

ARTICLE 13: SIGNS

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## ARTICLE 13

### SIGNS

#### 1300 GENERAL.

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

#### 1301 GOVERNMENT SIGNS EXCLUDED.

For the purpose of this Ordinance, "Sign" does not include signs erected and maintained pursuant to, and in discharge of, any governmental function, or required by any law, ordinance, or governmental regulations.

#### 1302 GENERAL REQUIREMENTS FOR ALL OUTDOOR SIGNS AND DISTRICTS.

1. In any residential district, no illuminated sign or lighting device shall employ only light, emitting 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 devices be placed or direct 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;
2. In any residential district, no sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. Subsections one and two of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations, or similar services;

3. All wiring, fittings, and materials used in construction connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect;
4. No projecting sign shall be erected or maintained from the front or face of a building, less than a distance of eight (8) feet above the sidewalk, including those projecting from the face of any theatre, hotel, or motel marquee;
5. No sign shall be placed on the roof or any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
6. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1210 herein;
7. No sign or part thereof shall contain or consist of ribbons, streamers, spinners, or other similar noxious sound devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
8. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
9. All signs hung and erected shall be the responsibility of the person, firm, or corporation responsible for the advertising on the sign;
10. In accordance with number 10, should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector/Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign;
11. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising material shall be permitted on any property;
12. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect;
13. All signs shall be secured in such a manner as to prevent significant movement due to wind;
14. No signs shall be attached to or supported by a tree, utility pole, trash receptacle, vending machine, or public shelter;
15. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature;
16. No sign shall be attached in such a manner that it may interfere with any required ventilation openings;

17. In residential Areas, no sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing. Off-premises outdoor advertising signs larger than one-hundred (100) square feet and regulated as conditional uses;
18. No sign shall be located closer than eight (8) feet vertically or four (4) square feet horizontally from any overhead electrical wires, conductors, or guy wires;
19. In Residential Areas, no vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or other for longer than a maximum of ninety (90) days; and
20. From any public or private driveway exiting onto a dedicated road, no sign shall be placed as to materially impede vision across such driveway or road between the height of two-and-a-half ( $2\frac{1}{2}$ ) and ten (10) feet.

**1303 MEASUREMENT OF SIGN AREA AND SIGN HEIGHT (FLAGS AS DEFINED IN ARTICLE 2 OF THIS ORDINANCE EXCEPTED).**

1. Computation of Area of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by a means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material, or color, forming an integral part of the background of the display or used to differentiate the sign from the background from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself;
2. Computation of Area of Multifaced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces;
3. Computation of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- A. The existing grade prior to construction or; and
  - B. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose the locating the sign.
4. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

**1304 PERMIT REQUIRED.**

1. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued, pursuant to this Ordinance, shall be required for each sign unless specifically exempted in this Article;
2. A sign initially approved, for which a permit has been issued, shall not be modified, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered, or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations; and
3. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

**1305 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A PERMIT.**

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located. Such signs shall not exceed thirty-two (32) square feet in area, except in Residential Districts where the sign shall not exceed eight (8) square feet;
2. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area;
3. Commemorative plaques placed by historical agencies, recognized by the Village of Rock Creek, County of Ashtabula, or State of Ohio, not to exceed two (2) square feet in area;
4. Membership signs for agencies recognized by the Village of Rock Creek, County of Ashtabula, or State of Ohio including but not limited to Farm Bureau, 4-H Club, and Soil and Water Conversation District, not to exceed two (2) square feet in area;

5. Incidental Signs, described in Article 2 of this ordinance as being: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. All incidental freestanding signs are not to exceed four (4) square feet in area and wall signs not to exceed four (4) square feet in area; and
6. Flags: See Appendix A of this Ordinance or The United States Codes, Title 36, Chapter 10, Sections 174-177.

**1306 OUTSIDE SIGNS PERMITTED IN ANY DISTRICT REQUIRING A PERMIT.**

Outdoor signs or bulletin boards, customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.

**1307 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.**

1. No sign shall exceed fifteen (15) free standing feet in height;
2. Signs not requiring a permit:
  - A. One wall residential sign not to exceed six (6) square feet;
3. Signs requiring a permit:
  - A. One freestanding sign not to exceed thirty (30) square feet in area per exclusive entrance to a subdivision, tract, or multi-family housing complex, such signs restricted to the subdivision, tract, or complex name.

**1308 SIGNS PERMITTED IN THE COMMERCIAL GENERAL DISTRICT.**

1. No on-premises sign shall exceed twenty-five (25) feet in height. No off-premises sign shall exceed twenty-five (25) feet in height;
2. The total square footage of all wall and window signs shall not exceed one-hundred (100) square feet;
3. Signs not requiring a permit:
  - A. One (1) freestanding residential sign not to exceed six (6) square feet in area;
  - B. One (1) wall residential sign not to exceed six (6) square feet;
  - C. Banners not less than ten (10) feet from road right-of-way;
4. Signs Requiring a permit:

- A. One (1) freestanding on-premise sign not to exceed sixty-four (64) square feet. There shall be only one (1) freestanding sign per zone lot regardless of the number of businesses conducted on said zone lot;
- B. One (1) off-premise sign not to exceed one-hundred (100) square feet per zone lot. Sections 1312 to 1317 apply;
- C. Temporary sign, Section 1310 to apply;
- D. Banner, Section 1310 to apply;
- E. One (1) wall sign for each business not to exceed an area equivalent to one-and-one-half ( $1\frac{1}{2}$ ) square feet of sign area for each lineal foot of building width, or part of building occupied by said business but shall not exceed a maximum area of one-hundred (100) square feet.

**1309 SIGNS PERMITTED IN THE LIGHT INDUSTRIAL DISTRICT.**

- 1. No on-premise sign shall exceed twenty-five (25) feet in height. No off-premise sign shall exceed thirty-five feet in height.
- 2. Exterior spot lighting is permissible, but only if it is shielded so as to direct the light to the sign only.
- 3. Signs requiring a permit:
  - A. One freestanding sign to identify the Light Industry not to exceed thirty (30) square feet in area;
  - B. One freestanding sign per zone lot identifying the building occupation, establishment, or use not exceeding thirty (30) square feet in area;
  - C. One wall sign for each business not to exceed thirty (30) square feet in area;
  - D. One freestanding, off-premise sign not to exceed one-hundred (100) square feet per zone lot. Sections 1312 to 1317 shall apply.

**1310 TEMPORARY SIGNS AND BANNERS.**

- 1. All temporary signs shall conform to the general requirements listed in Section 1302, the setback requirements in Sections 1312 to 1316, and in addition such other standards deemed necessary to accomplish the intent of this Article as stated in Section 1300.
- 2. Signs permitted in any district not requiring a permit: Temporary signs not exceeding fifty (50) square feet in area announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period.
- 3. Signs permitted in the Commercial-General District requiring a permit:
  - A. One (1) temporary sign or banner, not to exceed fifty (50) square feet in area, may be permitted for a specified ninety (90) day period.



- B. No more than two (2) temporary sign permits shall be issued to the same business license holder on the same zone lot in any calendar year.
4. Penalties: Any temporary sign or banner, located on a property which becomes vacant or unoccupied for a period of three months or more, or any temporary sign or banner which pertains to a time, event, or purpose which no longer applies, shall be deemed to be abandoned. Temporary signs applicable to a business, temporarily suspended because of a change of ownership, or management, of such business, shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. At that time, the Zoning Inspector/Administrator shall have the authority to remove, or see to the removal of, any on-premise sign which is determined to be abandoned or misleading after thirty (30) days of issuance of a written notification to the owner of the sign or the owner of the property which the sign is on, at the expense of the owner of the sign or the owner of the property on which the sign is located.

**1311 POLITICAL SIGNS.**

No political sign shall be posted in any place or manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following an election day.

**1312 SIGN SETBACK REQUIREMENTS.**

Except as modified in Sections 1313 to 1316, on-premises signs, where permitted, shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

**1313 INCREASED SETBACK.**

For every square foot by which any on-premise sign exceeds fifty (50) square feet, the setback shall be increased by one-half ( $\frac{1}{2}$ ) foot but need not exceed one-hundred (100) feet.

**1314 SETBACKS FOR OFF-PREMISES SIGNS.**

If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

**1315 SETBACK FOR PUBLIC AND QUASIPUBLIC SIGNS.**

Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections or driveways.

**1316 SPECIAL YARD PROVISIONS.**

1. On-premise signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on premise signs shall not be erected or placed within twelve (12) feet of a side or rear lot line.
2. Off-premise signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on premise signs shall not be erected or placed within twenty (20) feet of a side or rear lot line.

**1317 LIMITATION.**

For the purpose of this Article, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code chapter 5516 and the regulations adopted pursuant thereto.

**1318 MAINTENANCE.**

1. All signs shall be maintained in safe and sound structural condition and shall be presentable at all times.
2. No person shall maintain or be permitted to maintain, on any premises owned or controlled by him, and any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign, or if the owner of the sign cannot reasonably be determined or located, by the owner of the premises.
3. The Zoning Inspector/Administrator shall demand, in writing, the removal of any off-premise advertising sign or structure found to be unsafe or structurally unsound. Upon receipt of the written notice the owner of the sign, or the owner of property the sign is on, must comply with the notice

within thirty (30) days. After that thirty (30) day written notice, the Zoning Inspector/Administrator shall have the authority to remove, or see to the removal of, any on-premise advertising sign which is determined to be abandoned or misleading, at the expense of the owner of the sign or the owner of the property on which the sign is located.

4. The Zoning Inspector/Administrator shall demand, in writing, the removal of any off-premise advertising sign or structure found to be unsafe or structurally unsound. Upon receipt of the written notice the owner of the sign, or the owner of property the sign is on, must comply with the notice within thirty (30) days. After that thirty (30) day written notice, the Zoning Inspector/Administrator shall have the authority to remove, or see to the removal of, any off-premise advertising sign which is determined to be abandoned or misleading, at the expense of the owner of the sign or the owner of the property on which the sign is located.

#### **1319 ABANDONED SIGNS (AND ADVERTISING STRUCTURES) PROHIBITED.**

An abandoned sign is declared to be a nuisance, is prohibited, and shall be removed by the owner of the sign, or if the owner of the sign cannot be reasonably determined, the owner of the property on which the sign is located.

1. Any on-premise sign which is located on property which becomes vacant or unoccupied for a period of three months or more, or any on-premise sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to be abandoned. On-premise signs applicable to a business, temporarily suspended because of a change of ownership, or management, of such business, shall not be deemed abandoned unless the property remains vacant for a period of six months or more. Once that happens, the Zoning Inspector/Administrator shall have the authority to remove, or see to the removal of, any on-premise sign which is determined to be abandoned or misleading after thirty (30) days of issuance of a written notification to the owner of the sign or the owner of the property which the sign is on, at the expense of the owner of the sign or the owner of the property on which the sign is located.
2. Any off-premise sign which pertains to a time, event, or purpose which no longer applies, and has been out of date three consecutive months; and/or, advertises goods, products, services, or facilities available to the public and has been out of date for three consecutive months; and/or which directs persons to a different location where such goods, products, services, or facilities no longer pertain or operate for three consecutive months shall be deemed to be abandoned. After the three consecutive month time period, the Zoning Inspector/Administrator shall have the

authority to remove, or see to the removal of, any off-premise sign which is determined to be out-of-date or misleading after thirty (30) days of issuance of a written notification to the owner of the sign or the owner of the property which the sign is on, at the expense of the owner of the sign or the owner of the property on which the sign is located.

**1320 NON-CONFORMING SIGNS AND STRUCTURES.**

Advertising signs and structures in existence prior to the effective date of this Ordinance and for which a permit or variance has been granted which violate or are otherwise not in conformance with the provisions of this Article shall be deemed non-conforming. All such legal non-conforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

**1321 LOSS OF LEGAL NON-CONFORMING STATUS.**

A legal non-conforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into compliance with this Article or removed if it meets any one of the following criteria:

1. It is altered in copy (except changeable copy signs);
2. It is altered in structure;
3. It is enlarged;
4. It is relocated or replaced;
5. It is structurally damaged to an extent greater than one-half ( $\frac{1}{2}$ ) of its estimated replacement value;
6. It is abandoned as defined in Section 1320; and
7. It is in violation of Section 1302.

**1322 VIOLATIONS.**

1. Any sign installed, erected, constructed, or maintained in violation of any terms of this Ordinance shall be notified in writing.
2. Political signs posted in violation of 1311 of this Ordinance are subject to removal by the Zoning Inspector/Administrator five (5) days after written notice of violation of Section 1311 has been given.
3. Other sale signs, including but not limited to garage, yard, and barn sale.