible space calculations shall apply only to one face of a double-faced sign, provided that both faces are identical.

(g) Individual business names may be separately illuminated and may be sectionalized to permit removal and replacement of names, provided that the construction is such that the entire sign appears to be one unit.

(h) Such signs shall conform to all regulations not conflicting with this section. (Ord. 79-O-441, passed 4-3-1979; Ord. 03-O-2067, passed 10-21-2003; Ord. 11-O-2664, passed 11-15-2011)

§ 1294.15 VARIANCE PROCESS.

(a) Standards for approval of a sign variance: The following factors shall be found by the Planning Commission of the City of Columbiana in determining practical difficulty or hardship:

- (1) That the variance will not impair any of the regulatory purposes provided within this chapter;
- (2) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning districts. Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions;
- (3) That the variance is the minimum necessary to resolve the practical difficulties prompting the variance request;
- (4) That the essential character of the neighborhood would not be substantially altered;
- (5) That adjoining properties will not suffer substantial detriment as a result of the variance;
- (6) That the variance would not adversely affect the delivery of governmental services such as public safety services response, or water, sewer, or trash pickup; and
- (7) That the special conditions or circumstances on the property were not caused by the current owner who is requesting the variance.

(b) Variances shall not be granted where the special conditions and circumstances are the result of actions by the current owner of the property.

- (1) Variance process: Authority to consider variance(s) from the terms of this Chapter is granted to the Planning Commission.
- (2) Pre-application meeting: The potential applicant may schedule a pre-application meeting with the Zoning Inspector or the Assistant Zoning Inspector. The purpose of this meeting shall be to review the applicant's sign plan and to explore options for

the sign to conform to this Chapter, without a sign variance. The Zoning Inspector or the Assistant Zoning Inspector may provide a written summary of the pre-application meeting and recommendations to the potential applicant. A potential applicant who does not schedule a pre-submittal meeting, or who does not follow said recommendations from such meeting, shall not be barred from applying for a sign variance.

- (3) Submittal requirements: An application for a sign variance shall be filed on a form provided by the Zoning Inspector or the Assistant Zoning Inspector, and shall be accompanied by the following requirements:
 - A. Name, address, and phone number of applicant(s) and property owner;
 - B. Proof of ownership, legal interest or written authority;
 - C. Legal Description of property or portion thereof;
 - D. Description of variance requested;
 - E. Narrative statements establishing and substantiating the justification for the variance pursuant to subsection (A) of this section;
 - F. Elevations and other drawings at a reasonable scale to convey the need for the variance;
 - G. Payment of the application fee; and
 - H. Any other documents deemed necessary by the Zoning Inspector or the Assistant Zoning Inspector.
- (4) Preliminary review by Zoning Officials: Upon receipt of an application, the Zoning Inspector or the Assistant Zoning Inspector shall, within five (5) working days, review the application and determine whether it provides all necessary and required information. If it is incomplete, the Zoning Inspector or the Assistant Zoning Inspector shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. When the application is complete, it shall be placed upon the Planning Commission's agenda.
- (5) Notice to property owners: The applicant shall provide a list of the owners within two hundred (200) feet of the property for which the variance is requested to the Zoning Officials. Written notice of the public hearing shall be provided to all owners of property within two hundred (200) feet of the subject site, as measured from the boundaries of the Lot on which the proposed sign would be erected. Such notice shall be sent, by the applicant by certified mail, to the owners at least seven (7) days before the date of the hearing.
- (6) Sign variance public hearing and notice: Within five (5) working days of determining that an application contains all the necessary and required information, the application shall be placed upon the Planning

Commission agenda for its next public meeting occurring not less than

ten (10) days after receipt of the completed application. The Planning Commission shall consider the sign variance application at a public hearing.

(7) Planning Commission hearing and recommendation: The Planning Commission shall review the application and recommend that the variance be granted as requested; be granted as modified by the Planning Commission; or be denied. The Planning Commission shall indicate the specific reasons(s) for its recommendation, including specific findings for each standard listed in subsection (A) of this Section.

(8) Temporary Sign while review pending: The applicant may erect a Temporary Sign while the sign variance application is pending before the Planning Commission . The Temporary Sign must conform to all other provisions of this title.

(9) No Modification. There shall be no modification of variances except by further consideration of the Planning Commission .

(10) Expiration of the variance: If for any reason construction of a sign has not commenced, the variance shall expire months from the date on which it was granted. Extension of variances, without modification, may be applied for prior to the date of expiration. Extensions, up to an additional six (6) months, may be granted by the Planning Commission if it finds that the requested extension is consistent with the purpose, policies, and intent of this chapter. Requests for renewal of expired variances shall be considered to be new variance applications.

§ 1294.16 RULE MAKING AND PERMITTING PROCESS.

(a) Rules and Regulations.

The Zoning Inspector is hereby authorized to make and adopt such rules and regulations as may be necessary for the proper administration and enforcement of the provisions of the sign regulations, provided that such rules and regulations shall not be in conflict with the provisions, or intent of the sign regulations. The Zoning Inspector shall file a certified copy of all rules and regulations which he/she may adopt with the Clerk of Council. Such rules and regulations shall have the same force and effect as the provisions of the sign regulations.

A copy of all rules and regulations adopted as provided herein shall be maintained by the Zoning Inspector at his/her main office, and any person having business therewith shall have access to the copy of all rules and regulations.

(b) Application for Permanent Sign(s).

A permanent sign application shall contain such information as the Zoning Inspector deems reasonably necessary for a determination of compliance, or noncompliance with the sign regulations, and to assist enforcement thereafter. The applicant shall sign the Application and each copy thereof, attesting to the truth and exactness of the information supplied.

(c) Application Procedure for Permanent Sign(s), Appeal.

Applications shall be filed in such form and in such manner as the regulations require.

Any applicant may appeal the failure or refusal to grant a Permanent Sign Permit, or to recommend it to be granted upon terms and conditions acceptable to the applicant, to the Board of Zoning Appeals pursuant to the provisions of Chapter 1264 of the Zoning Code of the City of Columbiana.

§ 1294.17 NOTICE AND REMOVAL OF SIGNS ON PRIVATE PROPERTY

- a. Signs placed or maintained on private property in violation of this Chapter are prohibited. The Zoning Inspector and the Assistant Zoning Inspector are responsible for enforcing the provisions of this Chapter. In addition to criminal penalties provided in the Zoning Code, the Zoning Inspector or the Assistant Zoning Inspector may pursue civil and administrative remedies, including but not limited to injunctive action in a court of competent jurisdiction.
- b. When a sign has been placed or maintained on private property in violation of this Chapter, the Zoning Inspector or the Assistant Zoning Inspector shall order that the prohibited sign be removed or brought into compliance with this chapter by sending a notice of violation to the owner of the property. A period of not more than ten (10) calendar days from service of the notice of violation shall be permitted to remove or bring the sign into compliance. The notice of violation shall be considered served upon placement in regular U.S. mail or posting on the front entry door of the property.
- c. The property owner may appeal the notice of violation to the City Planning Commission by filing a written notice of appeal with the Zoning Inspector or the Assistant Zoning Inspector stating the grounds for the appeal. The notice of appeal must be filed therewith before the expiration of the ten (10) calendar day period allowed for the property owner to remove or bring the sign into compliance. The City Planning Commission shall hear the appeal at its next regular meeting occurring not less than ten (10) calendar days from the date of receipt of the notice of appeal. The City Planning Commission shall either enter its findings and decision on the appeal during the hearing, or may take the matter under advisement and issue a decision not more than ten (10) calendar days following the hearing.
- d. The decision of the Zoning Inspector or the Assistant Zoning Inspector to file a criminal or civil complaint with a court of competent jurisdiction shall not be subject to this administrative appeal process.
- e. Upon failure of the owner or agent of the owner to remove or bring the sign into compliance as directed in the notice of violation, any duly authorized employee of the City shall be authorized to enter the property in violation and remove the sign to abate the violation. The costs of abatement shall be charged to the property owner. Unpaid costs shall be

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collected pursuant to the City's authority to collect debts owed to the City and the assessment thereof against the property.